THE HISTORY OF ENGLAND.

Written in FRENCH by

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THE HISTORY OF ENGLAND.

BOOK XVI.

The Reigns of EDWARD VI, and queen MARY; containing the ſpace of about 12 years.

21. EDWARD VI.

1547. EDWARD VI.

EDWARD VI, only ſon and ſucceſſor to Henry VIII, was nine years and three months old when he aſcended the throne, by the deceaſe of the king, his father. His majority was fixed to the 18th year of his age, by the late king's will, but he died before he came to it, after a ſhort reign of ſix years and five months. The Hiſtory, therefore, of theſe ſix years, as may be eaſily judged, will not be ſo much the Hiſtory of the king himſelf, as of his governors and miniſters. There was reaſon to hope extraordinary things from this young prince, had it pleaſed God to bleſs him with a longer life. He had an excellent memory, a wonderful ſolidity of mind, and withal, he was laborious, ſparing no pains to qualify himſelf for the well-governing of his kingdom. At eight years of age, he wrote Latin letters to his father. French was as familiar to him as Engliſh. He learnt alſo Greek, Spaniſh, and Italian. After that, he applied himſelf to the liberal ſciences, wherein he made an aſtoniſhing progreſs. Cardan, who ſaw him in his 15th year, ſpeaks of him as of the wonder of the age. The teſtimony of this Italian philoſopher was the leſs ſuſpicious, as it was after the young prince's deceaſe that he publiſhed his praiſes, and in Italy, where his memory was odious.

His diſpoſition and good qualities. Hayward. Burnet.

1547. He is informed of his father's death. Edw. Jour. Hayward. Burnet.

As ſoon as Henry VIII, had reſigned his laſt breath, the earl of Hertford, and Sir Anthony Brown, were ſent by the council, to give young Edward notice of it, and to bring him to London. He was then with his ſiſter, the princeſs Elizabeth, at Hertfotd, from whence the deputies conducted him to Enfield. Here they inform him of the king's death, and pay their reſpects to him as to their ſovereign. After that, they attended him to the tower of London, where he was received by the council, in a body, and proclaimed king the ſame day, the 31ſt of January, 1547.

King Henry's will is opened. Burnet.

On the morrow, the council met to ſettle the form of government during the king's minority. There was not much to be debated; for the parliament had empowered the late king, not only to ſettle the ſucceſſion by his will, but alſo to appoint what form of government he ſhould think moſt proper, till his ſucceſſor was capable of holding the reigns himſelf; wherefore, all that was to be done, was to open his will and obey the contents. There it appeared, that Henry had nominated 16 perſons to be his executors, regents of the

1547. kingdom, and governors to his ſon. Theſe were:

Thomas Cranmer, archbiſhop of Canterbury.
The lord Wriotheſley, lord-chancellor.
The lord St. John, maſter of the houſhold.
The lord Ruſſell, lord privy-ſeal.
The earl of Hertford, lord-chamberlain.
The viſcount Liſle, lord-admiral.
Cuthbert Tonſtal, biſhop of Durham.
Sir Anthony Brown, maſter of the horſe.
Sir William Paget, ſecretary of ſtate.
Sir Edward North, chancellor of the court of augmentations.
Sir Edward Montague, lord chief-juſtice of the common-pleas.
Judge Bromley.
Sir Anthony Deney, } chief gentlemen of
Sir William Herbert, } the privy-chamber.
Sir Edward Wotton, treaſurer of Calais.
Doctor Wotton, dean of Canterbury and York.

As for Stephen Gardiner, biſhop of Wincheſter, I have obſerved in the late reign, that tho' he was, at firſt, among the regents, his name was ſtruck out.

The regents power by the will.

The king empowered theſe 16, or the major part of them, to execute his will, and to adminiſter the affairs of the nation, as they ſhould judge fit. Upon this general clauſe, which gave the regents an unlimited power, were, afterwards, built many alterations, which ſeemed contrary to what Henry had ordained. However, he gave them no power to ſubſtitute others in the room of ſuch as ſhould die, but it rather appeared, his intention was, that the vacancies ſhould not be filled up. This conſequence was naturally drawn from his commanding the princeſſes, his daughters, not to marry without the written conſent of thoſe of the executors, who ſhould then be alive. It might alſo be inferred from thence, that he intended none of the regents ſhould be deprived of their dignity.

Beſides the 16 who were to exerciſe the ſovereign authority, during the king's minority, Henry appointed a privy-council, who ſhould be aſſiſting to them, viz.

Henry Fitz-Alan, earl of Arundel.
William Parr, earl of Eſſex.
Sir William Petre, ſecretary of ſtate.
Sir Richard Rich.
Sir John Baker.
Sir Ralph Sadler.
Sir Thomas Seymour.
Sir Richard Southwell,
Sir Edmund Peckham.
Sir Thomas Cheney, treaſurer of the houſhould.
Sir John Gage, controller.
Sir Anthony Wingfield, vice-chamberlain.

The late king's will being thus known, the council reſolved to execute it in all its points, and that very day the regents, as well as the counſellors, entered upon their offices. I have already ſaid, the Hiſtory of this reign relates more to his governors, than to Edward himſelf; and, therefore, it will be neceſſary to give the characters of ſuch of the regents and counſellors, as had the greateſt ſhare in the affairs of thoſe days.

1547. The characters of ſome of the regents and counſellors. Of Cranmer.

The character of Cranmer, archbiſhop of Canterbury, is ſufficiently known, by what has been ſaid of him, in the foregoing reign. I ſhall only add two things. The firſt, that he did not much love to meddle with ſtate affairs, for which he was not very proper, by reaſon of certain maxims of candor and ſincerity, which he followed, and which were very oppoſite to thoſe generally obſerved in the government of ſtates. The ſecond thing concerning Cranmer is, that he was extremely zealous to promote the reformation. Since he was no longer reſtrained by ſuch a maſter as Henry, he was ſo far from concealing his opinions, that he even laboured, with all his power, to eſtabliſh them by publick authority. He was as it were the firſt mover of every thing that was done with regard to the reformation. But his zeal was tempered with a maxim, which he believed abſolutely neceſſary, viz. to proceed by degrees, and retrench firſt the groſs abuſes, that the people might be gradually accuſtomed to theſe changes, before the tenets of greater conſequences were touched. Beſides that this courſe ſeemed to him the moſt natural, he went upon another reaſon no leſs important, and which it will be proper, briefly, to explain.

It has been ſeen in the late reign, that Henry VIII. left not his ſubjects free to approve or reject the alterations he had been pleaſed to make, in religion. There was an abſolute neceſſity of conforming to them, or of reſolving to part with eſtate, liberty, and life itſelf. Hence the church of England abounded with multitudes, who outwardly embracing the eſtabliſhed opinions, were not, however, inwardly perſuaded of their truth. This was the caſe of ſeveral biſhops, and many dignified clergymen. But it was the inferior clergy that were chiefly infected with this hypocricy. Moſt of theſe were no other than monks for whom the court of augmentations, and the poſſeſſors of the abbey-lands had procured benefices to eaſe themſelves of the burden of maintaining them, to which they were obliged when the monaſtries were ſuppreſſed. Theſe men were ſtill wedded to the errors that were intended to be reformed. Cranmer thought it neceſſary, therefore, to gain a little time, in order to change the clergy, by filling the vacant livings with perſons well inclined to the reformation. Herein he met with great oppoſition from the zealous, who wiſhed to bring the reformation to perfection at once, without attending to this wordly wiſdom, which they believed little agreeable to the ſpirit of the true religion.

Of chancellor Wriotheſly. Hayward.

The lord-chancellor Wriotheſley, was of a quite contrary character to that of Cranmer, and moreover his religious opinions were entirely repugnant to the reformation. He was extremely ambitious, very conceited of his own merit, haughty, imperious, and very angry that his advice was not always followed. This made him extremely troubleſome in the council, where no one could oppoſe his opinion without being liable to be treated with bitter and offenſive language. But he ſhewed his heat and paſſion, chiefly, on occaſion of religious matters. Tho' he had outwardly complied with the late king's innovations, he was, however, firmly attached to the Romiſh religion. Of this he had given evident proofs in the affair of Ann Askew, in his project to ruin the queen, and on many other occaſions. Wherefore ſuch of the regents as deſired to promote the reformation, were to expect from him perpetual oppoſition. Since the duke of Norfolk's impriſonment, the chancellor was conſidered as the head of the Romiſh party. Accordingly, he looked upon the reformers, and Cranmer in particular, as his enemies; as on their part, they could not without extreme grief ſee him in a poſt, which enabled him to countermine their deſigns. Happily for them, their party was ſtrongeſt, among the regents, and in the council.

Of the earl of Hertford. Burnet. Dugdale. Heylin.

Edward Seymour, earl of Hertford, was of a noble and antient family which came from Normandy with William the Conqueror. Henry VIII. having married Jane Seymour, after the tragical death of Ann Bullen, Sir Edward Seymour, brother to the new queen, was preſently after created lord Seymour, and viſcount Beauchamp, and then earl of Hertford. From that time he had always an honourable poſt at court, as well during the queen his ſiſter's life, as after her deceaſe. Henry VIII. ever expreſſed a great eſteem for him, and employed him in ſeveral military expeditions, which he diſcharged in ſuch a manner, as increaſed his maſter's regard and affection. He was humble, affable, civil, courteous, and guided in all the tranſactions of his life, by the principles of honour, virtue, and religion, which are ſeldom found in the men of the world. In a word, he had many noble qualities, and few faults. Among theſe is reckoned by ſome an immoderate ambition; but very likely, this ambition was rather an effect of his zeal for religion, than a natural failing, as will hereafter appear. It is ſaid alſo, he had no very able head, and, therefore, was deemed more proper to execute than adviſe. In the late reign he adapted himſelf to the king's religion, becauſe it was very dangerous to oppoſe it. He was not the only perſon that took that courſe. To this reproach all the Engliſh are liable, who lived in that reign, excepting ſome few of both parties, who ſuffered death for reſiſting the will of that imperious monarch. However, the earl of Hertford was inwardly a Proteſtant, and, conſequently, a great friend to Cranmer. This drew upon him the hatred of the contrary party, and particularly of the chancellor, who had already attempted to deſtroy him. He always ſhewed a very great zeal for the reformation, and to him and Cranmer is properly due the glory of every thing that was done in favour of religion, during the reign of Edward VI. At king Henry's death, he was lord-chamberlain. He was one of the regents named in that prince's will, and, what ſtill increaſed his power, he was uncle to the new king.

Of Dudley viſcount Liſle. Hayward.

John Dudley, viſcount Liſle, was ſon of Edmund Dudley, put to death in the beginning of Henry VIII's reign, for having been Henry VII's inſtrument in his oppreſſions of the people. Henry VIII. feeling ſome remorſe for Dudley's death, was pleaſed, and, it may be, thought himſelf bound, to make his ſon a ſort of reparation, by creating him lord Dudley, and afterwards viſcount Liſle. So the father's downfal proved the ſon's riſe. After Henry VIII. had given him a place in his favour, he made a conſiderable figure at court. He was honoured with ſeveral employments, and, always, behaved to the king's ſatisfaction. He ſignaliſed, himſelf, chiefly, in the wars, by his bravery and conduct. He ſerved twice as lieutenant-general, under the earl of Hertford, in Scotland and Picardy, and had the honour of having a great part of the ſucceſs aſcribed to him, tho' he commanded not in chief. Afterwards, being governor of Boulogne, he repulſed, by a vigorous ſally from the upper town, the French, who were now maſters of the lower town. The next year he commanded, as admiral, the fleet deſigned againſt France, and after the French had refuſed to fight, made a deſcent upon the coaſt of France, and carried away a great booty. In a word, he was conſidered as one of the beſt generals then in England. In all probability, had Henry VIII. lived any longer, he would have puſhed his fortune farther, ſince with the qualifications of a ſoldier, he had alſo thoſe of a courtier. But on the other hand, for his morals, he had nothing worthy of commendation. He was exceſſively addicted to his pleaſures, and even ran ſometimes into ſhameful debaucheries. Beſides he was not very ſcrupulous with regard to honour and vertue. As his ambition was boundleſs, he did not ſtick to make uſe of any means to accompliſh his ends. It may eaſily be judged, that a man of this character had not the concerns of religion much at heart. As long as Henry VIII. was alive, he kept exactly within the bounds preſcribed by that prince. Afterwards, in the reign of Edward VI, he openly declared for the reformation, becauſe it was then the only way to pleaſe the king, and advance his fortune. Nevertheleſs, he muſt have ſhewn, when among the Romiſh party, that he was not their enemy, ſince the court of France believed him very far from being a Proteſtant. This is, at leaſt, what Thuanus affirms, in his Hiſtory. Hence it may be preſumed, he conſidered religion only as a means to raiſe himſelf, and had made it a rule to follow that which was moſt in vogue. Wherefore how zealous ſoever he appeared for the reformation, he was never looked upon as one of its protectors, becauſe he was thought to act only out of policy. The figure this lord made during the reign of Edward VI, obliged me to dwell the longer upon his character.

Of Tonſtal. Burnet.

Cuthbert Tonſtal, biſhop of Durham, was reckoned a perſon of great abilities. He had been employed by Henry VIII. in ſeveral embaſſies, commiſſions, and negotiations, and, at length, promoted to the ſee of London, and afterwards to that of Durham, the richeſt and moſt conſiderable in the kingdom, by reaſon of the dignity of palatine annexed to it. As long as Henry VIII. lived, Tonſtal conformed like the reſt, to the religion of the ſovereign, but it was perceived he was very ſorry to ſee the religion he had profeſſed from his youth, change by degrees. He would have gladly conſented to the reforming of ſome of the moſt notorious abuſes, but was of opinion the king went too far. In the interim, for fear of incurring the royal diſpleaſure, he ſubmitted to what was enjoined. However, he was conſidered as one of the chief favourers of the old religion, and ſo much the more formidable to the reformers, as he was able and learned. Nevertheleſs Cranmer had a friendſhip for him, on account of his mild and peaceable temper, which afforded hopes of his being reclaimed.

Of Paget.

Sir William Paget, ſecretary of ſtate, was a very able politician, and for religion, was of the principles of the reformers; by which means, he had contracted a ſtrict friendſhip with Cranmer and the earl of Hertford.

It will be entirely needleſs to ſpeak of the lord St. John, the lord Ruſſel, or the reſt of the regents, becauſe they were wholly guided by the others; but it will be neceſſary to mention ſome of the members of the privy-council, who were to aſſiſt the regents.

Of the earl of Arundel.

The earl of Arundel, a lord of an antient family, was not very well pleaſed to be only among the counſellors, whilſt ſeveral who were his inferiors, were inveſted with the dignity of regents; and on the other hand, he was not inclined to the reformation. Theſe two reaſons were the cauſe, that he willingly entered into all the intrigues tending to produce any change, either in religion or the government of the ſtate; but he had the miſfortune always to labour for others.

Of the earl of Eſſex.

William Parr, earl of Eſſex, brother to the queen dowager, was a perſon of ſlender merit. He made, however, ſome figure in this reign, and was often employed, becauſe he had the addreſs to be attached to the prevailing party.

Of Petre.

Sir William Petre, ſecretary of ſtate, was expert in the diſcharge of his office. He was become almoſt neceſſary, and, therefore, had a great ſhare in the moſt ſecret tranſactions of the court.

Of Rich.

Sir Richard Rich, a lawyer by profeſſion, was a good courtier, who by his pliant temper found means to become lord-chancellor.

Of Sir Thomas Seymour.

Sir Thomas Seymour, the king's uncle, and younger brother to the earl of Hertford, thought himſelf unhappy in being only a counſellor, whilſt the king had made his brother a regent. He imagined, his being uncle to the king, ſhould have procured him more honour. He had a boundleſs ambition, joined to a high conceit of himſelf. Wherefore the rank given him by the late king in his will, not being capable of ſatiſfying him, he had a mind to mount higher, which occaſioned his downfal, as will hereafter appear.

The election of a protector is moved. Feb. 1. Burnet.

The form of the government was no ſooner ſettled, according to Henry's laſt will, but a change was propoſed. Some of the regents obſerved, it could not but be very troubleſome for the people, and particularly for foreign miniſters, to be forced to apply to 16 perſons of equal authority, and moved, that one ſhould be choſen to be head and preſident, with the title of protector. They added, that by this means affairs would be more ſpeedily diſpatched, and yet nothing changed in the eſtabliſhed form of government, becauſe the perſon to be raiſed to that dignity ſhould do nothing, without the conſent of the major part of the reſt.

The lord chancellor oppoſes it in vain.

The lord-chancellor Wriotheſley eaſily perceived this motion was made to his prejudice. As by his office, he was next to the archbiſhop of Canterbury, who did not much follow ſecular affairs, he was in hopes of becoming the head of the regency. But he ſaw plainly, if a protector were elected, the choice would not fall on him, but this dignity would be conferred on the earl of Hertford, the king's uncle, who was not his friend. Wherefore he ſtrenuouſly oppoſed it, declaring, the regents had no power to depart from the late king's will, authoriſed by act of parliament. But matters were ſo well laid beforehand, that notwithſtanding his oppoſiton, it was reſolved immediately, that one ſhould be raiſed over the reſt, and called, the protector of the king's realm, and the governor of his perſon. However, it was with the expreſs condition, that he ſhould do nothing without the conſent of the other regents. Then the choice fell, as it was eaſy to foreſee, upon the earl of Hertford, who, probably, had cauſed this motion to be made by his friends.

Reaſons for and againſt the election of a protector.

Indeed, it was very natural to chuſe for protector the king's uncle, and the perſon of the whole kingdom the moſt concerned for his preſervation. Notwithſtanding it was thought by many, the regents had made a falſe ſtep in the very beginning of their adminiſtration, for the reaſon alledged by the lord chancellor. It might, however, be ſaid in their excuſe, firſt, that they had given no particular authority to the protector, and conſequently the form of government eſtabliſhed by the late king, was not altered. Secondly, that the will empowering the regents, or the major part of them to adminiſter the young king's affairs as they ſhould judge proper, whatever was reſolved upon by a plurality of voices, was deemed agreeable to the late king's will.

New dignities conferred. Stow.

Whilſt all things neceſſary for Henry VIII's funeral, and the new king's coronation were preparing, the regents were intent upon an affair which concerned them in particular, or, at leaſt, the principal of them. Henry had reſolved before he died, to confer new honours on ſeveral of the regents and counſellors. He had even ſettled the revenues or penſions he deſigned to give theſe new lords, to enable them to ſupport their dignities; but as ſome had refuſed them becauſe they thought theſe penſions too ſmall, the affair was ſuſpended, both by reaſon of this objection, and of the king's ſickneſs and death. However, he had ordered in his will, that whatever he had promiſed ſhould be made good. This was ſufficient to put the regents upon performing the forementioned engagement, eſpecially as the benefit was chiefly to redound to themſelves. But as the late king's intentions and promiſes appeared not in writing, recourſe was to be had to the teſtimony of thoſe to whom he had opened his mind, who depoſed what they had heard from his mouth. Upon their teſtimony, therefore, the earl of Hertford was made duke of Somerſet, the earl of Eſſex, marqueſs of Northampton, viſcount Liſle, earl of Warwick, the lord-chancellor Wriotheſley, earl of Southampton, Sir Thomas Seymour, lord Sudley. Rich, Willoughby, and Sheffield, had the title of barons, with the names of their families.

Alienation of the chantry-lands. Burnet.

As Henry VIII. had not left his coffers full, expedients were to be deviſed to find the revenues and penſions aſſigned to the new lords. No better was found than to alienate 5 or 6000 pounds a year of the chantry-lands. Theſe promotions, with the revenues annexed, were not univerſally approved, becauſe they were all in favour of the regents themſelves or the counſellors. Many thought, theſe lords ſhewed too much avidity at the beginning of their regency, and that they ought to have ſtaid till the king was of age. The protector eſpecially was liable to much envy, by procuring for himſelf the two great offices of lord-treaſurer and earl-marſhal, vacant by the attainder of the duke of Norfolk. The firſt was conferred on him the 10th of February, and the other the 17th of the ſame month.

Thomas Seymour made high admiral. Edw. Journ.

The ſame day his laſt patent was diſpatched, his brother Thomas Seymour, juſt created baron of Sudley, was made high-admiral of England. Thus, about a fortnight after Henry's death, the Seymour's family was raiſed to ſuch greatneſs, that it was hardly poſſible to make any addition to it. Happy, had they been contented! But we ſhall ſee hereafter, that by endeavouring to riſe ſtill higher, the two brothers fell into a gulf of misfortunes, which might have been avoided by a ſmall ſhare of moderation.

Henry VIII's funeral. Burnet.

Henry VIII's funeral obſequies were performed with great pomp and magnificence at Windſor. He had himſelf ordered his body to be there interred. The day before, his corpſe was brought to Richmond, and as the motion cauſed ſome watry matter to run through the coffin, it was reported to be blood, and that a dog licked it up. This was ſaid with deſign to verify the frier's prediction, who told Henry in a ſermon, that the dogs ſhould lick his blood as they had formerly licked Ahab's. But beſides that ſeveral affirmed, it was not blood which ran from the coffin, the report that a dog licked it up, was entirely groundleſs.

Edward VI. is crowned. Act. Pub.

The ceremony being over, Edward's coronation was ſolemniſed the 20th of February, with the uſual formalities. The lord Ruſſel acted as high-ſteward, by vertue of a patent, which empowered him to exerciſe that office for that day only. Henry Grey, marqueſs of Dorſet, had acted the day before as high-conſtable, by vertue of a like patent, which limited the exerciſe of his office to the 19th of February, the day preceding the coronation, from ſun-riſing to ſun-ſetting. Probably, the office of high-conſtable was neceſſary only for certain preparatives, ſince it was to end before the ceremony of the coronation.

A general pardon. Hayward.

On the coronation-day, a general pardon was granted to all perſons, excepting the duke of Norfolk, cardinal Pole, Edward Courtney, eldeſt ſon of the marqueſs of Exeter, and three others.

The chancellor's diſgrace. Burnet.

I have before obſerved, that the lord chancellor Wriotheſley, the new earl of Southampton, was ambitious, proud, and haughty, very troubleſome in the council, and moreover, a great enemy to the reformation and the reformed. All theſe reaſons made the protector and moſt of the regents, wiſh to be rid of him. They were ſo happy, as that he himſelf afforded them a plauſible pretence. Reſolving to apply himſelf chiefly to ſtate-affairs, he had on the 18th of February put the great ſeal to a commiſſion directed to the maſter of the rolls, and three maſters of chancery, empowering them to execute the lord chancellor's office in the court of chancery, in as ample a manner as if he himſelf were preſent. This being done by his own authority, without any warrant from the lord protector and the other regents, his enemies failed not to improve this occaſion to ruin him. Complaint of what he had done being brought before the council, it was ordered, that the judges ſhould give their opinions in writing. Their anſwer was, that the chancellor being only entruſted with his office, could not commit the exerciſe thereof to others, without the conſent of the king, or the regency; that by ſo doing he had by the common law forfeited his place, and was liable to fine and impriſonment at the king's pleaſure. This anſwer being communicated to him in full council, he fell into a great paſſion with the judges, and even talked very haughtily to the regents, the council, and the protector. He told this laſt, in particular, that he held his chancellorſhip by an undoubted authority, ſince he held it of the king himſelf, whereas it was a great queſtion whether he himſelf was lawfully protector. But this haughtineſs, inſtead of compoſing his affair, only ſerved to render it worſe. His ſubmiſſion might have leſſened his puniſhment, but by his paſſion and heat he gave the council occaſion to treat him with the utmoſt ſeverity. He was immediately confined to his houſe, with a command not to ſtir, till further orders. Then it was debated what his puniſh-

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puniſhment ſhould be. It was not doubted that he might be deprived of the chancellorſhip. But as to the regency, the point was not ſo clear, becauſe it was uncertain whether the late king had placed him among the regents as chancellor, or as a private perſon, like ſeveral others who were in no office. For this reaſon it was not thought proper to turn him out of the regency; but to render it uſeleſs to him, he was left under an arreſt, and the great ſeal taken from him, and given to Sir William Pawlet, lord St. John, till another chancellor ſhould be appointed. So the earl of Southampton continued in his confinement till the 29th of June, when he was diſcharged of his impriſonment, upon entering into a recognizance of 4000 l. to pay what fine they ſhould impoſe on him.

The protector's ambition. Burnet.

After the protector was freed from this troubleſome enemy, he thought only of engroſſing the ſole management of affairs, and to be protector indeed, whereas hitherto it was but an empty title, without any peculiar authority. To attain his ends, he repreſented to the regents and council, that ſeveral perſons doubted whether they could by their ſole authority name a protector; that the French ambaſſador, in particular, had inſinuated a diſtruſt, that he could not ſafely treat with him, without knowing, firſt, whether he was duly authoriſed, ſince his title might be conteſted for want of authority in thoſe who had conferred it. Upon this foundation, he deſired that he might be allowed to prepare letters patents, under the great ſeal, eſtabliſhing him protector of the realm, and governor of the king. His requeſt appearing reaſonable, it was granted, and probably he was left to draw the patent, wherein it is very likely, he uſed ſome deceit. What gives occaſion for this ſuſpicion, is, that the patent aſſigned him prerogatives unthought of by the regents, when they made him protector. There was no mention of the condition upon which he had been choſen. On the contrary, the king gave him full authority to do every thing as he in his wiſdom ſhould think for the honour, good, and proſperity of his perſon and realms. Moreover, he appointed him a council, giving him power, with ſo many of them as he ſhould think proper, to annul and change what they thought fitting; reſtraining the council to act only by the protector's advice and conſent. It is true, this council conſiſted of the ſame perſons which before compoſed the regency and council, except the earl of Southampton. But whereas 15 of them were before regents of the kingdom, executors of Henry's will, and governors to the young king, they were now become by this patent only mere counſellors to the protector, each according to the rank his office or birth gave him, without the protector's being obliged to follow their advice.

Remarks on the protector's proceedings.

Very likely, as I ſaid, the protector uſed ſome fraud on this occaſion. And, indeed, it is by no means probable, the other regents ſhould ſo lightly conſent to be deprived of all their authority; nay, we ſhall ſee hereafter an evident proof, that they had no ſuch intention. Thoſe hiſtorians who have endeavoured to vindicate all the duke of Somerſet's actions, in order to preſerve to him the character of a true reformer, have very lightly touched upon this point, whereas his enemies have enlarged on it, to ſhew he was poſſeſſed with ambition. However, as the fact is certain, his motive only can be the ſubject of conjecture; ſome aſcribing it to his exceſſive ambition; others believing, he aſpired to become maſter of the government only to promote more effectually the reformation. It is, at leaſt, extremely probable, that Cranmer and ſuch of the regents as favoured the reformation, were convinced the duke's advancement would be very advantageous to religion.

He becomes abſolute maſter of the government. Burnet.

After the patent was drawn, and the great ſeal put to it, the protector had all the power. He governed with an abſolute authority, without being clogged by the advice of the council, ſince he was obliged only to conſult thoſe that were devoted to him. But on the other hand, this proceeding, with ſome others of the like nature, drew upon him the envy and hatred of many, and particularly of the nobility, who made him, at laſt, feel the effects. There was certainly much to be ſaid againſt this patent, which deſtroyed the form of the government, eſtabliſhed by Henry VIII, purſuant to an act of Parliament which the king himſelf had not power to annul.

Treaties with France. Act. Pub.

The day before, two new treaties were concluded with France. The firſt was a renewing of alliance between Francis I. and Edward VI, without prejudicing the antient alliance between France and Scotland, and the treaties between the emperor and England. The ſecond concerned the articles which had been explained in the late treaty of peace, viz. the bounds of the territory of Boulogne, and the fortifications the two monarchs were making near the place. As to the bounds, they were eaſy to be ſettled, becauſe as England was to keep Boulogne but eight years, it was not very material whether its territory was a little more or leſs extended. As to the fortifications, there was more difficulty. Whilſt the late peace was negotiating, Henry VIII. finding it would be in his power to preſcribe almoſt what terms he pleaſed, ordered the governor of Boulogne to begin fortifying Boulemberg, Blackneſs, and Ambleteuſe. At the ſame time he gave inſtructions to his plenipotentiaries, to inſert in the treaty, that neither of the two kings ſhould be allowed to make new fortifications in or about Boulogne, but only to finiſh ſuch as were begun. This was done according to his deſire. However, ſince the treaty, the French had attempted to fortify St. Etienne, Portet, and la Pointe. Whereupon diſputes aroſe between the ambaſſadors appointed to ſettle the limits of Boulogne. But as the two courts were equally deſirous to avoid all occaſion of rupture, it was, at length, agreed, that the Engliſh might continue the works begun; that the French ſhould have the ſame liberty with regard to the fortifications of St. Etienne, but ſhould diſcontinue thoſe at Portet and la

Pointe. This treaty, and the other which renewed the alliance between the two crowns, were ſigned at London the 11th of March; but Francis died the 31ſt of the ſame month, before he had ratified them, leaving Henry II. for his ſucceſſor.

The death of Francis I.

Henry II. refuſes to ratify the treaties. Act. Pub.

Upon news of Francis's death, an expreſs was ſent to Nicholas Wotton, ambaſſador in France, with a commiſſion to receive the new king's ratifications, and ſee him ſwear to the treaties. But the court of France was entirely changed by Henry II's acceſſion to the crown. The cardinal of Lorrain, and his brother the duke of Guiſe, managed every thing as they pleaſed, and it was not their intereſt, the king ſhould preſerve a good underſtanding with England. Beſides that they were ſtrongly addicted to the Romiſh religion and the pope, they were contriving means to hinder England from employing her arms to accompliſh the marriage between Edward and the young queen of Scotland, their niece. They perſuaded, therefore, Henry II, that it was his chief concern to recover Boulogne at any rate, for fear the Engliſh ſhould make uſe of that place to confound his future projects. Henry liking their policy, refuſed to ratify the treaties, and diſowned the ambaſſador ſent by his father to London to conclude them. So, there not only remained an occaſion of quarrel between the two crowns, with reſpect to the limits of the territory of Boulogne, and the new fortifications; but alſo in refuſing to confirm the alliance, Henry ſhewed his intention to break the peace.

The affairs of Germany. Strype. Burnet.

This was the firſt ill effect of the death of Francis I. and Henry VIII. But it was not the only one; for Germany as well as England ſuffered by the loſs of theſe to kings. The Proteſtants, who had been ill uſed by the emperor in the laſt campaign, found themſelves wholly deprived of the aſſiſtance, they expected from France and England. Henry II's miniſters did not think proper, he ſhould be engaged in a war with the emperor in ſupport of the Proteſtant religion; but as policy ſeemed to require that he ſhould oppoſe the emperor's progreſs, they intimated to him the expediency of firſt recovering Boulogne; after which, it would be ſtill time enough to protect Germany, in caſe the emperor grew too powerful there. As for the court of England, there was no likelihood that during a minority, they would undertake to ſupport the Proteſtants, eſpecially as France refuſed to be concerned with them. In the interim, the princes of the league having ſent to Edward for aid, 50,000 crowns, were privately given them, with great caution, for fear of offending the emperor. It is very true, the protector was inclinable to ſupport them; but it was not yet convenient to do it openly; for the reformation was to be put upon a good foot in England, before any thoughts of protecting it in foreign countries.

Affairs concerning the reformation in England.

Henry VIII's death was a ſort of criſis for England, with regard to religion. It was obſerved in the Hiſtory of his reign, that he ſteered a middle courſe in that reſpect. He reformed ſome things, but left others untouched. In general the reformation he had begun, may be ſaid to concern only the articles which were directly or indirectly contrary to his temporal ſovereignty, or eccleſiaſtical ſupremacy. He was ſo rigorous, that he would never allow his ſubjects to differ in opinion from him, or, at leaſt, not to ſhew it openly. So all were under conſtraint, there being ſcarce any one but what believed more or leſs than himſelf. As ſoon as he was dead, every one took the liberty to ſpeak his thoughts upon religion, tho' the laws made in his reign were ſtill in force. But ſome change was expected. If, on one hand the reformed built their hopes on Cranmer and the earl of Hertford, the contrary party flattered themſelves that chancellor Wriotheſley, Tonſtal, and ſome others, would uſe their utmoſt endeavours to reſtore religion to its antient ſtate, or, at leaſt, would hinder the reformation from making farther progreſs. The earl of Hertford's promotion to the protectorſhip, and the chancellor's diſgrace, gave the reformed all the advantage, who ſeeing themſelves ſupported by the protector and the archbiſhop of Canterbury, entertained great hopes that the work of the reformation would viſibly advance. This gave them the boldneſs openly to ſhew their ſentiments, and even publickly to preach them. On the other hand, the contrary party finding the time was not favourable, ſtrove to perſuade, that religion ſhould be left in its preſent ſtate till the king was of age. They ſaid, ſince no alterations could be made but in the king's name, as ſupreme head of the church of England, it was neceſſary, at leaſt, to ſtay till he was able to judge of them himſelf. But the reformers agreed not to this principle. They maintained, on the contrary, that the royal authority was the ſame, whether the king was a minor or not. They oppoſed their adverſaries maxim the more ſtrenuouſly, as it influenced not only the affairs of religion but the government it ſelf.

The party of the reformers were ſo ſtrong, that it was very difficult for their enemies to reſiſt them. The king himſelf was at their head. Tho' he was yet of an age wherein men hardly begin to make uſe of their reaſon, he had made very great progreſs in the ſtudy of religion, by the care of Dr. Cox, his preceptor, who was in the ſentiments of the reformers. The duke of Somerſet, Cranmer, archbiſhop of Canterbury, Holgate, archbiſhop of York, Holbeach, biſhop of Lincoln, Goodrick, biſhop of Ely, Dr. Ridley, and Latimer who was diſcharged of his impriſonment, were the chief ſupporters of this party. Theſe were, properly, whom Dr. Burnet calls in his Hiſtory, the reformers. In the other party, were the princeſs Mary, Wriotheſley, earl of Southampton, Tonſtal, biſhop of Durham, Bonner of London, Gardiner of Wincheſter, with many other biſhops, and the major-part of the inferior clergy, conſiſting, as I have obſerved, of the ſuppreſſed friers, who had been recommended to livings. But it is certain, tho' this laſt party was as numerous as the other, they were far excelled by them in learning and capacity. Beſides, the government was in the hands of their adverſaries. There was another thing which very much leſſened the power of this party. Moſt of them had made it a rule to oppoſe, to their utmoſt, the intended alterations, but when effected, to pay them afterwards an outward compliance. This conduct, tho' beneficial to particular perſons, was, however, detrimental to the whole party, as it intimated they only loved their religion, when attended with temporal bleſſings. The biſhops and the reſt of the clergy were properly the eſtabliſhers of this maxim, out of fear of loſing their benefices.

A reſolution to puſh the reformation. Burnet.

The preſent juncture being ſo favourable for the reformation, the protector, and ſuch of the council as were of his ſentiments, reſolved to improve it. To that end, they ordered a general viſitation of all the churches, and appointed viſitors, with power to aboliſh certain groſs abuſes, introduced into the divine ſervice, and particularly with regard to images. With this viſitation commenced the execution of the deſign already formed, of perfecting the reformation, which was properly but juſt began in the late reign. As Dr. Burnet, afterwards biſhop of Saliſbury, has given as full account of theſe matters as can be deſired, in his excellent Hiſtory of the Reformation in England, it will be needleſs to deſcend to particulars, which will be ſeen with much more ſatisfaction in the work of that illuſtrious author. So, without ſpeaking hereafter of religion any farther than will be neceſſary for the underſtanding of the Hiſtory, I ſhall confine myſelf chiefly to the political affairs of this reign. The firſt that offers in the year 1547, is the war with Scotland.

The ſequel of the affairs of England with Scotland. Act. Pub.

Henry VIII. had left his affairs with Scotland in ſuch a ſituation, that the agreed marriage between Edward and the young queen of Scotland, was to be relinquiſhed, or the treaty executed by force of arms. The party, againſt the marriage in Scotland, was ſo powerful, that the others durſt hardly diſcover their contrary ſentiments. If the affair had been to be decided by the two kingdoms, in all appearance Scotland would have been forced to ſubmit. But the king of France took care not to abandon the Scots. He was highly concerned to hinder the king of England from becoming maſter of Scotland. Herein his ſentiments agreed with thoſe of the two Lorrain princes, brothers of the queen dowager of Scotland. It was this that moſt troubled the protector, eſpecially as Henry II. had now declared he would aſſiſt the Scots to the utmoſt of his power. In the interim, the projected marriage was ſo advantageous to England, that it well deſerved ſome endeavours to accompliſh it. Beſides, Henry VIII. had ſo expreſly ordered, before he died, that all poſſible means ſhould be uſed to effect it, that the protector thought he could not be excuſed from taking ſome ſteps, to ſhew he intended to execute his orders; wherefore, he reſolved to carry war into Scotland. Indeed, it was a very extraordinary way of wooing the young queen for Edward; but in this the protector and the council followed Henry VIII's maxim, who ever flattered himſelf, that the inconveniencies and dangers of a war would, at laſt, oblige the Scots to execute the treaty. To that end, therefore, they reſolved to make war upon Scotland, and not with deſign to conquer the kingdom.

A conference for a peace very ineffectual. Burnet.

The protector enters Scotland. Hol.

Every thing being prepared, and the protector ready to go and command the army, the French ambaſſador deſired him to conſent to a negotiation, to try to conclude a peace, before hoſtilities were begun. The protector, who was willing to manage France, complied with his requeſt, and the conference began the 4th of Auguſt. Tonſtal, who was firſt plenipotentiary, had orders to yield every thing, provided the Scotch commiſſioners had power to agree to the marriage; otherwiſe, he was to break off the congreſs. This condition rendered the negotiation ineffectual, becauſe the Scots had nothing like it in their inſtructions. So the protector departing in Auguſt, entered the territories of Scotland the 2d of September, with an army of 15000 foot, and 3000 horſe, having the earl of Warwick for lieutenant-general. He took ſome caſtles in his march, and particularly the caſtle of Broughty, near the Tay's mouth, where he left a garriſon of 200 men. A few days after, he came within ſight of the Scotch army, 30,000 ſtrong, with 30 pieces of cannon, who expected him on the field of Pinkey, near Muſſelburgh.

He offers a peace to the regent of Scotland. Buchanan.

His offer is rejected.

The duke of Somerſet, as I ſaid, had undertaken this war againſt his will, and only to avoid the blame of not endeavouring to procure for his young maſter an advantageous marriage. The ſight of the enemies army, ſuperior to his own, increaſed not his deſire to decide the affair by way of arms; wherefore, to avoid ſo dangerous a deciſion, he wrote to the earl of Arran, regent of Scotland, deſiring him to conſider the great quantity of innocent blood which was going to be ſhed; and to ſhew that he was ready himſelf to come to an agreement, he made this offer; that he would retire to England with his army, if the Scots would agree that the young queen ſhould be bred up in Scotland till ſhe came of age, and give ſecurity that ſhe ſhould not till then be contracted to any foreigner. This propoſal might have been accepted without any detriment, either to the queen or the kingdom of Scotland. In the firſt place, this condition hindered not the queen from marrying a Scotch lord. Secondly, the worſt that could happen to the Scots, was to be, when their queen was of age, in the ſame ſituation they were in at preſent. Laſtly, the king of England or the queen might die in this interval, and of courſe the death of either ended the quarrel. But the French faction was ſo prevalent in the council of Scotland, that this advantageous offer was proudly rejected; nay, a rumour was ſpread among the Scotch troops, that the protector of England would not hearken to a peace, unleſs the queen was put into his hands.

The diſpoſition of the two armies. Hayward.

The two armies were parted by the river Eſke. The Engliſh were encamped about two miles on the ſouth-ſide, and the Scots along the banks, on the north. So if the Scots had been willing to avoid a battle, probably, the Engliſh would never have attempted to paſs the river in their ſight. In the interim, the protector, having formed the deſign of approaching the Scots, and gaining a riſing ground, on the left, which commanded their camp, moved forward with his whole army. But the Scots, having notice of it, immediately paſſed the river, and poſſeſſed themſelves of that poſt. The protector having miſſed his aim, marched to the right, towards the ſea, in order to encamp, on a little hill, not far from the river. This march made the Scots imagine, he was approaching the ſea, to put his ordnance and baggage on board the fleet, which was entered the Frith, that he might retreat the more eaſily. The whole Scotch army were ſo poſſeſſed with this notion, that they conſidered the Engliſh as already vanquiſhed by fears. In the interim, the protector had poſted himſelf on the hill, and made ſome intrenchments before his camp. This confirmed the Scots in their opinion, that it was only a feint, in order to retire in the night. So, reſolving to hinder the Engliſh from executing this imaginary deſign, they advanced, in good order, to join battle. The moment the protector had received intelligence of their march, he drew up his army, part on the hill, and, part on the plain, and expected them, without ſtirring. He had placed his artillery in an advantageous place, that commanded the whole plain, and, on the other ſide, his fleet was near enough to fire upon the enemy in flank; nay, there was a galliot, which, being lighter than the reſt of the ſhips, came very near the land, and extremely annoyed the Scotch army.

Battle of Pinkey, won by the Engliſh. Buchanan.

It was on the 10th of September that the two armies engaged. I ſhall not relate the particulars of this battle. Beſides, that the hiſtorians agree not in the principal circumſtances, there are but few capable of giving a juſt account of what paſſes on theſe occaſions, and of pointing out the chief cauſes of the gain or loſs of a battle. It belongs only to generals themſelves to be good hiſtorians, on ſuch ſubjects. I ſhall content myſelf, therefore, with reciting the ſucceſs of this here. After a very obſtinate fight, the Scots were routed, leaving 14000 dead on the place, and 1500 priſoners, in the hands of the Engliſh, of whom 800 were gentlemen.

A great conſternation in Scotland. Buchanan.

This great loſs, threw all Scotland into the utmoſt conſternation. The regent, and the queen, after garriſoning the caſtle of Edinburgh, retired to Sterling, with the remains of their army, abandoning thus the frontiers, to the ravages of the Engliſh. A few days after, the protector took Leith, and the Engliſh fleet, commanded by the lord Clinton, burnt ſeveral ſea-port towns in the county of Fife, with all the ſhips in their harbours. Then, the Engliſh army marched to Edinburgh, and, entering without oppoſition, plundered the city. Such a terror ſeiſed all Scotland, that, if the protector had improved his ſucceſs, by beſieging the caſtle of Edinburgh, it is hardly to be doubted, he would have forced the regent to relinquiſh the young queen, or ſubdued the kingdom. But affairs which concerned him in particular, made him relinquiſh his enterpriſe, juſt as he was going to reap the fruits of his victory. Whilſt he was employed in Scotland, his brother, the admiral, caballed againſt him in England, and had now made ſuch progreſs, that the protector was upon the point of being ruined, at the very time he was cauſing the king's arms to triumph. The advice he received made him think, he could not too ſpeedily return to court, in order to break his brother's meaſures. This was the real motive of his haſty return, which, however, was coloured with other pretences.

The protector improves not his victory.

He returns to England. Burnet.

The 18th of September, he departed for England, having employed but 16 days in his expedition, from his entrance into Scotland, and, if we may believe the Engliſh writers, loſt but 62 men in all. In his return, he marched through the counties of March and Tiviotdale, and, leaving a garriſon in the caſtle of Hume, ordered Roxborough to be repaired, where he left Sir Ralph Palmer governor.

The people praiſe him, and the nobles envy him. Burnet.

The protector's glorious campaign in Scotland, put the nation in mind of ſeveral noble actions performed by him in the late reign. This gained him great applauſe from the people, but, withal, the envy of the nobles, who, if Sir John Hayward is to be credited, had no great eſteem for him. This contraſt between the nobles and people, was very prejudicial to him. It induced him to rely too much on the people's favour, and to raiſe himſelf above the reſt of the nobles, both by an external pomp, and by aſſuming the ſole adminiſtration of affairs. As by the king's patent, he was not obliged to follow the advice of the council, he generally conſulted only his creatures, and neglected the reſt, as if there were no ſuch men. This behaviour ſeemed, at firſt, a little ſtrange in one, who, very far from being naturally proud and haughty, was rather humble, modeſt, and civil. No other reaſon can be given, but his great zeal to promote the reformation. This was, doubtleſs, what made him think it neceſſary to remove, from the adminiſtration, thoſe who were not led by the ſame zeal as himſelf, in order to leſſen the oppoſition, as much as poſſible. Beſides, he had paſſed the beſt part of his life in the court of Henry VIII, where he had ſeen the authority-royal carried to the greateſt height, and, as Henry had ſucceeded by the way of rigour, he deemed it requiſite to follow much the ſame maxims. The reformation was, certainly, the ſole object, the protector had in view, and all his proceedings, in the publick affairs, both foreign and domeſtick, tended, properly, to that point.

The commiſſioners, appointed to viſit the churches, Bonner, and Gardiner, are ſent to priſon. Strype.

The princeſs Mary complains of the ſteps which are making in the reformation. Burnet.

churches, having made their report, it was found, that all the biſhops had complied with the orders of the council, except Bonner, of London, and Gardiner of Wincheſter. Theſe had given an advantage againſt themſelves, not only by direct oppoſition, but by cavils, which plainly ſhewed how averſe they were to all reformation. They inſiſted, chiefly, upon the forementioned maxim, that it was not lawful to make any alteration in religion, during the king's minority. As this principle might have had pernicious conſequences, with reſpect to the government, it was made a pretence to ſend them to priſon, notwithſtanding their ſeeming, but very equivocal, ſubmiſſion. The truth is, as ſeveral acts, in favour of the reformation, were intended to be paſſed in the next parliament, which was ſummoned to meet the 4th of November, the reformers were very glad to be freed from the troubleſome oppoſition of theſe two prelates. The princeſs Mary was alſo diſpleaſed with the inſtructions given to the viſitors, and the deſign of advancing the reformation. She wrote, upon this occaſion, to the protector, expreſſing her diſlike of all the changes which were making, and of thoſe which were deſigned to be made, during the king's minority. The protector ſent her a very ſtrong anſwer, and did not think himſelf obliged to conform to her ſentiments.

Rich is made chancellor. Act. Pub.

Some days before the parliament met, the lord Rich was made chancellor. The 3d of November, the day before the opening of the parliament, the protector, by a patent under the great-ſeal, was warranted to ſit in parliament on the right hand of the throne, under the cloth of ſtate, whether the king was preſent or not, and, moreover, was to have all the honours, privileges and prerogatives, that any of the uncles of the kings of England, or any protectors, had ever enjoyed, with a non-obſtante to the ſtatute of precedence. This proceeding was a clear evidence, that the duke of Somerſet's intention was, not only to be ſuperior to all, but even to deſtroy, by degrees, the very remembrance of the form of government eſtabliſhed by Henry VIII. Tho' he had not forgot to cauſe this patent to be approved by the council, before it was ſealed, that was not ſufficient to juſtify him entirely. It was well known, the king did nothing but by his direction; that the council was at his command, and that it would have been very dangerous for the counſellors, directly, to oppoſe a patent which concerned him in particular.

Parliament. Burnet.

A remark on this parliament.

The parliament being met the 4th of November, paſſed ſeveral material acts, relating ſome to the ſtate, and others to religion. It is very certain, the number of thoſe who deſired a reformation, was very great in the kingdom. However, it muſt not be imagined that then, any more than at this day, whatever the parliament did, was agreeable to the general opinion of the nation. The repreſentatives of the commons were choſen, as they are at preſent, without any inſtructions concerning the points to be debated in parliament, nay, without the people's knowing any thing of them. Thus, the houſe of commons had, as I may ſay, an unlimitted power, to determine, by a majority of votes, with the concurrence of the lords, and aſſent of the king, what they deemed proper for the welfare of the kingdom. There was no neceſſity, therefore, in order to obtain what the court deſired, of having the univerſal conſent of the people, but only the majority of the voices in both houſes. Hence it is eaſy to conceive, that the court uſed all imaginable means to cauſe ſuch members to be elected as were in their ſentiments. This is now, and ever will be, practiſed, till ſome cure is found for this inconvenience. I call it inconvenience, becauſe it happens ſometimes, that the parliament paſſed acts contrary to the general opinion of the nation. Of this one may be eaſily convinced, by what paſſed in the parliaments held under Edward VI, and queen Mary, his ſiſter. In the reign of Edward, popery was entirely rooted out, and under Mary it was wholly replanted. In one or other of theſe reigns, therefore, the parliament muſt have acted contrary to the opinion of the people, ſince it is not poſſible to believe, that a whole nation ſhould have thus changed, in an inſtant, from white to black. I do not pretend, by this remark, to weaken the proceedings of Edward VI's parliament, in favour of the reformation; what I advance is levelled as much againſt that of queen Mary, as againſt this. My deſign is only to obſerve, that the determination of a parliament is not always a convincing proof of the approbation of the whole Engliſh nation. The reaſons, therefore, which may be drawn from the pretended conſent of the nation, repreſented in parliament, either for or againſt the reformation, ſeem to be of very little weight. Each of the two parties will always ſay, and, perhaps, very juſtly, that the parliament which oppoſed them, was a parliament devoted to the king, and the miniſtry.

The preſent parliament was, in all appearance, directed by the duke of Somerſet, ſince it ſo readily favoured all his deſigns. I ſhall content myſelf with relating the ſubſtance of the chief acts paſſed this ſeſſion, without inſiſting much upon them, becauſe Dr. Burnet has ſpoken of them, ſo accurately and fully, in his Hiſtory of the Reformation, that it would be needleſs to repeat what he has ſaid.

An act for repealing ſeveral ſtatutes.

The firſt ſtatute repealed ſeveral acts paſſed in the late, and ſome former reigns; viz.

I. All acts declaring any thing to be treaſon, but what was in the ſtatute of 25 Edward III. This ſtatute of king Edward, had long ſerved for the ſtandard of treaſon, till during the civil wars between the houſes of York and Lancaſter, and particularly, in the reign of Henry VIII, the liſt of treaſonable offences was very much increaſed; wherefore, the parliament, very juſtly, reduced theſe offences, within their old bounds, that the ſubjects might not be liable to ſo many rigours.

II. This ſtatute alſo repealed all acts, declaring that to be felony, which was not ſo before the rupture with the pope. And,

III. The act which made the king's proclamations of equal authority with acts of parliament. If this ſtatute had continued, parliaments would have become uſeleſs.

IV. Two acts concerning the Lollards.

The act of the ſix articles repealed.

Laſtly, by the ſame ſtatute, the law of the ſix articles was alſo repealed.

By another article of the ſame ſtatute, the king's eccleſiaſtical ſupremacy was again confirmed, with ſeveral penalties upon thoſe who ſhould call it in queſtion. It was likewiſe declared high-treaſon in any of the heirs of the crown, nominated in Henry VIII's will, and in their abettors, to endeavour to break the ſucceſſion of the crown ſettled by that prince.

It was alſo enacted, that all ſhould enjoy the benefit of the clergy, and the privilege of ſanctuary, as before Henry VIII's reign, excepting only ſuch as were guilty of murder, poiſoning, burglary, robbing on the highway, ſtealing of cattle, and ſtealing out of churches and chapels.

An act paſſed in Henry VIII's time, empowering his ſucceſſor to annul laws made during his minority, till his 24th year, was likewiſe explained; and it was declared, that this act ſhould only take place for the future, and not for the paſt.

With regard to religion, ſeveral acts were made, which cauſed very great alterations. Firſt, private maſſes were aboliſhed, and the cup was given to the people in the communion.

Another act gave the king power to nominate to the vacant ſees by his letters patents, and ſo aboliſhed the way of chuſing biſhops by Conge d' eſlire, which was only a mockery, ſince theſe pretended elections were all made by the direction of the court.

The juriſdiction of the eccleſiaſtical courts was alſo very much abridged, by taking from them the cognizance of matrimonial and teſtamentary cauſes, which were removed to the civil courts.

A ſtatute againſt vagabonds.

Then the parliament paſſed a very remarkable act againſt vagabonds. It was enacted, that if any perſon ſhould any where loiter without work, or without offering himſelf to work three days together, he ſhould be adjudged to be a ſlave for two years to him that ſhould preſent him to two juſtices of peace, and be marked with the letter V, imprinted with a hot iron on his breſt. This law was thought very ſevere in a country like England, where ſlavery ſeems inconſiſtent with the privileges of the people. But herein the court, by whom the parliament was governed, had an eye only to the monks, who being gone from their monaſteries, little inured to labour, could not think of working for their livelihood. Theſe men ſpent their time in going from houſe to houſe, to cabal againſt the government, and inſpire the people with the ſpirit of rebellion. So the court judging it to be an effect of their idleneſs, and that if they betook themſelves to ſome employment, they would, at length, loſe this habit, reſolved to make them work, how unwilling ſover they might be. In the interim, as the law was general, it occaſioned great murmurs among the people; wherefore it was never rigorouſly executed, and even repealed by another parliament,

Several endowments given to the king. Strype.

Laſtly, the parliament gave the king all the lands deſigned for the maintenance of chantries, chapels, and colleges, which were not poſſeſſed by Henry VIII, and all revenues given for obites, anniverſaries, lights in the churches, together with all guild lands which any fraternity enjoyed on the ſame account. This act did not paſs without great difficulty. Cranmer himſelf oppoſed it to the utmoſt of his power, not from a deſire to keep theſe endowments for the uſes intended by the donors, but becauſe he hoped to meet with ſome favourable opportunity to convert them to other uſes beneficial to religion, whereas being once in the king's hands, the church was deprived of them for ever. But all oppoſition was in vain. The nobles gaped, as I may ſay, after the church-lands, which they obtained of the court upon very eaſy terms. Beſides, the executors of the late king's will, wanted theſe lands to pay his debts and legacies. It is true, there was a clauſe in the act, importing, that theſe lands ſhould be converted to the maintenance of grammar-ſcools and preachers; but it was never put in practice.

A general pardon, of which Gardiner has the benefit. Strype.

The parliament ended with a general pardon, in which were excepted the priſoners in the tower, and thoſe who had abſented themſelves out of the kingdom. As Gardiner was not in the tower, he enjoyed the benefit of the pardon.

I juſt mentioned the reaſon which obliged the protector to quit Scotland and return to court, with precipitation very detrimental to the king's affairs. But it is neceſſary now to ſpeak a little more largely of it, before I conclude the year 1547, becauſe it was during this ſeſſion of the parliament that this affair broke out.

Cabals of the admiral againſt his brother the protector. Burnet.

Among all the enviers of the protector, there was not one more paſſionate againſt him than his brother, admiral Thomas Seymour. He was a hot, proud, and haughty man. It is true he was reckoned to have more ſenſe than his brother, and to be more capable of managing great affairs. But this opinion might proceed from the party he had made among the nobility, who loved not the protector. However this be, the admiral could not bear the difference the king had put between him and the duke of Somerſet, tho' they were both uncles to the young king. He thought himſelf, by his birth and natural endowments, as worthy as his brother of having a ſhare in the adminiſtration of the government. Preſently after Henry's death, he gave proofs of his ambition, in making his addreſſes to the princeſs Elizabeth; but finding he was not like to ſucceed, he turned to Catharine Parr, queen-dowager, and ſo won her heart, that he privately married her, without communicating it to the duke, his brother, who was now inveſted with the protectorſhip. This marriage was ſo quickly after Henry's death, that if the queen had bred ſo ſoon as ſhe might have done, there would have been room to queſtion whether the child was the king's or the admiral's. Having kept his marriage private for ſome time, he found means, unknown to the protector, to procure a letter from the king, recommending him to the queen for a huſband. Whereupon he declared his marriage, without uſing any ceremoney with his brother. And hear began the quarrel. But the protector, who was a man of great moderation, prevented the quarrel from breaking out, tho' he was ſtill extremely diſpleaſed with his brother. The admiral's envy was greatly increaſed by the duke his brother's promotion, who from a nominal, was become a real, protector. This envy, added to his natural diſpoſition, carried him, at length, to form the project of ſupplanting him, by inſinuating himſelf into the king's favour, and making a party among the nobility. There is no doubt, the protector's ſecret enemies cheriſhed the admiral's ambition by the praiſes they gave him, confirming him in his ill opinion of the duke, his brother. He began his cabals about Eaſter, with gaining the king's ſervants to his intereſt, that they might continue their young maſter in a good opinion of him. By their means he ſo ordered it, that the king frequently came to his houſe to ſee his mother-in-law. Here it was that he diligently made his court, and even furniſhed him with money for his privy purſe, and for ſmall preſents to his domeſticks. This pleaſed the young king, who found himſelf freed from the trouble of aſking his governor for money, and of being accountable to him for what he did with it. All this could not be done without the protector's knowledge. He taxed his brother with it, who denied all, but in ſo haughty a manner, that it was eaſy for the protector to perceive, he had not much regard for him. He was unwilling, however, to come to an open quarrel, hoping in time to reclaim him.

Burnet.

The protector was no ſooner in Scotland, but the admiral renewed his cabals with leſs reſerve than before. He diſtributed money to ſeveral perſons, and never ceaſed making his court to the king; nay, he obtained, unknown to his brother, a new and more ample patent for the office of lord admiral, with an addition of 200 marks to the ſalary. Sir William Paget, who was devoted to the protector, and, perhaps, had orders to watch the admiral, ſeeing how he increaſed in favour with the king, thought himſelf obliged to talk with him about it. But the admiral's anſwer not ſatisfying him, he ſent the protector notice of it, and upon this intelligence it was that he ended his campaign in Scotland ſo abruptly, to return to court and break his brother's meaſures.

The admiral tries to ſupplant his brother and gains the king to his ſide. Burnet.

The protector's arrival was not capable of interrupting the admiral's projects. He rather haſtened the execution the more, not to give his brother time to prevent him. He had gained ſome of the privy-counſellors, ſeveral lords of diſtinction, and many members of parliament. In fine, he perſuaded the king, that the two offices of protector and governor of his perſon, gave the duke of Somerſet too much authority, and that it was proper to part them, and confer the ſecond on him, in order to balance the protector's power. The young king was much better pleaſed to have for governor and uncle, who had all the condeſcenſion poſſible for him, than one who was not ſo complaiſant, and kept him more in awe. So his age not allowing him to make any other reflections, he wrote with his own hand a meſſage to the houſe of commons, deſiring them to make the admiral the governor of his perſon. The admiral was to carry this meſſage himſelf; but his contrivance was diſcovered before he could execute his deſign. The council hearing of it, ſent ſome lords, to reaſon the caſe with him, and prevail with him to proceed no farther. But the lords did not bring back the ſatisfaction that was expected. On the contrary, inſtead of regarding their remonſtrances, he anſwered with menaces. Whereupon, he was ſent for next day, by order from the council, but refuſed to come; at laſt, he was threatened to be turned out of all offices, ſent to the tower, and proſecuted upon the act of parliament, which made it death for any perſon to diſturb the government. This threat frightened him. He plainly ſaw, tho' he had the king of his ſide, the young prince who was but juſt entered into his 11th year, would not have reſolution enough to ſupport him, contrary to the advice of the protector and council; nay, it was hinted to him, there was no likelihood, the parliament would hearken to a meſſage from a minor king, but would, doubtleſs, ſuppoſe him to have been ſurpriſed. He choſe, therefore, to ſubmit himſelf to the protector and council, and to be reconciled to his brother, who deſired only to reclaim him by fair means. However, this reconciliation was not perfect. Quickly after he ſhewed, he had not relinquiſhed, but only put off, his deſign till a more convenient ſeaſon. And, indeed, he never ceaſed endeavouring both by himſelf and by thoſe whom he had gained, to infuſe into the king a diſlike of the protector, and his other miniſters. This made the protector ſet ſpies about him, to be informed of his proceedings, conſidering him as a very dangerous enemy.

The affairs of Germany. Sleidan. Burnet.

This year the face of affairs in Germany was entirely changed. The emperor defeated and took priſoner John Frederick, elector of Saxony, and declared his couſin Maurice elector, who at the ſame time took poſſeſſion of the electoral dominions. After this diſaſter, the landgrave of Heſſe finding himſelf unable to maintain the war, made the beſt terms he could with the emperor, and came to him upon the faith of a ſafe-conduct, which expreſly ran, that he ſhould not be liable to any impriſonment. But by a groſs fraud, inſtead of the German word Emig, which ſignifies any, the word Ewig, which ſignifies perpetual, was inſerted. By this baſe artifice he was detained a priſoner, to be releaſed at the emperor's pleaſure.

The impriſonment of the two heads rendered the Proteſtant party very weak, and the emperor's triumphant. The archbiſhop of Cologne, who had embraced the Proteſtant religion, was forced to renounce his dignities of archbiſhop and elector of the empire; after that, the emperor made ſundry alterations tending to deſtroy the reformation, or rather, under that pretence, to render himſelf abſolute in Germany. For this cauſe the pope himſelf grew jealous of him. As, after his victory, his ambaſſadors were imperious at Trent, the pope ordered the council to be removed to Bologna, under the feigned pretence of the plague's being at Trent.

Several German reformers come into England. Act. Pub.

Hitherto Germany had ſerved for ſanctuary to many Proteſtants perſecuted in other countries; but ſince the emperor's victory, they were no longer ſafe there; for which reaſon many came into England, where they ſaw the reformation to be in a proſperous way. Among theſe were Peter Martyr, Bucer, Ochinus, Fagius, to whom Edward gave penſions and benefices, as appears in the Collection of the publick Acts.

The affairs of France. Burnet.

Tho' Henry II. had refuſed to ratify the two treaties concluded at London, in March, the Engliſh, however, as I obſerved, continued the forifications of Bullenberg, purſuant to an article of a treaty of peace. But after ſeveral complaints from France, Henry ſent ſo rough a meſſage by his ambaſſador, that the protector, rather than hazard a quarrel, with France, ordered the works to be diſcontinued, before the fort was finiſhed.

1548. The progreſs of the reformation. Burnet.

In the beginning of the year 1548, the council made ſeveral alterations with reſpect to religion. By an order, the carrying of candles on Candlemaſs-day, of aſhes on Aſhwedneſday, of palm on Palm-ſunday, with the rites uſed on Good-friday and Eaſter-day, were forbidden. Moreover, it was left to the people's choice to go to confeſſion, or to neglect that practice, hitherto deemed an indiſpenſible duty. Some days after, it was ordered that all images, in general, ſhould be removed from the churches. As England was then divided into two parties, ſome approved, and others cenſured theſe changes. But the council, in ſpite of all oppoſition, cauſed their orders to be confirmed by the king's proclamation, in vertue of his ſupremacy. Only Gardiner, biſhop of Wincheſter openly oppoſed theſe changes, upon the maxim that no alteration in religion could be lawfully made till the king was of age. He was not the only perſon that tried to inſtill this notion into the people. All thoſe of his party endeavoured the ſame thing, but had not the courage to do it publickly. Whereupon he was commanded to appear before the council; and as he offered to ſubmit to whatever ſhould be preſcribed him, he was ordered to preach at St Paul's upon certain points, whereof one of the chief was, that the king's authority was the ſame during his minority as when of age. He preached; but ſo little to the council's ſatiſfaction, that it was reſolved to ſend him to the tower. This ſeverity produced a great effect, in that all the friends of the Romiſh church reſolved to conform, at leaſt, outwardly, to what they ſhould be enjoined by publick authority, when they ſaw one of their chief ſupporters was not ſpared.

Gardiner is ſent to the tower. Burnet.

The protector tries in vain to make a truce with Scotland.

In the interim, the war with Scotland gave the protector great uneaſineſs. He clearly ſaw, it was ridiculous to think of accompliſhing the king's marriage with the queen of Scotland, by the way of arms, in ſpite of the queen-dowager, the regent, and the council. Moreover, he knew France was preparing to ſend them a powerful aid. And, therefore, he perceived it would be very difficult to ſucceed in this undertaking; beſide, that this war would very likely occaſion a rupture with France. In ſhort, nothing was more repugnant than a war to his deſign of perfecting the work of the reformation. He would have been glad the regent of Scotland had accepted a 10 years truce, which he offered him. But the Scots would not hearken to it, becauſe France had promiſed them a powerful aid. The protector, therefore, was forced to reſolve, even againſt his will, to continue the war. But as he would not command the army himſelf, he gave the conduct thereof to Francis Talbot, earl of Shrewſbury, whom he appointed his lieutenant. On this occaſion he plainly ſhewed, he meant to ſtretch the prerogatives of the protectorſhip as far as poſſible, ſince he would have the earl take his commiſſion of him. However, as the patent, obtained the 12th of March laſt year, did not ſo clearly give him the power of nominating his lieutenants, he ordered another to be prepared, wherein his prerogatives were more fully explained and enlarged. In this, the king ſaid, that having by his letters patents of the 12th of March appointed his uncle, the duke of Somerſet, protector of the kingdom and governor of his perſon, his intention was, that the clauſes therein contained, ſhould be underſtood in the ampleſt ſenſe, and the moſt favourable to the duke; that, however, as the generality of the terms might occaſion ſome doubts, he declared, that he conſtituted him his lieutenant-general and captain-general throughout his whole dominions, with power to order his ſubjects to take arms whenever he ſhould think proper, and appoint lieutenants to command in his place, both by ſea and land. It cannot be denied, all this was very contrary to the eſtabliſhment of the late king, and conſequently to the act of parliament by which it was previouſly authoriſed. All the favours granted by the king to any but the protector, could be juſtified by the advice of the protector and council; but thoſe done to the protector himſelf, muſt have been aſcribed wholly to the perſuaſions of the perſon who received them; nay, in extraordinary favours, this rendered in ſome meaſure the king's patents ridiculous, who was made to ſay, he granted them to the protector, by the advice of the protector himſelf.

The regent of Scotland beſieges Broughty.

In the interim, in the beginning of the ſpring, whilſt the court of England was conſidering whether the war with Scotland ſhould be continued, the regent of that kingdom had opened the campaign with the ſiege of Broughty-caſtle, which employed him three months in vain,

1548.

vain, tho' it was but an inconſiderable place. On the other ſide, whilſt he uſed all his forces in this ſiege, the Engliſh took the caſtle of Hadington, and fortified it with all ſpeed. By means of this place, ſituated in one of the moſt fruitful counties of Scotland, they made excurſions to the very gates of Edinburgh, which was but 12 miles from thence. They took Lauder alſo, and made ſome works there.

The Scots have aid from France. They beſiege Hadington.

About the end of May, the Scots received from France an aid of 6000 men, French and Germans, commanded by Deſſe d' Eſpanvilliers. After theſe new troops were a little refreſhed, the regent joined with them 8000 Scots, and with theſe forces the two generals beſieged Hadington. During this ſiege it was that, after ſeveral conferences between the French and the Scots, the reſolution was taken of ſending the young queen of Scotland to France. Many Scots, however, very much diſliked that reſolution. They affirmed, when the queen ſhould be in France, there would be no way to make peace with the Engliſh, whereas, without any prejudice either to the queen or kingdom, the 10 years truce offered by the Engliſh might be accepted. This argument was combated by others, who maintained, that the view of the Engliſh in this war being only to marry the queen to Edward, they would have no farther inducement to continue it, when once that expectation was deſtroyed. Nevertheleſs, it is eaſy to ſee that, by delivering the queen to the French king, they were going to be at the mercy of their ally. But beſides that the French declared, France would not engage to aſſiſt Scotland upon any other terms, the queen-mother was extremely deſirous her daughter ſhould be at the court of France, where the princes of Lorrain, her brothers, bore an abſolute ſway. Beſides, all the clergy earneſtly preſſed the ſending of the queen into France, out of fear of her being forced, at laſt, to be delivered to the Engliſh, and that their religion would be deſtroyed by her marriage with Edward, In ſhort, to win the regent, the king of France promiſed to confer on him the title of duke of Chatelerault, with 12000 livres a year in land. All theſe things produced the reſolution of ſending the queen into France, in the ſame ſhips that had brought the auxiliary troops. But to avoid meeting the Engliſh fleet, theſe ſhips ſailed round Scotland, by the north, and landed the queen in the province of Bretagne. In the interim, admiral Seymour, who commanded the naval forces himſelf, made ſeveral deſcents in Scotland, where he was always repulſed with loſs, and, at laſt, returned to England, without much damaging the Scots.

They reſolve to ſend the queen into France. Buchanan. Burnet.

he earl of rewsbu- raiſes ſiege Ha- gton, chanan. rnet. retires ng-

At length, the Engliſh army, 17000 ſtrong, entered Scotland, under the command of the earl of Shrewsbury. At his approach, the French and Scots raiſed the ſiege of Hadington, and retired. So, the general eaſily ſupplied the place with proviſions, and then, marching to the enemies, who were intrenched in an advantageous poſt, offered them battle. But after ſtaying about an hour in their ſight, finding they would not ſtir from their intrenchments, he led back his troops into England. It is hard to gueſs what could be the motive of his abrupt retreat, which gave the Scots an opportunity to make great progreſs during the reſt of the campaign. The Engliſh army was no ſooner retired, but Deſſe attempted to ſurpriſe Hadington. He was now at the gates, and juſt entering the place, when a French deſerter who had fled thither, fired one of the great cannon, which being diſcharged among the thickeſt of the French troops, ſo diſcouraged them, that they retreated with precipitation. From thence Deſſe went and fortified the village of Leith, now become a very conſiderable town. His deſign was to tetake Broughty-caſtle; but receiving expreſs orders to make an inroad into England, he advanced as far as Newcaſtle, without meeting any reſiſtance, and returned loaded with ſpoil. It is not known what was become of the Engliſh army, led by the earl of Shrewsbury into Scotland, and conſiſting part of Engliſh and part of Landſquenets. Theſe laſt were German troops who had ſerved the elector of Saxony, and the landgrave of Heſſe, and having no leader in the empire, had offered themſelves to the protector, who had entertained them in his ſervice. This had raiſed great murmurs againſt him, the Engliſh being impatient of ſeeing in the kingdom foreign troops, who are generally too much devoted to the king. It was eaſy to perceive, the protector's view was to ſtrengthen himſelf perſonally with the aid of theſe foreigners.

1548.

General Deſſe enters England. Buchanan. Burnet.

The ſequel of the affairs of Scotland. Buchanan.

Before the end of the year, the queen-dowager of Scotland complaining to the court of France of Deſſe's conduct, who behaved with great haughtineſs, and abuſed the Scots, cauſed him to be recalled, and de Thermes was ſent in his room. The new general was accompanied with Montluc, biſhop of Valence, who, being returned from his ambaſſy at Conſtantinople, was ſent to be chancellor of Scotland. But the Scots were ſo diſpleaſed to ſee the beſt office in the kingdom in the hands of a foreigner, that the king of France recalled him. They began to repent ſending their queen into France, when they ſaw the French ſhew leſs regard for them.

Quarrels between the emperor and the pope. Sleidan. Burnet.

During the year 1548, the pope and emperor had great quarrels about the tranſlation of the council. The emperor, as I obſerved, uſed the pretence of religion to render himſelf abſolute in the empire. The council aſſembled at Trent, a city of Germany, as the Proteſtants had required, furniſhed him with a colour to compel them to ſubmit to its decrees. He was not ſorry, they refuſed to comply with them; but deſired they ſhould have no other reaſons than thoſe which they drew from religion it ſelf, becauſe then the pretence of conſtraint remained entire. But by the tranſlation of the council to Bologna, a city of Italy, and belonging to the pope, this ſame pretence was taken away, becauſe the Proteſtants had cauſe to complain, that the decrees of the di-

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1548. ets were not executed. On the other ſide, the pope, finding the emperor was become almoſt abſolute in the empire, by the ſucceſs of one campaign, grew jealous of his power, fearing it would reach, likewiſe, over all Italy, and be very detrimental to the holy ſee. For this reaſon, he was very glad to have him, always, at variance with the Proteſtants of Germany, that his affairs there might hinder him from forming new projects. Theſe different intereſts were the cauſe that the emperor and the pope could not agree. The emperor proteſted againſt the tranſlation of the council to Bologna, and the pope rejected the proteſtation.

The interim granted to the Proteſtants. Sleidan.

Soon after, the emperor intending to ſhew the pope he could be without him, ordered articles of agreement to be drawn, which were called the Interim, becauſe the form of religion contained therein, was to laſt only till a general council ſhould meet, in ſome town in Germany. The framers of theſe articles, by the emperor's order, took care to ſet them forth in the ſmootheſt terms poſſible; but, in the main, they contained the doctrines of the Romiſh church, tho' a little diſguiſed. The only conſiderable ſoftenings were, that marriage ſhould be no bar to prieſts orders, and the communion given in both kinds, to thoſe who deſired it. This work being finiſhed, the emperor ſummoned a diet to Augsburg, where the Interim was propoſed. The elector of Mentz, without any order, did, in all the princes names, give the emperor thanks for it, which he interpreted as the aſſent of the whole diet; and, after that, would not receive the proteſtations of ſeveral towns of the empire, againſt the Interim. The pope himſelf, was extremely diſpleaſed with it, becauſe, without conſulting him, the emperor had preſumed to diſpenſe with the marriage of prieſts, and communion in both kinds. This occaſioned many troubles in Germany, and obliged numbers of divines, and others, who diſliked the Interim, to abſcond, or retire elſewhere, not to be expoſed to the victorious emperor's reſentment, who was bent, at any rate, to have his Interim univerſally received. At this diet, Maurice of Saxony, was ſolemnly inveſted with the electorate, of which John Frederick had been deprived.

A parliament, which forwards the reformation. Burnet.

Whilſt the emperor was labouring to deſtroy the reformation in Germany, it daily made freſh progreſs in England. The parliament, which met the 24th of November, was almoſt wholly taken up with matters of religion. By an act made this ſeſſion, prieſts were allowed to marry. Another, confirmed the new liturgy, about which commiſſioners, appointed for examining, and reforming the ſeveral offices, had been employed all the ſummer. This new liturgy retrenched divers abuſes, both in the communion-ſervice, and all the other offices, and gave the whole a turn, favourable to the reformation. It is the ſame the church of England makes uſe of at this day, excepting a few alterations.

1549. The protector and Cranmer are blamed by the zealous of their party. Burnet.

1549. The protector, and the archbiſhop of Canterbury, were the chief ſupports, and moſt zealous promoters of the reformation, tho' always in purſuance of the maxim they had eſtabliſhed, viz. to advance by degrees. Whatever reaſons they had thus to proceed, the zealous of the reformed party were not pleaſed with it, becauſe they were afraid that, by ſome ſudden and unexpected revolution, the work would be left unfiniſhed. They knew, the protector was hated and envied by many of the nobility, and that all the Romiſh party had a mortal averſion for him. This was ſufficient to create a dread, that his enemies would, at length, prevail over him; the adminiſtration, he was entruſted with, being of ſuch a nature, that it was, almoſt, impoſſible not to render himſelf, in ſome meaſure, obnoxious. They had the more reaſon to be alarmed, when they ſaw him forced to arreſt his own brother, who had now formed a party to ſupplant him.

The project of the admiral againſt the protector. Hayward.

Tho' the admiral had, already, endured a great mortification, he ceaſed not, however, his practices againſt the protector, in ſpite of the warnings which were given him, from time to time, that they would, in the end, prove his ruin. The queen, his ſpouſe, dying in September laſt year, 1548, he reſolved to renew his addreſſes to the princeſs Elizabeth; but he did nor meet with that encouragement from the princeſs that he had expected. After all, tho' he could have obtained her conſent, that would not have been ſufficient, without the approbation of the protector and the council. The late king's will, expreſly, debarred her from the ſucceſſion, if ſhe married without the conſent of the executors. So the admiral, having no hopes of ſucceeding in this project, turned his thoughts another way, to try to gratify his ambition. It is pretended, he formed a deſign to carry away the king, to his houſe of Holt, in Denbighſhire, diſplace the protector, and ſeiſe the government himſelf, and, for that purpoſe, had now liſted 10,000 men, in ſeveral places. However this be, it is certain, he ſpoke openly againſt the protector, charging him with enſlaving the kingdom, by means of the foreign troops in his ſervice. It is alſo ſaid, that the protector being informed of all his proceedings, ſhewed extreme patience towards him, refuſing to come to extremity, till he ſaw plainly, one or other muſt, neceſſarily, be ruined. But, to ſpeak the truth, one cannot rely upon what the hiſtorians ſay, of the admiral's private deſigns, or of the protector's forbearance. The reaſon is, as ſome make it their buſineſs to blacken the protector's reputation, as much as poſſible, ſo others ſtrive to vindicate all his actions. Thus much is certain, the admiral was not ſatisfied with his condition, but ſought to ſupplant his brother, and put himſelf in his place. But one cannot be ſo poſitive of the means he intended to uſe to execute his deſigns.

He is ſent to the tower. Information againſt him. Stow.

At laſt, the council being informed he was contriving ſomething againſt the government, ſigned a warrant to ſend him to the tower; and, after that, commiſſioners were appointed, to receive the depoſitions of thoſe, who appeared as witneſſes againſt him. Theſe commiſſioners reported to the council, that the admiral was accuſed of forming, with ſeveral others, a conſpiracy againſt the government, and, of committing many miſdemeanors, in the diſcharge of the admiralty; that he was charged with protecting pirates, who gave him a ſhare of their robberies, and with refuſing juſtice, whether to private perſons, or to princes themſelves, who complained to him of theſe outrages, by which the king was in danger of a war. It is ſaid, before he was brought to his tryal, the protector endeavoured, more than once, to perſuade him to reſign his office, and withdraw from court; but to no purpoſe. So his accuſation was drawn, conſiſting of 33 articles, upon which ſome of the council were ordered to go and examine him. But he refuſed to anſwer, demanding an open tryal, and his accuſers to be brought face to face. Next day, all the privy-council went, in a body, to the tower, to examine him; but he ſtill refuſed to anſwer, inſiſting upon his firſt demand, which was not thought proper to be granted. It is ſtrange, that, as the particulars of his charge were manifeſtly proved, if any credit is to be given to the council-book, not only by witneſſes, but by letters under his own hand, he ſhould, however, de denied an open tryal, and to have his accuſers brought face to face. And yet he was a peer of the realm, lord high-admiral of England, and uncle to the king. At laſt, finding he could not obtain this favour, or rather juſtice, he deſired the articles of his accuſation might be left with him, and ſaid, he would anſwer to them when he had conſidered them. But even this was denied him. I do not know, whether it was lawful then, to leave with the party accuſed the articles of his charge, and to allow him time to examine them; but as for the bringing his accuſers face to face, it is evident, that could not be refuſed without injuſtice, tho' this pernicious cuſtom had been introduced in the late reign; nay, it ſeems, it ought to have been aboliſhed, during a minority, or practiſed againſt any other, rather than againſt an uncle to the king.

He refuſes to anſwer. Burnet.

His accuſation is brought before the parliament.

However, the council having made their report to the king, it was debated, whether the admiral's affair ſhould be brought before the parliament, and a bill put in for attainting him, to which all the counſellors agreed, the protector himſelf not excepted. Herein their deſign was, doubtleſs, to take care of the king's reputation, and to caſt the odious part of the proſecution upon the parliament. The king, who believed his uncle guilty, conſented alſo, that he ſhould be delivered to the juſtice of the parliament. Before the two houſes proceeded againſt him, ſome of their members were ordered to go and take his defence. He gave an anſwer to the firſt three articles, and then ſtopt on a ſudden, and would not go any farther. This being reported, the bill of attainder very eaſily paſſed the houſe of lords. But there was much more oppoſition in the houſe of commons; for, they could not forbear exclaiming againſt attainders in abſence, and the irregular manner of judging the accuſed, without confronting them with the witneſſes, or hearing their defence. Perhaps, they would have thrown out the bill upon this ſingle conſideration, if the king had not ſent them a meſſage, that he did not think the admiral's preſence neceſſary, and, that it was ſufficient, they ſhould examine the depoſitions produced in the houſe of lords. After the king had, thus, made known his will, the commons, in a full houſe, of 400, paſſed the bill, not above 10, or 12, voting in the negative. Very probably, they were convinced of the truth of the depoſitions, and, the point in queſtion being only an irregularity, which was, even, become a cuſtom, did not believe it a proper ſeaſon to put a ſtop to it. However this be, the royal aſſent being given to the act, the admiral was beheaded the 20th of March.

He is attainted. Burnet.

And executed.

The protector's conduct is very much cenſured. Burnet.

This tragedy was not acted, without giving occaſion to ſevere cenſures upon the protector's conduct. It was ſaid, if the admiral was guilty, it was only againſt his brother, whom he would have ſupplanted, and, probably, it was this ſame brother who was his adverſary, and had brought him to the ſcaffold. It was added, the council would never have proceeded ſo rigorouſly againſt the admiral, if they had not thought it agreeable to the duke, his brother, or been afraid of diſpleaſing him by a denial. The young king himſelf, then but 12 years old, would never have been induced to compel, as I may ſay, the houſe of commons, to overlook the irregularity of the proceedings, if he had not been ſollicited by the protector, to take ſo unuſual a ſtep. It is, therefore, very difficult to juſtify the duke of Somerſet's proſecuting his own brother to death, for crimes committed againſt his perſon only. And, indeed, it was never clearly proved, that he had formed any ill deſign either againſt the king, or the ſtate, as he proteſted to his laſt breath. But this is not the only time, that plots againſt the miniſters have been reckoned high-treaſon. For my part, I cannot help ſuſpecting, that they who then thought of ruining the protector, feigning to be his friends, moved him, with all their power, to be revenged on his brother, and were ready to ſerve as inſtruments of his vengeance, to render him odious. Some ſay, the firſt occaſion of the quarrel, between the two brothers, ſprung from the ducheſs of Somerſet's envy at the queen dowager, wife to the admiral, of whom ſhe pretended to take place, as the protector's lady. But it is unlikely ſhe ſhould be ſo void of ſenſe, or ſo ignorant of the cuſtoms of England, as to diſpute the precedence with the queen dowager.

Money given to the king.

Before the parliament broke up, a ſubſidy was given to the king, to aſſiſt him in the conqueſt of Scotland, which is called, in the act, a part of his dominions. Then the houſes thanked him, for the great happineſs they enjoyed under him, and, for applying all his endeavours to the advancement of the true religion. The clergy alſo granted him a ſubſidy, after which, the parliament was, on the 14th of March, prorogued, to the 4th of November.

The new liturgy is every where ſet up. Burnet.

Preſently after, the council appointed commiſſioners, to go and eſtabliſh the new liturgy in all the churches. It was every where received, without oppoſition, except at the princeſs Mary's, who would never ſubmit to this change. The king and council ſeemed reſolved to compel her; but, upon the emperor's interceſſion, it was thought adviſeable, for reaſons of ſtate, to promiſe to leave her undiſturbed, for ſome time. He pretended, afterwards, that the promiſe was made without limitation.

An anabaptiſt woman is condemned to be burnt. Act. Pub.

At this time, the council being informed, that ſeveral German Anabaptiſts were come into England, and, fearing they might ſpread their errors, commiſſioned Cranmer, and ſome others, to ſearch after and try theſe people. An unfortunate Engliſh woman, Joan Bocher, commonly called Joan of Kent, who had ſuffered herſelf to be ſeduced, ſhewing an invincible obſtinacy, was pronounced a heretick, and, as ſuch, delivered over to the ſecular arm, and ſentenced to be burnt. But, when the king was moved to ſign the warrant for her execution, he could not be prevailed with to do it. He thought the ſentence was very unjuſt and cruel. Archbiſhop Cranmer, who had a great influence over him, was employed, to perſuade him to ſign. At length, the young king, ſilenced, rather than convinced, by Cranmer's reaſons, ſet his hand to the warrant, with tears in his eyes, telling him, if he did wrong, ſince it was in ſubmiſſion to his authority, he ſhould anſwer for it to God. Whatever the archbiſhop's arguments were, it may be affirmed, this was not one of his brighteſt actions. He would, doubtleſs, have done better, not to have concerned himſelf in ſuch an affair, ſo little becoming a Proteſtant biſhop. Accordingly, this proceeding has been often objected to him, and even ſerved for foundation to very advantageous reflections upon the reformation, and the reformed. Two years after, a Dutchman was alſo burnt, on the ſame account.

The king ſigns her warrant with tears. Burnet.

The complaints of the people againſt the nobles. Hayward.

Whilſt all England ſeemed to receive, with ſubmiſſion, whatever came from the court, the leaven of diſcontent was fermenting in the kingdom, and upon the point of producing great alterations. The chief cauſe proceeded from the people's not being able to gain their livelihood with the ſame eaſe as formerly. This affected all in general, as well of the new, as of the old religion; but the prieſts, the ſuppreſſed monks, and they who were ſtill addicted to the Romiſh religion, took occaſion, from thence, to inflame the diſcontent, univerſally ſpread among the common people, in order to incite them to a rebellion; beſides, the duke of Somerſet's enemies were not ſorry that the people appeared diſſatisfied with the government. But, before I ſpeak of the inſurrections in ſeveral parts of the kingdom, during the courſe of this year, it will be neceſſary to make known the cauſes.

The occaſion of theſe complaints. Burnet.

After the ſuppreſſion of the abbeys, there were great numbers of monks diſperſed in the kingdom, who were forced to work for their living, their penſions being either ill-paid, or not ſufficient for their ſubſiſtance. So, the work being divided among ſo many hands, the profit became leſs than before. Moreover, whilſt their monaſteries ſtood, their lands were let at eaſy rates, to farmers, who, to cultivate them, were obliged to employ a world of people. But after theſe lands were fallen into the hands of the nobility, and gentry, the rents were much raiſed, whence the farmers, to make them turn to better account, were forced to employ fewer hands, and leſſen the wages. On the other ſide, the proprietors of the land finding, ſince the laſt peace with France, the wollen trade flouriſhed, took to breeding ſheep, becauſe wooll brought them in more money than corn. To that end, they cauſed their ground, to be incloſed. Hence aroſe ſeveral inconveniencies. In the firſt place, the price of corn was increaſed, to the great detriment of the meaner ſort of people. In the next place, the landlords, or their farmers, wanted but very few people to look after their flocks in theſe incloſures. Conſequently, great numbers loſt the means of getting their livelihood; and the profit of the lands, which, before, was ſhared among many, was almoſt wholly engroſſed by the landlords. This occaſioned numberleſs complaints and murmurs among the common people, who ſaw they were like to be reduced to great miſery; nay, ſeveral little books were publiſhed, ſhewing the miſchiefs of theſe proceedings; but the nobility and gentry ſtill continued the ſame courſe, without regarding the conſequences. The protector openly eſpouſed the cauſe of the poor people, whether to mortify the nobles, by whom he was not beloved, or becauſe he foreſaw the miſchiefs which might ariſe from the diſcontent of the commons. In 1548, the inhabitants about Hampton-court complaining to the council, concerning a park incloſed there, by Henry VIII, the protector gave them conſent, and the park was entirely laid open. The laſt year, he had appointed commiſſioners to examine, whether thoſe who had purchaſed the abbey-lands kept hoſpitality, and performed all the conditions on which theſe lands were ſold to them. But he met with ſo many obſtacles, in the execution of this order, that it had no effect. In the interim, the protector increaſed the hatred of the nobility and gentry, whoſe intereſt it was to continue theſe abuſes; nay, it happened, in the laſt ſeſſion of the parliament, that the lords paſſed an act, for giving every one leave to incloſe his grounds, if he pleaſed. But the bill was thrown out by the commons; and yet the lords, and gentlemen, went on incloſing their lands. This bred an univerſal diſcontent among the people, who imagined, there was a ſettled deſign to ruin them, and reduce them to ſlavery. Whereupon the common people roſe in Wiltſhire, and Somerſetſhire; but Sir William

Inſurrections in ſeveral counties.

Herbert diſperſed them, and cauſed ſome to be hanged. About the ſame time, there were the like inſurrections in Suſſex, Hampſhire, Kent, Glouceſterſhire, Suffolk, Warwickſhire, Eſſex, Hertfordſhire, Leiceſterſhire, Rutlandſhire, and Worceſterſhire.

The protector tries in vain to redreſs the people's grievances. Strype.

The protector perceiving the flames were kindling all over the kingdom, ſent to let the people know he was ready to redreſs their grievances, and by that means ſtopt their fury. To perform his promiſe, he brought the affair before the council, hoping ſome expedient would be found to ſatisfy the male-contents; but he met with ſo great oppoſition, that he thought himſelf obliged to take care of it by his ſole authority. So, contrary to the mind of the whole council, he publiſhed a proclamation againſt all new incloſures, and granted a general pardon to the people for what was paſt. He moreover appointed commiſſioners with an unlimited power, to hear and determine cauſes about incloſures, high-ways, and cottages. Theſe commiſſioners were much complained of by the nobility and gentry, who openly ſaid, it was an invaſion of their property to ſubject them, thus, to an arbitrary power; nay, they directly oppoſed the commiſſioners, when they offered to execute their commiſſion. For this reaſon, the protector, who every where met with oppoſition, was not able to redreſs this grievance ſo fully as he deſired. So, the people finding the court did not perform what was promiſed, roſe again in ſeveral places, and particularly in Oxfordſhire, Devonſhire, Norfolk, and Yorkſhire. Thoſe in Oxfordſhire were, immediately, diſperſed by the lord Gray.

The inſurrection in Devonſhire. Edw. Jour.

The inſurrection in Devonſhire was more conſiderable and dangerous. That county abounding with people, who had only complied outwardly with the alterations in religion, the prieſts and monks ran in among them, and fomented the rebellion to the utmoſt of their power. They firſt came together on the 10th of June, and in a ſhort time grew to be 10,000 ſtrong. The protector neglected this affair, at firſt, in the expectation that this might be as eaſily diſperſed as were the other inſurrections. At laſt, finding they perſiſted in their rebellion, he ſent the lord Ruſſel with a ſmall force to ſtop their proceedings. That lord, who found himſelf too weak to attack them, kept at ſome diſtance and offered to receive their complaints, and ſend them to the council. But this proceeding, which demonſtrated a fear of them, ſerved only to encourage them the more. At the ſame time they ſet at their head Humphrey Arundel, a Corniſh gentleman, who was come to join them. In the interim, to ſhew they had not taken arms out of wantonneſs, they ſent to the king's general their demands, which plainly ſhewed, that religion was the chief motive of their rebellion. They were compriſed in theſe 15 articles:

The rebels demands. Burnet.

I. That all the general councils, and the antient canons of the church ſhould be obſerved.

II. That the act of the ſix articles ſhould be again in force.

III. That the maſs ſhould be in Latin, and the prieſts alone ſhould receive.

IV. That the ſacrament ſhould be lifted up and worſhipped, and thoſe who refuſed to do it ſhould ſuffer as hereticks.

V. That the ſacrament ſhould only be given to the people, at Eaſter, in one kind.

VI. That baptiſm ſhould be adminiſtred at any hour, and at all times.

VII. That holy bread, holy water, and palms be again uſed, and images ſet up, with all the other antient ceremonies.

VIII. That the new liturgy ſhould be laid aſide, and the old offices as well as the proceſſions, reſtored.

IX. That all preachers before their ſermons, and prieſts in the maſs, ſhould pray for the ſouls in purgatory.

X. That the people ſhould be forbid to read the bible.

XI. That Dr. Moreman and Mr. Criſpin ſhould be reſtored to their livings.

XII. That cardinal Pole ſhould be reſtored, and made one of the king's council.

XIII. That every gentleman might have only one ſervant for every 100 marks of yearly rent belonging to him.

XIV. That the half of the abbey-lands ſhould be taken from the poſſeſſors, and adjudged to two of the chief abbies in every county; and all the church-boxes for ſeven years ſhoulds be given to the ſaid houſes, that devout perſon might live in them, who ſhould pray for the king and the commonwealth.

XV. That for their particular grievances, they ſhould be redreſſed, as Humphrey Arundel and the mayor of Bodmyn ſhould inform the king and council.

They are rejected. Burnet.

Theſe extravagant demands were rejected with indignation. However, to ſhew the unreaſonableneſs of them, the archbiſhop of Canterbury was ordered to draw an anſwer to each in particular. This he did very ſolidly, not without reproaching them for being miſled by ſome ignorant perſons. Then the rebels perceiving, the court granted not one of their demands, reduced them to eight, which were not more agreeable than the former. Nevertheleſs, to convince the people of the juſtice of this refuſal, the council thought fit to ſend an anſwer to theſe demands in the king's name. But this was not capable of reclaiming the rebels, whoſe obſtinacy grew the more dangerous, as at the ſame time there were the like riſings in Norfolk and Yorkſhire, and as the king of France was entering le Boulonnois with an army. I ſhall ſpeak of the rebels of the other counties, after having finiſhed what concerns thoſe of Devonſhire.

They beſiege Exeter. Hollingſh.

The negotiation breaking off in July, the rebels beſieged Exeter, where they met with more reſiſtance than they expected, from a place defended only by the citizens. As they had no artillery, they ſet fire to one of the gates, in order to ſtorm it as ſoon as the violence of the flames was over; but the inhabitants, inſtead of quenching the fire, fed it with much fuel, till they had raiſed a rampart within the gate. The beſiegers having

miſſed

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miſſed their aim, wrought a mine; but the citizens found means to countermine, and ſpoil their powder. At length, finding they could do nothing by force, they turned the ſiege into a blockade, in hopes that the want of proviſion would compel the beſieged to ſurrender; but the citizens endured extreme famine for 12 dayes, with invincible reſolution *.

The lord Ruſſel beats the rebels, and relieves Exeter. Burnet.

In the interim, the lord Ruſſel who had but a ſmall force, being too near the rebels, would have retired at a greater diſtance, for fear of being incloſed. But he found they were poſſeſſed of a bridge behind him, over which he was neceſſarily to paſs, in order to be out of danger. As there was no other road, he briſkly attacked the guard, conſiſting of 2000 men, and after a ſlight conflict became maſter of the bridge. This trial convincing him they were not ſo formidable as he imagined, he reſolved to attack them as ſoon as he had received a ſupply, which he expected from Briſtol. Soon after, the lord Gray joining him with ſome troops, and Spinola with a body of Landſquenets, he marched directly to the rebels. He found a body of them poſted on the ſide of a river, who would have oppoſed his paſſage, but attacking them immediately, ſlew above 1000, and then continued his march to Exeter. At his approach, the rebels raiſed the blockade, and divided themſelves into ſmall parties, which were eaſily diſperſed one after another. Arundel, their leader, the mayor of Bodmyn †, and ſome others, were hanged ſoon after. Thus ended the inſurrection in Devonſhire.

Ket's inſurrection in Norfolk. Burnet. Edw. Jour.

The riſing in Norfolk was no leſs dangerous. One Ket, a tanner, headed the rebels, who quickly became 20,000 ſtrong. The marqueſs of Northampton was ſent againſt them, with 1100 men only, too ſmall a number to inſpire them with terror. Wherefore he had orders to keep at ſome diſtance from them, and try only to cut off their proviſions. Ket marching to Norwich, was advanced as far as Mouſhold-hill above that city, where he erected a ſort of a tribunal to adminiſter juſtice as a ſovereign, under an old oak, called from thence the Oak of Reformation. This was becauſe theſe talked only of reforming the ſtate, religion being neither the the cauſe nor pretence of their riſing. Their deſign was to deſtroy the gentry, and put ſome of their own body about the king to direct and govern him.

The marqueſs of Northampton is unſucceſsful. Hayward.

The marqueſs of Northampton neglecting to obſerve the orders given him, marched on to Norwich, and even entered the city. But as the rebels had correſpondents there, he was attacked the next day, and glad to eſcape, leaving 100 of his men dead on the ſpot, with 30 priſoners. This loſs obliged the court to ſend the army deſigned againſt Scotland, under the command of the earl of Warwick. It was compoſed of 6000 foot, and 1500 horſe. With this conſiderable body the earl of Warwick entered Norwich, where he waited for a favourable opportunity to attack the rebels. At laſt, as they had themſelves waſted the country about them, and as the earl never failed to cut off their convoys of proviſions, they were forced to remove. Then it was that the earl of Warwick cloſely followed them, and without allowing them time to come to themſelves, fell upon them, killed 2000, and took many priſoners, among whom was Ket, their captain, who atoned for his crime on a gibbet, at Norwich.

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The earl of Warwick diſperſes the rebels. Burnet.

The Yorkſhire rebels accept of the pardon. Hayward.

At the ſame time that the male-contents of Norfolk began to riſe, thoſe of Yorkſhire alſo took arms; but their number never exceeded 3000. They committed ſome outrages at firſt, but, at length, accepted the offer of pardon which was ſent them. Some of the ringleaders renewing afterwards the ſedition, were taken and hanged at York.

The protector's behaviour during the troubles. Burnet.

During theſe commotions, the protector diſcovered by all his proceedings, that he did not deſire to come to extremities with the rebels; whether he was perſuaded the people had reſon to complain, or was willing to gain their favour, ſince he was hated by the nobility; nay, after all the troubles were over, he moved in the council, that there might be a general pardon proclaimed, for reſtoring the peace of the kingdom; but this was ſtrongly oppoſed. Many of the council were for taking this occaſion to curb the inſolence of the people. But the protector, being of another mind, gave out, by his ſole authority, a general pardon of all that had been done before the 21ſt of Auguſt, and excepted only a few rebel priſoners. He had power to act in this manner, by vertue of his patent, but it inflamed the hatred of the nobles, as well as of a good part of the counſellors, who were vexed to ſee themſelves conſulted only for form-ſake, and that their opinions were of no weight.

The king of France enters the Boulonnois. Mezerai.

Whilſt the court was employed in quelling the inſurrections, other troubles unexpectedly aroſe from another quarter. Henry II, finding it a favourable juncture, entered the territory of Boulogne at the head of an army, tho' there had been no declaration of war between the two crowns, ſince the laſt treaty of peace. Nothing was more expreſs than that treaty, wherein Francis I. and Henry VIII. agreed, that Boulogne ſhould be reſtored to France in eight years, on payment of 2,000,000 of crowns of gold to the king of England. But Henry II. was no ſooner on the throne of France, than he formed a deſign of recovering Boulogne before the time appointed, and with-

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* They were forced to eat their horſes, and to make bread of the courſeſt bran. They were much encouraged by an aged citizen, who brought forth all his proviſions, and told them, that for his part he would feed on one arm, and fight with the other, before he would conſent to put the city into the hands of the ſeditious. Hayward.

† Boyer, mayor of Bodmyn, was baſely uſed. Sir Anthony Kingſton, provoſt-marſhal of the king's army, ſent him word he would come and dine with him upon ſuch a day. The mayor received him and his company with many ceremonies of entertainment. A little before dinner Sir Anthony took the mayor aſide, and bid him get a pair of gallows erected againſt they had dined, for execution muſt that day be done in the town. His orders were obeyed; and after dinner the mayor ſhewing him the gallows, Kingſton asked him, whether he thought them ſtrong enough? And upon his ſaying, yes doubtleſs, he bid him go up and try, and ſo hanged him indeed. Hayward.

out paying the ſtipulated ſum. His reaſon was, that Henry VIII. had unjuſtly made war upon Francis I, when Francis was employed againſt the emperor. From thence he inferred, he might himſelf improve a favourable opportunity, to repair the loſs ſuſtained by the king, his father. It is not neceſſary to examine here Henry's grounds, I mean, the pretended injuſtice done to his predeceſſor. It ſuffices to obſerve, that according to this maxim, the moſt ſolemn treaties are to go for nothing; and yet, it is but too much followed, and as if it was an undeniable truth, it is an inexhauſtible ſource of wars between ſovereigns.

His troops are beaten back at Bullenberg. Thuanus. A Sea-fight. Edw. Jour.

However this be, Henry ſeeing that the commotions in England, preſented him with a fair opportunity to execute his deſigns upon Boulogne, took ſeveral caſtles in the Boulonnois. Then, he ordered the fort of Bullenberg to be attacked, where his troops were bravely repulſed. At the ſame time there was a ſea-fight between the French and Engliſh near Jerſey, each claiming the victory, as it often happens in ſuch engagements. At length, Henry beſieged Boulogne, in September, and the Engliſh believing they could not keep Bullenberg, carried away their cannon, and blew up the fortifications. The plague, which ſeiſed the French army, obliging Henry to depart, he left the management of the ſiege to Gaſpar de Coligny, lord of Chatillon, who after ſome fruitleſs attempts, was forced, at laſt, to turn it into a blockade.

A war with Scotland. Buchanan.

The war with Scotland was not ſucceſsful to the Engliſh during this campaign; for de Thermes, who had ſucceeded Deſſe, took Broughty-caſtle. On the other hand, the protector finding himſelf obliged to employ the army, deſigned for Scotland, againſt the rebels of Norfolk, and not daring even to ſend that army at a diſtance from the centre of the kingdom, reſolved, at length, to demoliſh Hadington; which was done the 15th of September.

The protector thinks of reſtoring Boulogne. Burnet.

In the interim, the war, begun by the king of France, made the protector extremely uneaſy. He had certain advice that Henry II. was entered into a treaty with the German Proteſtants, and had promiſed them a ſtrong aid as ſoon as he had recovered Boulogne. Hence it was eaſy to perceive, he would make a powerful effort next campaign, and in order to withſtand him, England would be obliged to make a conſiderable armament; but the king's exchequer was very low, and there was danger of raiſing new commotions, in demanding freſh ſubſidies of the parliament. On the other hand, as the protector was extremely zealous for the reformation, he plainly ſaw nothing could be more advantageous than the union of France with the German Proteſtants. But he was ſorry, it was to coſt the Engliſh Boulogne. The protector alſo conſidered, if the war with France ſhould laſt any time, there was ſome reaſon to fear the Romiſh party would excite troubles in the kingdom. In that caſe, he foreſaw how difficult it would be to maintain three wars at once. In ſhort there was another reaſon which concerned him in particular, and made him deſirous of a peace with France, viz. the war might give his enemies too great an advantage, on account of the ill accidents it might produce, whereas a peace enabled him to parry their blows. He was not ignorant there was a ſtrong faction already formed againſt him, as well by reaſon of the envy at his greatneſs, and of his diſobliging the nobility and gentry in the affair of the incloſures, as becauſe of the injury he had done to many of the counſellors, in depriving them of the dignity of regents, and reducing them to the bare ſtate of privy-counſellors. Among theſe, the chief were, the earl of Southhampton, who had reſumed his place in the council, and the earl of Warwick. This laſt was extremely ambitious; he envied the protector, and eſteemed him but little. As of all the lords who had moſt acceſs to the court, he thought himſelf the only perſon fit to ſucceed him in the adminiſtration of the government; he reckoned, if he could but ruin him, he ſhould infallibly profit by his diſgrace. Upon this account, he had formed in the council it ſelf a ſtrong party, of which the protector had ſome knowledge, but which he ſaw himſelf unable to ruin at once.

He propoſes it to the council.

All theſe conſiderations made the protector reſolve to propoſe to the council, the reſtitution of Boulogne to France. He ſeconded his motion with all the reaſons he thought moſt plauſible, adding, that by concluding a peace with France, England would at the ſame time be freed from a burthenſome, and withal a fruitleſs war with Scotland, ſince it was not poſſible to obtain the end propoſed in beginning it. This propoſal was received by the council with marks of indignation, and conſidered as a real cowardice. It was too nice an affair, for the protector to determine it by his own authority; and, therefore, tho' he plainly perceived the faction againſt him would carry it, he was willing his propoſal ſhould be debated in form. The reſult of the debate was, that Boulogne ſhould not be reſtored, but an alliance with the emperor endeavoured for the ſecurity of that place. Paget was appointed for the ambaſſy, becauſe being devoted to the protector, the ill ſucceſs which was expected from this negotiation, was deſigned to be thrown upon him, in order to blacken the protector himſelf.

It is rejected.

Several reports are ſpread againſt the protector. Burnet.

The duke of Somerſet's enemies having reſolved to execute the plot contrived againſt him, began with ſpreading reports to deſtroy his reputation. It was ſaid, he was more cruel than a wild beaſt, ſince he ſcrupled not to ſacrifice his own brother to his boundleſs ambition; that he was the cauſe of the inſurrections this ſummer, by countenancing the people, and intimating, he thought them unjuſtly oppreſſed; that afterwards he favoured the male-contents to the utmoſt of his power, during their actual rebellion, and when their fury was ſtopt, granted them a general pardon, contrary to the mind of the council; that to maintain himſelf in the poſt he had uſurped, he entertained foreign troops, having extorted the council's conſent; that he was raiſing a much larger and more ſtately palace than the king's, and had pulled down ſeveral churches for the ſake of the materials, and alienated church-lands to bear the charge. That he had the boldneſs to call himſelf "by the grace of "God, duke of Somerſet," as if he was a ſovereign prince; that he had kept for himſelf the money raiſed by the ſale of the chantry-lands; that he had broke through the eſtabliſhment ſettled by the late king, by ſeiſing the regency alone, and excluding the other executors, who had no leſs right than himſelf; that he had ill-provided the forts of the Boulonnois, that their loſs might render a peace with France abſolutely neceſſary; that he had demoliſhed Hadington, in Scotland, for the like reaſon; that he had moſt preſumptuouſly aſſumed the government of the kingdom, and procured the king's letters patents to countenance his ambition; that beſides, he uſed his power tyrannically, rejecting the opinions of the council, and acting in many things by his own authority. In a word, Paget being returned from his ambaſſy, without ſucceeding in his negotiation, it was rumoured, that he had the protector's orders to repreſent the impoſſibility of engaging the emperor in the defence of Boulogne, that it might give a colour to the baſe project of reſtoring that place.

He uſes precautions which ſerve for a handle to his enemies. Burnet.

As it was impoſſible, all theſe reports ſhould be publiſhed, and the duke not hear of them, and gueſs the authors, the whole month of September was ſpent in diſputes and heats; his enemies only ſeeking an occaſion of quarrel to execute what they had reſolved. In the interim, the protector ſeeing his enemies acting almoſt openly, was afraid they had formed a deſign to carry away the king, and to that end corrupted thoſe about him. For this reaſon, to ſecure himſelf againſt ſuch a deſign, he placed his own ſervants about the king, with orders to watch narrowly what paſſed. This proceeding furniſhed his enemies with the pretence they were ſeeking.

The preſident and ſeveral counſellors meet and make reſolves againſt the protector. Hollingſh.

On the 6th of October the lord St. John, preſident of the council, the earls of Southampton, Warwick, and Arundel, Sir Edward North, Sir Richard Southwell, Sir Edmund Peckham, Sir Edward Wotton, and Dr. Wotton, met at Ely-houſe, in Holbourn, and ſate as the king's council. Secretary Petre being ſent to them in the king's name to aſk the reaſon of their meeting, they forced him to ſtay with them. Being thus met, they conſidered the ſtate of the kingdom, and laid on the protector the blame of all the pretended diſorders, and of the late loſſes in France, taking for granted, they would not have happened had he followed the advice of the council. Then they declared, they had that very day intended to confer with him, but hearing he had armed his ſervants, and many others whom he had placed about the king, did not think they ought to expoſe themſelves to his violences. This done, they ſent for the lord mayor, aldermen, and common-council of London, with the lieutenant of the tower, and expreſly forbid them to own the duke of Somerſet for protector. The lieutenant of the tower promiſed to obey. The mayor and alderman anſwered more cautiouſly. But in all likelihood moſt of them were now gained, as it plainly appeared two days after.

The protector removes the king to Windſor. Hollingſh.

Upon the firſt news of the counſellors undertaking, the protector removed the king to Windſor, and armed ſuch as he could aſſemble at Windſor or Hampton-Court. This furniſhed his enemies with a freſh occaſion to complain, that he had carried the king to a place where there were no proviſions fit for him, ſo they took care to ſend him what he might want from London. The ſame day, being the morrow after their meeting, ſeven counſellors, viz. the lord-chancellor Rich, the marqueſs of Northampton, the earl of Shrewſbury, Sir Thomas Cheney, Sir John Gage, Sir Ralph Sadler, and the lord chief juſtice Montague, came and joined with them. Whereupon they wrote to the king a letter full of expreſſions of their duty, complaining of the duke of Somerſet's not hearkening to their counſels, and of his gathering a force about his perſon, to make him believe they had ill deſigns againſt him, tho' they had nothing in view but his good and welfare. They wrote alſo to the archbiſhop of Canterbury, and to Paget, ordering them to ſee that the king's own ſervants ſhould attend on him, and not the duke of Somerſet's.

The counſellors win the common-council of London to their ſide. Stow.

On the 8th of October they went in a body to Guild-hall, where the common-council was aſſembled. They declared, they were ſo far from having any ill deſigns againſt the king, that their ſole view was to take him out of the hands of the duke of Somerſet, who conſidered only his own private intereſt. Whereupon the common-council openly declared, they were ready to ſupport them to the utmoſt of their power.

The protector's heart fails. Burnet.

The duke no ſooner heard that the city of London, and the lieutenant of the tower had forſaken him, but he was entirely diſcouraged. He called together the few counſellors then about the king, and proteſting, he had no deſign againſt any of the counſellors, offered to ſubmit to the judgment of two of thoſe that were preſent, and two of thoſe that were at London. This offer made him loſe five counſellors more, who ſeeing him thus yield, did not think it prudent to expoſe themſelves for the ſake of a man they believed already undone. So, tho' they approved not the proceedings of thoſe at London, they joined with them, however, the next day, being the 9th of October. Theſe five were, the lord Ruſſell, the lord Wentworth, Sir Anthony Brown, Sir Anthony Wingfield, and Sir John Baker, ſpeaker of the houſe of commons.

He is declared by the council unworthy to be protector. Burnet.

From that day, the duke of Somerſet's affairs daily declined, every one forſaking him when he was ſeen himſelf to deſpair of maintaining his ground; nay, upon an information to the privy-counſellors, his enemies, that he had ſaid, if they intended to put him to death, the king ſhould die firſt; and boaſted, it was in his power to carry the king out of the kingdom, they declared him unworthy of the protectorſhip,

tectorſhip, tho' they had no proofs of his ſpeaking theſe words. After that they publiſhed a manifeſto, to inform the publick of the reaſons of their conduct. Then, they wrote to the king, that his royal father, having appointed them executors of his will, and regents of the kingdom, they had choſen the duke of Somerſet to exerciſe the office of protector, with the expreſs condition, that he ſhould do nothing without their advice; which condition he had not obſerved, but had made himſelf abſolute maſter of the government; therefore, they judged him unworthy of that honour, and prayed his majeſty's leave, to diſcharge the office committed to them, by the late king, and that the forces gathered about his perſon by the duke of Somerſet, might be diſmiſſed.

The king approves of the council's proceedings. Burnet.

Of all the privy-counſellors, only the archbiſhop of Canterbury and Paget ſtaid with the king, who ſeeing the impoſſibility of withſtanding the oppoſite party, adviſed the king and the duke to give the council the ſatisfaction they deſired. The king conſenting to it, the counſellors at London had notice of it by an expreſs. As they had foreſeen the duke would be obliged to ſubmit, they had already ſent deputies to Windſor, with a charge to ſee that the duke of Somerſet ſhould not withdraw, and that ſome of his confidents ſhould be put under an arreſt. On the 12th of October, the counſellors, enemies to the duke, came in a body to the king, who received them graciouſly, and aſſured them, he took all they had done in good part. Next day, they proceeded to the examination of the duke's friends, who were ſent to the tower, except Cecil, who had his liberty. On the 14th, the duke of Somerſet was called before them, and the articles of his accuſation were read to him, the principal whereof were as follows:

The duke of Somerſet is accuſed. Hayward.

I. That he had not obſerved the condition, on which he had been made protector.

II. That he had treated with ambaſſadors, without notifying it to the council, and by his own authority had diſpoſed of governments and biſhopricks.

III. That he had held a court of requeſts, in his own houſe.

IV. That he had embaſed the coin.

V. That he had iſſued out proclamations in the affair of incloſures, againſt the mind of the whole council.

VI. That he had not taken care to ſuppreſs the late inſurrections, but had even ſupported and encouraged them.

VII. That he had occaſioned the loſs of the forts, in the territory of Boulogne, by neglecting to furniſh them with proviſions and ammunition.

VIII. That he had endeavoured to inſtill into the king, an ill opinion of his counſellors, by perſuading him they intended to deſtroy him, and had even ordered ſome perſons to put the king continually in mind of it, leſt he ſhould forget it.

IX. That he had cauſed the lords of the council to be proclaimed traytors.

X. That he had maliciouſly not only put the king in great fear, by carrying him ſo ſuddenly to Windſor, but caſt him into a dangerous diſeaſe.

XI. That he had armed his friends and ſervants, and left the king's ſervants unarmed; and that he intended to fly to Jerſey or Guernſey.

He is ſent to the tower. Burnet.

Upon theſe accuſations, to which it was then not a time to anſwer, he was ſent to the tower; thoſe whom he had taken ſo much pains to humble, being become his proper judges. He could not, indeed, deny the truth of moſt of the facts laid to his charge; but the queſtion was, whether they were crimes, for he was accuſed neither of fraud, nor rapine, nor extortion; but that was to be decided only by the peers of the realm, or by the parliament. As ſoon as the duke was in the tower, an order was made that ſix lords ſhould be the governors of the king's perſon, two of whom were in their courſe conſtantly to attend him. Then it was eaſily ſeen that the earl of Warwick had been the chief promoter of the protector's ruin, ſince all the other counſellors ſuffered him, without oppoſition, to take upon him the principal adminiſtration of the government, tho' without any title which might give him a particular authority.

The Romiſh party are no gainers by this revolution. Burnet.

The enemies of the reformation gloried in the protector's fall, they being perſuaded, the earl of Warwick was in his heart more Catholick than Proteſtant, and his ſtrict union with the earl of Southampton confirmed this belief. Accordingly Bonner and Gardiner, who were then in the tower, wrote to him a hearty congratulation, upon his having freed the nation from the tyrant, [ſo they called the duke of Somerſet.] It was even thought for ſome time, that the duke of Norfolk was going to be releaſed. But the earl of Warwick was not yet fully known. That lord, who was wholly ſwayed by ambition, was, properly of neither religion; wherefore, he was far from undertaking to deſtroy the reformation, which had too many friends in the kingdom. On the contrary, knowing how deſirous the young king was to eſtabliſh it, he openly declared in its favour. Thus, the adherents of the pope and the old religion, had not long reaſon to rejoice at the late revolution at court.

Bonner is deprived. Burnet.

Bonner, biſhop of London, had been deprived and impriſoned, ſome time, before this turn. He was known to be ſtrongly addicted, in his heart, to the Romiſh religion, and to pay only an outward compliance to what was eſtblaiſhed by publick authority, whilſt, by a doubtful behaviour, he plainly ſhewed his diſlike to their alterations. They who were then at the helm, reſolved, therefore, to put him to a tryal, which could not fail either to give them an advantage againſt him, or make him forfeit the eſteem and truſt of his party. He was ſummoned before the council, and, after a declaration of the cauſes of complaint againſt him, he was ordered to preach, on a Sunday, at St. Paul's croſs, and, to prove, in his ſermon, certain points, whereof this was one of the principal: That, “the authority

“ of a king was the ſame when he was in “ minority, as when of full age.” He preached on the 1ſt of September, before a numerous audience, and touched upon all the points, that were enjoined him, except the laſt. Beſides, he brought in ſome things which gave offence to the court. Whereupon the king appointed judges to examine the matter. Dr. Burnet ſays, he behaved before the judges more like a mad-man than a biſhop. However, he was deprived, and ſent to the tower. It was, doubtleſs, with joy that a pretence was found to be rid of ſuch a biſhop, who embarraſſed the reformers.

Burnet.

The earl of Southampton was no leſs deceived in his expectations, than the reſt of his party. He imagined, that having been one of the principal inſtruments of the duke of Somerſet's ruin, he ſhould be rewarded for this ſervice, with the office of high-treaſurer, or, at leaſt, reſtored to that of lord-chancellor. But he found himſelf much miſtaken. Rich ſtill kept the great-ſeal, and the treaſury was given to the lord St. John, who, ſome time after, was alſo created earl of Wiltſhire. It was not the earl of Warwick's intereſt, to advance to any high poſt, ſo intriguing a perſon as the earl of Southampton, who, beſides, was looked upon as the head of the party againſt the reformation. He would, thereby, have loſt the king's favour, whom it was his buſineſs to perſuade, that religion was not concerned at all in what had paſſed, with regard to the duke, his uncle. So, without a moment's heſitation, he forſook not only the earl of Southampton, but alſo all the Romiſh party, who had flattered themſelves with ſeeing ſome great change in religion. Southampton was ſo full of indignation, to be thus ſlighted, that he could not forbear caballing againſt the earl of Warwick; but perceiving Warwick was informed of his proceedings, and knowing his revengeful temper, relinquiſhed his projects. Soon after, he withdrew from court, without taking leave, and lived at one of his manors, where he died with grief and vexation. Some even ſay, he poiſoned himſelf.

The earl of Southampton quits the court, and dies. Burnet.

The war with France perplexes the miniſtry. Strype.

In the interim, the war with France made the council very uneaſy. Henry II, it was plain, was reſolved to beſiege Boulogne, and it was juſtly feared, that place was not tenable. Whilſt the duke of Somerſet was alone burthened with that incumbrance, his enemies would have it to be cowardice to reſign Boulogne, to avoid a war, wherein they hoped to find an occaſion to ruin him; but, when they had the government in their hands, they found difficulties in that affair, which they would not own, ſo long as they thought the event would be laid to his charge. They reſolved, therefore, to ſend a ſecond ambaſſy to the emperor, to perſuade him, to take Boulogne into his protection, imagining, Paget had magnified the difficulties. But the ambaſſadors found the emperor very cold, and conſtantly alledging his alliance with France. He even told them, that ſo long as religion continued in England, in its preſent ſtate, the Engliſh could not expect much aſſiſtance from him. This anſwer determined the council to make peace with France. We ſhall ſee, preſently, the effects of this reſolution.

The parliament meets. Burnet.

The parliament met the 4th of November, without the duke of Somerſet's diſgrace occaſioning any change in the affairs of religion. It was ſtill the ſame parliament the duke of Somerſet had called, and the council had ſtill the ſame maxims, with reſpect to the reformation, the earl of Warwick's policy not ſuffering him to make any change. The parliament began with a ſevere act againſt unlawful aſſemblies, in order to prevent any more inſurrections. But, by another act, the ſtatute againſt vagrants, as too ſevere, and contrary to the liberties of the nation, was repealed, and a law made in the late reign revived.

1550. Act of attainder againſt the duke of Somerſet. Burnet.

The 2d of January, 1550, a bill of attainder againſt the duke of Somerſet, with a confeſſion ſigned by his own hand, was read in the houſe of lords; but, as ſome of the lords ſuſpected this confeſſion to be extorted, four temporal lords, and four biſhops, were ſent to know the truth from his own mouth. Next day, they made their report, that the duke thanked the houſe for their kindneſs, and owned, he had freely ſubſcribed the paper, after having confeſſed the contents before the king and council. He proteſted, however, he had no ill intention againſt the king or ſtate. Whereupon, he was fined, by act of parliament, in 2000 pounds a year of land, with the forfeiture to the king of all his goods, and the loſs of all his places. Many thought his confeſſion very ſtrange, and much cenſured ſo abject a proceeding; but it was, doubtleſs, becauſe they wiſhed he had taken another courſe, which would not have failed to prove fatal to him. It is certain, among the articles of his accuſation, there were ſeveral which could be juſtified only by the intention, which would have been little ſerviceable to him in the houſe of peers, moſt of whom were not inclined to favour him. For inſtance, to mention only the chief article, could he deny that, contrary to the condition on which he was made protector, he had degraded, as it were, the other regents, and reduced them to bare counſellors? It is true, he might have alledged the king's patent; but it was the patent of a minor king, not 11 years old, who, looking upon him as his governor, acted only by his advice, as it was ſaid in the very patent which conferred his authority on him. Wherefore, the duke could never have cleared himſelf upon this article, nor upon ſeveral others. Conſequently, his only remedy was to own himſelf guilty of all, and caſt himſelf upon the king's mercy. Beſides, it concerned him highly to get out of priſon on any terms, ſince it was very dangerous for him to remain any longer in the hands of his enemies. He was very ſucceſsful in this courſe. They who wiſhed his deſtruction, ſeeing the king had been very hardly prevailed with to conſent to his tryal, thought it was not yet time to puſh

He goes out of the tower, and has his pardon. Act. Pub.

their hatred any farther, till they had ruined him in the king's favour. He came, therefore, out of the tower the 6th of February, giving bond of 10,000 pounds for his good behaviour, and, 10 days after, had his pardon. Thus, his fall was not ſo great as his enemies expected. He forfeited, however, much of the eſteem he had acquired among the people, who, not diving into the reaſons of his conduct, could not help thinking him guilty, ſince he had confeſſed all. But the king judged otherwiſe, ſince, on the 6th of April following, he gave him a place again in his council.

The parliament confirms the new liturgy,

In the interim, the parliament knowing, the friends of the Romiſh church drew from the duke of Somerſet's fall, conſequences which might breed ill effects, thought it proper to confound their hopes. To that end, an act of parliament was made, confirming the new liturgy, and ordering all miſſals, breviaries, &c. to be delivered to ſuch as ſhould be appointed to receive them, and all the prayers to the ſaints to be daſhed out in all the primers ſet out by the late king. Moreover, thoſe who had any images taken out of churches, were required to burn or deface them, before the laſt of June. Then the parliament was prorogued, on the 1ſt of February, after granting the king a ſubſidy, which was followed by a general pardon, in which the priſoners of the tower were excepted. It was during this ſeſſion, that the eldeſt ſons of peers were firſt permitted to ſit in the houſe of commons.

and orders images to be burnt.

The earl of Warwick is made high admiral and grand maſter. Act. Pub.

After the late revolution at court, by the duke of Somerſet's diſgrace, the earl of Warwick had not forgot himſelf; for on the 28th of October laſt, he was made great maſter of the king's houſhold, a new title, introduced by Henry VIII, inſtead of that of ſteward of the houſhold, when he conferred this office on the duke of Suffolk. But it was not ſo much by his poſts, that the earl of Warwick was grown powerful and conſiderable, as on account of his directing the council, who acted only by his advice. Some of the counſellors looked upon him as their friend, others, as the head of their party, and ſome were afraid of offending him. What he had lately done, with regard to the duke of Somerſet, demonſtrated how dangerous it was, to have him for enemy.

He reſolves to give up Boulogne. Burnet.

Notwithſtanding all his greatneſs, the earl of Warwick was not a little embarraſſed concerning the affair of Boulogne. He had himſelf moſt exclaimed againſt the duke of Somerſet, for propoſing to reſign that place, and ridiculed all his reaſons, and yet for theſe ſame reaſons, he reſolved, at length, to do what he ſo much blamed in another. But not to appear inconſiſtent with himſelf, he choſe to cauſe the reſtitution of Boulogne to be moved and reſolved in council, and to appear himſelf to be no farther concerned, than to comply with the opinion of the majority. It is not very difficult for one that directs an aſſembly, to procure what reſolutions he pleaſes, without acting openly; but the difficulty conſiſted in the diſhonour of making the firſt ſtep, and the danger of ſhewing a deſire to conclude a peace with France. The earl of Warwick ſoon found an expedient to avoid this inconvenience, by employing one Guidotti, an Italian merchant, who lived at Southampton. This man coming to Paris, on ſome pretence, inſinuated himſelf into the conſtable's family, who was the king's chief favourite. In his converſation with ſome of the conſtable's officers, he ſaid, he verily believed the court of England might be eaſily brought to reſtore Boulogne for a ſum of money. The conſtable, to whom this was told, preſently gueſſed the meaning. He ſpoke himſelf to Guidotti, and charged him to intimate to ſome one of the council of England, that the king of France had rather end the affair of Boulogne by a treaty, than by arms. Whereupon Guidotti made ſeveral journies to London and Paris. At laſt, he ſet the matter in ſo fair a way, that the courts, being equally deſirous of ending it, agreed to ſend plenipotentiaries to ſome place in Picardy, to treat of a peace, and the reſtitution of Boulogne.

The plenipotentiares of the two courts. Stow.

Monſieur de la Rochepot, of the houſe of Montmorency, Gaſpar de Coligni, afterwards admiral, and two more, were appointed by France; and the court of England made choice of the lord Ruſſel, Paget, now made a baron, ſecretary Petre, and Sir John Maſon. Their inſtructions were a clear evidence, that the council would have a peace at any rate. The ſubſtance of them was:

The Engliſh ambaſſadors inſtructions. Burnet.

I. That as to the place of congreſs, they were not to appear very difficult; but, if poſſible, they were to have it at Calais, or Boulogne.

II. They might offer the reſtitution of Boulogne.

III. But then they were to demand, that the young queen of Scotland ſhould be ſent home, to conſummate her marriage with the king of England.

IV. That the fortifications of Blackneſs and New-haven, ſhould be demoliſhed.

V. That the penſion promiſed by Francis I. to Henry VIII. ſhould be continued, and all arrears paid; but if they could not obtain the firſt, they were to be ſatisfied with the arrears.

VI. That as for Scotland they ſhould aſſirm, England could not treat without the emperor's concurrence; but if the emperor would agree to it, the king of England would reſtore all the places he held in Scotland, except Aymouth and Roxburgh.

VII. That if the French ſpoke any thing of the king's marrying Henry II's daughter Elizabeth, they ſhould anſwer, they had no inſtructions upon that head, and ſhould inſiſt upon the king's being ſo young.

A conference about the peace. Burnet.

The plenipotentiaries meeting near Boulogne, thoſe of France ſaid plainly, it was not to be expected that the king, their maſter, would ſend back the queen of Scotland, ſince he deſigned her for his ſon, the dauphin;

that as for the perpetual penſion, Francis I. promiſed it when forced by his affairs, but the king, his ſon, never intended to be tributary to England; that, however, they were ready to treat about the reſtitution of Boulogne for a ſum of money; that, moreover, the king, their maſter, did not mean, the Engliſh ſhould keep any one place in Scotland. This was talking imperiouſly; but Henry II. had diſcovered the intentions of the council of England, and was reſolved to improve the occaſion to cauſe to vaniſh the grating claim of the kings of England to the crown of France, or, at leaſt, to the perpetual penſion promiſed by Francis I, in lieu of that claim. Some time after, the Engliſh ambaſſadors received freſh inſtructions, empowering them to conclude a peace upon terms leſs difficult to be obtained, than thoſe firſt demanded. However, as the court of England would not abſolutely deſiſt from the penſion, an expedient was found, with which that court was ſatisfied, viz. all claims of the two kings were to remain as before, except ſuch as ſhould be adjuſted by the treaty, which was, at length, ſigned the 24th of March, and was in effect as follows:

A treaty between the two crowns. Act. Pub.

I. That the city of Boulogne ſhould be reſtored to France, with all the ordnance and ammunition found there, by Henry VIII, when he took the place.

II. That in conſideration of Henry's improvements, and charges, in tranſporting proviſions and ammunition, the king of France ſhould pay the king of England the ſum of 400,000 crowns of gold, half on the day of reſtitution, and half before the 15th of Auguſt.

It is to be obſerved upon this article, that the king of France very carefully avoided mentioning either the penſion ſtipulated in the laſt treaty of peace, or even what was due to the crown of England, ſince the time of Charles VIII, which had been always increaſed afterwards by ſeveral treaties.

III. That for the ſecurity of the payment of the 200,000 crowns in Auguſt, France ſhould give ſix hoſtages, and England the like number, for the ſecurity of the reſtitution of Boulogne.

IV. As to Scotland, it was agreed, that the king of England ſhould deliver to the queen of Scotland, the two forts of Lauder and Dunglaſs, with all the ordnance, except what was brought thither from Hadington.

V. That if theſe two forts remained in the king of England's power, he ſhould be obliged to demoliſh the fortifications of Aymouth and Roxburgh, which ſhould never be re-built by England or Scotland, but if he reſtored Lauder and Dunglaſs, he ſhould, however, be obliged to raze Aymouth and Roxburgh, provided the queen of Scotland demoliſhed alſo Lauder and Dunglaſs, and that none of theſe four places ſhould be ever refortified.

VI. That the king of England ſhould make no new war upon Scotland, unleſs he had freſh cauſe; that is to ſay, Edward relinquiſhed his marriage.

VII. That the king of England's demands, claims, and pretenſions, as well upon France as Scotland, and all the king of France's and the queen of Scotland's upon England, ſhould remain as before.

Thus, all the pains taken by Henry VIII, to ſecure a penſion, or rather a yearly tribute in lieu of the title he pretended to have to the crown of France, were rendered fruitleſs by this treaty, which contained, in favour of England, only an indeterminate reſervation of the claim which had occaſioned the effuſion of ſo much blood ſince the reign of Edward III. There remains to the kings of England only the empty title of king of France, none of Edward VI's ſucceſſors having ever ſeriouſly thought of proſecuting their pretended right.

The earl of Warwick avoids ſigning the ratification of the treaty. Hayward.

The treaty being brought to London to be ratified, the earl of Warwick feigned ſickneſs, not to be be obliged to ſign a peace he had ſo much exclaimed againſt; but this was only to impoſe upon the publick, ſince he had ſigned the orders and inſtructions, by vertue whereof the ambaſſadors had concluded it.

The council's conduct is cenſured.

The reſtitution of Boulogne opened the eyes of the people, with reſpect to the conduct of thoſe at the helm. They who had now delivered up that place for 400,000 crowns, in lieu of the 2,000,000 Francis had promiſed to pay, were the ſame who ſome months before had reviled the protector for only intending to reſtore it. The earl of Warwick, who had the chief direction of affairs, and whoſe intereſt it was to procure the people's affection, ſeeing them a little enraged, thought proper to divert them, by giving them ſome ſatisfaction in other reſpects. To that purpoſe, he called to a ſtrict account thoſe who had managed the king's money, or been guilty of miſdemeanors in the exerciſe of their offices. He had alſo in this another motive; viz. to pay the king's debts, which were coſiderable. In this inquiſition, his chief friends who had ſerved him as inſtruments to ruin the duke of Somerſet, were leaſt ſpared. The earl of Arundel was fined in 12,000 l. payable in 12 years. Southwel was put into the Fleet, and the reſt made their compoſitions with the court as well as they could. As there were few but what were guilty of ſome miſdemeanor, this inquiry eſtabliſhed the earl of Warwick, every one fearing he would find means to be revenged of thoſe who expreſſed not great ſubmiſſion.

Changes in the ſees. Act. Pub.

In the courſe of this year there were ſome changes in the biſhopricks. The ſee of Weſtminſter vacent by the reſignation of Thirlby, was united to that of London, and given to Ridley, biſhop of Rocheſter. Thirlby had the ſee of Norwich, Poinet that of Rocheſter, and on the third of July, John Hooper was made biſhop of Glouceſter.

Polydore Virgil retires into Italy. Burnet.

This year, Polydore Virgil, an Italian, who had been now 40 years in England, had leave to go and ſpend the reſidue of his days, in his own country. The king permitted him to enjoy his preferments, in conſideration of his having employed the beſt part of his life in writing the Hiſtory of England[*].

Before we proceed to the next year, it will not be improper to mention what had paſſed in foreign countries.

The death of Paul III. Spond.

Paul III. dying the 13th of November, 1549, the cardinals who entered the conclave the 29th of the ſame month, agreed in few days to raiſe cardinal Pole to the papal throne, and even came in the night to his chamber to adore him, according to cuſtom; but he deſired them to defer the ceremony till it was day, telling them it ought not to be a work of darkneſs. This ſcruple, unheard-of till then, ſeemed to them ſo extraordinary, that ſome imputed it to ſtupidity. Others were afraid, if Pole was pope, he would reform the court of Rome, and the college of cardinals in particular. However this be, from that moment they thought of electing another pope. After which, being divided into three factions, they could not agree upon the perſon till the February following, when they choſe the cardinal de Monte, who took the name of Julius III.

The affairs of Germany. Sleidan. Burnet.

In Germany, the emperor having opened the diet of the empire about the end of July, would have obliged all the Proteſtants to ſubmit to the determinations of the council, now removed back to Trent. Maurice, elector of Saxony, ſtrongly oppoſed it, but with ſo much caution and regard for the emperor, that he did not loſe his favour. On the contrary, the emperor agreed, that the diet ſhould declare him general of the army of the empire, to end the war by the ſiege of Magdeburg, the only Proteſtant town which ſtill held out. Maurice had great deſigns, which the emperor knew not, till it was too late to hinder the execution.

The affairs of Scotland. Burnet.

Scotland enjoyed a great tranquillity after the concluſion of the peace. James Hamilton, earl of Arran, in Scotland, and duke of Chatelerault in France, ſtill governed the kingdom as regent; but he was himſelf governed by the archbiſhop of St. Andrews, his natural brother, a man of a very lewd and infamous life. Let us return now to England, and ſee what paſſed there during the year 1551.

1551. The affairs of religion. Burnet.

After the concluſion of the peace with France and Scotland, the principal affair in the kingdom was that of the reformation, which the young king wiſhed to bring to as high a degree of perfection as poſſible. He was kept in this diſpoſition by Cranmer, and the reſt of the reformers. The earl of Warwick appeared alſo very forward to complete this work, becauſe he thereby inſinuated himſelf more into his young maſter's favour. The conſtant maxim of the Romiſh party, was to oppoſe with all their power any intended alterations, before they were eſtabliſhed by law; but they complied with them, at leaſt, outwardly, when there was no remedy, till a favourable opportunity ſhould offer to throw off the maſk. It was not poſſible to be rid of theſe hypocrites at once, becauſe they gave no advantage by their outward behaviour; but they were narrowly watched, that their falſe ſteps might be improved. By this means Bonner was put out of the way laſt year, and by the ſame method Gardiner was this year deprived on the 18th of April.

A confeſſion of faith is prepared. Burnet.

During all the reſt of the year, choſen commiſſioners were preparing a confeſſion of faith, which was the laſt mortal wound to be given to the old religion. Some places of the new liturgy were alſo corrected. But the princeſs Mary refuſed to ſubmit to theſe or the former changes. She continued to have maſs ſaid in her houſe, and thereby drew upon herſelf great mortifications from the council and the king himſelf, who ſeemed reſolved to force her to a compliance. She was ſo alarmed at it, that ſhe formed a deſign to withdraw out of the kingdom, by means of ſome veſſels which the regent of the Low-Countries was to ſend upon the coaſt of England. But the deſign being diſcovered, the execution was prevented, tho' it ſhould ſeem that princeſs would have occaſioned leſs trouble and embarraſſment, had ſhe been out of the kingdom. In all appearance, the project of excluding her from the ſucceſſion was not yet formed, neither was the king's death thought ſo near as it was.

The princeſs Mary refuſes it. Edw. Jour.

She would have gone out of the kingdom, but is prevented. Hayward.

The earl of Warwick's ambitious project. Burnet.

This princeſs's obſtinacy drew upon her the king her brother's diſpleaſure, who from thenceforward loſt much of the eſteem and affection he had for her. It was this, probably, that inſpired the earl of Warwick with the thoughts of excluding her from the ſucceſſion, and of forming in favour of his own family, the project mentioned hereafter. It will be neceſſary, however, briefly to ſay here, that this project was, to marry the princeſs Elizabeth abroad, to cauſe Mary to be ſet aſide, and to marry one of his ſons to Jane Grey, eldeſt daughter of Henry Grey, marqueſs of Dorſet, and of Frances Brandon, who was the next in the ſucceſſion, after Henry VIII's two daughters.

The ſweating-ſickneſs. Edw. Jour.

At this time the ſweating-ſickneſs broke out in England, with great violence, carrying off in 24 hours ſuch as was ſeiſed with it, in ſpite of all remedies[†]. If we may believe the hiſtorians, this ſickneſs was peculiar to the Engliſh nation. It did not ſeiſe the foreigners who were in England, and in other countries Engliſhmen only were afflicted with it; and for this reaſon it was called the Engliſh Sweat. There is much the ſame thing to be obſerved among the Polanders, who are alone

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[*] This year, the city of London purchaſed from the king all the liberties of Southwark, for the ſum of 1000 marks. Stow.

[†] This ſickneſs began firſt at Shrewsbury, in April, and ſpreading towards the north, ended not till October. Rapin. Whoever was ſeiſed with it, died or recovered within nine or ten hours, at moſt. If he took cold, he died within three hours; if he ſlept within ſix hours, he died raving. It raged chiefly among young men of a ſtrong conſtitution. Edw. Journ.

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ſubject to a diſtemper they call Plica [‡], unknown, as it is affirmed, in all other countries. The duke of Suffolk, ſon to Charles Brandon, by his ſecond wife, died of the ſweating ſickneſs, as did alſo two days after his brother, who had ſucceeded him. So, the title of duke of Suffolk being void, the earl of Warwick reſolved to procure that honour for the marqueſs of Dorſet, father of Jane Grey, whom he deſigned for one of his ſons. He wanted the concurrence of that lord, to ſet the crown on his daughter's head, to whom the mother was, moreover, to reſign her right. It is, however, very difficult to conceive, that the earl of Warwick ſhould have formed this project ſo early, ſince Edward was in good health, in his 15th year only, and very likely to have a numerous iſſue. The earl of Warwick muſt, therefore, have known that the king was to die very ſoon. And this is what they would inſinuate, who make him form his deſign at the time I am now ſpeaking of, and before the king was ſeiſed with his laſt illneſs, in order to repreſent him as the author of his death. However this be, it is pretended, all this lord's proceedings, from the death of Jane Grey's two brothers, to the end of this reign, had relation to this project; as, for inſtance, the marriage of the princeſs Elizabeth to the king of Denmark's eldeſt ſon, which he cauſed to be privately treated, but without effect.

A negotiation for the king's marriage with a daughter of France. Burnet.

The marriage of the king himſelf with a daughter of Henry II, king of France, which was negotiated and concluded this year, ſeems directly contrary to the earl of Warwick's deſigns, ſuppoſing they were already formed. Wherefore Dr. Burnet ſays by the way, that this marriage was only to amuſe the young king. Hayward, who wrote the Hiſtory of Edward VI, ſays alſo, that after the marriage was concluded, Edward thought himſelf in perfect ſafety, tho', indeed, he was in extreme danger. But whatever the earl of Warwick's motive might be, the marqueſs of Northampton, the biſhop of Ely, and ſome other ambaſſadors were ſent with a ſplendid retinue to carry the Order of the Garter to Henry II, and to propoſe a marriage between his daughter the princeſs Elizabeth, and Edward. Henry being then at Chateaubriant, the Engliſh ambaſſadors came to Nantes, from whence they were conducted to court. The marqueſs of Northampton, as head of the embaſſy, preſented the collar of the order to the king. Then the biſhop of Ely deſired him to appoint commiſſioners to treat with them about an affair tending to the common good of the two kingdoms. The commiſſioners being named, the ambaſſadors propoſed the marriage of Edward with the princeſs Elizabeth, and the treaty was ſigned at Angers, the 19th of July. The princeſs's portion was to be 200,000 crowns, and her dower as great as any queen of England had ever enjoyed; but the marriage was not to be contracted by words of the preſent tenſe, till a month after the princeſs was 12 years of age. This hindered it from being conſummated, becauſe Edward died before that time. Soon after, Henry II. ſent a noble ambaſſy into England, of which the marſhal de Montmorency was head, with the Order of St. Michael to the king.

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The earl of Warwick is made duke of Northumberland. Burnet.

Foreign affairs being finiſhed, the earl of Warwick applied himſelf to domeſtick, or rather to his own. He cauſed Henry Grey, marqueſs of Northampton, to be created duke of Suffolk, and himſelf duke of Northumberland. William Paulet, earl of Wiltſhire and lord-treaſurer, was made marqueſs of Wincheſter, and Sir Wiliam Herbert, earl of Pembroke. They who were on this occaſion dignified with new honours, were the intimate friends of the earl of Warwick, now duke of Northumberland, who ſought to eſtabliſh himſelf in the poſt he poſſeſſed of chief manager of the publick affairs, tho' without any patent to give him that authority.

The ruin of the duke of Somerſet is determined. Burnet. Hayward.

This lord could not, however, enjoy a perfect tranquillity, ſo long as he ſtill ſaw ſuch a rival as the duke of Somerſet, who might one day be reſtored to favour, and who was really endeavouring to regain the poſt he had formerly poſſeſſed. Edward was near the time of his majority, and daily increaſed in the knowledge of affairs. The duke of Northumberland had, therefore, to fear, that when the king ſhould compare his adminiſtration with the duke of Somerſet's, he would perceive, the laſt had been wrongfully deprived of his dignity. Beſides, Edward ſtill expreſſed great eſteem for his uncle, and gave him frequent and publick marks of it. All this made the duke of Northumberland very uneaſy, who plainly ſaw, it would be almoſt impoſſible to execute his projects, whilſt he had ſuch an inſpector as the duke of Somerſet. He determined, therefore, to be rid of this troubleſome rival at any rate, and to that end made uſe of two ways. The firſt was to ruin him in the king's favour, by means of certain emiſſaries, who beſet him continually. The ſecond was to cauſe his enemy ſuch mortifications as ſhould throw him upon actions that would give an advantage againſt him. Theſe two ways ſucceeded to his wiſh. The king by degrees took a diſguſt at his uncle, and was thereby diſpoſed to receive any ill impreſſions againſt him. On the other hand, the duke of Somerſet could not, without extreme impatience, ſee himſelf daily expoſed to affronts, the more provoking, as they were done with deſign to incenſe him. Few have the prudence or moderation to avoid falling into ſuch ſnares. It is pretended, that ſeeing himſelf thus puſhed, he reſolved to kill the duke of Northumberland at a viſit he was to make him. Others ſay, he intended to have invited him to dinner at the lord Paget's, and there he was either to kill or poiſon him. At leaſt, the hiſtorians thus ſpeak of it, becauſe the report was ſpread both before and after his diſgrace, and even imbibed by the king; and yet, his impeachment had no ſuch thing in it, but ran only, that he intended to ſecure the duke of Northumberland's perſon. However this be, it cannot be denied, he had contrived ſome plot to be reſtored to his poſt, and deviſed, and, perhaps, imparted to his confidents, ſeveral expedients which were imputed to him, afterwards, as ſo many crimes, tho' he had executed none. One of theſe confidents was the perſon that ruined him, being, in all appearance, bribed by his enemy. This man, Sir Thomas Palmer by name, having been ſecretly brought to the king, told him all he knew, and probably, ſo turned his diſcourſe, as to make the king believe that bare projects, or thoughts, were fixed and ſettled deſigns. However, the king being perſuaded, his uncle would have aſſaſſinated the duke of Northumberland, the marqueſs of Northampton, and the earl of Pembroke, conſented that he ſhould be brought to his tryal. So, on the 17th of October, the duke was apprehended and ſent to the tower, with many others, accuſed of being his accomplices. Next day, the ducheſs of Somerſet, with two of her women, were alſo arreſted, and after that, the earl of Arundel, and the lord Paget, underwent the ſame fate.

[‡] They that are troubled with it, loſe the uſe of their limbs, as if they had a palſy, and feel great pains in their nerves, which generally continue a whole year. After that they fall into a great ſweat at night, and next morning their hair is glued together, and has a nauſeous ſmell, which continues ever after. If they cut their hair, the humour falls on their eyes, and makes them blind. This diſtemper is infectious, and communicated by coition. Atlas. Geog.

The duke is ſent to the tower. Edw. Jour.

A remark upon the charge brought againſt him. Burnet.

As ſoon as the duke of Somerſet was in the tower, his pretended crimes were every where publiſhed, with circumſtances proper to impoſe on the people. Upon theſe extravagant accuſations it is, that the hiſtorians, Dr. Burnet excepted, have built their accounts of this event. What is moſt probable, is, that the duke had projected to get himſelf declared protector, in the next parliament, ſince, the earl of Rutland affirmed it upon oath. As to the means he intended to uſe for that end, very likely he had deviſed ſeveral, but not yet fixed upon any, except that, perhaps, of ſecuring the duke of Northumberland's perſon. As the cuſtom of bringing the witneſſes face to face had been, ſome time ſince, laid aſide, we muſt be contented with knowing, what the witneſſes depoſed againſt him, without any poſſibility, however, of receiving from thence, an unqueſtionable proof of the truth of the facts. Every one is ſenſible, what great alterations the confronting of witneſſes is capable of producing in, ſeemingly, the moſt poſitive depoſitions.

The depoſitions of the witneſſes. Burnet.

Palmer depoſed, that Sir Ralph Vane was to have headed 2000 men, to ſupport the duke of Somerſet's deſigns, who, with 100 horſe, was to have fallen upon the guard, that being done, the duke intended to have gone through the city, proclaiming Liberty, Liberty, and in caſe he failed to raiſe the people, to have fled to the Iſle of Wight. One Crane affirmed the ſame thing, and added, that the earl of Arundel, and the lord Paget, were privy to the conſpiracy.

Upon theſe depoſitions, the duke was brought to his tryal before the peers, on the 1ſt of December; the crimes laid againſt him being caſt into three articles:

The articles of accuſation. Burnet.

1. That he had deſigned to ſeiſe on the king's perſon, and the adminiſtration of the publick affairs.
2. That he, with 100 others, intended to impriſon the duke of Northumberland.
3. And, that he had deſigned to raiſe an inſurrection in the city of London.

Theſe three articles, to which the duke of Somerſet's crimes were reduced, plainly ſhew, there was no proof of his having intended to kill, or poiſon the three lords above-mentioned, tho' the king had been made to believe it, and the people told the ſame. Of theſe three articles, the firſt and third were high-treaſon, and the ſecond, concerning the duke of Northumberland, was only felony. He poſitively denied the treaſonable articles; and for the other, which was placed the ſecond in the impeachment, he proteſted, he had never determined to have killed the duke of Northumberland, the marqueſs of Northampton, and the earl of Pembroke, but had only talked of it, without any intention to do it.

It muſt be confeſſed, here is a difficulty which is not eaſy to be reſolved. The duke of Somerſet is not accuſed of intending to kill theſe lords, and yet he juſtifies himſelf on that head. This ſeems to intimate, there were ſome ſuch article in the indictment; and yet, Dr Burnet, an exact hiſtorian if ever there was any, and who affirms, he took the accuſation out of the records of the council, ſets down but three articles, where there is no mention of theſe lords, who even ſat among the peers his judges. On the other hand, it will appear preſently, that the duke was condemned for felony, which was ſtretching the rigour of the law as far as it could go, if he was guilty only of an intention to ſeiſe the duke of Northumberland; whereas, if he had really intended to kill theſe three lords, there was nothing in his ſentence but what was agreeable to an act of parliament. It muſt, therefore, be ſaid, either the famous hiſtorian above-mentioned, has not exactly related the articles of accuſation, or the peers condemned the unfortunate duke for a crime he was not legally charged with. The faithfulneſs and exactneſs Dr. Burnet has profeſſed, will not allow him to be accuſed of ſuch a fraud; but the character of the duke of Northumberland, and of moſt of the duke of Somerſet's judges, who, for the moſt part, were his profeſſed enemies, give but too much occaſion to ſuſpect, that, the fear of offending the duke of Northumberland, or ſome other motives, prevailed over juſtice.

He is acquitted of treaſon, but found guilty of felony. Hollingſh.

After the peers had heard the depoſitions againſt the duke, and his defences, they, unanimouſly, acquitted him of treaſon; but found him guilty of felony. They proceeded, in all appearance, upon a ſtatute made in the time of Henry VII, which declared it felony, to intend to take away the life of a privy-counſellor. This was ſtretching, very far, that ſevere law, which, perhaps, was never executed before, eſpecially upon a duke, peer of the realm, and uncle to the king. Beſides, his charge did not run, that he intended to kill theſe three counſellors, but only had deſigned to ſecure the duke of Northumberland's perſon. But what is moſt ſtrange in this tryal, is, that theſe three lords ſat as judges. Sentence being given, he aſked pardon of the duke of Northumberland, the marqueſs of Northampton, and the earl of Pembroke, for his ill intentions againſt them. This aſking pardon has made ſeveral believe him guilty; but it is a queſtion, whether by theſe ill intentions we are, neceſſarily, to underſtand a deſign to aſſaſſinate them. When the people, who were preſent at his tryal, ſaw he was returned not guilty of treaſon, they ſhouted for joy, ſo loud, that they were heard at Charing-Croſs; but their joy was turned into ſorrow, when they heard he was condemned of felony.

The king is perſuaded that the duke is guilty. Burnet.

Every one believed the duke would be pardoned, becauſe his execution was deferred almoſt two months; but ſo great care had been taken to prepoſſeſs the king againſt him, that young Edward, who abhorred the crimes he believed him guilty of, was very far from any thoughts of granting him a pardon. It appears in his Journal, that one Bartuile had affirmed upon oath, that the duke of Somerſet had hired him, to kill the duke of Northumberland; and, that the duke himſelf had owned it, at his coming to the tower, tho' he had denied it at firſt. But it is very ſtrange, this evidence was not produced at his tryal. Nothing argues his innocence, in this reſpect, ſo much, as the indictment itſelf, which ran, not that he had intended to aſſaſſinate the duke of Northumberland, but only had deſigned to ſeiſe and impriſon him. Nevertheleſs, it cannot be denied, that the king believed him guilty of the firſt of theſe crimes, ſince we ſee in his letter to Barnaby Fitz-Patrick, his favourite, then in France, that the duke had confeſſed it, after ſentence, tho' he had, before, ſworn the contrary. But the king's belief does by no means prove the fact. It ſerves alſo equally to prove, that the young king was abuſed, who even ſhewed, afterwards, an extreme ſorrow, for having conſented to his uncle's death. The duke of Somerſet was in hopes, however, of undeceiving the king. He had now engaged the lord chancellor Rich to be his friend, who, through a miſtake in the ſuperſcription of a note he ſent to the duke, diſcovered his deſign to uſe his endeavours for him. This occaſioned the great ſeal's being taken from him, and given to the biſhop of Ely.

The king ſigns an order for beheading the duke of Somerſe. Act. Pub.

His ſpeech on the ſcaffold. Januar. 22. Hollingſh.

As ſoon as the duke had received his ſentence, great care was taken to divert and entertain the king with pleaſing ſights, that he might not reflect upon this ſtrange condemnation. At the ſame time, all his uncle's friends were cerefully hindered from coming near him. At laſt, on the 22d of January, he ſigned an order for his execution. The duke appeared calm and undiſturbed on the ſcaffold, and made a ſpeech to the people. He affirmed, "He had never offended the king, by word or deed. He gave God thanks for making him his inſtrument to promote the reformation, and exhorted the people to perſiſt therein." When he had gone ſo far, he was forced to ſtop, by reaſon of an extraordinary noiſe among the people, which laſted ſome time. Sir Anthony Brown riding towards the ſcaffold, and crying to the people to give way, made many believe, he was bringing a pardon. On the other ſide, a company of ſoldiers, who had been ordered to attend at the execution, coming too late, cauſed others to imagine, they were come to maſſacre them. This bred a terrible diſorder, and fatal to ſome of the ſpectators, who were ſmothered to death. When the noiſe was over, he calmly went on with his ſpeech, and ſaid, "He had always been moſt diligent about his majeſty, in his affairs both at home and abroad; and no leſs diligent, in ſeeking the common good of the whole realm." Here again he was interrupted by the people crying out, "It was moſt true." Then, "He prayed for the king, aſked forgiveneſs of all whom, at any time, he had offended, forgave all his enemies, without exception, and deſired the the people to bear him witneſs, that he died in the faith of Jeſus Chriſt." When he had ended his ſpeech, he turned to his private devotions; after which, he laid his head on the block to receive the fatal blow.

The duke of Somerſet's character. Burnet.

Thus fell the duke of Somerſet, concerning whom, opinions have been very much divided. Some have repreſented him as a very wicked man, capable of committing the moſt heinous crimes, and others, as a very good Chriſtian. It is eaſy to ſee, that religion was the ſole cauſe of this diverſity. Had it not been for the prejudice, religion begets in moſt men, his faults would not have been ſo much aggravated, which, after all, were ſome of the leaſt men are guilty of. On the other hand, without this ſame prejudice, there would not have been ſo much pains taken to colour his ambition, which, doubtleſs, was a little too great. They who have made it their buſineſs to vindicate all his actions, have alſo very lightly touched upon the vaſt riches amaſſed by him, during his adminiſtration. Of this, Somerſet-Houſe, now ſtanding in London, is an authentick proof. But, then, his enemies have made bare accuſations, artfully ſpread among the people, and inſtilled into the king, to paſs for evidenced crimes, tho' it manifeſtly appears, by the very articles of his indictment, that he was condemned only for an intention to commit an offence, not againſt the king or ſtate, but againſt ſome private perſons. It may, therefore, be affirmed, that the faults for which he was pardoned, after his firſt condemnation, were much greater than that for which he ſuffered death. The people, who are ſeldom miſtaken in their judgment of great men, were ſo generally perſuaded of his innocence, that many dipped their handkerchiefs in his blood, conſidering him as a ſort of martyr; nay, it happened, in the beginning of queen Mary's reign, that a woman, ſeeing the duke of Northumberland

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leading to the tower, ſhook one of theſe bloody handkerchiefs at him, ſaying, "Behold, the blood which thou didſt cauſe to be unjuſtly ſhed, does now, apparently, begin to revenge itſelf on thee."

The execution of his pretended accomplices. Act. Pub.

About a month after this execution, Sir Ralph Vane, Sir Miles Partridge, Sir Michael Stanhope, and Sir Thomas Arundel, who were ſaid to be the duke of Somerſet's chief accomplices, were alſo put to death; but they all proteſted, they had never intended to form any plot, either againſt the king, or any privy-counſellor. Vane added, he did not doubt, his blood would make the duke of Northumberland's pillow uneaſy to him. As for Palmer, Crane, and Bartuille, who had ſerved as witneſſes againſt the duke of Somerſet, they were eaſily diſcharged; nay, it was obſerved, there was a great intimacy, afterwards, between Palmer and the duke of Northumberland, which gave occaſion to believe, Palmer had been corrupted to betray the duke of Somerſet, who had honoured him with his friendſhip.

The affairs of Germany. Sleidan.

During the year 1551, the ſtate of the emperor's affairs was changed, in Germany, when he leaſt ſuſpected it. Maurice, elector of Saxony, having formed the deſign of reſtoring his country to liberty, had, ſecretly, negotiated a league with France, and the Proteſtant princes of Germany. But, before he declared himſelf openly, he had a mind to know what might be expected from England. To that purpoſe, he ſent ambaſſadors to Edward, to gain him to his intereſt, and procure a ſum of 400,000 crowns, by telling him, it was for the preſervation of the Proteſtant religion. The ambaſſadors were told, the king would, moſt willingly enter into a religious league; but did not mean to be engaged, under that pretence, in a war for other quarrels. That, if the elector of Saxony would confer more particularly with the Proteſtant princes, and then ſend the king ambaſſadors with fuller inſtructions and ſufficient powers, he ſhould have a more poſitive anſwer. Hitherto, Maurice had but coldly followed the ſiege of Magdeburg; but when his private affairs were ſettled, he ſo ordered it, by the help of ſome friends in the town, that the inhabitants ſurrendered by capitulation. Then he broke up his army, who parting into ſeveral bodies, quartered in the territories of ſome popiſh princes, putting them under heavy contributions. The Catholicks complained very much of their being expoſed to theſe oppreſſions. The emperor alone remained in an entire ſecurity, without having the leaſt ſuſpicion of the elector.

And of the council of Trent. Burnet.

The council being removed back to Trent, was opened again in May, 1551; but a quarrel between the pope and the king of France interrupting the ſeſſions, they were renewed in September; and tho' Henry II. proteſted againſt the council, the legates continued it, and cauſed ſeveral points to be decided, which are foreign to our purpoſe *.

1552.

The parliament. An act enjoining the confronting of the witneſſes. Burnet.

The parliament met the 23d of January, 1552. The commons ſeeing the great abuſe of the pernicious cuſtom of condemning people without confronting the witneſſes, had a mind to put a ſtop to it. To that end, a bill was prepared, condemning, under divers penalties, thoſe who ſhould write or ſpeak againſt the king, with a proviſo, that none ſhould be attainted of treaſon on this act, unleſs two witneſſes ſhould come, and to their face aver the fact for which they were to be tried, except ſuch as ſhould confeſs it. The lords were very unwilling to agree to this proviſo, as if it concerned them leſs than the commons, to be freed from oppreſſion; but, at length, the act paſſed as drawn by the commons.

The marriage of the clergy declared valid.

In this ſeſſion alſo, ſome progreſs was made in the reformation. Among other things, the marriage of the clergy was declared good and valid, which had been for ſome time conſidered by the people, as only tolerated.

Attempts to blacken the duke of Somerſet's memory. Burnet.

The ſeſſion of parliament being about to end, and not above 137 members remaining in the lower houſe, a bill was brought into the houſe of lords, to repeal the ſettlement of the duke of Somerſet's eſtate, made in favour of his children by his ſecond wife. In this bill was inſerted a clauſe, as the foundation of it, that the duke of Somerſet and his complices were juſtly attainted; but the commons agreeing to the repeal, rejected the clauſe. This ſhews their opinion of the duke's innocence.

Another fruitleſs attempt to get the biſhop of Durham condemned. Hayward.

In this ſame ſeſſion, the duke of Northumberland attempted to get Tonſtal, biſhop of Durham, condemned, who had been accuſed of miſpriſion of treaſon. The lords readily paſſed the bill for attainting him, but the commons would not proceed upon it, becauſe it was intended to condemn the biſhop, without confronting the witneſſes. The duke of Northumberland's view was, to have had the dignity of palatine of Durham, annexed to that ſee, conferred on himſelf. We ſhall ſee hereafter, his project ſucceeded better another time. In the Interim, finding the commons had not much condeſcenſion for him, becauſe the parliament had been called during the duke of Somerſet's adminiſtration, he reſolved to have another, which ſhould be more at his devotion. Accordingly, this, which had now ſat five years, was diſſolved at the end of the ſeſſion. Then the council came to a reſolution to call a new parliament, for the next year only, in order to have time to take the neceſſary meaſures to cauſe repreſentatives to be choſen, who ſhould be more favourable to the court.

Alteration, as to the biſhops. Burnet.

There were, this year, two conſiderable changes with reſpect to the biſhops. Firſt, Heath and Day, biſhops of Worceſter and Chicheſter, were deprived, for too openly oppoſing the reformation. The ſecond change was more conſiderable. After the parliament had given the king power of nominating to the vacant ſees, his patents ran, that he appointed ſuch a one, biſhop of ſuch

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* This year, the king founded a college or collegiate church at Gallway, in Ireland; and appointed a council, conſiſting of a preſident, and 30 other perſons, for the government of Wales. Rymer's Fœd.

a ſee, “during his natural life.” But at the time I am ſpeaking of, it was thought proper to change the words into, “ſo long as he ſhall behave himſelf well.” So the biſhops made by theſe patents, might be deprived of their ſees by a bare act of the king's will, without being forced to obſerve the uſual formalities in ſuch caſes.

The duke of Northumberland is abſolute.

The duke of Northumberland ſtill directed the affairs of the government, tho' he had no commiſſion to diſtinguiſh him from the other privy-counſellors. His proceedings againſt the duke of Somerſet, putting every one in fear of being expoſed to his vengeance, not a man dared openly to oppoſe him. We have ſeen, that in the late parliament, he attempted to render the duke of Somerſet's memory odious, by cauſing his ſentence to be approved by the two houſes. That project not ſucceeding, he took another method. He ordered a ſtrict enquiry to be made of all who had been enriched by the chantry-lands, given to the king during the duke of Somerſet's adminiſtration. Great numbers were found, ſome of whom were condemned in heavy fines, and others found means to purchaſe the duke of Northumberland's favour. But it was not poſſible for the lord Paget to divert the ſtorm which fell upon him, the duke of Northumberland mortally hating him for having been entirely devoted to the duke of Somerſet. He was not only fined in 6000 pounds, but alſo, on pretence that he was no gentleman, was degraded from the Order of the Garter, which he had received from Henry VIII, as if that prince, when he gave it him, knew not his pedigree. Beſides the motive of hatred and revenge by which the duke of Northumberland was ſwayed, he had alſo another, which was to make way for his eldeſt ſon, the earl of Warwick, for whom he eaſily procured the vacant garter *.

The company of the German merchants diſſolved. Burnet.

About this time, the corporation of German merchants, who lived in the Still-Yard, was diſſolved, becauſe it was become detrimental to England, by engroſſing the whole woollen trade. It was proved, that the Still-Yard men, in the year 1551, ſhipped 44,000 cloths, and all the Engliſh merchants together did not export above 1100. The regent of Flanders, and the city of Hamburg, earneſtly ſollicited to have the company reſtored, but it was to no purpoſe. The court alſo ſet on foot a project for the advantage of the trade of England, viz. to open two free mart-towns in England, Hull and Southampton; but it was not executed for want of time.

Cardan, in England. Burnet.

This year Cardan, the famous Italian philoſopher, paſſed through England, in his return from Scotland, where he had been, to cure the archbiſhop of St. Andrews of a dropſy. His endeavours were crowned with ſucceſs, but he foretold the archbiſhop he was to be hanged. As he paſſed through England, he waited on young king Edward, and was ſo charmed with him, that he every where ſpoke of him as of a miracle. It is ſaid, he caſt his nativity, and foretold to him a long and proſperous life; but for once, the rules of his art were not juſt †.

The affairs of Scotland. Edw. Jour. Buchanan.

The affairs of Scotland underwent, this year, ſome alteration. The queen dowager had been in France, on pretence of ſeeing her daughter, and had obtained of that court the regency of Scotland, in the room of the earl of Arran. In November, 1551, ſhe returned to Scotland, through England, where ſhe was magnificently treated by the king, and her charges born to the frontiers of the two kingdoms. At her arrival in Scotland, ſhe perſuaded the earl of Arran to reſign the regency to her, according to the deſire of Henry II, and his miniſters, the earl perceiving he could not keep it againſt their will. The archbiſhop of St. Andrews did not like his brother's reſigning his dignity. He caballed againſt the queen-regent, who had the addreſs to ſupport herſelf by the aſſiſtance of the reformed, promiſing them the free exerciſe of their religion, in their own houſes. By this means, ſhe eſtabliſhed herſelf in the government, in ſpite of the archbiſhop's attempts.

The revolution in Germany. Sleidan.

The revolution, this year, in the affairs of Germany, was much more conſiderable. The elector of Saxony, at length, diſcovered his project, but not till after the king of France had proclaimed war againſt the emperor, and the conſtable de Montmorency taken Metz by ſurpriſe. Then Maurice, aſſembling his forces, marched directly to Inſpruck, where Charles V. was, and had like to have taken him priſoner. Maurice's declaration obliged the emperor, at laſt, to give the Proteſtants ſome ſatisfaction, by granting them the famous edict of Paſſau, whereby the ſeveral princes and towns were ſecured in the

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* On February 2, this year, there was a king at arms appointed for Ireland, by the name of Ulſter. Edw. Journ.

† After the king's death, when nothing was to be got by flattering, he wrote the following character of him: “All the graces were in him; he had many tongues when he was yet but a child; together with the Engliſh, his natural tongue, he had both Latin and French, nor was he ignorant, as I hear, of the Greek, Italian, and Spaniſh, and, perhaps, ſome more: But for the Engliſh, French and Latin, he was perfect in them, and was apt to learn every thing; nor was he ignorant of logick, of the principles of natural philoſophy, nor of muſick. The ſweetneſs of his temper was ſuch as became a mortal; his gravity becoming the majeſty of a king, and his diſpoſition was ſuitable to his high degree. In ſhort, that child was ſo bred, had ſuch parts, and was of ſuch expectation, that he looked like a miracle of a man.” Afterwards he adds, “He was a marvellous boy; when I was with him, he was in the 15th year of his age, in which he ſpoke Latin as politely and readily as I did. He began to love the liberal arts before he knew them, and to know them before he could uſe them; and in him there was ſuch an attempt of nature, that not only England, but the world had reaſon to lament his being ſo early ſnatched away. ---- When the gravity of a king was needful, he carried himſelf like an old man; and yet he was always affable and gentle, as became his age. He played on the lute; he meddled in affairs of ſtate; and for bounty, he did, in that, emulate his father; tho' his father, even when he endeavoured to be good, might appear to have been bad. But there was no ground of ſuſpecting any ſuch thing in the ſon, whoſe mind was cultivated by the ſtudy of philoſophy.” See the original in Burnet's Hiſt. Ref.

1552.

free exerciſe of their religion. That monarch ſoon met with another great mortification. He inveſted Metz; but by the brave reſiſtance of the duke of Guiſe, who defended the place, he was forced to raiſe the ſiege. Let us return now to the affairs of England.

1553.

A parliament favourable to the duke of Northumberland. Strype.

Tonſtal is deprived, and his ſee ſuppreſſed.

The duke of Northumberland is made count-palatine. Burnet.

The new parliament meeting the 1ſt of March, 1553, the houſe of commons conſiſted of repreſentatives, who, for the moſt part, were diſpoſed to follow the directions of the court. They gave the king a very conſiderable ſubſidy, grounded upon the great waſting of his treaſure, during the duke of Somerſet's adminiſtration. This ſhewed what power the duke of Northumberland had in the houſe. That lord procured likewiſe an act for ſuppreſſing the biſhoprick of Durham, having firſt cauſed Tonſtal to be deprived. This biſhoprick being ſuppreſſed, the king founded two others, one at Durham, with 2000 marks revenue, and another at Newcaſtle, with 1000. But the temporality of the biſhoprick being turned into a county palatine, was given to the duke of Northumberland. Probably, Tonſtal was deprived, and his ſee ſuppreſſed, for that purpoſe.

The parliament ſat but one month. It was diſſolved the 31ſt of March, after the duke of Northumberland had procured a ſubſidy for the king, and a ſtain for the memory of the late duke of Somerſet. The court had no farther need of a parliament, and the duke of Northumberland's intereſt required there ſhould be none, when he was preparing to execute his deſigns.

The king's illneſs. Burnet.

The young king had been ſeiſed ever ſince January with a diſtemper, which, at length, brought him to his grave. This did not hinder his being made to ſign an order for viſiting the churches, and taking thence all the ſuperfluous plate and ornaments. The viſiters were likewiſe to examine very ſtrictly, what embezzlements had been made in that reſpect. All this was done under pretence of ſelling the ſuperfluities, and giving the money to the poor, who had, however, the leaſt ſhare.

The council is jealous of the progreſs of France. Burnet.

The progreſs of the French, in Germany, beginning to make England uneaſy, the council reſolved to take ſome meaſures to ſtop their carreer; nay, they ſeemed, at firſt, to have intended to join in a league with the emperor, againſt France; but all this ended, at laſt, in the offer of the king's mediation, which produced no effect.

The king's illneſs becomes very dangerous. Burnet.

1553.

In the interim, Edward was ſtill troubled with a defluxion upon his lungs, which waſted him by degrees, and daily grew more dangerous. Some plainly affirm a ſlow poiſon was given him, and throw the ſuſpicion upon the duke of Northumberland. Others only inſinuate ſuch a thing, without ſaying it poſitively; but after all, both ſpake only by conjecture, without giving any proof. The young king ſaw death approaching without any fears as to himſelf, but could not reflect, without an extreme concern, on the future ſtate of religion, under his ſiſter Mary, who was to ſucceed him. Very probably, the duke of Northumberland, who conſtantly attended him in his illneſs, took care to increaſe his fears, on purpoſe to lead him more eaſily to the point he deſired. All hopes, however, of the king's recovery were not given over till the middle of May, when it is likely, the phyſicians told the duke of Northumberland, his caſe was deſperate. Then it was that he married the lord Guilford Dudley, his fourth ſon, the only one unmarried, to Jane Grey, eldeſt daughter of the new duke of Suffolk, by Frances Brandon, who was in Henry VIII's will the next in the ſucceſſion, after the princeſs Elizabeth. At the ſame time, Jane's two ſiſters were married, the ſecond, the lady Catharine, to the earl of Pembroke's eldeſt ſon, the lord Herbert; the third, the lady Mary, who was crooked, to the king's groom-porter, Martin Keys. Theſe marriages were ſolemniſed about the end of May, when there was no hope of the king's recovery. At laſt, one day, as the young king was expreſſing his great concern at the thoughts, that his ſiſter, the princeſs Mary, would do her utmoſt to deſtroy the reformation, the duke of Northumberland broke the ice. He repreſented to the king, that there was but one way to prevent the misfortunes England was threatened with, in caſe the princeſs Mary aſcended the throne after him; and that was, to ſettle the crown on the lady Jane Grey, his daughter-in-law. Indeed, it was natural, in excluding Mary, to transfer the crown to his ſiſter Elizabeth, whom the king tenderly loved, and who was a hearty friend to the reformation; but probably, the duke told the king, as he could exclude Mary but on the ſpecious pretence of her being illegitimate, the ſame reaſon ſubſiſted with regard to Elizabeth, ſince the marriages of their mothers were equally annulled; that, therefore, either the ſucceſſion was to be left as ſettled by the late king, or the princeſſes were to be both excluded together. Very likely, the young king, who found himſelf dying, and only thought of ſaving the reformation from the impending deſtruction, was prevailed with by this argument, to ſacrifice the princeſs Elizabeth; beſides, he had a great eſteem and affection for Jane Grey, who was an accompliſhed lady, both in body and mind.

The marriage of the duke of Northumberland's fourth ſon with Jane Grey. Stow. Hayward.

The duke perſuades the king to ſettle the crown on Jane Grey. Burnet.

The judges refuſe to draw the ſettlement. Burnet

They are as it were forced to it. Burnet.

However this be, the king having taken the reſolution ſuggeſted to him by the duke of Northumberland, three judges of the realm were ſent for, and required to draw an aſſignment of the crown to Jane Grey. The judges deſired a little time to conſider of it. At laſt, they anſwered, they could not preſume to do any ſuch thing, without being guilty of high-treaſon; adding, that all the privy-counſellors, who conſented to the aſſignment, would unavoidably be liable to the pains expreſſed in the act of ſucceſſion. Upon which the duke of Northumberland was in ſuch a fury, that he had like to have beaten the judges; but they ſtood to what they had ſaid. On the 15th of June they were ſent for again, and, at length, by menaces and the expedient of a pardon under the great ſeal, were wrought upon to draw the ſettlement of the crown, which was ſigned

The ſettlement is ſigned by all the council.

ed by all the reſt of the judges, except Hales, who could never be prevailed with. All the privy-counſellors ſet their hands to it, likewiſe, on the 21ſt of the ſame month. Cranmer was abſent that day, on purpoſe to avoid ſigning; but the king importuned him ſo much, that he ſet his hand, at laſt, as a witneſs, as it is pretended, and not as a privy-counſellor.

A woman undertakes to cure the king, but cannot. Suſpicions againſt the duke of Northumberland. Hayward. Burnet.

In the interim, the king's diſtemper increaſing, without the poſſibility of finding any remedy, the council thought fit to diſmiſs the phyſicians, and put him into the hands of a certain woman, who undertook his cure. It was ſaid, this was done by the duke of Northumberland's advice, and that the woman ſhortened the king's days; but he was now ſo ill, that it was entirely needleſs to haſten his death. It is true, the woman inſtead of curing him, only put him to more pain, by the medicines ſhe gave him; and this was ſufficient to inſpire the people with violent ſuſpicions of the duke of Northumberland, who was not beloved, and was thought capable of any thing. At laſt the phyſicians, were ſent for again; but it was not in their power to ſtop the violence of his diſtemper, which carried him out of the world on the 6th of July, after his giving ſenſible proofs of a true piety. Some days before his death, the duke of Northumberland got the council to write to the princeſſes Mary and Elizabeth, deſiring them to come and keep him company in his ſickneſs. His view was to have them in his power, that they might not obſtruct the promotion of his daughter-in-law Jane Grey. The two princeſſes not imagining the king ſo near death, were upon the road, but hearing he was expiring, turned back, and the duke was diſappointed of his expectation *.

The king's death.

The duke tries to have Mary and Elizabeth in his power. Burnet. They eſcape the ſnare.

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22. MARY.

Mary.

HENRY VIII's divorces from Catharine of Arragon and Ann Bullen; the acts of parliament confirming theſe divorces; other ſubſequent acts which ſeemed to repeal what the firſt had ordained, the power given to the king to appoint his ſucceſſors, and to place them in what order he pleaſed; in a word, that prince's laſt will itſelf, had ſo embroiled the affair of the ſucceſſion, that it appeared full of contradiction and obſcurity. It would not have been poſſible to reſolve by the antient laws and cuſtoms of the realm, the queries ariſing from ſo many inconſiſtent acts, becauſe the makers of theſe new laws had not in view juſtice and equity, but only the gratifying of a prince to whom it was dangerous to refuſe any thing. Henry VIII. had foreſeen the difficulties and perplexities his two divorces might one day occaſion, and even ſeemed deſirous to prevent them; but he only increaſed them by the new ſtatutes he obtained of the parliament, wherein his view was not ſo much to procure the welfare of the kingdom, as to follow his humour, and cauſe his will to be a law. To ſet this matter in a clear light, it will be proper to inſert hear a brief recapitulation of that monarch's proceedings, with reſpect to the ſucceſſion.

It has been ſeen in the Hiſtory of his reign, that after living 18 years with Catharine of Arragon, his firſt wife, and having by her ſeveral children, of whom there was but one daughter alive, he had a mind to put her away. He pretended, his marriage was void, and becauſe the court of Rome for reaſons of ſtate, would not condeſcend to annul it, he cauſed a ſentence of divorce to be pronounced by the archbiſhop of Canterbury, before he had aboliſhed the papal authority in his kingdom. He thereby afforded a very ſpecious pretence to queſtion the prelate's authority, by whom the ſentence was pronounced. What is more, he took a ſecond wife, before he was legally divorced from the firſt, and by this haſte, gave a freſh occaſion to diſpute the validity of his ſecond marriage. Here are already two contradictions in theſe his two firſt ſteps. He applied to the pope, as to his judge, and before he had ſolemnly renounced his authority, contemns it, and in ſpite of the pope, whoſe juriſdiction was ſtill acknowledged in England, is divorced from queen Catharine. On the other hand, he owns there was need of a legal ſentence, to juſtify his divorce, and yet he prevents the ſentence by running into a ſecond marriage, before it was pronounced.

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* He died in Sir Henry Sidney's arms, ſon-in-law to the duke of Northumberland. It is ſaid, king Edward was in body beautiful, of a ſweet aſpect, and eſpecially in his eyes, which ſeemed to have a ſtarry livelineſs and luſtre in them. He kept a book, in which he wrote the characters of all the chief men of the nation, all the judges, lord-lieutenants, and juſtices of the peace over England, marking down their way of living, and their zeal for religion. He had ſtudied the buſineſs of the mint, with the exchange and value of money. He alſo underſtood fortification, and deſigned well. He knew all the harbours and ports in his dominions, as alſo in Scotland and France, with the depth of water, and way of coming into them. He had acquired ſo great knowledge in foreign affairs, that the ambaſſadors who were ſent into England,publiſhed very extraordinary things of him, in all the courts of Europe. He took notes of almoſt every thing he heard, which he wrote firſt in Greek characters, that thoſe about him might not underſtand them, and afterwards copied out fair in the journal or diary that he kept. This Journal, written with his own hand, is ſtill preſerved in Sir John Cotton's famous library; from whence the learned biſhop Burnet tranſcribed and publiſhed it, in his 2d vol. of the Hiſtory of the Reformation. In it the moſt conſiderable tranſactions in this reign are, perhaps, as well regiſtred (ſays biſhop Nicolſon) by the young king himſelf, as by any other hiſtorian.-- June the 26th, a few days before his death, the king endowed Chriſt's, St. Thomas's, and Bridewell hoſpitals, in London, with the revenues belonging to the Savoy in the ſame city, which amounted then to 600 l. a year; and gave licenſe for the purchaſing of lands to the uſe of the ſame hoſpitals as far as the yearly ſum of 4000 marks. Hollingſh. He alſo founded Chriſt's-hoſpital in Abington. Heylin.

In the next place, he beheaded his ſecond wife for adultery, and yet, before the execution, pretended ſhe could not be his wife, and was divorced from her on a frivolous pretence. Theſe two divorces were confirmed by an act of parliament paſſed in 1536, wherein was alſo a manifeſt contradiction. The act declared Mary and Elizabeth, born of the two firſt marriages, illegitimate and incapable of ſucceeding to the crown, and yet it gave the king power to place them on the throne, ſince, without any limitation, it inveſted him with all the authority neceſſary to ſettle the ſucceſſion as he pleaſed.

There was likewiſe another contradiction in a ſtatute of the year 1540, where it was declared, that a marriage after conſummation ſhould not be annulled, by reaſon of a precontract. Nevertheleſs Henry's divorce from Ann Bullen had no other motive. Thereby, the king and parliament owned they had injured Elizabeth, in declaring her illegitimate. It will be ſaid, perhaps, this act was not to regard what was paſſed; but it is certain, it was made only with deſign to favour Elizabeth. Notwithſtanding, ſhe was not reſtored by this act, but it ſtill lay in the king's breaſt to give her a place in, or exclude her from the ſucceſſion.

In another act made in 1544, there was a no leſs manifeſt contradiction. By this act, both houſes themſelves put in the line of the ſucceſſion Mary and Elizabeth after their brother Edward. Did not this ſeem to be making them an authentick reparation, and owning them for legitimate? And, indeed, hitherto, no baſtards had ever been on the throne of England; nay, it might be queſtioned, whether it was in the parliament's power to place them there; at leaſt, there would have been need of a very expreſs and authentick law for that purpoſe. Nevertheleſs by a particular clauſe of this act, the king was allowed the liberty to impoſe conditions on theſe two princeſſes, without which they could have no right to ſucceed; a thing the parliament would not, nay could not, have done, if they had been owned for legitimate; wherefore, it was not on account of their natural right, but by meer favour, that they were enabled to ſucceed to the crown.

Henry followed the ſame plan in his laſt will. He put Mary and Elizabeth in the line of the ſucceſſion, after their brother Edward, but in ſuch a manner, that he let them ſee, it was by meer grace, ſince he bound them to certain conditions, without which they were to forfeit their right. The difference he made between them and Edward, ſhewed he owned them not for legitimate, and thereby afforded a pretence to queſtion the right he gave them. But what conduced ſtill more to embroil the affair of the ſucceſſion, was, that this will paſſing over in ſilence the iſſue of Margaret, queen of Scotland, Henry's eldeſt ſiſter, placed next to Elizabeth the children of Mary, queen-dowager of France and ducheſs of Suffolk, the younger ſiſter. This was a manifeſt abuſe of the power granted him by the parliament, and conſequently a furniſhing the queen of Scotland with a plauſible pretence to demand the annulling of a will, which ſubverted the moſt ſteddy laws of the kingdom.

Edward VI. compleated this confuſion, in the affair of the ſucceſſion, by conveying the crown to Jane Grey, contrary to the rights of Mary and Elizabeth. This was an act of abſolute ſovereignty very unbecoming a king of England, and one that died a minor. But moreover, in this act of conveyance there were contradictions no leſs palpable than thoſe Henry VIII. had been guilty of. Edward owned for good and valid, the act declaring Mary and Elizabeth illegitimate; but at the ſame time, he repealed by his own authority, that which gave the king, his father, the power to ſettle the ſucceſſion. On the other hand, he followed his father's will, in giving the preference to the younger ſiſter's children; but withal, annulled the will, by excluding Mary and Elizabeth.

Four princeſſes might pretend to the crown.

By this ſhort recapitulation, it may be eaſily perceived, what a door to diviſions and civil wars was opened by Henry VIII. and his ſucceſſor. By the above-mentioned acts, four princeſſes, viz. Mary, Elizabeth, the queen of Scotland, and Jane Grey, could pretend to the crown after Edward's death, and each could find in theſe very acts, arguments to combat the claims of her adverſaries.

The examination of Mary's right.

Mary reſted upon her father's will; but ſhe received, in her opinion, a much ſtronger ſupport, tho' ſhe durſt not openly alledge it, from her natural right, and the want of authority in thoſe who annulled her mother's marriage. On the other hand, it might be objected to her, that having been declared illegitimate by an act of parliament, that act was never repealed, and it was not in the king's power to place baſtards on the throne, in excluſion of the lawful heirs. That beſides, it was known to the whole nation, that the parliament was far from being free when ſhe was placed in the ſucceſſion after Edward, but, however, this act ought to have been preceded by an expreſs repeal of that, whereby ſhe was declared incapable of ſucceeding.

Of Elizabeth's.

The ſame thing could be alledged againſt Elizabeth; but ſhe might anſwer, that her mother's divorce was grounded only upon a clauſe, which was afterwards declared inſufficient, and that by the act of the year 1540, ſhe was reſtored to her rights. Conſequently, it was to her the crown was devolved, if her ſiſter Mary was incapable of ſucceeding.

Of Mary queen of Scotland's.

The queen of Scotland could plead the illegitimation of Mary and Elizabeth, and affirm, it was her right to aſcend the throne of England, as grand-daughter to Henry VIII's eldeſt ſiſter. As to the objection of her being born out of the land, it was a groundleſs cavil, ſince the princes of the blood, in England, are never deemed foreigners, tho' born out of the kingdom.

Of Jane Grey's.

Jane Grey had for her, Edward's aſſignment, approved by all the counſellors and the judges of the realm; but it muſt be confeſt, it was a very ill-grounded right. Herein, it is certain, the king, the council, and the judges, had undertaken what exceeded the bounds of their power; beſides, the duke of Northumberland was known to hold the council in ſubjection, and it would have been eaſy to prove, the judges were forced to draw and ſign the inſtrument.

Mary and Jane Grey are the only competitors.

Had this affair been to be decided by the law, and impartial judges, many difficulties would, doubtleſs, have occurred. On the other hand, if each of the four princeſſes, who might have pretended to the crown, would have maintained her right, and had been ſtrong enough to ſupport her pretenſions, to what calamities would the kingdom have been expoſed? But the affair took another turn, becauſe Elizabeth and the queen of Scotland endeavoured not to poſſeſs the crown. So Mary and Jane were the only competitors. This was very advantageous to Mary, becauſe her right was thereby put in the balance with only Jane's the weakeſt of all. Undoubtedly this is what induced all the hiſtorians to declare for Mary's right, becauſe they compared it only with that of her rival; but if Elizabeth and the queen of Scotland had been each ſupported with a good army, perhaps, all the advantage would not have been ſo readily given to Mary. Having thus ſeen the grounds of this quarrel, let us now proceed to the deciſion.

The duke of Northumberland's error. Burnet.

The duke of Northumberland took great care to conceal Edward's death, becauſe he expected Mary would come and throw herſelf into his hands. It muſt be confeſt, this miniſter, tho' very politick, committed a very groſs error, in neglecting to ſecure Mary and Elizabeth, immediately after Edward had ſigned the conveyance to Jane Grey. He might have eaſily effected it whilſt the king was alive; but inſtead of ſuddenly taking ſo neceſſary a precaution, he expected they would come of their own accord into the ſnare he had laid for them, by cauſing them to be ſent for to keep their brother company in his ſickneſs. Mary had like to have been intrapped; for ſhe was within half a day's journey of London, when ſhe had notice from the earl of Arundel, of the king's death, the aſſignment of the ſucceſſion, and the deſign upon her perſon. This news obliging her to take other meaſures, ſhe, immediately, turned back, and went to Kenning-Hall in Norfolk. From thence ſhe wrote a letter to the council, which plainly diſcovered ſhe was informed of what they intended to conceal from her. She told the counſellors, ſhe thought it very ſtrange that the king, her brother, being three days dead, ſhe had not been advertiſed of it by them, ſince they could not be ignorant of her juſt right to the crown; that their neglect on this occaſion, was a plain intimation of ſome ill deſign againſt her; but that ſhe was ready to take all in good part, and to pardon thoſe who would have recourſe to her clemency; that, in the interim, ſhe required them to proclaim her queen. After writing this letter, ſhe departed from Kenning-Hall, and repaired to the caſtle of Framlingham in Suffolk. Two reaſons induced her to retire to this place. The firſt, that the duke of Northumberland was much hated in thoſe parts, ever ſince the great ſlaughter he had made of the rebels who had taken arms under Ket. The ſecond, that the caſtle of Framlingham being near the ſea, ſhe might, if the ill ſucceſs of her affairs ſhould oblige her to it, have an opportunity to fly with more eaſe into Flanders. Upon her arrival at this place, ſhe took the title of queen, and being proclaimed at Norwich, ſent a circular letter to all the nobility, requiring them to come and aid her in maintaining her right. Let us now ſee what paſſed at London.

The duke of Northumberland is abſolute in the council.

It has been obſerved in the foregoing reign, that the duke of Northumberland was become ſo abſolute in the council, that not one of the counſellors dared to oppoſe his will. Edward's death ſeemed likely to free them from this ſervitude; but as probably the duke would have more authority under his daughter-in-law Jane, than under Edward, every one dreaded to make him an enemy. It is not, therefore, to the council ſo much as to the duke of Northumberland, by whom the board was directed in all their reſolutions, that whatever was done in favour of Jane after Edward's death, is to be aſcribed. This miniſter ſoon found it impoſſible to conceal long the king's death. Two days after, the news of it was publick in London. Beſides, Mary's retreat plainly ſhewed how fruitleſs were the pains that were taken on that account. So the duke thinking it no longer proper to hide his deſigns, was ſent with the duke of Suffolk to give Jane notice of her being to aſcend the throne, by vertue of Edward's letters-patents whereby he aſſigned her the crown. Jane was then but in her 16th year; but at that age, wherein the judgment hardly begins to be formed, her's had acquired ſuch a degree of perfection, as is rarely found in one ſo very young. All the hiſtorians agree, the ſolidity of her mind, joined to a continual application to ſtudy, rendered her the wonder of her age. She underſtood perfectly French, Latin and Greek, and made uſe of theſe languages as helps to attain to the higheſt knowledge in the ſciences *. Herein ſhe was very like her couſin, king Edward, who had a tender friendſhip for her, as, on her part, ſhe had a great eſteem for him. She appeared much moved at his death, which, however, ſhe muſt have expected, ſince his recovery had been now ſome time deſpaired of. But as ſhe knew not that his death was to procure her the crown, ſhe was extremely ſurpriſed at the news which her father and the duke of Northumberland

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* Roger Aſcham, tutor to the lady Elizabeth, coming once to wait upon her at her father's houſe in Leiceſterſhire, found her reading Plato's works in Greek, when all the reſt of the family were hunting in the park. He aſked her, how ſhe could be abſent from ſuch pleaſant diverſion? She anſwered, the paſtimes in the park were but a ſhadow to the delight ſhe had in reading Plato's Phædon, which then lay open before her. Burnet. What a noble pattern is here for the education of young ladies of quality, and how different from the modern way of bringing them up!

told her. Inſtead of receiving it with joy, as they, doubtleſs, expected, ſhe told them, ſhe did not mean to inrich herſelf by the ſpoils of others; that the crown belonged to the princeſs Mary, and after her to the princeſs Elizabeth, and being acquainted, as ſhe was, with king Henry's will, ſhe was unwilling to aſpire to the throne before her turn. Againſt theſe reaſons were urged king Edward's and the council's authority, with the approbation of the judges, and it was endeavoured to convince her, that this unanimity was a clear evidence there was nothing in it contrary to the laws of the land. She found herſelf moved by theſe arguments, and the importunities of Guilford Dudley, her huſband, prevailed with her, at length, to receive the offered crown. However, it was in ſuch a manner, as convinced the two dukes, that ſhe did it not ſo much from a perſuaſion of the juſtice of her title, as out of complaiſance, and for want of reſolution. Accordingly, the duke of Northumberland declared, in his report to the council, that ſo far was Jane from aſpiring to the crown, ſhe was rather, by enticement and force, made to accept it.

She withdraws to the tower, with the council.

As ſoon as the duke of Northumberland had obtained Jane's conſent, it was reſolved that the council ſhould withdraw to the tower with her, and ſhe be proclaimed. This reſolution being taken, the lord mayor of London was ſent for, and being informed of the king's death, and of the ſettlement in favour of queen Jane, the ceremony of the proclaiming was fixed to the next day, the 10th of July, and the 5th after Edward's death. In the interim, the council wrote an anſwer to Mary's letter, ſigned by 21 counſellors, to this effect: "That Mary could not pretend "to the crown, ſince ſhe was born of an un"lawful marriage, diſſolved by a legal ſen"tence, confirmed by more than one parlia"ment; that ſhe ought to give over her pre"tenſions, and acknowledge queen Jane for "her ſovereign, who was now on the throne, "by vertue of the late king's letters patents; "that if ſhe ſhewed herſelf obedient, ſhe "ſhould find the counſellors all ready to do "her any ſervice, conſiſtent with their duty "to queen Jane."

She is proclaimed at London. Stow.

The council's anſwer to Mary's letter. Burnet.

The people expreſs no joy at Jane's proclaiming. Strype.

Jane was proclaimed, in London, with the uſual formalities; but there were none of the acclamations cuſtomary on ſuch occaſions, ſo aſtoniſhed were the people, to ſee a queen proclaimed they had never thought of. Beſides, as the duke of Northumberland was very much hated, and as Jane was his daughter-in-law, when ſhe was heard to be proclaimed queen, the duke was imagined to be proclaimed chief governor, which was by no means pleaſing to the people; nay, an accident happened on this occaſion, which was very ominous, and confirmed the Londoners in their prejudice againſt the duke of Northumberland. A vintner's boy having, ſome way, expreſſed his ſcorn at the proclamation, was immediately ordered to be ſet in the pillory, with his ears cut off, and nailed to it; which was accordingly done. This proceeding, the odium whereof was caſt upon the duke, made it judged what was to be expected from his government, ſince this new reign began with an act of ſeverity.

The reaſons why the duke of Northumberland kept the council in the tower.

The duke of Northumberland took care not to omit the cuſtom long ſince introduced, that the new ſovereigns ſhould withdraw to the tower, with the council, in the beginning of their reign. He could not doubt, Mary would pretend to the crown, and uſe all poſſible endeavours to take poſſeſſion, neither was he ignorant how the nobles and people ſtood affected, with regard to the ſituation the ſtate was then in. For this reaſon, he was very glad to have the counſellors in the tower, in order to be maſter, and cauſe them to come to reſolutions agreeable to his intereſt. As the change which ſoon after happened, proceeded from the diſpoſition of the ſeveral members of the ſtate, it will be abſolutely neceſſary to have a diſtinct notion how they ſtood inclined, in order to underſtand the cauſes of this revolution.

Of the council.

The council conſiſted of 21 counſellors, among whom there were few real friends of the duke of Northumberland; but every one feared him. Some, as the earl of Arundel, ſtill adhered to the Romiſh religion, tho' outwardly they complied with the new laws. Others, as the archbiſhop of Canterbury, were truly Proteſtants; but the major part, without being really addicted to any religion, blindly followed that which was uppermoſt. As they had readily embraced that of Henry VIII, they had, with the ſame eaſe, followed that eſtabliſhed by Edward, being ready to reſume the Romiſh religion, if it ſuited beſt with their temporal intereſt. This was particularly the duke of Northumberland's character. So, tho' he profeſſed the reformed religion, the Proteſtants themſelves had a very ill opinion of him. They were perſuaded, his pretended zeal for the advancement of the reformation was all grimace, and the pure effect of his policy. This diſpoſition of the counſellors, manifeſtly ſhews, that a religious zeal alone was not capable of keeping them in Jane's intereſt. There was need of a much ſtonger motive to that end; but inſtead thereof, there was a reaſon which entirely diſengaged them from her party, viz. the ſlaviſh ſubjection they were held in, by the duke of Northumberland. That lord, whoſe pride was intollerable, could not bear contradiction. The council ſeemed to have nothing to do, but to follow his directions without examination. Then, he was one of thoſe unreaſonable perſons, with whom you fail on a ſingle occaſion, all paſt ſervices are cancelled. This the earl of Arundel, in particular, had ſadly experienced. Tho' he had been very ſerviceable to the duke, in ruining Somerſet, yet afterwards, becauſe he did not find him ſubmiſſive enough, he cauſed him to be condemned in a heavy fine, under colour of his having waſted the king's treaſure. This uſage was ſtill remembered by the earl, who only waited an opportunity to be revenged. The reſt of the counſellors were no leſs deſirous to free themſelves from the duke's yoke; but they were as priſoners in the tower, where they apprehended, the leaſt falſe ſtep would coſt them their life, before the quarrel between Jane and Mary was decided; and, therefore, they approved whatever the duke pleaſed to order, and the reſolutions tending to eſtabliſh Jane on the throne, were made in the council's name, tho' the duke alone was the author.

Of the nobility.

The reſt of the nobility, who had no ſhare in the government, were in much the ſame ſentiments with the counſellors. Whilſt the duke of Somerſet was protector, he was hated by the nobility, as appeared in the former reign: and, therefore, they aſſiſted, to the utmoſt, the earl of Warwick to ruin him; but, when that was done, they ſoon perceived they were no gainers by the change, ſince it gave them a much prouder, and more formidable maſter than the perſon they were freed from. The new miniſter treated them, afterwards, with ſo much haughtineſs, that they had reaſon to regret the duke of Somerſet; and, conſequently, they earneſtly deſired to ſee him ruined, which they could not expect whilſt his daughter-in-law ſhould be on the throne. This made them incline to Mary, tho' that princeſs was little beloved in the kingdom.

Of the people.

The duke of Northumberland had been the principal author of Somerſet's fall, who was the people's idol. This was ſufficient to render him odious; beſides, he was counted a hard and cruel man, whoſe counſels always leaned to the ſide of ſeverity. After he had diſperſed the Norfolk rebels in the late reign, he cauſed ſo many to be executed, that he drew upon him the hatred of the counties of Norfolk and Suffolk. This hatred, afterwards, ſpread itſelf over the kingdom, when he came to be at the head of affairs. Wherefore, all the people in general wiſhed to be freed from this odious miniſter, and that could be only by the ruin of Jane's party. The Londoners, in particular, hated him mortally, becauſe they believed him guilty of king Edward's death.

Of the Roman Catholicks.

Let us now conſider the Engliſh nation in reſpect to the two religions. Jane openly profeſſed the Proteſtant religion, and ſhewed, ſhe was entirely convinced of the truth of its doctrines. Mary, on the contrary, was extremely addicted to the Romiſh church, and tho' during Edward's reign, ſhe had pretended to adhere to the religion eſtabliſhed by Henry VIII, it was known to be only with deſign to ſilence thoſe who governed during her brother's minority. She was not only thought devoted to the pope, but alſo a favourer of the moſt abſurd doctrines of the Romiſh religion. It may eaſily be gueſſed, that all who were ſtill for the old religion, in their hearts, paſſionately wiſhed that this princeſs might aſcend the throne. This was the only way they could hope to ſee religion reſtored, whereas if Jane reigned, they could expect only the continuance of the meaſures taken to aboliſh it. The duke of Northumberland, who, probably, was to be Jane's prime miniſter, had even appeared zealous for the reformation. So, to judge of him by his paſt conduct, the friends of the old religion could hope for no advantage from him. Some, who knew him better than the reſt, were, however, ſenſible, he was far from being a good Proteſtant; but they knew alſo, tho' he might have favourable thoughts of their religion, they could expect nothing from him but what was agreeable to his temporal intereſt, and that this intereſt would naturally hold him attached to the Proteſtant party; ſo, the Roman Catholicks were all for Mary, and ready to lend their aſſiſtance to ſet her on the throne.

Of the reformed.

The better to underſtand how the reformed ſtood affected, at this time, it muſt be obſerved, that to conſider England in general, it may be ſaid, ſhe was wholly Proteſtant. Hardly was there a man but what had ſubmitted, at leaſt, outwardly, to the laws made for that purpoſe, in the reign of Edward; but among the great numbers which were looked upon as Proteſtants, there were many who were ſo only in name. Some ſtill halted between the two religions. Others were Papiſts in their hearts; and very many, regarding only temporal advantages, had embraced the reformation to make their fortunes. The ſmalleſt number was of thoſe, who truly convinced of the tenets of the new religion, were ready to ſacrifice their all for its ſake. None but theſe, therefore, were real friends to Jane. As for the others, there were many who wiſhed, indeed, the reformation might prevail, and conſidered Mary's acceſſion to the throne as a misfortune, but were unwilling to hazard their lives and fortunes to prevent it. However, there was one thing wherein all the reformed, as well the zealous as the luke-warm, and timorous, were agreed, viz. in their hatred to the duke of Northumberland, and their dread of falling again under his tyrannical government. Theſe two paſſions cauſed them to look upon Jane's reign as a misfortune to them and the kingdom. They were the more confirmed in this opinion, as, not foreſeeing what was to happen in Mary's reign, they flattered themſelves, that content with the private exerciſe of her own religion, ſhe would leave the Proteſtant in the ſame ſtate ſhe found it, or, at moſt, would be ſatisfied with giving her party liberty of conſcience; and this was what her friends every where, and on all occaſions, took great care to inſinuate. So Jane's cauſe was like to be but ill ſupported, eſpecially as Mary having no other rival, the Engliſh did not believe they ought, through a principle of religion, to depart from the rules of juſtice and equity, by depriving her of the crown, who had the beſt title. If their poſterity have not continued in the ſame opinion, it is to be wholly aſcribed to the cruelties exerciſed upon the Proteſtants, where-ever the Romiſh religion prevails.

It is certain, tho' Mary had for her all the well-wiſhers of the old religion, that party would not have been able to place her on the throne, The publick hatred of the duke of Northumberland is advantageous to Mary. Burnet.

throne, if the people's hatred of the duke of Northumberland had not determined the Proteſtants themſelves to declare for her. Moſt of the Engliſh hiſtorians take great pains to prove the juſtice of Mary's title, to infer from thence, that the Proteſtants preferred right to their own intereſt. I will not deny that ſeveral acted from that principle; but, very probably, the dread of falling under the government of the duke of Northumberland, helped Mary to more friends than the juſtneſs of her title, eſpecially as this title was not ſo clear, but that it was liable to many objections. However this be, Mary being proclaimed at Norwich, the counties of Norfolk and Suffolk declared for her, and furniſhed her with troops. The men of Suffolk, tho' ſtrongly attached to the reformation, ſignaliſed themſelves on this occaſion. It is true, they deſired to know of her, whether ſhe would leave religion in the ſame ſtate ſhe found it; which ſhe poſitively promiſed, reſerving to herſelf, however, the liberty of profeſſing her own religion. Upon theſe aſſurances, they reſolved to hazard their lives and eſtates in her quarrel. Many lords and gentlemen came alſo to Framlingham, to offer their ſervice; and the earls of Bath and Suſſex, the ſons of the lord Wharton and Mordant, with many more, raiſed forces for her.

Jane ſends an ambaſſador to the emperor, who refuſes him audience. Strype.

In the interim, the council was drawing inſtructions for Richard Shelley, who was to go and inform the emperor of what paſſed in England. It was believed, there was moſt danger from that quarter. Shelley went, indeed, but the emperor would neither give him audience, nor receive Jane's letter to notify her acceſſion to the crown, and to deſire his friendſhip.

The council raiſes an army, the command whereof is deſigned for the duke of Suffolk. Burnet.

In the mean while, the council received advices from all ſides, that Mary's party gathered ſtrength, that ſhe had been proclaimed in ſeveral places, and had an army already which daily increaſed. Theſe ill-news, which flowed in very faſt, obliged the miniſters to raiſe forces to ſend againſt Mary's. Immediate orders were given to thoſe that were ready, to meet at Newmarket, with whom were joined ſome regiments, levied in haſte at London. At the ſame time they ſent Sir Edward Haſtings, the earl of Huntingdon's brother, to raiſe Buckinghamſhire, and the earl of Northampton undertook alſo to raiſe Herefordſhire. The duke of Suffolk was appointed to command the army, becauſe the duke of Northumberland was unwilling to go away, for fear his abſence ſhould produce ill effects; but the earl of Arundel, who wiſhed for an opportunity to act for Mary, ſeeing the duke of Northumberland's preſence was an inſuperable obſtacle to the execution of his deſigns, found means to break his meaſures. He intimated to Jane, that the duke, her father, would be expoſed to great danger; that it would be more proper for the duke of Northumberland to head the army, and for the duke, her father, to ſtay with her. On the other hand, he inſinuated, or cauſed it to be inſinuated to the duke of Northumberland, that it would be very dangerous to put the army under the duke of Suffolk's command, who had never been very fortunate in his expeditions; that on ſuch an important occaſion, he ought, inſtantly, to head the troops himſelf, and that his name alone was capable of ſtriking terror into thoſe aſſembled by Mary, in a county where he had given ſingular proofs of his conduct and valour. Jane's tender affection for the duke, her father, cauſed her ſo ardently to embrace this advice, that all the duke of Northumberland's endeavours to make her alter her mind, were ineffectual.

Burnet.

At ſo critical a juncture, the duke of Northumberland was much diſtracted in his mind. Indeed, he knew he was much fitter than the duke of Suffolk to command the army againſt Mary, and was very ſenſible, all depended upon it; but then he was afraid to leave the young queen in the hands of the council, of whom he was not well aſſured, and who complied with him purely out of fear, and the more, as the duke of Suffolk, the queen's father, was reckoned but a weak man. However, as it was not entirely in his choice, to accept or refuſe the command, and beſides, all depended upon the ſucceſs againſt Mary's army, he reſolved to march. He left London on the 14th of July, without being wiſhed ſucceſs (as is uſual on ſuch occaſions) by the great crowds looking on as he paſſed, and went and headed 6000 men, aſſembled at Newmarket.

The diſpoſition of the counſellors.

Tho' moſt of the counſellors had no great inclination to favour the duke of Northumberland's deſigns, they were obliged, however, to uſe great caution. They ſaw themſelves as priſoners, in the tower, under the direction of the duke of Suffolk, who was concerned to prevent all proceedings againſt his daughter. It was neceſſary, therefore, to ſeem very zealous for Jane's intereſt, till a favourable opportunity offered to declare for Mary. To this end, they appointed Ridley, biſhop of London, to ſet out queen Jane's title in a ſermon, at St. Paul's, and to warn the people of the dangers they would be expoſed to, if Mary ſhould mount the throne. Ridley diſcharged his commiſſion like one that was perſuaded the reformation would very much ſuffer under Mary's government; and, therefore, he largely inſiſted upon Mary's attachment to the Romiſh religion, and informed the audience of ſome things which had paſſed between him and her, and which were plain indications of her averſion to the reformation and the reformed. Mary never forgave him this ſermon, which, at that juncture, was capable of doing her great injury; for, it was at a time when her friends were uſing their utmoſt endeavours to perſuade the people, ſhe was not ſo zealous for the Romiſh religion as ſhe was repreſented, and that ſhe would make no change in that which was eſtabliſhed by law. Sands, vice-chancellor of Cambridge, afterwards archbiſhop of York, in the reign of Elizabeth, having received the ſame orders from the duke of Northumberland, chancellor of that univerſity, managed it more artfully, and, by keeping to more general terms, gave no offence to either party.

The deſertion in Northumberland's army.

In the interim, the duke of Northumberland was extremely embarraſſed. He had marched to Cambridge with 6000 men, and, from thence, was advanced to St. Edmundſbury; but inſtead of ſeeing his army increaſe by the way, as he expected, it daily diminiſhed by deſertions. On the other hand, he heard of Mary's progreſs in Norfolk and Suffolk, and, to complete his misfortunes, news was brought him, that Sir Edward Haſtings, who was to have joined him with 4000 men he had raiſed, had declared for Mary, and proclaimed her at Buckingham. In a word, he was informed likewiſe, that the ſix men of war ſent to cruiſe on the coaſt of Suffolk, to prevent Mary's eſcape, had followed the example of Haſtings. All theſe things made him reſolve to return to Cambridge, from whence he wrote to the council for a ſpeedy ſupply; but the counſellors were then otherwiſe employed.

Some of the counſellors reſolve to act for Mary. Burnet.

The news they received from all parts, of the proſperous ſtate of Mary's affairs, had now determined ſome of them to provide for their ſafety, by changing ſides, whilſt their change might be of ſervice to them. In all appearance, the earl of Arundel had already laboured to take off ſome of his collegues from Jane's party. The marqueſs of Wincheſter, who always went with the ſtream, was eaſily prevailed with. The earl of Pembroke had been one of the moſt zealous for Jane, becauſe his ſon had eſpouſed this new queen's younger ſiſter; but finding her affairs in an ill way, he reſolved either of himſelf, or by the ſollicitations of the earl of Arundel, to ſcreen himſelf from the impending ſtorm, in doing Mary ſome ſignal ſervice. Theſe three lords gained other counſellors, and they all reſolved to declare for Mary, as ſoon as it was poſſible. The difficulty was to get out of the tower, without giving ſuſpicion to the duke of Suffolk. Had the duke of Northumberland been preſent, they would have found it very hard to ſucceed; but the duke of Suffolk was far from having his penetration. The letter lately received from the duke of Northumberland, furniſhed them with the wanted pretence. They repreſented to the duke of Suffolk, that the readieſt way to find the deſired ſupply, was to apply to the mayor of London; and to that end, it was proper the council ſhould meet ſomewhere in the city, the more eaſily to confer with the mayor, concerning the means of ſpeedily raiſing a body of troops; that the earl of Pembroke's houſe was convenient for that purpoſe, and there the affair would be forwarded more in two hours, than in ſix in the tower. But as it might be objected, that the mayor and aldermen could be eaſily ſent for to the tower, they added, that at the ſame time audience might be given to the French and Spaniſh ambaſſadors, who ſcrupled to receive it in the tower. Whether the duke of Suffolk did not ſuſpect them of any ill deſign, or at ſuch a juncture, durſt not diſcover his ſuſpicions, he ſuffered the council to meet at the earl of Pembroke's, whom he did not miſtruſt, on the 19th of July.

They declare for Mary. Burnet.

As ſoon as they were met, the earl of Arundel made a ſpeech, repreſenting to them, that now or never was the time, to ſhake off the tyranny of the duke of Northumberland; that they had ſufficiently experienced his inſolence, injuſtice, cruelty, treachery to his friends, and if they were ſo unwiſe as to ſupport Jane on the throne, they would but render more heavy the yoke which the duke had already laid on their necks; that the only way was to declare for Mary, and when the people ſhould ſee the council take that courſe, the duke of Northumberland would be forſaken by all. The council's ſudden reſolution to follow the earl's advice, ſhews, that this affair had been already determined among the principal members. After a ſhort debate, they ſent for the mayor and aldermen of London, and declaring their reſolution, they went together and proclaimed Mary in ſeveral parts of the city. Then they repaired to St. Paul's, where Te Deum was ſung. The ready compliance of the magiſtrates of London, can be aſcribed only to their hatred of the duke of Northumberland. Let it be affirmed ever ſo much, that theſe magiſtrates longed for the re-eſtabliſhment of the old religion, and, therefore, gladly embraced the preſent opportunity to ſet Mary on the throne; it is not likely, that men placed in their offices in Edward's reign, ſhould be ſo well inclined to the old religion, as to come to ſo ſudden a reſolution with that view, if there had not been ſome other motive. However, as ſoon as they came from St. Paul's, the council ſent an order to the duke of Suffolk, to require him to deliver up the tower, and that Jane ſhould lay down the title of queen, and give over her pretenſions. The duke immediately obeyed, ſeeing no poſſibility of keeping the tower, at this ſad juncture. As for Jane, ſhe ſaw herſelf ſtript of her dignity, held but nine days, with more joy than ſhe had ſeen herſelf cloathed with it. Then the council diſpatched orders to the duke of Northumberland to diſband his army, and behave himſelf as became an obedient ſubject of queen Mary; and, at the ſame time, the earl of Arundel and the lord Paget, were ſent to inform Mary of theſe tranſactions.

and proclaim her at London. Stow.

The duke of Northumberland tries to eſcape. Burnet.

The duke of Northumberland heard what paſſed at London, before he received the council's orders to diſmiſs his troops, and plainly perceiving, it would not be poſſible to keep his army together, prevented the orders, and obeyed beforehand. His firſt thoughts were to fly out of the kingdom; but, it is ſaid, he was hindered by the band of gentlemen penſioners, who plainly told him, they had need of his teſtimony to juſtify their conduct. After that, he thought only of gaining Mary's favour, by expreſſing a zeal for her ſervice, as if it had been poſſible to deceive her by ſome external actions. To that purpoſe he went to the market-place in Cambridge, and pro-

1553.

He proclaims the queen at Cambridge. Burnet

He is apprehended, with his ſons, and ſeveral others. Burnet.

claimed the queen, flinging up his own hat for joy, and crying, "God ſave queen Mary." But all this ſignified nothing; for the next day, the earl of Arundel arreſted him by the queen's order. Then was that proud and haughty man ſeen to cringe, as much as he had been exalted in his proſperity. He fell at the earl of Arundel's feet to beg his favour, and ſhewed many other ſigns of fear, abjectedneſs, and puſillanimity. This is the common character of men whom fortune raiſes above their birth and merit. Three of his ſons, viz. the earl of Warwick, his eldeſt, Ambroſe and Henry, Sir Andrew Dudley, his brother, John and Henry Gates, Sir Thomas Palmer, and Dr. Sands, were apprehended with him, and ſent to the tower the 25th of July. Upon this occaſion, a woman ſeeing the duke of Northumberland paſs to the tower, ſhook at him a handkerchief dipt in the duke of Somerſet's blood, upbraiding him with having cauſed it to be unjuſtly ſhed.

The whole kingdom declares for Mary. Burnet.

When the duke of Northumberland was in the tower, Mary met with no more oppoſition; for all Jane's adherents ſtrove to atone for their fault, by a ready ſubmiſſion, and ſupplication of the new queen's mercy. She received very graciouſly thoſe who came to pay their duty to her, tho' ſhe was determined to ſacrifice to her ſafety, or vengeance, ſome of thoſe whom ſhe looked upon as her principal enemies. Of this number were Jane Grey, the duke of Suffolk, the marqueſs of Northampton, Ridley, biſhop of London, Cheek who had been Edward's preceptor, Robert Dudley, the duke of Northumberland's ſon, Guildford Dudley, Jane's husband, Cholmley and Montague, judges. All theſe were ſent to, or detained in the tower, by the queen's expreſs order; but three days after ſhe releaſed the duke of Suffolk, having pitched upon him for an inſtance of her clemency, becauſe ſhe thought him uncapable of creating her any diſturbance.

She releaſes the duke of Suffolk.

She comes to London, and releaſes the priſoners in the tower. Burnet.

On the 3d of Auguſt ſhe came to London, with her ſiſter Elizabeth, who had met her on the way with 1000 horſe, ſhe had raiſed for her ſervice. When ſhe entered the tower, ſhe releaſed the duke of Norfolk, Gardiner, Bonner, the ducheſs of Somerſet, and the lord Courtney, eldeſt ſon of the marqueſs of Exeter, whom ſhe ſoon after created earl of Devonſhire. Thus, without any effuſion of blood, ſhe was peaceably ſettled in the throne, notwithſtanding the attempts to deprive her of it. She owed this good ſucceſs to the univerſal hatred of the duke of Northumberland, for it may be truly affirmed, that as Jane Grey, without that lord, would never have borne the title of queen, ſo without him ſhe would, doubtleſs, have preſerved it. Very probably, the reſtoring of religion to the ſtate it was in before the alterations introduced by the two laſt kings, and, perhaps, the being revenged of her enemies, were the principal things intended by Mary, when ſhe aſcended the throne; at leaſt, we ſhall ſee no other project in the courſe of her reign.

1553.

A council about religion. Burnet.

As the new queen had nothing in her thoughts but the eſtabliſhing of her religion, her firſt care was to conſult her truſty friends how to effect it. She was herſelf, diſpoſed to keep no meaſures, but to force the kingdom to return immediately to what ſhe called, the union of the Catholick-church. To that end, ſhe had now determined to ſend for cardinal Pole, as legate, to reconcile England to the pope; but Gardiner, who was conſidered as a man of great experience, was of another opinion. He knew the reformation muſt be pulled down the ſame way it was ſet up, that is, by degrees, and, therefore, it was ſufficient, at firſt, to bring back religion to what it was at king Henry's death. This advice was more prudent, and withal more ſuitable to the intereſt of the perſon who gave it. He was ſenſible, the queen had a great eſteem and affection for Pole, and was afraid this cardinal, being in England, would diſpoſſeſs him of the chief place in the queen's favour, nay, quite ruin him with her, becauſe he was not his friend. In the interim, as this advice was not reliſhed by the queen, it was in danger of being rejected, if Gardiner had not uſed other means to compaſs his ends. He ſent a meſſenger to the emperor, to repreſent to him, that what the queen propoſed was too hazardous, and in caſe Pole came ſo ſoon into England, his zeal for the ſee of Rome would undo all, becauſe the Engliſh were not yet prepared to ſubmit to the pope's yoke. That, on the contrary, by his method, every thing would ſucceed to the queen's ſatisfaction, and to the advantage of religion, provided the queen would be pleaſed to make him chancellor, and thereby give him the authority neceſſary to conduct ſo nice an affair. Probably, it was now the emperor projected the marriage between his ſon Philip and Mary, either of himſelf, or by Gardiner's ſuggeſtion. However this be, the emperor approving Gardiner's meaſures, wrote ſeveral letters to Mary, to perſuade her to moderate her zeal, leſt too much haſte ſhould ſpoil her deſigns. As ſhe had a great deference for his counſels, ſhe brought herſelf, by degrees, to comply with the biſhop's projects, to whom, at length, ſhe gave the great ſeal.

King Edward's funeral.

King Edward's funeral was ſolemniſed at Weſtminſter, the 18th of Auguſt. The new miniſters were for having the old aboliſhed office made uſe of on this occaſion; but Cranmer, ſupported by acts ſtill in force, ſtoutly oppoſed it, and officiated himſelf, according to the new liturgy, giving the communion to as many as were deſirous to receive it; but the queen had a ſolemn ſervice in her own chapel, performed with all the ceremonies of the church of Rome.

The queen declares ſhe will not force any man's conſcience. Burnet.

On the 12th, the queen in council, declared, ſhe would uſe no force upon conſcience in affairs of religion. Great care was taken to diſperſe this declaration, and to magnify it as a great inſtance of the queen's generoſity; but the Proteſtants eaſily ſaw the difference betwixt her declarations in council, and her promiſes to the Suffolk-men. She had told theſe, that religion ſhould be left in the ſame ſtate as it was in, at Edward's death, but in this declaration thought it ſufficient to give a general aſſurance, that Proteſtants ſhould not be forced to embrace the Romiſh religion; for this was the moſt natural meaning of her expreſſions. This reſtriction to her firſt promiſe greatly alarmed them.

The Roman Catholicks in favour with the queen.

The adherents of the Romiſh church were ſo confident of the queen's intention to reſtore their religion, that they made no difficulty of owning it publickly, and of even inveighing againſt the Proteſtant religion, tho' it had ſtill the countenance and protection of the laws. The day after the queen had made this declaration in her council[*], Bonner went to St. Paul's church to hear a ſermon preached by his chaplain Bourn. The preacher ſpoke ſo honourably of Bonner, that he raiſed the indignation of his audience. Then, exaggerating the pretended perſecutions ſuffered by this prelate, in the late reign, he ſpoke of king Edward in ſo injurous terms, that the hearers loſt all patience. Some reproached, and others threw ſtones at him. One even threw a dagger, which he happily avoided, and which ſtuck faſt in the wood of his pulpit. At laſt the people grew ſo furious, that probably, the preacher had been torn in pieces, had not Bradford and Rogers, two eminent Proteſtant miniſters, interpoſed, and conveyed him from the danger, into a neighbouring houſe. What recompence this ſervice met with, will appear hereafter.

The queen diſcovers her intention, by a proclamation. Burnet.

The Proteſtants ſtill flattered themſelves, that the queen would keep her word, and even gave the reſtriction, ſhe had added by her declaration in council to her firſt promiſe, a favourable interpretation. But they were not long left in this hope; for ſoon after[†], the queen publiſhed a proclamation, which was but too capable to remove their miſtake. The terms were ſo artfully managed, that they implied much more than they ſeemed to expreſs. The queen ſaid, ſhe had the ſame belief in which ſhe had been educated from her infancy, and intended to adhere to it during her life; ſhe paſſionately wiſhed all her ſubjects would follow her example; but would uſe no force, "till publick order "ſhould be taken by common aſſent". This plainly diſcovered her intention to change religion by the parliament, and that then ſhe ſhould think herſelf diſcharged from her promiſe of not compelling conſcience. Then ſhe forbid her ſubjects to give one another the odious names of Papiſt and Heretick. The Proteſtants conſidered this prohibition as levelled entirely againſt them, becauſe they clearly underſtood, that a diſobedience to it would be puniſhed in them, but not in their adverſaries. After that, all ſorts of unlawful aſſemblies were forbid, and this article had the ſame conſtruction with the foregoing. By another clauſe of the proclamation, it was forbid to preach without her ſpecial licenſe. A man muſt have been wilfully blind, not to ſee, this was intended to exclude the Proteſtants out of all the pulpits. Finally, the queen ſaid, it was her intention, no man ſhould be puniſhed for the laſt rebellion, without her order. Hereby, ſhe left all in fears. The proclamation ended with ſaying, the queen was reſolved to puniſh, rigorouſly, all thoſe who ſhould foment pernicious deſigns; but ſhe hoped to have no cauſe to execute the ſeverity of the law. This clauſe naturally inſpired the Proteſtants with terror, for it was eaſy to foreſee, that religion and the laws were going to be changed, and that thoſe who ſubmitted not blindly to the new ſtatutes, would be conſidered as rebels.

The duke of Northumberland brought to his tryal, with the earl of Warwick, marqueſs of Northampton, &c. Burnet. Act. Pub.

The ſame day this proclamation was publiſhed[‡], came on the tryal of the duke of Northumberland, the marqueſs of Northampton, the earl of Warwick, Sir Andrew Dudley, Sir John and Sir Henry Gates, and Sir Thomas Palmer. Upon the evidence of Palmer, and Sir John Gates, king Edward had conſented to the execution of his uncle, the duke of Somerſet, and they were become the principal confidents of the duke of Northumberland. The queen made the duke of Norfolk lord high-ſteward at the tryal of theſe three lords. He was ſtill under condemnation, ſince the act of attainder againſt him had not been reverſed; but the queen had granted him a pardon, which, indeed, was not diſpatched till 11 days after. It was thought, without doubt, that the queen's promiſe was ſufficient, otherwiſe it is not eaſy to conceive, by what ſort of right a man under ſentence of death could preſide in a capital tryal, or even give his vote.

Burnet. Hollingſh.

The duke of Northumberland being brought before his peers, deſired information upon two points, before he anſwered to the articles exhibited againſt him. The firſt was, whether a man acting by order of council, and the authority of the great ſeal, could be guilty of treaſon? The ſecond was, whether perſons who had acted with him, in the ſame affair, and were equally guilty, could ſit as his judges? This, doubtleſs, related to the marqueſs of Wincheſter, and the earls of Arundel and Pembroke, who were actually members of the council when Jane was proclaimed, and had given orders for her proclamation. After a ſhort conſultation, it was anſwered, that the great ſeal of an uſurper could give no authority nor indemnity to thoſe that acted by ſuch a warrant. To the ſecond point, he was anſwered, that none of the peers who ſat in judgment upon him, having been either condemned for, or even accuſed of the ſame crime, could be deprived of their right upon a bare ſurmiſe or report. It belongs to the lawyers to conſider whether theſe anſwers are very ſolid. It ſeems, as to the firſt, that if this maxim was admitted in its utmoſt extent, it would draw after it very dangerous conſequences. Let us, for inſtance, ſuppoſe an uſurper upon the throne of England, it is certain the adherents to the lawful king cannot avoid great danger, which way ſoever they turn. If they obey the uſurper, they will be guilty of treaſon when the lawful king is on the throne; if they refuſe obedience, they will be puniſhed by the uſurper. It ſeems that the maxim which allows, that every ſubject ought to be faithful to the king on the throne, and who exerciſes the ſovereign power, is liable to fewer inconveniences. As to the ſecond, let the peers inſiſt never ſo much on their privileges, it is contrary to reaſon and equity, that the accomplices of a crime ſhould ſit in judgment on him, who committed it with them, when it is notoriouſly certain, they were equally guilty; at leaſt, it is unlikely, this maxim ſhould be approved by the judges of the realm, if there was the leaſt room to believe the accomplices would vote for the accuſed, which might very eaſily happen.

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[*] Auguſt 13. Rapin.

[†] Auguſt 18. Ibid.

[‡] Auguſt 18. Ibid.

Condemnation of the three lords. Burnet.

The duke ſeeing theſe two points determined againſt him, confeſſed himſelf guilty, and ſubmitted to the queen's mercy. The other two lords followed his example, and they were all three found guilty of high-treaſon. Of the ſeven condemned, three were deſtined to execution, the duke of Northumberland, Sir John Gates, and Sir Thomas Palmer. The biſhop of Worceſter being ſent to the duke with the meſſage of death, he confeſſed to the biſhop, and declared, he had always been a Roman Catholick in his heart. He made the ſame confeſſion on the ſcaffold; but it was ſtill doubted whether this was done in hopes of a pardon, or he had really diſſembled during the whole courſe of his life. It is pretended, that to engage him to this publick declaration, he had been flattered with the hopes of his pardon, even tho' his head were laid on the block. He died unlamented, his paſt conduct having given no perſon whatever, any cauſe to love him. His two companions were executed the ſame day, being the 22d of Auguſt.

The deputies from Suffolk ill received at court. Burnet.

The proclamation lately publiſhed by the queen concerning religion, plainly ſhewed in what ſpirit ſhe deſigned to rule. But immediately after, there were more convincing proofs. The inhabitants of Suffolk relying on the queen's promiſe, and having tranſgreſſed the prohibitions contained in the proclamation, the court ſent an order to the magiſtrates of that county, to look ſtrictly to the execution of it, and rigorouſly puniſh the diſobedient. Upon this, the inhabitants, not believing the queen would break her word, after the great ſervice they had done her, ſent deputies to pray her to remember what ſhe had promiſed them with her own mouth. This petition was rejected with great haughtineſs, and thought the more offenſive, as it juſtly reproached the queen with failure of her word. They were anſwered, that ſubjects were not to controul the actions of their ſovereign; and Dobbe, one of their number, was ſet in the pillory for ſpeaking more freely than the reſt.

Bradford and Rogers committed to priſon. Burnet.

A few days after, Bradford, one of the two miniſters who had reſcued Bourn, was ſent to priſon, and Rogers, his companion, confined to his houſe. Afterwards he was alſo thrown into priſon. The great changes meditated by the miniſters, made them afraid of meeting with obſtacles from thoſe who had moſt credit with the people, and, therefore, they were glad on divers pretences to ſecure them. Theſe proceedings made the Proteſtants think they were going to be expoſed to a terrible ſtorm.

The biſhops depoſed in king Edward's time reſtored. Act. Pub.

At the ſame time, all the biſhops deprived in the reign of Edward, were reſtored, by commiſſioners appointed by the queen to examine the cauſes of their deprivation. Five Roman Catholick biſhops, Bonner, Gardiner, Tonſtal, Day, and Heath, were ſubſtituted in the room of five reformed. Gardiner was made chancellor at the ſame time, and a few days after, a commiſſion was given him by the queen, impowering him, ſingly, to grant licenſes to preachers, in conſequence of what ſhe had before injoined by her proclamation. Some eccleſiaſtical Proteſtants not thinking proper to ſubmit to this order, were ſent to priſon. Hooper, biſhop of Glouceſter, Ferrar, biſhop of St. David's, and Coverdale, biſhop of Exeter, were of this number. The firſt were impriſoned, the laſt commanded not to ſtir out of his houſe without leave.

The worſhip of the church of Rome performed contrary to the laws. Burnet.

After the Roman Catholicks plainly ſaw the queen's intentions, they had not patience to wait for the reſtoration of their religion by publick authority, but boldly celebrated divine ſervice in ſeveral places, according to the old rites before the reformation; and tho' this was againſt law, the court connived at it, and ſilently approved it.

Injuſtices done to the Proteſtants. Burnet.

At the ſame time, the partiality of the queen and her miniſters appeared evidently, in favour of the Roman Catholicks againſt the Proteſtants. Judge Hales, who had alone refuſed to ſign the inſtrument which transferred the crown to Jane Grey, was thrown into the marſhalſea, for charging the juſtices of Kent to conform to the laws of Edward not yet repealed, or rather for being a Proteſtant. For the ſame reaſon Montague, who had been forced to aſſiſt in drawing the forementioned inſtrument, was turned out of his office, fined in 1000 l. and ſucceeded by Bromley, who had drawn and ſigned it without ſcruple.

Peter Martyr leaves Oxford. Burnet.

In fine, ſince the ſhort time the queen had been on the throne, Proteſtants were every where injured and oppreſſed, the magiſtrates not venturing or caring to protect them. Peter Martyr, profeſſor of divinity in Oxford, finding himſelf expoſed to the inſults of the enemies of his religion, was obliged, at laſt, to leave the place, and retire to the archbiſhop of Canterbury; but Cranmer, whoſe ruin was reſolved, was little able to protect him. In the interim, Bonner launched out into invectives and railleries againſt Mr. Canterbury, as he was pleaſed to call him, and publiſhed every where, that he was ſo reſigned to the queen, that he had promiſed her a ſolemn abjuration of his errors. Cranmer refuted this calumny in a writing. He called the queen herſelf to witneſs, that he had never made her any ſuch promiſe, and offered to maintain, publickly, the truth of what he profeſſed, if the queen would give him leave. This writing being publiſhed, Cranmer was called before the ſtar-chamber. He owned himſelf the author, tho' it was publiſhed without his conſent, and, contrary to all men's expectation, was diſmiſſed without any puniſhment. But the queen was not ſatisfied, tho' ſhe was adviſed to treat Cranmer with the ſame moderation, he himſelf had uſed whilſt he was in authority. The queen herſelf owed her life to him, which was ſaved merely by his ſollicitation, when her father Henry VIII. had deſigned to put her to death. To this advice was oppoſed, that if the queen treated with mildneſs the chief of the hereticks, they would all grow obſtinate and inſolent, but the puniſhment of Cranmer would intimidate the champions of hereſy. This latter advice was very agreeable to the queen, who had conceived a mortal averſion to the archbiſhop, by reaſon of the ſentence of divorce pronounced by him, againſt the queen, her mother; this injury making a ſtronger impreſſion upon her, than the ſervice received from him afterwards. So, three days after, Cranmer being cited before the council, was ſent to the tower, on an accuſation of treaſon, and of publiſhing ſeditious libels. Old Latimer, who had been biſhop of Worceſter, in the reign of Henry VIII, had been ſent thither the day before.

The reformed, who were ſtrangers, permitted to leave the kingdom. Burnet.

Soon after, the court came to a reſolution of ſending away all foreigners that were come on the publick faith and encouragement. Peter Martyr, and a Poliſh profeſſor, named John a Laſco, were included in the number. This was the only act of mildneſs and equity ſhewn in this reign, with reference to religion; but this ſufficiently diſcovered what was intended againſt the Engliſh Proteſtants. The court's daily proceedings before the repeal of any one law, ſo intimidated thoſe who had religion at heart, that great numbers paſſing for Frenchmen, withdrew out of England into foreign countries. Thoſe who made haſte to eſcape the impending ſtorm, were wiſeſt and happieſt. For ſoon after, others, who had taken the ſame reſolution, were arreſted, by an order ſent to all the ports, to ſuffer no perſon to leave the kingdom as a Frenchman, without a paſs-port from the ambaſſador of France.

The queen rewards her friends. Burnet.

It was time now for the queen to reward thoſe who had done her ſervice. The earl of Arundel was made lord-ſteward, Sir Edward Haſtings, a peer of the realm, and ſome others who had early declared for the queen, had employs and dignities conferred on them; but the Earl of Suſſex *, who had been her general, obtained an honour unuſual in England; viz. to be covered in the preſence of the queen, as it is practiſed in Spain. He had his letters patents under the great ſeal, the 2d of October.

Is crowned. Stow.

As the parliament had been ſummoned to meet the 5th of October, it was neceſſary for the queen to be crowned before. The ceremony of the coronation was performed the 1ſt of that month, with the uſual ſolemnity, by the biſhop of Wincheſter, who forgot not one formality practiſed before the reformation. The ſame day a general pardon was publiſhed, but with ſo many exceptions, that few perſons could receive any benefit from it. All thoſe who had been arreſted before September were excepted by name.

Remits a ſubſidy granted to king Edward. Act. Pub.

Then came out a proclamation, by which the queen diſcharged the ſubſidies granted by the laſt parliament to the king, her brother, for the payment of his debts. This was to gain the good will of the enſuing parliament, and to render it ſubſervient to her deſigns, with reſpect to religion. Before the parliament met, the archbiſhop of York was ſent to the tower, on a general accuſation of ſeveral capital crimes. Six days before, John Veſey, ſome time biſhop of Exeter, but deprived in the laſt reign, was reſtored by order of the queen. This was with intent to ſtrengthen the Catholick cauſe in the upper houſe.

The court had reſolved to abrogate all the laws made in favour of the reformation, and to reſtore the antient religion. This was not to be done without the concurrence of the parliament. But if elections had been left free, it would have been difficult, not to ſay impoſſible, for the queen to ſucceed in her deſign. The number of the reformed was, without compariſon, greater than that of the Roman Catholicks, and, conſequently, the elections would not probably be favourable to her. But beſides the ordinary ways made uſe of by kings to have parliaments at their devotion, all ſorts of artifices, frauds, and even violences, were practiſed in this. As care was taken beforehand to change the magiſtrates in the cities and counties, and there was not one almoſt but what was a Roman Catholick, or had promiſed to be ſo, every thing tending to the election of Catholick repreſentatives was countenanced. On the contrary, thoſe who were ſuſpected of an inclination to chuſe Proteſtants, were diſcouraged by menaces, actions, impriſonments, on the moſt frivolous pretences. In ſeveral places, things were carried with ſuch violence, that Proteſtants were not allowed to aſſiſt in the aſſemblies where elections were to be made. In ſhort, in places where it was not poſſible to uſe theſe direct means, by reaſon of the ſuperiority of the reformed, the ſheriffs, devoted to the court, made falſe returns; that is, they ſent to court the names of ſome perſons as if lawfully elected, tho' they had but an inconſiderable number of votes, or, perhaps, none at all. As the diſputes ariſing from ſuch elections can only be decided by the houſe of commons, it is eaſy to imagine, that a houſe compoſed of ſuch repreſentatives failed not to approve all elections favourable to the court, and reject all others, if the leaſt conteſtable. This is one of the greateſt abuſes belonging to parliaments, and which is but too frequent whenever the kingdom is rent into factions. By theſe methods, the court

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* This earl was Henry Ratcliff, a family long ſince extinct. Courcy, baron of Kinſale, in Ireland, enjoys this privilege of ſitting covered in the royal preſence, by a grant made from King John to the famous Courcy, earl of Ulſter.

ſecured a houſe of commons ready to comply with their ſuggeſtions, and whoſe members had an intereſt in the change of religion, or were indifferent to all religious eſtabliſhments.

As to the upper-houſe, which cannot be thus modelled to the liking of the court, the queen probably laboured ſo ſucceſsfully to engage it in her intereſts, that ſhe found no oppoſition from the peers. It is very ſtrange, that the lords, who but a few months before were all Proteſtants, and had in their whole body but ſeven or eight, who uſually oppoſed the laws made in Edward's reign, in favour of the reformation, were become almoſt all zealous Catholicks in queen Mary's. I pretend not to decide, in which reign they diſſembled their ſentiments; but it is too clear, that in the one or the other, they were guilty of a baſe and ſcandalous prevarication. In the interim, to make this houſe ſtill more complying, the court took care, before hand, to make changes amongſt the biſhops, in favour of their deſigns. Beſides, both the archbiſhops, and the biſhops of Glouceſter and Exeter, in actual impriſonment, ſix others had been changed, as has been obſerved. Probably all the reſt, excepting two, were for preferring their ſees to their religion. The two I except, were Taylor, biſhop of Lincoln, and Harley, of Hereford, who were even thruſt out of the houſe the firſt day, for refuſing to kneel at the maſs. Such was queen Mary's firſt parliament, compoſed of a houſe of commons, filled with the creatures of the court; and of a houſe of lords, who, through fear, avarice or ambition, diſſembled their ſentiments, or, a few excepted, thought all religions alike. It is eaſy to foreſee what is to be expected from ſuch a parliament.

The parliament meets, October 5. An act relating to high-treaſon. Statutes.

In the firſt ſeſſion, which laſted but eight days, care was taken that nothing ſhould be moved with regard to religion. The only publick act was, a declaration of treaſons and felonies, by which nothing was to be judged treaſon, but what was in the ſtatute of the 25th of Edward III, or felony, but what was ſo before the 1ſt of Henry VIII. This act ſeemed unneceſſary, ſince the like had been paſſed ſince Henry's death; but as ſome crime, not contained in the ſtatute of Edward III, had been ſince declared felony, the intent of this was to aboliſh the late acts. It is true, this might have been attended with another inconvenience, viz. the diſcharge of ſeveral perſons then in priſon, had not an expreſs exception been made, of all who were committed before the laſt of September, who were likewiſe excepted out of the queen's general pardon.

A private act to reverſe the attainder of the marchioneſs of Exeter.

By a private act, the attainder of the marchioneſs of Exeter, executed in the reign of Henry VIII, was reverſed, and her ſon, the earl of Devonſhire, reſtored to all his honours. Then the parliament was prorogued, from the 21ſt to the 24th of October.

The divorce between Henry VIII. and Catharine, repealed. Statutes.

In the ſecond ſeſſion, the deſigns of the court were more open. The divorce of the queen's mother was, immediately, repealed. This act paſſed in fewer days than Henry had ſpent years in proſecuting the divorce. In the preamble, it was ſaid, "That the marriage "of Henry, with queen Catharine, was not "contrary to the law of God, and that man "ought not to put aſunder what God hath "joined; that king Henry's ſcruples had "been ſuggeſted to him, by malicious per"ſons, and ſupported by the deciſions of "ſome univerſities, which had been previouſ"ly ſecured by corruption and bribery; that "Cranmer, archbiſhop of Canterbury, had "raſhly pronounced ſentence of divorce, up"on the authority of theſe deciſions, and o"ther groundleſs conjectures, and by a blame"able preſeumption, had thought himſelf "more knowing than all the other doctors." Upon theſe foundations, the parliament repealed the ſentence, and all the acts to confirm it. Gardiner, chief promoter of this act, muſt have been paſt all ſhame, to make the parliament talk thus of Henry's divorce, in which he was principally concerned, even before Cranmer was known to the court, which he had himſelf approved and adviſed, and at which he had aſſiſted as judge; but ſuch was the character of the man.

The princeſs Elizabeth being thus again declared illegitimate, by an act which reſtored Mary, found a great change in the behaviour of the queen, who no longer ſhewed her any affection. It is even pretended, that another ſecret cauſe alienated Mary from her, and that was, her love for the earl of Devonſhire, whom ſhe had ſome thoughts of marrying; but that this lord, too indiſcreetly, perhaps, continued to pay his reſpects to Elizabeth.

The maſs reſtored.

The 31ſt of October, the lords ſent down to the commons, a bill for repealing Edward's laws concerning religion, and ſix days after, the commons ſent it back with their approbation. By this act it was ordained, that no other form of publick worſhip ſhould be allowed, from the 20th of December, but what had been uſed in the laſt year of Henry VIII. This ſhews Gardiner's influence on the parliament, ſince this act preciſely followed the plan he had propoſed.

An act in favour of eccleſiaſticks.

Another act paſſed, decreeing the ſevereſt puniſhments againſt all who ſhould moleſt any preacher for his ſermons, or diſturb him in any part of the divine ſervice. The ſame puniſhments were ordained for thoſe who ſhould profane the ſacrament, or pull down croſſes, crucifixes, or images.

A bill rejected by the lords.

The commons, at the ſame time, ſent up another bill againſt thoſe who came not to church, or the ſacraments, when the whole ſervice ſhould be ſet up; but the lords thought not proper to go ſo far at once.

An act againſt aſſemblies, to alter the eſtabliſhed religion.

Soon after, the parliament revived an act of the laſt reign, forbidding any, to the number of 12 or more, to meet with deſign to change the eſtabliſhed religion, and declaring the offenders guilty of felony, that is, worthy of death. This act was directly contrary to that made by this very parliament, to repeal all new treaſons and felonies; but the pretence of religion covered all.

In this ſeſſion, the act of attainder againſt the duke of Norfolk, in Henry's reign, was reverſed, on pretence, that all the neceſſary formalities were not obſerved.

Theſe were the moſt remarkable tranſactions of this firſt parliament, which, in few days, overturned all that had been done, with regard to religion, in the reign of Edward VI. King Henry's laws were not yet to be touched, becauſe they had difficulties, concerning which the pope was firſt to be conſulted.

Jane Grey, Cranmer, and others attainted of high-treaſon. Burnet. Strype.

The 3d of November, the parliament ſtill ſitting, Jane Grey, Guilford Dudley, her huſband, two other ſons of the duke of Northumberland, and Cranmer, archbiſhop of Canterbury, were brought to their tryal. They all confeſſed their indictments, and received ſentence of death, as traitors. Cranmer's ſentence rendered him incapable of poſſeſſing any benefice, and conſequently his archbiſhoprick was void in law; but two reaſons obliged the queen to diſpenſe with the ordinary forms, and leave Cranmer, tho' condemned, in poſſeſſion of his dignity. The firſt was, that intending to reſtore the clergy to all their privileges, ſhe was reſolved, this prelate ſhould be canonically degraded; but this could not be done, till the laws of Henry VIII. were repealed. The ſecond was, that by a refinement of ſelf-love, ſhe was willing to pardon Cranmer his treaſon, to make the world believe, ſhe proceeded againſt him from no motives of private revenge; but at the ſame time ſhe devoted him to death, as a heretick, as ſoon as any laws ſhould be made upon that ſubject; as if ſhe only acted out of a pure zeal for religion. Therefore, at preſent, the archbiſhop's revenues were only ſequeſtered, and himſelf detained in priſon, till a proper time for his execution.

Commendone's negotiations in England. Burnet.

Since Mary's acceſſion to the throne, ſhe had appeared to be wholly employed in theſe publick tranſactions; but at the ſame time, ſhe was forming ſecret deſigns which were not known, till ripe for execution. The news of king Edward's death was no ſooner ſpread in the world, than the court of Rome conceived hopes of re-uniting England to the holy ſee, and even began to project it. Cardinal Dandini, the pope's legate at Bruſſels, as of himſelf, ſent Commendone, afterwards cardinal, to ſound Mary's inclinations. Commendone being unknown, in England, eaſily concealed himſelf under a borrowed name, and repairing to London, obtained a private audience of the queen. This was ſoon after her coming to that city, ſince the envoy was preſent at the duke of Northumberland's execution, which was on the 22d of Auguſt. At this audience the queen told Commendone, ſhe deſigned the reſtoration of the papal authority, in England, and prayed him to intercede with the pope, to ſend cardinal Pole as legate; but ſhe intimated to him, that the diſcovery of this ſecret would blaſt the deſign. The pope communicating to the conſiſtory his intentions of ſending Pole into England, found, at firſt, great oppoſition. The cardinals feared to expoſe the honour of the holy ſee, in ſending a legate without a ſolemn ambaſſy from the queen; but the pope telling them, he knew more of this affair than he thought fit to communicate, they complied with his propoſal.

The emperor projects a marriage for his ſon Philip, with the queen. Burnet.

At the ſame time, the emperor was projecting a marriage for his ſon Philip with queen Mary. Gardiner was in the ſecret, whether, it aroſe at firſt from him, or was only communicated to him by the emperor. However that be, this prelate neglected no endeavours to accompliſh it. The news of Pole's nomination to the legateſhip was equally diſagreeable to the emperor and Gardiner. Commendone had, doubtleſs, divulged, at Rome, queen Mary's queſtion to him, whether Pole might not have a diſpenſation to marry? This occaſioned a belief, that it was her intention to make him her huſband. The emperor being informed of this, and apprehenſive that Pole's preſence might obſtruct the deſign he was meditating, reſolved to uſe his endeavours to prevent this legation, or, at leaſt, to retard it as long as poſſible. On the other hand, Gardiner could not without the utmoſt concern, think of Pole's arrival, who might intercept his views upon the ſee of Canterbury, and, perhaps, the ſmiles of the queen herſelf. And, indeed, there was danger, that if this cardinal, who neither loved nor eſteemed him, ſhould inſinuate himſelf into the queen's favour, as it was very likely, he would uſe his credit to ruin him. He was, therefore, to find ſome expedient to keep him at a diſtance, and none was more natural, than an inſinuation to the queen, that this cardinal's zeal for the holy ſee would prejudice the affairs of religion in England; that the people were firſt to be managed and perſuaded to own the papal authority, to which they were extremely averſe; that beſides, Pole was not enemy enough to the Proteſtants; and religion, in the preſent conjuncture, required to be conducted by other maxims than thoſe of that cardinal. The emperor, on the other ſide, believing it his intereſt to keep Pole where he was, wrote the ſame thing to the queen, and repreſented to her, that Pole would ruin her affairs, let her intentions be ever ſo good. In fine, he propoſed her marriage with his ſon, and ſupported his propoſal with all the reaſons moſt apt to perſuade her. Above all, he ſet forth the neceſſity of a foreign power in reſtoring religion in England, or, at leaſt, of an alliance capable to inſpire terror into thoſe who ſhould oppoſe her deſigns; that an alliance with the emperor and Spain was, doubtleſs, moſt advantageous, as France being able to form projects in favour of the young queen of Scots, who was to marry the dauphin, was in intereſt concerned to raiſe and foment diſturbances, in England. Mary was much pleaſed with this propoſal, which was, probably, made her about the beginning of November. Beſides a zeal for religion, which might induce Gardiner to ſecond the emperor's deſigns, he ſaw a conſiderable advantage for himſelf; viz. the ſecuring his own credit, ſince Philip would be indebted to him for his marriage. In the interim, Pole was to be kept at a diſtance till the queen's marriage was

The emperor propoſes it to the queen,

who accepts it. Burnet.

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was concluded; and this the emperor did firſt by his own authority, in detaining him in his dominions; but, afterwards, got the queen to ſend an expreſs, to acquaint him, that the intereſts of religion required a ſtop in his journey, becauſe the nation was not yet diſpoſed to own the papal authority.

Oppoſite counſels given the queen, by Pole and Gardiner.

While the legate was, thus, detained, in Germany, or the Low-Countries, he tried ſeveral times to obtain leave to continue his journey; but it was ſtill in vain. He knew not to whom this uſage was owing, and, perhaps, was never fully informed. However, he held a conſtant correſpondence by letters with the queen, on the affairs of religion, but his counſels were ſecretly oppoſed either by the emperor or Gardiner. It was his opinion, that, laying aſide all ceremony, the kingdom ſhould, immediately, be reconciled to the holy ſee. Gardiner, on the contrary, believed, the marriage ought to be concluded before the reconciliation was mentioned, that the conſideration of ſo powerful an alliance might awe thoſe who were inclined to ſtir. He thought Pole, and would have had others think him, a weak man, a ſhallow politician, and of no uſe in the cabinet. Pole, on the other hand, believed Gardiner a very improper perſon to direct the affairs of religion, becauſe, in his opinion, he relied too much on his intrigues and the arm of fleſh. Their little eſteem of each other ended, at laſt, in an open enmity.

The commons addreſs the queen againſt her marriage. Burnet.

The deſign of the queen's marriage was not conducted with ſufficient ſecrecy, to keep it from the commons. They were ſo alarmed, that they ſent their ſpeaker with 20 of their members, to pray the queen not to marry a foreigner. This convinced the queen, ſhe could expect no more ſupplies from the commons, if ſhe refuſed to ſatisfy them in that point; but as ſhe had no ſuch intention, ſhe choſe to diſſolve the parliament. Gardiner improved this conjuncture, to the obtaining conditions from the emperor, which he could not otherwiſe have expected. He repreſented to him, that the Engliſh were ſo averſe to this marriage, that the worſt was to be feared, unleſs he complied with two things abſolutely neceſſary. The firſt was, his conſent, that the treaty of marriage ſhould contain terms ſo advantageous to England, as to ſilence the moſt zealous oppoſers. The ſecond was, his remitting conſiderable ſums to gain thoſe who would be wanted to curb the people, or who could moſt eaſily induce the people to rebel. The emperor not doubting of Gardiner's zeal for his intereſt, approved the advice, and left it entirely to him to preſcribe the conditions of the marriage; and, moreover, put into his hands 1,200,000 crowns, to be diſpoſed of as he ſaw fit. Theſe particulars were printed in a little book, in form of a petition to the queen, by the Engliſh exiles, at Strasburg. The author added farther, that Gardiner denied common juſtice in the court of chancery to thoſe perſons, who would not engage to ſecond the queen's intentions.

1553.

The diſpoſition of the clergy met in convocation. Strype.

While the parliament was aſſembled, the convocation held its ſeſſions according to cuſtom. It is not known whether any biſhops, conſecrated in the time of king Edward, appeared in the upper-houſe. If any did, the number could be but ſmall, and of ſuch too, as the lords vouchſafed to receive into their houſe; that is, men who were not likely to oppoſe any meaſures. Care was taken to fill the lower-houſe with perſons entirely devoted to the court; ſo that only ſix members had the inclination or courage to oppoſe the deciſion made in favour of tranſubſtantiation *. Theſe ſix members demanded a regular diſputation on this ſubject, which was granted; but three of them declined the diſpute, well foreſeeing what would be the reſult. The other three ſtood their ground, ſo a diſputation was had; but the Roman Catholicks, for want of better arguments, received thoſe of their adverſaries with hootings, reproaches, menaces, and continual interruptions, and then publiſhed that they were vanquiſhed. This, at leaſt, is the account given by the Proteſtants.

1554. The emperor ſends ambaſſadors to conclude the marriage. Act. Pub.

In the beginning of the year 1554, an ambaſſy arrived at London from the emperor, with the count of Egmont, at the head of it, to ſettle the articles of the marriage. The queen intruſted Gardiner with the management of this negotiation, or rather with the care of drawing the treaty, ſince, probably, every thing material was agreed before the arrival of the ambaſſadors. That able politician had a double deſign. The firſt was, to have ſuch conditions inſerted in the treaty, as the parliament might approve. The ſecond was, to exclude the Spaniards from having any ſhare in the government. The emperor complied with every thing, in the belief, no doubt, that his ſon would find ways to elude the obſervation of the articles, which ſhould reſtrain him too much. To be convinced that this was his thought, let it only be conſidered, that ſo able a politician as Charles, would never have parted with 1,200,000 crowns, to procure his ſon the empty title of king of England; for, indeed, the treaty, as will appear, promiſed him no more. In all probability, Gardiner had the ſame thoughts with the emperor; but the buſineſs was to dazzle the parliament with conditions advantageous to the nation, for whoſe intereſts, tho' he affected a great zeal, he was, probably, but little concerned for what might happen after his death. In the interim, he acquired a high reputation, the publick aſcribing to his capacity and prudence the terms of this marriage, which ſeemed to ſecure England from all Philip's attempts. The principal articles of this treaty, which was ſigned the 12th of January, 1554, a few days after the arrival of the ambaſſadors, were as follows:

The chief articles relating to it. Act. Pub.

That Philip, in vertue of this marriage, ſhould, jointly with queen Mary, enjoy the title of king of England, while the marriage ſubſiſted; ſaving always the rights, laws, privileges, and cuſtoms of the kingdom of England.

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* In the Collection of the Publick Acts, there are about 160 preſentations to livings a little before the parliament met. This diſcovers the changes that were made amongſt the inferior clergy. Rapin.

1554. land. It was likewiſe ſtipulated, that the queen ſhould have the ſole diſpoſal of the revenues of the kingdom, the nomination to all employments, offices and benefices, which ſhould be conferred on the natural ſubjects of her majeſty, and no others.

That the queen likewiſe ſhould bear the titles belonging to her husband.

That her dowry ſhould be 60,000 l. of Flemiſh money, 40 gros each, of which 40,000 ſhould be aſſigned to her upon Spain, and 20,000 upon Brabant, Flanders, Hainault, and Holland; that ſhe ſhould enjoy this dowry, in the ſame manner it was enjoyed by Margaret, ſiſter of Edward IV, and wife of Charles, duke of Burgundy.

That the children born of this marriage ſhould inherit their mother's eſtate, according to the cuſtom of the reſpective countries.

With relation to the father's eſtate, it was agreed, that the archduke Charles, ſon of Philip, ſhould ſucceed to the kingdoms of Spain, Naples, Sicily, the duchy of Milan, and all other properties and domains ſituate in Lombardy, or Italy; but in default of Charles and his iſſue, the eldeſt ſon of Philip and Mary ſhould ſucceed to the ſame ſovereignties.

That the firſt born of Philip and Mary ſhould inherit Burgundy and the Low-Countries, from which the archduke Charles ſhould be excluded, as the children of Philip and Mary were excluded from Spain and Italy.

That the younger ſons and daughters of Mary and Philip ſhould have their appenages and portions aſſigned them in England, without prejudice, however, to what they might expect from Philip, their father, or Charles, their grandfather, in the Low-Countries, or Burgundy.

That, in caſe only daughters proceeded from this marriage, the eldeſt ſhould ſucceed to Burgundy and the Low-Countries, provided, that with the conſent of the infante Don Carlos, her brother, ſhe married a husband out of theſe countries, or the dominions of the queen, her mother. That on her refuſal or neglect to perform this covenant, prince Charles ſhould preſerve his right to the ſaid countries, with obligation, however, to aſſign a portion to his ſiſter, both out of Spain and the Low-Countries.

That, if prince Charles died without iſſue, the eldeſt ſon or daughter of Philip and Mary ſhould ſucceed, as well to Spain and Italy, as the other dominions.

Laſtly, it was expreſly agreed, that in all the forementioned caſes, thoſe children who ſhould ſucceed to either the paternal or maternal eſtates, ſhould leave them poſſeſſed of all laws, rights, privileges, and cuſtoms belonging to the reſpective countries, and ſhould adminiſter the government by the natives of the ſaid countries.

A Clause annexed to the Treaty.

By this clauſe it was expreſly covenanted, that before the conſummation of the marriage, Philip ſhould ſolemnly ſwear to the obſervation of the following articles; 1554.

That he would retain no domeſtick, who was not either an Engliſhman, or ſubject of the queen, nor bring any foreigner into England, to give uneaſineſs to the Engliſh; that, if any of his retinue tranſgreſſed this article, he ſhould be puniſhed in ſuch manner as ſhould be thought convenient.

That Philip would make no alteration in the laws, rights, ſtatutes, and cuſtoms of England.

That he would never take the queen out of her own dominions, unleſs at her own particular requeſt; nor carry out of England any of the children born of this marriage, without the conſent of the nobility.

That, if the queen ſhould die firſt, without children, he would pretend to no right upon England, or its dependencies, but leave the ſucceſſion to the rightful heir.

That he would carry out of the kingdom no jewels, or other valuable things; nor alienate any thing belonging to the crown, or ſuffer any perſon whatſoever to ſeiſe them.

That England ſhould never, by vertue of this marriage, be concerned directly or indirectly in any war depending between France and Spain; but that the alliance between England and France ſhould ſubſiſt and remain in full forcee.

That he would not give any occaſion of rupture between France and England.

A reflection upon this treaty.

It would be very difficult to diſcover what advantages England could receive from this marriage, if the intereſts of the ſovereign and his miniſters were not commonly confounded with thoſe of the kingdom, tho' frequently very oppoſite. The court had in view, the reſtoration of the Roman Catholick religion, in England, and, therefore, believed they wanted the aſſiſtance of Spain. On the other hand, this marriage was advantageous to the chancellor, who ſtrengthened his credit with Philip's protection; but, at the ſame time, England ran a great riſque of falling under the dominion of Philip, who, probably, meant not to be bound with chains of parchment.

The marqueſs of Northampton pardoned. Act. Pub.

The day after the treaty was ſigned, the queen granted a pardon to the marqueſs of Northampton, who had been condemned with the duke of Northumberland.

The queen ſuſpends the act againſt the German merchants.

We have before ſeen, that about the end of the reign of Edward VI, the court had taken meaſures to prevent the company of the German merchants, called the Still-yard, from engroſſing the whole woollen trade, in prejudice to the Engliſh, as till then had been practiſed. For this purpoſe the parliament had laid a heavy duty upon the goods, whether exported or imported by that company; and this act was renewed in Mary's firſt parliament; but the beginning of this year, the queen to gratify the Hanſe towns, ſuſpended the execution of theſe acts for three years, and diſcharged the company of German merchants from the payment of the extraordinary taxes impoſed upon them, "all acts to "the contrary notwithſtanding." This was the firſt effect of the queen's alliance with the emperor.

Complaints againſt the queen's marriage. Burnet.

After the treaty of the queen's marriage with Philip was made publick, complaints and murmurs were every where heard. The Proteſtants, in particular, believed themſelves loſt, and feared to ſee erected in England, a Spaniſh inquiſition. But they were not the only murmurers; for, independently of religion, the greateſt part of the nation was not free from the fears of king Philip's introducing the Spaniſh tyranny into England, of which the Indies, the Low-Countries, the kingdoms of Naples and Sicily, and the duchy of Milan, afforded recent inſtances. In ſhort, few perſons could believe that the emperor had agreed to the articles ſtipulated in the treaty, with any deſign to obſerve them. At laſt, theſe murmurs grew into a conſpiracy againſt the queen, of which the marriage was either the cauſe or pretence. The duke of Suffolk, Sir Thomas Wyat, Sir Peter Carew, formed the deſign of a general inſurrection. Carew was to act in Cornwall, Wyat in Kent, and the duke of Suffolk in Warwickſhire, which is in the center of the kingdom.

Wyat's conſpiracy. Burnet.

Carew managed ſo ill, that his plot was diſcovered, and one of his complices arreſted, before he had concerted his affairs. This ſent him into France, and Wyat, upon his flight, haſtened the execution of his enterpriſe, tho' it was the deſign of the conſpirators to wait the arrival of Philip for a more plauſible colour to their inſurrection. Wyat, therefore, reſolving to puſh his point, tho' he was yet unprepared, went to Maidſtone with a few followers, and gave out, he took arms to prevent England from being invaded. Afterwards he marched to Rocheſter, from whence he wrote to the ſheriff to deſire his aſſiſtance; but the ſheriff, inſtead of eſpouſing his cauſe, required him to lay down his arms, and aſſembled forces to oppoſe him.

Stow.

This rebellion alarmed the court, where nothing was ready to diſperſe it, the queen having diſmiſſed her forces, when ſhe thought herſelf out of danger. Wherefore, ſhe ſent a herald to Wyat with a full pardon, if he would lay down his arms in 24 hours; but he refuſed the offer of pardon. In the interim, the court was ſo unprepared, that the duke of Norfolk was ſent with only 600 of the city trained-bands, commanded by an officer named Bret. Whilſt this was doing, the ſheriff of Kent, as he was going to join the duke of Norfolk, met and defeated Knevet, who with ſome troops was marching to join Wyat, and killed 60 of his men. This ill ſucceſs ſo alarmed Wyat, that he had now reſolved to conſult his own ſafety, when an unexpected accident inſpired him with freſh courage. Sir George Harper, one of Wyat's adherents, pretending to deſert him, went to the duke of Norfolk, and ſo artfully managed the trained-bands, that they took part with the rebels, and quitting the duke, joined Wyat.

Burnet.

With this reinforcement, and his other troops, making together a body of 4000 men, Wyat marched towards London. He met near Deptford two meſſengers from the queen, who in her name aſked what would content him. He demanded the tower and the queen's perſon to be put into his hands, and the council to be changed, as he ſhould think proper. This demand being rejected, the queen repaired to Guild-hall, and acquainted the magiſtrates with Wyat's anſwer. She then ſpoke of her marriage, and told them ſhe had done nothing in it, but by the advice of her council; and, to give them a proof of the confidence ſhe repoſed in them, ſhe reſolved to ſtay in the city, tho' many adviſed her to withdraw to the tower.

Hollingſh.

Wyat in the mean time continued his march, and reaching the borough of Southwark the 3d of February, expecting to enter the city without any difficulty; but the bridge being ſtrongly barricaded and guarded, he was obliged to march along the Thames to Kingſton, 10 miles from London. Here he found the bridge broken, and ſpent ſome hours in repairing it. He then paſſed to the other ſide with his army, increaſed now to near 6000 men. After that, he continued his march to London; and, after ſome time loſt in repairing one of his broken carriages, reached Hyde-Park about nine in the morning, the 7th of February. The time unſeaſonably ſpent in repairing the carriage, rendered his undertaking abortive; for in that interval Harper, who had been ſo ſerviceable in bringing over the trained-bands, deſerted, and poſting to court, diſcovered his intentions to march through Weſtminſter, and enter the city by Ludgate. This advice came ſeaſonably to the earl of Pembroke and lord Clinton, who, at the head of ſome troops, had reſolved to engage him as he entered the city; but obſerving, he was entangling himſelf in the ſtreets where he could not extend his troops, they thought it better to let him paſs, after orders given to ſhut the gate through which he deſigned to enter.

Stow.

Wyat ſtill prepoſſeſſed, that the citizens would favour his undertaking, left his cannon under a guard at Hyde-Park, and entering Weſtminſter, purſued his march through the Strand, in his way to Ludgate. As he advanced, care was taken to cut off his retreat by barricades and men placed at all the avenues. He believed himſelf now at the height of his wiſhes, when he found the gate into the city ſhut againſt him. He then firſt diſcovered his danger, and perceiving it was impoſſible to retire, loſt all courage. As he was endeavouring to return, a herald came to him, and exhorting him not to ſacrifice the lives of ſo many followers, he ſurrendered quietly, and was ſent to priſon. This unfortunate man, who, doubtleſs, had but a ſlender capacity, fooliſhly imagined, without having good aſſurances, that the city of London would declare in his favour, and this proved his ruin. If his meaſures had been better taken, the queen and her miniſters would have been greatly embarraſſed, at a time when the government, weak as it was, had already created many enemies; but the ill ſucceſs of this enterpriſe ſo ſtrengthened the queen's authority, that, henceforward, ſhe found no more reſiſtance. After the taking of Wyat, his men being diſperſed, were taken at pleaſure, and filled the priſons.

The duke of Suffolk betrayed, and taken. Burnet.

While Wyat was acting in Kent and London, the duke of Suffolk, had made but ſmall progreſs in the county of Warwick. He would not have been ſo much as ſuſpected, had not an expreſs been ſeiſed, ſent to him by Wyat, to inform him of the reaſons which had obliged him to haſten his undertaking, and to pray him to be as expeditious as poſſible. Upon this advice, the earl of Huntingdon had orders to arreſt him. The duke was informed, and, being not yet ſecure of 50 horſe, choſe to conceal himſelf in the houſe of one of his domeſticks, who baſely betrayed and delivered him to the earl of Huntingdon, by whom he was conveyed to the tower, the 11th of February. Such was the ſucceſs of this conſpiracy. Had it been managed by abler heads, it might have been attended with great conſequences; but few men of reputation cared to put themſelves under the conduct of ſuch leaders. If it had cauſed only the death of the principal actors, they might have been ſaid to meet the juſt reward of their folly; but it produced two conſiderable effects, one fatal to an illuſtrious and innocent perſon, and the other, to all Proteſtants. Not that religion had any ſhare in this conſpiracy, Wyat himſelf being a Roman Catholick, and the queen, in her proclamation, not accuſing the Proteſtants, tho' ſince, ſome hiſtorians have been pleaſed to brand them. But as the queen's authority was ſtrengthened by the ill ſucceſs of this undertaking, ſhe turned it entirely to the ruin of the reformed, and the reformation. The duke of Suffolk being concerned in the conſpiracy, the court eaſily underſtood, his deſign was to replace his daughter, the lady Jane, on the throne, and this determined the queen to ſacrifice her to her own ſafety.

The execution of Jane Grey, her huſband, and father. Burnet.

Two days after the taking of Wyat, a meſſage was ſent to Jane Grey, and her huſband, to bid them prepare for death. Jane, as ſhe had long expected it, received the meſſage with great reſolution. In the interim, Dr. Feckman who brought it, and had orders to exhort her to change her religion, prepoſterouſly imagining, ſhe deſired ſome time to be determined, obtained three days reſpite of her execution. But ſhe let him know, it was no ſatisfaction to her. She was well aſſured, the jealouſy of the government would not ſuffer her to live, and, therefore, ſhe had employed the whole time of her confinement, in a preparation for death. Some have believed, that without this laſt attempt of the duke of Suffolk, the queen would have ſpared his daughter; but, as afterwards, ſuch numbers were put to death for their religion, it is not likely, that Jane, ſo firmly attached to the Proteſtant religion, would have been more mercifully uſed than the reſt, even tho' the queen could have prevailed with herſelf to pardon her treaſon. Be this as it will, ſhe was executed the 12th of February, after ſeeing the headleſs body of her huſband paſs by her, as he was brought back from execution, to be interred in the chapel of the tower. She ſhewed, to the laſt moment, a great conſtancy and piety, and an immoveable adherence to the reformation, owning, however, herſelf guilty of a great ſin, in accepting a crown which belonged not to her. The duke of Suffolk, her father, was tried the 17th of the ſame month, and executed the 21ſt, with great grief, for having been the cauſe of his daughter's death.

Wyat, at his tryal, accuſes the princeſs Elizabeth, and earl of Devonſhire. Godwin.

Next, Wyat was brought to his tryal, where he offered to make great diſcoveries, if his life might be ſaved. He accuſed even the princeſs Elizabeth, and the earl of Devonſhire, as concerned in the conſpiracy. This did not prevent his ſentence, but only gained him a reſpite of two months, becauſe of the hopes of drawing from him conſiderable diſcoveries. In the interim, the earl of Devonſhire was committed to the tower, and the princeſs Elizabeth, tho' indiſpoſed, was brought to London, and cloſely confined in White-Hall, without liberty to ſpeak to any perſon. On the 11th of March following, ſhe was ſent to the tower.

They are ſent to the tower. Strype.

Many rebels executed, and 600 pardoned. Godwin.

The 14th and 15th of February, Bret, commander of Wyat's forces, and 58 more were hanged. Some days after, 600 priſoners, with halters about their necks, waited on the queen, and received their pardon. But this was not capable to efface the impreſſion made in men's minds, by ſo many executions, for a conſpiracy in which was no effuſion of blood. The fault was thrown on Gardiner, who was accuſed of leading the queen to an exceſſive jealouſy of her authority, and the moſt extreme rigour. An affair happened at the ſame time, which alſo greatly alarmed and filled the people with fears, of the queen's intending to rule with too extenſive a power. Sir Nicholas Throgmorton being accuſed, and tried as an accomplice in the conſpiracy, was acquitted by his jury, for want of ſufficient proof to condemn him. For this the jury was ſeverely fined. So the juries were deprived of the liberty of judging according to their conſciences, and inſtead of being governed by proofs, they were to examine how the court ſtood affected to the priſoners, and by that determine their verdict. This rigour exerciſed upon the jury, was fatal to Sir John Throgmorton, who was found guilty upon the ſame evidence on which his brother had been acquitted.

Wyat acquits the princeſs and earl of Devonſhire. Stow.

The reſpite granted to Wyat had a quite contrary effect to what the court expected. This unhappy man, who had accuſed Elizabeth, and the earl of Devonſhire, only in hopes of a pardon, finding he muſt die, fully cleared them in his ſecond examination; and for fear his laſt declaration ſhould be ſuppreſſed, he renewed it at the place of execution.

As there was no other proof againſt them, and their accuſer himſelf had acquitted them with his laſt breath, no proceſs could be formed againſt them, tho' Gardiner paſſionately deſired the death of the princeſs; nay, it is very probable, the queen would have gladly conſented to it, could ſhe have ſupported her rigour with any colour of juſtice.

Rigours exerciſed on the princeſs Elizabeth. Stow.

After Elizabeth had ſuffered a long and ſevere impriſonment in the tower, ſhe was removed to Woodſtock. This was not intended as a favour, but to take her out of the hands of the lord Chandois, lieutenant of the tower, who had treated her with great humanity and diſtinction. She was, at Woodſtock, committed to the cuſtody of Sir Henry Beningfield, who paying her no ſuch reſpect as ſhe had received from the lord Chandois, gave her room to ſuſpect a deſign againſt her life. It is even pretended, that certain perſons officiouſly undertook to murder her, in the expectation of pleaſing the queen and her miniſters; but that the ſtrictneſs with which ſhe was kept, denied them all acceſs.

The queen's orders againſt the married biſhops. Act. Pub.

The diſturbances occaſioned by Wyat's conſpiracy being entirely appeaſed, the queen reſumed her firſt deſign, of an utter deſtruction of the reformation. Tho' to this the authorioy of parliament was neceſſary, ſhe failed not to anticipate the deſign by her own authority, in vertue of her ſupremacy, which ſhe herſelf deteſted, and yet ſcrupled not to uſe againſt the Proteſtants! For this purpoſe, ſhe gave inſtructions to the biſhops, to viſit their dioceſes. Their inſtructions, drawn by Gardiner, contained a bitter narration of all the pretended diſorders introduced into the church, in the reign of Edward. She afterwards gave the chancellor a particular order, to purge the church of all married biſhops and prieſts.

Four biſhops deprived. Act. Pub.

Three more, upon other pretences. Ibid.

Some days after, the queen granted a ſpecial commiſſion to Gardiner, and five others, to deprive four biſhops who were married, viz. the archbiſhop of York, the biſhops of St. Davids, Cheſter and Briſtol, and all in actual confinement. Two days after, the ſame commiſſioners were ordered to deprive the biſhops of Lincoln, Glouceſter, and Hereford, for having behaved themſelves ill, and preached erroneous doctrines. The pretence to deprive theſe biſhops by a bare order of the queen, was taken from the letters patents of king Edward, in which it was provided, that they ſhould hold their biſhopricks ſo long only as they behaved well, and, therefore, it was no injuſtice to deprive them, ſince their conduct was diſpleaſing. This was the pretence, but the true reaſon was, the court's deſire to fill theſe ſees with their creatures, before the meeting of the parliament. As to the inferior clergy, Dr. Burnet pretends, that of 16000 then in England, 12000 were turned out for having wives; and, indeed, in the Collection of the Publick Acts, we meet with an infinite number of preſentations to livings, which ſufficiently ſhew the alterations made in the church. In the interim, in conſequence of the act of parliament, the maſs was every where reſtored, with the liturgy uſed in the end of Henry VIII's reign. Such was the conſtitution of the ſtate and church, when the new parliament met, the 2d of April, 1554.

The maſs is reſtored every where. Burnet.

The diſpoſition of the commons, of the new parliament.

The care of the court to have a parliament at their devotion, had not been leſs than in the foregoing year; nay, it was ſo much more ſucceſsful, as Gardiner had money in his hands to gain the electors and repreſentatives. The court had a double deſign, the firſt, to have the queen's marriage approved; the ſecond, to reſtore the pope's authority. For the firſt, it was not ſufficient to have repreſentatives well inclined to the intended alterations in religion, it was farther requiſite, they ſhould be little zealous for the good of their country, ſince the queen's marriage put England in evident danger of becoming, one day, a province to Spain. For the ſecond it was neceſſary, not only that moſt of the commons ſhould be convinced of the Romiſh doctrines, but alſo, ſhould be really Papiſts, that is, perſuaded that religion could not ſubſiſt without a pope. Now the men of this opinion were not very numerous among the Roman Catholicks, There were many more, who believing tranſubſtantiation, invocation of ſaints, adoration of images, &c. were, however, perſuaded, that the papal authority was by no means neceſſary to the church, and were well content with its aboliſhment. To have perſons returned proper for the deſigns of the court, or to gain thoſe who were not ſo compliant, it was, that Gardiner uſed all his intereſt with the emperor and queen to promiſe penſions. This was done with ſo little caution and ſecrecy, that with regard to a great number of members, their penſions were known. The parliament, when met, were ſo obſequious to the queen's will, that ſhe was, ſometimes, obliged to check the impetuous zeal of the commons.

An act to confirm the queen's rights. Burnet.

The firſt act paſſed in this ſeſſion, gave occaſion to many reflections; but the intent of it was unknown till long after, in the reign of queen Elizabeth, when a certain perſon, let into the ſecret, diſcovered it to the earl of Leiceſter. The bill was brought in by the ſpeaker. It imported, "That as the laws declarative of the royal prerogatives had been made in favour of kings, it might be pretended, that the queen had no right to them; it was, therefore, declared, that theſe prerogatives did belong to the crown, whether it was in the hands of male or female; and whatſoever the law did limit or appoint for the king, was of right alſo due to the queen, who was declared to have as much authority as any of her progenitors." This bill occaſioned ſome debates in the houſe of commons. Some feared, that the pretence of ſecuring to the queen her juſt rights, covered a deſign of enlarging them beyond their juſt bounds, and that the laſt clauſe, "that ſhe had as much authority as any of her progenitors," might encourage her to exerciſe the ſame power as William the Conqueror, who ſtripped the Engliſh of their lands, to beſtow them on foreigners. The queen's marriage with the prince of Spain ſtill increaſed this ſuſpicion, by the fear of having a deſpotick government, like that of Spain, introduced into England. It was, therefore, thought proper to alter the words of the act, in ſuch manner, as they ſhould ſecure to the queen all her legal rights, without giving her an opportunity to uſurp ſuch as were not ſo. The court found no fault with this correction. Gardiner, who promoted the bill, had no intention to make the queen abſolute, but to prevent Philip from ſeiſing the government, on pretence of ſex. The example of Henry VII, furniſhed a juſt cauſe of fear. That prince had, at firſt, no pretenſion to the crown, but what flowed from his marriage with Elizabeth, daughter to Edward IV. However, when he afterwards found himſelf ſufficiently ſtrong, he reſolved to reign in his own right, as heir to the houſe of Lancaſter. Philip might have done the ſame thing, as deſcended from the ſame houſe. So that here Gardiner conſulted, at once, the intereſt of the nation, and his own. It was the nation's intereſt, that Philip ſhould not have any opportunity of ſeiſing the government. Gardiner's likewiſe required the ſame, becauſe, if Philip ſhould once become maſter of England, the adminiſtration of affairs would, probably, be put into the hands of Spaniards, and conſequently, Gardiner be excluded. In a word, the true occaſion of Gardiner's bill was this; a certain perſon had contrived a model of government, according to which the queen was to declare herſelf a conqueror; or aſſert, that as ſhe came to the crown by common law, ſhe was not bound by the laws which limited the regal power, becauſe theſe reſtrictions were made for kings, and not queens. This plan was communicated to the imperial ambaſſador, who put it into the queen's hands, and prayed her to read it with attention. The queen doubtleſs read, and then delivered it to her chancellor to examine, and give his opinion upon it. He thereby ſaw what was the view of the Spaniards, and ſet before the queen the conſequences and peril of following, or even liſtening to ſuch counſels. In a word, he ſo managed her, that ſhe threw the project into the fire. It was not without reaſon that Gardiner began to be alarmed, with reſpect to the Spaniards. Beſides, that ſuch projects as this, gave him juſt cauſe to ſuſpect them of ſome deſign upon the liberties of England, there was another thing that confirmed his ſuſpicions. This was, the Spaniards had ſtudiouſly publiſhed a genealogy of Philip, which derived him from a daughter of John of Gaunt, duke of Lancaſter, and ſon to Edward III. Gardiner, therefore, thought it high time to break the Spaniſh meaſures; and this he undertook to do by the fore-mentioned act; but he took particular care not to be known for the author, for fear of forfeiting Philip's favour.

The biſhoprick of Durham reſtored to its rights.

In this ſeſſion the biſhoprick of Durham, ſuppreſſed in the end of the late reign, was reſtored to its antient rights, and the act of ſuppreſſion repealed.

The ſentence againſt the duke of Suffolk, and the 58 men executed for the late rebellion, was likewiſe confirmed.

The treaty of marriage confirmed. Burnet.

Laſtly, the parliament approved the treaty of marriage between the queen and Philip; but as Gardiner began to fear the Spaniards, he ſo ordered, that the parliament in approving the treaty, explained more clearly, and enlarged the articles, by which the government of the kingdom was declared to belong only to the queen.

No more was deſired of the parliament in this ſeſſion. If the zeal of the commons to pleaſe the court had been indulged, many rigorous acts againſt the reformation and the reformed, would have been made; but the lords, by the court's direction, threw out the bills ſent by the commons on this ſubject. Without doubt, the miniſters thought it not proper to begin the perſecution before the conſummation of the queen's marriage, leaſt ſome unforeſeen accident ſhould retard the prince of Spain's arrival. For this reaſon the parliament was diſſolved the 25th of May, after the queen's principal deſire, the approbation of her marriage, was obtained.

A diſpute at Oxford, between the Popiſh and Proteſtant clergy. Burnet.

At the end of this ſeſſion of parliament, the court thought proper to interrupt the convocation, in order for a new conference to be held at Oxford, concerning the euchariſt. The Proteſtants complained, publickly, of the treatment they had met with, in the diſpute held at London. From hence, occaſion was taken to lay a new ſnare for them, by appointing another diſputation, in the preſence of the univerſity of Oxford, as if more juſtice was intended them; but this was, in effect, only to give them a freſh mortification. If the court had meant to act with ſincerity, they would never have choſen, as they did, for managers of the diſpute on the Proteſtant ſide, Cranmer, Ridley, and Latimer, all priſoners in the tower, and the two firſt, without controverſy, the moſt learned and able men of their party; but as it was reſolved to confound them, otherwiſe than by reaſons and arguments, the court was glad to expoſe theſe three grave prelates, to the inſults of their enemies. They were, therefore, removed to Oxford, to diſpute againſt ſome of the Romiſh clergy, at the head of whom was Weſton, prolocutor of the lower-houſe of convocation. This diſputation, or conference, was managed like the former, at London. The three Proteſtant biſhops were forced to be ſilent, by reaſon of the continual interruptions and noiſes which hindered them from being heard, whence it was inferred they were vanquiſhed. Thoſe who are curious to ſee the particulars of this diſpute, will find them in the Hiſtory of the Reformation of England. But to mortify theſe biſhops was not thought ſufficient; for the diſpute, which laſted three days, being ended, they were ſummoned to abjure their pretended errors, and, upon their refuſal, excommunicated.

Cranmer, Ridley, and Latimer excommunicated.

The prince of Spain's arrival. Burnet.

Prince Philip being informed, that nothing now retarded the conſummation of his marriage, left the Groin the 16th of July, and arrived the 19th at Southampton. At his landing he drew his ſword, and carried it naked ſome time. This myſterious action was variouſly interpreted. Some ſaid it ſignified, that he would draw his ſword in defence of the nation. Others believed, that he intimated to the Engliſh, by this action, that he intended to govern them by the ſword. The magiſtrates of Southampton preſenting him with the keys of their town, he took and returned them without ſpeaking a ſword. This gravity diſpleaſed the Engliſh, who uſed to be treated more affably by their ſovereigns. The queen met him at Wincheſter, where Gardiner married them the 25th of July. The ſame day they were proclaimed king and queen, of England, France, Naples, Jeruſalem, and by many other titles. The emperor had lately made a preſent to his ſon of the kingdoms of Naples and Jeruſalem. Philip was only 29 years of age, and Mary was 38. Many cheſts of bullion, brought by Philip, were landed, which no doubt were a great part of the 12,00,0000 crowns, promiſed to be ſent into England by the emperor; but which he was not inclined to part with before the conſummation of the marriage. This infuſed freſh zeal for the queen's intereſt, into thoſe who had before been gained by Gardiner.

Philip, obtains pardon for Elizabeth, and ſome others. Burnet.

Philip, deſirous to acquire the affection of the Engliſh, began with acts of clemency, which would have produced that effect, had the reſt of his conduct been anſwerable to them. However, ſome perſons of diſtinction were the better for his generoſity. The princeſs Elizabeth was the chief. Gardiner was for removing her out of the way at any rate. He apprehended, if ſhe ſucceeded Mary, ſhe would be led by her own intereſt to ſubvert whatever ſhould be done in this reign, with reſpect to religion. Beſides, it was known, that notwithſtanding all her caution, ſhe was reformed in her heart. Now, as it was reſolved to proſecute the Proteſtants, there was ſome room to fear an inſurrection, under colour of aſſerting her rights. The queen herſelf was not far from Gardiner's ſentiments; but Philip interceded for Elizabeth, and freed her from this danger. This was, doubtleſs, at firſt, from a motive of generoſity. It has been pretended, that policy had afterwards a great ſhare in the preſervation of this princeſs, and two ſeveral reaſons are aſſigned. Firſt, it is ſaid, that when he had no longer hopes of children by queen Mary, he reflected, that if Elizabeth died before the queen, the crown of England would devolve to the queen of Scotland, who would bring this rich inheritance to the dauphin of France. It is indeed true, that by Henry VIII's will, the queen of Scots could not claim the Engliſh crown, till after the poſterity of the ducheſs of Suffolk. But it was not likely, the dauphin would regard this will; and he might happen to join the crowns of England and Ireland, to thoſe of France and Scotland, which could not but be prejudicial to the houſe of Auſtria. The ſecond reaſon which induced Philip to ſave Elizabeth was, as it is pretended, his hopes to marry her, if Mary died firſt. Beſides the princeſs Elizabeth, ſome other perſons obtained their pardon by Philip's interceſſion; viz. nine knights, and the archbiſhop of York. It is preſumed, this prelate was not firm to his religion, becauſe all the reſt who were releaſed, were men who ſuited their religion to the times. Probably they had been engaged in Wyat's, or the lady Jane's cauſe; beſides, the archbiſhop of York was ſuffered to live in quiet, during the reſidue of this reign.

He diſpleaſes the Engliſh.

Philip's grave manner and reſerved air gave great diſguſt to the Engliſh. None were ſuffered to come either into his, or the queen's preſence, without a formal demand of an audience, as is practiſed by ambaſſadors. This rendered the court entirely unfrequented, the Engliſh nobility not enduring to conform to cuſtoms ſo oppoſite to their own.

The duke of Norfolk dies.

The old duke of Norfolk died in September, about a year after obtaining his liberty.

The parliament meets. Burnet.

Mary's third parliament met the 11th of November, diſpoſed as the court could wiſh. The money come from Spain produced ſuch effects, that moſt of the repreſentatives only wanted occaſion to ſignaliſe their zeal for the queen. The court was ſo ſenſible of this, that without any law yet made to reſtore the papal authority, two noblemen were ſent to receive cardinal Pole, as legate, and bring him over into England. One of theſe was the lord Paget, who having been a principal friend and confident to the duke of Somerſet, and one of that protector's inſtruments to eſtabliſh the reformation in the reign of Edward, was nominated in this of Mary, to meet the pope's legate. Such change had a new reign produced amongſt the nobility. Whilſt the legate, in Flanders, was preparing for his voyage, an act paſſed in parliament to repeal his attainder in the reign of Henry VIII. This coſt but three days, in order to avoid the inconvenience of ſeeing a legate arrive in the kingdom, ſtill liable to a ſentence of death.

Cardinal Pole's ſpeech to the parliament. Hollingſh.

Pole arrived the 24th of November, and after communicating his inſtructions to the king and queen, he laid before them, and both houſes of parliament ſent for to that purpoſe, the occaſion of his legation. This, he ſaid, was to bring back to the fold of Chriſt, the ſheep that were gone aſtray; that the pope, who held on earth the place of ſovereign paſtor, was ready to receive them; and, therefore, he exhorted the Engliſh to embrace an opportunity, at once ſo favourable and happy. The queen, who paſſionately deſired to ſee the pope's authority reſtored in England, was ſo moved on this occaſion, that ſhe fancied ſhe felt a child ſtir in her womb. This news was immediately publiſhed in all places, and even by an order of council, Te Deum was ſung at St. Paul's. Some flatterers ſpared not to ſay, that as John Baptiſt leaped in his mother's womb at the ſalutation of the Virgin, ſo here, a happy omen followed on the ſalutation from Chriſt's vicar, ſpeaking by the mouth of his legate. The queen's women, who ſaw her ſo fond of her imaginary conception,

The queen fancies herſelf with child.

ception, humoured her in this belief, till the middle of the next year, when to her great mortification, ſhe diſcovered her miſtake.

The two houſes petition for a reconciliation with the pope. Stow.

The 29th of November the two houſes preſented a petition to the king and queen, praying their interceſſion with the legate, for a reconciliation of the kindom with the church, from which a horrible ſchiſm had long diſunited it. They promiſed, in the ſame petition, to repeal all acts againſt the pope's authority. Upon this the legate came to the parliament, and, in a long ſpeech, enlarged upon the pope's affection and tenderneſs for the kingdom of England, and the extraordinary favours which, in every age, that nation had received from the holy ſee. Then he enjoined, for penance, the repeal of all the laws made againſt the papal authority, and granting a full abſolution, which was received by both houſes on their knees, abſolved, alſo, the kingdom from all cenſures.

An act reſtoring the pope's authority; Burnet.

The repeal promiſſed by both houſes, could not be ready before the beginning of January. By this act, the pope's authority was reſtored to the ſame ſtate as before the 20th year of the reign of Henry VIII; but the five following articles inſerted in it, were ſo many reſtrictions upon the papal power.

With ſome reſtrictions.

I. That biſhopricks, cathedrals, and colleges, ſhould remain in their preſent condition.

II. That marriages contracted within the degrees forbidden only by the canons, and not the law of God, ſhould be deemed good and valid.

III. That inſtitutions into benefices made during the ſchiſm, ſhould be confirmed.

IV. That all judicial proceſſes ſhould alſo be confirmed.

V. That the alienations of the lands of the church ſhould be authoriſed, and the poſſeſſors ſubject to no cenſures or proſecutions on that account.

Ratified by the legate.

The legate ratified all theſe articles, but with a denunciation of the judgments of God, on all thoſe who poſſeſſed the church-lands. As this article was the moſt important, and obſtructive to a re-union, the court of Rome had not been a little embarraſſed to ſettle it. The nobility and gentry, enriched with the plunder of the church in the two laſt reigns, were not to be alarmed. On the other hand, the canons make the lands of the church ſo ſacred, that the pope himſelf, however extenſive his power be in other reſpects, cannot alienate them; and, conſequently, Julius III. could not conſent to the alienation made in England, without violating the canons; nay, his conſent would have been of no force, ſince he would have exceeded the bounds of his power. In the interim, had he inſiſted upon the neceſſity of reſtitution, and told the Engliſh, that without it he could not poſſibly abſolve them, the affair of the re-union of England, the concluſion whereof was ſo paſſionately deſired by the pope, would have been in danger of miſcarrying. This was one of theſe nice affairs, which called for ſome of thoſe expedients, the court of Rome ſeldom wants. The expedient now made uſe of was, to deceive the Engliſh. The pope firſt gave Pole a general power, which was not thought ſufficient, however, to remove the uneaſineſſes of the perſons concerned, afterwards, he ſent him another, authoriſing him, "to tranſact with the poſſeſſors of church-lands, for the rents they had unlawfully received, and for the moveables they had conſumed; in reſtoring firſt, if the legate thought proper, the lands they unjuſtly poſſeſſed." This clauſe, "in reſtoring firſt, if the legate thought proper," had a very equivocal meaning. It might ſignify, that the legate had the liberty to oblige the poſſeſſors to reſtitution, or to diſpenſe with it; or elſe, that he had power to tranſact with them for the received rents, before or after the reſtitution of the lands. In all appearance, the pope underſtood the clauſe in this laſt ſenſe, but was willing to give room to believe, that he underſtood it in the firſt. This power appearing inſufficient to the emperor and the court of England, the pope gave a third not leſs equivocal, and which, under a heap of general terms, contained certain reſtrictions, which left him free to act, afterwards, as he ſhould pleaſe; for his preſent buſineſs was to blind the poſſeſſors and the parliament, in giving them a ſeeming ſatisfaction. This laſt power ran; "That whereas, before, he had given power to his legate, to tranſact with the poſſeſſors of the church's goods, and to diſcharge them from the rents they had unjuſtly received, or the moveables they had waſted; nevertheleſs, to the end that the entire reduction of England might become ſo much the more eaſy, by the greater hopes which the pope gave of condeſcenſion and compliance on this occaſion, unwilling as he was to keep back the great work of the ſalvation of ſo many ſouls, by any human conſiderations, and deſirous to imitate the good father going out to meet the prodigal ſon, he gave power to his legate, agreeably to the confidence he repoſed in him, to tranſact and agree, by authority of the holy ſee, with the poſſeſſors of the goods of the church, for whom the queen ſhould intercede, and to give them a diſpenſation for the future enjoyment of them; with reſervation nevertheleſs of ſuch things, wherein, for the greatneſs and importance of them, he ſhould think fit to conſult the holy ſee, for its approbation and confirmation."

This laſt power, far from correcting what was defective in the former, was ſtill more equivocal and uſeleſs. Firſt, for the word tranſact, which was in the firſt power, and remained likewiſe in this, it is manifeſt, that the pope did not mean by it a bare acquieſcence of his legate to a poſſeſſion deemed unjuſt, and that on this occaſion, a tranſaction imported, at leaſt, ſome previous reparation to be made to the church; but for fear the term tranſact ſhould not be ſignificant enough, the pope added in this laſt power, the term agree, which evidently ſhewed in what ſenſe he would have this tranſaction underſtood. Wherefore the bare acquieſcence of the legate was uſeleſs, ſince he thereby exceeded his power, which was to tranſact and agree. Secondly, under theſe terms future enjoyment, was an equivocation, ſince the future might imply either a perpetual or a temporary enjoyment. Thirdly, the legate could grant a diſpenſation for the enjoyment of theſe lands, but to thoſe for whom the queen interceded, ſo that the queen might chuſe whether ſhe would intercede for any perſon; nay, it is very likely, ſhe would have ſcrupled it, ſince, as will appear, ſhe herſelf made reſtitution of all ſuch lands as were in her poſſeſſion. Fourthly, all that the legate could do on this occaſion, was inſignificant without the pope's confirmation, who could revoke it, ſo that the legate's power was only proviſional. Laſtly, the obligation to conſult the holy ſee in matters of importance, was alſo an uncertain expreſſion, and liable to endleſs cavils.

Pope Julius III, died before he was informed of the ſucceſs of this affair; but if we judge of him by the terms of the power granted to his legate, he acted with no ſincerity, and his ſucceſſor plainly refuſed to confirm the legate's acquieſcence. It was, therefore, a manifeſt illuſion put upon the poſſeſſors of the church lands, ſince, according to the canon law, they could thereby acquire no juſt title. On the other hand, they could poſſeſs them with a ſafe conſcience, ſince the legate, at the ſame time that he gave his conſent to their enjoyment of theſe lands, denounced the judgments of God ready to fall on their heads. It will be asked, perhaps, how the Engliſh could ſuffer themſelves to be impoſed upon by ſo palpable an artifice? To this may be replied; firſt, that the king and queen being in the ſentiments of the court of Rome, aſſiſted the fraud as much as poſſible, and the parliament, corrupted with Spaniſh gold, ſeemed not to ſee what they ſaw. In the ſecond place, the legate's powers were, probably, ſhewn only to the king and queen, who appeared ſatisfied with them, and the parliament, without examining theſe powers, ſuppoſed the legate ſufficiently authoriſed. I have a little enlarged on this ſubject, becauſe it is very material, at preſent, and poſſibly may be more ſo hereafter. The Engliſh may ſee by this, not only the impoſſibility of the court of Rome's acting with ſincerity in this affair, but that, tho' a pope ſhould have the beſt intentions towards the poſſeſſors of church lands, his conſent would be inſignificant. His ſucceſſors might always ſay, with ſome foundation, that he had exceeded his power. However this be, the poſſeſſors were, or ſeemed to be, ſatisfied, and the rather becauſe the parliament made a law which, in ſome manner, diſpelled the fears of the perſons concerned. This law imported, that whoever ſhould diſturb the ſubjects, in their poſſeſſion of any lands or goods once belonging to the church, on pretence of any eccleſiaſtical authority, ſhould fall into a Præmunire.

An act made to renew the antient ſtatutes againſt Hereticks. Burnet.

The affair of the reconciliation being ended, and the government become entirely Popiſh, the parliament paſſed an act to revive the ſtatutes of Richard II, Henry IV, and Henry V, againſt hereticks. The commons were ſo haſty, that if their zeal had been indulged, they would have finiſhed, at once, what the court deſired to do only by degrees. They brought in ſeveral bills, which were rejected by the lords, for fear of alarming the Proteſtants, and driving them to deſpair. But the commons were almoſt indifferent whether their bills were approved or rejected, becauſe, whatever happened, their zeal for the queen was rendered indiſputable. This was the real view of all their proceedings.

Afterwards an act was made by way of ſupplement to the ſtatute of treaſons and felonies. It was in favour of Philip that this act was renewed, by which, if any perſon aſſerted, that Philip had no right to the title of king of England, during his marriage with the queen, he was to be ſentenced to perpetual impriſonment, and to forfeit all his goods; moreover, that prince having conſented to take upon him the guardianſhip of the children he might have by the queen, and to govern the kingdom for a ſon, till he was 18, and for a daughter, till 15; it was alſo enacted, that conſpiring his death during that time, ſhould be treaſon. It was likewiſe death, by another act, for any to pray, "that God would turn the queen's heart "from idolatry, or ſhorten her days.

The court conſults what meaſures were the propereſt to be taken againſt the Proteſtants. Burnet.

The ſtatutes againſt hereticks were no ſooner revived, than the court took into conſideration how to reduce them. Their number was great, and without doubt much greater than that of their adverſaries; but the latter had the government for them. In this party were thoſe who were indifferent to all religions, and theſe appeared the moſt zealous, becauſe it was the true way to render them acceptable to the court. On the other hand, the Proteſtants could not make any uſe of their numbers, becauſe they were without ſupport. Beſides, many of them concealed their ſentiments, for fear of loſing their lives and fortunes. Others, by a principle of conſcience, choſe to ſuffer, rather than reſiſt. So that thoſe who would have uſed force againſt the attacks of their enemies, would, probably, have been ill ſupported, and the rather, becauſe the emperor would not have failed to aſſiſt the queen, had it been neceſſary. The Proteſtants, therefore, with the greateſt conſternation, ſaw a ſtorm ready to fall on their heads, without any poſſibility to avoid it.

Pole adviſes to moderate counſels. Burnet.

In the council, held at court on this ſubject, Pole was for gentle methods rather than force, thinking this would only inflame, inſtead of curing, the evil, and at moſt, would but increaſe the number of hypocrites. He added, that the beſt means of converting the Proteſtants, was the reformation of the clergy, whoſe irregular lives had firſt given birth to hereſy. Gardiner, on the contrary, maintained, that only rigour was capable to have any good effect upon the Proteſtants. That in the reign of Henry VIII, it was notorious, all ſubmitted to the ſtatute of the ſix articles, through fear of puniſhment. As Gardiner had in many things complied againſt his conſcience, he could not believe that others had more reſolution than himſelf; for this reaſon he thought, the puniſhment of ſome of the moſt obſtinate, would be attended with a blind compliance in all the reſt, to whatever was enjoined. Hence it appears, he was little concerned to gain men's hearts, provided the prevailing religion found no more oppoſition. The queen, who was a flaming bigot, embraced his opinion; but to ſhew Pole that his counſels were not wholly neglected, ſhe charged him with reforming the clergy, and left to Gardiner the care of extirpating hereſy.

An ambaſſy ſent to Rome. Godwin.

Towards the end of the year, the queen ſent viſcount Montague, the biſhop of Ely, and Sir Edward Karne to Rome, with the tender of ſubmiſſion to the pope from the king, the queen, and the three ſtates of the realm.

1555. Gardiner undertakes to extirpate hereticks.

The reſolution being taken to proſecute, with the utmoſt rigour, the Proteſtants, Gardiner, firſt author of that advice, very readily undertook to execute it. He it was, who in ſpite of all the difficulties which naturally occurred in the queen's marriage, had, at laſt, accompliſhed it. He it was alſo, who, by his intrigues, had found a way to diſpoſe parliaments to favour the queen's intentions, with regard to religion, and had effected the work of reſtoring the Roman religion and the pope's authority. He thought, therefore, nothing more was wanting to complete his glory, than the forcing the Proteſtants into the pale of the church, or, at leaſt, to an outward ſubmiſſion to the laws newly enacted, which is the utmoſt bounds of man's power. For this purpoſe, he reſolved to begin with Hooper and Rogers. The firſt had been biſhop of Glouceſter; the other was a clergyman of great repute among the Proteſtants. It was he, who with Bradford, had reſcued Bourn from his danger, when he preached at St. Paul's. This action, charitable as it was, had received ſo ill a conſtruction, that the court took occaſion from it to arreſt Rogers, in order to remove out of the way a man, who was regarded as one of the chiefs of the Proteſtants, from his great credit and influence with the people. It was an artifice frequently uſed in the beginning of this reign by the court, to impriſon, on frivolous pretences, thoſe whom they deſigned to ſacrifice, with intent to detain them till the laws were made to condemn them. Hooper and Rogers were of this number, and the firſt martyrs of this reign. They were condemned by commiſſioners appointed by the queen, with the chancellor at their head, and delivered over to the ſecular arm. Hooper was burnt at Glouceſter, and Rogers at London *. Hooper was three quarters of an hour in torment, the fire not being well kindled, ſo that his legs and thighs were firſt burnt, and one of his hands dropped off before he expired. Theſe executions were followed by thoſe of Saunders and Taylor, two other clergymen of the moſt diſtinguiſhed zeal for their religion. Taylor's puniſhment was remarkable for his being put into a pitch barrel, and for having before the fire was kindled, a faggot from an unknown hand thrown at his head, which made it ſtream with blood. Afterwards, as he was repeating the 51ſt Pſalm in Engliſh, one of the guards ſtruck him over the mouth, and bid him pray in Latin. He was, therefore, obliged to be ſilent, and continue his ejaculations, till the moment came which was to finiſh all his ſufferings; but while the fire was kindling, one of the guards, either thro' impatience or pity, knockt out his brains with a halbert, and delivered him from more cruel torments.

Martyrdom of Hooper and Rogers. Fox.

Gardiner transfers his commiſſion to Bonner. Burnet.

Gardiner finding himſelf miſtaken in his conjectures, and that the puniſhment of theſe four clergymen produced not the effect he expected, transferred to Bonner a commiſſion, which could not but draw upon him the publick hatred. This was no favour to the Proteſtants; for if Gardiner's zeal was cruel, Bonner's was furious.

The kingdom in an univerſal conſternation. Burnet.

In the interim, theſe few executions cauſed an univerſal conſternation. The bigots only triumphed. The reſt who had any ſenſe of humanity, could not, without the laſt concern, behold men expoſed to ſuch cruel ſufferings, who were accuſed of no crime, and ſolely for their religious opinions. It could not but be obſerved how differently the Proteſtants behaved from the Roman Catholicks; for in Edward's reign, very few had ſuffered impriſonment for their religion; and in Mary's, no puniſhment was thought too cruel for thoſe Proteſtants, who dared to perſevere in their opinions. The biſhops themſelves ſeemed aſhamed, for, in a ſolemn aſſembly they declared, they had no hand in theſe barbarities. So all the hatred fell upon the king and queen, and particularly the king, as he was bred in a country where the inquiſition reigned. Philip hearing of it, ſaw that the affection of the Engliſh would be entirely loſt, if they were ſuffered to continue in this ſentiment; beſides, he was reſolved not to be the dupe of the biſhops, who cleared themſelves at his expence; wherefore he ordered his confeſſor Alphonſo to preach before him, who, before all the court, charged the biſhops with the cruelties complained of by the whole kingdom, even challenging them to produce, in the whole ſcriptures, one paſſage which allowed Chriſtians to burn men for matters of conſcience. It was not without aſtoniſhment that a Spaniard was heard to exclaim againſt burning hereticks, and condemn cruelties ſo common in Spain. The biſhops were ſo amaſed, that the fires remained extinguiſhed for ſome weeks, but about the middle of March they were re-kindled, the biſhops chuſing to incur the publick hatred, rather than not proſecute the Proteſtants. The truth is, the court was no leſs inclined to cruelty than the biſhops; but each had a mind to throw the whole blame of perſecution on the

The king's Spaniſh confeſſor preaches againſt the perſecution. Fox.

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* He left a wife and eleven children. At the ſtake he had it in his power to have ſaved his life by a recantation; but neither hopes nor fears could prevail on him to renounce his religion. On the contrary, he ſaid, "He reſigned "his life with joy, in teſtimony of the doctrine he had preached. Fox.

other. Bonner, biſhop of London, diſtinguiſhed himſelf by a fury unbecoming not only a clergyman and a Chriſtian, but even a cannibal; for from this time the executions of the Proteſtants were continued, with a barbarity which clearly ſhewed, that thoſe by whom they were ordered, were not at all forced. The biſhops condemned without mercy all who were brought before them, and the civil magiſtrates executed the ſentences, even more rigorouſly than commanded by the laws.

Elizabeth taken out of priſon. Fox.

About the end of April, the princeſs Elizabeth was conducted from Woodſtock to Hampton-Court, where Gardiner, attended by a great number of privy-counſellors, exhorted her ſeriouſly to merit the queen's pardon by an ingenious confeſſion of her crimes; but ſhe poſitively denied to have ever juſtly offended the queen. At laſt, Philip prevailed for an enlargement of her liberty, at a ſeat in the country, where ſhe was permitted to retire. As ſhe knew all her actions were narrowly obſerved, ſhe avoided concerning herſelf in any affair which might give the leaſt ſuſpicion. During the reſt of this reign, ſhe applied herſelf wholly to her ſtudies, and made a conſiderable progreſs; but ſtill ſhe led an uncomfortable life, as ſhe was forced to diſſemble her religious ſentiments, to hear maſs, and frequently confeſs herſelf, to eſcape the dangers ſhe was continually expoſed to [*]. In this ſhe was a little leſs ſcrupulous than her ſiſter Mary had been in Edward's reign; but it may be ſaid for her, that there was a great difference between the characters of Edward and Mary. The fear of death could not oblige Mary to diſſemble her religion, becauſe ſhe was never threatened with it, whereas Elizabeth ſaw death continually before her eyes, upon the leaſt advantage againſt her.

The queen reſtores the goods of the church. Burnet.

While the queen was thus expreſſing her zeal for the Romiſh religion, ſhe felt a load upon her conſcience which ſhe could no longer bear. This was the poſſeſſion of the abbey-lands adjudged to Henry VIII. Pope Julius III, pretended to conſent that the poſſeſſors of the church-lands ſhould not be diſturbed; but he plainly ſhewed, that nothing was farther from his intentions, for even before the affair of the reconciliation was ended, he publiſhed a bull, excommunicating all who had taken poſſeſſion of any church or abbey lands, as well as the princes who favoured or aſſiſted them. Gardiner, indeed, had endeavoured to remove the queen's uneaſineſs, by telling her, this bull concerned Germany alone, and had no authority, unleſs received in England; but it was eaſy to ſee, that a defect of formality could not excuſe a practice in England, which was condemned by the pope as a heinous crime in Germany. However this be, the queen, who believed herſelf near the time of her delivery, would not run the riſque of dying excommunicate. She ſent for her miniſters, and told them it was her fixed reſolution to part with the church-lands in her poſſeſſion, to be diſpoſed of as the pope ſhould judge proper. At the ſame time ſhe ordered them to acquaint the legate with her intention, and give him a liſt of thoſe lands that ſtill continued in the crown.

Pope Julius dies, and is ſucceeded by Marcellus, who dies ſhortly after, and is ſucceeded by Paul IV. Godwin.

Pope Julius died the 23 of March, a few days before this reſtitution. Marcellus II. ſucceeded him the 9th of April. The new pope was preparing to make a great reformation in the church; but death ſurpriſed him whilſt he was meditating this project, the 22d day after his exaltation.

The news of Marcellus's death being brought to England, the queen formed the deſign of raiſing Pole to the pontificate. She even made ſome advances towards it, but, on the 23d of May, the cardinals aſſembled in conclave, elected cardinal Cariſſa, who aſſumed the name of Paul IV. The ſee had not of a long time been filled with a pope more haughty, or more proud with his power; for he was no ſooner raiſed to the papal chair, than he reſolved to carry his authority as high, or higher than any of his predeceſſors. The ambaſſadors of England arrived in Rome the very day of his election, but were not admitted to audience, till a month after. This delay was owing to Mary's aſſuming the title of queen of Ireland, which the pope would not ſuffer, pretending that the Roman pontiff only had a right to erect kingdoms. As the ambaſſadors had no inſtructions to relax on this article, their audience would have been long deferred, if the pope had not thought of this expedient. He privately erected Ireland into a kingdom [†], and at the ſame time ſent to the ambaſſadors to acquaint them, that otherwiſe he would not ſuffer them to give their queen that title in a publick audience. This difficulty being removed, the ambaſſadors were admitted to audience, and the pope with great ceremony told them, that in token of his eſteem of the king and queen of England, he had erected Ireland into a kingdom, by vertue of his power to create new kingdoms, and ſupplant old ones. Afterwards, in private audience, he warmly

The pope erects Ireland into a kingdom

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[*] Her anſwer to the dangerous queſtions concerning Chriſt's real preſence in the ſacrament, has ſomething in it at once artful and ſolid.

Chriſt was the word that ſpake it;
He took the bread and brake it:
And what the word did make it,
That I believe and take it.

[†] The learned biſhop Uſher, in his Religion profeſſed by the antient Iriſh, ſays, that in the year 1417, when the legates of the king of England and the French king's ambaſſadors fell at varience in the council of Conſtance for precedency, the Engliſh orators, among other arguments, alledged this alſo for themſelves. "It is well known, that according to Albertus Magnus and Bartholomæus, in his book Proprietatibus rerum, the whole world being divided into three parts (viz. Aſia, Africk, and Europe) Europe is divided into four kingdoms: Namely, the Roman for the firſt, the Conſtantinopolitan for the ſecond, the third the kingom of Ireland, which is now tranſlated unto the Engliſh, and the fourth the kingdom of Spain. Whereby it appeareth, that the king of England and his kingdom, are of the more eminent antient kings and kingdoms of all Europe: Which prerogative the kingdom of France is not ſaid to obtain." Act. Concil. Conſtant. Seſſ. 28 MS. in Bibliotheca Regia Jacobæa.

preſſed the reſtitution of the church-lands, and told the ambaſſadors, that he expected the whole ſhould be reſtored without any exception. He ſaid alſo, he intended to have the payment of St. Peter's pence continued; for which purpoſe, he would ſoon ſend a collector into England; and that the Engliſh were not to expect St. Peter would open the gates of heaven to them, ſo long as they uſurped his patrimony on earth. The ambaſſadors, not to exaſperate this haughty pontiff, were contented to anſwer him with ſubmiſſion, but did nothing, as indeed they had no power to meddle with theſe points.

An order from the court, to the juſtices, againſt the reformed. Burnet.

While this paſſed at Rome, the privy-council being informed, that the juſtices of peace, and particularly thoſe of the county of Norfolk, were indulgent to the Proteſtants, ſent inſtructions to them to act more agreeably to the intentions of the court. This ſhews the biſhops were not alone guilty of the cruelties exerciſed againſt the Proteſtants, but that the court was equally poſſeſſed with this furious zeal. In theſe inſtructions was an article enjoining the juſtices to have ſpies in every pariſh, for giving information of all perſons who were remiſs in their duty, in point of religion. This was ſo like an inquiſition, that it was imputed to the counſels of the Spaniards, which rendered them extremely odious, there being nothing more contrary to the Engliſh humour and government. Notwithſtanding theſe inſtructions, and the court's ſevere orders, the violences already committed, occaſioned ſuch murmurs, that Bonner himſelf, whether thro' fear, or ſome other motive, moderated his fury ſo far, as to ſend away, without tryal, perſons brought before him for hereſy. This conduct drew from the king and queen a ſevere letter to him, in which, after expreſſing their ſurpriſe, they exhorted him not to be remiſs. This was ſufficient to renew the perſecution with more fury than before. Bradford, who had been ſome time under ſentence of death, was burnt in July. Ridley, biſhop of London, and the venerable old Latimer, who had been biſhop of Worceſter in the reign of Henry VIII, ſuffered martyrdom in November. I omit many other martyrdoms in ſeveral places of the kingdom, becauſe my deſign is not to write a hiſtory of the church; let it ſuffice to ſay, that in the courſe of this year, 67 perſons were burnt, amongſt whom were four biſhops, and 13 other eccleſiaſticks.

Bradford, Ridley, and Latimer, ſuffer martyrdom. Burnet.

The queen has a falſe conception. Hollingſh.

When the king and queen wrote to Bonner to rekindle the zeal, the queen believed herſelf upon the point of being delivered. The 29th of May, the courtiers were in a readineſs to convey the news to different parts of the kingdom. In the beginning of June, a rumour was every where ſpread, that ſhe was delivered of a prince. The biſhop of Norwich ſung Te Deum in his cathedral. One prieſt, more officious than the reſt, deſcribed in his ſermon, the lineaments of the new-born prince; but this pretended pregnancy ended, at laſt, in ſome moles caſt forth by the queen, at ſeveral times. This was a grievous diſappointment to the queen and the whole court. King Philip was no leſs diſmayed. He had only married in hopes of having children by the queen, and thereby uniting England with the monarchy of Spain. This accident, and, perhaps, the opinion of the phyſicians, that there was no likelihood of any children, entirely deſtroying theſe hopes, he grew weary of a wife, who had neither youth nor beauty, and reſolved to apply more cloſely to his other affairs. Beſides, he was, doubtleſs, informed by the emperor, his father, of his intention to reſign to him his Spaniſh dominions. He left England, therefore, the 4th of September, to go into Flanders, leaving the queen extremely mortified at his coldneſs, of which ſhe was but too ſenſible.

A forged conſpiracy. Stow.

Before the king's departure, a diſcovery was pretended of a conſpiracy againſt the queen. Several perſons were arreſted, and ſome put to the torture; but as no confeſſion was drawn from them, very likely this conſpiracy was only a falſe ſurmiſe, deſigned to incenſe the queen againſt the perſons accuſed.

An inquiry made after the robbers of churches and monaſteries. Burnet.

In the courſe of this year, a ſtrict Inquiry was made after them who had pillaged the churches and monaſteries, and particularly after thoſe who were employed in the viſitation under Henry VIII. This was a good expedient to draw large ſums from thoſe men, who were forced to open their purſes to eſcape a ſeverer puniſhment.

An act to confirm the reſtitution of the firſt-fruits and tenths.

The parliament met the 21ſt of October, and did nothing conſiderable, beſides the making an act to approve and confirm the queen's reſignation of the firſt-fruits and tenths. The lords were deſirous to make a law to confiſcate the eſtates of thoſe whom the fear of perſecution had driven out of the kingdom; but the commons rejected the bill. Moſt of the members began no longer to pay the ſame deference to the court as formerly, whether their penſions were withdrawn after a compliance to almoſt whatever was deſired, or they would not be inſtruments of reſtoring to the clergy an authority ſo odious to the nation; beſides, moſt people were grown weary of the cruelties exerciſed againſt innocent men. However this be, the queen met with great mortifications in this ſeſſion. When ſhe deſired a ſupply of money, the commons, with great freedom, replied, it was not juſt to burden the people with expences which ſhe might eaſily have ſupplied, if ſhe had kept the church-lands. So, it was with great difficulty that ſhe obtained a moderate ſubſidy. The parliament, ſeeming reſolved not to be directed any more by the court, was diſſolved the 9th of December.

Gardiner dies. Burnet.

It is not ſurpriſing that the good intelligence between the queen and the commons began to decreaſe, ſince the miniſter, who had, hitherto, been employed to manage that houſe, was no longer in the world. I ſpeak of Gardiner, who died in the beginning of this ſeſſion, in which he had been but twice preſent. He was ſeiſed with his ſickneſs the very day he received the news of the death of Ridley and Latimer, which he impatiently waited for. He refuſed to ſit down to dinner till he had received

1555.

ceived it, and was without that ſatisfaction till four in the afternoon. He then dined with a good appetite, and after dinner was ſeiſed with a ſuppreſſion of urine, which brought him to his grave in few days. It is ſaid, that during this indiſpoſition he felt ſome remorſe for his paſt conduct, and ſometimes ſaid, he had erred with St. Peter, but not mourned with him. He was a man entirely attached to the world, of great wit, and of equal craſt and diſſimulation *. He directed his talents ſolely to the ſupporting and augmenting his own authority. Pope Paul IV, promiſed him a cardinal's hat. It is alſo pretended, that to procure the archbiſhoprick of Canterbury, promiſed to Pole, he had ſo ſlandered him to the court of Rome, that the pope had reſolved to recall, and even puniſh him as a favourer of hereſy, becauſe he did not approve the violent methods practiſed for the converſion of Proteſtants. Gardiner's hope of ſucceeding to the archbiſhoprick, was the reaſon that Cranmer was ſuffered to live; becauſe Gardiner waited till Pole was recalled. Tho' in all appearance, his religion was that of the church of Rome, he had conformed to all Henry VIII's changes; but the hope he had groundleſly conceived, that Henry would at laſt, return to his firſt ſentiments in religion, put him upon ſome practiſes which rendered him ſuſpected, and robbed him of the fruit of his diſſimulation. During the reign of Edward, he diſſembled ſo far as to comply, outwardly, with the laws concerning religion; but at the ſame time he ſufficiently diſcovered that it was with regret. To this was owing his deprivation, thoſe who then managed the religious affairs, being perſuaded that his diſſimulation did more harm than good. In the reign of Mary, he was no longer forced to conceal his ſentiments; nay, perhaps, he affected a greater zeal, than he really had, for the Romiſh religion, to recommend himſelf the more to a bigotted queen. By this he acquired her favour, and became her firſt miniſter, having artfully gained the emperor to his intereſt. When he ſaw his credit firmly eſtabliſhed, he turned his revenge upon his enemies into barbarity. They had been contented to detain him in priſon; but he could only be ſatisfied with burning them alive. Ridley and Latimer, amongſt others, felt the terrible effects of his vengeance. He had not ſo long deferred the ſatisfaction of cauſing Cranmer to periſh in the flames, if his own intereſt had not induced him to ſpare his life for ſome time. It is pretended, he was natural ſon of Richard Woodvil, brother to queen Elizabeth, king Edward IV's wiſe, and that this was the cauſe of his ſo ſudden advancement to the biſhoprick of Wincheſter, in the reign of Henry VIII. Dr. Burnet has clearly proved, in his Hiſtory of the Reformation, that Gardiner was one of the principal authors of Henry's divorce with Catharine. This, one would think, ſhould have rendered him equally odious with Cranmer to queen Mary; but his zeal for the Romiſh religion effaced all. After his death, the chancellorſhip was executed by commiſſion, from the 13th of November to the firſt of January following, when Heath, archbiſhop of York, had the ſeals delivered to him.

The Pope ſends a bull, erecting Ireland into a kingdom. Burnet.

They day after diſſolving the parliament, the queen received a bull from Paul IV, erecting Ireland into a kindom, this pope preſuming, that the erection made in the reign of Henry VIII, was null and invalid. Probably, the queen, who was full of ſcruples, was not diſpleaſed to receive this bull without her deſiring it.

The perſecution renewed. Idem.

The king's abſence, and Gardiner's death, did not hinder the fires from being re-kindled about the end of this year, for the burning of Proteſtants. This ſhews, that Philip and Gardiner were not the only authors of theſe violences, but that the ſource of them lay in the queen's furious bigotry.

Charles V. reſigns his dominions to Philip, and his brother Ferdinand. Strada.

It was likewiſe about this time that Charles V, reſigned all his Spaniſh dominions to Philip, at two different times. The following year, he reſigned likewiſe the imperial dignity to his brother Ferdinand †. Paul IV, long refuſed to own the new emperor, pretending, that the reſignation of the empire ought to have been made to him.

1556. Cranmer degraded. Burnet.

The 21ſt of March, Cranmer ſuffered the martyrdom to which he had long been deſtined. He had been declared heretick from April, 1554; but this declaration was attended with only a bare excommunication, the power of the judges, who had condemned him, reaching no farther. At laſt, in September, 1555, he was tried at Oxford before two commiſſioners, one delegated from the pope, and one from the queen. His accuſation contained, that he had been twice married; that he had kept a wife ſecretly, in the reign of Henry VIII, and openly in that of Edward; that he had publiſhed heretical books, forſaken the communion of the Romiſh church, and denied the real preſence of Chriſt in the ſacrament. He owned all theſe facts, and upon his confeſſion, was cited to appear before the pope within 80 days; a needleſs citation, ſince he was detained a priſoner. The 14th of February, Bonner and Thirleby were ſent to Oxford to degrade him. Bonner executed his commiſſion with his uſual inſolence, and with bitter railleries and invectives againſt Cranmer, during the ceremony; but Thirleby melted into tears. Cranmer was clothed in pontifical robes made of

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* He was a man of ſome learning; for he underſtood the canon and civil law as well as moſt of his time, he wrote Latin with eaſe and purity; and few of his contemporaries excelled him in the Greek language. Burnet. --As to his perſon, his ſucceſſor, biſhop Poinet, gives this deſcription of him: He was of a ſwarthy colour, hanging look, frowning brows, eyes an inch within his head, hooked noſe, wide noſtrils, a ſparrow mouth, great hands, and long talons, rather than nails, upon his toes, which made him go uneaſy. Strype's notes on Godwin.

† Charles, after his retirement, delighted very much in mechanical curioſities, and particularly had great variety of clocks, which he tried a long time to cauſe to ſtrike exactly together, but could never bring it about. Whereupon he broke out into this remarkable exclamation, "How vain and fooliſh is it for princes to endeavour to make all their "ſubjects be of one mind in religion, when no art is able to make a few clocks ſtrike together." Burnet.

canvas, to render him ridiculous, and then ſtript of that ludicrous attire, piece by piece, according to the ceremonies of degradation practiſed in the church of Rome*. But what was ridiculous, was, his being condemned for non-appearance at Rome, tho' he was all the while a cloſe priſoner.

He ſigns an abjuration. Strype.

The queen ſigns a warrant to have him burnt. Act. Pub.

Death ſhould, of courſe, have immediately followed the ſentence of the commiſſioners, and his degradation; but ſo many ſnares were laid to overcome the conſtancy of this prelate, that, by infirmity, and the hopes of ſaving his life, he was prevailed with to ſign an abjuration. His enemies, it ſeems, ſhould have been ſatisfied with engaging him in this weakneſs, but his death was what they wanted, and nothing leſs would content them. The queen, who pretended a merit in forgiving him his private offences, and in being moved only by a zeal for religion, ſeeing all her meaſures broke by his abjuration, pulled off the maſk, and ſigned a warrant for burning him, notwithſtanding his abjuration. Then it was that Cranmer came to himſelf, and, full of ſhame and confuſion, retracted at the ſtake, and reſolved, the hand which had ſigned the fatal abjuration, ſhould firſt ſuffer. He held it extended in the fire till it dropped off†, and then was obſerved to beat his breaſt with the other. Thus, he expired, teſtifying a repentance for the fault he had committed. His heart was found entire in the aſhes, after his whole body was conſumed, which occaſioned divers reflections, foreign to my purpoſe. The enemies of the reformation triumphed in the fall of this prelate, and the Proteſtants excuſed him in the beſt manner they could. Pole was conſecrated archbiſhop of Canterbury the day after his death. It ſeems he had his Conge d' elire with his election, and his bulls from Rome diſpatched before this time, becauſe the order for the reſtitution of the temporalities bears date the 21ſt of March, the day of Cranmer's death. It is, therefore, without foundation that Pole is accuſed of haſtening his death, to take poſſeſſion of his archbiſhoprick, becauſe there was almoſt a month between the queen's warrant for burning Cranmer, and the execution. Pole had no need of Cranmer's death to be poſſeſſed of the archbiſhoprick, vacant ever ſince his predeceſſor's condemnation. And, indeed, he was now archbiſhop of Canterbury before Cranmer died, having been elected in England, and approved by the pope, as is expreſſed in the order for reſtoring the temporalities, dated the 21ſt of March.

The perſecution continued. Burnet.

All the reſt of this year was a continual and violent perſecution of the Proteſtants. The furious Bonner, who had the care of puniſhing hereticks, not contented to burn them one by one, ſent them in troops to the flames; ſo that in the year 1556, 85 periſhed by his barbarity. The very women were not ſpared, and the fury of the perſecutors fell upon innocent infants. In the iſle of Guernſey, a woman big with child being condemned to be burnt, and the violence of the fire burſting her womb, a boy fell into the flames, which being ſnatched out by one more merciful than the reſt, was, after a ſhort conſultation, thrown in again by command of the magiſtrates, who aſſiſted at the execution.

The queen repairs old monaſteries, and erects new ones. Burnet.

While, by theſe violent proceedings, the utter ruin of the Proteſtant religion was endeavoured, the queen, on the other hand, laboured to ſupport that of the church of Rome, by repairing old monaſteries, and founding new ones. Perhaps ſhe had more advanced her deſign to reſtore the religious houſes, had not the nobility and gentry taken the alarm. It happened, even in the laſt ſeſſion of the parliament, that ſome of the commons, upon hearing a propoſal concerning that affair, laid their hands on their ſwords, and boldly ſaid, they knew how to defend their own properties. The queen ſeeing ſo many obſtacles, and not thinking it proper at that time to puſh the affair, reſolved to wait a more favourable opportunity, and proceed gradually. In the interim, ſhe gave a commiſſion to Bonner, and ſome others, to raze out of the publick records, whatever had been done by Henry VIII, againſt the monks and the pope, and particularly the accounts of the viſitations of monaſteries, and the renunciations of the papal authority by the monks. This has made the eccleſiaſtical hiſtory of that time very defective, and yet, notwithſtanding the care of the commiſſioners, many records of this nature eſcaped their diligence, and remain to this day.

Affairs between France and Spain. Thuanus.

The war ſtill continuing between France and Spain, without the intervention of the Engliſh, Philip was deſirous of either a peace or a truce, to have leiſure to fix himſelf firmly on the throne, lately reſigned to him by the emperor, his father. His queen had mediated for this peace or truce, and obtained, that the two kings ſhould ſend their ambaſſadors between Calais and Ardres, where they had, indeed, met the 21ſt of May, the laſt year, but without coming to any concluſion. The advancement of Paul IV, to the papal throne, rendered the peace ſtill more difficult. He was a pope of the moſt extravagant pride, and tho' 80 years old, was forming vaſt projects. He cannot be better compared than to Julius II. He had two nephews, one a cardinal, and the other governor of the eccleſiaſtical ſtate, and both mortal enemies of the family of the Colonni, whoſe ruin they had reſolved, and conſequently the king of Spain's, who ſupported it. To effect their deſign, they perſuaded the pope, their uncle, that they had diſcovered a conſpiracy formed againſt him, by the Spaniards. In conſequence of this pretended diſcovery, they opened the packets of the duke of Alva, viceroy of Naples, and therein pretended to find inconteſtable proofs. They committed cardinal Colonni to priſon, and arreſted the envoys of Philip and the queen of England. Then they ſeiſed Palliano and Nettuno, two towns belonging to the Colonni.

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* His behaviour in this ceremony, was uniform and becoming. He was not ſorry, he ſaid, to be thus cut off, with all this pageantry, from any relation to the church of Rome, but declared it to be great injuſtice to condemn him for not going to Rome, when he was ſhut up in priſon; and denying the pope had any authority over him, appealed from this ſentence to a free general council. Burnet.------ This ſpectacle, as Godwin obſerves, was ſufficient, not only to extort compaſſion from his enemies, but even to melt inanimate things into tears. The primate of England, that lately flouriſhed in the higheſt honour and authority with princes, moſt venerable for his ſanctity of life, for his age, perſon, learning, gravity, and innumerable excellencies of mind, now by the malice of the Romaniſts, dreſt in a ridiculous old habit, baited with ſcurrility and contemptuous revilings, and dragged to a moſt inhumane and tormenting death.

† While he was burning, he ſometimes cryed out, "That unworthy hand. Fox.

Pope Paul IV, makes a league with France againſt Spain. Thuanus.

But not ſatisfied with this, they ſoon after induced their uncle, the pope, to declare war with Spain, without having either money or troops to ſupport it. He was, therefore, obliged to have recourſe to the king of France, who was in actual war with Philip. For this purpoſe, he propoſed to him the conqueſt of the kingdom of Naples, and offered him all his forces to execute that deſign, provided he would aſſiſt him in the war he had undertaken. This propoſal being laid before the council of France, the cardinal of Lorrain ſupported it with all his intereſt. This cardinal had then ſuch influence over the court, that no perſon almoſt durſt contradict him, tho' it was eaſy to ſee that a league with the pope could bring no advantage to the king. The cardinal's view was to procure for his brother, the duke of Guiſe, the command of the army which ſhould be ſent into Italy.

A truce concluded between France and Spain. Thuanus.

This league, offenſive and defenſive, was, therefore, begun at Paris, and ſigned at Rome, where the cardinals of Lorrain and Tournon had repaired the beginning of October, 1555. The pope promiſed the inveſtiture of Naples to a ſon of France; and the king, on his part, engaged to ſend into that country an army of 12000 foot, 500 men at arms, and as many light horſe. But ſoon after, by the mediation of Mary, Henry II. and Philip concluded a five years truce, ſigned the 5th of February, 1556. The pope complained loudly, that the king of France had left him to the vengeance of the Spaniards. Indeed, the duke of Alva had now approached Rome, and taken ſome places, and amongſt the reſt, Oſtia, which the pope's nephews had neglected to ſtore. In this extremity, the pope and his nephews, had no other refuge, than to prevail with the king of France to break the truce with Spain. It was with this view that cardinal Caraffa repaired to Paris, as legate a latere, declaring, that he came to effect a peace between the two crowns. At the ſame time, the pope loaded with praiſes the queen of England, for mediating a truce, and exhorted her not to leave her work unfiniſhed, but endeavour to change the truce into a firm and laſting peace. In the interim, the legate, by his intrigues and magnificent promiſes, prevailed, at laſt, with the king to break the truce, without alledging other reaſon, than that the pope was oppreſſed by the Spaniards, tho' his holineſs had firſt declared war againſt Spain.

1557. The bones of Fagius and Bucer burnt at Cambridge. Burnet.

The wife of Peter Martyr dug up.

In January, 1557, cardinal Pole viſited both the univerſities. Whilſt he was at Cambridge, Bucer and Fagius, two German divines, dead ſome years before, were ridiculouſly cited before the commiſſioners to give an account of their faith, and upon their non-appearance, both were condemned to be burnt. This ſentence was followed by a warrant from the court to execute it, and the two bodies in their coffins were tied to ſtakes, and conſumed to aſhes. At Oxford, Peter Martyr's wife was dug out of her grave, by order of the legate, and buried in a dunghill, becauſe having been a nun, ſhe had broke her vow. At firſt a proceſs was intended againſt her as a heretlik; but as ſhe had never learned to ſpeak Engliſh, no witneſs could be produced to ſwear, he had ever heard her utter any hereſy. If all had been thus dug up, who might have been preſumed to die hereticks ſince the reformation, there would have been work enough. In all appearance, the ſuffering Peter Martyr to go out of the kingdom was heartily repented. If the body of his wife was thus treated, what muſt he have expected, had he been ſtill in the hands of his perſecutors *?

The magiſtrates grow remiſs in the perſecution.

The violences, hitherto, acted upon both the dead and the living, had a quite contrary effect to what the queen had imagined. The eccleſiaſticks only continued their rage; but the magiſtrates began to relax, and ſcrupled to be the inſtruments of theſe barbarities. The council being informed of it, wrote circular letters to all the towns, to inflame their zeal in the perſecution of hereticks; but theſe letters produced no great effect.

The queen grants a commiſſion tending to erect an inquiſition in England. Burnet.

The queen and her miniſters enraged to hear from all parts, that the number of the Proteſtants increaſed rather than leſſened, reſolved, as ſome have aſſured, to erect an inquiſition in England, like that in Spain. To this end, a commiſſion was granted the laſt year, empowering 21 commiſſioners to ſit upon tryals of hereſy, with a power ſo unlimited, that no other rules were preſcribed than their diſcretion, nor any perſon whatever exempted from their juriſdiction. This was followed by a perſecution, in which 79 Proteſtants periſhed.

The duke of Guiſe marches into Italy.

While theſe things paſſed in England, the duke of Guiſe arrived in Italy, with the army deſigned for the conqueſt of Naples. He ſtaid ſome time at Rome, where he found nothing ready of what the pope had promiſed; nevertheleſs, he entered the kingdom of Naples, in April, where he performed no great exploits. Soon after, he was recalled by the pope to the relief of Rome, cloſely blacked up by the duke of Alva.

Philip endeavours to bring Mary to a rupture with France. Thuanus.

On the other hand, Philip finding, the

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* About the beginning of this year, came an ambaſſy to England, from Evan Baſilowitz, emperor of Ruſſia, to ſettle a trade between that empire and England. See Stow.--Three Engliſh ſhips having firſt in the year 1553, ſailed to Ruſſia, under the conduct of Sir Henry Willoughby, in order to ſettle a trade in that country; in the year 1555, queen Mary incorporated the Merchant Adventurers to theſe parts, into a company, conſiſting of four conſuls, and 24 aſſiſtants; and Sebaſtian Cabot, born in Briſtol, of Genoeſe parents, was conſtituted the firſt governor, being the chief encourager of this branch of trade. Hackluit.

French had broken the truce, reſolved to exert his utmoſt to eſtabliſh his reputation in the beginning of his reign. He raiſed for this purpoſe an army of 50,000 men, who were to act in Picardy; and to make himſelf more formidable, tried all ways to gain the queen to his intereſts, notwithſtanding the agreement in their marriage articles, and his oath to give no occaſion of rupture between England and France. His creatures about Mary perpetually inſinuated to her, that ſhe was ill treated by the king of France, who not content with receiving the Engliſh fugitives that retired into his dominions, had even given penſions to ſeveral. Theſe inſinuations began to operate on the queen. But to put her quite out of humour with Henry, an artifice was uſed, which ſucceeded according to the deſires of thoſe who contrived it, probably, to do Philip ſervice. Dr. Wotton, the Engliſh ambaſſador in France, ſent for one of his nephews to Paris, and gave him proper inſtructions to accompliſh the project. This young man applying himſelf to one of the king's gentlemen, deſired a private audience of the king, ſaying, he had an affair of great conſequence to communicate to his majeſty. The king refuſing to ſee him, ordered him to apply to the conſtable of Montmorency. Wotton, in his conference with the conſtable, told him, he was ſent by the inhabitants of Calais, who were generally Proteſtants, and deſirous to put themſelves into the hands of the French king, provided they might have liberty to profeſs their religion. The conſtable liſtening to this propoſition, bid him explain how it might be effected, and liking the project, told Wotton to come to him again and talk of this affair; but Wotton, inſtead of returning to the conſtable, croſſed the ſeas back into England, and made his report to the queen and her miniſters of what paſſed at Paris. Whereupon the queen thought the king of France was no longer to be regarded, ſince, in the midſt of peace, he was forming projects to ſurpriſe Calais. It appears, that in February ſhe had reſolved upon a rupture with France, ſince, by an order of the 19th of the ſame month, commiſſioners were ſent to the ſheriffs and juſtices of the peace to levy forces, and have them in a readineſs to march upon the firſt notice. Soon after, another affair happened, which furniſhed her with the deſired pretence to declare war againſt France.

Stafford at the head of ſome men from France, raiſes an inſurrection. Stow.

One Stafford having ſecretly obtained aſſiſtance from the court of France, aſſembled ſome Engliſh fugitives, and embarquing them, landed them in Scotland, towards the end of April, and marched directly to Scarborough, where he ſeiſed the caſtle, and publiſhed a manifeſto againſt the queen, pretending ſhe had forfeited all her right to the crown, by introducing Spaniards into the kingdom. He had even the boldneſs to aſſume the title of protector of England; but the earl of Weſtmoreland, aſſembling ſome troops in the north, retook Scarborough, and made Stafford priſoner, with three of his accomplices.

Philip arrives in England. The queen declares war againſt France. Godwin.

King Philip arrived the 20th of March, in England, where 8000 men were ready to paſs into the Low-Countries; and, ſoon after his arrival, the queen ſent a herald to declare war againſt France. The 17th of June the 8000 Engliſh, commanded by the earl of Pembroke, left England, and joined the Spaniſh army under the conduct of the duke of Savoy; after which Philip himſelf departed in July, to return to Bruſſels.

St. Quintin beſieged. Burnet.

The duke of Savoy having made a feint, for a month, to attack ſeveral places in Picardy, fell ſuddenly upon St. Quintin, which was in an ill condition, and had only a garriſon of 300 men. All that the conſtable, who commanded the French army, could do, was to detach his nephew, admiral Chatillon, with 3000 men, to throw himſelf into the town. The admiral ſucceeded in part, having got in the night, through the quarters of the beſiegers; but inſtead of 3000, only 700 followed him, the reſt having loſt their way. With this reinforcement he made a gallant defence, in hopes that the conſtable, tho' much weaker than the enemy, would uſe all poſſible endeavours to relieve him, and indeed nothing was neglected by the conſtable. He was even ſo ſucceſsful as to throw Andelot, brother of the admiral, into the place, with 500 men; but in his return, after his ſucceſs, he was attacked by the duke of Savoy, who routed his army, killed 2500 of his men, and took him priſoner. In this battle, called the battle of St. Laurence, (becauſe fought on the 10th of Auguſt, the day dedicated to that ſaint) France loſt a great number of princes and noblemen, killed or made priſoners. The conſternation was ſo great, that if the duke of Savoy had marched directly to Paris, it was believed, nothing could have prevented his entrance. But inſtead of this, he drew back to his lines, and, eight days after, carried the town by ſtorm, and took the admiral priſoner on the breach. All France exclaimed againſt the pope, who had occaſioned this rupture. But the blow was ſtruck. The king of France's laſt reſource was, to call the duke of Guiſe out of Italy, where he was making no great progreſs.

The pope intends to recall Pole. Burnet.

When the pope heard the queen of England had declared war againſt France, he was ſo angry with Pole, as if he could have hindered it, that he recalled all his legates, including Pole in the number; but Karne, the Engliſh ambaſſador, remonſtrated to him, by ſome cardinals, the miſchiefs which, from thence, might enſue to religion. At laſt, after many ſollicitations and remonſtrances, the pope, without revoking his order, promiſed only, it ſhould not be notified to Pole, and told the ambaſſador, he was inclined to continue the cardinal in his legation, if the queen ſhould deſire it. This was before the battle of St. Laurence; but when news of the loſs of this battle, and the recalling of the duke of Guiſe were brought to him, he was again extremely incenſed againſt Pole, and reſolved to ſacrifice him to his revenge. For this purpoſe he ſent for Peyto, the queen's confeſſor, to Rome, and, creating him cardinal, put into his hands the bull of Pole's revocation, and appointed him for his legate in England; but the queen, being informed of this, wrote to Peyto, who was on his return, that if he offered to ſet foot in England, ſhe would bring him within the Præmunire. This letter ſtopt his journey. In the interim, tho' the pope's brief was not delivered to him, Pole abſtained from the functions of his legateſhip, being unwilling to give the haughty pontiff a plauſible pretence of complaint, who had long hated him.

The pope makes a peace with Spain.

When the duke of Guiſe had quitted Italy, the pope, unable to defend himſelf againſt the duke of Alva, who was near Rome, made a peace with Spain, and left France in the lurch. By a ſecret article of this treaty, Pole was reſtored to his office of legate.

The duke of Guiſe returns to France. Henry ſollicits the queen regent of Scotland, to a rupture with England. Buchanan.

In the interim, Henry being recovered from his conſternation, by Philip's not improving his advantages, the duke of Guiſe had time to come to his aſſiſtance, and was, immediately, conſtituted his lieutenant-general. On the other hand, Henry ſollicited the queen-regent of Scotland to break the peace with England, and that princeſs was as ready to oblige him. But ſhe had a powerful party againſt her, which was for preſerving the peace. Wherefore, as ſhe could not bring the ſtates to the reſolution ſhe deſired, ſhe took another courſe to accompliſh her deſign. She fortified Aymouth, contrary to an expreſs article of the treaty lately concluded with England; and thereby engaged the Engliſh to oppoſe it with force. This produced, indeed, a breach between the two nations; and the Scotch army, commanded by d'Oyſel, even entered the frontiers of England; but the ſtates ſtill hoping to repair the breach made in the peace, without their conſent, required d'Oyſel, by an expreſs order, to return, which he was forced to obey. The regent, ſeeing how low her authority was, preſſed the court of France to haſten the marriage of the queen, her daughter, with the dauphin, to the end that prince, being in poſſeſſion of Scotland, might be more maſter of its forces and counſels. Henry improving this advice, immediately, ſent ambaſſadors into Scotland, to ſettle with the ſtates the marriage articles.

The queen in great difficulties. Burnet.

The war which was preparing in Scotland, and that already began in France, greatly embarraſſed the queen, becauſe ſhe wanted money. She tried to raiſe money by way of loans; but without ſucceſs. She was, therefore, obliged to call a parliament for the 20th of January, tho' with regret, becauſe ſhe feared, that to obtain a ſupply, ſhe ſhould be forced to remit her ſeverities againſt the Proteſtants.

Philip gives her notice to take care of Calais. Hollingſh.

About the and of the year, Philip gave notice to the queen, of a deſign forming by the court of France upon Calais, and made her an offer of his forces to ſtrengthen the garriſon, which he knew to be weak. This advice, being laid before the council, was, immediately, ſuſpected to be an artifice of Philip, to put himſelf in poſſeſſion of Calais, on pretence of reinforcing the garriſon. This, tho' a bare ſuſpicion, was not entirely impoſſible. In the interim, the counſellors, as if it had been a moſt evident truth, could not believe that France had any intention to beſiege the town, tho' it was not provided with the fourth part of the neceſſary troops and ammunition. It ſeemed, that the ſole reputation of the town was to be its ſecurity. So, the advice was neglected, and nothing done for its relief, tho' the governor, William, lord Wentworth, was not wanting in his ſollicitations.

The ſiege and loſs of Calais, 1558. Stow.

And of Guiſnes and Hames. Burnet.

Nothing leſs was to be expected from a council compoſed chiefly of eccleſiaſticks, who were only intent upon the ruin of the Proteſtants. After ſo ſhameful a neglect of providing for the ſafety of Calais, the queen and her miniſters were in the utmoſt conſternation, upon the news that the town was actually loſt. The duke of Guiſe beſieged it the firſt of January, and carrying the fort called Newnambridge, which commanded the avenues from the land, and alſo the Riſbank which commanded the harbour, obliged the governor to capitulate the ſeventh day of the ſiege. After he was maſter of the place, he ordered all the Engliſh to depart, as Edward III. had expelled the French, 210 years before. Then he ſate down before Guiſnes, commanded by lord Grey, with a garriſon of 1100 men; but the garriſon was ſo diſcouraged by the loſs of Calais, that on the firſt attack, they quitted the town, and retired into the citadel. In the interim, the Engliſh governor perceiving the French were fallen to plundering, made a ſally, and beat them out of the town; but deſpairing to keep it, ſet it on fire, and retired. Soon after, the French cloſely inveſted the citadel, and in an aſſault the garriſon loſt 300 men. After this, the governor ſeeing no poſſibility of a longer reſiſtance, ſurrendered himſelf priſoner of war, with his whole garriſon. The caſtle of Hames, ſituated in an almoſt inacceſſible marſh, might have made ſome reſiſtance; but the garriſon fled, and left it to the French. Thus, in the middle of winter, and in leſs than 15 days, the Engliſh loſt all the remains of their antient conqueſts in France, by the incapacity of a queen, whoſe thoughts were wholly engroſſed by one affair, as if the deſtruction of the Proteſtants had alone merited her application; and by the negligence, if it deſerves no worſe name, of her council. Such was the fruit, England reaped from her alliance with Spain, notwithſtanding all Gardiner's care to prevent a mixture of intereſts between the two crowns. The non-performance of this article ſhews, how the reſt would have been obſerved, if Philip, had he had any children by the queen, could have introduced himſelf, as their guardian, into the government of the kingdom.

The uneaſineſs of the queen, upon this loſs, and the murmurings of the people. Burnet.

The loſs of Calais made great noiſe in England. The Proteſtants took occaſion to arraign the government; and the creatures of the court were ſo confounded, that they durſt not open their mouths in juſtification of the miniſtry. Some accuſed them of treaſon, o-

1558.

thers of incapacity, and their moſt zealous adherents could not but own their negligence. The two governors, of Calais and Guiſnes, were the moſt unhappy. Beſides the loſs of their reputation, the miniſters, to inſinuate to the people, that theſe places were loſt by their fault, ſuffered them to remain priſoners, and no care was taken for their releaſe. But no one had a more lively ſenſe of this loſs than the queen *. She perfectly knew the value of Calais after it was taken, which rendered England always formidable to France, becauſe the Engliſh could, in 24 hours, land great armies in that kingdom. The greatneſs of the loſs has ſince been ſtill more ſenſibly felt. From that time, France, except when diſtracted with civil wars, no more ſhewed for England that regard, ſhe was before forced to pay.

Philip preſſes the queen to make a puſh for the recovery of Calais. Burnet.

Immediately after the taking of Calais, Philip ſtrongly preſſed the queen to make a vigorous effort to recover it, before France had time to repair and fortify it. But it was not poſſible for the miniſters to find means to execute ſuch an undertaking. Upon a computation of the neceſſary expence for the fleet and army, it was judged dangerous, conſidering the general diſcontent, to load the people with ſo great a burden, even tho' the parliament could be brought to a compliance. This was ſent to Philip, in a letter of thanks for his advice and offers. But beſides this reaſon, there was another of great weight, viz. the fears of the miniſtry, the council, and the queen herſelf, that the ſiege of Calais would oblige them to interrupt the perſecution. So, in the belief that one year more would ſuffice to deſtroy the reformation and the reformed, they judged it proper to defer the ſiege of Calais till a more convenient ſeaſon.

The parliament grants a ſubſidy to the queen.

The parliament, which met the 20th of January, did nothing conſiderable, beſides granting a ſubſidy to the queen, after the clergy had led the way. The houſe of commons was filled with perpetual complaints that, by the pernicious counſels of the miniſters, the queen had exhauſted her treaſury, by the reſtitution of the church-lands, and new foundations of the monaſteries.

A propoſal in the houſe of commons, cauſes great ſuſpicions. Statutes.

This affair being finiſhed, the friends of the court brought in a bill to confirm all the queen's letters patents, without explaining themſelves farther. This was ſtrenuouſly oppoſed by one of the members, who urged, that a power ſo unlimited would put the kingdom in danger, and the queen in a capacity to diſpoſe of the crown from the right heirs. The commons were offended with theſe inſinuations againſt the queen, and ſent the member to priſon; but tho' the queen ſeemed pleaſed with the zeal of the commons for her reputation, ſhe clearly ſaw how far they were from any thoughts to deprive the princeſs Elizabeth of the crown. It is not known, what was the intent of ſo general a confirmation; but it is likely, the authors had ſome view diſadvantageous to Elizabeth.

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Two ſons of the late duke of Northumberland reſtored to their honours. Stow.

In this ſeſſion, Ambroſe and Robert Dudley, ſons of the late duke of Northumberland, were reſtored in blood. Henry, their brother, loſt his life at the ſiege of St. Quintin. After this, the parliament was prorogued from the 7th of March, to the 7th of November.

The dauphin married to the queen of Scots. Buchanan.

In April, this year, the dauphin, at laſt, married Mary, the young queen of Scots. After many difficulties, the ſtates of Scotland granted the dauphin the title of king of Scotland, upon a ſolemn promiſe from his father, that he ſhould content himſelf with the bare title, and not concern himſelf in the government of the kingdom.

The princeſs Elizabeth in great danger. Burnet.

The princeſs Elizabeth was now in more danger than ever. The queen ſenſibly declined in her health. She had not been well managed during her pretended pregnancy, becauſe ſhe having committed herſelf to the care of women, who only flattered her, ſhe had neglected to conſult the phyſicians, who might have prevented the conſequences of that accident. From that time ſhe never enjoyed a ſound health. She was naturally melancholy, and this temper was increaſed by her many mortifications in the two former reigns. Afterwards, the diſguſt of the king, her huſband, of which ſhe was but too ſenſible, ſtill augmented her melancholy; and the loſs of Calais, brought her to ſuch a ſtate, that ſhe could bear the ſight of but very few perſons. The body ſimpathiſed with the mind, and ſhe felt herſelf grow daily weaker. In this condition, ſhe was troubled with the ſame reflections on her ſiſter Elizabeth's account, that had before diſturbed Edward on her's, viz. that after her death what ſhe had with ſo much pains eſtabliſhed, would be infallibly overturned. The biſhops were ſtrongly perſuaded of this. They were not ignorant that Elizabeth, whatever pains ſhe took to conceal it, was a Proteſtant in her heart, and even induced to be ſo from her temporal intereſt. Hence ſome were perpetually inſinuating to the queen, the neceſſity of putting her out of the way. Gardiner had been of this opinion, and frequently ſaid, "It was in "vain to lop off the branches while the tree "was ſuffered to ſtand." It is aſtoniſhing this advice had never been followed! The queen was a bigot to the laſt degree. It gave her no remorſe to ſpill human blood, when religion was the pretence. So, in all appearance, ſhe would not have ſpared a ſiſter, whom ſhe conſidered as a baſtard, had not God ſuffered the politicks of Philip to prevail over the zeal of the queen, his ſpouſe. For at the very time I am ſpeaking of, when the ſpirit of perſecution rendered men deaf to reaſon, juſtice and humanity, to what can be aſcribed, but to the particular protection of Heaven, the preſervation of this princeſs, whom ſo many reaſons demanded as a ſacrifice to the Romiſh religion? But God, who has ſet bounds to the ſea, reſtrains alſo the

Hollingſh.

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* She was ſo affected with it, that ſhe abandoned herſelf to deſpair; and told thoſe about her, ſhe ſhould die, tho' they were yet ſtrangers to the cauſe of her death; but if they would know it hereafter, they muſt diſſect her, and they ſhould find Calais at her heart. Godwin.

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fury of perſecutors, and prevents them from maſſacring thoſe perſons whom he has reſerved for the peace of his church. However this be, Elizabeth was, contrary to all probability, preſerved through Mary's whole reign, and particularly in the latter part of it, when ſhe appeared to be moſt in danger.

The king of Sweden demands the princeſs Elizabeth in marriage. Burnet. She excuſes herſelf.

Some time after the prorogation of the parliament, the king of Sweden ſent a gentleman to Elizabeth, to inform her of his deſign to demand her in marriage, and to deſire her conſent. This meſſenger deſiring a private audience, ſhe would not grant it, without firſt knowing his meſſage. After ſhe was informed, ſhe ſent him a poſitive anſwer, that ſhe would receive no ſuch propoſal but by the queen's direction. The meſſenger replied, his maſter acted like a lover, who would not eſpouſe a princeſs, without being firſt ſure of her conſent, by which he teſtified his eſteem for her; but when ſhe had once allowed his addreſſes, he would then, as a king, demand her by his ambaſſador. But this was not capable to make her alter her reſolution; for on the contrary, ſhe ſignified to him, that the king of Sweden would oblige her, in thinking no more of her. This anſwer, one would think, ſhould have ſatisfied the Swediſh ambaſſadors, then arrived in London, ſince the king, their maſter, reſolved not to marry Elizabeth without her conſent, and yet they propoſed the marriage to the queen. This gives occaſion to ſuſpect, that the Swediſh gentleman, who deſired a private audience of the princeſs, had not received his comiſſion immediately from the king, his maſter, but from the ambaſſadors, and that the queen's miniſters had induced them to ſound the princeſs, in order to draw her into a ſnare. However this be, preſently after, the queen ordered her to be told, that ſhe was pleaſed with her anſwer to the Swediſh gentleman; that the ambaſſadors had, in their king's name, demanded her in marriage, in which ſhe deſired to know her mind. Elizabeth replied, ſhe was content with her condition, and that, if the queen would allow her to purſue her own inclination, ſhe proteſted, a ſingle life was, to her, preferable to a marriage with the greateſt prince in the world. Thus, the affair proceeded no farther.

The perſecution renewed. Burnet.

The loſs of Calais, and the ſeſſion of the parliament, had given ſome reſpite to the Proteſtants; but in the end of March, the perſecution was renewed with greater fury than ever. The queen herſelf, exceeding her prerogative, publiſhed a proclamation, “That “whoever had any heretical books, and did “not preſently burn them, without reading, “ſhould be eſteemed rebels, and executed “without delay, by the martial law.” On the other hand, ſhe expreſsly forbid to pray for thoſe who were executed, or even to ſay, “God help them.” This cauſed the author of the Hiſtory of the Reformation judiciouſly to remark, that it “was not ſo much the con- “verſion, as the deſtruction of thoſe they “called hereticks, that the biſhops deſired.” A convincing proof of this was ſeen ſoon after. One Benbridge being tied to the ſtake, through the violence of the flames, cried out, “I recant.” Whereupon, the ſheriff ordered the fire to be immediately extinguiſhed, and the ſufferer ſigned an abjuration dictated to him; but ſoon after he received an order from court, to burn the condemned perſon, and come himſelf to London, where he was committed to priſon. The fury of the perſecutors was ſo extreme, that tho' they were going to loſe the queen, they ceaſed not theſe ſeverities. About a week before her death, five perſons were burnt at Canterbury, and in this laſt year of her reign, 39 Proteſtants ſuffered martyrdom in ſeveral places. Authors are not agreed concerning the number of thoſe who died in the flames during Mary's reign. Thoſe who ſay the leaſt, reckon 284; but others affirm, that in the two firſt years of the perſecution, which began in 1555, 800 were put to death.

The number of Proteſtants burnt in this reign. Burnet.

The queen ſends a fleet to ſea without ſucceſs. Act. Pub.

While theſe tragedies were acting in different places of the kingdom, the queen, who was deeply affected with the loſs of Calais, was willing to make one effort to repair it. Philip had adviſed to try to ſeiſe Breſt. For this purpoſe, ſhe put to ſea a fleet of 120 ſhips, commanded by the lord Clinton, who landed at Conqueſt, and burnt that ſmall town, but the country riſing upon the Engliſh, obliged them to retire to their ſhips, with the loſs of 600 of their men. The whole country being in arms to oppoſe a ſecond deſcent, and freſh troops daily arriving in theſe parts, the Engliſh admiral, who had only 7000 men, thought it not proper to engage in any new action, and returned. Such was the benefit the queen reaped from this expenſive armament. She was now ſenſible, that the continuation of the war would procure her no advantage, and readily conſented to a negotiation then propoſed for a peace between France, England, and Spain. Cambray was the place appointed for the congreſs, which was opened in October.

A peace negotiated at Cambray. Burnet.

The parliament meets. The queen demanding a ſupply of money, is put off. Burnet.

The parliament meeting the 5th of November, the queen demanded aſſiſtance to continue the war, in caſe the negotiation ſhould miſcarry. The houſe of commons was ſo little inclined to grant her requeſt, that ſhe was obliged to ſend the chancellor, and 10 other lords, to lay the ill ſtate of her affairs before them, and pray them to haſten the neceſſary ſupplies. This ſollicitation producing ſome effect, the commons debated, that and the two following days, upon a ſubſidy; but the queen's death put an end to their conſultations.

Her death. Godwin.

She had been ſome time afflicted with a dropſy, which being much increaſed the beginning of November, carried her off the 17th of the ſame month, in the 43d year of her age, after a reign of five years, four months, and 11 days.

Pole's death, and character. Burnet.

Cardinal Pole followed her withih 16 hours. He was a prelate of a ſweet and moderate temper, who would have been glad to bring back, by fair and lawful means, the Engliſh to their antient belief, but approved not the

methods

1558. methods of fire and ſword. This gave his enemies room to repreſent him as a little inclined to the Proteſtant religion, or, at leaſt, as one of too tender a diſpoſition for that time. Neither the queen, nor Philip, nor the pope, nor Gardiner, nor the biſhops ſubſtituted in the place of the ejected Proteſtant biſhops, were perſons to be guided by his moderate maxims. Accordingly, Pole was never conſulted on religion, tho' in all other affairs the queen placed a great confidence in him. Pope Paul IV. was his ſworn enemy. It was he, who by his ſlanders prevented his aſcending the papal throne on the death of Paul III, tho' he was elected in the conclave. From that time, believing Pole could not forgive him ſuch an injury, he never ceaſed doing him ill offices. And when he was himſelf pope, he often gave him marks of his enmity. It is even pretended, that when he recalled him from his legation, to put Peyto in his room, he intended to puniſh him ſeverely, for having been too gentle to the Proteſtants; but Philip and Mary took him into their protection.

Queen Mary's character.

The exceſſive bigottry of queen Mary is evident from the Hiſtory of her reign. To this ſhe joined a temper cruel and vindictive, which ſhe endeavoured to confound with zeal for religion. But when it was not poſſible to unite them, ſhe plainly ſhewed, ſhe was inclined to cruelty, as well by nature as zeal. She had the miſfortune to be encouraged in this diſpoſition by all who approached her. King Philip was naturally moroſe; Gardiner was one of the moſt revengeful men living; Bonner was a fury; and the other biſhops were choſen from amongſt the moſt cruel and barbarous of the clergy. This was the quality by which alone a man was thought worthy of the epiſcopal dignity. The perſecution, therefore, againſt the Proteſtants in this reign, has nothing which ought to ſeem ſtrange. Dr. Burnet ſays, Mary had a generous diſpoſition of mind. It were to be wiſhed, he had given us ſome paſſages of her life, where this generoſity appeared. For my part, I find but one action to approve in her whole reign. This was her rejecting the Spaniſh ambaſſador's project, to make herſelf abſolute at the expence of the laws and liberties of the nation. She diſcovered no great capacity in the government of her dominions; and the loſs of Calais, tho' there was not ſomething more odious, would be an everlaſting blot upon her reign.

THE HISTORY OF ENGLAND.

BOOK XVII.

The Reign of queen ELIZABETH; containing the ſpace of 44 years, and four months.

23. ELIZABETH.

1558.

Queen Mary's death concealed for ſome time. Camden.

THE death of Mary, tho' foreſeen, ſtruck the counſellors and miniſters with aſtoniſhment. They were all of the prevailing religion; and had adviſed, or, at leaſt, approved the perſecution which the Proteſtants lately groaned under, and now, in all likelihood, the Proteſtants were going in their turn to govern. Mary's deceaſe was, therefore, concealed for ſome hours, to give time to conſult what was to be done; but as the parliament was ſitting, it was not in their power to decide any thing concerning the ſucceſſion, eſpecially as it was clearly ſettled by the will of Henry VIII, authoriſed by an act of parliament which had never been repealed; wherefore their conſultation ended only in a meſſage to inform the parliament of the queen's death; which was all that could be done on this occaſion. The news was firſt communicated to the houſe of lords, who immediately conſidered the rights of the perſons who might pretend to the crown. If this affair had been left to the deciſion of the civil or common law, there would have been no ſmall difficulty, ſo much had Henry perplexed it by his divorces, and by contradictory acts of parliament; but, in England, the parliament, which includes the king, lords, and commons, is the ſupreme legiſlator, and, when force does not interpoſe, the validity of its laws are unqueſtionable. Henry VIII, obtained an act, impowering him to ſettle the line of ſucceſſion as he ſhould think proper. He placed Elizabeth next to her ſiſter Mary, tho' both had been declared baſtards. This ſufficed to give Elizabeth a right, which the parliament could not conteſt, ſince it was a parliamentary right, as founded in the act to impower Henry to ſettle the ſucceſſion. Beſides, every one knew the diſſolution of that prince's marriage with Ann Boleyn, and the act, which, in conſequence of the divorce, declared Elizabeth illegitimate, was the pure effect of the king's caprice, and of the compliance, rather than juſtice, of the parliament. But tho' the lords ſhould have thought to exclude Elizabeth from the ſucceſſion, on what other perſon could they have fixed, without expoſing the kingdom to great danger? It will be proper, briefly, to explain this, as a thing very requiſite to the ſequel of this reign.

1558.

Two competitors to queen Elizabeth, and the reaſons both for and againſt them.

Upon Mary's death, three princeſſes could pretend to the crown, viz. Elizabeth, ſiſter of the late queen; Mary, queen of Scotland, grand daughter to Margaret, eldeſt ſiſter of Henry VIII; and Frances, ducheſs of Suffolk, daughter of Mary, younger ſiſter of the ſame prince.

Elizabeth ſupported her right upon the will of the king, her father, authoriſed by act of parliament. Mary could object, that Elizabeth had been declared a baſtard by an act ſtill unrepealed; that no baſtard had ever aſcended the throne of England; that the laws of the country gave baſtards no ſhare in the inheritance of their fathers, and, conſequently, the ſucceſſion was devolved to the poſterity of Margaret, eldeſt daughter of Henry VII. It could be alledged for the ducheſs of Suffolk, that Elizabeth being a baſtard, and the queen of Scotland a foreigner, and not even placed in the order of ſucceſſion by the will of Henry VIII, the crown ought to fall to the poſterity of Mary, ſecond daughter to Henry VII. It is not neceſſary to examine here theſe ſeveral pretenſions, becauſe, probably the parliament, which made the deciſion, proceeded not ſo much upon the laws, as upon policy, and the intereſts of the kingdom. The queen of Scotland had married the dauphin, heir-apparent to the crown of France. In adjudging the crown to her, England would have been in danger of ſubjection to, or dependency on France. This alone was ſufficient to exclude her. The ducheſs of Suffolk could not have been placed on the throne with any colour of juſtice, ſince ſhe only derived her right from the will of Henry VIII, which was equally favourable to Elizabeth. Beſides, ſuch a choice would have infallibly thrown the kingdom into a civil war. It was, poſſibly, for theſe reaſons that the houſe of lords declared for Elizabeth. However, it ſeems, that a great difficulty was to occur. All England, and, particularly, the houſe of lords, made profeſſion of the Romiſh religion, and it was ſcarce to be queſtioned, that Elizabeth was a Proteſtant in her heart. But two things, doubtleſs, conſpired to remove this obſtacle. The firſt was, that the biſhops and Catholick lords were perſuaded, that Elizabeth, ſhould ſhe deſire it, would find it difficult to change the eſtabliſhed religion. They even believed her of a temper ſo complying, that ſhe would rather conform to the rites of the Romiſh religion, as ſhe had done for ſome years, than riſque the cauſing of diſturbances, which might be fatal to her. If Camden's teſtimony is to be entirely credited, Elizabeth made no ſcruple to declare herſelf a Catholick, during the reign of her ſiſter. "The Lady Elizabeth, " (ſays this hiſtorian) now guiding herſelf as " a ſhip in tempeſtuous weather, both heard " divine ſervice after the Romiſh manner, and " was frequently confeſſed, and at the preſſing " inſtances and menaces of cardinal Pole, " through fear of death, profeſſed herſelf a " Roman Catholick."

The houſe of lords declares for Elizabeth. Camden.

The ſecond reaſon which, probably, prevented the lords from inſiſting on her excluſion, was, that tho' they all profeſſed the Catholick religion, they were not, however, all Catholicks. Many, and, perhaps, the greateſt number, had only diſſembled their ſentiments during Mary's reign; but being freed from all danger by her death, they could ſpeak boldly, and oppoſe thoſe who pretended to exclude Elizabeth on account of her religion; this reaſon not being of more force againſt her, than it was againſt Mary, after Edward's death.

The commons concur with the lords in owning the right of Elizabeth, who is proclaimed. Stow.

However this be, the houſe of lords declaring for Elizabeth, the commons were ſent for, and acquainted by the chancellor with the queen's death, and their reſolution, which was readily and unanimouſly embraced. The ſame day Elizabeth was proclaimed queen at the uſual places, with the acclamations of the people. The Proteſtants thanked God that he had at laſt delivered them from perſecution, in placing on the throne a princeſs, who, very likely, would be favourable to them. It is true, that among the Papiſts ſome looked on the death of Mary, and the advancement of Elizabeth, as a mortal wound to their religion; but others were not ſorry to ſee a ſtop put to thoſe barbarities, which diſhonoured it. As for thoſe who made not religion the chief object of their thoughts, they were eaſily comforted for the loſs of a queen, under whom England had not much flouriſhed, and who had loſt the only place which commanded reſpect from France. They believed to have reaſon to expect better things from the new reign.

She comes to London. Burnet.

Elizabeth being informed of the reſolution of both houſes in her favour, left Hatfield the 19th of November, and came to London with a numerous train of lords and ladies, and an infinite crowd of people, teſtifying their joy by the loudeſt acclamations. She was 25 years old, tolerable handſome, of an air great, noble, and majeſtick; but ſhe was ſtill more agreeable to the people, by a certain natural affability, which commanded the eſteem and affection of all who approached her. As ſhe had a large ſhare of ſenſe and judgement, ſhe knew perfectly how neceſſary the love of her people was to her, ſince it was to be the ſtrongeſt ſupport of her throne, as will hereafter appear. Wherefore, inſtead of loſing this affability, in being raiſed from a ſubject to a queen, ſhe ſtudiouſly increaſed it to ſuch a degree, that ſome accuſed her of playing the comedian, and over-acting her part.

Ambaſſadors ſent to divers courts.

Her firſt care, after receiving the compliments on her acceſſion, was to diſpatch ambaſſadors to the principal courts of Europe, to give notice of the late change in England. Lord Cobham was ſent to Philip, whom ſhe eſteemed her friend, and who was, moreover, her ally in the war againſt France, the treaty of Cambray not being yet concluded. Sir Thomas Chaloner was ſent to the imperial court. Lord Howard of Effingham was joined in commiſſion with Thirleby, biſhop of Ely, and Dr. Wotton, plenipotentiaries for negotiating the peace. Sir Henry Killigrew went into Germany, to aſſure the Proteſtant princes of the queen's affection. Karne, who was ſtill at Rome, where he had been reſident ever ſince the deceaſe of Edward VI, had orders to notify to the pope Mary's death, and Elizabeth's acceſſion to the crown. The kings of Sweden and Denmark had the ſame notifications.

She forms a council with ſome Proteſtants in it; with whom ſhe conſults how to reſtore the reformation.

Theſe envoys being diſpatched, the queen formed a council, in which ſhe left 13 of Mary's counſellors, all zealous Roman Catholicks, to whom ſhe added eight new ones, equally attached to the Proteſtant religion. With ſome of theſe laſt, ſhe ſecretly conſulted about the means to reſtore the reformation in England. But before I ſpeak of the reſult of theſe conſultations, a new project of the king of Spain muſt briefly be mentioned.

Philip deſires to marry Elizabeth, but is rejected. Camden.

When this prince received the news of the death of his queen, whether, on account of Elizabeth's inclination to the Proteſtant religion, or by her marrying ſome prince of that religion, againſt which he had himſelf openly declared, he looked upon England as loſt to him. He was not even without fear, that the king of France aſſerting the queen of Scotland's claim upon England, would ſeiſe that kingdom, and unite it, as well as Scotland and Ireland, to the French monarchy. Wherefore, to free himſelf from theſe fears, and preſerve the advantages of his alliance with England, he ſent inſtructions to the Conde de Feria (lately arrived at London, to pay his compliments to the late queen) to congratulate Elizabeth on her acceſſion, and propoſe his deſign of uniting himſelf with her in marriage. Elizabeth received the offer with marks of a particular eſteem for the king of Spain, but objected their affinity, as an impediment to this marriage. This objection was foreſeen, and immediately anſwered to by the ambaſſador, that his maſter would undertake to procure the pope's diſpenſation. The queen not caring to expreſs her little regard of ſuch a diſpenſation, civilly diſmiſſed the ambaſſador, to have time to conſider of the propoſal. Three great reaſons hindered her from accepting Philip's offer. Firſt, her perſuaſion that ſuch marriages were contrary to the law of God, and her father's example in a parallel caſe, reminded her of her duty. Secondly, nothing was more contrary to her intention of openly profeſſing and reſtoring the Proteſtant religion, in England, as eſtabliſhed in the reign of Edward VI. Laſtly, to make uſe of a diſpenſation to marry a brother-in-law, would have been an acknowledgement of the invalidity of her father's divorce with Catharine of Arragon, and of her own illegitimacy. If Paul IV. could grant ſuch a diſpenſation, Julius II. might have granted the ſame to Henry VIII, to marry Catharine of Arragon, from whence it neceſſarily followed, that Henry's ſecond marriage with Ann Boleyn was null. But on the other hand, Elizabeth had ſtrong reaſons to preſerve the king of Spain's friendſhip. To him ſhe owed her life, or, at leaſt, her not being excluded by her ſiſter from the ſucceſſion. Mary would never have left Elizabeth in a condition of one day mounting the throne, if the intereſt and ſollicitations of the king, her husband, had not ſtrongly reſiſted her zeal for her religion. In the ſecond place, Elizabeth was informed, that the king of France was uſing all his credit at Rome to have her declared illegitimate, in order to procure the crown of England for his daughter-in-law, the queen of Scotland. Laſtly, England was in a very ill ſtate. The loſs of Calais, Guiſnes, and Hames, the crown debts contracted by Henry VIII, and increaſed by the Guardians of Edward VI, and an exhauſted treaſury, gave Elizabeth juſt cauſe to fear, ſhe ſhould be unable to oppoſe a vigorous attack. To this may be added, ſhe was engaged in a war with France and Scotland, unſupported by any other alliance than that of Spain, ſo unmindful had Mary been of every thing where religion was not concerned. Her buſineſs, therefore, was to end theſe two wars with honour; but this was not to be done without Philip's aſſiſtance, and conſequently it was not proper to give him any juſt cauſe of complaint, for fear of his deſerting England in the negotiation of peace. Theſe reflections threw the queen into great perplexity. She was fully reſolved, to refuſe the king of Spain's propoſal, but was uneaſy about the manner. Tho' ſhe alledged ſcruples of conſcience, it did not free her from the importunities of the Conde de Feria, who perſiſted, that a diſpenſation from the pope was more than ſufficient to remove them. He told her likewiſe, that as his maſter had made this overture, purely from his extraordinary eſteem for her, he would be the more diſpleaſed if it was rejected. At laſt, the queen being, thus, preſſed, found no ſurer or readier way to extricate herſelf out of this difficulty, than by haſtening the execution of her deſign, to make a change in religion, not doubting that this once effected, the king of Spain would ceaſe his importunities.

A conſultation to reſtore the reformed religion. Camden.

This reſolution being taken, ſhe cauſed to be examined before her cabinet council, the proper means to execute it, the inconveniencies it might be attended with, and the methods to prevent them. The greateſt obſtacles to this affair, were to riſe either at home or abroad. At home, from the great number of Catholicks, and the oppoſition of the biſhops and inferior clergy. Abroad, from the pope, who, in all likelihood, would thunder his cenſures againſt the queen, and expoſe the kingdom a prey to the firſt invader. This might give cauſe to fear, that the king of France and Spain would uſe this pretence to make war upon the Engliſh, as excommunicated hereticks, and to ſtir up Scotland, which was entirely directed by the king of France, Upon the inconveniencies at home, it was conſidered, that tho' the kingdom appeared wholly Catholick, it was far from being really ſo. That the fear of puniſhment ceaſing, the greateſt part of the people were manifeſtly inclined, to return to the religion which they had been forced to forſake in the laſt reign; but however, it would not be very difficult to have a parliament favourable to the queen's intentions, by employing means which rarely fail of ſucceſs, when uſed with diſcretion; that for this purpoſe, the magiſtrates of the counties and towns were to be removed, and Proteſtants put in their places, who would uſe their credit and authority to have ſuch repreſentatives returned, as were proper for the

1558.

execution of the intended deſign. Laſtly, that it was abſolutely neceſſary not to leave any zealous Catholick in the council, or in any other office which influenced the ſubject; that when the reformation ſhould be once eſtabliſhed by publick authority, it would be eaſy to ſubdue the clergy, by depriving the biſhops and moſt obſtinate eccleſiaſticks, and by removing in the univerſities, the maſters and profeſſors, who were moſt averſe to the new eſtabliſhment.

As for the obſtacles from abroad, it was conſidered, that the pope was not formidable in himſelf, and his thunders were thrown away upon thoſe who deſpiſed them; that a contempt of him was the ready way to conquer, provided the kingdom was put in a poſture of defence. That, indeed, it was to be feared, the king of France would aſſert the claim of the queen of Scotland, but that the king of Spain was too wiſe to ſuffer ſo great an acceſſion to the monarchy of France, as England and Ireland; that from whatever quarter the miſchief came, whether from France or Spain, Henry and Philip would always be jealous of each other, and the aſſiſtance of one of them might be ſafely relied on; that, if the king of France offered peace, it ought to be embraced on any terms, as Scotland would be included in the league; but if he was for continuing the war, all the danger would be, his powerfully aſſiſting the Scots to invade England; that, therefore, the northern frontiers were to be ſecured, after which, a good fleet would ſo endanger any ſuccours ſent from France, that without doubt that kingdom would ſoon grow weary of ſo burthenſome a war; that beſides, it was unlikely that Philip, in the negotiation of peace, would abandon England to the king of France's ambition; that a peace thus concluded with France and Scotland, would afford time, at leaſt, to provide againſt their attacks.

The queen ſummons a parliament. Camden.

Such was the reſult of this council, after which the queen ſummoned a parliament to meet the 23d of January, according to the reſolution taken therein. At the ſame time, doctor Parker was intruſted with the care of reviſing the liturgy of Edward VI, and was ordered to communicate his labours only to ſome choſen perſons. In the interim, the Proteſtants growing impatient, and preaching publickly in ſeveral places, the queen took occaſion to publiſh a proclamation, which clearly ſhewed her intentions. She allowed the goſpels and epiſtles with the Lord's prayer, creed, litany, and ten commandments to be read in Engliſh, but forbid all preaching on controverſial ſubjects, or any change in the Romiſh rites, till it ſhould be otherwiſe appointed by the parliament. In this ſhe followed the ſteps of the deceaſed queen.

Queen Mary buried. Camden.

Queen Mary's funeral, which was ſolemniſed with great pomp, finiſhed this year; but before we proceed to the events of the next, it is neceſſary for clearneſs ſake, to deſcribe the affairs of the neighbouring ſtates.

1558. Affairs of France and Spain. Mezerai.

The war between France and Spain was manifeſtly drawing to a concluſion. The two monarchs, equally weary of a war from which neither could expect any advantage, had kept their armies all the campaign in a ſtate of inaction, for fear of obſtructing a peace. At laſt, the conſtable of Montmorency, who had been priſoner in the Low-Countries ever ſince the battle of St. Quintin, having made ſome overtures of peace to Philip, the principal articles were ſettled, after which, the two kings ſent their plenipotentiaries to Cercamp, and then to Cambray. The principal obſtacle to a peace was, the king of France's reſolution to keep Calais, and Philip and Mary's inſiſting upon its being reſtored; but Mary dying, Philip no longer ſupported the intereſts of England with the ſame ardour as before, at leaſt, when he deſpaired of marrying Elizabeth. It was that expectation which cauſed him to ſtand out ſome time, and delay the concluſion of the peace till the following year.

The death of Charles V. Strada.

The 14th of March, Ferdinand I, was declared emperor by the voluntary reſignation of Charles V, his brother, who enjoyed but two years, the repoſe he had choſen in relinquiſhing the care of his worldly concerns. He died the 20th of September.

Affairs of Scotland.

As Scotland is to afford materials for great part of Elizabeth's Hiſtory, a very particular account muſt be given of the affairs of that kingdom; for, without an accurate knowledge of what paſſed in Scotland, Elizabeth's conduct and policy cannot be underſtood.

Buchanan.

The queen dowager of Scotland, mother of the queen dauphineſs, obtained the regency of that kingdom by the intereſt of the duke of Guiſe, and the cardinal of Lorrain, her brothers; but was ſupported only by the Proteſtants. The earl of Arran, chief of the houſe of Hamilton, had unwillingly reſigned the regency, tho' his reſignation procured him the duchy of Chatelerault in France, with 12000 livres a year in land. The archbiſhop of St. Andrews, his natural brother, inceſſantly blamed his imprudence, and by his cabals amongſt the clergy, gave diſturbance to the regent. To break the meaſures of this prelate, ſhe turned to the Proteſtants, who were now growing conſiderable. This method ſucceeded, but withal ſhe was obliged to connive at the meetings of the Proteſtants, and this indulgence greatly increaſed their number and ſtrength.

Things remained in this ſtate, till the breach between France and Spain. As England eſpouſed the cauſe of Philip II, and the regent of Scotland could not poſſibly induce the Scots to declare war with Mary, ſhe adviſed the king of France to haſten the dauphin's marriage with the young queen, and, accordingly, it was ſolemniſed in April, 1558. This gave a conſiderable turn to the affairs of Scotland. The clergy, knowing how the court of France ſtood affected to the followers of the new religion, did not queſtion to be ſupported in their attempt to reduce the Proteſtants within the pale of the Romiſh church. On the other hand, the regent no longer wanting the Proteſtants, began to look more coldly on them. To begin the work, the archbiſhop of

1558. St. Andrews having ſummoned before him an aged prieſt, who had diſcontinued the maſs, ordered him to be burnt alive in his archiepiſcopal city, to the great grief and diſcontent of the inhabitants. This eſſay being made, the biſhops cited a miniſter called Paul Meſſan, with deſign to make him ſuffer the ſame puniſhment, but as they ſaw the people began to be moved, the tryal was deferred to another opportunity. Some time after, a proceſſion annually made at Edinburgh *, raiſed a ſort of commotion, which ſhewed that the Proteſtants were no more afraid to appear. The regent had a farther conviction, when ſhe was told that Meſſan, condemned for non-appearance, was openly protected in the county of Fiſe. Theſe were as preludes to what was to follow. In fine, ſome gentlemen of Fiſe and Angus, diſperſing themſelves through the counties, encouraged the Proteſtants to ſtand upon their defence, and not ſuffer their lives to be taken away on pretence of religion, demonſtrating to them that their number was greater in Scotland than that of the Catholicks. This occaſioned an aſſociation under the hands and ſeals of the aſſociators; and was the firſt that was formed in Scotland, in defence of the new religion. The Proteſtants perceiving themſelves ſtronger ſince this aſſociation, which was called the congregation, ſent to the regent a petition, that the worſhip of God might be in the vulgar tongue, and the communion given in both kinds, which was ſtrongly oppoſed by the biſhops; but the regent being told, that an abſolute refuſal might throw all Scotland into a flame, ſhe endeavoured to ſoften the biſhops, by a promiſe of her protection at a more ſeaſonable juncture. In the interim, ſhe permitted the Proteſtants to celebrate divine ſervice in their own tongue, provided this was done without tumults, or publick aſſemblies in Edinburgh and Leith †; but the clergy not liking this politick circumſpection of the regent, met together to conſult upon this affair, and reſolved to proſecute the hereticks with the extremeſt rigour. The Proteſtants deputed John Areſkin, afterwards earl of Mar, to the biſhops aſſembled, to demand of them, that divine ſervice might be performed in the vulgar tongue; but this was unanimouſly rejected. Such was the ſituation of the affairs in Scotland, when Elizabeth aſcended the throne of England, and till the end of the year 1558.

1559. Several peers created. Camden.

In the beginning of the following year, Elizabeth conferred honours on ſome perſons, whom ſhe was pleaſed to diſtinguiſh, whether on account of their merit, or becauſe ſhe expected ſome important ſervices from them. William Parr, marqueſs of Northampton, who had been ſentenced to death in the reign of Mary, and afterwards pardoned, was reſtored to his honours. Edward Seymour, eldeſt ſon of the late duke of Somerſet, was created earl of Hertford, notwithſtanding all the precautions of the duke, his father, to cauſe his titles to deſcend to the children of his ſecond marriage. Thomas Howard, ſecond ſon of the duke of Norfolk, was created viſcount Bindon. Henry Carey, the queen's couſin, and Oliver St. John, were raiſed to the dignity of barons. All theſe peers were Proteſtants, and conſequently very proper to promote the queen's deſigns in the houſe of lords.

The queen's coronation. Camden.

Theſe promotions being over, the queen was crowned in Weſtminſter-abbey, with the uſual ceremonies. The ſee of Canterbury being vacant, this office belonged to the archbiſhop of York, but he, with the other biſhops, refuſed to aſſiſt at the ceremony, becauſe Elizabeth by proclamation, and by admitting into her council, men who paſſed not for good Catholicks, had ſufficiently declared againſt the church of Rome. Oglethorpe of Carliſle was the only biſhop that, at laſt, was perſuaded to do the office, notwithſtanding the murmurs of his brethren. It ſeems, that the biſhops that thought the miniſtry of a biſhop ſo eſſential to a coronation, that, in refuſing to perform the ceremony, they could deprive the queen of her dignity.

The parliament meets, and is opened by a ſpeech of Bacon, keeper of the great ſeal. Sir S. D'ewe's Journ.

The parliament meeting the 25th of January, Sir Nicholas Bacon, keeper of the great ſeal, opened it with a ſpeech, in which he diſplayed the merits of the new queen, with bitter reflections on the late miniſtry for the loſs of Calais. He told them, that the queen deſired an immediate application to the affairs of religion; that a diſunion in that reſpect, was one of the evils which called for the moſt ſpeedy redreſs. He exhorted the parliament to proceed between the two extremes of ſuperſtition and irreligion, which might re-unite the adherents of both religions in the ſame publick worſhip.

Dr. Burnet has ſo largely deſcribed in his Hiſtory, the manner of reſtoring the reformation in England by the parliament, that I believe I may be excuſed deſcending to particulars, and the more, as this ſubject chiefly relates to church-hiſtory. I ſhall content myſelf, therefore, with only pointing to the acts made in this ſeſſion, to ſpare the reader the trouble of turning over his Hiſtory. I ſhall however, obſerve, that this author ſeems to have been miſtaken in placing the acts (moſt of which were made in February and March) after the peace, which was not concluded till April; but this is not very material.

Tenths and firſt-fruits reſtored to the crown. Statutes.

At firſt, to try how the parliament was inclined, a motion was made in the lower-houſe, for reſtoring to the crown the tenths, firſt-fruits, and impropriations, ſurrendered by queen Mary. This motion was immediately approved; and the houſe of lords conſented to it, notwithſtanding the oppoſition of the biſhops.

The commons addreſs the queen to marry. Her anſwer.

The 4th of February, the houſe of commons addreſſed the queen in a very dutiful manner, and repreſented to her, how neceſſary it was for the happineſs of the nation, that ſhe ſhould think of marrying. The queen graciouſly thanked the commons, and told them how much ſhe was

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* September 1. St. Giles's day, whom the inhabitants of Edinburgh honour as their patron. Buchan.

† Buchanan and Melvil differ in relation to the time when this toleration was granted to the reformed. Rapin.

pleaſed, that they had neither limited time nor place; adding, that by the ceremony of her inauguration, ſhe was married to her people, and her ſubjects were to her inſtead of children; they would not want a ſucceſſor when ſhe died; and for her part, ſhe would be well contented, that the marble ſhould tell poſterity, HERE LIES A QUEEN THAT REIGNED SO LONG, AND LIVED AND DIED A VIRGIN.

An act to recogniſe the queen's right to the crown. Burnet.

Some days after, the lords paſſed a bill to recogniſe Elizabeth for lawful queen, in vertue of an act of the 35th of Henry VIII. Some thought it ſtrange that the ſentence of her mother's divorce, and the ſubſequent act declaring Elizabeth illegitimate, were not annulled. Camden ſays, this omiſſion was with deſign, and Burnet reports the reaſons which determined the houſe of lords to be ſilent on this point. The firſt was, that the poſſeſſion of the crown purged all defects, according to a received maxim, when Henry VII. mounted the throne. But this reaſon had not appeared ſufficient for Mary, who was in the ſame caſe with Elizabeth, and yet had procured a repeal of that act, which declared her illegitimate. The ſecond reaſon was, that this act could not be repealed, without caſting ſome diſhonour on the memory of Henry VIII, and it was the queen's intereſt rather to conceal than publickly expoſe her father's weakneſs. I own, this reaſon appears to me very unſatiſfactory; for why was the reputation of Henry VIII. to be ſpared, if it could not be done without endangering the ſafety of the reigning queen? Beſides it was not expoſing faults which till then had been concealed, but faults known to all the world. The third reaſon was, that too ſcrupulous an inquiry on this head, would render the queen's right more uncertain, inſtead of making it leſs diſputable. This, probably, was the prevailing reaſon, tho' to ſuffer the ſentence and act to ſubſiſt, ſeems to have been equally dangerous. It was eſtabliſhing a precedent in favour of baſtards, which might have ill conſequences; and who knows but it may ſtill affect future ages? Beſides, this regard for the honour of Henry, left an eternal blot upon the memory of Elizabeth; at leaſt her Enemies, and particularly the queen of Scotland, were thereby furniſhed with a plauſible pretence to wreſt the ſceptre from her, if a favourable opportunity offered. Dr. Burnet thinks the conduct of this parliament equally pious and wiſe. I allow the firſt; but the continued endeavours to dethrone Elizabeth, wholly founded on the ſentence of her mother's divorce, and the ſubſequent act, will not permit me to believe it wiſdom to leave them unrepealed.

The act to recogniſe the queen's title being paſſed, the parliament turned to the affairs of religion, and made divers ſtatutes, which I ſhall but juſt mention.

Acts concerning religion. Burnet.

The firſt appointed the publick worſhip to be performed in the vulgar tongue.

The ſecond reſtored the queen to her right of ſupremacy in the church of England.

The third renewed and confirmed all the acts made in the reign of Edward VI, concerning religion; and in this many others were included.

The fourth reſtored to the queen the nomination of the biſhops. By this ſtatute, likewiſe, many others were confirmed, made in the reign of Henry VIII, againſt the pope. The queen was impowered to put the exerciſe of her ſupremacy into what hands ſhe ſhould think proper. Moreover, all perſons in publick employments were obliged to ſwear, that "they acknowledged the queen to be the ſupreme governor in all cauſes, as well eccleſiaſtical as temporal; that they renounced all foreign juriſdiction, and ſhould bear the queen true allegiance." Whoſoever refuſed this oath, was declared incapable of holding any publick office. Laſtly, divers penalties were enacted againſt any, who, by word or writing, tended to ſet forth or advance any foreign power in the kingdom.

The fifth act eſtabliſhed uniformity, in divine worſhip.

By a ſixth, the parliament impowered the queen to reſerve to herſelf the lands belonging to the biſhopricks, as they became void, giving in lieu of them their full value in impropriated tythes.

By a ſeventh act, all religious houſes were annexed to the crown.

By an eighth, the deprivation of Popiſh biſhops, in king Edward's reign was declared valid.

In a word, the parliament, in this ſeſſion, reſtored religion to the ſame ſtate as in Edward VI's reign, and after the grant of a ſubſidy, two tenths, and two fifteenths, with tunnage and poundage for the queen's life, it was diſſolved the 8th of May.

Some oppoſition made by Popiſh biſhops and lords. Burnet.

Among the biſhops then in England, ſome there were, who had complied with all the changes in religion ſince Henry's breach with the pope. Of this number were Heath, archbiſhop of York, Tonſtal, biſhop of Durham, Thirleby, biſhop of Ely, and ſome others. Theſe choſe to abſent themſelves from the parliament, becauſe, as they ſaw the queen's intention, they durſt neither openly oppoſe it, nor aſſiſt in reſtoring the reformation, after ſo publick a deſertion of it, in the laſt reign. Both appeared to them equally incommodious. Other biſhops ſtrongly oppoſed theſe acts, but with no ſucceſs. Some of the lay-peers alſo endeavoured to ſtem the torrent, and even entered their proteſts, but their number was very ſmall. To ſay all in a word, the ſame thing happened in this, as in the parliament under Henry, Edward, and Mary, that is, the court cauſed to be enacted almoſt whatever they pleaſed. This is not very ſtrange, with regard to the houſe of commons, where the members may be changed every new parliament; but the readineſs wherewith the houſe of lords conſented, one while to act favouring the reformation, another while, to thoſe eſtabliſhing the Romiſh religion, is much more ſurpriſing.

The high-commiſſion erected. Burnet.

The ſupremacy with which the queen was lately inveſted, with power to depute any perſons to exerciſe it in her name, gave riſe to to a new court, called the High-Commiſſion-Court. It was compoſed of a certain number of commiſſioners, who exerciſed the ſame power, which had been formerly lodged by Henry VIII, in a ſingle perſon, with the title of Vicegerent.

The queen forbids to preach without licenſe. Burnet.

While the parliament was taken up with affairs of religion, ſome preachers having, in divers places, delivered doctrines from the pulpit, tending to overthrow the reformation, the queen, following the precedent ſet her by Edward and Mary, forbid all preaching without a ſpecial licenſe under the great ſeal. This fired the lower-houſe of convocation, and produced a petition to the queen, in which were boldly aſſerted the doctrines of the church of Rome. This gave occaſion to a propoſition for a conference, between nine doctors on each ſide, to examine the reaſons of both. This conference was held the beginning of April; but the Roman Catholicks reflecting, that they had undertaken more than they could anſwer, in thus bringing the doctrines of their religion into queſtion, without being authoriſed by the pope, refuſed to give their reaſons in writing, tho' that had been agreed. At laſt, they plainly declared, it was not in their power to diſpute on points already decided. They had not been ſo ſcrupulous in the reign of Mary, becauſe then the ſucceſs of the conference was known beforehand. This gave the Proteſtants cauſe to triumph, and pretend, that their adverſaries durſt not enter the liſts.

The number of clergymen, who refuſed to comply with the reformation. Act. Pub.

To finiſh what I have to ſay at preſent on religion, I ſhall only add, that the reformation having been eſtabliſhed by publick authority, of 9400 beneficed clergymen in the kingdom, only 14 biſhops, 12 archdeacons, 15 heads of colleges, 50 canons, and about 80 parochial prieſts, choſe to quit their preferments rather than their religion. Their places being filled with Proteſtants, England became entirely reformed, very ſoon after having ſeen the reformed ſent to the flames. It is now time to return to political affairs.

Elizabeth's reaſons for peace with France. Camden.

While Philip had any hopes of marrying Elizabeth, his plenipotentiaries aſſembled with thoſe of England and France at Cateau, in Cambreſis, inſiſted upon the reſtitution of Calais to the crown of England; but when his expectations were diſappointed by the change in England, with reſpect to religion, he deſerted Elizabeth, and made a ſeparate peace, or, at leaſt, ſettled, with France, the principal articles. It is pretended, that in this treaty, by which France reſigned 198 places to Spain, or her allies, in exchange for three only, there was a ſecret article of a mutual promiſe between the two monarchs, to extirpate hereticks. This done, the Spaniards, from parties, as they were before, became mediators between France and England; but they acted ſo faintly, that it was plain, they did not much concern themſelves in Elizabeth's affairs. Philip's defection, therefore, obliged the queen to conclude a peace on any terms, the continuation of the war being no way favourable to her affairs, or to the meaſures ſhe was now taking to introduce the reformation into England. By a treaty, therefore, ſigned the ſecond of April, it was agreed,

Act. Pub. Hollingſh.

That the king of France ſhould have Calais, and the other places, in Picardy, conquered upon the Engliſh, eight years; after which, he ſhould be obliged to reſtore them to the queen of England.

That within the ſpace of ſix months, ſeven foreign merchants, not ſubjects of the French king, ſhould engage for the payment of 500,000 crowns of gold to Elizabeth, as a penal fine, in caſe the reſtitution of the places within the time limited, was either refuſed or delayed by Henry, or his ſucceſſors. “And that notwithſtanding, whether the ſum was paid or not paid, the king of France and his ſucceſſors ſhould remain under the obligation to reſtore Calais and the other places, as they engaged by this treaty.” Moreover that the king of France ſhould deliver to the queen, as hoſtages till the promiſed ſecurity was given, Ferry de Foix, count of Candale and captal of Buch, Lewis de St. Maure, marqueſs of Neſle and count of Laval, Gaſton de Foix, marqueſs of Trans, Antoine du Prat, preſident of the parliament of Paris, and the lord Nantouillet.

A remark upon this article.

Theſe are the expreſs words of the treaty, of which the French hiſtorians give us only the pretended meaning, by turning them after their own manner. Mezerai affirms, “It was covenanted, that Henry ſhould either reſtore Calais and the other conqueſts, or if he liked it better, the ſum of 500,000 crowns, which being referred to his opinion, there was no doubt he would keep this place, which was the key of his kingdom.”

Neither has father Daniel given us the very terms of the treaty, which, perhaps, he had never ſeen. He contents himſelf with relating the ſenſe, adding an explication, which entirely changes the nature of the treaty. “Elizabeth, ſays this hiſtorian, could not without giving offence to the Engliſh, make an abſolute ſurrender of Calais to France. Beſides, ſhe ſaw the king determined not to part with it; a middle way was therefore taken, which left this prince in poſſeſſion of Calais for eight years, at the end of which he promiſed to reſtore it, on forfeiture of 500,000 crowns to the Engliſh. That notwithſtanding this payment, which was to be made on a refuſal or delay of reſtitution, the Engliſh were allowed to uſe force for the recovery of Calais.” By theſe laſt words he explains the ſenſe of thoſe in the original treaty. ---- “That whether the ſum was paid or not paid, the king of France and his ſucceſſors ſhould be bound to the reſtitution of Calais, as they engaged by this treaty.” This ſhews how we ought to be upon our guard, againſt the national partiality of hiſtorians. I ſhall add here upon this article, that Calais never was reſtored, that the 500,000 crowns were never paid, and when Elizabeth demanded Calais, at the expiration of the term, the court of France founded their refuſal upon ſome generalities, and not upon the treaty itſelf, as they might have done, ſuppoſing what theſe two hiſtorians have related.

Continuation of the treaty of Cateau.

Another article of the treaty was, that neither the king of France, nor the king and queen of Scotland, nor the queen of England, ſhould attempt any thing againſt one another, directly or indirectly, in prejudice of this treaty. That if the queen of England violated this article, the king of France, and the king and queen of Scotland, ſhould be freed from their engagements, and their hoſtages and ſecurities be diſcharged. In like manner, if the violation came from the king of France, he ſhould be obliged to reſtore Calais, and the other places, as if the eight years were expired; and if he refuſed to make this reſtitution, the ſecurities and hoſtages ſhould ſtill remain bound.

That the fortifications of Aymouth, and all others made in Scotland ſince the treaty of Boulogne, ſhould be demoliſhed.

That all the other pretenſions of the king of France, of the king and queen of Scotland, and of the queen of England, with all their exceptions, ſhould remain entire, in the expectation, that Providence would produce ſome good opportunity to terminate them by a peace.

That the forementioned princes, or princeſſes, ſhould not afford a retreat, or protection, to each other's rebels, but reciprocally deliver them to one another.

A treaty with Scotland. Act. Pub.

The ſame day, a treaty was ſigned between the queen of England, and the king and queen of Scotland, of which theſe are the principal articles.

That neither of the parties ſhould fall upon the dominions now poſſeſſed by the other, neither in perſon or otherwiſe.

That they ſhould give no aid to attack the dominions of one another, to any perſon, in whatſoever degree of conſanguinity or affinity he might be related to them, or whatever might be his quality.

That they ſhould not receive or entertain rebels, fugitives, malefactors, &c.

That in three months, the fortifications of Aymouth, and all others erected in Scotland ſince the treaty of 1549, ſhould be razed.

That all other mutual claims and pretenſions ſhould remain entire.

That in two months, commiſſioners ſhould be appointed on both ſides, to ſettle certain articles, concerning which the ambaſſadors of France were not ſufficiently inſtructed.

Francis and Mary ratified this treaty the 18th of April; and the 31ſt of May, the commiſſioners of the two kingdoms, at Upſalinton, ſigned a ſecond treaty, upon the articles left undecided in the firſt.

Elizabeth having concluded a peace with France and Scotland, with more eaſe and honour than ſhe had reaſon to expect, flattered herſelf, ſhe was going to enjoy a ſettled tranquility; but ſhe quickly perceived, ſhe had little cauſe to triumph Henry II, had made a peace with her, only becauſe Philip II, who had engaged Mary, his queen, in this war, was reſolved not to ſign the peace before Elizabeth had concluded her's. It was of little moment to Philip, that ſhe found great advantages in the peace, or the king of France obſerved his treaty with her, provided it appeared to the world, that Spain had not deſerted England. This was all he deſired, and, probably, what facilitated the peace. Henry II, granted, no doubt, more than he intended to perform, as well to give this ſatisfaction to the king of Spain, as to diſengage him from the intereſt of England. He ſoon diſcovered, he had no other intention.

Henry II. orders the dauphin and his ſpouſe to take the arms of England. Buchanan.

Ambaſſadors from France being come to Bruſſels to ſee the peace ſworn, ſecretary Ardoy, who was there from the dauphin king, and the queen dauphineſs, gave them the titles of king and queen of Scotland, England, and Ireland. Soon after, Elizabeth heard, that the king of France had ordered Francis and Mary to aſſume the ſame titles, and quarter the arms of England in their ſeal, their plate, their furniture, that no one might be ignorant of their pretenſions. Sir Nicholas Throckmorton, the Engliſh ambaſſador in France, complained of this uſurpation with great freedom, but the frivolous reply to his complaints, let him ſee the little regard France had for his miſtreſs. Mezerai affirms, the ambaſſador was told, that this was agreeable to the cuſtom of Germany, where the cadets, or younger branches, bore the title and arms of the chief of their family. Camden adds, that the court of France pretended, that all princes and princeſſes had a right to bear the arms of their houſe with a bar. But, beſides, that Francis and Mary bore them without any ſuch diſtinction; they moreover aſſumed the title of king and queen of England. In ſhort, the court of France being preſſed upon this affair, anſwered the ambaſſador, that the king and queen of Scotland had only taken the arms of England to oblige Elizabeth to quit thoſe of France. To this Throckmorton replied, that 12 kings of England had carried the arms and title of kings of France, without being obliged, by any treaty, to quit them. But his reaſons were not heard, and, notwithſtanding all his complaints, Francis and Mary ſtill bore the title they had uſurped. Camden ſays, the conſtable of Montmorency, by his arguments, induced them to relinquiſh it, but aſſuredly he is miſtaken. Thus, tho' the court of France would not openly declare their thoughts of Elizabeth, it was manifeſt, ſhe was regarded as a baſtard, and the crown of England was pretended to be devolved upon Mary. Accordingly, Elizabeth did not ſuffer herſelf to be deceived. From this time ſhe conſidered Mary as a dangerous rival, and the princes of Lorrain, her uncles, the authors of this uſurpation, as her moſt mortal enemies. The death of Henry, a little after, inſtead of diſcouraging the deſign to place Mary on the throne of England, only gave it freſh vigour. The duke of Guiſe, and the cardinal of Lorrain, governing all, under Francis II, ſucceſſor to Henry, never ceaſed inciting the young king to ſend forces into Scotland, to render himſelf abſolute maſter of that kingdom, and then attack Elizabeth from that quarter. But becauſe this project was founded upon the preſent ſituation of the Scotch affairs, it is neceſſary to reſume the recital at the place where I left off the laſt year.

Sequel of the affairs of Scotland. Buchanan.

Soon after the marriage of the young queen with the dauphin, the affairs of Scotland began to be terribly embroiled. The princes of Lorrain having formed the deſign to attack England by Scotland, believed it impracticable, till the king and queen were rendered abſolute in their kingdom. They knew, it would be difficult to perſuade the ſtates of Scotland to be the inſtruments of their ambition, in making war upon Elizabeth, in order to place the crown of England on the head of their queen. The number of Proteſtants was now ſo conſiderable in Scotland, that they were almoſt maſters in the aſſemblies of the ſtates. Conſequently, it appeared impoſſible, to draw them into the project of dethroning a Proteſtant queen, who was eſtabliſhing their religion in England, to place a Catholick queen on that throne, who would thereby be enabled to deſtroy the reformation in both kingdoms. It was, therefore, neceſſary to find an excuſe for ſending an army into Scotland, to ſtrengthen the Catholick party, which, probably, would be more ready and zealous to favour the enterpriſe. It was with this view, that they obtained of Henry II, an order to the queen-regent, and to d'Oyſel, commander of the French and Scotch forces in the pay of France, to ſuffer no other religion in Scotland than the Roman Catholick. They eaſily foreſaw, this order would produce troubles in Scotland, and furniſh them with a pretence to ſend thither an army.

Melvil.

The regent, upon the receit of this order, began to execute it, with publiſhing an edict conformable to the king's will, or rather of the two princes, her brothers, who, as will afterwards be ſeen, had not diſcovered their whole project to the king. The Proteſtants, in ſeveral deputations to the queen-regent, repreſented to her, the unſeaſonableneſs of rigour, conſidering their number, but ſhe would hearken to nothing. At this time, the city of Perth, alias St. John's town, having publickly embraced the reformed religion, the regent ſummoned the ſtates to Sterling, and cited thither the reformed miniſters, in order to baniſh them the kingdom by a ſolemn decree. The miniſters appeared at Sterling, to defend their cauſe, being attended with infinite crowds of people unarmed, who were come to aſſiſt them in their defence, agreeably to the cuſtom of Scotland[*]. The regent, aſtoniſhed at the ſight, prayed John Areſkin to prevail with the multitudes to retire, promiſing, that nothing ſhould be decreed in the ſtates againſt the miniſters. Areſkin ſucceeded, and the miniſters, with all their attendants, withdrew; but they were no ſooner gone, than they were condemned for non-appearance, according to the citation. Areſkin was ſo enraged, to be made the queen's inſtrument to deceive the Proteſtants, that he reſolved to be revenged. For this purpoſe, he went to the nobility of Strathern, Angus, and Mernis, who were aſſembled, upon the news of what paſſed at Sterling, and perſuaded them to take arms.

Buchanan. Burnet.

This news being brought to Perth, Knox the miniſter, a celebrated preacher, animated the people by a ſermon, which, while the principal citizens were at dinner, ſent the rabble into the churches, who broke the images, and entirely deſtroyed the monaſtery of the Carthuſians. The inhabitants of Cuper immediately followed the example of the people of Perth. The regent vexed to ſee her edict contemned, and willing to prevent the conſequences of this diſobedience, reſolved to chaſtiſe the inhabitants of Perth. To this end, ſhe aſſembled ſome forces, and, attended by the earls of Argyle and Athol, marched directly to Perth; but approaching the town, ſhe was informed, the earl of Glencarne was encamped in the neighbourhood, with 7000 men. This news determined her to offer the earl and his aſſociates certain conditions, which were accepted. Amongſt other articles it was agreed, that the Scotch forces on both ſides ſhould be diſmiſſed, and the French removed at a certain diſtance from Perth[†]; that the queen ſhould be reſpectfully received into the city, and ſuffered to lodge in it ſome days, provided ſhe would make no alterations; and laſtly, that the differences concerning religion ſhould be referred to the deciſion of the ſtates. The confederates having diſmiſſed their forces, the regent came to Perth, and entered, with ſome Scotch troops in the pay of France, which was conſidered by the confederates, as a violation of the treaty[‡]. But this was not all they had cauſe to complain of. The regent reſtored the maſs in Perth, and reſolving to make it a place of arms, left a garriſon in the town.

Melvil. Buchanan.

Hence the earl of Argyle and James Stuart, prior of St. Andrews, and natural ſon to James V, took occaſion to declare againſt the regent, and levy forces to ſupport the Proteſtants. They had ſome time before embraced the reformation, tho' hitherto they had adhered to the regent. Soon after, the inhabitants of St. Andrews and ſome other towns, declaring themſelves Proteſtants, committed ſeveral diſorders in the Catholick churches. Whereupon the regent aſſembled an army, compoſed of 2000 French, and 1000 Scots, and giving the command to the duke of Chatelerault, ſent him to chaſtiſe the inhabitants of Cuper, who had declared next after thoſe of Perth. But the duke hearing the confederates were marching with ſuperior forces, to give him battle, informed the regent of it, who was then at Falkland. She tried, at firſt, to amuſe them with new propoſitions, till ſhe had reinforced her army; but the confederates perceiving her artifice, marched to Perth, and became maſters of the town in few days. Afterwards, Scone, Sterling, and Linlithgo, were ſecured by them, and as their army daily increaſed, the regent and d'Oyſel were obliged to withdraw to Dunbar.

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[*] Criminals were allowed to come to theſe tryals, attended with their relations and friends. Rapin.

[†] By the Scotch forces, were commonly underſtood the natives which were in the pay of the kingdom; and by the French, not only thoſe forces which were ſent from France, but thoſe Scots likewiſe which were in the pay of France. Rapin.

[‡] By reaſon of the equivocal meaning of the term Scotch forces. Rapin.

Melvil.

In the interim, the regent had wrote to the court of France, that James, prior of St. Andrews, was the principal author of the troubles of Scotland, and that, being natural ſon of James V, he deſigned to ſeiſe the crown. The princes of Lorrain, brothers to the regent, embraced this occaſion to inſinuate to Henry II, that religion was not concerned in the troubles of Scotland, and was only made the pretence to wreſt the crown from the dauphin and the queen, his ſpouſe. By this inſinuation, they had inſpired the king with the reſolution of ſending a good army into Scotland, and he had now began his levies in Germany; but the conſtable of Montmorency having diſcovered the deſign of theſe princes, to engage him in very difficult projects, prevailed with him to proceed no farther, till he was more particularly informed of the Scotch troubles. The buſineſs was only to find a perſon in whom the king could confide. The conſtable offered, for this purpoſe, James Melvil, a Scotch gentleman, his domeſtick, and gave him his inſtructions, in the preſence of the king himſelf. Theſe inſtructions were, as he ſays himſelf in his Memoirs, "That the king had been informed by the cardinal of Lorrain, that James Stuart, prior of St. Andrews, pretended, under pretence of religion, to uſurp the kingdom unto himſelf; and that the king deſired to know certainly, if this was the ſource from whence the troubles in that kingdom flowed; or whether Stuart was moved to take arms only for conſcience ſake, in defence of his religion, himſelf, his dependants and aſſociates. In the firſt caſe, the king was reſolved to riſque his crown,and all that he had, rather than that the queen, his daughter-in-law ſhould be robbed of her right; and he reſolved to ſend an army to Scotland for that effect, tho' he would gladly ſhun the trouble thereof, if it were poſſible. That in the ſecond caſe, if it was only religion that moved the Scots, the king would have no concern in their affairs, but committed their ſouls unto God, for he had difficulty enough to rule the conſciences of Frenchmen. And it was the obedience due unto their lawful queen, with the body, that the king deſired. That finally, he could not perſuade himſelf, that the Scots had made an inſurrection againſt the regent without cauſe, and, therefore, deſired to know if the regent had broke her word with them; if ſo, by whom, and at whoſe inſtance. That if d'Oyſel, who was reported to be cholerick, haſty, and too paſſionate, was not acceptable to the Scots, he would ſend ſome other in his room, who, he hoped, ſhould pleaſe them." This ſhews, the king had been ill informed by the cardinal of Lorrain, to engage him to ſend an army into Scotland, and of this, probably, the conſtable meant to give him a demonſtration, by the report Melvil was to make him. In effect, Melvil having had a conference with the queen regent at Falkland, and afterwards with the prior of St. Andrews, reported to the king, that the prior was ſo far from the thoughts of aſpiring to the crown, that he was ready to baniſh himſelf perpetually out of Scotland, on the firſt orders from his majeſty*.

Buchanan.
Melvil.

Henry II, being dead before Melvil returned to Paris †, the confederate Scots prepoſterouſly imagined, there was no farther danger, and moſt of them returned to their homes. The regent and d'Oyſel being informed of it, reſolved to improve this negligence, and marched with ſome troops to Edinburgh, hoping to ſurpriſe thoſe who remained there; but the duke of Chatelerault and the earl of Morton knowing the confederates were arming again with all poſſible diligence, waited on the regent, and perſuaded her to conſent to a truce from the 24th of July to the 10th of January. This truce was equally neceſſary to both parties; for the confederates wanted to put themſeves in a poſture of defence; and the regent hoped, that in this interval, ſhe ſhould receive a powerful aſſiſtance from her ſon-in-law, the king of France. Accordingly, at the ſollicitation of the princes of Lorrain, he, immediately ſent her 1000 foot, with a promiſe of a more conſiderable ſupply.

Buchanan.
Thuanus.

During theſe tranſactions, the earl of Arran, ſon to the duke of Chatelerault, being at the court of France, and receiving notice that he was to be arreſted on ſome pretence, made his eſcape, and came for Scotland. As he was, after the duke, his father, next heir to the young queen, he believed, upon ſome well or ill-grounded advices, that the duke of Guiſe and cardinal of Lorrain deſigned to ſecure, and, perhaps, murder him, for fear, if the queen died, he ſhould mount the throne, for he had declared himſelf a Proteſtant. He was no ſooner in Scotland, than he gained his father to the confederates, who put him at their head.

In the interim, the regent and d'Oyſel were buſy in fortifying Leith, and ſtoring it with all ſorts of proviſions, deſigning to make it a place of arms, and to expect there, the ſupplies that were to come from France. The confederates pretended this to be a breach of the truce, whether they proceeded upon ſome general maxim, or on ſome particular articles of the late treaty. However this be, after ſome fruitleſs complaints to the regent, they aſſembled their forces, and marched to beſiege

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* This is ſupported by the teſtimony of Melvil, and deſtroys what is advanced by Camden, concerning James Stuart, afterwards earl of Murray. Rapin.

† He died July 10. Rapin.

Leith; but as they ſuffered themſelves to be amuſed for ſome time, they came too late, and finding the place in a ſtate of defence, deſiſted from the ſiege. Soon after, the regent having received a new ſupply of 2000 men under the conduct of La Broſſe, continued the fortifications of Leith, with greater application than ever. The confederates once more deſire her to give over the work; but were not heard. As ſhe ſaw herſelf ſufficiently ſtrong, ſhe only anſwered by ſending a herald, with an order to lay down their arms. Their indignation to be thus deceived by the regent, induced them, at laſt, to publiſh, that they would treat as enemies all that obeyed her orders; but they were little able to make good this bravado. The regent knowing, they were at Edinburgh in ſmall number, marched, the beginning of November, with all her forces to attack them, and ſo ſurpriſed them by her unexpected arrival, that they deſerted Edinburgh, and retired to Sterling. When they were there, they ſent William Maitland of Lidington, to deſire her aſſiſtance. Indeed, the French troops ſtill continuing to purſue them, obliged them alſo to quit Sterling, and retire to the mountains, where they divided into two bodies, to embarraſs their enemies, who gave them no reſt. Some time after, they received letters from William Maitland, giving them hopes of a good ſucceſs of his negotiation. Such was the origin of the Scotch troubles, on which I have been forced to enlarge, the better to ſhew what concerns Elizabeth was to have in them, ſince ſhe was their principal object. As this is a material point in the Hiſtory of this queen, and as, upon the knowledge of the deſigns formed againſt her repoſe, ſhe regulated her conduct, I ought to ſupport this truth by the teſtimony of a French hiſtorian, who cannot be ſuſpected in this affair. Father Daniel thus expreſſes himſelf in the reign of Francis II.

Hiſtoire de France. T. VIII.

> "I obſerved, that before the conſpiracy of Amboiſe broke out, la Renaudie had been ſent by the admiral into England, to engage Elizabeth to make a diverſion in Scotland, while the Calviniſtical party revolted in France, and ſhe knew her intereſt too well, to neglect ſo favourable an opportunity of kindling or fomenting a civil war in the two kingdoms. Whatever care ſhe had taken to bridle the Catholicks of her kingdom, ſhe was always apprehenſive of a party forming againſt her, in favour of the queen of France, who carried herſelf as heireſs of the crown of England, and had quartered the arms with thoſe of Scotland, when ſhe was only queen dauphineſs; and if France and Scotland had remained in tranquillity, England was in danger of being attacked from two quarters at once, and diſturbed at home by the ſtill numerous adherents of the old religion."

Hence may be ſeen, what was the deſign of the princes of Lorrain, in ſending a French army into Scotland. It was to preſerve the peace of that kingdom, that is, render it entirely ſubject to France, in order to attack England from that ſide. This muſt be ever remembered, if it is deſired to underſtand perfectly Elizabeth's Hiſtory. Let us now mention the affairs of France.

Affairs of France. Mezerai.

After Henry II. had concluded a peace with Spain, he reſolved to relinquiſh entirely the affairs of Italy, and apply himſelf ſolely to his project of uniting England, Scotland, and Ireland, to the monarchy of France. His haſte to cauſe the dauphin, his ſon, and the queen of Scotland, his daughter-in-law, to aſſume the title of king and queen of England, immediately after the concluſion of the peace, clearly ſhews, he had the thing in his head, tho' he was not yet, perhaps, reſolved how to execute it. Elizabeth, who was on the throne of England, was but a woman, and might be conſidered as a baſtard; ſhe had an ally; had lately made a great many enemies amongſt her ſubjects, by her innovations in religion; the king of Spain no longer concerned himſelf with her affairs; and the pope deſired nothing more paſſionately than to dethrone her, and place a Catholick princeſs in her room. All theſe circumſtances, doubtleſs, gave Henry hopes of ſucceſs in his deſign. To effect which, he was to ſhew a great zeal for the Catholick religion, to gain the profeſſors of it, princes and ſubjects, to his intereſt. The perſecution renewed in France immediately after the peace of Cateau, flowed, perhaps, as much from this as any other cauſe, tho' the king's diſpoſition, the pope's ſollicitations, the ſuggeſtions of the duke of Guiſe and cardinal of Lorrain, and the ſecret treaty made with Spain, had but too large a ſhare in that tragedy.

Henry II. dies, and is ſucceeded by Francis II.

This prince was taken out of the world the 10th of July, in the midſt of his vaſt projects, by a death ſudden and tragical, leaving for ſucceſſor a young prince incapable to govern of himſelf. The two princes of Lorrain, uncles to the young queen, were intruſted with the adminiſtration of the government under the new reign. They remove the the conſtable of Montmorency immediately from the court, and recalled the cardinal of Tournon, ſworn enemy of the Proteſtant religion. When the affairs of the court were ſettled, their next care was to erect courts of juſtice, called Ardentes, for condemning Proteſtants to the flames. This threw the reformed into an inevitable neceſſity, of either ſuffering themſelves to be burnt one by one, or of taking arms in their own defence, and ſo furniſhing their enemies with the deſired pretence, to extirpate them all at once. On the other hand, they ſent 2000 men into Scotland, under the command of La Broſſe, with orders to join the Catholicks of England, for dethroning Elizabeth. Thus, their boundleſs ambition engaged a young prince, not yet 17 years of age, to throw his own kingdom into a flame, and withal to undertake the conqueſt of England, which of all the countries of the World, is the moſt difficult to be conquered.

At the ſame time appeared the ſeeds of troubles in the Low-Countries, which ſoon ripened, and which it will not be improper to mention, in order to ſhew their riſe.

Affairs of the Low-Countries. Grotius.

Charles V, had always a great affection for the Low-Countries where he was born, and had governed them with great lenity. Indeed, after the victory of Pavia, he had formed the project of changing the government, and of making the 17 provinces one ſtate, dependent on the crown of Spain. He was incited to this by the Spaniards, who would have found their advantage in ſeeing him abſolute maſter of theſe provinces, where his authority was very much limited by their privileges; but after mature deliberation, he relinquiſhed this project, whether to avoid the oppreſſions with which the execution would have been infallibly attended, or becauſe he believed it impracticable, by reaſon of the different laws and cuſtoms of theſe provinces, each of which had been a ſeparate ſtate.

Philip II, his ſon and ſucceſſor, reſumed much the ſame deſign, and reſolved to rule independant of the laws and privileges, inceſſently alledged by theſe ſtates. To this he added the project of extirpating the Proteſtants, then very numerous in theſe provinces. For this purpoſe, he obtained from the court of Rome the erection of ſeveral archbiſhopricks and biſhopricks, to the great detriment of the abbots, part of whoſe revenues were to be given to theſe new ſees. But beſides the intereſts of the Proteſtants and abbots, there was another thing of univerſal concern. Philip had put Spaniſh garriſons into the principal towns, contrary to the privileges of the provinces, and thereby plainly diſcovered the intention of reducing them to ſlavery. In fine, when he departed in September, 1559, for Spain, he committed the government of the Low-Countries to Margaret, ducheſs of Parma, his aunt, to the great diſguſt of William of Naſſau, prince of Orange, and of count Egmont, who had both aſpired to that dignity. But what gave them the laſt provocation, was his leaving with the governeſs, the cardinal of Granville, their enemy, and who was conſidered as the author of the pernicious counſels, tending to deprive the country of its liberty. Philip was no ſooner arrived in Spain, than he cauſed a great number of Proteſtants to be burnt, and by theſe inhuman executions, ſhewed the ſubjects of the Low-Countries what they were afterwards to expect.

The death of pope Paul IV, ſucceeded by Pius IV.

Pope Paul IV, dying in the courſe of this year, was ſucceeded by cardinal Angelo de Medici, a Milaneſe, by the name of Pius IV.

State of affairs in England. 1560.

To underſtand the ſequel of this reign, it is abſolutely neceſſary to have a diſtinct idea of the ſituation of the Engliſh affairs, as well with regard to the queen's perſon, as to the people of England, and foreigners. The wonder of this reign lies not in the memorable events which happened in England, while Elizabeth was on the throne, but in the tranquillity which ſhe cauſed the ſubjects to enjoy, amidſt the ſecret and open attacks of her own and their enemies, both at home and abroad. To undeſtand, therefore, the motives of Elizabeth's conduct, and the maxims by which ſhe eſtabliſhed her government, theſe enemies their characters, their views, their intereſts, are to be diſtinctly ſhewn. Hence alſo will be ſeen and admired the addreſs, with which ſhe freed herſelf from all the embarraſſments and ſnares to which ſhe was continually expoſed. For this purpoſe, it muſt be obſerved, that her right to the crown was always conteſted openly or tacitly; that the Papiſts, in general, conſidering her but as a queen de facto, believed they might with a ſafe conſcience aſſiſt in dethroning her, whenever an opportunity offered. As the uncertainty of her right was the foundation on which her enemies built, I cannot help enlarging a little on what has been ſaid above on this ſubject.

The parliament of England, conſiſting of the king and both houſes, which repreſent the whole nation, there is no Engliſhman but what is ſubject to its laws, were it only for this reaſon, that every man is ſuppoſed to give his conſent either in perſon, or by his repreſentative. It was upon this foundation, that Mary and Elizabeth aſcended the throne; I mean, in vertue of an act of parliament, impowering their father to ſettle a ſucceſſion; but it may be doubted, whether foreign princes concerned in ſuch acts of Parliament, are obliged to the ſame ſubmiſſion, when they believe them manifeſtly unjuſt to themſelves. I ſhall not undertake to decide this queſtion, which is more uſually determined by arms than by laws. I ſhall only remark, that formerly Edward III, did not think himſelf obliged to abide by the deciſion of the French nation, which had placed Philip of Valois on the throne. However this be, Mary, queen of France and Scotland, believed herſelf injured, as well by the act impowering Henry VIII, to interrupt the order of ſucceſſion according to his humour, as by the will of that prince. She alledged, that neither king nor parliament had any right to place on the throne two daughters declared illegitimate by ſolemn acts, and ſtill leſs to overlook the poſterity of the eldeſt daughter to Henry VII, even without aſſigning any reaſon, and place in the line of the ſucceſſion, baſtards, and the children of the younger. To theſe two grievances it was replied, that the Engliſh, in acknowledging ſucceſſively Mary and Elizabeth for queens of England, had not followed the caprice of Henry VIII, but the order of nature, and the law of ſucceſſion; that the caprice of this prince lay not in his placing his two daughters next after his ſon Edward, but in his intention to exclude theſe two princeſſes really born in wedlock; that in reſtoring them to their due place, Henry corrected his error, and left no room for any alteration; that in not revoking the ſentence of divorce againſt Ann Boleyn, and the ſubſequent act againſt Elizabeth, was not without good reaſons, and at moſt, was but a defect of formality, which altered not the thing itſelf. As to Mary's ſecond grievance, that Henry had not mentioned the poſterity of his eldeſt ſiſter, it muſt be owned, the generality of the Engliſh were convinced

1560. of the injuſtice of that proceeding; but as the caſe which might breed a diſpute on this ſubject did not yet offer, this point was left undetermined, in hopes of the queen's marriage, and her having children to ſucceed her.

Let us now proceed to another reflection, with reſpect to to the foreign princes. Mary, eldeſt daughter of Henry VIII, aſcended the throne without any diſturbance from abroad, whereas after her death the principal ſovereigns of Europe endeavoured to wreſt the ſcepter from Elizabeth. It is not difficult to aſſign many natural cauſes of the different conduct of the princes, with regard to theſe two queens. The firſt is, that when Mary mounted the throne, there was not a prince in Europe, who could with any colour diſpute her right. It is true, the young queen of Scotland was in France, and deſtined for the dauphin, but was not yet married. This marriage was only projected, and could not be executed ſome years, by reaſon of the tender age of the parties. But ſuppoſing Henry II, ſhould have then aſſerted the claim of this queen, he muſt have drawn upon himſelf all the forces of the emperor, and England. The ſecond cauſe is no leſs natural, viz. that by the principles of the Roman Catholicks, they could not conteſt Mary's right without a renunciation of the papal authority, ſince the diſpenſation for the marriage of Henry VIII, with Catharine of Arragon was granted by a pope. But Henry II, was very far from any ſuch thought, and as for the emperor Charles V, he was particularly concerned to ſupport Mary's title, who was his couſin-german. As for the pope, he maintained his own rights in ſupporting thoſe of Mary. Laſtly, as Mary was zealous for her religion, the pope, the emperor, the king of France found a great advantage in this zeal. The pope expected to ſee the Chatholick religion reſtored by her means in England. The emperor immediately projected her marriage with his ſon Philip. Beſides a Catholick queen in England, removed all apprehenſions of the aid the German Proteſtants might receive from the Engliſh. In a word, his zeal for his religion gave him the ſatiſfaction of ſeeing England about to return into the pale of the Roman church. For the ſame reaſon, Henry II, who burnt the Proteſtants in France, could not but be pleaſed to ſee them deprived of the protection they might have expected from England, if that kindom had continued Proteſtant. Thus every thing conſpired to render Mary's reign peaceable and ſecure. It was alſo this, doubtleſs, which induced that queen to carry the perſecution againſt the Proteſtants to ſuch a height, well knowing they could have no hopes of aſſiſtance from abroad.

But when, after Mary's death, Elizabeth mounted the throne, there was a change in the intereſts of the princes, as often happens by the death of a ſovereign. The empire and Spain were no longer under the dominion of the ſame prince. The dauphin had married the queen of Scotland, and by that marriage acquired a claim to England, which he had not before. Beſides, the duke of Guiſe and cardinal of Lorrain were become more powerful in the court of France, by the abſence of the conſtable of Montmorency, who was priſoner in the Low-Countries. After the death of Henry II, they became ſtill more powerful, and ſhewed by their conduct, they had nothing more at heart than the placing of the queen, their niece, on the throne of England. Elizabeth could not doubt it, ſince ſhe ſaw Francis II, and Mary ſtill uſurp the arms of England, which they ſeemed to have taken at firſt, only in obedience to the orders of Henry II. On the other hand, Philip II, who deſpaired of marrying Elizabeth, had entirely deſerted the intereſts of England, and appeared by no means diſpoſed to ſupport that kingdom, which was become Proteſtant. Laſtly, the pope ſaw his authority baniſhed England, and no hope of gaining Elizabeth, who was evidently concerned to maintain what ſhe had done. Thus, France, Spain, the court of Rome, not only had no reaſon to incline them to ſupport Elizabeth, but it was even their intereſt to dethrone her. It is very true, Philip II, would not willingly have ſeen England and Ireland in the hands of the king of France; but he would not have been ſorry that France was to conquer England, becauſe from ſo difficult an undertaking, he would have received the ſatiſfaction of ſeeing two powers moſt formidable to him, weakening each other. Beſides, his zeal for the Catholick religion, and his projects in relation to the Low-Countries, would have made him with great pleaſure behold theſe two kingdoms incapable to aſſiſt thoſe provinces, which already bore their yoak with impatience. As to the new emperor, Elizabeth, if ſhe had nothing to fear, had, at leaſt, nothing to hope, from him. As for the Proteſtants of Germany, they then lived in a tranquillity which they would not willingly have diſturbed for the aſſiſtance of England. They had found in the reign of Henry VIII, that under the pretence of maintaining their religion, it was deſigned to engage them in a war by no means agreeable to their intereſts. Wherefore, content with their preſent condition, they were not willing to be oppreſſed for ſupporting the rights of Elizabeth, tho' otherwiſe they, with pleaſure, ſaw a Proteſtant queen on the throne of England.

I have already ſhewn the ſituation of the Scotch affairs. Elizabeth was ſo far from expecting any aſſiſtance from Scotland, that ſhe ſaw herſelf under an indiſpenſable neceſſity to ſupport the Proteſtant party there, well knowing, it was the intention of France to attack her from that quarter. Beſides the 2000 men already ſent to the regent, another more conſiderable reinforcement was preparing in France, to be conducted into Scotland by the marqueſs of Elbeuf. This ſufficiently diſcovered, that the court of France, ſenſible of the difficulty of attacking England by ſea, was reſolved to puſh the war on the northern frontiers, by a junction of their forces with thoſe of Scotland. Thus, the deſign of the French court to ſubdue

due the Scoth rebels, was only the firſt ſtep by which they hoped to riſe to the conqueſt of England.

On the other ſide, Ireland gave no leſs uneaſineſs to Elizabeth. That iſland was inhabited by native Iriſh, and Engliſh families tranſplanted thither ſince the conqueſt of it, by Henry II. It was governed by a viceroy or lord-lieutenant, in the name of the queen; but his authority was very far from being ſo regarded, as to keep the Iriſh in ſubmiſſion. They had amongſt them many great men, who, indeed, outwardly, acknowledged the queen's ſovereignty, but believed they had a right to do themſelves juſtice for the wrongs they pretended to have received. They made war upon one another, regardleſs of the lieutenant's orders, who having but few Engliſh forces, was unable to make himſelf feared. As often as there was any preſſing occaſion to chaſtiſe a rebellion, or prevent the ſtrong from oppreſſing the weak, new forces were to arrive from England; but as this could not be done without expence, very often it was not determined till the laſt extremity. So, moſt of the lieutenants finding themſelves deſtitute of the means to force an obedience, wilfully connived at the exceſſes and violences of the great, for fear of unſeaſonably expoſing the royal authority. They contented themſelves with filling their purſes while they held their commiſſions, and left it to their ſucceſſors to repreſs the inſolence of the Iriſh. This conduct had rendered the lords of the country ſo fierce and arrogant, that they acknowledged the royal authority no farther than it was neceſſary to protect them againſt their enemies. Beſides the natural averſion of the Iriſh for the Engliſh, who helped not, by their conduct, to gain their affection; there was, at this time, another reaſon, which contributed to increaſe this averſion, viz, the change which the queen had lately made in religion. The Iriſh had for the pope an attachment equal to their ignorance, which was extreme. This diſpoſed them to liſten to the ſollicitations of the Romiſh emiſſaries, who were continually inciting them againſt the government. Elizabeth was, therefore, obliged to have a conſtant eye upon the tranſactions of that iſland, knowing what credit the pope, her enemy, had there.

It remains now to ſpeak of the diſpoſition of the Engliſh to Elizabeth. When the queen deſigned to eſtabliſh the reformation, her firſt care was to change the magiſtrates in the towns and counties, and fill their places with Proteſtants. Then ſhe called a parliament, whoſe members were choſen according to her deſires. This parliament revived the laws made by Edward VI, concerning religion. Theſe laws, by the care of the magiſtrates were punctually obſerved. So, a few months after Mary's death, the publick exerciſe of the Roman Catholick religion was not leſs criminal, than the exerciſe of the Proteſtant had been in the laſt reign. The clergy, who refuſed obedience to the new laws, were deprived of their benefices, and the vacancies ſupplied by zealous Proteſtants. To ſay all in a word, the reformation roſe under Elizabeth, juſt as the Romiſh religion had been eſtabliſhed under Mary, with this difference, that no perſon was put to death by Elizabeth, on account of religion. We are not, however, to imagine that this external change produced a real one in the mind. There are very few, who, in point of religion, implicitly obey their ſovereigns. Thoſe, who were good Catholicks under Mary, remained ſuch under Elizabeth, as thoſe who really embraced the reformation under Edward VI, continued in Mary's reign reformed in their hearts, under an outward compliance. If it is, therefore, conſidered, that all the changes in religion under this and the foregoing reigns, had been made in the ſame manner, it will not be difficult to comprehend, that the Roman Catholicks were ſtill very numerous in the kingdom. Little more than 20 years had paſſed ſince the reformation began, and in this interval the publick worſhip had been changed four times. Now it is improbable, that a whole nation ſo frequently changed their opinion according to the caprice of the governors, tho', outwardly, they ſubmit to the publick authority. It is certain, the number of Roman Catholicks in the kingdom was very great, even after Elizabeth had eſtabliſhed the reformation, tho' it is likely, the reformed were ſtill more numerous. It is, therefore, very natural to imagine, that thoſe who perſiſted in their antient ſentiments were ſecret enemies to the queen; that they deſired the re-eſtabliſhment of the old religion, and were diſpoſed to embrace all opportunities to place a Catholick queen on the throne. It was not one of the leaſt of Elizabeth's cares to watch her own ſubjects.

Elizabeth's maxims of government.

Let us briefly recapitulate what has been ſaid. Elizabeth had for enemies, France, the queen of Scotland, the pope, and all the Catholick powers; for tho' Philip II, had not yet declared himſelf, ſhe knew he was not her friend, and the ſequel clearly proved it. On the other hand, ſhe had the Iriſh, and a great part of her Engliſh ſubjects to guard againſt, without having one ally to aſſiſt her. She was, therefore, to ſeek in herſelf, in her prudence, in her good conduct, and in her own ſubjects, the aſſiſtance ſhe would have vainly ſought elſewhere. To obtain ſpeedily and willingly the aid, ſhe foreſaw would be frequently wanted, ſhe had but one way, and that was to make herſelf beloved by her people. Accordingly, this was the governing maxim of her conduct. Happily for her, the qualities of her heart and mind were ſo diſpoſed, that ſhe never once deviated from ſo neceſſary a rule. Wherefore it may be affirmed, that no king of England was ever more ſincerely beloved by his people than Elizabeth. But to demonſtrate this elogy not to be groundleſs, it is neceſſary to be more particular upon this ſubject. It is certain, that her truly Proteſtant ſubjects were much more numerous than the Catholicks. What therefore could ſhe do better than to favour the Proteſtant religion, eſpecially, as being herſelf of that religion, ſhe could, without reluctance,

1560. act ſo agreeably to her intereſts? Another thing which greatly contributes to procure a ſovereign the affection of his people, is ſo to manage the treaſury, that he be not forced to load them with unneceſſary taxes. No prince had ever this quality in greater perfection than Elizabeth; nay, ſhe carried this œconomy ſo far, that ſhe ſometimes gave occaſion to her own miniſters, to charge her with avarice. However this be, her expences were ſo well regulated, that ſhe was never ſeen to laviſh her treaſures upon her favourites, or expend them in things of no uſe. Nevertheleſs, this frugal inclination, whether owing to nature or policy, hindered her not from being profuſe of her money, when ſhe thought it neceſſary. France, Spain, and Scotland, experienced, in their turns, how well ſhe knew to be laviſh of her treaſures. Her people had ſo good an opinion of her œconomy, that through the whole courſe of her reign, ſhe was never once denied by the parliament, the ſupplies ſhe wanted, or complained of by her ſubjects for the taxes they were charged with. She had alſo another quality which gained her the eſteem of the Engliſh. She would not be induced by her miniſters, to beſtow offices or honours upon undeſerving perſons; being apprehenſive of nothing more, than to render contemptible, dignities deſtined for the recompence of merit and virtue. By this wiſe conduct ſhe avoided the diſobliging of men, who might have aſpired to honours, had they ſeen them beſtowed on others of no greater merit than themſelves. This was a maxim from which ſhe rarely departed, during the whole courſe of her reign. Laſtly, ſhe uſed her conſtant endeavours to cauſe juſtice to be impartially adminiſtered. Her greateſt favourites felt her ſeverity when they abuſed her kindneſs, and wandered from their duty. There is no doubt, her great intereſt to be beloved by her people, induced her to employ all poſſible means to that end; but it cannot be, as ſome have inferred from hence, that her whole conduct was all diſſimulation, ſince it is by no means impoſſible for the inclinations of men to tally with their intereſts. Elizabeth had a true eſteem for the reformed religion, and her intereſt required her to ſupport it with all her power. She was naturally an œconomiſt, and ſuch was the ſituation of her affairs, that no prince ever had more occaſion to be ſo. As ſhe had true merit herſelf, ſhe eſteemed it in others; and, therefore, could never reſolve to confer dignities upon men who had not merited them. In fine, had ſhe been never ſo little remiſs with reſpect to juſtice, there would have been danger of her ſex being deſpiſed, and of the great men growing by degrees too licentious.

Such were the principal means made uſe of by Elizabeth to gain the affection of her ſubjects. Their love was ſo neceſſary, that ſhe had no other reſſource; for without it, her reign would, probably, have been very unhappy, conſidering the number and quality of her enemies. The reader, therefore, is to conſider moſt of her actions, as flowing from the maxim ſhe had preſcribed to herſelf, to neglect nothing which might procure the affection of her people.

There was alſo another maxim which no leſs influenced her conduct, than this I have mentioned. She ſaw herſelf threatened on all ſides. The pope, France, and afterwards Spain, never ceaſed their open or ſecret attacks. It was not without reaſon that ſhe feared an union of all theſe powers for het ruin. In this belief, ſhe laboured to the utmoſt, to cheriſh the troubles of the neighbouring ſtates, and particularly of France, Scotland, and the Low-Countries; that her enemies being employed at home, might be leſs able to invade her. I ſhall not pretend to decide, whether this way of defence againſt enemies ſo powerful and dangerous, was agreeable to the rules of juſtice; it cannot, however, be denied, that this was excellent policy, and that her own ſecurity juſtified this method, as ſhe had no other to divert their attacks; and, accordingly, ſhe made frequent uſe of this maxim, as will hereafter appear.

Different opinions concerning Elizabeth.

I thought it neceſſary to prepare the reader for the ſequel of this reign, by theſe reflections, which are ſolely deſigned to ſuſpend in his mind, the prejudices inſpired by the hiſtorians of all nations and religions, for and againſt this renowned queen. It is no ſmall difficulty to fix the judgment, amidſt all the contrarieties which occur in the hiſtorians. Some have conſidered her as the moſt accompliſhed queen the world ever ſaw. They have found no fault in her. All her actions were the reſults of prudence, juſtice and equity, and had no other motive than the glory of God, and the happineſs of her people. They have pretended, that her love for her ſubjects was ſo ardent, that ſhe forgot her own intereſt, and thought only of rendering them happy. Not content to excuſe ſome of her actions which deſerve cenſure, they have even in ſome meaſure ſanctified them, by inſinuating, that they were the effects of her zeal for the glory of God, and the Proteſtant religion. Others have aſperſed her with all the calumnies it is poſſible to invent. According to theſe, ſhe exceeded the moſt famous tyrants in cruelty and barbarity. She was extremely deceitful, and her whole conduct was one continued diſſimulation, from the beginning to the end of her reign, notwithſtanding her affectation of an outward ſhew of religion and virtue. To theſe accuſations concerning her publick adminiſtration, they have added horrid ſlanders upon her private life. They have repreſented her as a diſſolute woman, who conſtantly refuſed to marry, in order more freely to continue her leud practices. To efface both theſe impreſſions, and incline the reader, (if religious prejudices will ſuffer him) to ſuſpend his judgment, I have previouſly ſhewn the motives of her conduct, and the maxims by which ſhe was, and, with reſpect to policy only, ought to have been governed. Her principal view was to ſecure a tottering crown, and to ſucceed, ſhe followed the above-mentioned maxims. Is it to be thought ſtrange, that on certain

tain occaſions ſhe a little over-acted her tenderneſs for her people, wherein lay her only ſupport? But it would be juſt cauſe of wonder, that by an irregular life, and other exceſſes, of which ſhe is accuſed, ſhe would have acted directly contrary to what could only procure her the love and eſteem of her people, of which ſhe had ſo great occaſion. This ſuffices, as I imagine, to diſpel ſome of thoſe clouds by which her reputation has been darkened. On the other hand, as ſhe ſaw herſelf aſſaulted from all parts, by powerful enemies, who were continually infuſing a ſpirit of rebellion into her ſubjects, when we ſhall ſee her fomenting the troubles in Scotland, and aſſiſting the Huguenots of France, and the malecontents of the Low-Countries, it will be eaſily known to what this conduct is owing, notwithſtanding the flatteries of ſome of her admirers. Apply but the two maxims, I have mentioned, to her actions; and remember the neceſſity of her always having them in view, nothing almoſt in her conduct will then appear, the true motive whereof may not eaſily be diſcovered. After this long, tho', I think, abſolutely neceſſary, digreſſion, it is time to proceed to the events of the year 1560.

A treaty between Elizabeth and the male-contents of Scotland. Camden.

Maitland, who was ſent into England from the confederate Scots, at laſt, concluded the treaty, which was ſigned at Berwick the 27th of February, 1560. Elizabeth ſeeing the great preparations which were making in France, and not doubting of their being deſigned againſt Scotland, thought herſelf, above all things, obliged to provide for the ſafety of that nation, and prevent the French from being two powerful there. She had cauſe to fear, that if queen Mary had children by the king, her huſband, France and Scotland would be united under one head, which it was her great intereſt to hinder. She concluded, therefore, a treaty with Maitland, which ſhews her fears with regard to Scotland. The treaty ran:

Act. Pub.

That ſhe took under her protection the duke of Chateleraut, and all the nobility and ſubjects of Scotland, to maintain the kingdom in its liberties and privileges, during the marriage of the queen of Scotland with the king of France, and one year after.

That ſhe promiſed to ſend, with all ſpeed, a convenient aid of men into Scotland, and continue them there till the French were entirely expelled the kingdom.

That ſhe would come to no agreement with France, but on condition of leaving Scotland in full liberty.

That ſhe would never abandon the confederates, while they acknowledged Mary for their ſovereign, and endeavoured to maintain the liberty of their country, and the eſtate of the crown of Scotland.

That if the Engliſh took any places in Scotland, they ſhould be either demoliſhed by the Scots, or delivered to the duke of Chateleraut, at his own option; but that the Engliſh ſhould erect no fortification in the kingdom, without the advice of the ſaid duke, and his party.

That the duke and all his party ſhould join the Engliſh forces.

That they ſhould declare themſelves enemies of thoſe of their countrymen, who ſhould ſerve France againſt England.

That if England was attacked in the ſouth, the confederates ſhould ſend to the queen's aſſiſtance 2000 foot, and 2000 horſe at the leaſt; but if in the north, they ſhould join the Engliſh army with all their forces.

That if the earl of Argyle, lord chief-juſtice of Scotland, ſhould join with the confederates, he ſhould be obliged to uſe his endeavours to reduce the north of Ireland under the dominion of England, agreeably to a treaty to be made between him and the lord-lieutenant of Ireland.

That the duke of Chateleraut and his party ſhould give hoſtages to Elizabeth, to remain in England during the time that the marriage between Mary, queen of Scots, and the king of France, ſhould ſubſiſt.

Laſtly, the duke of Chateleraut and his party, proteſted, that their intention was to be faithful to their queen in every thing, not contrary to the laws and liberties of Scotland, and not tending to their ſubverſion.

From this treaty it is plain, Elizabeth's ſole view was to keep the king of France from becoming maſter of Scotland, knowing it was intended to invade her from that quarter.

The ſequel of the affairs of Scotland. Camden.

While this treaty was negotiating, the French forces which were in Scotland, continued their purſuit of the confederate Scots into the mountains, contrary to the opinion of Martigues of the houſe of Luxemburg. This lord, who had brought the laſt ſuccours from France, was for an immediate invaſion of England, imagining, that on his approach, the Engliſh Catholicks would all riſe and join him. But the regent, better informed of the ſtate of England, judged it not proper to enter upon ſo great a deſign with ſo ſmall an army. Some time after, while the French were exulting at the ſight of a flying enemy, they diſcovered from a mountain a fleet at ſea, which they at firſt took to be the marqueſs of Elbeuf's; but perceiving afterwards it was an Engliſh fleet, they were of opinion that the forces ſent to the confederates by land, were not very diſtant. This made them retire to Leith, with deſign to aſſemble there all their forces, and wait the arrival of the marqueſs d'Elbeuf; but he was expected in vain, for a violent tempeſt diſperſed his fleet, and forced him to ſail back to France to refit his ſhips. Afterwards the troubles in France, calling for the aſſiſtance of theſe forces which were ſending into Scotland, and of thoſe already there, this expedition was entirely blaſted.

Hollingſh.

The French forces being retired to Leith, the confederates aſſembled from all places, where they were diſperſed, in order to join the Engliſh army, marching to their relief, commanded by the lord Grey. At length, they came to Hadington the firſt of April, being 6000 ſtrong in foot, and 2000 in horſe, and there expected the ſo much deſired Engliſh ſuccours, which were advancing with all poſſible ſpeed. The queen-regent fearing to be ſhut up in Leith, choſe rather to retire to the caſtle of Edinburgh, which was committed by the ſtates to the care of John Areſkin, with the expreſs condition not to reſign it without their order. Areſkin received the regent with honour, but ſtill preſerved the command of the caſtle.

The Engliſh army enters Scotland. Buchanan.

Soon after, the lord Grey entering Scotland with an army of 6 or 7000 foot and 1200 horſe, was joined by the confederates; after which, they marched together to Leith, where the enemies were retired. It was no inconſiderable work to beſiege a place which had an army within its walls; and yet, it was undertaken, becauſe there was no other way to drive the French out of Scotland. While they were employed in this ſiege, all poſſible endeavours were uſed by the French king, to prevail with Elizabeth to recall her forces out of Scotland. But ſhe knew her intereſt too well to be impoſed upon. When de Sevre, the French ambaſſador, firſt mentioned it, ſhe anſwered, her troops ſhould be readily recalled, provided the French were ſo too, ſince France had no more right than England to ſend forces into Scotland. At laſt, the ambaſſador finding, after many attempts, he could not prevail, declared, in the preſence of the Spaniſh ambaſſador, that by ſending forces into Scotland ſhe had violated the treaty of Cateau; to which ſhe calmly replied, that the king of France had firſt infringed that treaty, by his endeavours to render himſelf maſter of Scotland. Some time before, ſhe had publiſhed a manifeſto, declaring her reaſons, for concerning herſelf in the affairs of Scotland. She there charged, in plain terms, the duke of Guiſe and the cardinal of Lorrain, with being the authors of the troubles in that kingdom, in order to effect more eaſily their deſigns againſt England. To them alſo ſhe wholly aſcribed the injury done her by the king and queen of France, in aſſuming her title and arms.

Camden.

Before de Sevre had made his declaration, Monluc, biſhop of Valence, was come into England, to preſs the queen to recall her forces from Scotland, and would have even perſuaded her, that Francis II, and Mary had aſſumed her title on purpoſe to do her honour. This excuſe was more provoking than the injury. At laſt, Monluc, ſeeing he could not divert her from her reſolution to ſupport the Scots, told her, the king of France would reſtore Calais, if ſhe would draw her Forces out of Scotland; but ſhe anſwered, that ſhe did not value that fiſh-town ſo much as the quiet of Britain. In the interim, ſhe diſpatched Montague to Philip II, to inform him of her reaſons to aſſiſt Scotland. That ambaſſador was to repreſent to him, that the Guiſes had projected an union of the crowns of France and Scotland, and not to be diſappointed, had concerted the murder of the earl of Arran, who had happily eſcaped out of their ſnares *, that ſhe, therefore, deſired him to conſider, if ſuch an union would be advantageous to Spain.

Camden.

During theſe negotiations, the ſiege of Leith was continued, but with no great ſucceſs, becauſe of the numerous garriſon. The 15th of April, the French made a ſally, and nailed three great pieces of cannon. The 30th, the Engliſh were fiercely repulſed at an aſſault. The 1ſt of May they ſtormed again, but with no better ſucceſs. The length and difficulties of this ſiege began now to diſcourage them, when the duke of Norfolk, warden of the northern marches of England, ſent a powerful reinforcement, and came to the Engliſh camp himſelf, to encourage the continuation of the ſiege. They would, nevertheleſs, have hardly taken the place, had not the conſpiracy of Amboiſe, which was then diſcovered in France, convinced the princes of Lorrain, that the ſeaſon was not proper for the execution of their deſigns againſt England. So, inſtead of ſending new forces into Scotland, they thought of recalling thoſe already there, imagining they might want them in France. It was to this end that Monluc, biſhop of Valence, and the comte de Randan were ſent into Scotland, with full powers from the king to conclude a peace. Elizabeth hearing of it, ſent, likewiſe, ſecretary Cecil, and Dr. Wotton, with the ſame powers. The plenipotentiaries immediately agreed to meet at Edinburgh, in July, and in the interim, concluded a truce, which was to laſt till the end of their conferences. During this truce, the queen-regent died in the caſtle of Edinburgh, the 10th of June.

A peace negotiated,

When the peace came to be negotiated, the French plenipotentiaries abſolutely refuſed to treat with the Scotch confederates, ſaying, it would be an injury to the royal authority, becauſe they were rebels. This refuſal might have put an end to the congreſs, but, as both ſides were deſirous of peace, an expedient, at laſt, was contrived, viz. Francis and Mary ſhould grant certain conditions to the confederates, not by way of treaty, but as of pure grace, and that nevertheleſs they ſhould promiſe to obſerve them, in their treaty with the queen of England. This was, in effect, the ſame thing, but the ambaſſadors, probably, with a view to ſome advantage, preferred this expedient. Moſt hiſtorians confound, in the treaty ſoon after concluded at Edinburgh, two things, which, however, ought to be diſtinguiſhed; viz. the conceſſions of Francis and Mary to their Scotch ſubjects, and the treaty between France and England. As of theſe two things one was obſerved, and the other not, it is neceſſary to have a diſtinct idea of them. The promiſes made to the Scots were:

and finiſhed at Edinburgh. Buchanan.

That the French forces ſhould leave Scotland in 24 days, and return to France, in ſhips to be furniſhed by Elizabeth.

That the city of Leith ſhould be reſtored to Scotland, and the fortifications demoliſhed.

That the works made by the French, at Dunbar, ſhould be razed.

That the king and queen of France and Scotland ſhould grant an act of oblivion to the confederates, for every thing done, from the 10th of march, 1559, to the 1ſt of Auguſt,

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* This juſtifies Buchanan's account of the deſign laid to arreſt and detain the earl of Arran in France. Rapin.

1560.

1560, and that this act ſhould be approved and confirmed by the ſtates of Scotland, to be aſſembled the following Auguſt, with the conſent of the king and queen.

That the French ſhould have liberty to leave 60 men in the iſle of Keith.

But with regard to the intereſts of Elizabeth, a real treaty was concluded, which will be often mentioned hereafter, by the name of the treaty of Edinburgh.

Act. Pub. Stow.

That for the future, the king and queen of Scotland ſhould not aſſume the title of king and queen of England and Ireland, nor bear the arms of theſe kingdoms.

That the patents and other acts which had been diſpatched, with that title, ſhould be altered, or remain of no force.

That the farther ſatisfaction required by the queen of England, for the injury done her, ſhould be referred to a conference, at London, between the commiſſioners of the two crowns.

That if the commiſſioners could not agree, the deciſion ſhould be left to the king of Spain.

That the king and queen of France and Scotland ſhould perform the promiſes made to the Scots, at Edinburgh, by the plenipotentiaries of France.

It muſt be obſerved, that Buchanan in his Hiſtory, has only mentioned the articles granted to the confederate Scots; and Camden, in his annals of Elizabeth, takes notice only of the treaty between the two crowns. This cauſes ſome obſcurity in their reſpective accounts of the following events.

The treaty as it related to Scotland, is confirmed, Buchanan. Act. Pub.

After the concluſion of the treaty, the French and Engliſh quitted Scotland; the fortifications of Leith and Dunbar were demoliſhed, and the act of oblivion ſent over into Scotland, and confirmed by the ſtates. Theſe ſame ſtates, aſſembled in Auguſt, made laws favourable to the reformation, and ſent them to the king and queen for their approbation, rather to diſcover their ſentiments, than with any hopes of obtaining their deſires, and yet, they cauſed theſe new laws to be punctually obſerved.

refuſed as it related to Elizabeth. Camden.

But as to the treaty concluded between the crowns, Francis and Mary refuſed to ratify it, for a reaſon, the force of which is not eaſily conceived. It was, they ſaid, becauſe the Scots falſely ſtiling themſelves faithful ſubjects, had made a treaty with Elizabeth in their own private names, without any warrant from the royal authority. If this refuſal had only concerned the articles granted to the Scots, Elizabeth might have believed, that the court of France repented of their conceſſions, and then the reaſon alledged might have had ſome colour; but whatever related to the Scots being already performed, their pretended incroachment could not render invalid a treaty, about a difference between Elizabeth and Mary, in which the conduct of the Scots was entirely unconcerned. It was, therefore, eaſy to infer, that this weak reaſon was but a pretence uſed by Francis and Mary, to elude what they had promiſed in the treaty, with reſpect to Elizabeth. Accordingly, Elizabeth was convinced, that the princes of Lorrain ſtill perſiſted in the deſign to wreſt the crown from her; and this belief was ever rooted in her mind. Mary's uncles did not then foreſee how dear this proceeding would one day coſt their niece, whoſe grandeur they ſo paſſionately deſired.

1560.

The queen ſought in marriage by ſeveral princes and noblemen. Camden.

While Elizabeth was employed in theſe affairs, her court was attentive to watch her motions, her conduct, and inclinations, with regard to marriage. Tho' ſhe told her parliament, ſhe was reſolved to remain ſingle, ſuch reſolutions were known to be liable to change, and the more, as there were many princes, and ſome lords, who deſpaired not to make her alter her mind. Charles, archduke of Auſtria, ſecond ſon of the emperor Ferdinand, the king of Sweden, the duke of Holſtein, had already made their addreſſes. The earl of Arran, ſon of the duke of Chateleraut, relying on the barrenneſs of queen Mary, and his ſucceſſion to the crown of Scotland, flattered himſelf, that Elizabeth would prefer him to any other, in order to unite the two kingdoms. To theſe were added others, who being her ſubjects, and not daring to declare their minds ſo openly, were contented to leave her to gueſs their inclinations, or to diſcloſe them by means of ſome of her ladies. One proceeded upon his birth, another upon his merit, a third upon his mien and outward accompliſhments, apt to kindle the flames of love in the fair ſex. In ſhort, ſhe was indirectly aſſaulted on all the ſides which are generally thought weakeſt in women. The earl of Arundel, of a noble and antient race, tho' a little advanced in years, imagined, the queen would marry a ſubject, rather than a ſovereign, and if ſo, that no man deſerved that honour better than he. Sir William Pickering, having received ſome particular mark of the queen's eſteem, deſpaired not that theſe firſt favours would be extended much farther. But no man believed he had better grounds to flatter his hopes, than Robert Dudley, ſon of the late duke of Northumberland. The queen viſibly preferred him to all who had the honour to approach her, and gave him ſo many proofs of the inclination ſhe had for him, that for ſome time it was believed ſhe intended to marry him. At her acceſſion to the crown, ſhe made him maſter of the horſe, and knight of the Garter. From thenceforward, ſhe took a pleaſure to diſtribute her favours through him. So that by this diſtinction, ſhe diſcovered, that ſhe had more than a bare eſteem for him. He was at court called only, My Lord, without any other addition, which demonſtrated her preference of him to all the nobility; and yet, when his pretenſions to ſuch diſtinguiſhing favours were examined, no qualities were found in him capable to make an impreſſion upon ſo diſcerning a queen. His vices far ſurpaſſing his virtues, recourſe was had to the planets which ruled his birth, and occaſioned this ſympathy of thoughts. However this be, he was a favourite at court; all affairs were imparted to him; ambaſſadors gave account to him of their negotiations; every one applied to him for his affairs at court; and woe to thoſe who addreſſed to any other. That was an unpardonable fault.

Bacon and Cecil firſt miniſters. Naunton.

The queen had two favourites more, but of a different kind from Dudley, as they were only for the affairs of the government. Theſe Nicholas Bacon, and William Cecil. The firſt was made keeper of the great ſeal, with all the privileges of lord chancellor. William Cecil had been ſecretary of ſtate to Edward VI, and diſcharged the office ſo well, that if his religion had not ſtood in the way, he had been continued under Mary. He was not, however, expoſed to perſecution; whether he ſo artfully managed as to give no advantages againſt him, or his particular merit procured him a diſtinction above all other Proteſtants. He had an uncommon genius, a ſound judgment, a capacity for great affairs, an unwearied application, and an impenetrable ſecrecy, with a conſtant tendency to his ſole view, the welfare and advantage of the queen. It is not, therefore, ſtrange, if he preſerved, all his life, the favour of a queen, who ſo perfectly knew her own intereſt. When able princes are bleſt with ſuch miniſters, they do not eaſily part with them.

Philip receives the ambaſſy from Elizabeth, with great coldneſs. Camden.

In the ſituation of Elizabeth's affairs, ſhe wanted able and diſintereſted miniſters to guide her. Wherever ſhe turned her eyes out of her kingdom, ſhe ſaw not one friend who was really concerned for her welfare. She had, at firſt, relied on the king of Spain; but Montague's report of his ambaſſy to that prince, diſappointed all her expectations from him. When this ambaſſador, after diſcourſing with Philip about the Scotch affairs, demanded, agreeably to his inſtructions, the renewing of the antient alliance between England and the houſe of Burgundy, he found him very cold. Philip in his anſwer lamented the changes made in England, with regard to religion, and ſignified his concern for them. He complained, he had received no intelligence of the ſending an Engliſh army into Scotland till it was too late, and yet he adviſed the queen to have it inſerted in the future treaty between her and Mary, that if France ſent forces into Scotland, ſhe ſhould alſo have the ſame liberty, and to ſtipulate poſitively the reſtitution of Calais. He added, he had till then prevented Elizabeth's excommunication, and obtained from the pope a promiſe, that nothing ſhould be done in that affair without his knowledge. As to the renewing of the treaty, he coldly anſwered, it was needleſs. In fine, he returned, by the ambaſſador, the collar of the order of the Garter. This convinced Elizabeth, that Philip was no longer her friend, and that his advice, which came too late, was more the effect of his jealouſy of the growing greatneſs of France, than of his affection for her. Some time after, ſhe gave him a ſmall mortification, in refuſing her permiſſion to certain Engliſh Catholicks to reſide in the Low-Countries, and preſerve their effects in England. Amongſt theſe was Jane Dormer, grandmother of the Conde de Feria's lady, whom he married in England, during his ambaſſy. This ſo provoked the Conde, that he uſed all his credit with Philip to exaſperate him againſt Elizabeth. He even found an opportunity to force into the inquiſition, a ſervant of Chamberlain, the Engliſh ambaſſador in ordinary for Spain. He alſo ſtrongly ſollicited the pope to excommunicate her, but without ſucceſs. Pius IV. was for trying other means, which appeared to him more proper to gain the queen, and were not prejudicial to his cenſures, which he could thunder againſt her whenever he pleaſed.

The pope endeavours to gain Elizabeth, Camden.

It was with this view, that he ſent Vincenzo Parpaglia, abbot of St. Saviour, into England, with certain inſtructions, and a letter to the queen, exhorting her to return into the pale of the church, and promiſing to continue the general council, as ſoon as poſſible. It is pretended, this nuncio had likewiſe a power to offer the queen, that the pope would annul the ſentence of Henry's divorce with Ann Boleyn, and the ſubſequent act of parliament; confirm the Engliſh liturgy, and permit the Engliſh to communicate in both kinds. But theſe offers were not capable of moving Elizabeth; and the rather, as, probably, they were not ſincere, at leaſt, in what concerned religion. Hence it may be obſerved, what opinion the court of Rome, and all Catholicks, had of Elizabeth's birth, ſince it was offered as a great favour to own her for legitimate daughter of Henry VIII.

but without ſucceſs.

Camden.

In the interim, Elizabeth very cloſely applied herſelf to the affairs of the government, in order to render her ſubjects as happy as poſſible, well knowing, her greateſt aſſiſtance was to flow from them, in caſe of an invaſion, which ſhe had reaſon to expect. This year, ſhe was obliged to reſtore the coin to its antient ſtandard, which had been extremely debaſed in the reign of Henry VIII, tho' no king had ever drawn ſo much money from his ſubjects. If cardinal Pole may be credited, this prince alone drew more money from the people, than all the monarchs together ſince the conqueſt. The monaſtery of Weſtminſter was this year turned into a collegiate church. Theſe were the moſt remarkable events in England, in 1560; but before we proceed to the following year, it is neceſſary, briefly, to mention the affairs of the neighbouring ſtates.

Affairs of France. Thuanus.

The affairs of France tended to confuſion the beginning of the year; for the Proteſtants ſeeing themſelves perſecuted, and condemned to the flames without mercy, thought it time to provide for their common defence. To this end, ſome of them, after a private conference, formed a conſpiracy againſt the duke of Guiſe and the cardinal of Lorrain, the king's miniſters, and their declared enemies. They had no leader who openly appeared, but very likely the prince of Conde, jealous of theſe two foreign princes, had, among the reformed, emiſſaries, who intimated to them, that when things were ripe, they ſhould not want a ſuport. However this be, a gentleman, named La Renaudie, projected to carry off the Lorrain princes, then with the king at Amboiſe. This attempt miſcarrying, was interpreted as a conſpiracy againſt the king himſelf, and 1200 perſons, either guilty, or only ſuſpected to be concerned in it, were put to death. The two Lorrain princes would have been glad, on this pretence, to have diſpatched the prince of Conde, but their meaſures not being yet well taken, they waited a more favourable opportunity. Some time after, the ſtates being aſſembled at Orleans, the king of Navarre and prince of Conde indiſcreetly came thither, tho' they had intimation of the court's ill deſigns againſt them. The king of Navarre, indeed, was not arreſted, but was ſo carefully watched, that an eſcape was impoſſible. The prince of Conde was impriſoned, and ſoon after condemned to die; but the death of Francis about the ſame time, prevented the execution of the ſentence, and the prince was releaſed.

The death of Francis II. Buchanan.

The affairs of the Low-Countries. Grotius.

This ſame year, Philip II. having carried war into Africk, againſt the corſair Dragut, who had made himſelf king of Tripoli, his arms were ſo unſucceſsful, that he was forced to recall the Spaniſh troops left in the Netherlands. The inhabitants of thoſe provinces ſaw the departure of the Spaniards with great ſatisfaction, which would have been much increaſed, had cardinal Granvelle been alſo recalled, for they mortally hated him, and were encouraged in their hate by the prince of Orange, and the counts of Egmont and Horn, his ſworn enemies.

The ſequel of the affairs of France. Thuanus.

The death of Francis II, cauſed great alterations in the court of France. Charles IX, his brother and ſucceſſor, being yet a minor, Catharine de Medici, his mother, had the addreſs and influence to prevail with the king of Navarre, firſt prince of the blood, to yield the regency to her, and content himſelf with the title of lieutenant-general. In the interim, as ſhe was not entirely without fear, that he might one day think of reſuming the rank due to his birth, ſhe fomented, with all her art, the diſſentions which had begun to appear in the late reign. By this means, ſhe, at laſt, formed two parties in the court and kingdom, which proved her ſecurity, as ſhe was neceſſary to both. The firſt was headed by the duke of Guiſe, the conſtable of Montmorency, and the marſhal of St. Andre. Theſe three lords were called the Triumvirs. On their ſide were all the Catholicks of the kingdom, into whom a belief was infuſed, that the chiefs had only in view the maintenance of the Catholick religion. At the head of the other party, wholly conſiſting of Huguenots*, (ſo the French Proteſtants were called) were the prince of Conde, the admiral of Coligny or Chatillon, and his brother d'Andelot. The king of Navarre fluctuated between the two parties, without being able to reſolve, and the queen-regent reaped great advantages from this diviſion among the great men.

The affairs of France being in this ſituation, Elizabeth ſeemed to be out of danger from them. Francis's ſucceſſor had no pretence to concern himſelf with the affairs of Scotland, any farther than as a common ally, and he had no manner of demand upon England. On the other hand, the queen-regent, who had no great affection for her daughter-in-law, was far from engaging in a war for her ſake; tho' ſhe could have hoped to place her on the throne of England, it was not her intereſt to render the houſe of Guiſe more powerful than it was. In fine, the princes of Lorrain, employed in ſtruggling with their enemies at court, were not in condition to proſecute the rights of the queen, their niece. Wherefore, immediately after the death of Francis II, Mary, by the advice of her uncles, quitted the title of queen of England, which ſhe had bore ever ſince the treaty of Cateau. But this was not ſufficient to ſatisfy Elizabeth. Mary being ſtill very young, might marry ſome powerful prince, and transfer to him her pretenſions. Therefore, to make Elizabeth eaſy, this young queen was ſolemnly to declare, ſhe had no right to this title, otherwiſe, ſhe might have reſumed it when ſhe pleaſed; a bare interruption being not ſufficient to invalidate her claim. By the way, Elizabeth, like her grandfather, Henry VII, was, all her life, ſo jealous of her crown, that ſhe was for ever uneaſy on that account. When ſhe heard of Francis's death, ſhe ſent the earl of Bedford into France, with her compliments of condolance and congratulation to the new king, and ordered him to preſs Mary to ratify the treaty of Edinburgh. The ambaſſador diſcharged his commiſſion, and was anſwered by Mary, that this affair not concerning her as queen of France, but as queen of Scotland, ſhe would not confirm it without the advice of the Scottiſh nobility. In the interim, as ſhe knew her mother-in-law, the queen-regent, loved her not, ſhe left the court of France, and retired to Rheims, where her uncle, the cardinal, was archbiſhop, to ſpend part of the winter there, and afterwards, ſhe went to reſide at Nancy. While ſhe was at Rheims, ſhe received a viſit from Martigues, la Broſſe, d'Oyſel, and the biſhop of Amiens, who being acquainted with the affairs of Scotland, and knowing her intention to return thither, believed it incumbent on them to give her ſome inſtructions. She came from thence ſo young, that ſhe was utterly ignorant of the kingdom ſhe was going to govern. Melvil ſays, they adviſed her to gain, by her favours, James Stuart, prior of St. Andrews, her natural brother, the earl of Argyle, who had married Jane Stuart, her natural ſiſter, Sir William Maitland of Lethington, and Sir William Kirkaldy, laird of Grange, and to rely on the Proteſtants rather than the Catholicks, as the former were in all reſpects ſuperior. Some time after, on her way to Nancy, ſhe gave audience to John Leſley, ſent to her from her Catholick ſubjects. Leſley ſays himſelf, in his Hiſtory of Scotland, that he adviſed her, a-

Mary quits the title of queen of England.

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* They were ſo called, either from Hugo's gate, in the city of Tours, where they uſed to meet at firſt; or from king Hugo's ghoſt, which was the ſcare-crow uſed in that town to frighten children, and which was ſaid to walk in the ſuburbs in the night, it being the uſual time and place where the Proteſtants were wont to meet. Charles IX. forbid this name by an edict. Thuanus.

greeably to his inſtructions, not to confide in the prior of St. Andrews, and to repair to Aberdeen, where ſhe might be at the head of a good body of Catholick troops, to reſtore religion to the ſtate it was in before the late changes; but ſhe was too wiſe to follow ſuch dangerous counſel. The next day, the prior of St. Andrews, who was alſo come to France to pay her his reſpects, met her at Joinville, and gave her counſels more ſuitable to the ſituation of her affairs. He confirmed her reſolution to return into Scotland, and adviſed her to reign like her predeceſſors, with the concurrence of the ſtates, aſſuring her, it was the only way to live happy and peaceable. The queen, agreeably to this advice, ordered him to return to Scotland, and prepare all things for her reception. Moreover, ſhe put into his hands a patent, impowering the ſtates to meet and ordain whatever they ſhould judge convenient for the good of the kingdom. Thus, Leſley's pains to prejudice her againſt Stuart, were, for once, ineffectual. This Leſley, afterwards biſhop of Roſs, greatly contributed, by his intrigues and violent counſels, to the misfortunes which, at laſt, fell on the head of the queen, his miſtreſs. Stuart arriving in Scotland, notwithſtanding Leſley's endeavours to have him arreſted in France, delivered to the ſtates the patent which the queen had ſent by him. As almoſt all Scotland was then Proteſtants, the ſtates employed the general power, granted them by the queen, to eſtabliſh the reformation by publick authority. This was followed with an order to demoliſh all the monaſteries, which was immediately put in execution.

The ſtates of Scotland eſtabliſh the reformation. Buchanan.

Elizabeth refuſes a ſafe-conduct to Mary, deſirous to return into her kingdom. Camden.

In the interim, Mary preparing to ſail for Scotland, ſent d'Oyſel to Elizabeth for a ſafe-conduct. Elizabeth anſwered, ſhe hoped the queen would ratify the treaty of Edinburgh, after which, ſhe ſhould not only have a ſafe-conduct, but alſo, without being expoſed to the dangers and fatigues of the ſea, might paſs through England, where ſhe ſhould be received with all the marks of affection ſhe could expect from a good ſiſter. Mary complained of this anſwer to Throckmorton, the Engliſh ambaſſador, ſo as to ſhew him ſhe was extremely offended at it. She told him, "As ſhe came into France, in ſpite of Edward, ſhe could return into Scotland notwithſtanding Elizabeth's oppoſition; ſhe was heartily vexed, for asking a favour ſhe could ſo well be without; that this refuſal, and the aſſiſtance given by Elizabeth to the Scotch rebels, was a clear evidence, how little ſhe deſired to preſerve a good underſtanding between the two kingdoms; that it was matter of aſtoniſhment to her, that the queen of England ſhould obſtruct the return of her near relation, and moſt certainly preſumptive heir, into her own country; that ſhe could have no pretence for this, ſince ſhe could not accuſe her of meddling with the affairs of England, tho' the diſcontent of the Engliſh gave her an opportunity. She added, ſhe was a queen as well as Elizabeth, and not deſtitute of friends when they ſhould be wanted; that the treaty of Edinburgh was made in the life-time of her huſband, and if he delayed to ſign it, he alone ought to bear the blame; that ſince ſhe was a widow, neither the council of France, nor her uncles, had concerned themſelves with the affairs of Scotland; that the Scots about her were private perſons, whom ſhe neither could nor ought to conſult in ſo important an affair; but as ſoon as ſhe had adviſed with the ſtates of Scotland, ſhe would return a ſuitable anſwer; that, therefore, ſhe was haſtening her return into Scotland, but Elizabeth intended to ſtop her journey, and ſo, alone, was the cauſe of the delay ſhe complained of. She concluded with ſaying, ſhe had never offended Elizabeth, and prayed the ambaſſador to tell her the reaſon of her anger."

Throckmorton replied, his order was, only to receive her anſwer concerning the treaty of Edinburgh; but ſince ſhe deſired it, he would, for a moment, lay aſide the ambaſſador, and give her his ſentiments as a private man. Then he told her, the queen, his miſtreſs, was very much offended at her aſſuming the title and arms of England, which ſhe had not done in queen Mary's reign, and left her to judge, whether a greater indignity could be offered to a crowned head. Mary anſwered, ſhe did it by the expreſs command of Henry II, her father-in-law, and of Francis, her huſband, whom ſhe was obliged to obey; but upon the death of her huſband, ſhe had, when miſtreſs of herſelf, quitted both the title and arms; that, however, ſhe being a queen, and grand-daughter to Henry VIII's eldeſt ſiſter, did not believe it injurious to any perſon to bear the arms of England, which had been done by others, more remotely allied, without any noiſe. Camden, from whom this is taken, does not mention Throckmorton's reply. It[*] would, however, be ſtrange, that he ſhould be ſatisfied with ſuch weak reaſons. Elizabeth did not only demand, that Mary ſhould quit the title and arms of England, but alſo ſhould declare, in the moſt expreſs manner, that ſhe never had any right to aſſume them; nay, ſhe expected a ſolemn reparation for this incroachment, as appears by the treaty of Edinburgh. Now Mary's quitting the title and arms of England, without owning ſhe had no right to aſſume them, was very far from contenting Elizabeth, who would not have had any other perſon but herſelf, pretend to the title of queen of England. Mary's alledging, that others had born the ſame arms without any offence, pointed to the marqueſs of Exeter, and the ducheſs of Suffolk; but there were three remarkable differences between them and Mary. The firſt was, they bore theſe arms by the king's ſpe-

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[*] Buchanan is in the wrong, to omit the conditions on which Elizabeth was willing to grant a ſafe-conduct. Rapin.

1560. cial grant. The ſecond, that they did it with a limb, or border, for diſtinction. The third, that they never aſſumed the title of king and queen of England.

Elizabeth ſuſpicious of Mary. Camden.

All this made Elizabeth ſuſpect, the queen of Scotland was forming ſome dangerous deſign, and in quitting the title and arms of England, intended only to amuſe her, ſince ſhe refuſed to own the injuſtice of aſſuming them. In ſhort, Mary being determined to return into Scotland without Elizabeth's ſafe-conduct, ſent for Throckmorton to Abbeville, and demanded of him, what was to be done to ſatisfy Elizabeth? Throckmorton anſwered, ſhe had only to ratify the treaty of Edinburgh, as he had often told her before. She replied, ſhe could not conceive why ſhe was thus urged to ratify a treaty already executed; that the articles concerning the Scots had been really performed; that as ſhe had quitted the title and arms of England, ſhe could not be accuſed of ſeeking evaſions not to ratify the treaty, ſince a treaty already executed did not want a ratification; that the Scots could not complain of being treated with too much rigour, but that ſhe perceived, the perſon who would prevent her return into Scotland, would prevent their enjoying the effects of her clemency. She added, ſhe would write to the queen of England with her own hand, and deſired the ambaſſador rather to compoſe than aggravate matters. But the letter ſhe wrote, on this occaſion, did not give Elizabeth the ſatisfaction ſhe believed to have reaſon to expect. As the uſurpation of the arms and title of Elizabeth, and the refuſal to ratify the treaty of Edinburgh, were the baſis and foundation of the differences between theſe two queens, and had a conſtant influence upon this reign, it will not be unneceſſary to add ſome obſervations to what has been ſaid, in order to ſet in a clearer light, the reaſons and intereſts of both.

The intereſts and political views of the two queens, with regard to the treaty of Edinburgh.

Elizabeth, in France, and all the Catholick countries, was deemed illegitimate. It was upon this foundation, that Henry II. obliged the dauphin, his ſon, and the queen of Scotland, the dauphin's wife, to aſſume the title of king and queen of England, and that, after his death, they continued to bear the ſame. Elizabeth was not ſo void of underſtanding as not to perceive, that this pretence would be more than ſufficient to deprive her of the crown, ſhould it ever come to be ſupported by force. On the other hand, ſhe could not doubt that ſuch a deſign was formed by Mary and her friends. Of this, her having aſſumed the title of queen of England was a clear indication; wherefore, it was neceſſary to provide for her ſafety. The civil war in Scotland naturally preſenting itſelf, ſhe aſſiſted the male-contents, and, whereas France was reſolved to invade her from that quarter, gave Francis and Mary cauſe to apprehend, ſhe would deprive them of Scotland. This 1561. produced the treaty of Edinburgh, which was never ratified by Francis, and, after his death, Mary perſiſted in her refuſal, contenting herſelf with only quitting the title of queen of England. But this was not a ſufficient ſecurity for Elizabeth. As Mary had quitted the title without giving any reaſon, ſhe could reſume it the firſt opportunity; and this was what Elizabeth deſired to prevent, and the more, as Mary's obſtinate refuſal gave her cauſe to believe it was really intended.

Mary, on her ſide, had ſtrong reaſons to elude this ratification; for ſhe was perſuaded, Elizabeth was not the legitimate daughter of Henry VIII, and that neither his will, nor an act of parliament, could give her a right which nature had denied. Upon this ſuppoſition, Mary believed the crown of England was fallen to her, as next heir to the deceaſed queen, and tho' Elizabeth had poſſeſſion, ſhe did not deſpair of wreſting it from her, with the aſſiſtance of France, Spain, the pope, and the Engliſh Catholicks. But if, by ratifying the treaty of Edinburgh, ſhe owned herſelf in the wrong to aſſume the title of queen of England, and promiſed with an oath never to bear it more, ſhe had cauſe to fear, her friends would grow very cool. To what purpoſe then did Francis order his plenipotentiaries to ſign a treaty, which he did not intend to ratify? To this the anſwer is eaſy. He could not otherwiſe draw his forces out of Scotland, where they were beſieged, nor oblige Elizabeth to recall her's. As to the breach of his word, it did not then much trouble the French court. Now as Mary was, at that time, in ſubjection to a huſband, ſhe threw upon him whatever was amiſs in this conduct.

The ſecond reaſon Mary had to refuſe the ratification, was ſtill of more force. The plenipotentiaries of France, in ſigning the treaty, made a wrong ſtep, for want of ſufficient knowledge of the Engliſh affairs. They ſuffered to be inſerted in the treaty, without any reſtriction, this general clauſe; "That for the future, Francis and Mary ſhould not aſſume the title of king and queen of England." Now Mary had reaſon to fear, that theſe words, "for the future," might be a ſnare to make her renounce for ever the crown of England, on account of her religion. This fear ſeemed the more juſt, as the Engliſh had ſufficiently diſcovered their intention, to regulate the ſucceſſion by Henry VIII's will, where the poſterity of Margaret, queen of Scotland, was omitted, and the ducheſs of Suffolk placed next to Elizabeth. It ſeemed, therefore, to her, that a ratification of the treaty of Edinburgh would give occaſion to ſay, ſhe complied with the will of Henry VIII, which could not but be to her extremely prejudicial. It is ſcarce to be doubted, that Elizabeth thought the ſame thing, ſince afterwards, when Mary, preſſed by the neceſſity of her affairs, offered to ratify the treaty, with this alteration of the clauſe in diſpute, "That during the life of Elizabeth ſhe would not take the title of queen of England," Elizabeth was not ſatisfied. This is an evident ſign, that her intention was to make uſe of the ratification to deprive Mary of her birth-right, or, at leaſt, to hold her in ſubjection, by keeping her in a perpetual uneaſineſs concerning her ſucceſſion. There was then inſincerity in both their proceedings. Mary, in evading the ratification of the treaty, on pretence of the prejudice it might do her, refuſed, in effect, to acknowledge ſhe had done amiſs, in aſſuming the title of queen of England, during the life of Elizabeth, and thereby preſerved all her claim, to be inſerted on occaſion; for it was not till ſome years after, that ſhe offered the forementioned reſtriction. On the other hand, Elizabeth, under colour of deſiring Mary only to renounce a right which ſhe had aſſumed to her prejudice, meant to engage her to ſign an equivocal clauſe, which might have deprived her of all her rights. Theſe remarks will, hereafter, appear not to be entirely uſeleſs.

Mary arrives in Scotland. Buchanan.

Mary, tho' ſhe had no ſafe-conduct from Elizabeth, put to ſea, and happily arrived in Scotland. Some ſay, ſhe eſcaped the Engliſh fleet in a fog, which waited to intercept her; but this is only a bare conjecture, without any proof*. It is, however, very likely, that as affairs ſtood between her and Elizabeth, if ſhe had been taken, ſhe would have been detained in England, at leaſt, till ſhe had ratified the treaty of Edinburgh. She was received in her kingdom with great demonſtrations of joy, both by the nobles and people; but ſhe had the mortification to ſee the reformation eſtabliſhed by laws ſo ſevere, that only herſelf was allowed the liberty to have maſs in her own chapel, but without any pomp or oſtentation. Nevertheleſs, ſome lords ſtill perſiſted in the old religion, and hoping to reſtore it by her authority, made their court to her with great application. Of this number were George Gordon, earl of Huntley, the earls of Athol, Crawford, Sutherland, with ſome biſhops. It was not poſſible to determine, what was the religion of the duke of Chatelerault, his conduct had been, hitherto, ſo ambiguous. The lords I have named were very conſiderable by their birth, their riches, and their vaſſals; and yet, they would never, perhaps, have thought of reſtoring the antient religion, had they not depended upon the queen's favour, who could alone balance the power of the Proteſtants. Their firſt project was, to try to alienate her from thoſe of the Proteſtants, who had the moſt credit with her, and in the kingdom. James Stuart, her natural brother, was the principal object of their hatred, on account of his adherence to the Proteſtant religion. Beſides, the queen having, at her arrival, committed to him the adminiſtration of affairs, it would be very difficult for them to undertake any thing, without oppoſition from him, while he continued in that poſt. For this reaſon, they omitted nothing that could ſerve to ruin him with the queen. But it is not neceſſary to be more circumſtantial in theſe intrigues; it ſuffices to ſhew the ſituation of the court of Scotland, becauſe this is abſolutely neceſſary for the ſequel.

The Roman Catholicks project to reſtore their religion in Scotland. Buchanan.

Mary's error in falling out with Elizabeth.

The haughtineſs with which Mary talked to the Engliſh ambaſſador, before ſhe left France, was not only unſuitable to her preſent circumſtances, but even contrary to her meaſures, and the projects ſhe had formed with her uncles. Whilſt Francis II. was alive, theſe princes believed, that the forces of France would be ſufficient to ſubdue Scotland, under colour of extirpating hereſy, and afterwards, in conjunction with the Scotch troops, it would be eaſy to enter England, and, with the aſſiſtance of the Engliſh Catholicks, dethrone Elizabeth. But the war they had excited in Scotland, taking a very different turn from what they expected, and the death of Francis following immediately upon it, they found that other meaſures were to be taken, and the execution of their project deferred, for ſome time. They, therefore, adviſed the queen, their niece, voluntarily to quit the title of queen of England, to return into Scotland, to enter, if poſſible, into a ſtrict friendſhip with Elizabeth, to endeavour to be declared her preſumptive heir, and under colour of that correſpondence, to form a party in England, where was no want of male-contents, to be ſerviceable on occaſion. The whole courſe of this Hiſtory ſhews this to have been Mary's plan, and I ſhall hereafter give convincing proofs of it. Nothing, therefore, was more contrary to theſe meaſures, than her quarrel with Elizabeth, whoſe friendſhip ſhe ought to have courted, in order to obtain the declaration ſhe deſired, by means of which ſhe was to ſtrengthen her party in England. When ſhe arrived in Scotland, ſhe endeavoured to correct this error, by ſending Maitland to Elizabeth, to notify her ſafe arrival at Edinburgh, and to deſire her friendſhip. The ambaſſador carried, likewiſe, a letter from the principal noblemen to Elizabeth, which, after many compliments, ſignified to her, that the beſt way to preſerve a good underſtanding between the two kingdoms, was for her to declare their queen her preſumptive heir. Elizabeth was ſo much upon her guard, againſt whatever came from Mary, that it was not eaſy to ſurpriſe her. She anſwered the ambaſſador, that the queen of Scotland, while in France, promiſed to give her ſatisfaction concerning the treaty of Edinburgh, as ſoon as ſhe ſhould arrive in her kingdom; it could not, therefore, but ſurpriſe her to find no notice taken of that article. The ambaſſador excuſed the queen, his miſtreſs, that the ſhort time ſince her arrival had not allowed her to think of any important affair. Elizabeth ſeemed ſatisfied with this excuſe, but to the letter from the lords, anſwered plainly, that ſhe would not run the riſque of ſeeing her ſubjects adore the riſing ſun; and raiſing her voice, added, ſhe would not ſuffer the queen of Scotland to rob her of the crown, during her life; neither did ſhe intend to do any thing that might prejudice that queen after her death, tho' ſhe had uſurped the arms of

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* It is true, there aroſe a great fog in her paſſage. See Brantome. But that does not prove ſhe was purſued by the Engliſh fleet. Rapin.

England, for which ſhe ought, in juſtice, to make reparation. This was the ſubſtance of what paſſed in relation to this ambaſſy, from which Mary drew the advantage ſhe deſired, as it gave her an opportunity to renew a correſpondence with Elizabeth. I am perſuaded, Melvil is miſtaken, when he ſays in his Memoirs, that after Mary's return into Scotland, there was ſo cloſe a friendſhip between the two queens, that they wrote to one another every week, and teſtified an extreme deſire to deliver by word of mouth what they committed to writing. Nothing till then had paſſed between them, that could ſerve to form or cement this pretended reciprocal friendſhip. On the contrary, many things contributed to alienate their hearts from each other. But if Melvil, who was then in Germany, was rightly informed, one cannot help thinking they were both very great diſſemblers. About the end of the year, Mary gave the prior of St. Andrews the title of earl of Murray, and created John Areskin, earl of Marr.

The pope deſirous to ſend a nuncio to Elizabeth, is refuſed. Camden.

Tho' the anſwer given laſt year to the abbot of Parpaglia, was by no means proper to inſpire the pope with any great hopes of the reſtoration of the antient religion in England, he ſent a nuncio this year to Elizabeth, to notify, that the council of Trent which had been interrupted, would be continued in the ſame place, and to deſire her to ſend thither ſome Engliſh biſhops. The abbot Martinengo, who was charged with this commiſſion, arriving in Flanders, and ſending for leave to purſue his journey into England, could never obtain it. Whereupon, the nuncio at Paris prayed Throckmorton to write to the queen; who coldly anſwered, ſhe heartily deſired an œcumenical council, but a Popiſh one ſhe would never honour with an ambaſſador; that ſhe had no buſineſs with the biſhop of Rome, who had no more power than other biſhops.

Philip ſeparates himſelf at a ſtill greater diſtance from Elizabeth. Camden.

After ſuch an anſwer, Elizabeth might depend upon continual diſturbance from the court of Rome, and the more, as, ſince the death of Francis II, the king of Spain was entirely eſtranged from her, becauſe he no longer dreaded the union of Great Britain, with the monarchy of France. This fear was the only band that had till then attached him to England.

The queen makes divers preparations to defend herſelf. Hollingſh.

In the interim, Elizabeth ſeeing herſelf without any ally, and in danger from all ſides, took care in time of her defence. She employed this whole year in preparations, which convinced her enemies, ſhe would not be eaſily ſurpriſed. Her great care was to have always a good fleet in readineſs, knowing that her navy was the beſt bulwark of England, At the ſame time, ſhe ordered all the forts and caſtles of the northern borders to be well fortified, and particularly Berwick, as the place from whence ſhe might be attacked with moſt eaſe. As the Engliſh had till this time been obliged to have all their gunpowder from abroad, ſhe was afraid of wanting it, and, to prevent that inconvenience, ordered it to be made in her own kingdom. Moreover, ſhe increaſed the pay of the ſoldiers, to encourage them to ſerve her faithfully, and be ready upon occaſion. This ſame year, was happily diſcovered in Cumberland a mine of pure copper, which had been neglected many ages, and at the ſame time, was found, in great abundance, the ſtone called Lapis Calaminaris, ſo neceſſary for braſs-works.

Orders payment to be made to the monks of their penſions and arrears. Camden.

The cares of war did not divert Elizabeth from the affairs of juſtice, and the civil adminiſtration. She had her eye every where, and laboured effectually for the reformation of abuſes, and the bringing things into good order. Information being made, that the officers of the exchequer reſerved the penſions aſſigned to thoſe eccleſiaſticks, who had been turned out of their abbies, ſhe ordered, that all who were living, and unprovided with benefices, ſhould be paid to a farthing.

Her great œconomy.

Thus every man relying on the queen's juſtice and equity, England ſaw the revival of a happineſs ſhe had long wanted. The people had the more reaſon to be pleaſed with the government, as the queen, without demanding any ſubſidies, diſcharged all the extraordinary expences out of the crown revenues, for ſhe did not laviſh her money upon the court-leeches, like her predeceſſors. Her maxim was, to injure none, but to be extremely ſparing of her favours and treaſures, remembring in what want by exceſſive profuſion, many of her predeceſſors had lived, with great revenues. This was what forced them to have frequent recourſe to their parliaments, not to have the publick occaſions, but their own extravagances, ſupplied.

1562. Elizabeth is ſuſpicious of the counteſs of Lenox, and impriſons her. Camden.

It was not without reaſon that Elizabeth took ſo much pains to gain the love of her ſubjects, by the good order ſhe introduced into the kingdom, ſince at the ſame time endeavours were uſed to corrupt and draw them into rebellion. The Catholicks began to meet, and plot to reſtore their religion by arms. Elizabeth having ſome intimation of theſe cabals, was deſirous to know whence they ſprung, and at laſt found it was the queen of Scotland that was to ſerve for pretence to the revolt, on account of her title to the crown of England. The counteſs of Lenox, born from a ſecond marriage of Margaret, queen of Scotland with the earl of Angus, held a ſecret correſpondence with Mary. Here the firſt diſcovery was made. As this counteſs had the ſame intereſt with Mary, ſince they both deſcended from the eldeſt daughter of Henry VII, the queen imagined this correſpondence was not without myſtery, and therefore ſent the earl and counteſs of Lenox to the tower.

A conſpiracy againſt the queen diſcovered. Camden.

Soon after, ſhe diſcovered that Arthur Pole, and his brother, deſcended from a princeſs of the houſe of York, and Sir Anthony Forteſcue, who had married their ſiſter, began to form a party in the kingdom. Upon this intelligence, they were ſent to priſon, and afterwards tryed. They confeſſed a deſign of withdrawing into France to the duke of Guiſe, of returning from thence into Wales with a French army, to proclaim Mary, queen of Scots, queen of England, and Arthur Pole, duke of Clarence. They proteſted, however, that they meant not to execute their project during the queen's life, who, they believed, would die before the end of the year, having been told ſo by ſome pretenders to aſtrology. Their own confeſſion condemned them, but the queen, in conſideration of their illuſtrious deſcent, forgave their offence.

The queen's ſeverity to Catharine Grey. Camden.

Catharine Grey, daughter to the duke and ducheſs of Suffolk, and ſiſter of Jane Grey, beheaded in the laſt reign, was not uſed with the ſame lenity as the perſons juſt mentioned, tho' ſhe was leſs criminal, and the queen's near relation. She was called to account for a crime, in the puniſhment of which Elizabeth leſs ſhewed her zeal for juſtice, than her jealouſy and deſire to find a pretence to ſecure this ſort of rival, who gave her ſome uneaſineſs. Catharine had been married to Henry, eldeſt ſon to the earl of Pembroke, who had procured a divorce, becauſe he could not live with her. Afterwards, the earl of Hertford privately married her, and then went into France. In his abſence the queen being informed of this clandeſtine marriage, ſent Catharine to the tower, tho' ſhe was very big with child. The earl returning, and owning his marriage, was committed to the ſame place. After this, the archbiſhop of Canterbury annulled their pretended marriage, becauſe it was not ſufficiently proved, and they both remained priſoners in the tower. While they were there, the earl found means to come to her, and ſhe again proved with child. Whereupon he was accuſed of three capital crimes; viz. of breaking priſon; of debauching a virgin of the blood-royal; and of abuſing her a ſecond time; and for each offence, was fined 5000 l. At laſt, after a long impriſonment, and ſeveral fruitleſs attempts to have his ſentence reverſed, he was forced to forſake her by an authentick act; but the queen remaining implacable to the lady, ſhe died in priſon. Before ſhe expired, ſhe prayed the lieutenant of the tower to tell the queen, that ſhe begged her pardon for contracting marriage without her permiſſion, thereby ſhewing, ſhe had ever conſidered the earl of Hertford as her lawful husband. This exceſſive rigour does Elizabeth no credit, ſince it is plain, Catharine Grey's right to the crown, whether well or ill-grounded, was her greateſt offence.

The queen diſtruſts the courts of France and Spain. Camden.

But it was not from the houſe of Suffolk that Elizabeth had moſt to fear. The queen of Scotland was a rival much more dangerous, as being powerfully ſupported. Her friends ſtill thought of placing her on the throne of England, and only waited a favourable opportunity to execute their deſign. Elizabeth had occaſion to be convinced of this by her intelligence, that the duke of Guiſe, and the cardinal of Lorrain, to engage the king of Navarre in their party, offered him the marriage of their niece, and promiſed him poſſeſſion of the throne of England, by the aſſiſtance of the pope and the king of Spain. Tho' this prince had a wife, they minded not the difficulty of annulling his marriage, becauſe his queen Jane was a heretick. This ſatisfied Elizabeth, that the princes of Lorrain had not laid aſide their firſt deſign, and that Philip II. was coming into the plot. Whereupon, ſhe diſpatched Sidney into France on ſome pretence, to inform himſelf exactly of the affairs of that kingdom, and of what was contriving againſt her, that ſhe might take her meaſures accordingly.

The affairs of France. Mezerai.

Catharine de Medici ſtill continued to foment the diſſention between the two factions, and ſeemed to incline to the ſide of the Huguenots, who were the weakeſt. As the Guiſes had artfully perſuaded the Catholicks, that their differences with the prince of Conde concerned only religion, ſhe feared to ſee herſelf once more at their diſcretion, as ſhe had been in the laſt reign, if the Huguenots were oppreſſed. For this reaſon ſhe ſupported them, and procured them a very favourable edict, called the edict of January. The duke of Guiſe, penetrating her deſign, believed it time to break her meaſures, by engaging, on a ſudden, both parties in a war. He accompliſhed his deſign by the maſſacre of Vaſſy, committed under his eyes, upon a very ſlight occaſion. Then the Huguenots, unable to contain any longer, began the war by ſurpriſing Orleans, with the more reaſon, as the queen-regent had applied to the prince of Conde for his aſſiſtance, to free her and the king from the captivity in which they were held by the Guiſes.

The Huguenots deſire ſuccours of Elizabeth; who concludes a treaty with them. Camden.

I ſhall not deſcend to the particulars of this war, which may be ſeen in all the Hiſtories of France; I ſhall only ſay, that the Huguenots, unſucceſsful in the firſt campaign, ſent the Vidame of Chartres to Elizabeth, to deſire her aſſiſtance. Soon after his arrival at London, he concluded a treaty with Elizabeth, by which ſhe promiſed to furniſh the Huguenot leaders, with 100,000 crowns, and an aid of 6000 foot, half to be employed in the defence of Dieppe and Roan, and half to be put into garriſon at Havre de Grace. The Huguenots, on their ſide, engaged to put the queen in poſſeſſion of this laſt place, to be kept till the reſtitution of Calais. The ſame day the treaty was ſigned, Elizabeth publiſhed a manifeſto, declaring the reaſons which obliged her to aſſiſt the Huguenots. She ſaid, "her intention in ſending troops into Normandy, was not to recover that province, the antient patrimony of her anceſtors, and unjuſtly wreſted from them, but to preſerve it for the king of France during his minority, and reſcue it from the ambition and tyranny of the princes of Lorrain. That ſhe was the more concerned to endeavour to prevent that province falling into their hands, as it was manifeſt their deſign was to ſeiſe the ports of Normandy, and from thence invade her dominions, after the extirpation of the reformed in France. That for theſe reaſons ſhe thought herſelf obliged to aſſiſt the young king; hinder his ſubjects from being oppreſſed by the Guiſes; protect the profeſſors of the reformed religion, and provide for her own ſafety." This laſt article concerning her ſecurity, was the chief, or rather the only one, which juſtified her aſſiſting the Huguenots. In all appearance, ſhe would not have liked, that a foreign prince ſhould have uſed the other pretences, alledged in her manifeſto, to aid the Engliſh Catholicks, had they taken arms againſt her. But ſhe looked upon the duke of Guiſe as her moſt mortal enemy, and the principal protector of the queen of Scotland, for whom, it manifeſtly appeared, he would have procured the crown of England. This duke was at the head of the Catholick party, which was infinitely more powerful than that of the Huguenots. It might, therefore, very eaſily happen, that theſe would be extirpated, or, at leaſt, entirely diſabled; and the duke of Guiſe become abſolute maſter of the court and kingdom, and employ all the forces of France to execute his project in favour of the queen of Scotland, his niece. It is, therefore, eaſy to conceive the neceſſity, Elizabeth was under, to oppoſe the advancement of ſo formidable an enemy, which was not to be done more ſucceſsfully than by aſſiſting the Huguenots. In maintaining the war in France, ſhe held the duke of Guiſe employed, and rendered him incapable to attempt any thing againſt England. Paul de Foix, the French ambaſſador, having notice of this treaty, required her, in vertue of the treaty of Cateau, to deliver to him the Vidame and all his attendants; but ſhe excuſed herſelf, and told him, ſhe would write to the king of France about it. She did ſo indeed, but not obtaining any thing for that lord, ſhe did not think herſelf obliged to deliver him to the king.

The Engliſh put in poſſeſſion of Havre de Grace. Camden.

The 6000 Engliſh not embarquing till September, found the king of Navarre, on their arrival, before Roan. This was the reaſon of their dividing themſelves into two bodies only, of which one entered Dieppe, and the other took poſſeſſion of Havre de Grace, according to the treaty of London. The earl of Warwick, general of theſe forces, had been made governor of this laſt place by the queen. In the interim, the city of Roan was taken by aſſault, and the king of Navarre, who was wounded at the ſiege, died on his return to Paris. In the cloſe of this year, the battle of Dreux was fought between the Catholicks and the Huguenots, with almoſt equal loſs. The prince of Conde and the conſtable de Montmorency, who commanded the two armies, were both taken priſoners, but the king's forces kept the field of battle. The prince of Conde not being able to head his party, admiral de Chatillon took upon him the command of the army. I muſt now ſpeak of the tranſactions of Scotland this year.

The affairs of Scotland.

James Stuart, created earl of Murray, held ſtill the firſt rank in the management of affairs, not ſo much from any affection the queen had for him, as from her being adviſed to keep him always attached to her intereſt. It was indeed almoſt impoſſible for Mary, who had been educated in a court ſo averſe to the reformation, to have any great friendſhip for the earl, her brother, whom ſhe conſidered as the head of the reformed. Beſides, his ſevere temper did not agree with the luxury which was introducing into the court, by the young queen. The preachers exclaimed from the pulpit againſt theſe worldly vanities, as very oppoſite to true religion. On the other hand, the earl of Murray, as well to ſupport his intereſt amongſt the reformed, as to follow his own inclination, ſignified often to the queen, that this way of life would at laſt forfeit her the eſteem and affection of her ſubjects. This furniſhed his enemies with a pretence to inſinuate to the queen, that Murray meant to keep her in ſervitude, and it would be impoſſible to reſtore the old religion, while he had the direction of affairs; but if Buchanan is worthy of belief, they were not content with uſing ſecret artifices to ruin him in the queen's favour. This hiſtorian pretends, the duke of Chateleraut, and the earls of Huntley and Bothwell conſpired to aſſaſſinate him, but their plot was diſcovered by the earl of Arran. He adds, that the duke was puniſhed with the loſs of his government of Dunbarton, and Bothwell impriſoned in the caſtle of Edinburgh, from whence he found means to eſcape.

But theſe were not Murray's moſt dangerous enemies. Buchanan ſays, the cardinal of Lorrain wrote to the queen, his niece, to incite her to diſpatch the earl, and ſome other zealous Proteſtants, out of the way, for which ſhe might depend upon a powerful aid from the pope, to reſtore the Catholick religion in Scotland. According to this hiſtorian, the queen reſolved to comply with the deſires of the pope and the cardinal, and communicated her intentions to the earl of Huntley, who approved of them, and promiſed his aſſiſtance. It was for this purpoſe, that the queen took a progreſs into the north, where lay the earl of Huntley's eſtate, and where the Catholicks were numerous. But at the ſame time Huntley finding the queen, in order to execute her project, was going to a country which almoſt wholly depended on him, formed himſelf the deſign to carry her away, and force her to marry George Gordon, his eldeſt ſon. Murray accompanying the queen in her progreſs, ſeveral obſtacles occurred, which cauſed the execution of the plot againſt him to be delayed, from day to day. In the interim, the earl of Huntley and his ſon improved the occaſion to execute their project. One day, when the court was in a ſmall and ill-fortified town, George Gordon appeared near it with ſome forces, in order to ſurpriſe the queen's perſon; but the earl of Murray, by unexpected good fortune, found means to ſave her. This important ſervice effaced for ſome time the diſadvantageous impreſſions ſhe had received of him.

The earl of Huntley forms a deſign to carry off the queen. Buchanan.

Murray preſerves her.

Huntley perſiſts in his deſign. Buchanan.

The diſcovery of this plot was not capable to make the earl of Huntley deſiſt from his enterpriſe. He ſtill kept in arms with intent to ſurpriſe the court, where the earl of Sutherland was his ſpy, and informed him of what paſſed there; but an intercepted letter diſcovering all, Sutherland fled into Flanders, and the earl of Murray at the head of ſome forces marched againſt the earl of Huntley,

1562.

who bravely expected him. In a battle fought on this occaſion, Huntley was defeated and taken priſoner, but died within a few days[*]. George, his ſon, eſcaping, the duke of Chatelerault, his father-in-law, very earneſtly ſued for his pardon, and upon ſome good hope given him by the queen, put him into her hands. He was, however, conducted to Dunbar, tried and ſentenced to die; but the ſentence was not executed[†].

Project of a marriage between Mary and the archduke. Melvil.

While theſe things were tranſacting in Scotland, James Melvil, author of the Memoirs under his name, was employed at Inſpruck to ſound the inclinations of the imperial court, concerning the marriage of queen Mary with the archduke Charles, ſecond ſon of the emperor Ferdinand. The firſt overture of this deſign had been made by the cardinal of Lorrain, in his way through Inſpruck to the council of Trent, with the offer of the kingdoms of England, Scotland, and Ireland, for a portion. This occaſioned Maximilian, eldeſt brother of Charles, to aſk Melvil, ſpeaking of this marriage, whether the Scots would be willing to aſſiſt their queen in obtaining the crown of England. Hence it is plain, that the Guiſes had ſtill this deſign in view, and were inceſſantly labouring to execute it. We muſt not, therefore, wonder, that Elizabeth had always an eye upon the queen of Scots as upon a very dangerous rival[‡].

1563. The affairs of France. Melvil.

In the beginning of the year 1563, the duke of Guiſe laid ſiege to Orleans, which was the magazine of the Huguenots, and where D'Andelot, brother of the admiral, was ſhut up with a numerous garriſon. The place was now reduced to the laſt extremity, when the duke of Guiſe was killed with a piſtol-ball, by a gentleman named Poltrot. The duke perceiving his end approaching, teſtifyed an extreme concern for having kindled the civil war, and ſent his ſerious advice to the queen-regent to make a peace on any terms. The admiral being accuſed of this murder, endeavoured to clear himſelf, but the relations of the deceaſed perſiſted in their belief of his guilt. In the interim, the peace between the king and the Huguenots cloſely followed the death of the duke of Guiſe, without any care taken by the prince of Conde, to have his generous friend, the queen of England, included. Nor was this all; for Charles IX. beſieging Havre de Grace, the Huguenots diſtinguiſhed themſelves in driving the Engliſh out of a place which themſelves had put into their hands. If their conduct on this occaſion ſhewed them good Frenchmen, it was alſo a demonſtration of their being very ill politicians. Indeed, they could not have done any thing more prejudicial to their own intereſt, or more agreeable to their enemies than thus to quarrel with England. The earl of Warwick defended the place ſome time with great bravery and intrepidity, but the plague which raged in the town, daily ſwept away 50 of his men, and reduced him to the neceſſity of a capitulation, by which the town was reſtored to the king of France. After Havre was taken, a peace was concluded between the two crowns. The Engliſh forces which had ſerved in France bringing the plague with them into England, it made terrible ravages, about 20,000 dying in London only.

The Huguenots make a peace without any notice taken of Elizabeth. Havre beſieged. Camden.

1563.

A truce between France and England. The plague at London. Camden.

The death of the duke of Guiſe made ſome alteration in the affairs of the queen of Scotland. Charles IX. declaring himſelf of age to govern, was under the influence of the queen, his mother, who not loving her daughter-in-law, gave her ſome mortifications. The payment of her dowry was diſcontinued, the Scotch guard diſmiſſed, and the duke of Chatelerault denied his revenues. The duke of Guiſe left a ſon, who was too young to have any ſhare in the government, and the cardinal of Lorrain had no longer the ſame credit as during the life of his brother. Mary complaining of her ill treatment from the court of France, the cardinal, her uncle, fearing ſhe might be provoked to turn to Elizabeth, was more preſſing than ever for her marriage with the archduke, and did his utmoſt to accompliſh it. Melvil ſays, however, in his Memoirs, that he perceived at the imperial court, it was not reliſhed by Maximilian, eldeſt ſon of the emperor. Be this as it will, Mary readily received the propoſition; but as the death of the duke of Guiſe had removed at a great diſtance the near proſpect ſhe had of mounting the throne of England, ſhe believed it neceſſary to manage Elizabeth, and deſire her advice concerning the propoſed marriage. Elizabeth was alarmed at the deſign of allying the queen of Scotland with the houſe of Auſtria, not being ignorant, with what view the cardinal of Lorrain offered ſuch a marriage to his niece. She, therefore, told Mary, by Randolph, her ambaſſador, that having for her the tenderneſs of a ſiſter, and regarding her intereſts as her own, ſhe deſired her to conſider, that ſuch an alliance would remove her for ever from the throne of England, ſince the Engliſh would never run the hazard of falling under the dominion of the houſe of Auſtria; that England was not without perſons who had their pretenſions to the crown as well as herſelf, and might greatly embarraſs her; it was, therefore, her intereſt to gain the affection of the Engliſh, by a marriage which would not be uneaſy to them; that if any Engliſh nobleman was ſo happy as to pleaſe her, ſuch a marriage would, doubtleſs, remove the difficulties which lay in the way of her deſire to be declared her preſumptive heir. This was the ſubſtance of what Randolph was ordered to repreſent to the queen of Scotland, without naming, however, the lord, Elizabeth wiſhed to give her for huſband. But he had a ſecret commiſſion to intimate to the earl of Murray, and ſecretary Lidington, that he believed ſhe had caſt her eyes on the lord Dudley.

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[*] John, one of his ſons, was executed a few days after. Buchanan.

[†] Melvil, who was then in Germany, ſays nothing of this conſpiracy of the earl of Huntley. Camden, whoſe view was only to blacken the reputation of the earl of Murray, contents himſelf with ſaying, (in his annals of the year 1566) that Murray had ruined the illuſtious houſe of the Gordons, without ſaying one word of this conſpiracy. Rapin.

[‡] This year, Shane O Neal, earl of Tyrone, who had in 1560, broke out into a rebellion, came and made his ſubmiſſion to queen Elizabeth, and received her pardon. Camden.

Mary's difficulty. Camden.

Elizabeth's anſwer threw Mary into great perplexity. She believed herſelf, at leaſt, the lawful heir of Elizabeth, by her birth-right; but Henry VIII, having not placed her in the line of ſucceſſion, an act of parliament was neceſſary to reſtore her to her right. Without this, ſhe was in danger that, if Elizabeth died without heirs, the will of Henry would be punctually complied with. On the other hand, her uncertainty whether Elizabeth would cauſe ſuch an act to be paſſed in her favour, and get her declared her heir, made her unwilling to relinquiſh the hope given her by her uncle, the cardinal, of being placed on the throne of England by the aſſiſtance of the pope, France, Spain, and the Engliſh Catholicks: In this peplexity, ſhe choſe to inform the cardinal of the repreſentation made to her by Elizabeth, and of that queen's deſign to marry her to Dudley. The cardinal anſwered, that Dudley was not a fit match for her, and that Elizabeth only amuſed her, in pretending to marry her to a man whom ſhe intended for her own bed. That as to the hope ſhe was flattered with, of being declared her preſumptive heir, it was not much to be relied on, ſince, tho' ſhe kept her word, ſhe might have children, which would render the act of no uſe, or might, on the leaſt pretence, cauſe it to be repealed. That it was, therefore, more agreeable to her intereſt, to depend upon the aſſiſtance of her real friends, than on ſuch uncertain hopes.

She deſiſts from the archduke's marriage.

This did not prevent Mary, after a mature examination of what had been offered on both ſides, from reſolving to deſiſt from the deſign of marrying the archduke, for fear of doing herſelf a prejudice in England; but withal, ſhe determined to evade the propoſal, Elizabeth intended to make her, concerning Dudley, without breaking, however, with her. It was abſolutely neceſſary to ſhew a regard for Elizabeth, in order to continue with more eaſe her intrigues in England, and increaſe there the number of her friends, which was already conſiderable. Beſides that the Catholicks were all for her, many Proteſtants were perſuaded, that the crown, if Elizabeth died without children, could not be refuſed her without injuſtice, and the leaſt diſcontent was capable to create a belief, that Mary had even a better title than Elizabeth herſelf. This gave great uneaſineſs to Elizabeth, who feared, that Mary, by a marriage with a Catholick prince, would be enabled to ſupport her pretenſions; wherefore, ſhe did all that lay in her power to divert her from any ſuch deſign. To this end, ſhe told Melvil, in his return through England, how much it would offend her, if Mary married without her advice; adding, as it was their common intereſt to live in a good underſtanding, ſhe deſigned to make her two offers, that, by embracing either, ſhe might avoid the jealouſy, which her marriage with a foreign prince would raiſe in the Engliſh. The treaty of Edinburgh was all this while unmentioned, the conjuncture not being proper to preſs that affair.

The ducheſs of Suffolk dies. Camden.

Frances Brandon, ducheſs of Suffolk, ſo often mentioned, died this year. She had accepted for her third huſband Adrian Stokes, a private gentleman, by whom ſhe had no children. Of her three daughters by her former marriage with Grey, marqueſs of Dorſet, and afterwards duke of Suffolk, Jane the eldeſt had been proclaimed queen after the death of Edward, and loſt her life on a ſcaffold. Catharine was in the tower, or, perhaps, dead. Mary the third had been given in marriage to a man ſo little diſtinguiſhed, that there was no likelihood of her being put in competition with the queen of Scotland. Thus, by the death of the ducheſs of Suffolk, Mary ſaw herſelf delivered from one rival, who was granddaughter to Henry VII.

1564. Peace made between France and England. Camden. Act. Pub.

The truce between France and England ended, at laſt, in a peace, ſigned at Troye, in Champagne, the 11th of April, 1564. By this treaty, the king of France and queen of England preſerved entire all their pretenſions, without mentioning any in particular, not even the reſtitution of Calais. There were only ſome ſeparate articles, which were left unſigned till next day, concerning the hoſtages delivered to Elizabeth after the treaty of Cateau, which ſhe was willing to reſtore for a very ſmall ſum. Throckmorton, who had been arreſted in France on ſome pretence, was ſet at liberty. After this, Elizabeth ſent to king Charles the Order of the Garter, by the lord Hunſdon, who was ſent into France to ſee the peace ſworn to.

Diſturbances between England and the Low-Countries. Camden.

At this time, the commerce between England and the Netherlands was entirely broke, by the artifices of cardinal Granvelle. As he foreſaw a war was going to be kindled in the Low-Countries, he was willing to remove the Engliſh, and for that purpoſe, had prevailed with the governeſs to forbid the importation of Engliſh cloths. This prohibition obliged the Engliſh to ſet up a ſtaple for their cloths at Embden, a town of Eaſt-Frieſland; but a new ambaſſador ſent into England by Philip, in the room of the biſhop of Aquila, who was dead, conſidering, that his maſter's ſubjects would, from this interruption of commerce, receive no leſs damage than the Engliſh, brought this affair to a negotiation. As there occurred great difficulties, it was mutually agreed, that the treaty of commerce, called the Great Intercourſe, made in the time of Maximilian, ſhould ſubſiſt till one of the parties notified the contrary to the other, with the allowances of 40 days to the merchants to withdraw their effects. This affair was very important to both nations. Camden ſays; that in his time the commerce between England and the Netherlands, roſe yearly to above 12,000,000 of gold, and that the woollen trade alone amounted to above 5,000,000

The queen viſits the univerſity of Cambridge. Hollingſh.

This affair being finiſhed, Elizabeth viſited the univerſity of Cambridge, where ſhe was received with great pomp and magnificence. She teſtified her ſatisfaction in an elegant Latin oration, wherein ſhe aſſured the univerſity of her protection, and intention to encourage learning to the utmoſt of her power.

A difference between the two queens. Melvil.

They are reconciled. Melvil.

Mary reſolves to marry the lord Darnly. Camden.

The tranquillity which the queen then enjoyed would have been compleat, if her ſuſpicions of the queen of Scotland had not given her perpetual uneaſineſs. It was on her ſhe was always reflecting, as on her moſt dangerous enemy. She conſidered, that the marriage of this queen might prove to her a fountain of troubles and cares, and draw upon her the greateſt misfortunes. So, her whole policy tended either to obſtruct all marriages offered to Mary, or, at leaſt, to effect that ſhe ſhould eſpouſe a man, from whom England ſhould have nothing to fear. With this view ſhe wrote her a letter, wherein, after many demonſtrations of friendſhip, ſhe gave her advice concerning her marriage, telling her, the marrying without her conſent would ruin her affairs. Notwithſtanding Mary's reſolution to live in friendſhip with Elizabeth, ſhe was provoked at her thus taking upon her to adviſe her, and even with an air of ſuperiority, which was but too manifeſt. Forgetting, therefore, her reſolution, and thinking only of making herſelf ſatisfaction, ſhe returned ſuch an anſwer to the letter, as greatly offended Elizabeth. But ſome time after, reflecting that ſhe herſelf broke her own meaſures, in quarrelling with Elizabeth, ſhe diſpatched Sir James Melvil to pay her compliments, and to endeavour to mend what had been ſpoiled by her impatience. Elizabeth received her compliments with equal diſſimulation. After telling Melvil, how much cauſe ſhe had to be offended with the letter, ſhe tore it in his preſence, teſtifying her readineſs to be reconciled, and expreſſing an affection for her good ſiſter, which aſſuredly ſhe had not. It was not her intereſt to quarrel, for fear of inducing Mary to marry ſome prince, who would not have patience to wait the time of enjoying her ſucceſſion. She, therefore, embraced this occaſion to renew her inſtances to Mary for her choice of a huſband, proper to preſerve their friendſhip, and a good intelligence between the two kingdoms. All this tended only to a ſetting forth of ſeveral reaſons to perſuade Mary to accept the lord Dudley, tho' ſhe did not directly name him. It is, however, very uncertain, whether this marriage was ſincerely intended by Elizabeth, or only deſigned to amuſe Mary, and prevent her thinking on others; nay, it is very likely, Dudley, who depended upon Elizabeth, was only propoſed to prolong the affair. This ſeems to be confirmed, by the permiſſion afterwards granted by Elizabeth to the lord Darnly, ſon to the counteſs of Lenox, to go into Scotland, tho' ſhe was not ignorant that Mary had ſome thought of marrying that lord, as ſhe intimated to Melvil. Indeed, Mary had now reſolved it, not in compliance with the counſels of Elizabeth, to eſpouſe a lord, little capable to give her uneaſineſs, but in hopes of receiving a conſiderable advantage from this marriage. It had been frequently hinted to her, that there was room to doubt, whether her title to the crown of England was as good as the ducheſs of Suffolk's, which was ſupported by the will of Henry VIII, and that this was a point to be decided by Engliſh lawyers. This was to keep her in ſubmiſſion, and prevent her diſobliging Elizabeth. When this uneaſineſs was removed by the death of the ducheſs of Suffolk, and Catharine, her daughter, the rights of the counteſs of Lenox, daughter to Margaret, queen of Scotland, by her ſecond huſband Archibald, earl of Angus, began to be whiſpered. Henry VIII, her uncle, had given her in marriage to Matthew Stuart, earl of Lenox, who had withdrawn into England, as was ſaid in the reign of that prince. The counteſs of Lenox could not, indeed, with any ſeeming juſtice, enter into competition with Mary, ſince ſhe was born only of Margaret's ſecond marriage, whereas Mary came from the firſt. But it could be alledged in her favour, that ſhe was one degree nearer, and it was to be feared for Mary, that this reaſon would prevail, if ſupported by Elizabeth. So, to avoid this competition, Mary had reſolved to unite the titles of the two families, by her marriage with the lord Darnly, ſon to the counteſs of Lenox, and thereby diſable Elizabeth to give her any diſturbance. Elizabeth had for the ſame reaſon reſolved to obſtruct this marriage, not from any fear of the lord Darnly, but with intent to keep Mary always in awe and ſubmiſſion.

She draws the earl of Lenox into Scotland. Camden.

The reconciliation between the two queens being made, as I before ſaid, Mary ſeriouſly thought of executing her deſign; but as ſhe was prepoſſeſſed with a belief, that Elizabeth only ſought to amuſe her, and prevent her from marrying, ſhe ſaw it neceſſary to uſe ſome art, to draw the earl of Lenox and his ſon into Scotland. She began with the father, and pretended to recall him, in order to reſtore him to his eſtate, forfeited during the regency of the duke of Chatelerault. Elizabeth did not think it right to oppoſe the earl of Lenox's return into his own country, upon a motive ſo juſt and reaſonable. In this whole affair the two queens behaved with equal diſſimulation. At the very time, Mary was taking meaſures to marry the lord Darnly unknown to Elizabeth, ſhe pretended a readineſs to be directed by her counſels. She even conſented to a congreſs of commiſſioners of both the kingdoms, concerning her marriage, tho' ſhe was not ignorant of Elizabeth's intentions to propoſe to her Dudley, lately created earl of Leiceſter. On the other hand, Elizabeth, not unacquainted with Mary's deſign to marry the lord Darnly, ſeemed not to perceive it, being well pleaſed to have her fix her thoughts upon a ſubject, whom ſhe believed to be at her diſpoſal, becauſe the earl, his father, had great poſſeſſions in England. She hoped, therefore, to have it always in her power to break off or delay this marriage, as ſhe ſhould judge proper, her ſole view being to gain time, and amuſe the queen of Scotland.

A conference at Berwick, on the ſubject of Mary's marriage. Camden.

Some time after, the earl of Bedford for England, and the earl of Murray, with Lidington, for Scotland, had a conference at Berwick, where the earl of Bedford, according to his inſtructions, propoſed the marriage of the queen of Scotland to the earl of Leiceſter. But the two Scotch commiſſioners, who had likewiſe their orders, received the propoſal with ſuch coldneſs, that the earl of Bedford thought it not proper to inſiſt much on it; nay, it is pretended, that the earl of Leiceſter, who had ſome hope to marry Elizabeth, had deſired him not to preſs it.

Mary diſtruſts Elizabeth Melvil.

In the interim, Melvil being returned, freely told Mary, in laying his negotiation before her, that the queen of England's friendſhip was far from being ſincere. This cauſed Mary, who already had no very good opinion of Elizabeth, to regard her as a ſecret enemy, who, tho' ſhe always called her good ſiſter, did not mean her well. Sometimes ſhe thought, Elizabeth only propoſed the earl of Leiceſter to her, that ſhe herſelf might marry him with the leſs diſhonour, after his having been encouraged by a queen; and ſometimes, that this propoſal was only an artifice, to waſte time in fruitleſs negotiations.

The death of the emperor Ferdinand, who is ſucceeded by Maximilian II.

Thus was ſpent the year 1564, in which Ferdinand I. died, leaving the imperial dignity, and his hereditary dominions, to his ſon Maximilian.

1565. The riſe and fortune of David Rizzo. Thuanus.

The queen of Scotland had, for ſome time, entertained David Rizzo, an Italian, who governed her abſolutely. As this queen entirely changed both her conduct and character, after this ſtranger was received into her confidence, and as he was the firſt cauſe of the troubles of Scotland, and the misfortunes of his miſtreſs, it is neceſſary to ſay ſomething of him.

David Rizzo*, ſon of a muſician of Turin, being ſervant to the count de Muretto, ambaſſador to Scotland, attended his maſter into that country. As he perfectly underſtood muſick, and ſung a good baſs, he got acquainted with the court-muſicians, and was introduced to the queen, who wanting a baſs to her concert, deſired the ambaſſador to leave him with her. His fine voice often procuring him the honour of ſeeing and talking with the queen, he ſo artfully inſinuated himſelf into her good graces, that he daily increaſed in favour and credit. At laſt, the ſecretary of the French diſpatches being gone into France, Rizzo was choſen for that office during his abſence. From this time he puſht his fortune ſo ſucceſsfully, that he became, in a manner, firſt miniſter, nothing of moment being tranſacted at court but by him. Buchanan, the queen's great enemy, often inſinuates, that David's influence over her was not confined to publick affairs. He ſays, ſhe admitted him to her table, and frequently dined at his, and by ſuch uncommon familiarities gave occaſion to ſcandalous ſuſpicions. In a word, he ſays enough to incline thoſe who pay entire credit to him, to believe that the queen's conduct was not free from crime. But as Buchanan may juſtly be ſuſpected of aggravation, it is better to adhere to Melvil's account. He can be accuſed of no deſign to aſperſe the queen's reputation, ſince he rather, on all occaſions, ſhews a great zeal for her, without, however, concealing her faults. At the time when Rizzo was moſt in favour with the queen, ſhe had ſo entire a confidence in Melvil, as even to allow, or rather command him to admoniſh her of her faults. See what this author, in his Memoirs, ſays of Rizzo. "As he entered into greater credit, ſo he had not the prudence how to manage the ſame rightly; for frequently, in preſence of the nobility, he would be publickly ſpeaking to the queen, even when there was greateſt conventions of the ſtates. Which made him to be much envied and hated, eſpecially when he became ſo great, that he preſented all ſignatours to be ſubſcribed by her majeſty. So that ſome of the nobility would frown upon him, others would ſhoulder and put him by, when they entered the queen's chamber, and found him always ſpeaking with her. All who had any buſineſs at court, addreſſing themſelves to him, and depending upon him, in ſhort time he became very rich.---- As he was a known minion, and ſuſpected to be a penſioner of the pope, it gave ground of ſuſpicion, that ſome deſign would be by him contrived againſt the reformed religion." The ſame author adds, that having himſelf repreſented to the queen, the injury which her favours upon this ſtranger now did, and might afterwards do her, his remonſtrances was very ill received, the queen telling him, ſhe would not be ſo far reſtrained, but that ſhe might diſpence her favours to ſuch as ſhe pleaſed. He ſays farther, that having remonſtrated to Rizzo how much he offended the nobility, by his affectation to appear ſo great with the queen, he ſeemed to pay ſome regard to his advice, but within a few days, told him, he had the queen's order to behave as he was wont, without minding any thing. This teſtimony, added to Camden's ſilence, who, having undertaken, in his Annals of queen Elizabeth, to juſtify the queen of Scots, ſays nothing of Rizzo, ſhews that this miniſter, or favourite, entirely governed the queen. So, the lord Darnly being a Catholick, and Rizzo the pope's penſioner, as Melvil affirms, it is not to be doubted, that the queen was determined to this marriage by her favourite's advice. It was, therefore, to have an opportunity of drawing that young lord into Scotland, that ſhe reſtored his father to the poſſeſſion of his eſtate. As this was to be done in the aſſembly of the ſtates, ſummoned to meet in January, Darnly demanded leave to be abſent three months, in order to be at the Scotch parliament, and obtained it by the interceſſion of Cecil, who never imagined he would venture to eſpouſe Mary, without the queen's permiſſion. Probably, he was permitted to go into Scotland, only with intent to amuſe the queen,

The lord Darnly obtains leave to go into Scotland. Melvil.

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*He was the author of the Scotch tunes.

queen, and, perhaps, to give her an opportunity to entertain, for that handſome young lord, a paſſion, which would hinder her from thinking of any other. However this be, he was well received by the queen, who immediately gave him great marks of her eſteem, and ſoon after, it was perceived, ſhe deſigned him for her husband. Rizzo inſtantly contracted ſo cloſe a friendſhip with him, that they both lay in the ſame bed.

The lord Darnly contracts friendſhip with Rizzo. Buchanan.

After Rizzo had engroſſed the queen's favour, the earl of Murray ſaw his credit daily decline. This, added to the intended marriage, and the great union between Darnly and Rizzo, convinced him, it was time to retire, and to haſten him, the queen recalled all his enemies to court. The earl of Bothwell returned from France, the earl of Sutherland from Flanders, and George Gordon, who was impriſoned at Dunbar, and under ſentence of death, was releaſed, and after obtaining his pardon, took the title of earl Huntley. Murray could not ſee Bothwell, who would have murdered him, without reſentment; he impeached him in a legal manner, and prevailed to have a day aſſigned for his tryal. The queen, according to Buchanan, uſed her utmoſt endeavours to oblige Murray to deſiſt from his proſecution, and not ſucceeding, tried to corrupt his judges. Notwithſtanding ſo powerful a protection, Bothwell thought it not proper to appear, but withdrew. Afterwards, the queen obtained from the earl of Murray a ſort of a reconciliation with Bothwell. The ſame hiſtorian pretends, that the queen had conceived ſo violent a hatred againſt Murray, that, jointly with Darnly and Rizzo, ſhe formed a deſign to have him murdered in a journey ſhe made, on purpoſe, to Perth, but that Murray having ſome notice of it, retired to his mother's, at Lochleven. He ſays farther, that the queen being at Perth, a report was induſtriouſly raiſed, that Murray intended to ſurpriſe her and the lord Darnly, in their return to Edinburgh. To make this report the more credible, ſcouts were ſent out on the road, and the queen came to Edinburgh, with a precipitation apt to create a belief of the greatneſs of her danger. It muſt, however, be owned, that Melvil ſpeaks of a conſpiracy to ſeiſe the lord Darnly, as ſomething real, tho' Buchanan will have it to be all imaginary; but Melvil does not aſcribe it to Murray alone, ſince the duke of Chatelerault, the earls of Argyle, Glencairn, and Rothes, were likewiſe concerned.

Murray is averſe to the queen's marriage with the lord Darnly. Buchanan.

The earl of Murray had a double intereſt to obſtruct the projected marriage, the one private, the other publick. I have already taken notice of the firſt, which engaged him to alter the ſtate of the court, where he could no longer ſupport himſelf. The publick flowed, firſt, from the danger into which the queen's marriage with a Catholick lord might throw the reformed religion. In the next place, it was to be feared, that this marriage, being made without the queen of England's participation, or any care for the preſervation and ſupport of the reformed religion, would lay a foundation for troubles, in which it was almoſt impoſſible for England and France not to be concerned, to the great prejudice of the kingdom. The earl of Murray was not the only perſon who diſliked this marriage. The duke of Chatelerault, ſworn enemy to the houſe of Lenox, the earls of Argyle, Rothes, Marr, Glencairn, and many others, ſome from private views, others from more honeſt motives, believed it time to apply effectual remedies to the impending miſchiefs, by making a league to oppoſe the deſigns of the court. It is not eaſy to decide, whether theſe lords took arms before, or after, the queen's marriage. Buchanan intimates, this was not till after, upon the court's intending to oppreſs them. Melvil ſpeaks of an inſurrection of theſe lords, after failing to ſeiſe the lord Darnly, and then proceeds to the recital of the queen's marriage. Camden poſitively aſſerts, that the queen, to celebrate the marriage with more ſafety, was obliged to march with ſome forces againſt the confederate lords, and obliged them to fly into England. If this be true, ſhe, doubtleſs, ſurpriſed them before they were prepared. This is not the only diſagreement between Camden and Buchanan.

Mary has her marriage approved by the lords of her court. Camden.

However this be, Mary, having reſolved on her marriage, had now applied to the pope for a diſpenſation. When ſhe knew it was granted, ſhe aſſembled the great men of her court, who were all devoted to her, and asked their advice concerning her marriage, which was unanimouſly approved. Only it was added, not to exaſperate the people, that care was to be taken of the Proteſtant religion. The firſt part of this approbation was gladly accepted, but as for the reſtriction, it was no more heard of. Buchanan ſays, the earl of Murray undertook to procure Elizabeth's conſent, provided the Proteſtant religion was ſecured. But this was not the intention of the court, who perceived, this ſecurity would be the guaranty of Elizabeth, which agreed neither with the intereſts of the queen, nor thoſe of Rizzo, and the lords newly taken into favour.

The people murmur. Buchanan.

In the interim, the people began to murmur by the ſecret inſtigations of the confederate lords. It was debated in private converſations, whether the queen could marry without the conſent of the ſtates. Some ſaid, ſhe could not be denied a natural right enjoyed by all her ſubjects. Others maintained, that the condition of the queen and her ſubjects was not the ſame, becauſe the queen, by her marriage, gave a ſovereign to her ſubjects, which ſhe could not do without their conſent. Theſe freedoms convinced the queen, that ſhe muſt haſten her marriage, not to be any longer expoſed to the difficulties which might be ſtarted, whilſt there was hope to obſtruct it. She believed, however, that ſhe could not avoid asking, not the advice, but the approbation, of Elizabeth, whom it was, as I ſaid, her intereſt to manage. She wrote to her, therefore, to communicate her deſign

Mary asks approbation of Elizabeth. Camden.

as a thing already reſolved. Elizabeth, on ſight of the letter, aſſembled her council, who examined this affair with great attention. The reſult was, that the marriage of the queen of Scotland with Darnly, was dangerous to religion and the kingdom. To religion, becauſe that queen, in chuſing a Catholick lord, intended, it was to be feared, to reſtore her religion in Scotland, which would be very prejudicial to that of the Proteſtants. To the kingdom, as Mary uniting, by this marriage, the intereſts of the two houſes, who could pretend to the crown of England, ſeemed to have a deſign of forming a powerful party in the kingdom, and preventing the interruption of her cabals, by oppoſing againſt her the houſe of Lenox. For theſe reaſons, ſome of the counſellors were for ſending immediately an army into Scotland, to ſupport the malecontents; but Elizabeth thought it not proper to be ſo haſty, and the more, as the alledging that her marriage might be dangerous to England, was but a weak pretence to make war upon the queen of Scots. She contented herſelf, therefore, with ſending Sir Nicholas Throckmorton, to make her ſenſible of the riſque ſhe ran of loſing her expectation of mounting the throne of England, by a marriage ſo diſagreeable to the Engliſh. Mary's reply was, that the affair was too far advanced to be recalled, nor had Elizabeth any reaſon to diſapprove this marriage, ſince by her advice ſhe had now choſe an Engliſhman, deſcended from the royal blood of both kingdoms, and the firſt nobleman of all Britain. Throckmorton, unable to prevail with Mary, ſignified to the earl of Lenox and the lord Darnly, that their licenſe being expired, they were to return to England, or their eſtates would be forfeited. This menace was incapable to command their obedience in ſuch a conjuncture. However, they both wrote very ſubmiſſively to the queen, and Darnly, in particular, proteſted, that he only accepted the honour done him by the queen of Scotland, with intent to preſerve a perfect harmony between the two kingdoms.

Throckmorton encourages the Scotch male-contents. Camden.

But this was not the only commiſſion the ambaſſador of England was charged with. He had alſo inſtructions to encourage the diſcontented lords, and gave them hopes of the queen's protection. It was, probably, from this encouragement that they took arms to oppoſe the marriage. But the queen prevented them, by having it ſolemniſed the 29th of July, in her own chapel, after the manner of the church of Rome. Buchanan ſays, ſhe had two other reaſons to haſten her marriage. The firſt was, her fear of the cardinal of Lorrain's oppoſition, who wiſhed her to make a more conſiderable alliance. The other was, that Rizzo was willing to recommend himſelf to the pope, by giving the queen a Catholick huſband, without any ſecurity for the Proteſtant religion.

Some lords take arms, and are forced to fly into England. Camden.

In the interim, the confederate lords being cited, and not appearing, the queen, whether before or after her marriage, put herſelf at the head of 4000 men, and purſuing them from place to place, forced them, at laſt, to retire into England. There they found a ſafe retreat, notwithſtanding the treaty of the year 1560, by which the two queens mutually promiſed to deliver the fugitive rebels; but ſuch articles are uſually very ill obſerved. Melvil relates a particular which deſerves notice. The Scots fugitive lords having deputed to Elizabeth the earl of Murray, to deſire her protection, ſhe politically induced him to own, before the ambaſſadors of France and Spain, that ſhe was not concerned in their rebellion; but the words were no ſooner out of Murray's mouth, than ſhe called them rebels and traytors, and forbid them her preſence. This was to clear herſelf to the ambaſſadors; but it was all a farce, ſince ſhe ſtill granted the fugitives a ſafe retreat in her kingdom; nay, privately ſupplied them with money by the duke of Bedford.

The people of Scotland diſcontented. Buchanan.

Mary's marriage with a Catholick, the great credit of Rizzo, and the concern of many for the fate of the fugitive lords, produced a diſcontent among the Scots, which daily increaſed, by the ſecret intrigues of the relations and friends of the fugitives. The preachers ſtill greatly inflamed it, by inſinuating to the people, that religion was in extreme danger. Notwithſtanding all this, the court, now proſperous and elate, reſolved, contrary to the rules of policy, and at a time when the kingdom was diſſatisfied, to degrade and baniſh the fugitive lords by a decree of the ſtates. To this end, the ſtates were ſummoned to meet in February the next year. Melvil affirms, in his Memoirs, that having repreſented to the queen the miſchiefs this rigour might produce, ſhe, at firſt, ſeemed to mind him, but however, perſiſted in her reſolution for two reaſons. The firſt was, the avarice of Rizzo, who had an eye to the confiſcation of the exiles eſtates. The ſecond was, the powerful ſollicitation of the cardinal of Lorrain againſt them. He ſtill thought of placing the queen, his niece, on the throne of England, and, therefore, judged, if the fugitives of Scotland, as they were the heads of the Proteſtants, were once ruined, it would be eaſy to reſtore the Romiſh religion in Scotland, and afterwards, invade Elizabeth from thence. Rizzo, the pope's creature, acted, doubtleſs, from the ſame motive, and in all appearance, the knew king was no enemy to the deſign. If Elizabeth is to be credited, in what ſhe wrote to her ambaſſador in France, ſome years after, Mary and the lord Darnly, from the moment of their marriage, never ceaſed to cabal againſt England. On this ſuppoſition, it will not appear ſtrange, that Elizabeth fomented the troubles in Scotland, to put it out of the power of her enemies to invade her.

Mary gives an ill reception to Elizabeth's ambaſſador. Camden.

In the interim, Elizabeth ſent into Scotland, Tamworth, a gentleman of her privy-chamber, with a letter written with her own hand, wherein ſhe demanded of Mary, that the lord Darnly, to whom ſhe vouchſafed to give the title of king, ſhould be delivered up to her, according to the tenor of their treaty.

1565.

Mary refuſed to give the ambaſſador audience; but was willing to receive the letter. Whilſt ſhe was reading it in the preſence of ſome lords, Rizzo came in, and ſnatching it out of her hands, hindered her from proceeding. He judged that Elizabeth demanded the king, only to oblige the queen to pardon the exiles, to which he could not agree, being determined to ruin them, tho' the earl of Murray had ſent him a very ſubmiſſive letter, with a fine diamond incloſed. Mary anſwered Elizabeth, that ſhe would not attempt any thing againſt England ſo long as ſhe lived, "provided ſhe was declared her preſumptive "heir by act of parliament". As to the fugitive lords, ſhe deſired her to leave her at liberty, to diſpoſe of them as ſhe pleaſed, ſince ſhe did not meddle with what paſſed in England.

Queen Mary conceives an averſion to the king. Buchanan.

Whilſt Rizzo was employed in taking meaſures to execute his projects, the queen conceived an extreme averſion to her new ſpouſe, which ſoon became publick, becauſe ſhe took no care to conceal it. She was not contented with grievouſly mortifying him in private, but was pleaſed all the world ſhould know how little ſhe valued him. When they were firſt married, ſhe had cauſed the king's name to be ſet with her own in all publick acts, and on the coin, but preſently after ſhe ordered her own to be placed before the king's, and even cauſed his to be left out in the ſtamp for money. In the interim, ſhe continued, without any reſerve, her ſcandalous familiarities with Rizzo, if we may belive Buchanan. Melvil ſays not ſo much on this ſubject, but, beſides his plain intimations, he manifeſtly ſuppoſes it, otherwiſe there would be no coherence in what he relates. As for Camden, who makes it his buſineſs to vindicate queen Mary upon all occaſions, he ſcarce mentions Rizzo, and for the queen's averſion to the king, he accuſes the earl of Murray, then a fugitive in England, of having cauſed it by his letters and friends. He pretends, Murray took occaſion, from the alteration enjoined by the queen, with reſpect to the acts and the coin, to ſow diſcord between them; ſo aſſigning for cauſe, what was only the effect, of the queen's averſion.

The king receives many mortifications. Cauſſin.

Buchanan muſt be copied, to repreſent fully all the mortifications the queen made the king undergo, the affronts ſhe put upon him, and the little diſcretion ſhe obſerved in her familiarities with Rizzo †. Perhaps this hiſtorian is guilty of great aggravation; but however, it cannot be denied, that the king was jealous. The queſtion is to know, whether the queen gave occaſion for this jealouſy, as Buchanan pretends; or whether, as Camden affirms, the earl of Murray, tho' abſent, inſtilled it into the king, without any foundation, by his letters and friends. Melvil, who may be conſidered as an unſuſpected evidence, plainly ſuppoſes the king's jealouſy, without any mention of the cauſe, and it may be almoſt affirmed, that if he had thought the queen entirely innocent, he would not have failed to clear her. He adds, that the friends of the fugitive lords improving the viſible diſcord between the king and queen, and the diſpoſition of the king with regard to Rizzo, induced him to reſolve to take away the life of that favourite, in order, by his death, to put a ſtop to the proſecution of the fugitives, who properly had no other adverſary but him. This ſeems to confirm what Buchanan ſays, ſince Melvil ſuppoſes the king's jealouſy, and ſince the friends of the fugitives only made uſe of the king's diſpoſition. On the other hand, Camden ſeems to have ſaid juſtly, that the earl of Murray's friends inſpired the king with the deſign to diſpatch Rizzo out of the way; but we ſhall ſee preſently, that by the friends of the fugitive lords, Melvil did not mean the earl of Murray's particular friends, but rather thoſe of the other lords, who, like him, had taken refuge in England.

The king privately recalls the exiles. Buchanan.

The king having taken this reſolution, and conſulted ſome of his domeſticks how to execute it, the queen, who was informed of it, was ſo enraged with him, as made him ſtill more ſenſible how much ſhe was concerned for that unworthy favourite. As the deſign was diſcovered, the king was afraid of his own life, and not knowing what courſe to take, asked advice of his father, the earl of Lenox, who was of opinion, privately to recall the fugitive lords, and ſtrengthen himſelf, by their aid, againſt Rizzo's attempts. Probably, it was then, the king ſent to theſe lords, that they might return to Scotland, whether he only gave them ſome general hopes of a revolution to their advantage, or informed them of his moſt ſecret deſigns.

Interview of France and Spain at Bayonne. Thuanus.

In July, this year, was the famous interview of Bayonne, where the two courts of France and Spain reſolved to uſe their utmoſt endeavours to extirpate the hereticks, as it afterwards appeared. Very likely, queen Elizabeth was not forgot on this occaſion.

Pius V. pope. Thuanus.

Pope Pius IV. dying in September, his ſucceſſor took the name of Pius V. I return to the affairs of Scotland, which are very material to clear the Hiſtory of Elizabeth.

1566. The ſtates of Scotland aſſembled. Melvil. Rizzo ſollicites againſt the fugitives.

The members of the parliament of Scotland daily repaired to Edinburgh in the beginning of the year 1566. As they arrived, Rizzo openly ſollicited them to obtain the condemnation of the fugitive lords, notwithſtanding the warm inſtances of the Engliſh ambaſſador, who conjured the queen to pardon them, or, at leaſt, delay their tryal. Theſe inſtances were ſo far from moving her, that they rather helped to confirm her reſolution, becauſe ſhe conſidered Elizabeth as an enemy, againſt whom ſhe was to guard. Theſe lords being the heads of the Proteſtants, it was probable the queen of England demanded their pardon, only to have ſo many powerful friends when they ſhould return to their country; but this was what the queen and Rizzo were reſolved to prevent at any rate, knowing their projects would be very difficult to be accompliſhed, when theſe lords were in Scotland; and, therefore, they were to be deprived of all hopes to return.

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† We find, (in the lord Ruthven's relation of the death of David Rizzo), the king thus complaining to the queen: "Since yon fellow Davie fell in credit and familiarity with your majeſty, ye regarded me not, neither treated "me nor entertained me after your wonted faſhion; for every day before dinner and after dinner, ye would come to "my chamber, and paſs time with me, and this long time ye have not done ſo; and when I come to your majeſty's "chamber, ye bear me little company, except Davie had been the third marrow; and after ſupper your majeſty "hath a uſe to ſet at the cards with the ſaid Davie till one or two of the clock after midnight; and this is the entertainment that I have had of you a long time."

The king cauſes Rizzo to be murdered in the queen's chamber. Melvil.

In the interim, the king conſulted with the earl of Morton, and ſome other friends, how to diſpatch Rizzo. In ſhort, his death was determined, the king having firſt ſigned a writing, declaring himſelf to be the author. His inſtruments were, the lord Ruthven, and George Douglaſs, natural ſon to the earl of Angus, Morton only adviſing the thing, without lending his aſſiſtance, and it was executed in this manner. The queen being at table, and Rizzo in his chamber, the king came up by a private pair of ſtairs, and ſtood ſome time leaning upon her chair. Preſently after, the lord Ruthven and George Douglaſs entered all armed, and attended with ſome of their accomplices, the reſt having poſted themſelves in ſeveral parts of the palace to prevent aſſiſtance. Theſe men entered ſo abruptly, that the table was overturned. The queen aſking Ruthven what his deſign was, he made her no anſwer, but ſpeaking to Rizzo, boldly commanded him to go out of the room, ſaying, the place he ſat in was not fit for him. It ſeems by that, Rizzo was at table with the queen. Be that as it will, Rizzo perceiving he was the mark they aimed at, trembled for fear, and took hold of the queen's robe, to put himſelf, as it were, under her protection, who did all ſhe could to interpoſe herſelf between him and the conſpirators. But the king taking her in his arms, and telling her ſhe had nothing to fear, hindered her from expoſing herſelf to the danger, and withal, from ſcreening Rizzo. In the interim, George Douglaſs taking the king's dagger from his ſide, drew it, and ſtabbed Rizzo, who was immediately dragged into another room, and there ſlain. The queen was then above five months gone with child, and it may be eaſily judged, that the committing ſuch a deed in her preſence muſt have made her like to miſcarry.

The queen is put under a guard. Melvil.

Rizzo being dead, a guard was ſet upon the queen, who found means, however, to tell Melvil to go inſtantly to the provoſt of Edinburgh, and bid him draw the people together, and come to her relief. Melvil having diſcharged his commiſſion, the provoſt anſwered, he would do his endeavour to ſerve the queen, but there was not much to be expected from the people, who were extremely diſpleaſed with the government. Some, however, appearing in arms before the palace, the king ſhewed himſelf out of a window, and aſſuring them that Rizzo was ſlain by his command, ordered them to retire, which they did immediately *.

Vindication of the earl of Murray againſt Camden's accuſations. Melvil.

In the interim, the queen was doubting, Rizzo's murder was committed in favour of the fugitive lords, and that they would ſoon return into Scotland, ſent to Melvil by one of her ladies, that he would endeavour to prepoſſeſs the earl of Murray, and intreat him from her not to join with her enemies, for which he might depend upon her love and favour for ever. Murray and the other fugitive lords arrived, indeed, two days after Rizzo's death, having had notice of the change which was to happen at court. Camden draws this conjecture from the ſudden arrival of the fugitives, that Rizzo's murder muſt have been committed for the ſake of the earl of Murray, who was to be condemned two days after by the parliament. But it appears, on the contrary, in Melvil's Memoirs, that the earl of Murray's particular friends had no hand in the deed, ſince he did not think himſelf at all obliged to the actors. What Melvil ſays upon this occaſion, ſhews that the conſequence drawn by Camden againſt the earl of Murray from the ſudden arrival of the fugitives, is not juſt. His words are theſe: "Which commiſſion [to perſuade Murray not to join with her enemies,] I did not fail to execute at his coming upon Monday, but he was more moved at his meeting with her majeſty, who embraced and kiſſed him, alledging, that if he had been at home, he would not have ſuffered her to have been ſo uncourteouſly handled. Which ſo much moved him, that the tears ran from his eyes. He knew ſufficiently well that it was not for his cauſe, but their own particular ends, that the greateſt part who had made that enterpriſe had therein engaged, which made him the leſs concerned in them". Can any thing be more oppoſite to Camden's inference? This hiſtorian will have Rizzo to be ſlain on the earl of Murray's account, and in order to prevent his condemnation, without mentioning the other fugitive lords, as if their friends had not been concerned in the deed. And yet Melvil, who was then preſent in the court, and wrote long before him, ſays poſitively, that the friends of the other fugitive lords were the ſole authors of the murder, and that the earl of Murray's were not engaged in it. By ſuch ſtrokes as this, and by perpetual invectives againſt Murray, Camden has disfigured the Scotch Hiſtory of thoſe days, and withal, that of England, in what it has in common with this neighbouring kingdom.

The king forſakes the murderers. Melvil.

While the queen was kept in confinement, Scotland was in a real anarchy, which, however, did not laſt. The king quickly began to repent of following ſuch violent councils, and the queen, who perceived it, managed him ſo artfully, that ſhe perſuaded him to aban-

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* Buchanan ſays, there was a great tumult in the city, and that the citizens took up arms; but according to Melvil, the tumult was not very conſiderable. Rapin.

don Rizzo's murderers †. This unexpected turn aſtoniſhed them, eſpecially as they ſaw, contrary to their expectation, that the earl of Murray would not join with them. The queen embracing ſo fair an opportunity, propoſed an agreement, to which they readily conſented, unable as they were to ſupport themſelves. But ſhe had the addreſs to cauſe the writing to be ſo penned, that there was occaſion to make ſeveral alterations before it could be ſettled. This was done to gain time, and give the queen leiſure to take neceſſary meaſures to free herſelf from captivity. When the writing was drawn to the ſatisfaction of the parties, ſhe repreſented to the king, that if ſhe ſigned it while a priſoner, it would be of no force, and by that means ſhe got her guard to be diſmiſſed. But inſtead of ſigning the writing, ſhe found means to eſcape and retire to Dunbar, where ſhe brought the king along with her. When ſhe was going away, ſhe ordered Melvil, by one of her ladies, to uſe his utmoſt endeavours to keep the earl of Murray in his good reſolution, and Melvil ſays, Murray and his friends aſſured him of their conſtant fidelity to the queen.

She reaſſumes her authority, and pardons the fugitives. Rizzo's murderers fly into England. Melvil.

Mary being come to Dunbar, and reſuming her authority, granted a pardon to the earl of Murray, and afterwards the earls of Argyle, Rothes and Glencairn obtained the ſame favour. As for the duke of Chatelerault, he had withdrawn from them before they were conſtrained to fly into England. The queen's anger was wholly turned againſt Rizzo's murderers; but Morton, Ruthven and Douglaſs being fled into England, ſhe could puniſh only ſome of their complices, who were executed. Buchanan ſays, ſhe cauſed Rizzo's body to be removed from the obſcure place where it was buried, and laid in the ſepulchre of the kings, cloſe by Magdalen of France, daughter to Francis I. It is eaſy to gueſs that the deed lately committed by the king, greatly increaſed the queen's averſion to him. She put a conſtraint upon herſelf whilſt a priſoner; but as ſoon as ſhe ſaw herſelf at liberty, ſhe mortified him beyond all patience. Buchanan is very circumſtantial, and what he relates is in a manner confirmed by Melvil. This laſt ſays, the queen could not bear the king in her ſight ‡; ſhe fled from his company; "and he went up and down all alone, ſeeing "few durſt bear him company. He was miſ"liked by the queen, and by all ſuch as ſe"cretly favoured the late baniſhed lords; ſo "that it was a great pity to ſee that good "young prince caſt off, who failed rather for "want of good counſel and experience, than "from any bad inclinations." In a word, the queen, who had reſolved to lie-in at Sterling, ſeeing the king arrive there, retired without him to the caſtle of Edinburgh, to expect the time of her delivery.

The earl of Bothwell is in great credit. Melvil.

Now began the earl of Bothwell to hold in the queen's affection the place Rizzo had poſſeſſed. As the new favourite found the queen had a great regard for the earl of Murray, who had lately given her convincing proofs of his fidelity, he joined with the earl of Huntley, and John Leſly, biſhop of Roſs, to deſtroy him. To this end, they intimated to the queen, that he intended to get the earl of Morton, and the reſt of Rizzo's murderers re-called, in order to form a party againſt her whilſt ſhe was in child-bed; but ſhe would not believe it, and Melvil entirely undeceived her. Thus Murray was always expoſed to his enemies, to whom the queen, to her own miſfortune, gave but too much acceſs to her perſon.

Elizabeth diſcovers Mary's deſigns by the help of a ſpy. Melvil.

Elizabeth being fully informed of what paſſed at the court of Scotland, was not ſorry to ſee "her good ſiſter," (for ſo ſhe called Mary) purſue a courſe contrary to her true intereſt, in truſting to men who could not but ruin her. She knew Mary could not relinquiſh her project of dethroning her, and that the pope, the cardinal of Lorrain, and the courts of France and Spain, took great care to keep her in this reſolution. So, the better to diſcover her ſecrets, ſhe had ſent one Ruxby into Scotland, who feigning to fly out of England, and to hate Elizabeth mortally, had inſinuated himſelf into Mary's favour, and by degrees, got out of her ſome important ſecrets, which he communicated to ſecretary Cecil. Theſe diſcoveries having confirmed Elizabeth's ſuſpicions, were the reaſon, that tho' ſhe had by proclamation commanded all the fugitive lords of Scotland to depart her dominions, ſhe gave them private aſſurances of her protection, deſigning, when occaſion, to make them her inſtruments to raiſe Mary diſturbances, which ſhould prevent her from thinking of England.

The ſpy is diſcovered. Melvil.

In the interim, Sir Robert Melvil, the Scotch ambaſſador in England, having found that Ruxby was Cecil's ſpy, gave notice of it to the court of Scotland, who ordered him to be arreſted with all his papers, among which were found ſome of Cecil's letters in cypher. He was kept with ſuch care, that it could not be known why he was apprehended. Soon after, Elizabeth ſending Killigrew into Scotland about ſome affairs, ordered him to demand Ruxby as an Engliſh fugitive. Mary, feigning to be ignorant of Ruxby's buſineſs in Scotland, anſwered, ſhe was ready to deliver him to any perſon, whom the queen, her ſiſter, ſhould commiſſion to receive him; but Elizabeth underſtanding, he had been arreſted, and ſuſpecting the reaſon, ſaid no more of the matter. Thus theſe two queens, amidſt their mutual demonſtrations of friendſhip, looked upon one another, however, as real enemies, and not without cauſe. Mary was privately labouring, by her emiſſaries, to corrupt Elizabeth's ſubjects, and inſpire them with a ſpirit of rebellion; and Elizabeth, on her part, countenanced the male-contents of Scotland, with ſecret intimations, that they ſhould always find in her powerful protection.

Whilſt theſe things were tranſacting, the

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† Buchanan does not fully explain this, and thereby makes his account very obſcure. Rapin.

‡ Buchanan ſays, ſhe compelled him to go with her; but in the condition ſhe was in, it was hardly poſſible for her to uſe force, and conſequently it is much more likely that he followed her voluntarily. Rapin.

Birth of James, Mary's ſon. Buchanan.

queen of Scotland was delivered of a prince, on the 19th of June, and immediately James Melvil was ſent to Elizabeth, to carry her the news, and deſire her to ſtand godmother to the new-born infant. Melvil ſays, in his Memoirs, that ſecretary Cecil having brought the news to the queen, who was then at a ball, the dancing immediately ended, and the queen ſat down in her chair, leaning her head upon her hand, without ſpeaking a word; that one of her ladies aſking the reaſon of her ſudden melancholy, ſhe replied, "The queen of Scots was mother of a ſon, while ſhe was but a barren ſtock." However, next morning, when ſhe gave audience to the envoy, ſhe appeared better dreſſed, and more gay than uſually, expreſſing very great joy that the queen, her good ſiſter, was ſafely delivered. At this audience, Melvil inſinuating to her, that in this juncture ſhe could not better ſhew her concern for what related to the queen of Scotland, than by declaring her preſumptive heir to the crown of England; ſhe coldly anſwered, the affair was in the hands of the lawyers, and ſhe heartily wiſhed her title might be found well grounded.

Mary's friends try to diſpel Elizabeth's ſuſpicions. Melvil.

Whilſt Melvil was at London, Mary's principal friends thought it abſolutely neceſſary to remove the court of England's ſuſpicions occaſioned by Ruxby's intelligence; and that, for this purpoſe, it would be proper for queen Mary to write two letters, one to her ambaſſador in ordinary, to be ſhewn to Elizabeth, another to ſecretary Cecil, and draughts were ſent to her. Theſe letters were wrote accordingly. In that to her ambaſſador, Mary proteſted, ſhe expected nothing, but by the favour and friendſhip of her good ſiſter. She enjoined her ambaſſador, not to hearken to any propoſal of the male-contents, but to threaten to diſcover their plots, if they came to his knowledge. The other letter, directed to the ſecretary of ſtate, contained much the ſame proteſtations. "By theſe letters, adds Melvil, Ruxby's intelligence was ſuppreſſed, and my brother ſuffered to ſtay in England, whereby the queen's friends ſo increaſed, that many whole ſhires were ready to rebel, and their captains already named by the election of the nobility."

The two queens lay ſnares for one another.

This confeſſion of a man, who, probably, was well informed, ſince he was brother to the ambaſſador in ordinary, ſhews what were Mary's deſigns. Can it be thought, that the ambaſſador undertook to incite the nobles and counties of England to rebel, contrary to the will of the queen, his miſtreſs, or without her knowledge? There are in Melvil's Memoirs ſeveral paſſages to the like effect, which ſhew, that Mary and her friends were perpetually ſtriving to increaſe her adherents in England, and to keep them diſpoſed to take up arms againſt Elizabeth, when it ſhould be deemed proper. It is, therefore, no wonder if Mary refuſed to ratify the treaty of Edinburgh. That ratification would have diſcouraged her friends in England and other countries. Elizabeth was not ignorant of Mary's view, which, in ſhort, was to dethrone her, if ſhe could poſſibly find means. This was the reaſon of her preſſing her ſo earneſtly to take the falſe ſtep of ratifying the treaty of Edinburgh, in order to break her meaſures. On the other hand, at the very time Mary was making proteſtations of friendſhip to her good ſiſter, and intreating her to ſtand godmother to her ſon, ſhe was endeavouring to inſnare her, by perſuading her to get her declared heir to the crown. She knew, could ſhe once obtain that advantage, her party, which was already very great in England, would become more numerous and powerful; but they both knew their intereſts too well, to fall into the ſnares, they laid for each other. So, Mary never ratified the treaty of Edinburgh, neither did Elizabeth ever declare her next heir. It may, however, be juſtly preſumed, that if Mary had not loſt herſelf another way, as we ſhall ſee preſently, ſhe would have thrown Elizabeth into difficulties, which, with all her policy, ſhe would have hardly got clear of.

Mary uſes the king ill. Buchanan. She lives in a ſcandalous manner with Bothwell. Thuanus.

In the interval between Mary's child-bed, and the prince's baptiſm, ſhe was ſeen to treat the king with ſo great contempt, and to put ſuch grievous affronts upon him, that it was the talk of the whole kingdom. Buchanan is not content with enlarging upon this ſubject; but ſpeaks moreover of the queen's amours with Bothwell, in a manner that ſhews ſhe had loſt all ſhame, and no longer regarded what the world ſaid of her. It might be thought, Buchanan, who hated the queen, has uſed aggravation, if what happened afterwards, did not too evidently confirm what he has ſaid. Camden ſays nothing of the queen's amours with Bothwell, and ſpeaks but ſlightly of her averſion for the king, calling it only a difference between them, becauſe theſe were things directly contrary to his deſign of an entire vindication. Melvil found himſelf embarraſſed. He durſt not ſay all; but the ſequel and connexion of his Memoirs, neceſſarily requiring he ſhould ſay ſomething of the queen's amours, he contents himſelf with intimating, in ſeveral places, that Bothwell was at that time abſolute at court, and entirely governed the queen. He was not ſo reſerved with reſpect to the queen's averſion for the king, ſince he does not ſcruple to ſhew it was extreme.

The prince's baptiſm. Melvil.

The prince's baptiſm being to be celebrated at Sterling, the ambaſſadors of France, England, and Savoy, who were to ſtand godfathers, repaired thither, and the court was very numerous. It was the earl of Bedford, whom Elizabeth ſent to ſtand in her place. The prince was named James, and the queen prevailed, tho' with much difficulty, that he ſhould be baptiſed after the manner of the Romiſh church, intending to educate him in the Catholick religion. Whilſt the court was at Sterling, the king was expoſed to unheard of indignities, not daring to ſhew himſelf, by reaſon of the extreme want he was reduced to, whilſt Bothwell appeared with a royal magnificence, to the great ſcandal of the world. But without inſiſting upon what Buchanan affirms, ſince he is not thought im-

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partial, I ſhall content myſelf with the teſtimony of Melvil. “The queen, ſays that author, being at Sterling, ſeemed very melancholy, and complained to me of Rizzo's murder, as of an outrage which could not be blotted out of her mind. I endeavoured to comfort her, and to perſude her to recall the baniſhed lords, that ſhe might enjoy a peaceable government. I had now ſomewhat prevailed with her; but, alas, ſhe had bad company about her, for the earl of Bothwell, who had a mark of his own that he ſhot at, as ſoon as he underſtood of her wiſe and merciful deliberations, took occaſion to bring in the earl of Mortoun, and his aſſociates, thereby to make them friends, and by them to fortify his faction; for apparently, he had already in his head the reſolution of performing the foul murder of the king, which he afterwards put in execution, that he might marry the queen.” He adds farther, that the earl of Bedford being upon the point of returning to England, deſired him to tell the queen from him, “That for her own honour, ſhe ſhould entertain the king as ſhe had done at the beginning.” Melvil diſcharged his commiſſion, but without any effect. What Buchanan relates, is much better confirmed by theſe teſtimonies, than confuted by Camden's ſilence.

Mary refuſes to ratify the treaty of Edinburgh, and offers to make another leſs ambiguous. Camden.

After the ceremony of the baptiſm, the earl of Bedford, purſuant to Elizabeth's orders, preſſed the queen of Scotland to ratify the treaty of Edinburgh. Hitherto ſhe had only uſed pretences and excuſes to evade this demand; but now ſhe ſpoke more freely. She anſwered, there was an article in the treaty expreſſed in ambiguous terms, which ſhe could not ratify, without great prejudice to herſelf; that however, ſhe offered to ſend commiſſioners to the borders, to agree with thoſe of the queen of England upon a new treaty, wherein ſhe would promiſe to aſſume neither the title or arms of England, ſo long as Elizabeth and her heirs ſhould live. Thus the difficulty was, at length, unravelled, and indeed, Elizabeth could not with juſtice require more of her. Nevertheleſs, ſhe took this reply for a refuſal, which, in my opinion, is a clear evidence of what I have ſaid elſewhere, that Elizabeth intended to make uſe of this abſolute ratification, if Mary had been ſo unwiſe as to give it, againſt Mary herſelf, and thereby prove ſhe had no title to the crown of England. It is extremely probable, that moſt of the Engliſh Proteſtants, after having been ſo cruelly perſecuted in the foregoing reign, wanted only a pretence to exclude a Catholick princeſs from the ſucceſſion.

Mary treats the king unworthily He reſolves to withdraw.

The court of Scotland being returned to Edinburgh after the prince's baptiſm, the king was treated there in ſo injurious a manner, that he reſolved, at laſt, to retire to Glaſcow, to the earl, his father, who had left the court, not to be a witneſs of the baſe indignities offered to the king, his ſon. Juſt as he was going, ſome of the queen's officers took away all his plate, and gave him a ſet of pewter. He was hardly a mile from Edinburgh, when he felt him ſeiſed with a very violent illneſs, cauſed by poiſon, given him before his departure *. He went on, however, to Glaſcow, where phyſick, and the ſtrength of his conſtitution, overcame the violence of his diſtemper, tho' with great difficulty. Not to interrupt the thread of the affairs of Scotland, I have run over at once what of moment happened in that kingdom, in the year 1566. We muſt now proceed to other matters.

He is poiſoned as he is going away. Thuanus. He overcomes the poiſon. Melvil.

Charles IX. gives Elizabeth marks of his eſteem. Camden.

In the beginning of this year, Charles IX. ſent Mr. de Rambouillet into England, with two collars of the Order of St. Michael, which he deſired Elizabeth to confer on what two noblemen ſhe pleaſed. She made choice of the duke of Norfolk and the earl of Leiceſter, and honoured the bearer with the Order of the Garter. But we muſt not be deceived by theſe external marks of mutual eſteem and friendſhip between the two courts, for they were far from being ſincere. Elizabeth had broke the meaſures of the court of France, by driving the French out of Scotland; moreover, ſhe was looked upon as the head and protectreſs of the Proteſtants, whoſe deſtruction had been determined in the conference of Bayonne. So, in all appearance, it was only to amuſe her, that the court of France gave her this equivocal mark of their eſteem. Elizabeth was not ignorant, that the French court, which was extremely bigotted, and where the queen of Scotland had ſuch powerful friends, had no affection for her; nay, ſuppoſing ſhe had received no intelligence of the reſolution taken at Bayonne, which was, however, known or gueſſed by the Hugenots of France, ſhe could never truſt that court.

The earl of Arundel quits England. Camden.

This year, the earl of Arundel departed the kingdom with the queen's leave, under pretence of changing the air for the recovery of his health. It was thought, the real motive of his retreat, was, his deſpair of marrying with the queen, with which he had vainly flattered himſelf.

The queen viſits Oxford. Camden.

Soon after Elizabeth's receiving the news of the queen of Scotland's delivery, ſhe viſited the univerſity of Oxford, where ſhe was received in the ſame manner as at Cambridge. She alſo ſhewed here, by her diſcourſe and courteous behaviour, an extraordinary regard for that univerſity. Never was prince greater maſter than herſelf of the art of gaining the love of her ſubjects, by kind and affectionate expreſſions, which ſeemed to flow from her heart.

A plot to cauſe the queen of Scotland to be declared Elizabeth's heir. Camden.

Notwithſtanding all this, a terrible ſtorm was gathering againſt her. The queen of Scotland having been delivered of a prince, her friends began to ſtir, and ſcrupled not to act openly, in order to have her declared the queen's heir. The parliament met in No-

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* Camden ſays not a word of this poiſoning. Rapin.—Melvil's account is this, “The king followed the queen about whereſoever ſhe rode, but got no good countenance. So that finding himſelf ſlighted, he went to Glaſcow, where he fell ſick, it being alledged, that he had got poiſon from ſome of his ſervants.

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vember with that reſolution. Thoſe who managed the affair were Mary's chief friends, and had only her in view; but the publick good was pretended by all. Among the lords there were, who ſeeing Elizabeth unmarried, and the queen of Scots inclined to a divorce, flattered themſelves with marrying one or other. To this end they kept behind the curtain, and ſet their friends to work, in order to ſtrike in the moſt critical minute. At length, the party being made, it was moved in the upper-houſe, to addreſs the queen, and pray her to marry, or appoint a ſucceſſor. Among the reaſons alledged for this requeſt, ſome were contradictory; but all arguments were good to thoſe who had formed the project, provided they could engage the majority on their ſide. To gain thoſe who had only the publick good in view, they were told, if the queen died without iſſue, the kingdom would be expoſed to great troubles, becauſe nothing yet was ſettled about the ſucceſſion. The zealous Proteſtants were made to fear, that the queen of Scotland having a claim to the crown, there was danger of ſeeing the late reign acted over again, if the queen did not take a huſband, and with the bleſſing of God, get a ſucceſſor. Many fell into the ſnare, imagining the queen, who had ſo great an affection for her ſubjects, would comply with their deſires, and reſolve, at length, to marry, and they hoped, by that means, to ſee the kingdom in perfect tranquillity. The queen of Scotland was not mentioned, and yet it was ſhe alone, the heads of the plot had in view. They knew the queen had reſolved never to marry; nay, it was believed, ſhe could not do it without hazarding her life, and that her phyſicians had told her the ſame. But feigning ignorance, they reſolved ſhe ſhould be preſſed to marry, that they might from her refuſal, have a pretence to oblige her to name a ſucceſſor. This could be only the queen of Scotland, there being no other perſon that could diſpute her title. The ducheſs of Suffolk, and her two eldeſt daughters were dead. The third was very deformed, and had married a man of a very mean condition; nay, I do not know whether ſhe was yet alive. As for the children of Catharine Grey, the ſecond of the three ſiſters by the earl of Hertford, Elizabeth had cauſed them to be declared baſtards by a legal ſentence; conſequently they could not pretend to the crown. As for the counteſs of Lenox's title, Mary had taken care to unite it with her own, by her marriage with the lord Darnly. It was neceſſary, therefore, either to call to the ſucceſſion ſome deſcendent from the females of the houſe of York, to which the queen and parliament would not have willingly agreed, or to nominate Mary Stuart to fill the throne after the queen. The combination was ſo ſtrong in the upper-houſe, that ſome of the lords were of opinion, it was not ſufficient to entreat the queen, but that ſhe ought to be obliged to marry, or in caſe of a refuſal, a ſucceſſor be declared by act of parliament, even againſt the queen's will. At laſt, it was reſolved to ſend the lord-keeper Bacon, to beſeech her, in the name of the houſe, to chuſe a huſband, and to lay the reaſons before her.

The houſe of lords preſs the queen to marry. Camden.

The commons are ſtill more warm. Camden

Things were managed with ſtill leſs temper in the lower-houſe. It was openly maintained, that ſince the queen would not marry, ſhe ought to be conſtrained to appoint a ſucceſſor; that by neglecting ſo neceſſary a precaution, ſhe ſhewed that her pretended affection for her people was all diſſimulation, ſince ſhe preferred her own intereſt to the welfare of the nation; that ſhe could deny what was deſired of her, only out of fear of her ſucceſſor, which fear could be entertained by none but timorous princes or faint-hearted women.

The queen's perplexity. Camden.

The queen took ſome time to return an anſwer to the lords, and ſeemed to be ignorant of, or overlooked, what paſſed in the houſe of commons. She was, however, extremely mortified, that her enemies had credit enough to turn both houſes of parliament againſt her, and to ſee thoſe whom ſhe had moſt favoured, prevailed with to act ſo directly contrary to her intereſt. As ſhe knew, very many of her ſubjects were not fully convinced of the juſtice of her title to the crown, ſhe plainly perceived, to appoint the queen of Scotland for her preſumptive heir, was really increaſing and ſtrengthening the right of that dangerous rival. Among the ſovereign princes, ſhe had no ally, or true friend. On the contrary, ſhe could not doubt that the pope, France, and Spain, would readily aſſiſt to deprive her of the crown. Her whole dependence was upon the affection of her people, whoſe repreſentatives ſhe beheld combined, as I may ſay, againſt her, to oblige her to take a ſtep ſo oppoſite to her true intereſt. It is not eaſy to gueſs what ſhe would have reſolved, if the lords had perſiſted in their demand, and been ſeconded by the commons. Till ſhe could more fully diſcover the intrigues which influenced the parliament, ſhe made uſe of an expedient which ſucceeded, delaying to take other meaſures, according as her enemies ſhould proceed. The expedient was, to order thirty of each houſe to come to her. [Theſe ſhe diverted, by the moſt obliging expreſſions, mixed with a gentle reproof from their reſolution, and promiſed them to manage things, not only with the care of a prince, but the tenderneſs of a parent; and whereas the houſe had offered greater ſubſidies than uſual, on condition ſhe would declare a ſucceſſor, ſhe refuſed thoſe extraordinary grants, and accepted a ſmaller ſum, ſaying, "That "money in her ſubjects purſe, was as good "as in her own exchequer *.

She ſends for 30 deputies from each houſe. D'ewes.

The laſt day of the ſeſſion, ſhe made the

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* Rapin miſtaking the thirty members ſent for by the queen from each houſe for ſo many deputies from the parliament, makes the queen ſpeak the following ſpeech to them, and not to both houſes, as ſhe did at the end of the ſeſſion. Had he happened to ſee the original ſpeech which is here inſerted, inſtead of the abridgment in Camden, he would have perceived his error. What is inſerted between the two crotchets, is ſupplied from Camden in order to rectify Rapin's miſtake.

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following ſpeech to both houſes,] to let them know, or rather to diſguiſe, her intentions, and evade their requeſt.

The queen's ſpeech to them. D'ewe's

“ MY lords, and others the commons of this aſſembly, although the lord-keeper hath, according to order, very well anſwered in my name, yet as a periphraſis, I have a few words farther to ſpeake unto you. Notwithſtanding I have not been uſed, nor love to do it, in ſuch open aſſemblies; yet now (not to the end to amend his talk) but remembering that commonly a prince's own words be better printed in the hearers memory, than thoſe ſpoken by her command, I mean to ſay thus much unto you. I have in this aſſembly found ſo much diſſimulation, where I always profeſſed plainneſs, that I marvel thereat, yea two faces under one hood, and the body rotten, being covered with two vizors, ſucceſſion and liberty, which they determined muſt be either preſently granted, denied, or deferred; in granting whereof they had their deſires, and denying and deferring thereof (thoſe things being ſo laudable, as indeed to all men they are) they thought to work me that miſchief which never foreign enemy could bring to paſs, which is the hatred of my commons. But alas! they began to pierce the veſſel before the wine was fined, and began a thing not foreſeeing the end; now by this means I have ſeen my well-wiſhers from my enemies, and can, as me ſeemeth, very well divide the houſe into four. Firſt the broachers and workers thereof, who are in the greateſt faults: Secondly, the ſpeakers, who by eloquent tales perſuaded others, are in the next degree: Thirdly, the agreers, who being ſo light of credit that the eloquence of the tales ſo overcame them, that they gave more credit thereunto than to their own wits: And laſtly, thoſe that ſat ſtill, mute, and meddled not therewith, but rather wondered, diſallowing the matter; who, in my opinion, are moſt to be excuſed. But do you think, that either I am unmindful of your ſurety by ſucceſſion wherein is all my care, conſidering I know myſelf to be mortal? No, I warrant you; or that I went about to break your liberty? No, it was never my meaning, but to ſtay you before you fell into the ditch. For all things have their time; and although, perhaps, you may have after me one better learned, or wiſer; yet I aſſure you, none more careful over you; and, therefore, henceforth, whether I live to ſee the like aſſembly or no, or whoever it be, yet beware however you prove your prince's patience, as you have done mine.

“ And now to conclude, all this notwithſtanding (not meaning to make a Lent of Chriſtmas) the moſt part of you may aſſure themſelves, that you depart in your prince's grace.

It is not eaſy to comprehend what the queen would have intimated to the parliament when ſhe ſaid, “ whether I live to ſee the like aſſembly or no;” for theſe are ambiguous words, which may be taken in various ſenſes. Beſides, they are put in where they have not much connexion with the preceding or following words. However this be, after this confuſed ſpeech, the parliament was immediatly diſſolved; but this was only a palliative remedy, which was not capable of allaying the fermentation already raiſed among the people. If it gave the queen time to take other meaſures, it afforded alſo her enemies leiſure more ſtrongly to erect their batteries. Very probably, this affair would have been debated again in the next parliament, if, in the interim, the queen of Scotland had not loſt herſelf, by her ill conduct, and viſibly leſſened her party in England. This is what I am going to ſhew, after cloſing the year 1566, with a brief account of the affairs of the Netherlands.

The affairs of the Low-Countries. Grotius.

After Philip II. had quitted theſe provinces in 1559, in order to reſide in Spain, the diſcontent of the nobles and people was grown to that height, that it was not poſſible the affairs of that country ſhould remain any longer in their preſent ſituation. This univerſal diſſatisfaction flowed from ſeveral cauſes; viz. I. The people's belief, that the king had formed a deſign to aboliſh their liberties and privileges, and eſtabliſh an arbitrary power. II. The erection of the biſhopricks, which greatly leſſened the juriſdiction and revenues of the abbeys, in which many families were concerned. III. The inquiſition which was intended to be ſet up in theſe provinces, and which was little leſs abhorred by the Catholicks than by the Proteſtants themſelves. IV. The prohibition to aſſemble the ſtates. V. The king's project to extirpate the hereticks, who were very numerous in the country. VI. And laſtly, the intereſt of the great men, who plainly ſaw, how fatal to them the execution of the king's deſigns would be. They had, in vain, for ſeveral years beſought their governeſs to aſſemble the ſtates, and prevent the calamities with which they foreſaw their country was ſoon going to be afflicted. Their requeſt was conſtantly rejected. This rigour had, at length, obliged the prince of Orange, count d' Egmont, count Horn, and ſeveral other lords to withdraw from the council of ſtate, and write to the king, that cardinal de Granvelle had rendered himſelf odious, that the worſt was to be feared, if he continued any longer in the Low-Countries. Philip not thinking proper to recall the cardinal directly, adviſed him, however, to withdraw. As ſoon as Granvelle was gone, the great men went and reſumed their places in the council.

In the interim, the inquiſition being univerſally abhorred, the people began to ſtir, and ſhew their reſolution to free themſelves from that yoke. The great men ſupported this reſolution with two motives. Firſt, becauſe they perceived the inquiſition muſt prove deſtructive of liberty. In the ſecond place,

1566.

place, becauſe they were informed the king had taken terrible reſolutions againſt them, on account of what paſſed about cardinal de Granvelle. Whereupon they formed a confederacy againſt the inquiſition, and Lewis, count of Naſſau, brother to the prince of Orange, with 400 attendants, preſented a petition to the governeſs. On this occaſion it was that the Proteſtants received the name of Gueux or Beggars. The governeſs not having power to grant their requeſt, the Proteſtants, of their own accord, took the liberty to preach publickly, and the governeſs was forced to ſuffer it, and, at length, to allow it expreſly. From that time, Philip conſidered the people of the Low-Countries as rebels, and they for the moſt part looked upon him but as an unjuſt and cruel ſovereign, who aſpired to be abſolute maſter of their eſtates, their bodies and their ſouls. I ſhall enter no farther into theſe affairs; it ſuffices to have briefly ſhewn the ſpring of the troubles of the Netherlands, which I ſhall have occaſion to ſpeak of ſometimes in the ſequel. I return to the affairs of Scotland, which more nearly relate to England *.

1567. A remark on the tragical death of the king of Scotland.

I am now going to give an account of an event which has been rendered obſcure, as well by religious prejudices, as for the ſake of the prince of Scotland, whoſe birth I lately mentioned. This prince, coming to the crown of England after queen Elizabeth's death, thought it his duty to try to vindicate the queen, his mother, from the horrible crime ſhe was accuſed of during her life, I mean of murdering the king, her huſband. In all likelihood, he made uſe of Camden's pen for that purpoſe.

The queen is accuſed by ſome, and cleared by others.

It is agreed, that Henry Stuart, king of Scotland, huſband of queen Mary, was aſſaſſinated the beginning of the year 1567. It cannot be denied, that this murder was committed by the earl of Bothwell, or his order; that the earl was then in great credit with the queen, and that ſhe married him a few months after the tragical death of the king, her ſpouſe. This, added to her averſion for the king, forms a ſtrong prejudice againſt her. On the other hand, almoſt all the Roman Catholick writers, who mention this murder, make it their buſineſs to juſtify the queen, and throw it on the earl of Murray. They ſeem to have taken this courſe with the more reaſon, as Camden, a Proteſtant author, in his Annals of queen Elizabeth, has openly undertaken Mary's defence, and repreſented the earl of Murray as the author, not only of the crime, but even of all the troubles which happened in Scotland, after the marriage of queen Mary with Francis II.

The neceſſity of clearing this fact.

It will be aſked, perhaps, where is the neceſſity of clearing this fact in a Hiſtory of England? I anſwer, there is an abſolute neceſſity, becauſe otherwiſe queen Elizabeth's conduct will be either inconceivable or miſunderſtood. The Hiſtory, therefore, as well as truth, requires a diſtinct knowledge of the

1567.

foundation of queen Elizabeth's politicks, and of the real cauſe of the events which will be related hereafter. This fact is as the hinge on which all the affairs of England and Scotland turn for ſeveral years. They who, under colour of clearing it, have laboured to darken it as much as they could, were very ſenſible, how contrary the truth was to the idea they deſired to give of the affairs of this reign. So, to ſet it in a true light, it will be abſolutely neceſſary to follow a quite different courſe.

Camden.

To ſucceed in what I propoſe, I muſt largely treat of the affairs of Scotland. Some grave authors of an eſtabliſhed reputation have endeavoured to diſguiſe the facts they have related, by curtailing, and altering them, by ſuppreſſing material truths, and ſuppoſing things which have not even the leaſt probability. To oppoſe to them a bare narration, containing only the naked truth, would not be the way to ſatisfy the reader, who would be ſtill at a loſs to know whom he ought moſt to credit; wherefore it is neceſſary to prove what I advance, and in matter of facts, there are no better proofs than the mutual connexion of theſe ſame facts,and the teſtimonies of unſuſpected perſons. But it is almoſt impoſſible to ſhew where the truth has been altered, without running into ſome reaſonings which indeed do not always ſute with hiſtory, but which, on this occaſion, ſeem to me unavoidable.

The teſtimonies of three hiſtorians.

Three hiſtorians who may be conſidered as originals, have related what paſſed in Scotland during the reign of Elizabeth, viz. George Buchanan, William Camden, and James Melvil. Some remarks on theſe three authors will help to give the reader a true notion.

Buchanan.

Buchanan, a Scotchman and Proteſtant, was a man of great learning, and much eſteemed by all the learned in Europe. If he had not penned the Hiſtory of Scotland, he would, perhaps, have been neither envied nor heated; but as, in the recital of the frequent quarrels between England and Scotland, he does not always agree with the Engliſh Hiſtorians, a prejudice is formed againſt him in England, as if he endeavoured to falſify whatever might be to the advantage of the Engliſh. This difference would have been little regarded by other nations, if what Buchanan ſays of queen Mary Stuart had not ſtirred up all the Roman Catholicks in Europe againſt him. His view was to ſhew, that queen Mary was the ſole cauſe of the troubles of Scotland, and particularly, the author of the king her huſband's death; and his Hiſtory is full of circumſtantial facts, which have a viſible connexion, and tend all to the end he propoſed. He does not cite teſtimonies to confirm what he ſays, becauſe he wrote at the very time the things were tranſacted, or ſoon after. On the other hand, he was Murray's creature, and deemed revengeful. It is chiefly upon theſe prejudices that his Hiſtory has been diſcredited,

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* This year, on the 7th day of June, the foundation of the Royal-Exchaange, in London, was laid by Sir Thomas Greſham, Kt. Hollingſh.

ed, without, however, any expreſs endeavours to confute him in any material aſſertion.

Camden.

Camden, an Engliſh author and Proteſtant, wrote the Annals of the reign of queen Elizabeth, in the time of James I, ſon of queen Mary. He was eminent for his knowledge in the Antiquities of England, and if I miſtake not, he was Clarenceux king at arms. The Hiſtory of England is indebted to him for ſeveral good works, which have greatly ſerved to illuſtrate it; but it manifeſtly appears, that in writing the Annals of Elizabeth, his only view, was to vindicate the queen of Scots, under colour that the Hiſtory of Elizabeth cannot be compiled, without a particular account of the affairs of Scotland. He ſpeaks extremely well of Elizabeth when Mary is not concerned; but in the places where the two queens muſt be neceſſarily put in oppoſition, he does it ſo artfully, that Elizabeth is ſhewn to be in the wrong. It is not the ſame, where he can praiſe or excuſe Mary, without wounding Elizabeth; for then he makes no ſcruple to repreſent the former as a pattern of virtue. He entirely paſſes over in ſilence whatever may injure her reputation, or contents himſelf with confuting what ſhe is accuſed of, by a bare and directly oppoſite narration, without alledging the leaſt proof. So, when a man reads the Hiſtories of Camden and Buchanan, he would think theſe two writers are ſpeaking of two different queens, who reigned at the ſame time in Scotland. Buchanan's deſign was to blacken Mary's reputation; and Camden's, to vindicate or praiſe her. Wherefore Camden, who wrote laſt, has taken care to warn his readers, that no credit is to be given to Buchanan, becauſe he was the earl of Murray's creature, a mercenary writer, and his works were condemned by the ſtates of Scotland; nay, he pretends, that before his death he repented of his malice *; but, according to cuſtom ſupports what he advances with no proof, neither does he take up Buchanan in any remarkable circumſtance, only, as I ſaid, by giving a contrary account. Having thus removed the teſtimony of the Scotch hiſtorian, he adds, "For his part, he propoſes, to the end both ſides may be heard, to relate the affair (the king's murder) without any mixture of love or hate, as far as he can come to the knowledge of it, from writings, publiſhed at the vey time, but ſoon ſuppreſſed in favour to the earl of Murray, and in hatred to the queen, or from letters of ambaſſadors, and of other perſons worthy of credit". It muſt be obſerved, that he cites in his Annals no paſſage from theſe ſuppreſſed books, gives neither the titles nor authors, neither does he name the ambaſſadors, and perſons of credit, on whoſe teſtimony he builds his account. He alledges but one ſingle paper, which I ſhall ſpeak of in its place, and which carries all poſſible marks of forgery. Thus, after a caution not to believe Buchanan, who wrote of what paſſed in his own time, and before his own eyes, he would have us believe him who did not write till above 40 years after the event, upon his bare word, and upon the teſtimony of perſons and books unknown †.

Camden's account of the king's death.

After this preamble, he enters upon the thing, and, in order to relate the king's death, begins with a character of the earl of Murray, and repreſents him as a man of a boundleſs ambition, and aſpiring to the crown. It has been ſeen, that this was the accuſation brought againſt him before Henry II, by the queen-dowager and the cardinal of Lorrain, and of which Melvil has fully cleared him. Camden adds, that, with this view, Murray did all he could to hinder the queen's marriage, and not ſucceeding, took arms againſt her, and was, at length, forced to fly into England; that, during her abſence, by his letters and friends, he ſowed diſcord between the king and queen, and, to hinder his condemnation, the earl of Morton, his friend, perſuaded the king to cauſe Rizzo, ſecretary for the French diſpatches, to be aſſaſſinated; that the king coming to a ſenſe of the heinouſneſs of this crime, conceived ſuch an averſion to Murray, that he reſolved to make him away; but that Murray having notice of it, was immediately reconciled to Bothwell, and determined with him to kill the king, with deſign to caſt the deed on the queen, ruin her in the affection of her ſubjects, and withal, deſtroy the earl of Bothwell, in order to ſeiſe the government.

Remarks on this account.

This is the ſubſtance of the ſtory forged by Camden to juſtify the queen, and caſt the murder of the king upon the earl of Murray. I call it a forged ſtory, becauſe, indeed, it is impoſſible to reconcile it with the Hiſtory of Scotland, the principal circumſtance whereof this author has been pleaſed to omit. For inſtance, he ſays nothing of the favour Rizzo was in with the queen, or of his great credit at court, neither does he mention that princeſs's amours with Bothwell, and yet in his very narrative, theſe two facts muſt be neceſſarily ſuppoſed; for how can it be conceived, that, to ſave the honours and eſtates of the earl of Murray, there was a neceſſity of making away a ſecretary for the French diſpatches, if this ſecretary had not been in great credit with the queen? Again, why muſt Murray deſtroy Bothwell, in order to uſurp the government, if Bothwell had not been in

* Camden's words upon that point are very inconſiſtent. He ſays, "that Buchanan often blamed himſelf with tears in the king's preſence, for having employed his pen in too virulent a ſtrain againſt queen Mary; and wiſhed on his death-bed, that he might live ſo long as to recall the truth of that fact". Now, ſurely, if he had often blamed himſelf for this fact, he had time enough to recall the truth of it, before he came to be on his death-bed. See Thuanus.

† Many believe Camden wrote nothing in his Annals about Scotland, but what was dictated to him, or enjoined by James I. We muſt therefore underſtand here by Camden, the real author of the Annals, whoever he be. Rapin---- Osborn ſays, that Camden's lines were directed by king James, and he led rather to vindicate the honour and integrity of his mother, than to do right for a miſtreſs, that had from a ſchoolmaſter, raiſed him to a capacity of being the firſt king at arms. Memoirs of queen Elizabeth.

poſſeſſion of it? It is very viſible, that otherwiſe Camden's account has neither coherence nor foundation. In ſhort, this author was not ignorant, that the queen of Scots had been publickly accuſed of the king her huſband's death; that all Scotland and all England were full of it, and that it paſſed for a certain fact in both kingdoms. Can, therefore, facts publickly known, if I may ſo ſay, be overthrown 40 years after, by a bare contrary account, without the leaſt proof of what is advanced? But to confirm what I have been ſaying with regard to Camden, I need only obſerve, that Melvil's Memoirs, penned before Camden's Annals, but which appeared not till long after, are entirely oppoſite to what that author has ſaid, and perfectly agree with Buchanan's Hiſtory, a few circumſtances excepted.

Remarks on Melvil's Memoirs.

Melvil is the third author I am to ſpeak of. He was a perſon of diſtinction, who was employed in ſeveral ambaſſies, and concerned in what paſſed at the court of Scotland; nay, it appears in his Memoirs, that he was very much in the queen's favour, ſince ſhe choſe him to adviſe her about her behaviour, and tell her of her faults. A ſovereign can hardly give a ſubject greater marks of eſteem. If Buchanan has not mentioned him in his Hiſtory, it was, probably, becauſe he loved him not. Melvil on his part has drawn in his Memoirs a character of Buchanan, which tho' it does juſtice to his ſenſe and great knowledge, gives no very advantageous idea of the qualities of his mind. This ſuffices to ſhew he has not copied that hiſtorian, and that they did not correſpond. He has wrote what paſſed before his eyes, from the year 1563, when he returned to his own country, to the year 1594. Conſequently he cannot be ſaid, to be ill-informed. He may be ſtill leſs ſuſpected by the queen's friends, ſince it is plain in his Memoirs, that he was always attached to the intereſt of that princeſs. Accordingly, he ſpeaks of her every where with great caution, contenting himſelf with briefly intimating ſome things, which Buchanan has not ſcrupled to inſiſt upon more largely. He has not thought fit, however, to conceal the principal facts, becauſe theſe ſame facts ſerve for foundation to his Memoirs, which otherwiſe would have no connection. He has not wrote either to juſtify, or accuſe the queen, but purely for the inſtruction of his ſon in what paſſed in his own time. If we compare his Memoirs with Buchanan's Hiſtory, and Camden's Annals, we ſhall ſoon be convinced, it is impoſſible to reconcile them with what Camden ſays, but that on the contrary they agree in the principal facts related by Buchanan. All the difference is, Melvil has cleared many things which Buchanan did not know; and on the other hand, Buchanan, has enlarged much more upon every thing that can reflect on the queen, whereas Melvil very ſlightly touches upon ſuch paſſages. By that he ſhews, he ſpeaks of them with regret, and ſo far only as to carry on the thread of his Memoirs.

After theſe remarks upon three hiſtorians, of whom two were cotemporaries, eye-witneſſes of what they relate, and agree together in the main, without having wrote by concert, and without one, at leaſt, being liable to be ſuſpected of diſguiſing the truth; and of whom the third wrote 40 years after, and is directly contrary to the others, without ſupporting his ſtory with any teſtimony, or known author, I think I cannot be blamed if I take the two firſt for guides, preferable to the laſt.

The queen orders the prince to be carried to Edinburgh. Buchanan.

The king has a mind to withdraw into Spain.

The queen careſſes him, and perſuades him to retire to Edinburgh.

Whilſt the king was taking remedies to expel the poiſon, the queen removed the young prince, her ſon, from Sterling, and ordered him to be carried to Edinburgh, tho' it was in the midſt of winter †. Soon after ſhe heard the king had reſolved to withdraw into France or Spain, and that there was an Engliſh Ship ready to receive him, as ſoon as he could bear the fatigue of the voyage. This precaution making her apprehenſive he would get away, and ſo break all her meaſures with Bothwell, ſhe expreſſed an intention to be reconciled to him. To that purpoſe, ſhe ſent ſeveral tender and affectionate letters to convince him of her ſincerity. At laſt, ſhe went to ſee him at Glaſcow, and ſo artfully managed him, that ſhe prevailed with him to return to Edinburgh in a litter. Melvil does not mention the queen's journey to Glaſcow, but neceſſarily ſuppoſes a reconciliation, ſince he ſpeaks of the king's voluntarily returning to Edinburgh. As ſoon as he came there, he was lodged in a loneſome houſe, near the walls of the city, on pretence he would be diſturbed by the noiſe in the palace. For ſome days the queen made him frequent viſits, and even cauſed her own bed to be brought into a room underneath the king's. In a word, ſhe omitted nothing to perſuade him, ſhe did not bear him the leaſt ill will. At that time, the earl of Murray, upon news that his wife was like to die of a miſcarriage, deſired leave to go and ſee her, and went away accordingly, notwithſtanding the queen's inſtances to the contrary. This circumſtance makes equal for Buchanan and Camden. Buchanan infers from it, that the earl of Murray had no hand in the king's murder, who was killed the night following, ſince he abſented himſelf the day before the deed. Camden draws a quite contrary inference, ſaying, the motives of his going away was to hinder his being ſuſpected. Buchanan and Melvil affirm, many knew there was a deſign to kill the king, but no man durſt warn him of it, becauſe he told all again to the queen, or ſome of his ſervants, who betrayed him. However, the earl of Orkney, half-brother to the earl of Murray, gave him notice of it, which he telling again to the queen, ſhe ſent for the earl of Orkney to examine him; but he denied in her preſence, he had ever ſaid any ſuch thing.

† Pretending that the houſe where he was kept was inconvenient, and Sterling a moiſt and cold place, where he ſhould catch cold. Buchanan. Melvil ſays nothing of this journey; but he ſuppoſes it afterwards, when he ſays, the queen delivered the prince to the earl of Marr, that the caſtle of Edinburgh might be taken out of his hands. Rapin.

The tragical death of the king. Buchanan.

A report is ſpread that the earl of Murray had killed the king. Camden.

Bothwell accuſed of it. Melvil.

The king is buried near Rizzo. Buchanan.

At length, the time appointed for the deed being come, the queen left the king to go and put to bed one of her women, who had been married that day. I omit numberleſs circumſtances whereby Buchanan inſinuates the queen was in the plot. Indeed, thoſe circumſtances would be ſo many proofs, if they were confirmed by an unſuſpected author; but as Melvil ſays nothing of them, I chuſe to paſs them over in ſilence. Be it as it will, the king was ſtrangled that night, with one of his ſervants who lay in his room. As ſoon as he was dead, his body was carried into a garden belonging to a neighbouring houſe, where his ſlippers were alſo brought. Then fire was ſet to ſome barrels of powder placed in the room where the queen's bed was, and the houſe was blown up. The people who came running in at the noiſe, were told, at firſt, that the violence of the gun-powder had thrown the king into the garden; but as his ſlippers were found by him, as his ſhirt was not ſinged by the fire, and as ſome black and blue marks were ſeen round his neck, the people were not ſo credulous. The ſame night it was rumoured about the city, that the earls of Morton and Murray had cauſed the king to be aſſaſſinated, and this report ſpread immediately as far as the borders of England. Camden infers from hence, that the earl of Murray muſt have been concerned in the murder, ſince he was preſently accuſed by the voice of the publick. But this voice of the publick conſiſted, doubtleſs, of ſome people who were ſuborned to ſpread the report. Melvil affirms on the contrary, it was whiſpered at court that Bothwell had cauſed the king to be murdered, and that he was ſtrangled with a napkin. He adds, "I came to the door of the queen's chamber the next morning after the murder, and the earl of Bothwell ſaid, that her majeſty was ſorrowful and quiet, which occaſioned him to come forth. He ſaid, the ſtrangeſt accident had fallen out which ever was heard of, for thunder had come out of the ſky, and had burnt the king's houſe, and himſelf was found dead lying a little diſtance from the houſe under a tree. He deſired me to go up and ſee him, how that there was not a hurt nor a mark on all his body; but when I went up to ſee him, he had been taken into a chamber, and kept by one Alexander Durham, but I could not get a ſight of him". Buchanan adds, the queen ordered the body to be brought to her on the wrong ſide of a bench, and after viewing it ſome time without any ſigns of joy or grief, commanded it to be interred near Rizzo, in the ſepulchre of the kings. It is ſtrange that Camden, who attempts to ſtrip Buchanan of all credit, ſhould not undertake withal to confute any of the circumſtances related by that hiſtorian, tho' they are many in number, and very diſhonourable to the queen.

Murray returns to court. Buchanan.

The earl of Murray, tho' ſick, and notwithſtanding the rumour about him, came to court two days after, and appeared without fear. This ſhews he was in no dread of the accuſations of his enemies; and, indeed, he was never queſtioned for the fact. The queen keeping her chamber but a few days, reſumed her uſual way of life, having always the earl of Bothwell with her.

Bothwell tries in vain to clear himſelf. Melvil.

In the interim, the people murmured exceedingly that there was no inquiry concerning the king's death, of which they openly accuſed the earl of Bothwell. Theſe murmurs were ſo publick, that Bothwell could not help taking ſome ſtep to ſhew he was willing to clear himſelf. He went, therefore, in company with ſome friends, to the earl of Argyle, chief juſtice of the kingdom, and requeſted him to make inquiſition concerning the murder of the king. Upon his requeſt, a proceeding was begun, and the depoſitions of ſeveral perſons were taken; but all was ſuppreſſed on a ſudden. The court was contented with offering a reward to any perſon that ſhould diſcover the authors of the king's death; but as all believed the queen and Bothwell guilty, no one was ſo bold as to accuſe them. It would have been very dangerous to take ſuch a ſtep. However, libels and ballads were publiſhed, wherein Bothwell was ſtill accuſed. Whereupon he cauſed it to be fixed up in ſeveral places, that he would fight any perſon that ſhould dare to maintain this accuſation. He was anſwered by another paper, poſted up without a name, that his challenge was accepted, provided he would appoint a neutral place for the duel; but this came to nothing.

The queen gets the caſtle of Edinburgh in her hands, and delivers the prince to the earl of Marr. Buchanan.

The queen perceiving, at length, that the murmurs and complaints of the people might be attended with ill conſequences, was deſirous of having the caſtle of Edinburgh in her hands, the cuſtody whereof was committed to the earl of Marr by the ſtates. The earl was unwilling to comply with the queen's deſire; but, at length, imagining a civil war was at hand, he offered to deliver the caſtle, provided he was ſuffered to carry the young prince to Sterling, of which he was governor alſo. He thought it more advantageous to be maſter of the prince's perſon, than of the caſtle of Edinburgh, and the queen agreed to the exchange.

The earl of Lenox demands juſtice for the king's death. Camden.

Hitherto people were contented with liberally publiſhing their ſuſpicions of Bothwell, without any adverſary appearing againſt him; but at laſt, the earl of Lenox finding the queen very ſlow to puniſh the crime lately committed, ſollicited her by letters for juſtice upon Bothwell, charging him with being the author of the king his ſon's murder. This letter threw the queen into great perplexity. She could not deny a father the ſatisfaction he demanded, eſpecially in a caſe concerning the death of a king who had been her huſband. I ſhall not relate here all her artifices to evade this proſecution, and to get Bothwell acquitted, becauſe Buchanan, who has given the particulars, may be ſuſpected. I ſhall content myſelf with tranſcribing what Melvil ſays upon this ſubject.

Bothwell is acquitted. Spotiſwood.

"Every body ſuſpected the earl of Bothwell, and thoſe who durſt ſpeak freely to others, ſaid plainly that it was he; whereupon

“ upon he drew together a number of lords “ or his dependers to be an aſſize, which “ cleared and acquitted him; ſome for fear, “ ſome for favour, and the greateſt part in “ expectation of advantage. This way being “ aſſailed, he remained ſtill the greateſt fa- “ vourite at court.”

This teſtimony of a man who cannot be ſuſpected of ſlandering her, is very ſtrong againſt the queen. She not only could not part with a man publickly accuſed of the murder of the king, her huſband, but, even made him her prime miniſter and favourite. Tho' ſhe had believed him innocent, it was renouncing the laws of decency, which a woman ſeldom does, unleſs carried away by the violence of paſſion. But theſe are trifles in compariſon of what ſhe did afterwards.

Fruitleſs repreſentations to the queen about her marrying Bothwell. Melvil.

The report of the queen's intending to marry the earl of Bothwell, flying from the court over all the kingdom, the lord Harris came to Edinburgh. He took ſo ſeaſonable a time, that he accoſted the queen in Bothwell's abſence, and caſting himſelf at her feet, freely told her, it would be an everlaſting diſhonour to her, if ſhe married her huſband's murderer. The queen, feigning a ſurpriſe, anſwered, ſhe did not know from whence he had this intelligence, and very coldly added, that hitherto her heart had dictated nothing to her in favour of Bothwell. A few days after, Melvil received a letter from England, about the ſame thing, but expreſſed in much ſtronger terms than the lord Harris's remonſtrance, which he ſhewed to the queen, who ſaid, it was a device of his own. Melvil aſſured her, the letter came from the perſon whoſe name was ſubſcribed, and contained nothing but what he himſelf had deſigned to repreſent to her, as he was in duty bound. Thus the queen, in reſolving to marry Bothwell, ſinned not out of ignorance, ſince ſhe was fully informed of the people's opinion concerning the author of the king's death.

The queen ſuffers herſelf to be carried off by Bothwell, who conducts her to Dunbar. Melvil.

A few days after, ſhe went to Sterling to ſee the prince, her ſon. If Buchanan is to be credited, her intent was, on ſome pretence to get him out of the hands of the earl of Marr, who plainly refuſed to deliver him. In her return to Edinburgh, ſhe was met by the earl of Bothwell, with a company of armed men, who carried her away, and conducted her to Dunbar. Melvil, who was preſent, and was himſelf arreſted, ſays Bothwell only “ took her majeſty's horſe by the bridle,” and adds not a word which may inſinuate that the queen ſeemed ſurpriſed at this violence, or that ſhe offered to make the leaſt reſiſtance. He ſays on the contrary, that captain Blachater who ſeiſed him, aſſured him all was done with the queen's own conſent.

Bothwell puts away his wife. Melvil.

When Bothwell came to Dunbar, he procured a divorce from his wife, daughter of the earl of Huntley, whom he had married but ſix months before. This divorce was decreed by two ſentences, one in the eccleſiaſtical, and the other in the civil court, and both at the ſuit of the counteſs of Bothwell. In the firſt tryal, before the archbiſhop of St. Andrews, Bothwell was accuſed of a criminal commerce with a kinſwoman of his wife, and upon his confeſſion, the archbiſhop pronounced the ſentence of divorce*. In the ſecond, his wife accuſed him of adultery, and as he did not deny it, the marriage was annulled. He was forced to make uſe of theſe two means, by reaſon of the different rules the two courts obſerve, with regard to the cauſes for annulling a marriage. The proceſs was commenced and ended in leſs than 10 days. In all appearance, the earl of Huntley, Bothwell's great friend, perſuaded his daughter, himſelf, to ſue for a divorce. This is Buchanan's account; but Melvil ſays, he cannot tell how, nor by what law he parted with his wife, becauſe, having been releaſed, he had left Dunbar, hence it is plain, at leaſt, he had not read Buchanan's Hiſtory, when he wrote his Memoirs, nor did copy that hiſtorian, tho' they agree in the principal facts.

The queen's marriage with Bothwell. Buchanan.

Bothwell being thus parted from his wife, carried the queen to Edinburgh, and the next day ſhe appeared in the courts of juſtice, and declared ſhe was entirely free. This was done to prevent an objection, which might be taken from her captivity, to null the marriage ſhe intended to contract with Bothwell. This marriage was ſo odious in all its circumſtances, that, it was very difficult to find any pretence to leſſen the horror of it. The only method the queen and Bothwell could find, was to make the lords of the court complices of the ſame crime. To that end, Bothwell having invited them to dinner, preſented to them, and cauſed them to ſubſcribe, a paper, the purport whereof was, “ That they judged it “ was much the queen's intereſt to marry “ Bothwell, he having many friends in Lo- “ thian, and upon the borders, which would “ cauſe good order to be kept. And then “ the queen could not but marry him, ſeeing “ he had run away and lain with her againſt “ her will.” One of Camden's artifices, among many others, is to ſpeak of this paper, or approbation of the great men, in a very looſe manner, and alter it entirely, under colour of relating the ſubſtance. Moreover, he ſpeaks of it before he relates the queen's rape, that this rape might be conſidered as a conſequence of the approbation of the great men, whereas it was juſt the contrary, as may be ſeen by the very writing of Melvil. However, the marriage was ſolemniſed, after the manner of the Proteſtants, by the biſhop of Orkney, who was very ready to do ſo odious an office.

The queen and Bothwell cauſe a league to be ſigned by ſome lords. Buchanan.

Whatever ſuſpicion the queen had given of herſelf, by her neglect to puniſh the authors of the king's murder, there were ſome, however, who ſtill doubted whether ſhe was guilty; but when they ſaw her publickly eſpouſe the earl of Bothwell, hardly was there a man who durſt undertake her defence. It was eaſy for her to perceive the change in the

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* Some ſay he had a bull to diſſolve him from his inceſt. If ſo, he would not plead it, that he might give occaſion to the annulling of the marriage. Rapin.

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hearts of her ſubjects, ſo viſible was their diſcontent. For this reaſon, ſhe reſolved to ſtrengthen herſelf, with the aſſiſtance of the great men, by forming a league with them, for the defence of herſelf and new ſpouſe. All thoſe that depended on Bothwell readily ſigned the league; but herein lay not all the difficulty. There was another very conſiderable party which was to be gained, otherwiſe the league of the court would be of little power. To that end, the queen and Bothwell thought it neceſſary to begin with the earl of Murray, that he might influence all the reſt. The confederacy, therefore, was brought him to ſign; but he replied, that to oblige him to ſerve the queen, it was needleſs to make him ſign the paper; and for the earl of Bothwell, ſince the queen had deſired he would be reconciled to him, he ſhould punctually obſerve whatever he had promiſed. However, fearing, after this refuſal, to be expoſed to the reſentment of the court, he deſired leave to withdraw to St. Andrews, but perceiving the queen made ſome ſcruple, prayed her to permit him to paſs ſome time in France; to which ſhe readily conſented, and he departed within a few days †. Camden has taken care not to mention the reaſon of Murray's retiring into France; that very ill agrees with his ſcheme; for, had that lord aſſociated with Bothwell to kill the king, why ſhould he quit the court, at a time when, inſtead of having any thing to fear, he might have expected every thing, from the great credit of his pretended friend?

A confederacy to puniſh the king's murderers, and diſſolve the queen's marriage. Melvil.

In the interim, all Scotland loudly complained, that no vengeance was taken for the king's death, and at ſeeing the queen married to the man, who was univerſally conſidered as the murderer. The king of France even wrote to Du Crocq, his ambaſſador, to ſignify his aſtoniſhment at it, and his letter was ſhewn to ſeveral lords. In ſhort, the earls of Argyle, Morton, Marr, Athol, Glencarn, and the baron of Boyd, meeting at Sterling, ſigned a confederacy, the intent whereof was, to bring the murderers of the king to condign puniſhment, and to cauſe the queen's late marriage to be diſſolved. They hoped to effect this the more eaſily, as they had room to believe, the queen herſelf would not be ſorry to be compelled, conſidering the unworthy treatment ſhe had now received from her new ſpouſe. Melvil ſays, he heard her one day call for a knife to ſtab herſelf, not being able to bear his brutiſh uſage.

The queen and Bothwell retire to Dunbar. Melvil.

As the confederates did not queſtion, that the people of Edinburgh would countenance their undertaking, they had projected to inveſt the city, that the queen and Bothwell, who were there without troops, might not eſcape; but Bothwell, having notice of their deſign, retired with the queen to Borthwick. They were purſued by the confederates; but it was in vain, the queen and Bothwell being now gone to Dunbar. Having miſſed their aim, the confederates marched to Edinburgh, where the gates were opened to them, notwithſtanding the endeavours of the earl of Huntley, the archbiſhop of St. Andrews, and the biſhop of Roſs, to the contrary, who were even forced to withdraw into the caſtle, from whence Sir James Balfour, whom the queen had made governor, afforded them means to eſcape elſewhere. He gave alſo the confederates to underſtand, he would not give up the caſtle, but intended to ſtand neuter.

The queen and Bothwell march to Edinburgh. Melvil.

In the interim, the queen and Bothwell drew together ſome forces, at Dunbar, with all poſſible diligence. But the confederates were extremely embarraſſed. They had no money; Balfour refuſed to give them any artillery or amunition; and, by reaſon of the ill ſucceſs of the enterpriſe of Borthwick, part of their troops had deſerted them. So, after ſeveral conſultations, they had almoſt reſolved to give over their projects, and return to their homes. The queen and Bothwell being informed of their condition, marched immediately towards Edinburgh, in hopes of ſurpriſing them before they came to any reſolution. This news being brought to the confederates in the night, inſtead of flying, they reſolved to meet the queen, and decide the affair by a battle. This reſolution ſtopped their enemies, who finding things take a quite different turn from what they expected, ſuffered them to paſs the Eſk, without oppoſition, after which the two armies ſtood very near each other. Then it was, the queen perceived her troops did not ſerve her heartily, and that but few of her officers and ſoldiers were willing to fight in her quarrel. The knowledge of this inſpiring her with great fear, ſhe deſired to ſpeak with William Kircaldie, laird of Grange, one of the heads of the confederacy, who commanded a ſmall body, more advanced than the reſt of the army. Kircaldie waiting on her, told her plainly, there was no hopes of agreement, unleſs ſhe would put away Bothwell, who was reckoned the late king's murderer, and moreover, was married to another woman; but on that condition, the confederates would honour and obey her as they ought. The queen aſking him, whether ſhe could rely upon his word, he returned to the confederates, and brought a full power to treat with the queen, upon that ſame condition. Whereupon Bothwell, ſeeing no remedy, choſe to retire to Dunbar, and the queen put herſelf into the hands of Kircaldie, who conducted her to the confederate army. The heads received her with more reſpect than ſhe expected; but it was with great difficulty the ſoldiers were reſtrained, who cried out againſt her very irreverently.

She is conducted to Edinburgh, and put into cuſtody. Melvil.

She was conducted, that night, to Edinburgh, and lodged in the provoſt's houſe, where a guard was ſet on her, ſo that ſhe was really a priſoner. It is likely, the heads were not yet fully determined what to do with her; but ſhe afforded them herſelf, an occaſion to be reſolved. The very night ſhe came to Edinburgh, ſhe bribed one of her guard, and gave him a letter for Bothwell, full of tender and affectionate expreſſions, calling him, "her "dear heart," and promiſſing never to forſake him. This letter falling into the hands of the confederate lords, made them reſolve to be more watchful over her, and afforded a pretence to ſhut her up in the caſtle of Lochlevin, under the cuſtody of the earl of Murray's mother.

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† Melvil ſpeaks not of this confederacy. He ſays only, that the earl of Murray retired into France, without ſhewing any reaſon. Rapin.

The queen complained bitterly of this uſage, and wrote to Kircaldie, reproaching him, that what had been promiſed her was not performed. Kilcardie anſwered, he had already upbraided the lords for the ſame; but they had ſhewed him a letter, under her own hand, which had ſtopped his mouth. He ended his letter with ſaying, he could do nothing for her, but adviſe her to think no more of a man who was married to another, and accuſed of killing her huſband. The queen, as ſhe read the letter, ſhed a flood of tears.

A casket of Bothwell's with ſome papers, is intercepted. Spotiſwood.

But a thing which happened a few days after, was ſtill more prejudicial to her. Bothwell coming to Dunbar, ſent a man to Balfour, governor of Edinburgh-caſtle, for a casket which he had truſted with him. It was a ſilver casket, preſented to the queen by Francis II, which ſhe had given to Bothwell. Balfour delivered it to the meſſenger; but, if we may believe Buchanan, gave notice of it to the confederate lords, who took it from the bearer. However this be, it fell into their hands. They opened it, and found a great many love-verſes and letters, and, among the reſt, ſome that contained the whole plot againſt the late king, and the manner it was to be executed. But this was not all, Buchanan ſays, there were alſo three contracts of marriage between the queen and Bothwell, one of which was written in the queen's hand, before the king's death. Another was written in the earl of Huntley's hand, in the interval between the king's death, and the queen's third marriage; and the laſt was a contract in form, made at the time of the nuptials. Probably, the two firſt were only draughts, ſuppoſing Buchanan ſpeaks the truth; for Melvil ſays nothing of the casket or contracts. Camden ſays, however, on another occaſion, that certain verſes and love-letters were produced againſt the queen; but mentions not the casket ſpoken of by Buchanan.

Bothwell retires to the Iſles of Orkney. Melvil.

The queen's captivity, and the ſeiſing of her papers, having made Bothwell ſenſible it would not be proper for him to be in Scotland, he retired to the Iſles of Orkney, where he turned pyrate for ſome time, either for his ſubſiſtence, or to be revenged of the Scots.

The queen is obliged to reſign the crown to her ſon. Camden.

In the interim, the chiefs of the confederates conferring together upon their affairs, conſidered, that if they ſhould put the queen again in poſſeſſion of the government, they could not rely on her promiſes, or be ſecure againſt her. They concluded, therefore, that it was abſolutely neceſſary to deprive her of the adminiſtration, and to that end, ſent the earl of Lindſay, to perſuade her to reſign the crown to the prince, her ſon. Camden ſays, to oblige her to this, ſhe was threatened to be brought to a publick tryal for the murder of the king, her huſband, for incontinency, and for breach of promiſe on the account of religion. And Melvil affirms, the earl of Lindſay had orders to threaten her, if he thought it neceſſary. The queen was ſtrangely ſurpriſed at this propoſition; but rightly judging, it was not in her power to deny what was demanded, and that an obſtinate refuſal might draw upon her worſe troubles, ſhe gave her conſent. She did it the more readily, as ſhe was privately told by ſome of the confederates, and Throckmorton, the Engliſh ambaſſador, that whatever ſhe ſigned in priſon would not be of any force, but might be revoked when ſhe ſhould be at liberty. The confederate lords willingly agreed, ſhe herſelf ſhould nominate one or more regents, to govern the kingdom during the prince's minority. She appointed the earl of Murray, either of her own choice, or becauſe it was hinted to her, that he was deſired for regent; and, in caſe he refuſed the office, ſhe ſubſtituted the duke of Chatelleraut, the earl of Argyle, and ſome other lords. Then, ſhe was made to ſign all the acts neceſſary for the reſignation of the crown; and notice being ſent to the earl of Murray, who was in France, the preparations were made for the inauguration of the new king, who was but a year old. The queen's reſignation was ſigned the 24th of June, and the young king was inaugurated the 29th of the ſame month, by the biſhop of Orkney.

She is allowed to appoint a regent.
She nominates Murray.
Melvil.

A party is formed for the queen. Melvil.

Soon after, ſome lords, who were not of the confederacy, met at Hamilton-caſtle, to conſult what was to be done at this juncture. The confederates having notice thereof, ſent James Melvil, author of the Memoirs, to know the reaſon of their being aſſembled. They anſwered, they could not but think it ſtrange, that the king ſhould be crowned, without their being called to the ceremony, ſince they had no leſs zeal than the reſt of the lords, for the good of their country, and they believed to have cauſe to fear there were ill deſigns againſt them, ſince ſuch important reſolutions had been taken without conſulting them; that, therefore, they were met, not with intent to offend any perſon, but only to provide for their own ſafety. Melvil ſays, the wiſeſt of the confederates were for admitting theſe lords to their conſultations, but the others reſolved to exclude them, and that this adviſe prevailed, to the great detriment of the kingdom. Indeed, from this ſmall number of lords aſſembled at Hamilton, roſe a party, which declared, at length, for the queen, and ſerved long to foment the troubles of the kingdom.

Sundry motives of the confederates.

The chiefs of the confederates had not all the ſame views. Some acted only out of private intereſts, and made uſe of the preſent juncture to ruin their enemies. Others, in ſigning the confederacy, intended to remove the ſcandal which the queen's marriage had given, to get rid of Bothwell, to put the queen again in poſſeſſion of the government, and, perhaps, to limit her authority by means of the ſtates. Theſe laſt knowing the earl of Murray was returning to Scotland, ſent James

Melvil to inform him of the ſituation of affairs, and to exhort him to behave with great moderation, and above all things, to avoid an entire rupture with the queen. They repreſented to him, that his intereſt required it, becauſe he would be much more maſter of his own party, ſo long as he left the queen ſome hopes, than if he reduced her affairs to ſuch a ſtate, that her enemies would have nothing more to fear from her. Murray perceived, that indeed ſuch a conduct would be advantageous to him, and promiſed to follow their advice; but he was no ſooner arrived, than he ſuffered himſelf to be ſwayed by the violent men of his party, who perſuaded him to put affairs beyond the power of being ever reſtored. This is the repreſentation Melvil gives of the earl of Murray's conduct. A few days after his arrival, he waited on the queen, and inſtead of comforting her, as he had done formerly, when ſhe was under confinement at Edinburgh, he loaded her with reproaches. This had like to break her heart; for till then, ſhe was in hopes the earl of Murray would labour to reſtore her.

The earl of Murray arrives, and ill treats the queen. Melvil.

In the interim, the confederates praying him to accept of the regency, he ſeemed inclined to refuſe it, and deſired a few days to conſider of it; but this was all grimace, and, at length, he accepted it. Before the ſtates, which had been convened in his abſence, met, he wrote to the Hamiltonians, (for ſo were called the lords aſſembled at Hamilton) to deſire them to come and join with the reſt of the ſtates, in what ſhould be deemed neceſſary for the good of the kingdom; but they refuſed to come. An agreement was talked of ſome time, but there occurred inſuperable difficulties. Buchanan caſts the whole blame upon the Hamiltonians; and Melvil, on the contrary, upon the violent party of the confederates, with whom the regent was joined. All that can be conjectured, is, that thoſe who had procured the aſſembly at Hamilton, intended to ſerve the queen, and wanted only a pretence to declare, which the earl of Murray furniſhed them with, perhaps, very imprudently. However this be, Murray not thinking fit to defer the convention of the ſtates, in expectation of an agreement with the Hamiltonians, which to him ſtill ſeemed more remote, the regency was confirmed by a decree, ſubſcribed by above 200 lords and gentlemen of the greateſt diſtinction, as well Catholicks as Proteſtants.

He is owned for regent, and invites the Hamiltonians to come in; but they refuſe. Camden. Buchanan.

The new regent's firſt care was to remove Balfour, who had rendered himſelf ſuſpected, from the government of Edinburgh-caſtle, and to confer it on the laird of Grange. In the interim, the Hamiltonians, at the head of whom was the earl of Argyle, loudly complained of their being neglected, and refuſed to acknowledge the earl of Murray for regent. It was eaſy to perceive, their view, on that pretence, was to form a party for the queen. And indeed, ſome time after they met at Dunbarton, and ſigned an aſſociation, the intent whereof was to releaſe the queen, and replace her on the throne. Twelve lords, of whom the earl of Argyle and the biſhop of St. Andrews were the firſt that ſubſcribed the bond of aſſociation; but the earl of Argyle deſerted this party preſently after, and came to the parliament. This lord, who frequently changed ſides, did not remain long with the party he had eſpouſed. As for the duke of Chatelerault he was then in France about his own private concerns. This aſſociation was not at firſt very formidable to the regent; but it became ſo afterwards, becauſe all the malecontents of the king's party joined it by degrees, it not being eaſy for the regent to pleaſe all.

Grange made governor of Edinburgh-caſtle. Buchanan.

Aſſociation in favour of the queen. Melvil.

During the reſt of the year, the regent took into his hands all the ſtrong places of the kingdom, and beſtowed the offices and governments as he judged neceſſary for the preſervation of the publick peace. He took care, above all things to cauſe juſtice to be adminiſtered punctually and impartially. Melvil blames him only for one thing; viz, his not being ſo diligent as he might have been, in gaining the Hamiltonians; but it muſt be conſidered, Melvil himſelf manifeſtly leaned to that party. The queen valued and loved him, and conſequently it was natural to wiſh her reſtauration. He plainly ſhews in his Memoirs, that he heartily deſired ſhe might be replaced on the throne, which made him blame thoſe who oppoſed it.

The regent takes poſſeſſion of all the fortreſſes. Melvil.

The knowledge of the affairs of Scotland, is ſo abſolutely neceſſary for underſtanding the motives of queen Elizabeth's conduct and politicks, that it is not to be thought ſtrange, that I have given ſo particular an account of what paſſed in that kingdom. The ſequel will juſtify, as I hope, this long digreſſion. I return now to the affairs of England.

The term for the reſtitution of Calais being expired, Elizabeth ſent into France Sir Thomas Smith, ſecretary of ſtate, and Sir William Winter, maſter of the naval-ſtores, to demand that place of the king, according to the treaty of Cateau. But nothing was farther from the king of France's thoughts. He appointed Commiſſioners to treat with the Engliſh ambaſſadors, as if it was to be conſidered again to whom that place was to belong, and as if the treaty of Cateau was to be reckoned as nothing. Michael Hoſpital, chancellor, who was firſt commiſſioner, made, on this occaſion, a long ſpeech, of which it will be ſufficient to relate the ſubſtance, to ſhew how groundleſs were the reaſons with which he ſupported the refuſal of Calais. He ſaid,

Elizabeth demands Calais. Camden. France refuſes it.

" By the ſame right the Engliſh demanded Calais, they may as well claim Paris; for the one, as well as the other, was won and loſt by arms *.

" The Engliſh plead a new title to Calais, whereas the king of France's title is of the ſame date with the monarchy itſelf.

" Tho' the Engliſh had it in poſſeſſion above 200 years, yet the right was as much in the kings of France, as were the dukedoms of Guienne and Normandy, which the

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* There was an expreſs treaty for Calais; but there was none for Paris. Rapin.

"Engliſh detained a long time by force; and, therefore, it could not be ſaid, the French had conquered Calais and thoſe dukedoms, but only recovered what belonged to them.

"Preſcription of time is of no conſideration among princes, but right always takes place, and by the law of the 12 tables, the authority remains perpetual againſt an enemy.

"Tho' the Engliſh undertook the late war for the ſake of Calais, yet that place was not mentioned in the treaty of Troye, and thereby they owned they had no farther pretenſions to it.

"The clauſe inſerted in the treaty of Troye, relating to the reſervation of rights, concerns only ſmall and inſignificant matters, and not the reſtitution of Calais, which is an article of the greateſt importance.

"The pretended attempts of Francis II. in Scotland, could by no means affect the right of Charles IX, his ſucceſſor. Indeed, the very intentions of private perſons are in ſome reſpects liable to the laws; but the caſe of princes is quite different.

"The late king, in aiding the queen of Scotland, his ſpouſe, did no more than the Engliſh themſelves had done in ſeiſing Havre de Grace, under colour of keeping it for the king. Moreover, they furniſhed the prince of Conde with money; and, therefore, have forfeited their claim to Calais.

"When it pleaſed God that the French ſhould recover Calais, he ſet the natural bounds between the kingdoms of France and England, according to the poet:

"Et penitus toto diviſos orbe Britannos.

"In a word, if any one had the aſſurance to propoſe to the king the reſtitution of Calais, he would deſerve not only death, but a worſe puniſhment, damnation."

The Engliſh ambaſſador's anſwer. Camden.

"Smith anſwered, he would not ſtay to ſhew the weakneſs of the arguments alledged by the chancellor, becauſe he could not believe, the refuſing to reſtore Calais would in good earneſt be founded upon reaſons ſo little plauſible. There was a treaty made expreſly on this account, which the chancellor never mentioned, as if he had forgot, that upon this treaty, ſigned, ratifyed, and ſworn to by the king of France, the queen of England's demand was grounded. Neither did he intend to loſe time in combating maxims, which, if admitted, would render all treaties between ſovereigns of no effect; but would content himſelf with anſwering two objections, which were the moſt ſpacious. As for the treaty of Troye, he appealed to ſome of the commiſſioners, who were preſent at the concluſion of that treaty, whether it was not agreed, that the reſtitution of Calais ſhould be compriſed in the general reſervation of rights, and that the reaſon which they alledged to hinder the town of Calais from being reſerved by name was, becauſe the eight years were not yet expired. As for Havre de Grace, the Engliſh made a peaceable entry, being invited by the inhabitants and the people of Normandy. In ſhort, as for the money lent to the prince of Conde, the king of France himſelf owned it was for his ſervice, ſince it was to pay the German ſoldiers, who threatened to ravage the kingdom." But all theſe reaſons were to no purpoſe, France being reſolved not to part with Calais. I ſhall obſerve here by the way, that the chancellor of France did not uſe, in order to evade the reſtitution of Calais, the arguments taken from the treaty itſelf of Cateau, as he might have juſtly done, if that treaty were expreſſed in the terms, or after the manner mentioned by the French hiſtorians.

Elizabeth's reaſons to diſſemble.

It was not the chancellor's arguments that hindered Elizabeth from aſſerting her right to Calais; but the ſituation of her affairs, which permitted her not to enter into a war with France. Her intention was not to invade, but to defend and maintain herſelf on the throne, in ſpite of the endeavours of her enemies. This was her only care, during the whole courſe of her reign. Hence it was that ſhe ſometimes ſeemed willing to marry, tho', in all appearance, ſhe had no ſuch deſire. The firſt ſhe decoyed with this hope, was the archduke Charles of Auſtria, the ſame that was propoſed to the queen of Scotland by the cardinal of Lorrain. She carried her diſſimulation ſo far, as to ſend Thomas Ratcliffe, earl of Suſſex, in ambaſſy to the emperor Maximilian, to ſettle the marriage-articles, the emperor on his part having diſpatched count Stolberg to keep her in this good reſolution. The earl of Suſſex ſtayed five months at Vienna about this negotiation, going thither under colour of carrying the emperor the Order of the Garter. But he was accompanied with the lord North, the earl of Leiceſter's creature, who was ordered by his patron to defeat the negotiation as much as poſſible, by tacitly hinting to the imperial court, that the queen had no deſign to marry, whatever ſhe pretended. The emperor found afterwards, that North was better informed than the ambaſſador, who, fearing the queen would eſpouſe the earl of Leiceſter, did his utmoſt to adjuſt all differences and remove the objections. The main difficulty was to find expedients upon the article of religion, which ſhould ſatisfy both courts. The emperor relaxed as much as he could, and the earl, on his part, did all that lay in his power to remove this obſtacle. They were now agreed, that the archduke ſhould have the title of king of England, and guardianſhip of the children, in caſe the queen died firſt. As to religion, after the emperor had often, but in vain, demanded the privilege of a publick church for the archduke, he conſented at length, that he ſhould be ſatisfied with a private chapel in ſome part of the royal palace, where no Engliſhman ſhould be admitted; and if his way of worſhip happened to give any offence, he ſhould forbear it for a time, and be preſent with the queen at the ſervice of the church of England. But this affair being debated in the council of England, the queen ſent the earl of Suſſex word, that ſhe could not admit even of this. So the negotiation

Camden. Hollingſh.

was broke off, tho' without noiſe, with marks of eſteem and friendſhip mutually given by the emperor and the queen. By the way, this obſtacle concerning religion, was the means the queen always uſed to break off all the negotiations about her marriage; and, therefore, ſhe ever treated with Catholick princes, becauſe ſhe was ſure of breaking off the negotiation whenever ſhe pleaſed. As for the Proteſtant princes, who offered themſelves whilſt ſhe was of age to marry, ſhe took care to let them ſoon know, they had nothing to hope for. This behaviour confirms the ſuſpicion which had been always entertained, that ſhe had made a ſettled reſolution never to ſubmit to the matrimonial yoke, tho' her affairs obliged her ſometimes to pretend the contrary.

Ambaſſy from Muſcovy. Camden.

This year arrived, at London, ambaſſadors from John Baſilowitz, grand duke of Muſcovy. Their publick commiſſion was, to confirm and renew the favours which the Czar, their maſter, had granted to the Engliſh merchants, aſſociated by the name of the Muſcovy-Company. But with theſe ambaſſadors returned Anthony Jenkinſon, an Engliſhman, who had made a long ſtay in that country, and was charged with ſome private inſtructions. The Czar's deſign was to make with Elizabeth a league offenſive and defenſive, with a mutual obligation to afford each other a ſafe retreat, in caſe either ſhould be driven out of their dominions. This prince, who was a great tyrant, was willing to provide for his ſafety, being apprehenſive his ſubjects would not always ſuffer his tyranny. The queen returned him a doubtful anſwer, which he had no reaſon to be pleaſed with, and yet he granted, two years after, to the Engliſh merchants, privileges which very much conduced to render their trade with Muſcovy flouriſhing.

Troubles in Ireland. Camden.

About this time there were commotions in Ireland, occaſioned by the rebellion of Shane O Neal, a lord of great intereſt in the north; but which ended with the death of the rebel, who was ſlain by his own people.

Death of the ducheſs of Norfolk. Camden.

The duke of Norfolk, who was one of thoſe that were moſt in the queen's favour, loſt his ducheſs this year, and by that means unfortunately ſaw himſelf in a condition to form projects, which proved his deſtruction.

Affairs of the Low-Countries. Grotius.

The affairs of the Low-Countries were very much altered during this year. The great men were divided, and ſeveral had betrayed the common cauſe. The prince of Orange was withdrawn to his governments, count Horn to his own houſe, and count Egmont continued with the governeſs, who improving this diſſention, revoked whatever ſhe had been forced to grant to the reformed. Then ſhe ſent for forces out of Germany, and raiſed ſome Walloon regiments. Soon after Philip II. reſolved to ſend the duke of Alva into the Low-Countries, with an army of native Spaniards, to chaſtiſe both the nobles and people. Whereupon, the prince of Orange retiring into Germany, the duke of Alva entered the country at the head of his army, without any oppoſition. At his arrival at Bruſſels, the ducheſs of Parma put the government into his hands, and then the duke exerciſed cruelties which it is needleſs to relate, ſince they are univerſally known. The counts of Egmont and Horn loſt their lives by the hand of the hangman, whilſt Montigny ſuffered the ſame puniſhment in Spain, and all the prince of Orange's lands were confiſcated.

Affairs of France. Mezerai.

On the other hand, the court of France, under colour of fearing the duke of Alva, who was to paſs near the borders, levied 6000 Switzers, with deſign to extirpate the Huguenots, whilſt the duke of Alva ſhould do the ſame in the Netherlands, purſuant to the agreement at Bayonne. It is eaſy to ſee, that in ſuch a juncture, Elizabeth could not attempt the recovery of Calais. It was ſufficient if ſhe could avert the flames which threatened England. In the interim, the prince of Conde, having with difficulty eſcaped the ſnares of the court, re-aſſembled the Huguenots by the admiral's help, and was very like to have ſucceeded in his deſign of carrying away the king at Meaux. After this diſappointment, he went and blocked up Paris. In ſhort, on the 10th of November was fought, at the gates of Paris, a battle, wherein the conſtable Montmorency was ſlain. This action not being deciſive, the prince marched to meet Caſimir, count Palantine, who was bringing him an aid of 3000 foot, and 6500 horſe. In September, La Noue, one of the chief of the Huguenots, took Orleans. Thus all the neighbouring countries of England, viz. Scotland, France, and the Low-Countries, were in trouble and confuſion, whilſt the Engliſh, by a wiſe management of the queen, enjoyed a profound peace.

Elizabeth concerns herſelf with the Huguenots of France. Camden.

However, it was at the expence of her own, that Elizabeth ſecured the repoſe of her people. She had to fear both at home and abroad, and conſequently was obliged to attend perpetually as well to foreign as domeſtick affairs, in order to prevent the deſigns of her enemies. The ſtate of the Huguenots in France made her very uneaſy. Their enemies were likewiſe her's, and as there was little appearance of their withſtanding the Catholicks, who were 100 to one, and ſupported by the authority royal, ſhe was apprehenſive, that after the extirpation, the ſtorm would fall upon England. It was ſcarce to be doubted, that the war, which was waging at once with the Proteſtants of France and the Low-Countries, was the effect of the mutual counſels of the French and Spaniſh courts, and that the deſtruction of the Proteſtant religion was the principal object theſe two courts had in view. Elizabeth, therefore, thought it abſolutely neceſſary, to let the king of France know, ſhe was concerned for the preſervation of the Huguenots, whatever reaſon ſhe might have to complain of their behaviour to her. To that purpoſe ſhe ordered Norris, her ambaſſador to Charles IX, to intercede earneſtly for them, and give to underſtand, ſhe knew her own intereſt too well to ſuffer them to be entirely ruined. Theſe menaces from England, the reſolution of the Huguenots, and their aſſiſtance from Germany, produced a good effect, and procured them a peace; but it was only a treacherous peace, wherein the court intended only to deceive them, and which for that reaſon was called afterwards the Lame Peace. Catharine de Medici knowing it would not be long before the war would re-kindle, reſolved to be beforehand, to prevent Elizabeth from aſſiſting the Huguenots. To that end ſhe began now to hint to the Engliſh ambaſſador a marriage between Elizabeth and the duke of Anjou, who was but 17 years of age. I ſhall ſpeak elſewhere of the ſequel of this project.

Quarrel between Philip and Elizabeth. Camden.

At the ſame time Philip II. ſhewed his ſpite againſt Elizabeth, by confining her ambaſſador to a country village. On the other hand, Sir John Hawkins, an Engliſh merchant, who was gone to trade in the bay of Mexico with five ſhips, by vertue of the treaty between Charles V. and Henry VIII, was inſulted by the Spaniſh fleet, which took and rifled three of his ſhips. Theſe outrages were very grievous to Elizabeth, eſpecially as the merchants loudly murmured, and were importunate for a war with Spain. But ſhe did not think proper then to ſhew her reſentment, for fear of being engaged farther than the ſituation of her affairs would permit. She had the more reaſon not to enter into a war of this nature, as at the ſame time the affairs of Scotland, which touched her more nearly, took a new turn, and might be to her of very great conſequence.

Affairs of Scotland. Buchanan.

Queen Mary was priſoner at Lochlevin; but that did not hinder her from having ſtill a ſtrong party conſiſting of all the Catholicks, with thoſe that envied and hated the earl of Murray, or ſuch as were in credit about him. Indeed, moſt of thoſe men little regarded the queen, but thought ſhe could afford them a plauſible pretence to act againſt the regent, and it was this that cauſed them to declare for her. On the other ſide, in the regent's party itſelf, which was called the king's, there were ſome who were engaged in it purely to ruin Bothwell, whom they hated and feared. Theſe imagined, if they could get him out of the way, things would return to their proper channel, and the queen might marry ſome prince, who would cauſe Scotland to flouriſh again. Kircaldie, who was of this number, being informed, that Bothwell was playing the pyrate near the iſles of Schetland, equipped two veſſels, and reſolved to go in chace of him, believing all troubles would ceaſe with his death. He was ſo fortunate as to meet with him. He purſued and obliged him, at length, to run his Ship a-ſhore, and eſcape to land in his boat. But his ſhip was taken with his ſervants, who, it is ſaid, gave information of many things concerning the late king's murder, which reflected on the queen; but there is no relying upon ſuch ſort of publick reports. Bothwell having the good fortune to eſcape, but not knowing which way to fly, reſolved, at laſt, to retire into Denmark, where he was taken up and thrown into priſon. He lived there 10 years in extreme miſery, which turned his brains. Camden affirms, that before his death, "he ſolemnly "proteſted the queen was in no degree privy "to the murder of the king, her huſband[*];" but, according to cuſtom, this author does not ſay from whence he had this particular.

Grange purſues Bothwell, who eſcapes to Denmark, where he is thrown into priſon. Buchanan.

Several of the regent's party leave him. Buchanan.

Bothwell being no longer to be feared, all thoſe that had declared againſt the queen from their hatred to him, forſook the king's party, ſome privately, others openly. Lidington and the lord Boyd were amongſt thoſe who feigned to be ſtill attached to the regent, in order to have a fairer opportunity to do the queen ſervice. The earl of Argyle wavered for a time, but at laſt quitted the earl of Murray, and joined the other party.

The queen eſcapes out of priſon. Buchanan.

In the interim, the regent being gone to Glaſcow, heard a few days after, that the queen had made her eſcape from Lochlevin, and was at Hamilton-caſtle, but 12 miles from Glaſcow. This news quickly ſpreading, the lord Boyd, who was of the regent's council, forſook him, immediately, and went to the queen.

She marches againſt the regent.

The regent was extremely perplexed, eſpecially as he learned at the ſame time, that the queen's friends were drawing people together from all ſides, and flocked to her in great numbers. This made him ſenſible, he muſt either forſake the party, or try the fortune of a battle. He choſe the laſt, and aſſembling ſome forces, tho' in number very inferior to the queen's, he departed from Glaſcow, at the very time the queen was marching to give him battle. Melvil ſays, the queen's deſign, at firſt, was not to fight, having left Hamilton-caſtle only to retire to Dunbarton, but that the archbiſhop of St. Andrews, and the reſt of the heads of the party were for hazarding a battle, truſting to their numbers, and hoping to govern in the queen's name, when the regent was vanquiſhed. Be it as it will, this army, 6000 ſtrong, advancing towards Glaſcow, met the regent who had but 4000 men, and the battle began. It is needleſs to give a deſcription of it here. It ſuffices to ſay in a word, the queen loſt the day, and, for fear of falling into the hands of her enemies, fled towards the borders of England. She choſe for her firſt retreat the houſe of Maxwell, baron of Herris; but a few days after, not thinking herſelf ſafe there, or in any other place in the kingdom, ſhe reſolved to retire into England. Upon the leaſt attention to what had paſſed hitherto between Elizabeth and Mary, and to the juſt reaſons they had to diſtruſt, and conſider each other as real enemies, notwithſtanding their external demonſtrations of a mutual friendſhip, which was all diſſimulation, it will not be thought, that Mary would have voluntarily taken refuge in England, had it been in her choice to retire elſewhere.

Battle wherein the queen is defeated. She flies towards the borders. Melvil. Buchanan. Camden.

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[*] Her conſenting to marry him after her huſband's murder, carries with it a very ſtrong preſumption, which nothing but a direct proof can poſſibly overturn.

elſewhere. But there was a neceſſity either of falling once more into the hands of the Scots, her enemies, or of throwing herſelf into the arms of Elizabeth. Of the two dangers, one was near and infallible; the other was yet diſtant, and not ſo certain, as to deſtroy all hopes of finding aſſiſtance in that queen's generoſity. However this be, ſhe ſent one of her ſervants, John Beton, to Elizabeth, to deſire her protection and leave to retire into England. Camden ſays, ſhe ſent by the ſame meſſenger a diamond, which ſhe had received from her as a pledge of her friendſhip, and promiſe to aſſiſt her to the utmoſt of her power, when there ſhould be occaſion. And yet this ſame author has inſerted, under the year 1582 of his Annals, a letter of Mary to Elizabeth, wherein it appears this diamond was ſent back before the battle of Glaſcow. Beſides, tho' Elizabeth may poſſibly have added to her preſent of the diamond ſome tender and affectionate expreſſions, with ſome general promiſes, it is not likely ſhe intended to oblige herſelf ſo far as Camden would inſinuate. This is what I believe for ſeveral reaſons. Firſt, it is certain Elizabeth was never ſo well-affected to Mary. Secondly, ſuch an engagement was directly contrary to her intereſt, which required not ſhe ſhould be ſo careful of her rival's proſperity. Laſtly, no time can be aſſigned, when Elizabeth was under any neceſſity to carry her diſſimulation to that height. Camden adds, Elizabeth ſent word to Mary by the ſame Beton, that ſhe would give her all the proofs of friendſhip which could be expected from a ſiſter; but as I have often hinted, it is not always ſafe to rely wholly on the teſtimony of this author. However, before this anſwer arrived, Mary fearing to be diſcovered in her retreat, took boat, and came to Wirkinton in Cumberland, attended only by the lord Herris and Fleming, and a few ſervants. The ſame day ſhe wrote to Elizabeth, acquainting her with her arrival in England. She told her in the letter, that having eſcaped out of priſon, and intending to go to Dunbarton, her enemies came againſt her to diſpute her paſſage, and defeated her army; that this misfortune obliged her to quit her kingdom, where ſhe could not be with ſafety, to come and implore her protection, and ſhe intreated her to cauſe her to be conducted to her preſence. She ſaid alſo in the ſame letter, "That her enemies, after murdering her ſervant before her face, had committed a new crime, which they pretended to charge her with, tho' themſelves had plotted it, as appears by a writing under their own hands and ſeals". It is this, doubtleſs which gave Camden occaſion to ſay under the year 1567, that the earls of Murray and Morton bound themſelves by a writing to ſupport Bothwell, when he ſhould have killed the king. If this writing, which never appeared, were really true, it would evidently follow that Mary was not ignorant of Bothwell's being the author of the king, her huſband's murder, ſince ſhe knew Murray and Morton had promiſed to ſcreen him. But it is not likely, ſhe would have made ſuch a confeſſion to Elizabeth. Beſides, on ſuppoſition that Mary's letter was ſuch as Camden preſents it, ſhe does not name the earl of Murray. She only imputes to her enemies the crime ſhe herſelf was accuſed of. We ſhall ſee hereafter how ſhe maintained what ſhe had advanced, and after what manner ſhe made her defence.

Elizabeth refuſes to ſee Mary till ſhe juſtifies herſelf. Camden.

Elizabeth being informed the queen of Scots was in England, after the loſs of a battle, ſent Sir Francis Knolles to comfort her, and ordered her to be lodged at a gentleman's houſe, where ſhe was treated as a queen. After that, ſhe was conducted to Carliſle. Here Mary writes a ſecond letter, according to Camden, intreating her either to admit her to her preſence, or give her leave to depart elſewhere. Camden ſays, "That Elizabeth was touched with compaſſion, becauſe the queen of Scots offered to debate her cauſe before her, and engaged to prove her adverſaries guilty of the crime they unjuſtly loaded her with". But this hiſtorian ſtretches a little too far what Mary ſaid in her letter, ſince ſhe did not offer to prove her adverſaries guilty, as, indeed, ſhe never attempted it. There is not a ſingle word in Camden's Annals concerning the queen of Scots, but what muſt be guarded againſt. We are going to ſee Elizabeth's compaſſion for this queen. She ſent her word, that as ſhe ſtood charged by the voice of the publick, with being privy to the murder of the king, her huſband, or, at leaſt, with not inquiring after the murderers, and with keeping ſtill in her ſervice, and in her very houſe ſuch as were accuſed of being accomplices, ſhe could not ſee her till ſhe had cleared herſelf of ſo heinous an accuſation, and deſired to know in what manner ſhe intended to juſtifie herſelf. Whereupon, it was agreed, that Elizabeth ſhould hear her defence, and protect her if innocent. It is very probable, or rather certain, that herein Elizabeth intended only to gain time, and have a pretence to detain her till ſhe had determined what was to be done, which her council was at no ſmall loſs to know.

Sundry opinions in the council about Mary. Camden.

There were on this occaſion ſeveral ways to be taken, and each had its difficulties; but, as it is very uſual in the councils of princes, the ſtar by which the miniſters and counſellors were guided, was not juſtice or equity, but the queen's ſafety. In much the ſame caſe Henry IV. ſtayed the king of Scotland's eldeſt ſon, who was afterwards king himſelf, under colour that he was come into his dominions without his leave, and that prince was detained till the reign of Henry VI. It cannot be denied, that a ſovereign has power to ſeiſe a foreign prince, who enters his territories without a ſafe-conduct; but there are caſes wherein ſtrict right becomes the greateſt injuſtice. Such was that of Henry IV, with regard to the prince of Scotland; but in Mary's caſe, the circumſtances appeared ſtill more favourable. It was a woman, vanquiſhed by her own ſubjects, whoſe violence ſhe feared, and who, far

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* The contrary appears by the teſtimony of Melvil above-mentioned. Rapin.

from being ſuſpected of any ill deſign againſt England, was come only for refuge, and implore the protection of a queen, her near relation, who had always affected to give her marks of her friendſhip. So to conſider the queen's fault, only as a ſort of breach of the law of nations, ſhe did not deſerve to be detained in captivity; but as I ſaid, it is not always by theſe maxims that ſovereigns are guided. The point in debate in the Engliſh council, was, not to ſearch for what was moſt conſonant to juſtice or generoſity, but what was moſt advantageous. The various courſes, therefore, which might be taken with reſpect to the queen of Scots were examined, in order to chuſe the moſt beneficial to Elizabeth. The firſt was, to reſtore her to her throne, for an example, that ſubjects ſhall not expel their ſovereigns with impunity. But tho' this was what Elizabeth ſhould have done as a ſovereign, yet other more particular conſiderations hindered her from endeavouring to reſtore and render more powerful, a queen whom ſhe juſtly looked upon as a dangerous rival. For the ſame reaſon it was to be feared, if ſhe ſent her back to Scotland, tho' without ſuccours, her faction would revive, and one victory, which was not impoſſible, might render her abſolute. In that caſe ſhe might recall the French into Scotland, and purſue the execution of the projects formed in France, in the reign of Francis II, her huſband. On the other hand, if ſhe were ſent over to France, there was no certainty that ſhe would not return to Scotland. Beſides, if the king of France, and the princes of Lorrain, were maſters of her perſon, it was very likely they would make uſe of her name to invade England, and the pope and king of Spain join with them. There was no way, therefore, but to keep her in England, either free or in priſon. But to leave her at liberty was running a manifeſt riſque. Her title to the crown of England would draw to her court all the Catholicks, and diſaffected perſons in the kingdom, as well as the French and Spaniſh ambaſſadors, to aſſiſt her with their counſels. That if, being abſent, ſhe had been able to form a ſtrong party in England, how much more might her preſence render the ſame party more numerous and powerful. It is certain, tho' Elizabeth and her miniſters pretended to think it very ſtrange, Mary ſhould claim the crown of England, they knew, however, the grounds of her title, and that many people were convinced, it was even more lawful than the queen's. Finally, in detaining her in priſon, there was no queſtion, Elizabeth would incur the indignation of all Europe, by this exceſſive ſeverity, the motives whereof would not be generally known. This was, however, the courſe which Elizabeth took, by the advice of her council, and without doubt, by her own inclination. It is certain, beſides the reaſons of ſtate which induced here thereto, ſhe was alſo moved by a perſonal jealouſy of the queen of Scots, who was handſomer and younger than herſelf, tho' ſhe was very far behind her in other reſpects. However, to colour in ſome meaſure the ſeverity which was to be uſed to the queen, Elizabeth reſolved to appear extremely concerned for her misfortune, and very deſirous to be convinced of her innocence, that ſhe might afterwards give her a powerful aſſiſtance, without fear of reproach; but withal, ſhe took a reſolution to delay the methods to be uſed for this purpoſe, till time and opportunity ſhould afford room for other meaſures. From thenceforward ſhe conſtantly refuſed to hear thoſe who ſpoke againſt the queen of Scots, but then ſhe was not ſorry that divers accuſations were publickly ſpread againſt her, that it might not be thought ſtrange, this affair could not be cleared in a ſhort time. So, Camden had reaſon to ſay, Elizabeth ſeemed touched with a ſenſe of the queen of Scotland's misfortune, and openly deteſted the behaviour of the Scots; but it does not follow, theſe were her real ſentiments. Her view being only to prolong the affair, under colour of labouring the juſtification of her priſoner, it was not proper ſhe ſhould, by her diſcourſes, declare herſelf a party againſt her. She ought rather to ſhew, ſhe inclined to her ſide. Mary herſelf was long deceived by this policy. She imagined Elizabeth really intended to ſerve her; but diſcovering the artifice, at laſt, ſhe reſolved to take ſuch meaſures as furniſhed her enemy with a plauſible pretence to detain her in priſon. I will venture to affirm, this is the true key of the affair, which will never be well underſtood, if we ſtand to what is ſaid by the hiſtorians of either ſide.

Elizabeth reſolves to detain her. Camden.

Elizabeth's policy.

The affairs of Scotland. Buchanan.

Whilſt theſe things paſſed in England, the earl of Murray called a parliament at Edinburgh, to get thoſe condemned who had taken arms againſt the king, in favour of the queen. The oppoſite faction ſeeing they were like to be oppreſſed by the decree of the ſtates, uſed all their endeavours to prevent their aſſembling, they even demanding aid of the French, who reſolved to ſend an army into Scotland, under the conduct of Martigues. In the interim, the queen's friends met at Glaſcow, to conſult how to hinder the ſeſſion of the parliament, but as they could not agree, the earl of Argyle withdrew to his houſe. The earl of Huntley more fiery than the reſt, aſſembled the troops, and poſted himſelf at Perth, to alarm the regent, till the arrival of the French ſuccours; but the civil war which re-kindled in France, obliging the king to keep the forces deſigned for Scotland, the earl of Huntley was conſtrained to retire. This reſſource failing, the queen's friends applied to Elizabeth, repreſenting to her, that the regent, by an unſeaſonable ſeſſion of a parliament, was going to drive the principal lords of Scotland to deſpair, and offered to take her for umpire of their differences with the regent. This offer was very grateful to Elizabeth, becauſe ſhe could thereby render herſelf miſtreſs of the affair, and prolong it as ſhe pleaſed. She, therefore, let Murray know, ſhe would oblige her in deferring the parliament, till ſhe was better informed of the reaſons, which had induced the Scots to deprive their

Elizabeth takes great advantage of the troubles of Scotland. Camden.

their queen of the government of the kingdom; but he deſired to be excuſed, and held the parliament on the day appointed. Buchanan pretends, Lidington, who feigned to be attached to the regent, managed it ſo by his intrigues, that the ſtates reſolved to puniſh only ſome of the moſt guilty, and that this indulgence was a great means to ſtrengthen the queen's party. The parliament breaking up, the regent raiſed an army to purſue thoſe who were condemned. He reduced ſeveral places to the obedience of the king, and very probably, would have over-run the whole kingdom, if the court of England had not interrupted the execution of his deſigns.

She becomes umpire of the differences between the two parties. Camden.

She deſires the regent to ſend deputies into England.

Elizabeth found ſo great an advantage in becoming umpire of the affairs of Scotland, that ſhe took care not to let ſlip the preſent opportunity, without improving it. To compaſs her ends the more eaſy, ſhe plainly intimated, that ſhe believed the queen of Scots innocent; that ſhe herſelf was concerned in this quarrel, which all ſovereigns ought to eſpouſe, and that it was their intereſt to chaſtiſe rebellious ſubjects, who might give a dangerous example to others. In a word, ſhe ſo artfully diſguiſed her ſentiments, that the Scotch queen's friends, blinded by theſe appearances, perſuaded the unfortunate queen, to offer to appoint commiſſioners to defend her cauſe before Elizabeth, and ſo fell into the ſnare Elizabeth had laid for her. She had no ſooner made this imprudent offer, but Elizabeth wrote to the earl of Murray, that the proceedings of the Scots in depoſing their queen, were ſo extraordinary, that ſhe could not approve them, unleſs they ſhewed by very good reaſons, that they could not have done otherwiſe: That if their queen were innocent, ſhe thought herſelf bound by all ſorts of conſiderations to protect her, and reſtore her to the throne, but was willing, before ſhe came to any reſolution, to hear what they had to ſay in vindication of their conduct; that, therefore, ſhe deſired the regent would ſend ſome well informed perſons to York, where ſhe would order commiſſioners to hear what the Scots had to alledge againſt their queen; that it was neceſſary he ſhould, in perſon, clear himſelf of the crimes he was accuſed of. In ſhort, ſhe gave him to underſtand, ſhe ſhould take his refuſal as an authentick proof of Mary's innocence. Elizabeth muſt have talked ſomething high, to oblige the regent to take ſo extraordinary ſtep. Beſides, it was no leſs neceſſary to keep by that means the queen of Scots in the belief, that Elizabeth ſought only to cauſe her to come off honourably, for fear ſhe ſhould revoke the conſent ſhe had given. Elizabeth's real view was to have a pretence to detain the queen of Scots, till the affair ſhould be cleared, well knowing ſhe ſhould not want means to prolong it as ſhe pleaſed. Beſides, how much ſoever ſhe pretended not to be fully informed, ſhe knew enough to judge, that the Scots would bring good evidence againſt Mary, and thereby furniſh her with a very natural excuſe, to require a farther examination. All this was extremely agreeable to the ſcheme ſhe had laid, and afforded her means to ſilence the French and Spaniſh ambaſſadors, who preſſed her continually in behalf of the captive queen. She told them, ſhe intended to aſſiſt Mary with all her forces, and reſtore her to her former dignity; but that decency required the queen ſhould firſt be cleared, in the eyes of the publick, of the crimes ſhe was charged with, and that all poſſible expedition was uſing to make her innocence appear.

The regent is determined to go himſelf. Melvil.

The earl of Murray was very much at a loſs what anſwer he ſhould return to Elizabeth's ſummons. It was dangerous for a regent of Scotland to put to arbitration an affair already decided by the parliament, and diſhonourable to anſwer before a foreign power. But on the other hand, he could ſupport himſelf only by the aſſiſtance of England; how much leſs, if Elizabeth ſhould reſolve to reſtore Mary to the throne? Beſides, he was afraid his refuſal would be conſtrued as a ſign, he miſtruſted the juſtice of his cauſe. So, after conſulting his friends upon ſo nice a point, he reſolved to go himſelf to York with 11 deputies, who were appointed to aſſiſt him. Theſe were, James Douglaſs, earl of Morton, Adam, biſhop of Orkney, Robert, commendator of Dumfermling, and Patrick, lord Lindſay. Mary nominated the lords Herris, Levingſton, Boyd, Gavin, commendator of Kylwyning, John Gordon of Locheinvarr, James Cockburne of Skirling, knight, and the biſhop of Roſs. Elizabeth commiſſioned Thomas Howard, duke of Norfolk, Thomas Ratcliffe, earl of Suſſex, and Sir Ralph Sadler, to hear what both parties had to ſay, whether for or againſt. All theſe Lords came to York on the ſame day, viz. the 4th of October.

In order to underſtand fully what paſſed at the conference of York, and at another afterwards at Hampton-Court, it will be neceſſary to know what is ſaid upon this occaſion, in Melvil's Memoirs. Without this Key, there is no comprehending any thing by Buchanan's account, and ſtill leſs by Camden's, who endeavoured rather to darken, than to clear the affair. What Melvil relates is a ſecret, equally unknown to Buchanan and Camden.

Account of a private affair, which paſſed at the conference of York. Buchanan.

Very lately, the duke of Norfolk, who had loſt his ducheſs laſt year, had now formed the project of marrying the queen of Scots, before he repaired to York; at leaſt, it may be affirmed, this lord was Mary's principal friend in England; for which reaſon, he accepted the commiſſion of preſiding at the York conference, only to hinder the ſucceſs Elizabeth expected, and to break her meaſures. However ſecret the queen's project was, the duke of Norfolk, it ſeems, had entire knowledge of it, courtiers having uſually a wonderful ſagacity, to diſcover what the prince would keep moſt private; nay, it is affirmed, he had ordered the earl of Weſtmoreland, his lieutenant in the preſidentſhip of the north, to kill the earl of Murray when he came upon the borders, and ſeiſe all his papers, in order to deſtroy the proofs he was bringing againſt the queen of Scots, but altering his mind, had revoked the order. In the beginning of the conferences, he ſtarted ſeveral incidents to retard the concluſion of the affair in debate; but, at laſt, perceiving all his endeavours would avail only for a delay of a few days, he opened his mind to Lidington, who, tho' ſuſpected by all the king's party, had attended the regent as deputy and ſecretary of ſtate. The duke told this lord, that he could not imagine what had induced the Scots to come and accuſe their queen before Engliſh commiſſioners; that they greatly diſhonoured their nation, and would one day be reſponſible for it. Lidington anſwered, he was very glad to find him of this opinion, that for his part, he had done his utmoſt to hinder the regent from taking this ſtep; that Kircaldie had done the ſame, but to no purpoſe; and if he had accompanied the regent, it was only in hopes to ſucceed better in England, and deſired him to talk with the regent, and try to diſſuade him from accuſing the queen. The duke of Norfolk knowing by this, the earl of Murray's proceedings were not approved by all his party, and that even remonſtrances had been made to him upon this occaſion, hoped, by ſpeaking to him himſelf, to prevail with him in ſome meaſure. He talked with him, therefore, in private, and repreſenting to him what he had before ſaid to Lidington, added, he was much miſtaken, if he imagined Elizabeth intended to give ſentence upon the difference he and his party had with the queen of Scots; but that her ſole view was to make them ſubſervient to her own ends; that if he deſired to be convinced of this, he had only to require a promiſe under her own hand, to give ſentence as ſoon as the proofs ſhould be produced, and to ſupport the king of Scotland's party, in caſe the queen, his mother, was found guilty; adding, that the queen would never give any ſuch promiſe in writing, and thereby demonſtrate, ſhe ſought only to amuſe them. In ſhort, he ſo managed the regent, that, before they parted, they agreed, that when he was called upon to produce his evidences, he ſhould demand a previous engagement from the queen, ſuch as the duke had ſuggeſted to him. The earl of Murray imparted this agreement to none but Lidington and Sir James Melvil, who liked it extremely.

Melvil. Buchanan.

At the next meeting, the regent being preſſed to give in his proofs againſt the queen of Scots, anſwered, as he had agreed with the duke of Norfolk, to the great ſurpriſe of the hearers, except thoſe who were in the ſecret. It was reſolved, therefore, to write to the queen, to inform her of this new and unexpected difficulty, and to know whether ſhe would give the regent of Scotland the engagement he demanded. Her anſwer was, ſhe thought it very ſtrange her word could not be taken, but that a writing under her own hand ſhould be required, and prayed the earl of Murray to ſend two deputies to acquaint her with his reaſons. The regent choſe for this purpoſe Lidington, and Macgil, to the great amazement of the reſt of the deputies, who could not conceive that he ſhould truſt with ſuch a commiſſion ſecretary Lidington, of whom the whole party were ſo jealous.

Leſley's Negotiat. Anderſon's Collect.

Soon after, the queen deſired the regent to come himſelf to London with the other deputies, to which he conſented. When they were arrived, ſhe appointed order commiſſioners to confer with them, viz. Sir Nicholas Bacon, Cecil, the earl of Leiceſter, the lord high-admiral, and Sir William Sadler. Probably, ſhe ſuſpected the duke of Norfolk of ſome prevarication, and this ſuſpicion was not groundleſs. She earneſtly wiſhed, upon ſeveral accounts, to have in her hands the proofs intended to be uſed, in ſupport of the accuſation againſt the queen of Scots. Firſt, to ſilence ſuch as murmured at her not endeavouring to reſtore that princeſs. And, indeed, it was manifeſt, if Mary were guilty of the crime laid to her charge, ſhe was unworthy of her protection. Secondly, having theſe proofs in her power, ſhe would not only have the management of this affair, but might alſo cauſe all delays to be conſidered as ſo many favours to Mary, who, in all appearance, would not dare to preſs her to give ſentence. Spite and jealouſy might poſſibly be a third reaſon, Elizabeth being ſecretly pleaſed with her rival's ſhame. In the firſt conferences at Hampton-court, the Engliſh commiſſioners were very urgent with the earl of Murray, to give in his proofs againſt the queen of Scots. He replied, it was with extreme reluctance that he could reſolve to accuſe the queen, his ſiſter, and ſhould never proceed to this extremity, unleſs it were for the real good and welfare of all Scotland; that, therefore, he required the queen of England's written promiſe, to protect the king, in caſe the queen, his mother, were found guilty.

Melvil.

The affair ſtanding thus, and the earl of Murray ſtill perſiſting in his demand, the earl of Morton happened to be informed of his agreement with the duke of Norfolk, by ſome one whom Mary had truſted with the ſecret. Then it was, Morton came to know the true motive of the regent's conduct, which hitherto ſeemed to him incomprehenſible, ſince he refuſed to accuſe the queen, tho' he was come into England for that very purpoſe. He imparted the ſecret to ſome of his collegues, and they reſolved to acquaint ſecretary Cecil with it. What paſſed afterwards between Cecil and the earl of Murray is not known; but it may be conjectured by what followed, that Murray ſuffered himſelf to be prevailed with, to act quite contrary to his engagement with the duke of Norfolk.

Ibid.

At the firſt meeting after this diſcovery, the Engliſh commiſſioners demanding, that the proofs againſt the queen ſhould be given in, and the regent refuſing it, all the Scots, except Lidington, were for producing them. Then Wood, ſecretary to the regent, pretending a zeal for his maſter, ſaid, it was not from a ſpirit of cavil, as ſome thought, that the regent would not give in the accuſation, but becauſe the queen of England refuſed the promiſe required; that this promiſe being given, he would immediately deliver the accuſation

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and proofs which he had all ready; and with that, he took the papers out of his boſom, and ſhewed them to every body. But whilſt he was holding them up, the biſhop of Orkney eaſily ſnatched them out of his hand, and gave them to the Engliſh commiſſioners. It is evident, Murray had been gained by Elizabeth's miniſters, and took this way, only to ſave in ſome manner his promiſe to the duke of Norfolk. With this key it will be eaſy to underſtand what Buchanan and Camden ſay about the York conferences, which I ſhall but juſt mention, becauſe as theſe two hiſtorians were ignorant of the duke of Norfolk's ſecret intentions, and the motives of the regent's conduct, what they have related cannot be of much ſervice towards clearing this part of the Hiſtory.

Account of the York conference according to Camden and Buchanan. Spotiſwood.

At the York conferences, Mary's deputies were heard firſt. They proteſted, that the preſent proceedings ſhould not be prejudicial to the rights of Scotland, ſince queen Elizabeth had no power to meddle with the affairs of that kingdom. Then they ſet forth at large the injuries received by the queen of Scots from her own ſubjects, and craved Elizabeth's aſſiſtance to recover her throne. The earl of Murray replied, that Bothwell was author of the king's murder; that he carried away the queen with her own conſent, and publickly married her; that afterwards, ſhe reſigned the crown to the prince, her ſon; that this reſignation was confirmed by the ſtates, and it was not in his power to alter what the ſtates had ratified. Mary's deputies anſwered, that the queen's marriage with Bothwell was not a ſufficient reaſon to depoſe her, becauſe Bothwell was legally acquitted; that beſides, it was manifeſt, Bothwell was only a pretence made uſe of by the rebels to act againſt the queen, ſince they might have taken him if they pleaſed; but they let him eſcape, becauſe the queen alone was what they aimed at. Then they made appear, that the reſignation of the crown was extorted by force, ſince it was not in the queen's power to refuſe it.

Both parties being heard upon theſe general points, the Engliſh commiſſioners declared, they could not admit of the proteſtation againſt the queen's being a competent judge, by reaſon of her right of ſovereignty over the kingdom of Scotland. As to the regent's reply, they ſaid, the queen having commiſſioned them to hear what the deputies of Scotland had to ſay againſt their queen, they could not allow the determination of the ſtates to be valid, becauſe the queſtion was to know, whether they had juſt grounds to determine in the manner they had done, which could not be known till the reaſons, on which their determination was built, were examined. Then they appointed the 7th of October to examine the proofs.

Melvil.

At this ſame meeting, the duke of Norfolk, who ſought only to gain time, required, that the regent ſhould do homage to the queen for the kingdom of Scotland; but Lidington anſwered for him, and affirmed, the kingdom of Scotland owed no homage to England; that if the kings of Scotland had formerly done any, it was only for the earldom of Huntingdon and ſome other lands, which were ſince fallen into the hands of the Engliſh.

Between this, and the next meeting, on the 7th of October, it was that the earl of Murray made the fore-mentioned agreement with the duke of Norfolk. Lidington opened this ſeſſion with a ſpeech directed to the regent and deputies of Scotland, telling them, "That whereas it appeared, by the authority granted by the queen of England to her commiſſioners, that her whole deſign was to engage the Scots to throw a blemiſh on the reputation of their king's mother, they would therefore do well to conſider carefully beforehand, what hazard they expoſed themſelves to, and how they would draw upon themſelves the reſentment of the queen, her relations, and friends, and the indignation of all Europe, ſhould they impeach her of a crime which muſt ſtain her honour, and in ſo publick a manner, before the Engliſh, the profeſſed enemies of Scotland: What account would they be able to give their king when he came of age, of a charge ſo bold and diſhonourable to the king, to his mother, and to the whole nation? He therefore, for his part, thought it neceſſary to wave ſo ſcandalous an accuſation; or if they would proceed, it was requiſite, at leaſt, that the queen of England ſhould expreſly engage to defend them againſt ſuch as ſhould hereafter give them any diſturbance upon this account. He concluded, with ſaying, that he thought it his duty to give them his advice, as he was ſecretary of Scotland". Camden.

It is eaſy to perceive, that the drift of this ſpeech was to give the regent an excuſe to drop the accuſation, according to his agreement with the duke of Norfolk. He was come from Scotland on purpoſe to accuſe the queen, being provided with all the proofs he intended to uſe; but by the duke of Norfolk's ſuggeſtion, had altered his mind. It was neceſſary, therefore, to find a pretence for this charge, and this pretence Lidington furniſhed him with, by laying before him ſuch plauſible reaſons. Camden and Buchanan were at a loſs for the reaſon of the earl of Murray's ſudden change. Camden would inſinuate, that the engagement he demanded of Elizabeth, was only a cavil, to hide his miſtruſt of the juſtice of his cauſe. He ſays, the Engliſh commiſſioners preſſed him very much to give proofs of the accuſation, which as yet appeared to be founded only upon a few letters from the queen, ſo much the more ſuſpicious, as Lidington had privately intimated, he himſelf had often counterfeited her hand. But I believe Camden would have been puzzled to prove, that any of the articles of the accuſation were examined at York. Buchanan, who knew as little of the ſecret as Camden, tho' he was one of the Scotch deputies, pretends, the regent, purely out of conſcience, ſcrupled to accuſe his ſiſter before foreigners.

Hampton-court conference. Anderſon's Collect.

The York conference breaking off, and being, as I ſaid, removed to Hampton-court before new commiſſioners, the regent or Wood, his ſecretary, ſuffered the accuſation, with the proofs, to be ſnatched out of his hand. Which done, a day was appointed for the Scots to enlarge upon their proofs. The regent agreed to it, and demanded that Mary's deputies ſhould be preſent, that they might urge their objections, and matters be more fully cleared; but when the day came, Mary's deputies produced a formal revocation of their commiſſion, and an exception againſt the Engliſh commiſſioners, unleſs the French and Spaniſh ambaſſadors were joined with them. Mary demanded farther, that the earl of Murray ſhould be ſent to priſon, affirming, ſhe could convict him of being author of the king's murder.

This revocation, juſt at the critical time, when the proofs againſt Mary were going to be examined, gave occaſion to ſuſpect, ſhe thought herſelf unable to reply to the purpoſe. Whilſt ſhe was made to hope that matters would not come to the producing and examining the proofs, ſhe had left a full power with her deputies; but as ſoon as ſhe found Elizabeth, inſtead of ſerving her as ſhe expected, ſought to bring to light what was capable of diſhonouring her, ſhe believed it abſolutely neceſſary to avoid ſuch an examination; for which reaſon, ſhe revoked the commiſſion to her deputies, excepted againſt the Engliſh commiſſioners, and required an impoſſible condition, knowing the French and Spaniſh ambaſſadors would not receive a commiſſion from Elizabeth, and that the queen would not ſuffer them to be concerned in the affair. In ſhort, ſhe did not offer to prove the earl of Murray guilty of the king's death, till ſhe had revoked the power of thoſe who were to have accuſed him in her name. All theſe things give occaſion to believe, ſhe dreaded the event of this examination, tho' by her letters to Elizabeth, it ſhould ſeem, ſhe moſt earneſtly deſired to have an opportunity to make her innocence appear before her.

Elizabeth's policy.

Elizabeth did not much trouble herſelf about theſe acts, her deſign was not to judge the queen of Scots, but to draw from her accuſation and the proofs, a pretence to detain her till the affair ſhould be fully cleared, being reſolved never to think it ſufficiently explained either for or againſt, but to teſtify however, ſhe ſhould be very glad to find her innocent. I ſay only to teſtify, for certainly ſhe was pleaſed to have in her hands proper proofs to ſhow, upon occaſion, that ſhe could not juſtify her. She acted this part a good while.

Examination of the proofs. Buchanan.

In fine, tho' Mary had excepted againſt the Engliſh commiſſioners, they proceeded, however, to the examination of the proofs. The earl of Murray produced the confeſſions of thoſe who were executed for being concerned in the king's murder. Then he read the decree of the ſtates, confirming the queen's reſignation of the crown to the king, her ſon. After which, he produced the fatal caſket, which Bothwell would have taken from the caſtle of Edinburgh, and ſhewed the letters, verſes, and contracts before-mentioned. This is what Buchanan, who was preſent, atteſts *; but Camden, without deſcending to any particulars, contents himſelf with ſaying, "The earl of Murray endeavoured to prove her guilty of her huſband's murder, by conjectural proofs and circumſtances, by ſome few affidavits, by certain love-letters and verſes wrote, as he affirmed, with the queen's own hand; but theſe letters and verſes were little regarded, there being no name or date to them."

Buchanan's Hiſtory was publiſhed when Camden wrote his Annals. The firſt atteſts, that in the caſket were found letters containing the whole conſpiracy againſt the king, and the queen's rape, beſides the contracts. Camden inſiſts upon ſome letters and verſes, and even inſinuates they were forged. Had he wrote firſt, he might have ſuppoſed his aſſertions would not be queſtioned; but as he wrote 40 years after Buchanan, he ought, in my opinion, either to have poſitively denied or explained the facts related by that hiſtorian; and, therefore, as he does not confute them, it is plain he had nothing material to object to them. He farther adds, Murray gave the commiſſioners a book of Buchanan's, intitled, The Detection, wherein was a particular account of the king's death, with the vouchers; but that it found little credit with the commiſſioners, "becauſe the author was a mercenary writer." As to the confeſſions of thoſe that were put to death, he ſays in another place, that all declared the queen innocent with their laſt breath. Here he owns, the depoſitions of theſe ſame people were produced againſt her, but anſwers them not. He adds, however, that Elizabeth was very well pleaſed that theſe accuſations had ſomething impaired the queen of Scots reputation; but if the commiſſioners gave no credit to the proofs of the accuſers, as he would inſinuate, Mary's reputation could not be impaired, but on the contrary, ſhe would have been fully cleared.

Elizabeth will not decide the matter. Anderſon's Collect.

The examination being ended, Elizabeth forbore to decide either for or againſt, as ſhe had reſolved. In the interim, as Mary's friends were endeavouring to raiſe troubles in Scotland, and the regent's preſence was neceſſary, Elizabeth took occaſion to put off the concluſion of the affair till a more convenient time. Thus ſhe obtained her deſires, that is, a pretence to detain Mary till the affair was more fully cleared, and withal, proofs which would very probably hinder the queen and her friends from ſolliciting a deciſion. Buchanan ſays, ſhe cauſed the Scotch deputies

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* Theſe letters and verſes are to be found at the end of Buchanan's Detection; and in the tragical Hiſtory of Mary, queen of Scots, which is little more than a French tranſlation of the Detection; together with the contracts and depoſitions of the witneſſes. Rapin.

1568.

to be told, that thus far ſhe did not ſee any thing blameable in the conduct of the Scots. Camden ſays, on the contrary, ſhe abhorred their inſolence. Melvil adds, ſhe acquainted Mary, that ſhe believed her wrongfully accuſed, and could not enough deteſt the inſolence of her accuſers; nor ſhould the accuſation be ever made publick. The difference between Camden and Melvil is, that Melvil relates this, only to ſhew to what height Elizabeth carried her diſſimulation; but Camden pretends to infer from thence, ſhe believed her innocent. After all, the accounts of theſe three authors may be equally true, becauſe Elizabeth's ſcheme was to leave the affair undetermined, and to put both parties in hopes of her favour. Buchanan ſays, before the conference ended, Murray offered to clear himſelf of the king's murder before Mary's deputies; but that they thought proper to drop their accuſation. They could hardly do otherwiſe, for tho' they might have hoped to convict him, their commiſſion was revoked.

Murray diſcovers to the queen what had paſſed between him and the duke of Norfolk. Melvil.

Tho' according to Melvil, Elizabeth ſaid ſhe would not ſee the earl of Murray any more, ſhe had, however, ſeveral private conferences with him. In theſe conferences it was, that he informed her of all that had paſſed between him and the duke of Norfolk, and ſhewed her letters from Mary, which had been intercepted in Scotland, wherein ſhe complained in very harſh terms, of the treatment ſhe received ſince her coming to England. Moreover, ſhe hinted to her friends, that they ſhould not be diſcouraged at what had paſſed at York and Hampton-court, and that ſhe expected a powerful aid from a certain place which ſhe would not name. Theſe letters, added to what was diſcovered at the ſame time, that the pope was labouring to raiſe a rebellion in England, by means of Ridolfi, a Florentine merchant, and to Lidington's frequent conferences with the duke of Norfolk, who was become very ſuſpected, obliged Elizabeth to order the queen of Scots to be removed to Tutbury-caſtle †.

The duke of Norfolk was ſo exaſperated againſt the earl of Murray, that he had reſolved to have him murdered in his return to Scotland; but Throckmorton having reconciled them, the duke deſiſted from his deſign. Melvil affirms, Murray promiſed Elizabeth to ſend her the letters the duke ſhould write to him, and that he performed his promiſe.

The affairs of France. Thuanus. Camden.

Whilſt theſe things paſſed in England, the French court was thinking of executing their deſign of carrying away, by force, the prince of Conde, from his houſe at Noyers. The peace granted to the Huguenots was only to amuſe them. Happily for the prince, he had notice of it time enough to eſcape to Rochelle. This ſtratagem failing, the perſecution againſt the Huguenots was renewed with greater fury than ever. The king forbid them the exerciſe of their religion, and baniſhed all their miniſters; whereupon, they ſued for aid to Elizabeth, who ſent them 100,000 crowns of gold, with a good train of artillery. She ſaw plainly this was a conſequence of the councils held at Bayonne, and that if ſhe ſuffered the Huguenots to be oppreſſed, the flames would ſoon reach England. What confirmed her in this opinion was, that the duke of Alva proceeded in the ſame manner in the Low-Countries, and plainly ſhewed, he intended utterly to deſtroy the Proteſtant religion in theſe provinces, and make the king abſolute. The prince of Orange had brought an army from Germany to try to ſtop the execution of this deſign, but for want of money to pay it, was forced to retire among the Huguenots of France. This accident compelling many Flemiſh families to fly to England for refuge, the queen gave them leave to ſettle in ſeveral good towns, where they contributed very much to cauſe trade to flouriſh ‡.

1568. Elizabeth aſſiſts the Huguenots. Camden.

A quarrel between Elizabeth and Philip II. Camden.

About the cloſe of the year an accident happened, which occaſioned a quarrel between the queen, the king of Spain, and the duke of Alva. The Genoa merchants, and ſome others of Italy, having a great ſum of money in Spain, and reſolving to ſend it into the Low-Countries, obtained a paſs-port of the king of Spain, and put the money on board ſome veſſels of Biſcay. Theſe ſhips being attacked in their paſſage by French pyrates, did with great difficulty eſcape into Plymouth, Falmouth, and Southampton. As ſoon as the queen had notice of it, ſhe ordered the magiſtrates of thoſe places to treat the Spaniards civilly, and aſſiſt them in caſe the pyrates attempted any thing againſt them. The Spaniſh ambaſſador telling her the mony belonged to the king, his maſter, obtained leave to have it landed. His deſign was to carry it by land to ſome port nearer the Low-Countries; but, at the ſame time, cardinal de Chatillon, who was then in England, informed the queen that the money belonged to ſome merchants, and that the duke of Alva was to ſeiſe it to help him to carry on the war. This was alſo confirmed by other people. So, to deprive the duke of Alva of this aſſiſtance, ſhe took the money by way of loan, and gave ſecurity for the payment. Some time after, the duke of Alva demanding the money, the queen anſwered, ſhe would punctually return it, as ſoon as it appeared by good proofs that it was the king of Spain's. Upon the refuſal, the duke ſeiſed the effects of the Engliſh, and ſent the owners to priſon; and the queen did the like by the Flemings. A few days after, ſhe iſſued a proclamation upon this occaſion, which the Spaniſh ambaſſador anſwered in print; but this did not ſatisfy him; he diſ-

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† In Staffordſhire, where ſhe was committed to the cuſtody of George Talbot, earl of Shrewsbury. Camden.

‡ They ſettled at Norwich, Colcheſter, Sandwich, Maidſtone, and Southampton, which turned to the great advantage of England; for they were the firſt that brought into the nation the art of making bays and ſays, and other linnen and woollen cloths of the like kind. Camden.

1568

perſed very inſolent libels, containing grating reflections upon the queen's reputation; for which he was kept under a guard for a day or two. The queen complained to the king of Spain of his ambaſſador's inſolence; but could obtain no ſatisfaction.

1569.
A plot againſt Cecil, and the occaſion thereof.
Camden.

This difference between the queen and Philip II. was quickly followed by a diſturbance at court. Among all Elizabeth's miniſters and counſellors, there was not one ſo heartily attached to his miſtreſs's intereſt as Cecil, who was ſecretary of ſtate. All the reſt had their private views, to which they ſtrove to adapt the queen's and the nation's intereſt. But Cecil minded only the queen's, and was in great favour with her. Therefore to him chiefly ſhe imparted her moſt ſecret thoughts, with reſpect to the government of the ſtate. Several privy counſellors were engaged in the queen of Scots party; that is, they wiſhed the crown of England was ſecured to her, in caſe Elizabeth died without iſſue. They were of opinion, it was a thing agreeable to equity, juſtice, and the laws of the land; and pretended it was the only way to prevent the troubles which might happen after the queen's death; but Elizabeth thought, that when they conſidered the publick advantages, they did not ſufficiently attend to her ſafety. Mary did not pretend only to be Elizabeth's preſumptive heir; it was well known her pretenſions reached much farther, and that many were perſuaded, her title was preferable to the queen's. If therefore ſhe was appointed Elizabeth's ſucceſſor, it could be only in vertue of her birthright, and not in conſequence of Henry VIII's will, where ſhe was not ſo much as named, whereas many thought Elizabeth derived her title ſolely from thence. So, in taking this courſe, the titles of the two queens would have been put in oppoſition, very much to Elizabeth's diſadvantage. Conſequently her fear was, this nomination would increaſe the number of Mary's friends, and in the end endeavours would be uſed to ſet her on the throne before the time appointed. All who were diſpleaſed with the government thought the nation would get by the change. The Catholicks heartily wiſhed it, and amongſt the Proteſtants themſelves, there were many to whom it was indifferent which queen was on the throne, becauſe they made no great conſcience of conforming to all the changes which might be made in religion, as was the caſe more than once. It was, therefore, of great moment to Elizabeth, to hinder Mary from being nominated to ſucceed her. So, ſhe could not but have a great regard for thoſe, whom ſhe ſaw ſincerely attached to her private intereſt. Among theſe Cecil was the chief, and it was he alſo whom Mary's friends conſidered as her moſt dangerous enemy, and the rather, as he had frequently ſhewn his inclination to the houſe of Suffolk, before the death of the ducheſs of that name. This was the real motive of a plot laid in the beginning of the year *1569*, to ruin that miniſter. The duke of Norfolk, the marqueſs of Wincheſter, the earls of Northumberland, Weſtmoreland, Arundel, Pembroke, Leiceſter, and others, entered into this ſort of conſpiracy. They accuſed Cecil of being the cauſe of the queen's detaining the Spaniſh money, and by that of her running a manifeſt riſque of a war with Spain, which could not but be very prejudicial to trade. They flattered themſelves, that upon this charge the queen would ſend the ſecretary to priſon, and then they made no queſtion they ſhould find ways enough to effect his ruin. But the queen being too quickſighted not to ſee into their view and the motive of their plot, commanded them ſilence in ſuch a manner, as deſtroyed all their hopes of ſucceſs either then or for the future. We ſhall ſee preſently with what view they projected to deprive the qeen of this miniſter.

1567.

Story, an Engliſhman, is carried away by force from the Low-Countries.
Camden.

The ſudden quarrel between the queen and the king of Spain, obliging the Engliſh merchants to ſend their effects to Hamburgh, the duke of Alva prohibited all commerce with England. Then he appointed certain ſpies in all the ſea-ports, to give him information of thoſe that acted contrary to the prohibition. Of this number was one Story, an Engliſh Roman Catholick, who was very buſy in diſcovering the private trade ſtill driven by ſeveral perſons with the Engliſh, notwithſtanding the prohibition; but his diligence coſt him dear. Some time after, being drawn on board a veſſel, which he was told had brought over Engliſh goods, and ſome heretical books, he was carried to England, where he languiſhed in priſon ſome years, and, at laſt, was condemned to die.

A ſort of war between England and Spain.
Camden.

The Engliſh merchants met with no better treatment in Spain, than in the Netherlands; for Philip ordered all their effects to be ſeiſed, by way of repriſals for the money ſtopped in England. But this did not ſatisfy him. To be more fully revenged of Elizabeth, he endeavoured to bribe the duke of Norfolk to raiſe a rebellion in England, and the earl of Ormond to do the ſame in Ireland; but theſe two lords diſcovered it to the queen. On the other hand, tho' there was no war proclaimed between England and Spain, the Engliſh, on pretence of the injury done to their countrymen, fell upon all the merchant-ſhips belonging to the Spaniards. They did ſo much damage to Philip's ſubjects, by theſe continual cruiſings, that the queen fearing to be involved in a formal war, was forced to reſtrain them by proclamation.

Elizabeth makes an alliance with the Czar.
Camden.

Whilſt the Engliſh trade ſuffered in Spain and the Netherlands, it was like to be quite loſt in Muſcovy, by the avarice of the Engliſh merchants who had angered the Czar; but the queen ſpeedily ſent thither Sir Thomas Randolph, who ſo managed the Czar, that he obtained divers privileges for the Ruſſia company. Soon after, the Czar ſent an ambaſſador to the queen, to offer a perſonal alliance. Tho' it was no great honour to be allied with a prince ſo notorious for his cruelties, ſhe thought proper, however, for the benefit of her ſubjects, to make a treaty with him, mutually promiſing to afford one another refuge, in caſe either ſhould be dethroned.

A project of a marriage between the duke of Norfolk and the queen of Scots. Camden. Buchanan.

Whilſt Elizabeth was treating with the Ruſſian ambaſſador, plots were forming in England, which might have proved fatal to her, had they not been prevented. Some of the queen of Scots chief friends, the ſame who would have deſtroyed Cecil, had projected to marry her to the duke of Norfolk. The earl of Leiceſter himſelf was in the plot; but in all appearance, it was only to be let into the ſecret, and diſcover every thing to the queen. It is hardly to be doubted, that they who undertook this affair, were ſet to work by the duke of Norfolk himſelf, tho' he let his friends proceed, without appearing in it himſelf. The occaſion or pretence of this project was this. It was ſaid, Elizabeth intending never to marry, the queen of Scotland might happen to eſpouſe a foreign prince and a Papiſt, in which caſe the Proteſtant religion would be liable to great danger, ſince it was not impoſſible that the young king, her ſon, ſhould die before her. It was, therefore, neceſſary, to think betimes of marrying Mary to a Proteſtant huſband, that ſhe might be reſtrained, in caſe ſhe ſhould attempt any thing againſt religion, when ſhe came to the crown of England. It was ſaid farther, no Engliſh lord was more worthy of this honour than the duke of Norfolk, who was a ſincere Proteſtant; but to curb the duke's ambition, in caſe he ſhould think of carrying it too far, it was reſolved he ſhould give his daughter in marriage to the king of Scotland, that he might be concerned, in the young prince's preſervation. Such was the project, which did not ſeem to have any thing criminal, eſpecially as it was agreed, it ſhould not be executed without the queen's approbation. But, very probably, the managers of this affair had farther views; for, if they intended only the good and welfare of the kingdom, why did they deſire to hide their deſigns from the queen, till they had ſo well taken their meaſures, that it ſhould be impoſſible for her to hinder the execution? But, however, without ſtaying to examine whether it was the earl of Murray that firſt inſpired the duke of Norfolk with the thoughts of this marriage, as Camden affirms contrary to all appearance, the queen of Scots was informed of the project by the biſhop of Roſs, who was very diligent in all her concerns. At the ſame time, ſhe was promiſed to be reſtored to the throne of Scotland, and declared preſumptive heir to Elizabeth, on the following terms.

Camden.

That as to the ſucceſſion to the crown of England, ſhe ſhould attempt nothing to the prejudice of queen Elizabeth and her iſſue.

That ſhe ſhould conſent to a league offenſive and defenſive between the two kingdoms of England and Scotland.

That ſhe ſhould confirm the eſtabliſhment of the Proteſtant religion in Scotland.

That ſhe ſhould pardon ſuch of her ſubjects as had acted or appeared in arms againſt her.

That ſhe ſhould revoke the aſſignment of her right to the kingdom of England, which ſhe had made to the duke of Anjou, the king of France's brother.

That ſhe ſhould marry the duke of Norfolk.

Mary very readily accepted the offer with the condition annexed, all but the league, which ſhe ſcrupled at a little, becauſe ſhe was willing, before ſhe entered into it, to conſult the French king. She denied ſhe had made any aſſignment to the duke of Anjou, and yet offered to procure his renunciation, if required, for the greater ſecurity.

It is eaſy to perceive, the propoſers of theſe terms had taken great care to ſcreen themſelves from the law, ſince they ſeemed very juſt in themſelves, and advantageous to both kingdoms. But they ſuppoſed the reſtoration of Mary to the throne of Scotland, and her nomination to ſucceed to the crown of England. This was to be done firſt, and then the execution of what ſhe promiſed on her part, was left to her honour. It was in this the artifice conſiſted.

The project is carried on. Camden.

As ſoon as Mary's conſent was gained, ſeveral lords and gentlemen were ſounded, who not perceiving the venom of the project, approved it, but with this proviſo, that nothing ſhould be done without the queen's conſent. It was alſo communicated to the kings of France and Spain, who were very well pleaſed with it, tho' it be evident, they would have had no reaſon to be ſo, if they had believed, the conditions would be punctually performed. The proceedings of thoſe who had framed ſuch a project, without conſulting the queen, plainly ſhews their deſign was to put the affair in ſuch a ſtate, that it ſhould not be in her power to hinder the execution, when propoſed to her. The duke of Norfolk thought himſelf ſo ſecure of ſucceſs, that the earl of Northumberland having acquainted him, that Leonard Dacres intended to carry away the queen of Scots, he deſired the earl to hinder it, being apprehenſive ſhe would be conducted into Spain.

Elizabeth is informed of it. Camden.

This affair paſſing through ſo many hands, and being hardly any longer a ſecret, the duke of Norfolk juſtly feared, the queen would be offended that ſhe was not informed of it, and therefore, not to incenſe her more, he deſired the earl of Leiceſter to ſpeak of it to her. Leiceſter promiſed to do it the firſt opportunity, and yet delayed it from day to day, ſo that all knew it, except the queen, who, it is likely, feigned ignorance. However, ſhe was willing to give the duke occaſion to diſcloſe his ſecret, by telling him one day, "to beware upon what pillow he "laid his head;" but he pretended not to underſtand what ſhe meant, chuſing rather that the earl of Leiceſter ſhould ſpeak to her firſt, becauſe he thought him his friend. But it is ſaid, the earl had acted in this affair only to ruin him, becauſe he conſidered him as a dangerous rival in the queen's favour. However this be, the court being at Titchfield, the earl of Leiceſter feigns himſelf very ill, and the queen going to ſee him, he ſhewed ſigns of fear and trouble, which ſhe eaſily perceiving, asked him the reaſon. Then begging her pardon, for having ſo long concealed from her a ſecret which he ought to have told her, he diſcovered all that had paſſed concerning the duke of Norfolk's marriage with the queen of Scots. After which, the queen called the duke into a gallery, and taxing him with imprudence and raſhneſs for attempting this marriage, without vouchſafing to impart his deſign to her, commanded him to deſiſt from this project. The duke owned, ſuch a propoſal had been made to him, and he had conſented to it; but ſhewed himſelf ſo regardleſs of it, that he told the queen, his revenues were not much leſs than thoſe of the whole kingdom of Scotland, drained by civil wars; and that when he was at his tennis-court in Norwich, he thought himſelf as good as ſome kings. In ſhort, he promiſed the queen to think no more of the marriage. In the interim, as afterwards he perceived ſhe did not look upon him with the ſame eye as before, that the earl of Leiceſter was againſt him, and the courtiers ſhunned him, he withdrew from court, without taking his leave of the queen, and came to London. The ſame day the biſhop of Roſs ſuing for the enlargement of the queen of Scots, Elizabeth, in great diſguſt, told him, that his miſtreſs had nothing to do but to reſt ſatisfied, unleſs ſhe had a mind to ſee thoſe, on whom ſhe moſt relied, ſhorter by the head.

Camden.

This affair being entirely divulged, the queen endeavoured by all ways to get information of ſuch particulars, as might have eſcaped the earl of Leiceſter's knowledge. As ſhe knew the duke had frequent conferences with the earl of Murray, ſhe ſent Sir George Carey into Scotland, to deſire him to aquaint her with what he knew of the matter. In the interim, the duke being privately warned by a meſſage from the earl of Leiceſter, that a reſolution was taken to ſend him to the tower, retired into Norfolk. But repenting of this haſty ſtep, which might render him ſuſpected, he returns to court, after writing to the queen to beg her pardon, and to his friends, to intreat them to ſpeak to the queen in his behalf. Some days after, the queen received letters from Scotland, informing her of ſome things which had not come to her knowledge, and which made her ſign a warrant to ſend the duke of Norfolk to the tower. Then the biſhop of Roſs, who acted as the queen of Scots ambaſſador, was examined, and Ridolfi, the Florentine, was delivered to the cuſtody of Sir Francis Walſingham. The lord Lumley was arreſted, the earl of Pembroke was confined to his own houſe, and all the reſt who were concerned in the project of the duke of Norfolk's marriage, were baniſhed the court, except the earl of Leiceſter. The earls of Northumberland and Weſtmoreland made their ſubmiſſion to the earl of Suſſex, lord preſident of the North. All theſe lords endeavoured to excuſe themſelves, by declaring, they had approved the project of the duke's marriage, on the expreſs condition, it ſhould not be conſummated without the queen's conſent.

A conſpiracy and rebellion in the north. Camden.

Elizabeth did not think fit to publiſh all ſhe knew of this affair, wherein the prime lords of the kingdom were concerned. Beſides, ſhe had received, ſome time ſince, advice of a conſpiracy ready to break out, and conſequently, it might be very dangerous to uſe too great a ſeverity at ſuch a juncture. The earls of Northumberland and Weſtmoreland, both very powerful in the north, had held together ſeveral conferences, of which the queen had notice, and which cauſed her to order them to repair to court. They made ſome dilatory excuſes, but the queen ſent then a more expreſs order, to put them under a neceſſity of relinquiſhing their enterpriſe, or engaging in an open rebellion, before they had taken proper meaſures. This ſecond order produced the effect ſhe expected. The two earls knowing themſelves guilty, and not daring to truſt to the queen's mercy, took arms, and drew ſome forces together.

The rebels publiſh a manifeſto. Camden.

The rebels deſign was to free the queen of Scots, tho' they mentioned her not in their manifeſto. They ſaid only, their intent was, “To reſtore the religion of their forefathers, remove evil counſellors from the queen, and cauſe juſtice to be done to the duke of Norfolk, and the other lords now in priſon, or under diſgrace.” At the ſame time, they wrote circular letters to the Catholicks, inviting them to come and join with them. But moſt ſent the letters, they received, to the queen, whether they were not willing to diſturb the peace of the realm, or were diſcouraged by the duke of Norfolk's impriſonment. In the interim, the rebels coming to Durham, burn all the Engliſh bibles and common-prayer-books, and openly ſay maſs. Then they marched to Clifford-Moor, where they took a muſter, and found their army amounted to 4000 foot, and 600 horſe. Their chief deſign was to free the queen of Scots, in order to ſet her at their head; but upon the firſt news of this rebellion, ſhe was conveyed to Coventry, a ſtrong city in the middle of the kingdom, not to be taken without a formal ſiege, for which the rebels were by no means prepared. Beſides, in marching thither, they would have gone into a country, where the inhabitants were not their friends.

The rebels diſperſe themſelves, and the earls fly away. Camden.

In the interim, forces were levying for the queen in ſeveral parts. The earl of Suſſex had now 7000 men, the lord Clinton was at the head of 12000, and the earl of Cumberland, with the lord Scroop, were near Carliſle with a good body of troops, beſides the garriſon which they had thrown into that city. So, the rebels finding their number not increaſe, thought proper to retire to the borders of the north, where they took Bernard-caſtle, but, preſently after, fearing to be ſurrounded, diſperſed themſelves. The earl of Northumberland concealed himſelf at Harclaw, in Scotland. The earl of Weſtmoreland eſcaped into the Netherlands, where he ſpent the reſidue of his days, living upon a ſlender penſion allowed him by the king of Spain. The rebels being thus diſperſed, ſome were hanged for an example. Forty others, who were fled out of the kindom, were convicted of high-treaſon and out-lawed, and their ſentence was confirmed by the next parliament. Of this number were, Charles Nevil, earl of Weſtmoreland, Thomas Percy, earl of Northumberland, with his counteſs, and Egremond Ratcliffe, brother to the earl of Suſſex. The queen pardoned the reſt, who did not fly out of the land. Some time before this rebellion, the duke of Alva ſent to the queen Ciapine Vitelli, a famous captain, to demand the money which had been ſtopped; but his commiſſion was ſo limited, that he was forced to write to the duke of Alva for a more ample power. The real deſign of this ambaſſy was to have in England an experienced leader to command the rebels, and the forces the duke of Alva was to ſend over. Lamothe, governor of Dunkirk, diſguiſed like a ſailor, had already ſounded the ports, as he himſelf confeſſed afterwards; but the queen broke all theſe meaſures, by compelling the two heads of the rebels to take arms ſooner than they had reſolved.

Dacres's rebellion. Camden.

This rebellion was quickly followed by another, of which Leonard Dacres, a gentleman of the north, was the head. He had ſome buſineſs at court, which he was ſolliciting when the firſt rebellion broke out; upon the news, he went and offered his ſervice to the queen, who accepted it, becauſe ſhe knew he had a great intereſt in the northern parts. Having received a commiſſion from the queen to raiſe forces, he ſent to the earls of Northumberland and Weſtmoreland, that the troops he ſhould raiſe by vertue of his commiſſion, ſhould be at their ſervice. He even put them in hopes of foreign ſuccours, as certain ambaſſadors at London had aſſured him. His chief deſign was to carry away the queen of Scots; but he was diſappointed, by her being ſent to Coventry. So, finding himſelf at the head of 3000 men, after taking ſome caſtles, he reſolved to expect the lord Hunſdon, who was marching towards him with the garriſon of Berwick. The battle was fought near the little river Gelt. Dacres behaved very gallantly, but being vanquiſhed, fled into Flanders, where he died. The queen pardoned all his followers.

He is defeated and flies into Flanders. Hollingſh.

Commotions in Ireland. Thuanus.

At the ſame time, there were commotions in Ireland, in which, it appeared, the king of Spain was concerned, ſince he had diſpatched thither Juan Mendoza, an officer, to foment them; but they were eaſily allayed *.

The duke of Norfolk remains in priſon.

It is uncertain, whether the duke of Norfolk was concerned in the late rebellion in England. Several circumſtances made againſt him. Firſt, as moſt inſurrections neceſſarily require ſome preparations, it might be thought the rebels were getting ready, at the very time the duke of Norfolk and his friends were preparing every thing, to obtain the queen's conſent to the projected marriage. In this expectation, he had hindered Dacres from attempting to free the queen of Scots, as he had intended. Secondly, all the motions of the rebels tended to Mary's deliverance, and moſt of her friends were diſcouraged, when they heard the duke of Norfolk was in the tower. Laſtly, the rebels themſelves ſaid in their manifeſto, they had taken arms to releaſe him. But on the other hand, it is certain this lord was never called to an account, and the queen was contented with keeping him in priſon till September the next year. Hence, it ſeems, it may be inferred, there was no proof againſt him. But, perhaps, the queen did not think it it adviſable to let the people know, the firſt lords of the realm were concerned in the conſpiracy.

Affairs of Scotland. Buchanan.

I left, about the end of the laſt year, the earl of Murray in England, where he had played ſeveral and very oppoſite parts. Upon his arrival in Scotland, he aſſembled all the lords of the king's party, at Sterling, to communicate what he had done in England, and his conduct was approved.

Thuanus.

The duke of Chatelerault was come from France to London, a little before the earl of Murray's departure. He forthwith demanded queen Elizabeth's aid and protection, to obtain the regency of Scotland, being the young king's neareſt relation. But the queen knew her intereſt too well to fall into ſuch a ſnare, and to favour a lord, whoſe conduct had ever been very equivocal, and who, in all appearance, had not imbibed at the court of France favourable notions of the king's party. The duke not being able to obtain his deſire, let the earl of Murray depart, and came not to Scotlaed till ſome time after him. He brought a patent from queen Mary, wherein it appeared, that by a new and unheard-of right, ſhe had adopted him for her father, and as ſuch, committed to him the regency of the kingdom. The earl of Murray hearing the duke aſſumed the title of regent in vertue of this patent, immediately aſſembled an army, to compel him to ſubmit to the government, reſolving no other authority but the king's ſhould be acknowledged in Scotland. Since the queen's defeat and flight, her party was grown ſo weak, that the duke of Chatelerault was unable to reſiſt. All his dependance was upon the good ſucceſs of the project, which was then forming in favour of the duke of Norfolk, after which he did not queſtion to gain the advantage of the earl of Murray. But as it was not in his power to haſten the execution of the project in England, he was forced to confine himſelf to the endeavouring to gain time, by propoſing an agreement, plainly perceiving, the way of arms could not be ſucceſsful in his preſent circumſtances. He ſet, therefore, his friends to talk with the regent, and it was agreed, he ſhould come to Glaſcow, acknowledge the king's authority, and renounce the queen's; for which ſome advantages he had required were granted him.

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* They were raiſed by Edmund and Peter Butler, brothers of the earl of Ormond, who being ſent over, perſuaded his brothers to lay down their arms. Camden.

Notwithſtanding this agreement, he raiſed freſh difficulties to attain his end; but the regent not being ſatisfied with all his evaſions, began to march with his army to attack him. Then the duke having no other refuge, was conſtrained to go to the regent with the lord Herris. A few days after, the regent having aſſembled at Glaſcow the lords of the king's party, it was reſolved that a proclamation ſhould be publiſhed, offering to all who had hitherto refuſed to own the king's authority, to receive their ſubmiſſions, and reſtore them to the enjoyments of their lands. But the earls of Argyle and Huntley would not accept of theſe terms, being extremely diſpleaſed at the duke of Chatelerault's putting himſelf into the hands of the earl of Murray. At the ſame time, queen Mary wrote letter upon letter to her friends, exhorting them to ſtand firm, and giving them hopes of a ſpeedy and happy revolution in her affairs. She was then in expectation of the ſucceſs of the projects concerning her marriage with the duke of Norfolk.

The regent's proclamation not meeting with the expected ſucceſs, and no one appearing to accept the offered favour, he departed for Edinburgh, carrying with him the duke of Chatelerault and the lord Herris. He had delayed thus long to preſs them to make their ſubmiſſion to the king, becauſe he was deſirous it might be a general affair; but, at laſt, finding the queen's friends were in no haſte to make their ſubmiſſion, he reſolved to incite them by the duke of Chatelerault's example, who was the head of the party, and ſummoned him to perform the agreement made at Glaſcow. The duke ſeeing himſelf preſſed, ſought excuſes, ſaying he did not mean to treat for himſelf alone, but for the queen's whole party, and therefore could do nothing without the concurrence of the other lords, and the queen's approbation. Whereupon, the regent aſking him what he intended to do if the queen approved not the agreement of Glaſcow? He replied, that he believed himſelf bound to nothing. The circumſtances of the duke of Norfolk's plot, the ſucceſs whereof he expected every moment, made him think it not very dangerous to talk thus. However, the regent finding himſelf thus amuſed, ſent him and the lord Herris priſoners to the caſtle.

The duke of Chatelerault is ſent to priſon. Buchanan.

This is Buchanan's account of the occaſion of the duke of Chatelerault's impriſonment, an account which the circumſtances of affairs renders very probable; but Camden and his followers have been pleaſed to ſay only, the regent having ſummoned at Edinburgh the lords of both parties, to labour an agreement, the duke of Chatelerault and the lord Herris firſt repaired thither, and were ordered to priſon. In this manner has Camden maimed and disfigured the Hiſtory of Scotland, to give ſome colour to his invectives againſt the earl of Murray. I am going to relate another inſtance, either of his prejudice or unfaithfulneſs. I have reſerved it till now, tho' it be not its proper place, becauſe it would have been impoſſible to convince the reader of my aſſertion, if he was not firſt informed of what has been ſaid concerning the affairs of the queen of Scots. I hope I ſhall be pardoned this ſort of digreſſion.

Camden, after a very brief account of the murder of king Henry Darnly, in the year 1567, and an inſinuation that the earl of Murray was the real author of it, affirms, that the ſame Murray earneſtly preſſed the queen to marry the earl of Bothwell, to which ſhe conſented at laſt, after much difficulty. Then he immediately adds,

“ I ſhall willingly inſert here what George, earl of Huntley, and the earl of Argyle, who were the principal lords of Scotland, proteſted ſoon after, as I have taken it from an original ſigned with their own hands, which they ſent to queen Elizabeth.

“ Foraſmuch as the earl of Murray and others, to colour their rebellion againſt the queen, whoſe authority they uſurp, do openly ſlander her, as guilty of the murder of her huſband; we do publickly proteſt and witneſs theſe things following. In the month of December, 1566, when the queen was at Craigmillar, Murray and Lidington acknowledged before us, that Morton, Lindſay and Ruthven ſlew David Rizzo, with no other intent but to ſave Murray, who was at that very time to be proſcribed. Therefore, that they might not appear ungrateful, they greatly deſired, that Morton and the reſt who were baniſhed for Rizzo's murder, might be recalled. But this they ſaid could not be done, unleſs the queen were divorced from her huſband, which they promiſed to accompliſh, would we but give our conſent. Afterwards Murray promiſed to me (Huntley), that my antient inheritance ſhould be reſtored to me, and I ſhould be an everlaſting favourite with the exiles, if I would but countenance the divorce. Then we applied to Bothwell for his conſent alſo. And laſtly, we came to the queen, and Lidington, in the name of us all, earneſtly intreated her to reverſe the baniſhment of Morton, Lindſay, and Ruthven. The king's faults and offences againſt the queen and the realm, he aggravated with very great bitterneſs; and ſhewed how much it concerned the queen and ſtate, that the divorce ſhould be made out of hand, it being impoſſible for the king and queen to live together in Scotland with ſafety. She anſwered, ſhe had rather withdraw for a time into France, till her huſband ſhould be ſenſible of the errors of his youth, being unwilling any thing ſhould be done to her ſon's prejudice, or her own diſhonour. To this Lidington replied, we who are of your council will look to that. But I command you, ſays ſhe, to do nothing that may blemiſh my honour, or offend my conſcience. Let the thing remain as it is, till God pleaſes to provide a remedy from above; that which you imagine will be for my good, may, I fear, turn to my hurt. To which Lidington ſaid, pleaſe to leave matters to us, and you ſhall find nothing

1569. “ will be done but what is juſt, and what the parliament will approve of. A few days after, the king happening to be murdered in an execrable manner, we do from the inward teſtimonies of our conſciences, hold it for certain, that Murray and Lidington were the authors, contrivers, and abettors of this regicide, whoever were the actors.”

This proteſtation, as may be eaſily obſerved, ſquares exactly with Camden's deſign in his Annals of queen Elizabeth, viz. to clear the queen of Scots from the crime of murdering the king, her huſband, and to accuſe the earl of Murray; but withal, it is directly contrary to the teſtimony of Melvil, an eye-witneſs, who, in his Memoirs, ſays not a ſingle word which can give occaſion to ſuſpect, the earl of Murray was thought guilty of the murder. If this proteſtation, therefore, be true, Melvil's Memoirs muſt be only a heap of fables, which no man of ſenſe will ever believe. But to ſhew that this writing is counterfeit, it will be proper to examine it particularly, and make ſome remarks which will diſcover the forgery.

Camden begins with ſaying: “ I ſhall willingly inſert here what George, earl of Huntley, and the earl of Argyle, who were the principal lords of Scotland, proteſted ſoon after.”

This “ ſoon after” muſt have been two whole years, at leaſt, as I ſhall demonſtrate hereafter.

“ As I have taken it from an original ſigned with their own hands.”

Camden has not ſet theſe two lords hands to the writing, it may be, becauſe he did not know in what order they were to be placed. In a certificate however, one would think the ſignature is a material thing.

“ Which they ſent to queen Elizabeth”.

Suppoſing the truth of this proteſtation, it could not be ſent to queen Elizabeth till the latter end of the year 1568, at the very ſooneſt, when the earl of Murray went to York to accuſe the queen before the Engliſh commiſſioners. This remark diſcovers Camden's artifice, who deſignedly neglected to date the writing, places it in his Annals the beginning of the year 1567, immediately after the king's murder, as if at that very time Murray had been accuſed of killing that prince; whereas it was not till after the queen's flight into England that ſhe thought of caſting the crime upon him. It was not therefore out of pure negligence that Camden avoided dating the proteſtation.

“ Foraſmuch as the earl of Murray and others, to colour their rebellion againſt the queen, whoſe authority they uſurp, do openly ſlander her as guilty of the murder of her huſband.”

The earl of Murray cannot be ſaid to uſurp the queen's authority, till after he was declared regent, or the queen to accuſe him publickly of killing the king, till the York conference, or rather till that of Hampton-court, that is, in October or November, 1568. Now at that time the two factions were both formed. Murray was head of the one, and Huntley the other. 1569. So, ſuppoſing this writing not to be forged, what opinion can a man have of the atteſtation of one ſworn enemy againſt another? As to the earl of Argyle, Buchanan affirms, he was retired a little before to his own houſe; ſo that it is not probable he ſhould join with the earl of Huntley to frame this certificate at the time it muſt be ſuppoſed to be drawn. If it was dated, we might ſpeak of it with more certainty.

“ We do openly proteſt and witneſs theſe things following. In the month of December, 1566.”

This way of beginning argues it was ſome time ſince the things they are going to mention were tranſacted.

“ When the queen was at Craigmillar, Murray and Lidington acknowledged before us, that Morton, Lindſay and Ruthven, ſlew David Rizzo, with no other intent than to ſave Murray, who was at that very time to be proſcribed.”

I have already made appear by the teſtimony of Melvil, that the earl of Murray, far from owning that Rizzo was killed on his account, would not join with the party of the murderers, but remained conſtantly attached to the queen. Beſides, the earl of Argyle, author of this proteſtation, was then a fugitive as well as Murray, and was no leſs to be condemned than he; and yet, he ſpeaks here of this affair, as if he were a ſtranger to it, tho' he was the moſt conſiderable of thoſe who were to be baniſhed, and tho' Melvil affirms, it was for his and the others ſake, who had taken arms againſt the queen, Murray excepted, that Rizzo was murdered.

“ Therefore that they might not appear ungrateful, they greatly deſired that Morton, and the reſt that were baniſhed for Rizzo's murder, might be recalled.”

What has Lidington to do here, when he was never concerned in Rizzo's affair? And wherein conſiſted his ingratitude, if the exiles were not recalled?

“ But this they ſaid could not be done unleſs the queen were divorced from her huſband.”

Rizzo was killed by the king's order, and in his preſence, and ſolely, according to the author of the proteſtation, to ſave the earl of Murray. The point was to get the murderers recalled, who had been baniſhed for this murder committed by the king's order, and theſe exiles cannot be recalled by the queen, the only perſon offended, unleſs ſhe is divorced from the king. Let this conſequence be well examined, and it will never be thought, that the earl of Huntley and Argyle were ſo weak as to reaſon in ſo wretched a manner. In December, 1569, that is, about the time of the prince's baptiſm, the king was looked upon as a cypher, and expoſed to all ſorts of inſults from the queen.

“ Which they promiſed to accompliſh, would we but give our conſent.”

At that time the earl of Murray had no credit at court. It was Bothwell that ruled all. I do not know how it ſtood then with Lidington. However, Murray and Lidington are repreſented here as the perſons that were to be the chief agents in accompliſhing the queen's divorce, and as wanting for that purpoſe only the bare conſent of the earls of Huntley and Argyle. This is by no means probable.

" Afterwards Murray promiſed to me " (Huntley) that my antient inheritance " ſhould be reſtored to me, and I ſhould be " an everlaſting favourite with the exiles, if I " would but countenance the divorce."

The author of the proteſtation has confounded the times. Murray having then no power, could not make any ſuch promiſe to the earl of Huntley. None but Bothwell was able to make and perform it. Beſides, it is not likely the queen, when ſhe recalled the earl of Huntley, who was condemned to die, ſhould ſtill detain his antient inheritance which had been confiſcated.

" Then we applied to Bothwell for his con" ſent alſo ? "

This confounds the whole Hiſtory of Scotland. Murray and Lidington are made authors of the project of the queen's divorce, and the earl of Bothwell, as one who is only to give his conſent, tho' it is certain, he had then an abſolute ſway over the queen, who married him very ſoon after.

" And laſtly, we came to the queen, and " Lidington in the name of us all, earneſtly " intreated her to reverſe the baniſhment " of Morton, Lindſay, and Ruthven. The " king's faults and offences againſt the queen " and the realm, he aggravated with very " great bitterneſs; and ſhewed how much it " concerned the queen and ſtate, that the " divorce ſhould be made out of hand, it be" ing impoſſible for the king and queen to " live together in Scotland with ſafety."

Can it be conceived, that to induce the queen to pardon men who had killed her favourite in her preſence, and by the king her huſband's expreſs order, there ſhould be occaſion to aggravate the king's faults, and demonſtrate to the queen, that ſhe muſt be divorced from him.

" She anſwered, ſhe had rather withdraw " for a time into France, till her huſband " ſhould be ſenſible of the errors of his youth, " being unwilling any thing ſhould be done to " her ſon's prejudice, or her own diſhonour."

The author of this proteſtation repreſents the queen in December, 1566, as being under oppreſſion, and ſpeaking of retiring into France till the king ſhould be pleaſed to amend his errors. This ſuffices to ſhew, that the whole is a forgery; for it is not likely, the earls of Huntley and Argyle ſhould talk in this manner.

" To this Lidington replied, We who are " of your council will look to them. But I " command you, ſays ſhe, to do nothing that " may blemiſh my honour or offend my con" ſcience. Let the thing remain as it is, till " God pleaſes to provide a remedy from " above; that which you imagine may be " for my good, may, I fear, turn to my hurt."

The artifice of theſe words which the queen is made to ſpeak, conſiſt in this; the queen having commanded all theſe lords to do nothing with reſpect to her divorce, Murray and Lidington found no other way to get the exiles recalled, but by cauſing the king to be murdered. As if the king alone was an invincible obſtacle to the recalling of the baniſhed lords, who killed Rizzo by his orders, and in his preſence. I confeſs this reaſoning appears to me incomprehenſible.

" A few days after, the king happening to " be murdered in an execrable manner."

What has been juſt related paſſed in December, 1566, according to the proteſtation, and the king was killed in February, 1567, that is, two months after. Now, can it be ſuppoſed, that the earls of Huntley and Argyle could poſſibly be ſo miſtaken, as to call two months " a few days ? "

" We do, from the inward teſtimonies of " our conſciences, hold it for certain, that " Murray and Lidington were the authors, " contrivers, and abettors of this regicide."

The inference the author of this paper would draw, that the earls of Murray and Lidington were the contrivers of the king's murder, from their having projected the queen's divorce, appearing to him, without doubt, liable to ſtrong objections, he ſeems to give it up in part, when he grounds it wholly upon the inward teſtimony of Huntley's and Argyle's conſciences.

" Whoever were the actors."

It was notorious that Bothwell was the contriver of the king's murder, and Camden himſelf makes no ſcruple to own it, joining however the earl of Murray with him. But the author of the proteſtation durſt not name him, becauſe it was giving a ſenſible wound to the queen's honour, who, within a few months, married the murderer.

I ſhall only add one remark, which to me ſeems deciſive to demonſtrate the forgery of this paper. Lidington was never accuſed but in this writing only, of being concerned in king Henry's murder. On the other hand, ſo far was he from being conſidered as an enemy to the queen, that he was rather very much ſuſpected by the young king's and the earl of Murray's party, and not without reaſon. What Melvil ſays of him, and of the occaſion of the York and Hampton-court conferences, is a clear evidence that he continued in the regent's party, only to have opportunities to ſerve the queen. Buchanan confirms Melvil's teſtimony, in a book, entitled, the Camelion, wherein he pretends to ſhew, that Lidington betrayed the young king's party, and in his Hiſtory he drops many the like expreſſions againſt him. Now, how can it be thought, that the earl of Huntley and Argyle, heads of the queen's party, ſhould be ignorant, that Lidington was privately labouring for them ? If they knew it, it is by no means likely, that at the very time when Lidington was at York or Hampton-court, and frequently conferring with the duke of Norfolk, to hinder the earl of Murray from accuſing the queen, theſe two chiefs of the party ſhould publickly accuſe their ſecret friend of being author of the king's murder; eſpecially as there was not the leaſt ground for ſuch a charge. But very poſſibly, the author of the proteſtation was ignorant of Lidington's ſecret practices, and ſeeing him among thoſe who attended the regent at York, imagined he might ſafely join them together in the ſame accuſation.

But however this be, tho' this proteſtation be as true as it appears to be counterfeit, it cannot ſerve for proof to ſupport what Camden advances concerning the earl of Murray, becauſe it will be ſtill true, that it came from one of his moſt mortal enemies. I return to what paſſed in Scotland during the year 1569.

The regent has advice of Norfolk's deſigns. Melvil.

Soon after the duke of Chateleraut's arreſt, the regent convened the chief of the nobility at Perth, to communicate to them certain letters he had received, upon which it was neceſſary to conſult together. The firſt was from a friend in England, to give him notice of the conſpiracy in favour of the duke of Norfolk to eſpouſe the queen of Scots, telling him withal, the conſpiracy was in ſuch a ſtate, that all the forces of Great-Britain were not capable of preventing its ſucceſs; and adviſing him, therefore, to think in time of his own affairs.

Mary deſires her marriage with Bothwell may be nulled. Buchanan.

The ſecond letter was from queen Mary, and directed to the ſtates of Scotland. It was to deſire, that the validity of her marriage with the earl of Bothwell might be examined, adding, if there appeared any eſſential defect in it, ſhe would very willingly conſent, it ſhould be diſſolved. As Bothwell was ſtill alive in Denmark, it was neceſſary his marriage with the queen ſhould be annulled, before ſhe could eſpouſe the duke of Norfolk; and for this reaſon ſhe wanted the ſtates of Scotland to get it diſſolved, pretending only to give her conſent to it, tho' ſhe could not proceed without it.

Queen Elizabeth's demands to the ſtates of Scotland for Mary. Camden.

The third letter was from queen Elizabeth, to the ſame ſtates, to demand one of theſe three things in favour of Mary, The firſt, "That ſhe ſhould be reſtored to the throne as formerly. The ſecond, that ſhe ſhould reign jointly with the king, her ſon. The third, that ſhe might live in Scotland, with ſuch honours, as ſhould not be prejudicial to the king's authority." Camden, who agrees in this with Buchanan, will have it, that theſe demands of Elizabeth are to be conſidered as the effect of her compaſſion for the queen of Scots. But were was the compaſſion, to propoſe to the ſtates three things ſo diſproportionate, and to leave the choice to them? She knew, the two firſt would be rejected, and tho' the third ſhould be accepted, many difficulties would occur before it could be ſettled. Thus, what Camden conſiders as an effect of Elizabeth's pity, was in truth only a conſequence of the project ſhe had formed to prolong the affair, under the ſpecious colour of favouring her priſoner.

No anſwer is ſent to Mary letter. Buchanan.

The Scotch lords aſſembled at Perth, thought Mary's letter ought not to be anſwered, becauſe ſhe addreſſed to the ſtates, as if ſhe was ſtill their queen, which they would not allow. She did what ſhe could to remove this difficulty; but all her endeavours ſerved only to confirm them the more in their reſolution. They were far from being willing to facilitate the queen's marriage with the duke of Norfolk, by cauſing Bothwell's to be nulled. Mary, who did not know they were ſo well acquainted with her ſecrets, complained very much of their ſcrupling to diſſolve a marriage, which had ſerved them for a cloke to take arms againſt her; but her complaints were little regarded.

The anſwer of the Scotch lords to Elizabeth. Thuanus.

As to Elizabeth's demands, the lords reſolved to reject the two firſt, and accept the third, if Mary would be ſatisfied with it, and ſent their anſwer to the court of England by a young gentleman; but Elizabeth, who only ſought to gain time, wrote to them, that ſhe deſired a perſon of more conſideration to be ſent to confer with her about ſo weighty an affair. For this reaſon the lords deputed Robert Pitcairn.

The regent orders Lidington to be arreſted; Melvil.

Whilſt Pitcairn was on his way, the regent perceiving the queen's faction daily grew ſtronger, by the hopes which the duke of Norfolk's project gave the whole party, thought it neceſſary to ſecure Lidington's perſon. This lord, by feigning to be attached to the king's party, ſerved the queen to the utmoſt of his power, and as he was a man of great ſenſe and parts, did much more prejudice to the regent, by outwardly embracing his ſide, than if he had openly declared for the queen. So, the regent having on ſome pretence drawn him to Sterling, ordered him to be apprehended, and ſent priſoner to Edinburgh*; but Kircaldie coming unexpectedly with part of the garriſon of the caſtle, reſcued him†, promiſing to ſee him forth-coming when it ſhould be required. This notable proceeding rendered Kircaldie very ſuſpicious to the king's whole party‡.

who is reſcued by Kircaldie. Melvil.

Mary's faction grows weak in Scotland. Buchanan.

In the interim, the duke of Norfolk being ſent to the tower, without effecting any thing of his projects, all Mary's deſigns, as well in Scotland as England, vaniſhed into air. Soon after, the earls of Huntley and Argyle were reconciled to the regent, and ſubmitted to the king's authority. By that the queen's faction was in a manner extinguiſhed for ſome time. This ſhews how much queen Mary and her adherents relied on the duke of Norfolk. I ſhall cloſe this year with a brief account of what paſſed in France and the Netherlands.

The affairs of France. Mezerai.

The war continued in France during the whole year 1569. On the 13th of March was fought the battle of Jarnac, wherein the prince of Conde was killed. D'Andelot, the admiral's brother, did not long ſurvive him. Some time after, the duke of Deuxponts led an army into France, to the aſſiſtance of the Huguenots, but died there in June, leaving the command of the army to count Mansfeldt, who joined the admiral. With this re-inforcement the admiral laid ſiege to Poictiers, but was forced to raiſe it in September. In October, the Huguenots loſt the battle of Moncontour. This defeat obliged the admiral to ſend for a ſpeedy aid from Elizabeth, who lent him money upon the queen of Navarre's jewels, which were ſent to her in pawn. She alſo permitted a company of 100 gentlemen-volunteers to be raiſed, to ſerve in the army of the Huguenots *. The campaign ended with the taking of St. Jean d'Angeli, which the king became maſter of before the end of October.

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* He was accuſed of having had a hand in the late king's murder, as is obſerved above. Buchanan.

† He counterfeited a warrant under the regent's hand, by vertue of which Lidington was delivered into his hands. Buchanan and Spotiſwood.

‡ Melvil ſays, Kircaldie reſcued Lidington, with the conſent of the king's party, which is not very likely. Melvil was an intimate friend, and great admirer of the laird of Grange. Rapin.

The affairs of the Low-Countries. Grotius.

The duke of Alva ſtill continued his oppreſſions in the Netherlands. He had ſet up the inquiſition, and ordered the council of Trent to be received, as well as the new biſhops, whoſe juriſdiction had been hitherto rejected. The bloody council ſtill acted with fury. The privileges of the cities, univerſities, provinces, were delivered to the king's mercy. In a word, the duke of Alva ordered the hundredth part of the revenues to be paid to the king, after that, the twentieth part of the real, and the tenth of the perſonal, eſtates, every time they were ſold. Some of the magiſtrates of the towns having the boldneſs to appeal to the king from theſe ordinances, were ſeverely puniſhed. In ſhort, theſe provinces being now conſidered by the Spaniards, but as a conquered country, all were driven to deſpair.

1570. The earl of Northumberland is ſeiſed in Scotland. Camden.

The beginning of the next year 1570, the earl of Murray having notice that the earl of Northumberland was concealed in Scotland, found means to ſeiſe him, and committed him to priſon at Lochlevin. Camden ſays, he offered to deliver this lord to Elizabeth, in exchange for the queen of Scots. But this is not likely, for Mary was better guarded in England than ſhe could be in Scotland, and Murray was not ignorant of Elizabeth's reaſons never to releaſe her.

The earl of Murray is aſſaſſinated. Buchanan. Some Scots ravage the Engliſh borders. Camden.

A few days after, Murray was ſhot through the body by one of the family of Hamilton, who pretended it to be only in revenge of a private injury; but it ſoon appeared to be by the direction of the queen's faction. On the morrow, the Scots and the Carrs, great friends of the queen, entered England in arms, and deſtroyed the borders with fire and ſword. As they had no private reaſon to make this incurſion, it is eaſy to perceive, they were encouraged by the heads of the queen's faction, who were willing to try to give a new turn to affairs. Their ſcheme was this:

Motives of this invaſion. Buchanan.

The queen's faction was ruined, and without any likelihood of being ever able to riſe again, becauſe the earl of Murray could be always ſure of aſſiſtance from England, in caſe of neceſſity; wherefore the heads of that faction, who had ſubmitted to the king againſt their wills, formed new projects. They conſidered the ſtrict union between England and Scotland, as a ſtrong fence againſt all their enterpriſes in favour of Mary, and therefore reſolved to break it at any rate. To ſucceed, they deemed it neceſſary before all things, to aſſaſſinate the earl of Murray, that the kingdom might for ſome time be in a ſort of anarchy, as it happened indeed; that done, they hoped, by provoking the Engliſh on their borders, they ſhould excite them to a revenge on all the Scots without diſtinction; that this would revive the old enmity between the two nations, and ſo all Scotland would be united againſt England; that then ſuccours might be ſafely ſent for from France and Spain, and the project be reſumed of invading the borders of England, whilſt the Catholicks ſhould on their part act within the kingdom. The lord Seaton's ambaſſy to the duke of Alva, and the pope's bull, of which I ſhall preſently ſpeak, plainly ſhew, this was their intent, tho' Camden is pleaſed to conſider the invaſion of the Engliſh borders, as a mere caprice of the Scots and Carrs.

Lidington is ſet at liberty. Buchanan.

Immediately after the earl of Murray's death, Kircaldie releaſed Lidington, who uſed all his art to hinder the king's party from proceeding to the election, of a new regent, intimating, that Scotland would never be in peace, unleſs a regent were choſen who ſhould be approved by the two parties, and conſequently it was neceſſary to aſſemble the great men of both ſides, that they might agree together. In what he ſaid there was the appearance of good; but he knew, it would be difficult to get all the great men together in one place, and tho' they ſhould meet, they would never agree upon the choice. However, this ſerved to gain time, in the expectation queen Elizabeth, by reſolving to revenge the injury ſhe had received, would drive all the Scots to deſpair, and unite them all againſt her. He ſucceeded in the firſt part of his deſign, and by his intrigues managed it ſo, that the election of a regent was deferred. But he was not ſo happy in the other part of his project; for Elizabeth and her council were too wiſe to fall into the ſnare. On the contrary, the more they found that endeavours were uſed to unite all the Scots in one party, the more they judged it neceſſary to keep them divided, nothing being ſo advantageous to Elizabeth as to foment confuſion and diſcord in that kingdom, till ſhe could take other meaſures.

Elizabeth avoids the ſnares laid for her.

She complains of the violators of the peace, but not of the whole nation. Melvil.

To that purpoſe ſhe ſent Randolph into Scotland, to complain of the inroad made into England; but inſtead of laying the fault upon the whole nation, as the authors of the invaſion expected, ſhe ſaid withal by her ambaſſador, ſhe was very ſenſible, thoſe who governed Scotland were not concerned in the inſult on the Engliſh, and, therefore, ſhe was

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* They were commanded by Henry Champernoon, with this motto on his colours, "Finem det mihi vertus". Amongſt the volunteers was Walter Raleigh, a very young man, who now firſt began to be taken notice of. Melvil's Mem.

willing to diſtinguiſh the innocent from the guilty; that ſhe demanded however a ſuitable reparation, and if they who were at the helm could not procure it for her, ſhe offered them the aſſiſtance of her forces; that in caſe they refuſed it, ſhe would ſend an army into Scotland, not to attack the whole nation, but to puniſh ſuch only as wantonly, and without provocation, had inſulted the Engliſh. As it was then a time of anarchy, there being no regent yet, the giving the ambaſſador an anſwer was put off till May, when the ſtates would be aſſembled. Randolph inſiſted not upon a ſpeedy anſwer, contenting himſelf with exhorting the Scots to peace and concord, whilſt he privately laboured to cheriſh their diviſions, and hinder their union. This is what Melvil clearly ſhews in his Memoirs. In the interim, Elizabeth prepared an army, which ſhe intended to ſend into Scotland, as well to revenge her ſubjects, as to ſupport the king's party, and cauſe a regent to be elected, who ſhould not be againſt the intereſt of England.

Libels publiſhed in Scotland againſt Elizabeth, who avoids the ſnare. Buchanan.

Tho' the heads of the queen's faction ſaw Elizabeth did not fall into their ſnare, they endeavoured, however, to provoke her, and incenſe her againſt the whole nation, by libels and ſlanders which they took care to publiſh; but all their artifices were not capable of making her alter her courſe. In the interim, her army which was to be commanded by the earl of Suſſex, was preparing with all poſſible expedition.

In the mean time, Mary's adherents taking courage ſince the earl of Murray's death, held frequent councils upon the ſituation of their affairs, their view being to gain time, in expectation of the ſuccours which Verac, the French envoy *, put them in hopes of. They expected likewiſe an aid from the Netherlands, and as theſe ſuccours could not be ready ſo ſoon as they wiſhed, they endeavoured to amuſe the king's party by propoſals of agreement; but theſe laſt conſtantly refuſed to conclude any thing before the aſſembly of the ſtates.

Grange ſets his priſoners at liberty. Melvil.

In this interval, the laird of Grange releaſed the duke of Chatelerault, the lord Herris, and the reſt of the priſoners, and thereby the queen's party was conſiderably ſtrengthened. It muſt, however, have been ſtill very weak, ſince it could act but by negotiations. Be this as it will, the heads of that party reſolved to meet at Linlithgow, by the name of the ſtates, ſince, there being no regent, they thought they had as much right to convene the ſtates as the other party. In this aſſembly they vainly ſought means to engage England to break with the whole Scotch nation. Elizabeth was too much upon her guard to be eaſily ſurpriſed. At laſt perceiving they could not ſucceed, they believed it neceſſary for their ſafety to try to become maſters of Edinburgh. But as this could not be effected by force, they deſired the magiſtrates of Edinburgh to permit them to hold their aſſembly in the city. This was readily granted; but the inhabitants kept ſo ſtrict a watch, that the project of the queen's adherents was fruſtrated. In the interim, there were ſundry negotiations between the two parties which came to nothing.

The Engliſh army approaches.

Preſently after, upon news of the earl of Suſſex's being come to Berwick, the aſſembly of Edinburgh broke up. The heads had now ſent deputies to Elizabeth, to try to divert the impending ſtorm, and to gain time, till the arrival of the French ſuccours. They even offered to make her umpire, and were ſo well ſeconded by the French ambaſſadors, that ſhe readily conſented to be mediatrix between the two parties. But ſhe pretended, the affair, for which ſhe ſent an army into Scotland, had no relation to the differences between the two parties, for it was only to chaſtiſe the violators of the peace, who were owned by neither party, without, however, either being able to procure her any ſatisfaction. So the earl of Suſſex received no counter-orders. When that general was come to Berwick, the duke of Chatelerault ſent Melvil to know whether he intended to join one of the parties, or endeavour their reconciliation. Melvil ſays in his Memoirs, that in his conferences with the earl of Suſſex, he found the earl had orders indeed to favour the king's party, but would not quite diſcourage the queen's. He infers that his chief view was to continue the troubles in Scotland, which is very likely.

Elizabeth accepts of being umpire between the two parties, ſaving however the puniſhment of the authors of the invaſion. Buchanan. Camden.

The earl of Suſſex enters Scotland. He puniſhes the violators of the peace. Camden.

The Engliſh army entering Scotland in April, ravaged the lands of the Scots and Carrs, and thoſe who were concerned in the late incurſion into England. Camden ſays, in this expedition were burnt above 300 houſes, and about 50 caſtles. Melvil adds, the earl of Suſſex aſſaulted and took the caſtles of Hume and Falſt, belonging to the lord Hume, to oblige him, who had hitherto remained in a ſort of neutrality, to declare for Mary's party, leſt the balance ſhould incline too much to the king's ſide. This conjecture is grounded upon the project formed by the queen's faction, to unite all Scotland, and upon Elizabeth's intereſt to prevent ſuch an union.

The ſtates called in the king's name meet. Buchanan.

The beginning of May, the ſtates ſummoned in the king's name, met at Edinburgh. Their firſt care was to depute Robert Pitcairn to Elizabeth, to beſpeak her favour, and acquaint her, they were ready to chuſe a regent to her liking.

The ſiege of Glaſcow. Buchanan. Camden.

Whilſt Pitcairn was on his way, Mary's adherents beſieged the caſtle of Glaſcow, which made a braver defence than they expected. The earl of Suſſex having notice of it, detached Sir William Drury, governor of Berwick, with 1000 foot, and 200 horſe. At their approach, the beſiegers retired, and diſperſed themſelves in the mountains. In the interim Drury being joined by a body of Scotch royaliſts, ravaged the lands of the Hamiltons, and took the caſtle of that name, belonging to the duke of Chatelerault.

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* Thuanus calls him Verac, and ſpeaks of him as one ſent by the Guiſes, and not by the king of France. The Engliſh and Scots call him Virac, and mention him as the French king's envoy. Rapin.

1570.

Elizabeth requires a ſuſpenſion of arms. Buchanan.

In the mean time, Pitcairn returning from England, reported to to the ſtates, that Elizabeth thought it very ſtrange, that ſince Murray's death ſhe had not been informed of the poſture of affairs in Scotland; that her ignorance in that reſpect had kept her in ſuſpence, concerning the courſe ſhe was to take; that, at length, tired with continual ſollicitations, ſhe had conſented, that a conference ſhould be held between the two parties, wherein ſhe was very willing to act as a mediatrix, provided they would both refrain from violent methods, and leave things as they were; that ſhe deſired, therefore, the ſtates to obſerve this condition, and defer the election of a regent till the ſucceſs of the conference ſhould be known. This demand very much embarraſſed the ſtates. They could remain no longer without a head, and yet, durſt not diſoblige the queen of England, who alone was able to ſupport them. Wherefore they reſolved to elect an Inter-Rex, who could be revoked without any conſequence, and the choice fell upon the earl of Lenox, then in England. Soon after, they received a letter from Elizabeth, acquainting them with her conſent, that they might chuſe a regent, and recommending to them the earl of Lenox, who was inſtantly choſen.

The regent takes Brechin, and diſperſes Huntley's troops. Camden. Melvil.

In the interim, the earl of Huntley receiving from Spain money and ammunition, took the field, and ſtored the caſtle of Brechin. Soon after, the earl of Lenox arrived in Scotland, and when the ſtates broke up, reſolved to recover the caſtle which was of ſo great importance. He aſſembled for that purpoſe his forces at Linlithgow, and demanded artillery and ammunition of Grange, governor of the caſtle of Endinburgh, who refuſed them, on pretence he would not be inſtrumental in ſhedding the blood of his countrymen. Grange was properly of the queen's party, but had other views than the reſt of her friends. His project was to ſet himſelf at the head of a third party, with which he pretended the other two ſhould join, to reſtore the queen to the crown upon certain terms. This was the cauſe of his ruin, as will hereafter appear. Sir James Melvil, author of the Memoirs ſo often quoted, was in the ſame ſentiments, as he diſcovers in ſeveral places, but, probably, waited for a more favourable opportunity to declare.

Grange's refuſal hindered not the regent from becoming maſter of Brechin, and compelling the earl of Huntley to fly to the mountains, where it was not eaſy to purſue him. Not long after, the queen's party obtained a truce, at queen Elizabeth's inſtance, who ſought only to prolong the affair; as on their part, the queen's adherents tried to gain time, to wait the effects of the duke of Alva's promiſes. Some time before, they had ſent the lord Seaton to him to deſire aid, and he had promiſed them 10,000 men; but the diſorders which unexpectedly aroſe in the Netherlands, hindered him from performing his promiſe.

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Plots in England to free queen Mary. Camden. Thuanus.

Whilſt theſe things paſſed in Scotland, ſeveral plots were forming in England, to free the captive queen. Monluc, biſhop of Valence, came to London, and very earneſtly ſollicited the queen of Scots's liberty. The Spaniſh ambaſſador was no leſs urgent for the ſame. The queen was the more jealous of the zeal of France and Spain for Mary, as at the ſame time pope Pius V. cauſed a bull, dated the laſt year, to be fixed up in the night in ſeveral places in London, whereby he excommunicated Elizabeth, and abſolved her ſubjects from their oath of allegiance. On the other hand, it was diſcovered, that ſome Norfolk gentlemen had reſolved to take arms and raiſe a rebellion in that county. This conſpiracy being diſcovered, the authors were apprehended; but the queen pardoned all but three, two of whom were John Throckmorton, and Felton, who poſted up the bull. Soon after, ſhe heard alſo that two of the earl of Derby's ſons had plotted to free the queen of Scots. As John Leſley, biſhop of Roſs, who acted as Mary's ambaſſador, was the chief promoter of all theſe plots, it was thought fit to confine him again to the biſhop of London's palace. He was but lately releaſed, having been arreſted for being deeply concerned in the earl of Northumberland's conſpiracy. Notwithſtanding the juſt ſuſpicions which all theſe machinations might raiſe in the queen of the duke of Norfolk, who was conſidered as the head of Mary's party, he was diſcharged from the tower; but it was not till after he had expreſſed great ſorrow for his fault, and proteſted by word of mouth and under his hand, that he would never more think of marrying the queen of Scots.

Elizabeth's reaſons to detain Mary in priſon.

It was not difficult for Elizabeth to perceive, that the queen of Scots was the ſole cauſe of all theſe embarraſſments. If repoſe would have followed, upon her releaſe, ſhe would have willingly freed her; but tho' Mary's adherents, and thoſe who ſollicited in her behalf, pretended, they acted only from a motive of compaſſion, and exclaimed againſt the injuſtice of detaining her in priſon, Elizabeth was not ignorant, that their views extended much farther. The pope, Spain, the houſe of Lorrain, the duke of Alva, the Engliſh, Scotch, and Iriſh Catholicks confined not themſelves to the freeing the unhappy queen from captivity; their view was to ſet her on the throne of England. Conſequently it was more dangerous for Elizabeth to releaſe her than to keep her confined. But ſhe did not think proper to diſcloſe her thoughts, as on their part her enemies were extremely careful to conceal their deſigns. She continued, therefore, to feign, that ſhe deſired nothing more earneſtly, than to find means to reſtore Mary to the throne of Scotland, provided it could be done without danger to England. To this end ſhe ſent Cecil, to make her ſome captious propoſals, tending only to dazzle the publick. Mary hearing the propoſals, returned a general anſwer, declining to give a particular reply to each article, without the conſent of the heads of her party in Scotland, to whom ſhe deſired they ſhould be communicated, that they might anſwer them as they ſhould think pro-

Leſley's Negot. Camden.

per. The propoſals with the anſwers were to this effect,

I. The queen of Scots ſhall ratify the treaty of Edinburgh, and renounce her claim to the crown of England, during the life of queen Elizabeth, and her iſſue.

Anſwer. Agreed.

II. She ſhall not make nor renew alliance with any power whatever againſt England.

Anſwer. By renouncing the alliance of France, the queen will forfeit her dower, and the Scotch nation be great loſers; wherefore the queen of England muſt make amends for theſe things ſome other way.

III. She ſhall admit no foreign troops into Scotland.

Anſwer. Agreed, with this reſtriction, unleſs ſhe is not able with her own forces to ſuppreſs the rebellions of her ſubjects.

IV. She ſhall hold no intelligence with the Engliſh or Iriſh, without the queen of England's knowledge.

Anſwer. Agreed, provided the queen of England will hold none with the Scots.

V. She ſhall deliver up the Engliſh and Iriſh rebels.

Anſwer. If there are any Engliſh or Iriſh rebels in Scotland, they muſt be demanded of thoſe who have taken arms againſt their queen.

VI. She ſhall make the Engliſh borderers amends for the loſſes ſuſtained in the late invaſion.

Anſwer. Commiſſioners on both ſides ſhall be appointed to examine the damages which were done.

VII. She ſhall proſecute, and puniſh according to law, the murderers of king Henry and of the earl of Murray.

Anſwer. Agreed.

VIII. She ſhall give her ſon for hoſtage.

Anſwer. Her ſon is not in her power.

IX. She ſhall not marry any Engliſhman without the queen of England's knowledge, nor any other without the conſent of the ſtates of Scotland.

Anſwer. To be tied to theſe terms is a thing unworthy of a queen.

X. The Scots ſhall not paſs into Ireland without the queen of England's permiſſion.

Anſwer. Agreed, provided the Iriſh be not ſuffered to paſs into Scotland without the queen of Scots's leave.

XI. She ſhall give ſix hoſtages of the queen of England's naming.

Anſwer. Agreed, provided the duke of Chatelerault, the earls of Huntley, Argyle, and Athol be excepted.

XII. If ſhe attempt any thing againſt qeen Elizabeth, ſhe ſhall forfeit the right ſhe claims to the crown of England.

Anſwer. Agreed, on condition that in the like caſe the queen of England will be liable to ſome equivalent penalty.

XIII. The caſtles of Hume and Falſt ſhall be three years in the poſſeſſion of the Engliſh.

Anſwer. This cannot be granted; on the contrary, the queen of England is required to reſtore theſe caſtles to the lord Hume.

XIV. Some places on the borders of Galloway or Cantyr ſhall be put into the hands of the Engliſh, to hinder the Scots from infeſting Ireland.

Anſwer. To deliver ſuch places to the Engliſh would be creating a perpetual war in Scotland.

All theſe articles ſhall be confirmed and ratified by the ſtates.

There is no anſwer to this article.

It would be very eaſy, in examining of theſe propoſals, to ſhew that ſome were only to create a belief of Elizabeth's acting with moderation and ſincerity; that others were but ſnares to ſurpriſe the queen of Scots; and that ſome there were, the execution whereof was impracticable. Elizabeth's deſign, therefore, was only to amuſe.

On the other hand, the anſwers were as little proper to procure an agreement between the two queens. They who drew theſe anſwers, pretended, that Mary ſhould treat Elizabeth, upon equal terms, as ſhe might have done, had ſhe been on her throne at Edinburgh; but the Engliſh meant no ſuch thing. Mary was priſoner in England, and the point was to releaſe and reſtore her to her throne. She accepted theſe conditions to obtain theſe two great advantages; but withal ſhe is made to ſay, that ſhe expected Elizabeth ſhould be bound to the like or equivalent terms. This was as much as to ſay, that otherwiſe ſhe would not accept what was offered her. Nothing could be more grateful to Elizabeth, ſince it was a certain means to prolong the negotiation. Had Mary accepted theſe propoſals without any reſtriction, ſhe would, perhaps, have embarraſſed Elizabeth's council; at leaſt, they would have been forced to ſeek means to obſtruct the execution, and thereby the fault would manifeſtly have been on the ſide of the court of England.

Elizabeth, it is certain, had no deſire to releaſe her priſoner on any terms whatever. She was a very dangerous rival, even when in priſon, how much more had ſhe been at liberty? From her return to Scotland, upon the death of her huſband, ſhe had never ceaſed holding intelligence in England, to try to excite the Engliſh to rebellion. This is what very evidently appears in Melvil's Memoirs. Her misfortune to fall into the hands of Elizabeth did not make her diſcontinue her practices. On the other hand, the project of her marriage with the duke of Norfolk, the earl of Northumberland's conſpiracy, and the correſpondence of her adherents with foreign courts, tended only to raiſe her to the throne of England, even in queen Elizabeth's lifetime. In ſhort, it was manifeſt, the pope, the king of Spain, the princes of Lorrain, the Engliſh Catholicks, all the Iriſh, and part of the Scots, were labouring to accompliſh this deſign. How imprudent would it have been to releaſe her, that ſhe might the better proſecute her pretenſions? It is true, after the death of Francis II. ſhe quitted the title of queen of England, and proteſted, ſhe claimed

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not the crown of England till after Elizabeth and her poſterity. But, that a bare proteſtation may ſerve for ſecurity, the ſincerity of the perſon proteſting muſt be firſt well-eſtabliſhed. Here was quite the contrary, all Mary's proceedings having ſhewn ſhe deſiſted not from her claim; ſo her bare proteſtation was only her word, on which it was very dangerous to rely. Certainly, Mary was unhappy only in having too zealous adherents, who, by all their proceedings, puſhed her continually towards her deſtruction. But this is no wonder; for they acted not for her ſake, but for their own ends, and the intereſt of the Romiſh religion, to which ſhe ſerved for pretence. Sir James Melvil, who was not Mary's enemy, obſerves in his Memoirs, that both parties equally hurted her, the one in acting directly againſt her, the other in ſerving her with too much zeal. He adds, the queen's party groundleſly flattered themſelves with ruining their adverſaries, who were ſupported by England. The reaſon he gives is very ſtrong, viz. there was no likelihood that the queen's party would ever receive great aſſiſtance from the court of France, which dreaded nothing ſo much as to ſee the two crowns of England and Scotland upon the ſame head. He relates upon this occaſion a particular, which may be of great ſervice to diſcover the ſituation of Mary's affairs. Sir Robert Melvil, at his return from his ambaſſy to England, gave queen Mary a paper ſigned by 25 Engliſh earls and lords, promiſing to ſet her on the throne of England. Mary ſent the paper to the cardinal of Lorrain, her uncle, deſiring withal the aſſiſtance neceſſary to execute that deſign; but the cardinal himſelf diſſuaded queen Catharine de Medici from thinking of ſuch an enterpriſe, demonſtrating the prejudice France would receive by the union of the two kingdoms of England and Scotland; nay, to hinder the thing from being effected by other means, they gave notice thereof to queen Elizabeth, who always feigned ignorance of what ſhe was told by the court of France. Melvil affirms, he had this from the queen of Scots own mouth, at a time when ſhe was diſſatisfied with the cardinal. It is evident then, that the eagerneſs of Mary's friends was prejudicial to her; but eſpecially they who continued the war in Scotland, only helped to ſecure Elizabeth's affairs, who thereby was ſheltered from the quarter ſhe had moſt to fear, whereas the Scots, by their union, would be more conſiderable, and, doubtleſs, Elizabeth would have had more condeſcenſion for her priſoner. Upon this principle it was that Grange and Melvil laboured to procure an agreement between the two parties, wherein they endeavoured to ſerve Mary effectually. But it was not eaſy to bring paſſionate men, to ſacrifice their paſſions and intereſts to the good of the publick. The council of England improving theſe diſpoſitions, never ceaſed fomenting the troubles of Scotland, under colour of appeaſing them, till it ſhould be Elizabeth's intereſt to end them. This Melvil plainly ſhews in his Memoirs; but it would be too long to alledge the proofs. Thus Mary was in a wretched condition, by the ill counſels which were given her, and which ſhe was ſo unwiſe as to follow with ardor. The biſhop of Roſs, her agent at London, a great zealot for his religion, but whoſe views were not very extenſive, did her infinite damage by his paſſion and pains to cheriſh the diſcontent of the Engliſh Catholicks. As Elizabeth had good ſpies, ſhe was not ignorant that this pretended ambaſſador was concerned in all the plots laid againſt her, from whence ſhe could not but infer, that he acted agreeably to his miſtreſs's inclinations and orders. As ſoon as this prelate had the articles propoſed to Mary, he ſent copies to the pope, to the kings of France and Spain, to the duke of Alva, intimating to all theſe potentates, that Mary would be, at length, conſtrained to accept them, if ſome vigorous effort were not made in her favour. But his ſollicitations were fruitleſs; for the king of Spain being then employed in his marriage with Ann of Auſtria, his niece, daughter of the emperor Maximilian, left to the duke of Alva, the care of aſſiſting the queen of Scots. But the duke was himſelf employed in the Netherlands. The city of Bruſſels refuſing to pay the 100th penny, gallows were now prepared to puniſh the diſobedient, when he heard the prince of Orange was levying an army in Germany. So, inſtead of aiding the queen of Scots, he was preparing for the war, which he ſaw ready to kindle in the Low-Countries, and wherein, probably, he would have to deal with the inhabitants of theſe provinces as well as the Germans.

1570. The biſhop of Roſs ſollicites in vain the potentates in Mary's behalf. Camden.

As for the court of France, beſides that they never really intended to ſet the crown of England on the head of the queen of Scots, but only to create Elizabeth troubles, they began to form projects, which ſuffered them not openly to eſpouſe Mary's cauſe. Tho' the king had gained ſeveral victories over the Huguenots, he ſaw with grief there was no end of the affair, and that theſe people chuſing rather to die with their ſwords in their hands, than at the ſtake, or the gallows, it would be very difficult to deſtroy them by open force. He reſolved, therefore, in order to attain his ends more eaſily, to amuſe them with a peace, which he granted them in Auguſt this year. From that time his ſole care was to diſſemble his ſentiments, and make them believe they had nothing more to fear from him. To convince them the better that the deſign of extirpating them was entirely relinquiſhed, Catharine de Medici propoſed a marriage between the king, her ſon, and Elizabeth, who replied in two words, that he was too great and too little. This project failing, Catharine propoſed her ſecond ſon, the duke of Anjou, as a more ſuitable match. This was, therefore, no favourable juncture for the queen of Scotland, ſince the court of France could undertake nothing openly in her behalf, without breaking their own meaſures.

The project of the French court againſt the Huguenots. Thuanus.

Secretary Cecil was created baron of Burleigh the beginning of the year 1571. No man had better deſerved than he to receive this mark of diſtinction, which was very conſiderable

1571. Cecil made lord Burleigh. Camden.

ſiderable in the reign of a queen, who conferred honours with great circumſpection.

I having ſeveral times obſerved, that Elizabeth was reſolved not to declare publickly for either of the Scotch factions, but to prolong the negotiation as much as poſſible, that ſhe might never want a pretence to detain Mary in priſon. We are going to ſee an effect of this reſolution in the courſe ſhe purſued during the year 1571. Tho' in June, the laſt year, ſhe had agreed to a conference between the two parties, of which ſhe was to be mediatrix, ſix months were paſſed, and nothing more ſaid of it; at laſt, Elizabeth reſolving to negotiate her marriage with the duke of Anjou, did not queſtion, but on that occaſion, the French court would ſtrongly ſollicit her in behalf of the queen of Scots. To be provided, therefore, with an evaſion, ſhe cauſed, at length, the conference to be held in the months of February and March, that ſhe might be able to ſay to the king of France, the affairs of the queen of Scots was upon terms of agreement, fully bent however to manage it ſo, that the conference ſhould be without effect.

Conference at London between the two Scotch factions. Buchanan.

The earl of Morton, Pitcairn, and others, were ſent from Scotland to the conference, which was to be held at London to maintain the king's cauſe. For Mary appeared the biſhops of Roſs and Galloway, with the lord Levingſton, and the queen appointed ſeven of her privy-counſellors to hear the reaſons of both parties. They immediately required the earl of Morton, and his collegues, to declare plainly the inducement of the Scots to depoſe their queen, and give the crown to the prince, her ſon. The Scotch deputies delivered a large remonſtrance in writing, wherein they took for granted, that the queen was privy to the king her husband's death, and afterwards married the earl of Bothwell the murderer; that to juſtify their conduct with regard to the queen, there were two points to be examined, the one of fact, the other of right. For the firſt, they ſtood to the proofs given by the earl of Murray at Hampton-court before the Engliſh commiſſioners, and which the queen of England had in her hands; that the earl had ſo evidently proved Mary guilty of the crime laid to her charge, that they thought it needleſs to repeat the ſame things, which beſides they could not without great reluctance. As to the point of right, which conſiſted in knowing, whether the Scots had power to depoſe their ſovereigns when they became unworthy of the throne, they maintained, it was an undoubted right enjoyed by the Scotch nation, ever ſince the beginning of their monarchy. They ſupported this principle with divers inſtances drawn from the Hiſtory of Scotland, and of other countries, as Spain and Denmark.

Elizabeth ſpins out the affair. March 1.

Elizabeth ſtill purſuing her ſcheme, not to declare herſelf, briefly replied to the Scotch remonſtrance, which was communicated to her, that ſhe was not thoroughly convinced of the juſtice of their proceedings, and deſired them to confer with her miniſters, in order to find ſome expedient to adjuſt this affair; but they anſwered, it was needleſs to ſearch for expedients, ſince they had no power to agree to the diminution of the king's authority. Whereupon, Elizabeth ordered a thing to be propoſed to Mary's agents, which ſhe knew they would not accept, and this was, to give her the chief lords of their party in hoſtage, with ſome places in Scotland. And indeed they boldly rejected it, and made other offers which the Engliſh commiſſioners rejected in their turn. At laſt, they demanded of the Scots, to give the young king of Scotland in hoſtage to the queen; to which they replied, they had no power to promiſe any ſuch thing. Camden ſays here, that Mary's agents made a jeſt of this evaſion, affirming, "the deputies wanted not power, ſince the ſame crime renders all the complices equal."

Buchanan April 4.

At laſt, Elizabeth admitting the Scots deputies to an audience, agreed with them, that the affairs could not be determined but by the ſtates of the kingdom. Then, ſhe deſired them to order it ſo, that another conference ſhould be held in Scotland, during the ſeſſion of the parliament, which was to meet in May. She detained them, however, ſome time longer, being willing to know, before their departure, whether the queen of Scots would conſent to the conference; but, ſo far was ſhe from agreeing to it, that ſhe complained very much of her deputies ſuffering her right to be called in queſtion, and revoked their powers. She ordered, however, the biſhop of Roſs to reſide ſtill at London, as her ambaſſador. This gave Elizabeth great ſuſpicion, being ſenſible the biſhop was chief promoter of the plots againſt her; but ſhe durſt not refuſe him, for fear of giving occaſion to ſay, ſhe did not own Mary for queen, and thereby wound her pretended impartiality. At length, the Scotch deputies departed the 8th of April, after a ſix weeks ſtay in London to no purpoſe. Wherefore it was not Elizabeth's intention that this conference ſhould produce an agreement. Tho' this did not evidently appear in her whole conduct, it might eaſily be ſeen in a letter of Cecil to Walſingham, then ambaſſador in France, wherein he told him plainly, that the ſole view, in that conference, was to gain time. Another letter to Walſingham from the earl of Leiceſter about the ſame thing, manifeſtly diſcovers Elizabeth's policy. The earl told him, the queen agreed, that Mary was unworthy to ſway the ſceptre, but could hardly believe her ſubjects had power to depoſe her; that, therefore, ſhe remained in ſuſpence, not being able to determine either to reſtore queen Mary, or defend the cauſe of the Scots, becauſe ſhe did not think it entirely juſt. During this pretended uncertainty, Mary remained ſtill in priſon.

The affairs of Scotland. Dunbarton ſurpriſed. Hollingſh.

The truce between the two Scotch factions being expired, during the conference at London, or ſoon after, the earl of Lenox took the town of Dunbarton by ſurpriſe, which had, till then, been in the hands of the queen's adherents. Verac the French ambaſſador was taken there, and ſent to St. Andrews, from whence he was readily ſuffered to make his eſcape; but the cauſe was otherwiſe with James Hamilton, archbiſhop of St. Andrews, who being alſo taken priſoner upon the ſame occaſion, and ſent to Sterling, was condemned to be hanged. He was accuſed of being a complice in the murder of the late king, by a prieſt *, who was brought face to face, of whom, inſtead of defending himſelf, he demanded, what thoſe prieſts deſerved who revealed the ſecrets of confeſſions? It is ſaid, Cardan going to Scotland to cure him of a dropſy, told him, when he had reſtored him to health, that he had, by the help of his medicines, freed him from the preſent danger, but it was not in his power to prevent his dying on the gallows.

Elizabeth's miniſters engage her to negotiate her marriage with the duke of Anjou. Camden.

Elizabeth was not wholly taken up with the affairs of Scotland. There was another which gave her no leſs trouble, by reaſon of its difficulties, and the conſequences it might be attended with. Her miniſters, knowing her enemies were in perpetual motion, and when one plot failed, were immediately forming another, were afraid her prudence would in the end be defeated. In Walſingham's negotiations, there is a letter from the ſecretary of ſtate, telling him, that whilſt the affair of the queen of Scots was in hand, her friends were thinking of carrying her away, of which the court had ſome dark intimations. The earl of Leiceſter wrote to the ſame ambaſſador, that Mary's adherents were more bold than ever, which, in all appearance, proceeded from their hopes of the ſucceſs of ſome freſh attempt. The miniſters, therefore, believed, nothing but a marriage could ſecure the queen from ſo many conſpiracies which were daily renewed. An alliance with ſome powerful prince would naturally produce a good effect, by reaſon of the ſuccours which might be thence received upon occaſion, beſides that it would ſtrike a dread into the queen's enemies. On the other hand, they imagined, if it pleaſed God to bleſs the marriage, the birth of a prince would deprive the queen of Scots of great part of her adherents. Wherefore, they never ceaſed to repreſent to Elizabeth, the reaſons which ought to determine her to marry. At laſt, whether ſhe yielded to theſe reaſons, or to be freed from their importunities, ſhe told them, that nothing hindered her but the difficulty of finding a ſuitable match. And, indeed, it was not eaſy to make a fit choice. She muſt take either a Proteſtant or a Popiſh prince. But as two principal inducements prompted her to marry, viz. to make a ſtrong alliance, and to have a ſucceſſor; in chuſing a Proteſtant, the firſt of theſe inducements would not be anſwered, becauſe there was no prince of the reformed religion, whoſe alliance could be very advantageous to England. In reſolving upon a Catholick, there was no choice, ſince the duke of Anjou, the king of France's brother, was the only fit perſon. But this project had its difficulties. The queen gave to underſtand, that in marrying ſhe did not mean to give herſelf a maſter, or even an equal, ſince ſhe was reſolved to hold the reins of the government alone, and communicate to her ſpouſe the external honours of royalty only. In the ſecond place, ſhe did not pretend the Engliſh Catholicks ſhould reap any advantage from her marriage with a prince of their religion. But there was no likelihood, the duke of Anjou would ſubmit to what the queen deſired, or diſſemble his religion, to enjoy the bare title of king, which was not ſufficient to ſatisfy his ambition. In the interim, the miniſters were ſo urgent with the queen to marry, that, at length, they obtained her conſent to treat with France upon that ſubject. But very probably, ſhe gave her conſent, only becauſe ſhe imagined it would be in her power to break off the negotiation whenever ſhe pleaſed, by the difficulties ſhe ſhould ſtart. She concealed her ſentiments, however, from her miniſters. Burleigh thought her ſincere for ſome time. The earl of Leiceſter was not entirely of that opinion, but knew not what to think. Be this as it will, the queen was told, that Catharine de Medici, having plainly perceived the reaſons which moved her to reject the propoſals of a marriage with Charles IX, had intimated, that the duke of Anjou would be more proper for her. It was alſo hinted to her, that the young prince was by no means a bigot, and might poſſibly be brought to communicate with the church of England. The only thing therefore, was ſo to manage it, that the French court ſhould make the firſt advances, after which, the treaty might begin. To that end it was, that in Augnſt, 1570, Norris was recalled from his ambaſſy in France, to make room for Sir Francis Walſingham, who was, doubtleſs, thought more proper to manage this affair, being alſo a creature of the lord Burleigh, who was extremely deſirous of the marriage.

Walſingham ſtayed all the reſt of the year, and part of the next at Paris, without any overturn being made, and yet the marriage was much talked of. He informed the court of England of it, and preſently after received inſtructions from Burleigh, importing, that if any perſon of diſtinction ſhould ſpeak to him of the marriage, he might anſwer, that upon the report, he had taken care to inquire how the queen ſtood inclined in that reſpect, and found, as the good of her people was her chief view, ſhe had reſolved to marry, if ſhe could meet with a ſuitable match. Soon after, the lord Buckhurſt being ſent to Paris, as ambaſſador extraordinary, king Charles, and his mother, queen Catharine, opened their minds to him upon that ſubject, and the negotiation was begun. But as this project was not executed, I ſhall content myſelf, without deſcending to particulars, to ſhew here the real cauſes of the breaking off the negotiation.

The marriage begins to be negotiated. Stow.

Charles IX. and Elizabeth equally diſſemble.

It is almoſt certain, neither Elizabeth nor the court of France had any deſire to conclude this marriage, tho' it ſeemed to be ſeriouſly negotiated on both ſides. Elizabeth found a double advantage in this feigned negotiation. Firſt ſhe amuſed her own miniſters, who preſſed

Elizabeth's reaſons.

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* John Hamilton, one of the chief actors in this murder, diſcovered the whole matter to his confeſſor, who revealed it to others. Buchanan.

1571. her earneſtly to marry. Secondly, her enemies believing this marriage was really going to be concluded, would of courſe remain quiet. And, indeed, it was not likely they ſhould think of attacking her, when they ſaw her upon the point of being united with France. It was requiſite, therefore, the better to amuſe thoſe who might have formed plots againſt her, to ſhew ſome earneſtneſs for this marriage, leaſt, if ſhe acted with indifference in this affair, her moſt ſecret thoughts ſhould be diſcovered.

Reaſons of Charles IX.

On the other ſide, the court of France propoſed the marriage only to amuſe Elizabeth, and with her all the Proteſtants of Europe, but particularly the Huguenots. In all likelihood, Charles IX. had now formed the barbarous plot which broke out the next year. But this was only the beginning of a greater project, which was to deſtroy all the Proteſtants in general, and ſuddenly attack Elizabeth herſelf. The pope and king of Spain were engaged in the deſign, and pretended to be alarmed at what was negotiating at Paris, to enſnare the more eaſily thoſe they intended to ſurpriſe. Wherefore, it was neceſſary for the court of France to appear very deſirous of the match, and to yield as far as poſſible, but without concluding any thing in point of religion. So the difficulties ſtarted by Elizabeth in this negotiation, were extremely ſubſervient to the deſigns of the French, as they gave them room to make advances capable of deceiving the publick, and cauſing it to be thought they had no ill deſign againſt the Proteſtant religion. By this means they removed all ſorts of ſuſpicion both from the court of England and the Huguenots. Indeed, it was hardly poſſible to conjecture, that when the king and his mother teſtified ſuch a zeal to accompliſh the propoſed marriage, they were thinking of extirpating all the Huguenots in the kingdom; nay, they were extremely careful to take away this ſuſpicion by their great diſſimulation towards them, pretending to lend an ear to the leaders of the Huguenots, and place entire confidence in them. But notwithſtanding all their care to conceal their deſigns, the French court made Elizabeth very jealous during the whole negotiation, by their preſſing and repeating inſtances for the queen of Scots's liberty. Elizabeth could not underſtand this way of proceeding. The king of France, as ſhe thought, having propoſed the marriage with the duke of Anjou, and a ſtrict alliance between the two crowns, ſhould have been entirely in her intereſt, whereas ſhe ſaw him concerned for Mary's, which was directly contrary; nay, ſhe diſcovered at that time, that France privately favoured Mary's projects, which could not be reconciled with the deſign of the marriage and alliance. For this reaſon ſhe frequently intimated to the king and his mother, that ſhe was offended at their conduct. But ſhe was anſwered with proteſtations of friendſhip, eſteem, and regard, and with excuſes, that Mary being queen dowager of France, leſs could not be done than to ſollicit in her behalf. Charles did not even ſcruple to own privately, that what he did was only for form's ſake, that he might not appear entirely to forſake the unfortunate queen. Perhaps it will be thought ſtrange, that Charles ſhould not carry his diſſimulation ſo far as to declare openly, he would not concern himſelf any more about Mary; but this policy would have ſpoiled all. The deſign of the league of religion was to extirpate the Huguenots at once, that being freed from the fear of any diverſion in France, the Catholicks might carry their arms into England. If, therefore, Mary's reſtoration to the throne of Scotland could have been obtained, whether by treaty or ſollicitation, or any other way, England might have been invaded with much greater eaſe, whilſt inſurrections were raiſed within the kingdom. This was the ſcheme which had been formed from the beginning of Elizabeth's reign. To invade England by ſea, would neceſſarily have been very expenſive, beſides that ſuch an undertaking was liable to greater inconveniences, as Philip II, afterwards experienced. Scotland, therefore, alone could afford a paſſage, but to that end the kingdom was to be governed by perſons well affected to the Catholick religion. This was the view of all the intrigues, publick and private, for the queen of Scots's reſtoration. I am perſuaded that they who have intimated, that compaſſion from queen Mary made her friends act for her, had no juſt idea of the inceſſant and extraordinary pains in her favour. I do not, however, deny, that among thoſe who ſerved her, ſome acted from that motive; but that was not the thought of thoſe who managed affairs. In the intention of thoſe, Mary's reſtoration was only a means to execute greater projects. 1571.

They cannot agree upon the article of religion. Digges's Compleat Ambaſſad.

It is therefore certain, the court of France never ſeriouſly thought of concluding the marriage, and in all appearance, the queen herſelf was as little inclined to it, tho' her miniſters did all they could to perſuade her. As ſhe had declared at firſt by Walſingham, that ſhe would not allow the duke of Anjou the exerciſe of his religion, the court of France imagined there would be no great danger in making ſome advances with reſpect to that point, ſince they were almoſt ſure of finding in it an occaſion of rupture, as well as a continual pretence to prolong the treaty as they pleaſed. The Duke of Anjou came therefore by degrees to be ſatisfied with a little chapel in ſome private corner of the palace, and the French ambaſſador had orders to proteſt, that the duke could not be contented with leſs, and to demand a poſitive anſwer in 10 days. Hitherto the queen had refuſed to agree, that the duke ſhould have the exerciſe of his religion at all, nay, had pretended, he ſhould accompany her when ſhe went to chapel, and be preſent at Divine Service. The buſineſs then was to anſwer the duke's propoſal, which, probably, was to be the laſt. But whilſt ſhe was deliberating, the French ambaſſador ſhewed to ſome perſon of diſtinction at court, letters from Paris, whereby it appeared, the court of France did not inſiſt upon that article ſo ſtrenuouſly as ſome would have inſinuated. On the other hand, the lord Burleigh was informed by a Frenchman of note, that if the queen ſtood her ground, the court of France would give way in the end. Moreover Walſingham wrote from Paris, that the duke of Montmorency had given his opinion in council, that it would be beſt not to mention religion at all in the treaty of marriage, which was the ſame thing as leaving this article entirely to the queen. All theſe inſinuations were ſo many ſnares laid for the queen by the court of France, to induce her to refuſe a thing which ſeemed ſo reaſonable, and that it might appear the rupture proceeded not from the duke. She ſuffered herſelf to be ſurpriſed, and in her reply deſiſted not from her pretenſions.

Camden.

Elizabeth's obſtinacy convincing the king of France, he might venture to proceed one ſtep farther, he offered to leave this article of religion undetermined; but Elizabeth would not agree to it, ſaying, it would be an infallible means to ſow diſcord between her and her ſpouſe. In ſhort, the court of France went ſo far, as to be ſatisfied with the queen's promiſing in writing, that the duke of Anjou ſhould not be proſecuted according to the laws of England, if he ſecretly exerciſed his religion in a private chapel. Whereupon Elizabeth, with great difficulty, agreed, at length, to this:

Camden.

"That if the duke of Anjou would promiſe to accompany the queen when ſhe went to chapel, and would not refuſe to hear and learn the principles of the church of England, ſhe would agree, that neither himſelf nor his family, ſhould be compelled againſt their conſcience to conform to the Engliſh church, till they ſhould be otherwiſe perſuaded. Moreover, that neither himſelf nor his domeſticks, the number of whom ſhould be agreed upon, ſhould be diſturbed in the uſe of any rites and ceremonies different from thoſe eſtabliſhed by law, provided they were not repugnant to the word of God, and on condition it were done in a private place, for the ſatiſfying their conſciences, and ſo as the people might not take occaſion from thence to violate the eſtabliſhed laws of the land." It was with much difficulty that the French ambaſſador got the terms, "repugnant to the word of God," to be changed into theſe, "repugnant to the church of God."

It is eaſy to perceive, that when Elizabeth ſeemed to relax a little on this article, ſhe added reſtrictions which required explication, and which left a door to go back, in caſe ſhe had been taken at her word. Hence, therefore, it may be inferred, that ſhe did inſiſt ſo much upon the article of religion, only becauſe ſhe thought it ſerviceable to break off the negotiation. Accordingly we find in Walſingham's Memoirs, that the earl of Leiceſter, and the lord Burleigh, were convinced, at laſt, ſhe had no mind to marry.

The negotiation breaks off.

The affair ſtanding thus, Charles IX. told the queen, by La Mothe Fenelon, his ambaſſador, that he thought her anſwer very hard, and deſired her to ſend ſome truſty perſon to ſettle with him every thing relating to the marriage. Elizabeth anſwered, ſhe could not proceed to any other article, without knowing firſt, whether the king and duke intended to allow what ſhe had propoſed, with reſpect to religion. So, the buſineſs ſtopped there. Charles ſtill feigned to expect the truſty perſon he had demanded, and the queen pretended ſhe ſtaid for the court of France's conſent to the article concerning religion, as ſhe had ſent it. This negotiation laſted from March till September, and the rupture altered not the good underſtanding between the two courts. On the contrary, Charles thanked the queen for dealing ſo freely with him, and without ſaying any more of the marriage, deſired to make a defenſive league with her. Elizabeth readily conſented. As ſhe had no ally, it was her intereſt to unite with France, as well to diſengage that crown from the queen of Scots intereſt, as to diſcourage the pope, the king of Spain, and the Engliſh Catholicks, by this alliance. But ſhe knew not that Charles's view was only to amuſe both her and the Huguenots, whoſe deſtruction was determined, tho' he affected to careſs, and make uſe of, them, to execute his pretended projects againſt Spain. However this be, Elizabeth ſent ſecretary Smith into France, to negotiate the league jointly with Walſingham.

Mary turns to Spain.

Whilſt the queen's marriage with the duke of Anjou was treating at Paris, and both ſides affected to publiſh, it would ſoon be concluded, the queen of Scots was in a grievous condition, becauſe ſhe plainly ſaw ſhe was going to loſe France. This obliged her without doubt, to turn towards Spain, and try to obtain from thence the aſſiſtance ſhe wanted. To that purpoſe, ſhe diſpatched Ridolpho to the pope, and the king of Spain, to inform them of the ſtate of her affairs. At the ſame time ſhe wrote to the duke of Norfolk, and ſent him in cypher the copy of her letters to Rome and Madrid, recommending to him Ridolpho, as a truſty perſon, to whom ſhe deſired him to give letters of credit. Upon the receipt of theſe letters, the duke ordered Higford his ſecretary, who had the key, to decypher them, and then bid him throw them into the fire. But whether Higford was already gained by the court, or deſigned to betray his maſter, he hid all theſe papers under a matt in his bedchamber.

The duke of Norfolk is engaged again in Mary's intereſt.
Camden.

Ridolpho, who was the pope's private agent, did all he could to perſuade the duke of Norfolk to undertake the queen of Scots defence. He repreſented to him, there were in England many male-contents, who would be glad to ſee him at their head, and by that means he might revenge the injuries he had received, and the long impriſonment he had endured. He put him in hopes of powerful ſuccours from the pope, and the king of Spain, adding, that in this he would do no wrong to Elizabeth, ſince it was only to obtain her conſent to marry the queen of Scots, and oblige her to tolerate the Catholick religion in England. At the ſame time, the biſhop of Roſs frequently told the duke, by Barker, one of his confidents, that by the help of his friends, who were very numerous, it would be eaſy for him to ſeiſe the queen, become maſter of her perſon, and detain her in cuſtody, till he had married the queen of Scots, and provided for the ſecurity of the Catholick religion; but the duke rejected the biſhop of Roſs's project, and even refuſed to give Ridolpho the letters of credit, which he deſired for the courts of Rome and Madrid, and for the duke of Alva. But tho' all the duke of Norfolk's proceedings in this affair are not particularly known, its, however, certain, he engaged in it too far, in expectation of eſpouſing the queen of Scots. But it cannot well be conceived, how he intended to accompliſh his enterpriſe, or what he deſigned to do after marrying the queen of Scots. Nevertheleſs it is eaſy to conjecture, that the pope and the king of Spain, who ſet Ridolpho, and the biſhop of Roſs to work, would never have thought of employing the duke of Norfolk, if they had not had ſome aſſurances from him, that he would comply with their intentions.

Ridolpho's intrigues are partly diſcovered. Thuanus. Camden.

Ridolpho, having conferred with the pope, and the duke of Alva, informed one Baily, a Fleming, the queen of Scots ſervant, of what he had negotiated, and as this man was to go into England, gave him ſeveral letters for the queen of Scots, the Spaniſh ambaſſador, the biſhop of Roſs, and the duke of Norfolk. Baily was no ſooner landed at Dover, but he was ſeiſed. His packet was taken from him, and ſent to the lord Cobham, governor of the Cinque-ports. But the biſhop of Roſs being informed of this accident, ſo artfully managed the lord Cobham, the duke of Norfolk's ſecret friend, that the letters were changed, and others put in their place, containing nothing criminal, or of moment, which were delivered to the council. However, Baily was put to the rack, and confeſſed the true letters were in the biſhop of Roſs's hands. But the biſhop had taken care to ſend all the papers which might hurt him, beyond ſea with his ſecretary. So nothing was found at his houſe, and yet he was arreſted, and commited to the cuſtody of the biſhop of Ely.

The court diſcovers Norfolk's deſigns. Camden.

Soon after, the court made a new diſcovery, which proved fatal to the duke of Norfolk. The French ambaſſador intending to diſtribute ſome money in Scotland among the queen's friends, applied to the duke of Norfolk, who cauſed him to put it into the hands of Higford and Barker, to deliver it to one Brown of Shrewsbury, who was to convey it, to Lowther and Baniſter, and theſe were ordered to ſend it to the lord Herris. Brown, who was not in the ſecret, receiving the mony well packed up and finding by the weight it was gold, whereas he had been told it was ſilver, carried it to the ſecretary of ſtate. The packet being opened, there was found a letter in cypher from La Mothe Fenelon to Verac, the French ambaſſador in Scotland. Whereupon Higford, the duke of Norfolk's ſecretary, being arreſted, preſently confeſſed, that the money was returned by the French ambaſſador. He diſcovered likewiſe where he had hid the queen of Scots papers, which the duke, his maſter, had ordered him to decypher and tranſcribe. This was ſufficient to cauſe the duke of Norfolk to be apprehended, and ſent to the tower the 7th of September. There was found upon him a long memorial in cypher, dated the 7th of February this year, wherein the queen of Scotland told him, ſhe was adviſed to retire to Spain rather than France by reaſon of the duke of Anjou's marriage with Elizabeth, which was much talked of. She added, when ſhe ſhould be in Spain, ſhe would feign a deſire to marry Don John of Auſtria; but that the duke ſhould not be alarmed at it, becauſe ſhe reſerved herſelf for him. Finally, after ſpeaking of Elizabeth in very injurious terms, ſhe deſired the duke to diſpatch Ridolpho to Rome with inſtructions.

The duke confeſſes part of what he is accuſed of. Camden.

The duke of Norfolk being examined, confeſſed, that, about a year ſince he received four letters, in cypher, from the queen of Scots, and had anſwered them; but ſaid, it was only to thank her for her good-will, and to perſuade her to rely entirely on the queen. He ſaid farther, that the biſhop of Roſs having preſſed him to write to the duke of Alva, by Ridolpho, he had refuſed it, neither would he give him any inſtructions about the affair for which he went to Rome. He confeſſed alſo, he had helped to convey to Verac, a letter from the French ambaſſador reſiding at London. As to the papers he had received from the queen of Scots by Ridolpho, he ſaid, they were burnt, as he really believed. Then his houſe was ſearched, and the cypher which the queen of Scots and he uſed, was found with the papers hid by the ſecretary. Some of the complices who were apprehended, confeſſed all they knew, without being put to the rack.

The conſultations about the biſhop of Roſs. Camden. Thuanus.

Whilſt proofs were collecting againſt the duke of Norfolk, in order to form his proceſs, the council debated on what was to be done with the biſhop of Roſs. He aſſumed the character of the queen of Scots ambaſſador, and probably, had been acknowledged for ſuch, Elizabeth not having thought proper to deny Mary the title of queen, or openly to own ſhe was a priſoner. So the caſe being ſomething uncommon, ſome learned civilians were conſulted upon three queries. Firſt, whether an ambaſſador, convicted of conſpiring againſt the prince to whom he is ſent ought to enjoy the privileges of an ambaſſador? The civilians anſwered, ſuch an ambaſador, by the law of nations, forfeits his privileges. Secondly, whether a prince depoſed can give his miniſter or agent the title of ambaſſador? The reply was, the right of ſending ambaſſadors belonged only to ſovereigns, and a prince lawfully depoſed cannot confer that title. It muſt be obſerved, Elizabeth had not owned that Mary was lawfully depoſed. Thirdly, whether a prince who comes into another prince's dominions, and is there kept priſoner, can have an agent? And whether that agent may be reputed an ambaſſador, tho' it be notified to him that he ſhall be no longer acknowledged for ſuch? It was anſwered, [If ſuch a prince has not forfeited his royalty, he may have an agent; but whether that agent may be reputed an ambaſſador, depended upon the authority of his commiſſion. And] a prince may forbid an ambaſſador his dominions, if he does not keep himſelf within the bounds of his office; but however, the privileges of ambaſſadors are not to be violated*.

He is brought before the council. Octo. 24. Leſley's Negotiat.

Theſe queries being thus anſwered, the biſhop of Roſs was brought before the council, and charged with attempting to diſturb the peace of the kingdom. He refuſed at firſt to reply, inſiſting on the privileges of an ambaſſador; but, at length, ſeeing this defence was little regarded, and witneſſes began to be produced againſt him, he ſaid, that by an inviolable cuſtom, grown into a law, the Engliſh and Scots could not be witneſſes one againſt another. Whereupon it was examined, whether this cuſtom was to take place any where but on the borders, eſpecially in a caſe where the ſafety of the queen and kingdom was concerned. In ſhort, the biſhop was ſent to the tower, and ſome time after examined upon three and twenty articles, to each of which he anſwered in particular; but Camden has not thought fit to give us either the examination or the anſwers. He ſays only in general, that the biſhop excuſed the queen, his miſtreſs, for that being a priſoner, and in the flower of her age, it was no wonder ſhe ſhould uſe her endeavours to eſcape; that the project of her marriage was formed by the advice of ſeveral Engliſh lords, ſome of whom were privy-counſellors; that, indeed, the duke of Norfolk had promiſed to think no more of the affair; but his promiſe was not capable of breaking a prior engagement †; laſtly, he endeavoured to juſtify his own conduct, for that being an ambaſſador, he was obliged to ſerve the queen, his miſtreſs, to the utmoſt of his power; adding, that he propoſed the deſign of ſeiſing the queen to the duke of Norfolk, only to try him; and he refuſed to name the great men who had promiſed to aſſiſt him in this attempt; but he confeſſed, that by the orders of the queen, his miſtreſs, he had conſulted the earl of Arundel, Lumley, Throckmorton, and the lord viſcount Montagu, about the queen of England's demand, that the king of Scotland ſhould be put into her hands. This is all Camden ſays of the biſhop of Roſs's defence. But it is not unlikely, the fear of death with which he was threatened, made him diſcover ſomething which Camden has not been pleaſed to publiſh, as will appear in the ſequel.

The queen informs the court of France of the duke of Norfolk's affairs. Digges's Ambaſ.

The duke of Norfolk's impriſonment making a great noiſe in France and elſewhere, Elizabeth cauſed the reaſons to be imparted to Charles IX, by Killegrew, whom ſhe ſent to Paris to eaſe Walſingham who was ſick. The new ambaſſador told the queen-mother, that it was now two years ſince the queen of Scots, without acquainting his miſtreſs with it, had deſigned to marry the duke of Norfolk, and, therefore, he was ſent to the tower, without, however, being deprived of the enjoyment of his eſtate; that afterwards, the duke ſwore to think of that marriage no more, and the queen of Scots, both by letters and agents, promiſed the like; that nevertheleſs they had ſtill continued their intrigues, as it was eaſy to prove by their own letters; and under colour of freeing the queen of Scots, had projected to ſet her on the throne of England, by raiſing a rebellion in the kingdom, and calling in foreign troops, which evidently appeared by their letters and the confeſſions of their complices; that the queen of Scots had expreſly ordered her agents to conceal her deſigns from the court of France, becauſe ſhe was entirely devoted to Spain, having even reſolved to convey her ſon thither, and marry Don John of Auſtria.

An act to maintain the queen's title. D'ewes.

In the preſent ſituation of the French court, Elizabeth's complaints againſt the queen of Scots were not much regarded; but the parliament of England took the queen's intereſt extremely to heart, and to prevent the dangers to which ſhe was expoſed by theſe plots, paſſed a very remarkable act. It was provided, "That if any man ſhould attempt the perſonal hurt of the queen, or the depriving her of any part of ſovereignty; raiſe war, or ſtir up others to war againſt her; if any one ſhould dare to give out that another perſon has a juſter title than ſhe to the crown; or ſhould ſay ſhe is an heretick, ſchiſmatick or infidel; or ſhould uſurp her right and title during her life; or ſhould affirm the parliament has not power to ſettle and limit the ſucceſſion to the crown, every ſuch perſon ſhould be guilty of high treaſon." It was alſo enacted, "That whoſoever, by bulls or other mandates of the pope, ſhould reconcile any man to the church of Rome, and thoſe who ſhould be ſo reconciled, ſhould be guilty of treaſon; that whoſoever ſhould relieve ſuch reconcilers, or ſhould bring into England any Agnus Dei's, Grains, or other things conſecrated by the pope, ſhould incur the penalty of a Præmunire, loſs of goods, and perpetual impriſonment." It was provided alſo, "That all the fugitives ſhould within ſuch time, under forfeiture of their eſtates, return and ſubmit themſelves to the government, and that all the fraudulent conveyances of their lands ſhould be void." It was likewiſe moved, That if for the future the queen of Scots ſhould be concerned in any conſpiracy, ſhe ſhould be proceeded againſt by law, as the wife of an Engliſh peer. But the queen hindered this bill from paſſing, being ſatisfied with letting her priſoner ſee to what ſhe would be expoſed, if ſhe continued her practices.

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* The anſwer to the firſt part of the query being omitted by Rapin, is ſupplied by Camden, and placed between crotchets.

† If Bothwell lived ten years in Denmark, as Camden ſays in another place, it is not to be conceived how queen Mary could promiſe with an oath to marry the duke of Norfolk in 1570, ſeeing Bothwell was then alive. Rapin.

Continuation of the affairs of Scotland. Melvil.

Before we ſee what followed upon the late diſcoveries, it will be neceſſary to run over what paſſed in Scotland, after the earl of Morton's return. The beginning of May, the queen's party became maſter of Edinburgh, by the aſſiſtance of the laird of Grange, who favoured them, tho' he pretended to keep the caſtle for the king. This done, the heads of this party convened the ſtates belonging to their faction, and at the ſame time, the earl of Lenox aſſembled the ſtates of the king's party in the ſuburbs of the ſame city. Theſe two aſſemblies did nothing but mutually condemn each other, and as if they had given one another the word, they reſolved each apart to meet again in Auguſt, the king's lords at Sterling, and the queen's at Edinburgh. Theſe reſolutions being executed at the time appointed, the lords at Edinburgh formed the project of carrying away by force the lords of the contrary party, who were at Sterling without any precaution. Melvil ſays, his friend Grange was the author, contriver, and manager of this enterpriſe. He would have headed them himſelf; but his friends would not ſuffer him to be expoſed to the danger. This is the ſame Grange, whom Melvil repreſents as a neutral perſon, and aiming only at the good of his country. This project was executed with ſo much conduct and ſucceſs, that the regent and the earl of Morton were preſently made priſoners. In all appearance, few of the king's lords would have eſcaped, had not the victorious ſoldiers fallen to plundering. But whilſt they were diſperſed about the town, the earl of Marr ſallied out of the caſtle with the garriſon, and compelled them to retire. In the diſorder, the earl of Morton fortunately eſcaped, but the regent was carried away, and murdered on the road in cold blood by one hired to do it, in ſpite of David Spence, the officer, who guarded him. A few days after John Ereskin, earl of Marr, was choſen regent, to the great mortification of the earl of Morton, who aſpired to that dignity, and was ſupported by the Engliſh ambaſſador.

The earl of Lenox is killed, and the earl of Marr choſen regent. Melvil.

Remark on the factions of Scotland.

To underſtand the ſituation of the affairs of Scotland, it is neceſſary to conſider, that tho' there ſeemed to be but two parties in the kingdom, viz. the king's and the queen's, there were, however, five, becauſe there were ſo many different opinions in both, which occaſioned that all of the ſame party did not tend to the ſame end. Some were wholly attached to the queen, and their chief view was to reſtore the Catholick religion. Others earneſtly adhered to the king's party and the Proteſtant religion. The new regent, like his predeceſſor, was deſirous to unite the two factions, and laboured to bring all to the obedience of the king, which he hoped to accompliſh, by granting to the queen's adherents all the favours they could reaſonably expect. Grange and his friends had formed the ſame deſign of uniting the two parties, but in ſuch a manner as that the kingdom ſhould be governed in the queen's name. In fine, the earl of Morton, who was penſioner to the court of England, was at the head of a fifth party, who, tho' outwardly for the king, ſought only to croſs thoſe that endeavoured to unite the two factions. This was properly Elizabeth's party, or, at leaſt, the party ſhe favoured moſt, tho' ſhe affected a neutrality. Her ambaſſador Randolph, a man of great genius, and very fit for his office, was the inſtrument ſhe made uſe of to ſtrengthen it. Nothing could be more prejudicial to England, than the union of the two parties which was endeavouring at any rate. It was to be feared, that after this union queen Mary's friends would grow too powerful in the parliament, and procure reſolutions deſtructive of the intereſts of Elizabeth and England. Thus, diſcord among the Scots was yet for Elizabeth's advantage, till affairs ſhould take another face. But as the earl of Marr, the new regent, was not to be managed as ſhe wiſhed, ſhe laid her meaſures beforehand, to procure the earl of Morton a party, capable of being oppoſed to the regent if occaſion required. Such was the ſtate of the affairs of Scotland in the year 1571. We muſt now ſee what paſſed in France.

The affairs of France. Mezerai. Diſſimulation of Charles IX. Thuanus.

All this year the court of France uſed the higheſt diſſimulation to draw the Huguenots into their ſnares. There were no favours at court but for them. The king pretended to fear his brother, the duke of Anjou, and to be diſpleaſed with the Guiſes, who, as he ſaid, kept him in a ſhameful captivity. Beſides this, he made uſe of two very effectual means to deceive the admiral. The firſt was, to feign a real intention to wage war with Spain, and to truſt him with the management of it. The ſecond was, to conclude the marriage of his ſiſter, the princeſs Margaret, with the king of Navarre. After that, the admiral and the Huguenots no longer queſtioned the king's good-will towards them, eſpecially as they ſaw him very intent upon the marriage of the duke of Anjou with the queen of England, and as compliant as poſſible with regard to religion.

The affairs of the Low-Countries. Grotius.

At the ſame time, the prince of Orange was ſtriving to put the Netherlands in motion, having reſolved to make ſome attempt, whilſt the king of Spain's arms were employed againſt the Infidels. The kings of Sweden and Denmark refuſing to aſſiſt him, he applied to Elizabeth, who durſt not give him aſſiſtance, tho' ſhe was not ignorant of the correſpondence held by the duke of Alva in Scotland and England, with Mary's adherents. She even forbid the ſhips of Holland and Zealand, which acted againſt Spain, to enter her ports. In this extremity, the prince of Orange ſent his brother, count Lewis, to king Charles IX, who loaded him with careſſes, and even imparted to him the falſe ſecret of his pretended deſign to make war upon Philip. But all this was only to deceive him. In the interim, the count de la Mark, with 24 ſhips, did the Spaniards all the damage he could. This was all the prince of Orange could effect during this year*.

1572. The duke of Norfolk is condemned to die. Stow.

The 16th of January the duke of Norfolk was brought to his tryal before the peers of the realm. His accuſation ran: 1. That he had attempted to deprive the queen of her crown and life, and ſeiſe the throne himſelf by the help of foreigners. 2. That, unknown to the queen, he had treated of a marriage with the queen of Scots, tho' he knew ſhe had uſurped the title and arms of England. 3. That he had lent her a great ſum of money. 4. That he had ſupplied with money the earls of Northumberland and Weſtmoreland, who were baniſhed the kingdom, and declared enemies of their country. 5. That he had wrote to the pope, the king of Spain, the duke of Alva, deſiring aid to free the queen of Scots, and reſtore the Popiſh religion in England. 6. Laſtly, That he had ſent ſupplies to the lord Herris, and other the queen's enemies in Scotland.

It may be ſaid in general, the duke made a very weak defence to moſt of theſe articles; but it was not eaſy for him to deny what his own letters, and the confeſſions of his ſervants, and complices, proved againſt him. Beſides, an intercepted letter from the biſhop of Roſs in priſon, to the queen of Scots, clearly ſhewed, the duke had formed pernicious deſigns againſt the government. Camden did not think fit to relate the contents of the biſhop's letter. It is probable, however, it was very much to the purpoſe, ſince the duke deſired to ſee whether it was the biſhop's own hand. When he was convinced of it by his own eyes, he made the ſame defence as the biſhop had done, viz. that the teſtimony of a Scot againſt an Engliſhman was not valid. In this they both pretended, without ground, to take advantage of a cuſtom introduced on the borders of the two kingdoms, where, in caſes of depredation, the evidence of one nation againſt the other was not admitted, becauſe they were parties. But this cuſtom was not become ſo general as to be of ſervice to the duke in his cauſe. The ſtrength of his defence was, that his deſign to marry the queen of Scots could not be reckoned high treaſon, neither could it be thence inferred, that he intended to ſeiſe the throne. The queen's attorney anſwered, that all the circumſtances of the affair, and all the duke's proceedings, evidently ſhewed, he aimed at ſomething more than barely to marry a depoſed and impriſoned queen; for, by the meaſures he would have taken with the foreign powers, it plainly appeared, that in eſpouſing the queen of Scots, he deſigned to aſſert her claim to the crown of England. At laſt, after a long examination, he was condemned by his peers as guilty of high treaſon; but the ſentence was not executed till June.

Creation of peers. May 4. Dugdale.

In the Interim, the queen made Walter d'Evreux, earl of Eſſex. He was deſcended by the great grandmother's ſide from the noble family of Bourchier, which had long borne that title. At the ſame time the lord Clinton, high-admiral, was created earl of Lincoln, and four new barons were ſummoned to the next parliament.

Act on occaſion of the duke of Norfolk.

The parliament hearing, plots were formed to free the duke of Norfolk, paſſed an act, whereby it was made death to attempt to deliver a priſoner condemned for high treaſon. By the ſame act, it was perpetual impriſonment and forfeiture of eſtate, if the priſoner was only accuſed of high treaſon, tho' not condemned.

The duke is executed. Camden.

At length, the queen, after having been long in ſuſpence, ſigned a warrant for the execution of the duke of Norfolk, the 2d of June. He confeſſed part of his faults, excuſed himſelf as to the reſt, and in general owned he was juſtly condemned; but he declared, he never had any thoughts of reſtoring the Popiſh religion in England, and that he died a Proteſtant. He was ſon to the earl of Surrey, beheaded in the latter part of Henry VIII's reign, for quartering the arms of Edward the Confeſſor with his own, without the king's licenſe. All of that family had firmly adhered to the Catholick religion, except this duke who embraced the Proteſtant in the beginning of queen Elizabeth's reign. Since he declared that he died in the reformed religion, I do not ſee how his ſincerity can juſtly be queſtioned. But who can tell how far his ambition might have carried him, if he had found his projects more practicable? At leaſt, it cannot be denied, that they who put him in motion, thought they had reaſon to rely on him. After all, if any one doubted that the end of this conſpiracy was to reſtore the Popiſh religion in England, he might be ſatisfied by the teſtimony of Hieronymo Catena, in the life of Pius V. Inſtead of clearing the pope, the author makes him glory in having been the promoter of this deſign, and in having ſent Ridolpho into England to excite the Engliſh to rebel againſt Elizabeth.

The queen of Scots is examined. Camden.

Ten days after the duke of Norfolk's death, Elizabeth ſent two privy-counſellors to the queen of Scots, not to accuſe her criminally, as Camden affirms, but to inform her, of what ſhe had been charged with in the tryal of the duke of Norfolk and his complices, and to tell her, the queen would be extremely glad, ſhe could juſtify herſelf. It was chiefly to let her know, that her practices were diſcovered, and therefore ſhe had been more cloſely confined and reduced to a ſmaller number of domeſticks. Elizabeth was alſo well pleaſed to let her ſee, ſhe had good ſpies, and knew, that it was not barely to obtain her liberty, that ſo many powers uſed their intereſt for her, but rather to ſet her on the throne of England. Wherefore the two privy-counſellors repreſented to her, 1. That ſhe had aſſumed the title of queen of England, and, afterwards, refuſe to ratify the treaty of Edinburgh, whereby ſhe had engaged to renounce it. 2. That ſhe would have married the duke of Norfolk without the queen's knowledge, and there was reaſon to believe, it was with deſign to dethrone her, ſince ſhe would have uſed foreign troops to ſet the duke free. 3. That ſhe was deeply concerned in the northern rebellion. 4. That ſhe had relieved the rebels in Scotland and Flanders. 5. That ſhe had ſent Ridolpho to the pope and the king of Spain, to ſollicit them to invade England. 6. That ſhe had received letters from the pope, wherein he aſſured her of his protection. 7. That ſhe had procured the pope's bull, to abſolve the queen's ſubjects from their oath of allegiance. 8. Laſtly, That ſhe had ſuffered her agents in foreign parts to ſtile her publickly, queen of England. All theſe facts were but too true; however, as it was not eaſy to convict her, that ſhe had acted with intention aſcribed to her, ſhe therefore boldly made her defence to this effect:

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* The Exchange having been ſome time finiſhed, viz. ever ſince November, 1567, queen Elizabeth came, January 23, this year, to ſee it, and by ſound of trumpet, her herald named it, "The Royal Exchange. Stow.

That if ſhe had taken the title of queen of England, it was by command of the king of France, her huſband, and ſhe had quitted it after his death, nay, ſhe had declared, and ſtill did declare, ſhe would not claim it ſo long as Elizabeth or her children lived; that in deſiring to marry the duke of Norfolk, ſhe had no deſign to hurt Elizabeth, but rather was of opinion, the marriage would be advantageous to England; that if ſhe had not renounced the marriage, it was becauſe ſhe was contracted to the duke*. That ſhe thought herſelf obliged, by conjugal love, to warn him of the danger, and perſuade him to make his eſcape; that ſhe was acceſſary to no rebellion, but on the contrary, was always ready to diſcover whatever came to her knowledge, if Elizabeth would have vouchſafed to ſee and hear her; that ſhe had never relieved the Engliſh rebels, but only recommended the counteſs of Northumberland to the duke of Alva; that hearing Ridolpho was in the pope's favour, ſhe made uſe of him in concerns no way relating to England; that ſhe had employed no perſon to free her, but had willingly hearkened to ſuch as offered their ſervice for that purpoſe, and with that view had given her cypher to Rolſton and Hill; that the letters ſhe had received from the pope, contained only matters of piety and conſolation; that ſhe was not the procurer of the bull, and had only ſeen a copy of it, which when ſhe had read ſhe threw into the fire; that if any in foreign parts ſtiled her queen of England, ſhe could not help it; that ſhe had never deſired aid of the pope, or the king of Spain, to invade England, but implored their aſſiſtance to reſtore her to her kingdom; and laſtly, that in caſe ſhe was to be tryed, ſhe deſired it might be before the parliament, as a princeſs of the blood-royal of England.

Theſe anſwers ſhew, that Mary did not deny the facts, but only the intention aſcribed to her; but on the other hand, tho' this intention could not be fully proved, her bare denial was not ſufficient to ſhew ſhe never had it, or to efface the ſuſpicions entertained of her. However, as there was no deſign to bring her to a tryal, the affair reſted there; but Elizabeth was ſtill perſuaded, that the end of Mary's and her friends intrigues, was to dethrone her.

The negotiation of the defenſive league with France.

Walſingham's Negotiat. in Digges's Com. Amb.

The negotiation of the defenſive league between France and England was ſtill continued at Paris, with great diſſimulation on Charles's ſide. He inſiſted upon difficulties which ought not to have cauſed any delay, ſince his ſole view was to make uſe of this league to ſurpriſe the Huguenots, but this ſerved the better to conceal his deſigns. He pretended to be much afraid of the power of Spain, and, therefore, was obliged to join with England. The difficulties of the league conſiſted in two things. Firſt, Elizabeth required, that both parties ſhall mutually promiſe to aſſiſt one another, in caſe either ſhould be attacked, tho' on account of religion. But Charles ſaid, he could not admit of that clauſe, for fear of offending his ſubjects, and all the Catholick powers. He was willing, however, to agree, that the article ſhould be expreſſed in more general terms, which ſhould have the ſame meaning, viz. that the two parties ſhould mutually defend each other, if either was attacked upon any account whatſoever. The Engliſh ambaſſadors objected, that England feared no attack, but only on account of religion, whereas France had numberleſs quarrels with other ſtates, and, therefore, the condition would not be equal. To remove this difficulty, Charles offered to write to Elizabeth a letter with his own hand, wherein he would declare, that he underſtood the cauſe of religion to be included in the general clauſe. But the Engliſh not being ſatisfied with this ſecurity, required, at leaſt, a private article under the great ſeals of France and England. Whereupon, Charles exclaimed againſt the injury done him, in believing him capable of breaking his word, and ſaid, he preferred his honour to his life. Walſingham, one of the Engliſh plenipotentiaries, was ſo biaſſed in favour of Charles, that he thought him a perfect honeſt man. He even wrote to the lord Burleigh, that he did not doubt, that the ſecurity was ſufficient. In ſhort, after many debates, Elizabeth was contented with the letter offered by Charles.

Second difficulty.

The ſecond difficulty conſiſted, in that the king of France would poſitively include the queen of Scots in the treaty, to which Elizabeth would not conſent. She thought it very ſtrange, that the king of France ſhould ſo heartily eſpouſe the queen of Scots intereſt at ſuch a juncture. Mary was uſing her utmoſt endeavours to detrone her; the deſign of the league between France and England, was for a mutual defence againſt the attacks of their enemies, and at the ſame time France earneſtly laboured to have the queen of Scots releaſed, that is, to enable her to execute her deſigns. Elizabeth could not underſtand this proceeding, and it gave her great ſuſpicion. However, as ſhe belived the league neceſſary for her ſafety, ſhe overlooked many things which gave her cauſe to miſtruſt the king of France's ſincerity. There was no way found to ſurmount this difficulty, but by inſerting in the treaty a doubtful clauſe to this effect, "That both parties ſhall maintain the preſent "laws of Scotland". Elizabeth meant the preſent and actual government of that kingdom, under the king's authority, and Charles underſtood the preceding government, under the queen's authority, conſidering the preſent as unlawful. But withal, he intimated, that he deſired thoſe terms, which were capable of a double meaning, to be uſed, only to avoid the blame of abandoning the queen of Scots. Elizabeth imagined it a great advantage, that Mary was not mentioned in the treaty. Theſe two difficulties being removed, the league was ſigned at Blois, April 11. The ſubſtance whereof was as follows:

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* Since Bothwell was alive, how could ſhe be contracted to the duke of Norfolk? Rapin.

Articles of the league between France and England. Camden.

Charles and Elizabeth ſhall mutually aſſiſt one another againſt all perſons who ſhall attack them, under any pretence whatſoever.

The league ſhall remain in full force till a year after the deceaſe of either party.

The party requeſted ſhall be bound to ſend to the party requiring, an aid of 6000 foot or of 500 lances, making up, with others, 1500 horſe, at his choice, with eight ſhips of war, manned with 1200 ſoldiers, the whole at the expence of the party requiring.

There ſhall be no innovations made in Scotland, but both princes ſhall endeavour to preſerve the peace of that kingdom, according to the preſent laws, without ſuffering the arrival of any foreign troops.

Mutual ambaſſies. Camden.

Some time after, Elizabeth ſent the earl of Lincoln into France, to ſee the treaty ſworn; and the marſhal de Montmoraency came to London upon the ſame account. Elizabeth ſwore to the league the 17th of June, and honoured the marſhal with the Order of the Garter. Whilſt Montmorency was at the court of England, he never ceaſed ſtrongly to ſollicit for the queen of Scots's liberty, to whom this eageneſs did more hurt than good. On the other hand, the queen ordered the earl of Lincoln, to ſhew the king of France the intercepted letter from the queen of Scots to the duke of Alva, wherein it appeared, that ſhe put herſelf entirely under the king of Spain's protection. Montmorency would likewiſe have reſumed the affair of the queen's marriage with the duke of Anjou, but did not much inſiſt upon it. Probably, he had no orders to preſs it very ſtrenuouſly, conſidering what happened in France immediately after his return, I mean the maſſacre of St. Bartholomew's, wherein admiral Chatillon, and all the Huguenots were butchered [*], who had been drawn to court, under colour of the nuptials of the king of Navarre, with the princeſs Margaret, king Charles's ſiſter. It is needleſs to expatiate on this horrible maſſacre, ſo univerſally known. It ſuffices to obſerve in a word, it demonſtrated to perſons of the leaſt penetration, that the court of France was then the moſt perfidious in the world.

The maſſacre of Paris. Mezerai.

Conſequences of the maſſacre. Walſing. Negot.

This maſſacre threw all the Proteſtants in Europe into the utmoſt conſternation, eſpecially when they knew it was openly approved of at Rome [†]. The Proteſtant princes of Germany began to prepare for their defence, believing it was only the beginning of a combination to deſtroy their religion throughout all Chriſtendom, and the Switzers reſolved in a diet, to lend France no more troops. But the court of England reflected on it particularly, not queſtioning, it was an effect of the league of Bayonne, and that the ſtorm would quickly fall upon England. Walſingham, who had expreſſed ſo great an eſteem for Charles IX, wrote letter after letter, to give warning, that he was no longer to be truſted, tho' he ſhould repeat his proteſtations of friendſhip to the queen, and his aſſurances punctually to obſerve the late treaty.

Charles IX. ſhews great regard for Elizabeth. Walſing. Negot.

It was not without reaſon that Charles ſtill deſired to keep fair with Elizabeth. Tho' he had maſſacred an infinite number of his Huguenot ſubjects, he ſaw the reſt ready to take arms to ſcreen themſelves from his barbarity. The city of Rochelle, which was as their bulwark, had refuſed to open her gates to the king's forces. Some were already in arms in Languedoc, and other provinces, and, probably, Charles was going to enter into a new war where he would have to deal with deſperate people. Apprehenſive as he was, that Elizabeth would aid the Huguenots, with all her forces, there was no diſſimulation but what he practiſed to divert her from it. When ſhe told him by her ambaſſador, that after the late maſſacre, ſhe could no longer place any confidence in him, he endeavoured to excuſe himſelf in the beſt manner he could. One while he ſaid, it was done without his knowledge; another while, that he was forced to it, in order to prevent a conſpiracy formed by the admiral againſt him, the queen, his mother, and his brothers. However, at the very time he ſhewed the greateſt deſire to live in a good underſtanding with Elizabeth, he was taking private meaſures to raiſe her diſturbances both in England and Scotland. After the maſſacre of St. Bartholomew's, the pope ſent a legate into France. The duke of Savoy, a great friend to Spain, was come to Paris, and Charles's pretended dread of Philip's deſign was entirely vaniſhed; nay there was a ſtrict union betwen the two monarchs. On the other ſide, Walſingham gave frequent notice, that the duke of Guiſe had private conferences with the Scots, and the queen-mother frequently ſent for the biſhop of Glaſcow, Mary's ambaſſador, to her houſe, at unſeaſonable hours. Theſe things were plain indications to Elizabeth and her council, that the friendſhip of France was not to be relied on, tho' it had been earneſtly ſought.

Elizabeth's miſtruſt.

Affairs being in this ſituation, it was not eaſy for the queen to determine what courſe ſhe ſhould take. She ſuſpected, ſome plot was formed againſt her; but was not ſure. On one hand, ſhe was afraid, France and Spain were in league againſt her; but ſhe could not conceive how it was poſſible for them to agree, their intereſts being directly contrary. She conſidered, however, that Charles IX. was governed by the Lorrain princes, who had different views from his, and who regarded their own private intereſt, more than the welfare of France, beſides, an exceſſive religious zeal might cauſe him to overlook his true intereſt. In this ſtate of uncertainty, ſhe thought it moſt adviſable to ſtand upon her guard, and make preparations as if ſhe was to be ſpeedily invaded, and to equal the king of France in diſſimulation, letting him know, however, it would not be eaſy to deceive her. So, each playing the hypocrite, never were there ſo ſtrong and ſo frequent proteſtations of friendſhip between Charles and Elizabeth, as in the firſt months after the maſſacre of St. Bartholomew's. Both ſaid, they deſired above all things to keep the league inviolably, tho' Charles had no occaſion for Elizabeth's aid, and Elizabeth could no longer depend upon the amity of ſuch an ally. It was hardly poſſible for them to love one another. Charles looked upon Elizabeth as the protectreſs of the religion he was endeavouring to extirpate, and Elizabeth could conſider him but as a prince without honour or honeſty, and as a ſworn enemy to the religion ſhe profeſſed. Notwithſtanding all this, Charles offered to renew the league with a freſh oath, and propoſed a marriage between Elizabeth and his younger brother, the duke of Alenſon. In ſhort, to give Elizabeth a ſenſible mark of his pretended friendſhip, he deſired her to ſtand godmother to a princeſs his queen was delivered of, in October. Elizabeth replied to the firſt propoſal, that the treaty of Blois not having been violated on her part, ſhe did not ſee any neceſſity to renew it, or ſwear to it again. As to the marriage of the duke of Alenſon, ſhe expreſſed herſelf in ſuch a manner, that ſhe left it undetermined, whether ſhe would accept or refuſe it. As to the king's requeſting her to be godmother to the princeſs, his daughter, ſhe anſwered, tho' her own ſubjects, and ſeveral foreign princes diſſuaded her from being ſpiritually allied to a ſworn enemy of the Proteſtant religion, ſhe was willing, however, to give him a proof of her deſire to preſerve their mutual alliance, as far as lay in her power. Thus, it was all diſſimulation on both ſides. But I do not know whether Elizabeth can be juſtified, for not having refuſed this laſt article, in order to ſhew, at leaſt, her deteſtation of the deed Charles had lately committed. Be this as it will, all the reſt of the year was ſpent in reciprocal proteſtations of a ſincere friendſhip, but withal, in a mutual diſtruſt. Charles was afraid, Elizabeth would aſſiſt the Huguenots, and thereby all his meaſures be broken. Elizabeth had a mind, before ſhe came to any reſolution, to ſee a little farther into the deſigns of her enemies, and to that purpoſe it was neceſſary for her to keep, at leaſt, outwardly, ſome correſpondence with king Charles. In the interim, the Huguenots knew not what to think of her. They ſaw themſelves upon the brink of deſtruction, conſidering the great forces with which the king was preparing to attack them, and at the ſame time they ſaw Elizabeth, who was their ſole refuge, ſtand godmother to the child of their perſecutor and executioner. But the intereſt of the Huguenots was not the thing ſhe had chiefly in view, her zeal for the Proteſtant religion being always ſubordinate to her private intereſt.

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[*] About 3000. See P. Daniel, others ſay 10,000. See Strype's Ann.

[†] There were medals ſtruck in memory of this horrible fact; having on one ſide the king ſitting on a throne, and treading on dead bodies, with this motto Virtus in rebelles: And on the reverſe, the arms of France crowned between two colums, and Pietas excitavit juſticiam 24 Auguſti 1572. See a print of this medal in P. Daniel.

The earl of Northumberland is beheaded. Stow.

The earl of Northumberland, who, after his being ſeiſed in Scotland, had been delivered to the queen, was beheaded in this juncture, wherein the queen thought ſhe could not take too many precautions to provide for her ſafety.

The affairs of Scotland. Melvil.

I muſt now mention the affairs of Scotland, to which the queen had always an eye. The diſcovery of the duke of Norfolk's plot had much weakened Mary's party. Some had forſaken it, and others were ready to do the like. If they ſtill adhered to it, it was only to obtain advantageous terms for quitting it. Grange, governor of Edinburgh-caſtle, Lidington, the lord Hume, Robert Melvil, and ſome others, who were in the caſtle, ſtill affected a ſort of neutrality, and a great zeal for the good of their country; but they made this good to conſiſt in a certain union of the two factions, which ſhould not be prejudicial to the captive queen; that is, they would have the king's authority to be annulled; and if it could not be agreed, that the ſtate ſhould be governed in the queen's name, as indeed it was very difficult to gain that point, at leaſt, that the adminiſtration of affairs ſhould be put into the hands of a certain number of regents, choſen by the two parties, without any mention of queen or king. By this means they would have preſerved the queen's rights entire, and broken the meaſures of the contrary party. Probably, James Melvil, author of the Memoirs, was in the ſame ſentiments, tho' he deſired to be looked upon as neuter, and as ſuch, was employed on both ſides, to ſerve for mediator. The men of this party durſt not, however, fully diſcover their minds; but flattered themſelves, that being maſters of Edinburgh-caſtle, with the help of never ſo few ſuccours, they ſhould be able to ſupport their pretenſions. They ſpent the whole winter of the year 1572, in ſeveral negotiations in France and the Netherlands, to obtain the ſuccours they wanted. They were made to hope for aſſiſtance from both places, but it was only empty promiſes without any effect. The court of France durſt not pull off the maſk for fear of obſtructing the grand deſign which was executed within a few months; for which reaſon, they conſented, at length, that the queen of Scots ſhould not be mentioned in the treaty of Blois. They were contented to agree with the Engliſh ambaſſadors, that the two crowns ſhould ſend plenipotentiaries into Scotland, to adjuſt the differences between the Scots, or compel them to lay down their arms. And, indeed, Charles IX. nominated du Crocq, who had been often ſent into Scotland, to endeavour this agreement, ordering him to paſs through England, and ſtrongly ſollicit Elizabeth to ſend the queen of Scots into France. He gave him moreover certain inſtructions, which he was to impart by word of mouth to the captive queen. Elizabeth thought this proceeding very extraordinary, juſt as the treaty of league was going to be concluded. So, ſuſpecting ſome myſtery in this conduct, ſhe plainly refuſed du Crocq leave to ſee Mary, and even to purſue his journey to Scotland till the league was ſigned.

Elizabeth's ſuſpicions increaſe. Walſingh.

A few days after, ſhe made a diſcovery which much increaſed her ſuſpicions. The lord Seaton, a Scotchman, who called himſelf Mary's ambaſſador to the duke of Alva, had taken a journey to Paris, and there held ſeveral conferences with the king and the queen-mother. Then he returned to Bruſſels, and ſoon after departed for Scotland; but the ſtormy weather compelling him to land at Harwich, he diſguiſed himſelf like a ſailor, and before it was known who he was, croſſed England, and came to Edinburgh, where he frequently conferred with Grange, and the other lords in the caſtle. But as he had not been able to carry away his papers, they were found in the ſhip, whereby it was diſcovered, he had orders to encourage the lords in the caſtle of Edinburgh to hold out, and give them hopes of a ſpeedy aſſiſtance. It was alſo known, he was commiſſioned ſome time before by the Scots of the queen's party, to tell the duke of Alva, that with a little aid, it would be eaſy to carry away the young king and ſend him into Spain. In ſhort, Elizabeth heard, that Grange and his companions, who had begun to treat of an accommodation with the earl of Marr, would hear no more of it, ſince they had ſeen the lord Seaton. All this added to du Crocq's inſtances for the queen of Scots liberty, and for leave to ſpeak with her, made Elizabeth and her council judge, this envoy was not ſent into Scotland to appeaſe, qut rather to foment, the troubles. This was the more credible, as he had ſaid himſelf, that his inſtructions reached no farther than to exhort the Scots to peace. It would, therefore, have been imprudent to ſuffer him to confer with Mary, or to purſue his journey into Scotland.

She takes new meaſures with regard to Scotland. Melvil.

I obſerved before, that the court of England was no leſs forward than that of France, to perpetuate the troubles of Scotland; and this was true, during the regency of the earl of Lenox, becauſe the queen's party was then very ſtrong, and it was to be feared the two factions would be united, to the great detriment of England. But after the duke of Norfolk's death the caſe was altered; for the queen's party being conſiderably weakened, the council of England thought it time to end the troubles of Scotland, by giving ſome content to thoſe in the caſtle of Edinburgh, in order to induce them to ſubmit to the king, and deliver up the place. To this end, the earl of Marr, with Elizabeth's conſent, had begun with thoſe of the caſtle, a negotiation, interrupted by the arrival of the lord Seaton.

A negotiation of the regent of Scotland with the queen's party. Melvil.

The league between France and England being concluded ſoon after, the earl of Marr thought it a favourable opportunity to reſume the negotiation with thoſe of the caſtle, and to that purpoſe offered them by James Melvil very advantageous terms. Melvil inſinuates, that the regent's inducement to this accommodation, was only to free Scotland from the yoke of the Engliſh. He adds farther, that Grange ſcrupling to demand any terms for reſtoring peace to the kingdom, left it to the regent's diſcretion, who privately ſwore to the peace, in the preſence of two or three perſons only; but Walſingham's Memoirs ſhew that Melvil was not well informed, ſince this agreement was made with Elizabeth's approbation, and even ſome articles were ſigned, whereof ſecretary Smith ſent a copy to Walſingham at Paris.

The death of the regent. Octob. 29. Melvil.

This project was defeated by the death of the earl of Marr. He went to Edinburgh with deſign to have this private treaty approved, and the earl of Morton was the chief perſon to be prevailed with to ſign it. To this end, he made him a viſit at Dalketh, where he was honourably received, and treated magnificently; but before the banquet was over, he felt himſelf ſeiſed with a violent illneſs, which hardly ſuffered him to ride to Edinburgh, where he died. Many ſuſpected he was poiſoned. However, on the 24th of November, the earl of Morton was choſen regent, by the intereſt of Elizabeth's friends in Scotland.

Morton is choſen regent.

He is devoted to England.

The court of France tries to ruin him. Walſingh. Negot.

Nothing could be more advantageous to Elizabeth, than to ſee the regency of Scotland in the hands of a man who depended upon her, and whom ſhe could manage almoſt as ſhe pleaſed; but on the other ſide, the court of France, where the Guiſes then ruled, finding that by the earl of Morton's promotion, they were going entirely to loſe Scotland, reſolved to do their utmoſt to ruin the new regent, and ſupport thoſe who ſtill held the caſtle of Edinburgh. Indeed, that was the only way to have ſtill any influence upon the kingdom. The duke of Guiſe, who managed every thing, plainly ſaw, if the earl of Morton was left unmoleſted he would not fail, with the help of the Engliſh, to cruſh the queen's party entirely, and ſhut out the French from Scotland for ever. He reſolved, therefore, to ſend Verac thither with money to ſupply the occaſions of thoſe in the caſtle, under pretence of labouring to appeaſe the troubles; but Verac not being ready ſoon enough, the money was put into the hands of Grange's brother, who had been ſent into France to ſollicit aid. At the ſame time, great pains were taken to gain the earls of Argyle and Athol; and the duke of Chatelerault was told, if Grange could hold out till Whitſuntide, he would be ſtrongly aſſiſted by the pope, Spain, and France. This was what Walſingham, who had good ſpies at Paris, had frequently wrote to the court of England.

It was, therefore, no longer Elizabeth's intereſt to continue diſcord among the Scots. On the contrary, it was neceſſary the queen's faction ſhould be deſtroyed, before the meaſures which were taken in France and Flanders could have their effect. We ſhall ſee preſently that ſhe neglected not her intereſt.

The affairs of the Low-Countries. Grotius.

During all this year, the queen of Scots and her adherents relied much upon the duke of Alva's aſſiſtance, and yet they had nothing to hope from thence. From the beginning of the year to the time of the maſſacre of Paris, the duke had been ſo employed, that it was not poſſible for him to think ſeriouſly of the queen of Scots concerns, tho' he did not want a good-will to annoy Elizabeth. The count de la Mark, whom the queen had driven from her ports, for breaking with Spain, had taken the Briel in Holland, and by that unexpected blow revived the courage of thoſe who wiſhed to be freed from the dominion of the Spaniards. Soon after, the whole province of Holland threw off their yoke, and Fluſhing, with ſome other towns in Zealand, followed that example. The duke of Medina-Celi, ſent afterwards from Spain with a fleet, was defeated by the confederates, and moſt of his ſhips taken. In a word, whilſt the duke of Alva was employed in reducing the revolted towns in Holland, the news of the city of Mons being ſurpriſed by count Lewis of Naſſau, obliged him to quit Holland, in order to attempt the recovery of that place. In the interim, the prince of Orange entered the Netherlands at the head of an army raiſed in Germany. On the other hand, Charles IX. ſent the count of Naſſau 5000 foot and 500 horſe, commanded by Genlis, which were defeated by the duke of Alva, to whom the king himſelf had ſent notice of the march of this aid, deſigned only to amuſe the Huguenots. The tragedy which was acted in France ſoon after, having opened the prince of Orange's eyes, he was forced to diſband his army, finding the king of France, who promiſed to help to maintain it, would not keep his word. In the mean time, the duke of Alva was taken up with the ſiege of Mons, which ſurrendered not till the 19th of September. After the ſiege, his troops commanded by Frederico de Toledo, his ſon, were employed in taking Zutphen, Naerden, and other places. Hence it appears, that during the courſe of this year, the duke of Alva was not able to ſend an army into Scotland, tho' Mary's friends were ſtill in hopes of it. Mary's expectation of aſſiſtance from Spain was very prejudicial to her, becauſe, when her practices were diſcovered, Elizabeth was more intent, upon ending the troubles of Scotland. Beſides, the king of France grew a little cool, when he found queen Mary threw herſelf into the arms of the Spaniards.

1573. Charles's and Elizabeth's diſſimulation. Walſingh.

Tho' Charles IX. and Elizabeth were very jealous of each other, they kept, however, a ſtrict correſpondence, capable of deceiving thoſe who knew not the intereſts of the two courts. Nothing paſſed on both ſides but proteſtations and aſſurances of obſerving inviolably the treaty of Blois. The beginning of the year 1573, Elizabeth ſent William Somerſet, earl of Worceſter, to Paris, to ſtand in her ſtead to the princeſs, Charles's daughter, who was named Elizabeth. She had ordered her ambaſſador, not to be perſuaded to be preſent at the maſs in the ceremony of the baptiſm, and in caſe it was inſiſted upon, to deſire the queen of Navarre to ſtand in his room.

The marriage of the duke of Alenſon propoſed again. Camden.

A little before, queen Catharine had ſent Elizabeth the earl of Rais, her confident, to propoſe once more the marriage of the duke of Alenſon, her third ſon. But this was not the ſole motive of his coming. The earl had orders to obſerve what paſſed in England, where the earl of Montgomery and ſome other French refugees were equipping a fleet to relieve Rochelle, which, after a long blockade, was, at length, beſieged in form. The duke of Anjou commanded at the ſiege, having with him the duke of Alenſon, his brother, and all the Catholick nobles of France. Elizabeth anſwered concerning the propoſal of the marriage, that ſhe was very willing to begin a treaty about it, provided the article of religion was firſt ſettled, elſe it was in vain to ſay any more of it.

The complaints of France about the ſuccours given to Rochelle, Walſingh. Negotiat. evaded by the queen. Camden.

About the ſame time, Montgomery ſailing to the relief of Rochelle, the French ambaſſador complained that he was ſuffered to depart, and that the Engliſh merchants had ſupplied the beſieged with proviſions. Anſwer was made, that the perſons who were ſailed out of the ports of England, were not owned, and carried counterfeit flags, and if they could be taken, ſhould be ſeverely puniſhed. As for the merchants they were men who followed their gain where-ever they hoped to find it; and not being able to ſend their commodities to any other port of France, ſince the people were left to butcher whom they pleaſed, it was no wonder, they ſhould ſend them to Rochelle where they could vend them with ſafety. Probably, the court of England had connived at Montgomery's armament, which, however, had no effect, and at ſending proviſions to the Rochellers. This was all the aſſiſtance ſhe gave the Huguenots in their wretched condition. She had reſolved to avoid a breach with the French, whether ſhe hoped to gain them to her intereſt, or make the world believe there was a greater union between her and king Charles than there was in reality. This was, doubtleſs, to render her enemies both at home and abroad leſs eager to form plots againſt her.

The end of the war in Scotland.

We are going, at length, to ſee an end put to the troubles of Scotland. The earl of Morton, the new regent, having good intelligence of what paſſed at the court of France, and knowing it was reſolved to aſſiſt powerfully the queen's faction, after the taking of Rochelle, believed he ought to improve this interval to prevent their deſigns. He propoſed, therefore, to Grange, by James Melvil, to renew the negotiation begun before the earl of Marr's death. Grange and his companions made ſome ſcruple at firſt becauſe they expected ed the French ſuccours promiſed them by the lord Seaton. However, not to give occaſion to ſay, they were entirely againſt a peace, and to try to gain time till Whitſuntide, Grange anſwered, he was willing to accept the ſame terms as had been offered by the earl of Marr, provided the queen's whole party were included in the treaty. The regent, who was better informed than Grange imagined, eaſily judged, this reply tended only to prolong the agreement, by the difficulties of contenting every one. He refuſed, therefore, to treat with the whole party, and offered to give Grange and his companions all the ſatisfaction they could reaſonably expect; but his offer was rejected. Whereupon he turned to the duke of Chatelerault, and the earls of Huntley and Argyle, who were not ſo ſcrupulous as thoſe of the caſtle of Edinburgh. They treated for themſelves and dependants, that is, for almoſt all the reſt of the queen's party, without regarding the concerns of Grange and his aſſociates. They perceived they could no longer rely on the aſſiſtance of France, which was too remote, and withal very uncertain, conſidering the civil war which afflicted that kingdom. The treaty which they made with the regent, aſſiſted by Drury and Killegrew, the Engliſh ambaſſadors, was to this effect:

Camden. That they ſhould ſubmit to the king, and conform to the eſtabliſhed religion. That if any perſon ſhould violate this article he ſhould be declared a traytor.

That the ſentences pronounced againſt the Hamiltons and Gordons ſhould be repealed, excepting ſuch however as concerned the murders of the earls of Murray and Lenox, which ſhould be left to the queen of England's deciſion.

That the queen of England ſhould bind herſelf by ſome publick inſtrument, that the Hamiltons and Gordons ſhould not be proſecuted for the murders of the earls of Murray and Lenox, without her expreſs conſent.

The ſtates of the kingdom meeting ſoon after, confirmed this agreement by their authority.

Spotiſwood. As ſoon as Grange heard of the agreement which was negotiating between the regent and the heads of the queen's party, he endeavoured to obſtruct it, by offering to ſurrender the caſtle of Edinburgh in ſix months; but as the regent was better informed than Grange imagined, it was eaſy for him to perceive, this offer tended only to gain time, till the French ſuccours ſhould arrive. At laſt, when Grange knew, the heads of the queen's party were upon the point of ſigning their treaty, he offered to deliver the caſtle immediately, provided he might put it into the hands of the earl of Rothes. But the regent did not think fit to place in that fortreſs a governor of Grange's chuſing. Beſides, all the proceedings of thoſe of the caſtle, and the evaſions they uſed to avoid ſurrendering the place, plainly ſhewed, they were not heartily inclined to an accommodation. So, without farther ceremony, he declared them traytors, and prepared in good earneſt to beſiege them. Melvil ſays upon this occaſion, that he knows not what rage poſſeſſed the regent, to deſire to have by way of ſiege a place which was offered to be ſurrendered voluntarily and inſtantly. It is indeed, little probable, the earl of Morton ſhould deſire to expoſe himſelf to the difficulties of ſuch a ſiege, if he could otherwiſe have had the place. But what Melvil aſcribes to the regent's rage, may, with much more likelihood, be imputed to the cavils of thoſe of the caſtle, who ſtrove to prolong the time till the promiſed ſuccours ſhould arrive. In Walſingham's negotiations there are ſeveral letters from the queen, the lord Burleigh, ſecretary Smith, blaming Grange and his companions for their fooliſh preſumption and invinſible obſtinacy, in attemping alone to continue the troubles in Scotland. Melvil, Grange's intimate friend, gives quite another turn to this affair, and lays the whole blame upon the regent.

Camden. Be this as it will, the earl of Morton having but few troops, and wanting artillery and ammunition, by reaſon the publick magazine was in the caſtle of Edinburgh, applied to queen Elizabeth. I have already ſhewn, of what conſequence it was to England, that the troubles of Scotland ſhould be ended before France could interpoſe. For this reaſon, Elizabeth immediately made a treaty with the regent, which, among others, contained the following articles:

Elizabeth's treaty with the regent. Camden. Elizabeth ſhall ſend to the regent, men, ordnance, and ammunition, for the beſieging the caſtle of Edinburgh jointly with the Scots.

No capitulation ſhall be granted to the beſieged, without the mutual conſent of the regent, and the Engliſh general.

If the caſtle be taken, by the Engliſh, it ſhall be delivered to the king of Scotland.

The priſoners, after the taking of the caſtle, ſhall be detained to be proceeded againſt according to law, the queen of England being firſt acquainted therewith.

Hollingſh. Purſuant to this treaty, Elizabeth ordered Sir William Drury, marſhal of Berwick, to march into Scotland with 1500 men, and a train of artillery, which was a manifeſt breach of the treaty of Blois, which ran, "That no "foreign troops ſhould be ſuffered to enter "Scotland;" but as ſhe had diſcovered by the lord Seaton's papers, that France intended to violate this ſame article, ſhe believed, doubtleſs, it would be ſimplicity to ſuffer herſelf to be prevented. However this be, the caſtle was inveſted, and the beſieged defended themſelves a whole month like men in deſpair; but at laſt their water failing, they were forced to ſurrender at diſcretion, if we may believe the Engliſh and Scots of the king's party. Melvil affirms on the contrary, that they capitulated, but the capitulation was not kept. Thus much is certain, the laird of Grange, James Kirkcaldie, his brother, and ſome others, were condemned to be hanged, and the ſentence was executed accordingly. Lidington died in priſon, having himſelf, acording to ſome, haſtened his death by poiſon. The lord Hume and Sir Robert Melvil were releaſed.

Thus ended the civil wars of Scotland, and thus Elizabeth's enemies loſt all hopes of invading her from that quarter. From what has been hitherto ſaid, it may be eaſily perceived, of what conſequence the tranſactions in Scotland were to Elizabeth. Accordingly ſhe was ever very intent upon the affairs of that kingdom, where ſhe ſucceſsfully managed her intereſt with the moſt refined policy.

Verac is arreſted at Scarborough and ſent to London. Walſing. Negotiat.

At the time the heads of the queen of Scots party were about to ſign their treaty, Verac, who was ſent into Scotland to encourage the party to ſtand their ground, was forced by a ſtorm into Scarborough. The preſident of the northern marches having notice of it, ordered him to be conveyed to London, without hearking to the reaſons he alledged againſt it, taken from his character. It was known afterwards, that the moment he was ſeiſed he burnt all his papers. The French ambaſſador made great noiſe that Verac was hindered from going to Scotland; but he was told, the queen had no advice of the ſending of this ambaſſador, and if ſhe had known it, would have taken care he ſhould have been treated with the reſpect due to his character. That he had been conducted to London, by the general order which the preſident of the north had, to deal thus by all foreigners who ſhould land in thoſe parts, unleſs they were known to be merchants.

Elizabeth ſpeaks roundly to the French ambaſſador. Walſing. Negotiat.

The ambaſſador was not very well pleaſed with this anſwer; but he had ſtill leſs reaſon to be ſo with that he received ſoon after to his urgent requeſt, for leave to ſpeak with the queen of Scots in private. This requeſt had been often repeated to no purpoſe. At laſt, the queen, tired with his importunities, told him plainly, ſhe was not ignorant of the practices of the king of France, and the queen-mother, in favour of Mary, and how they ſtood affected to England; that, however, ſhe had always inviolably obſerved the late treaty*, and would ſtill obſerve it, chuſing rather the rupture ſhould come from France, than from her; that in caſe of a breach, ſhe did not queſtion, ſhe ſhould be able to defend herſelf, being well aſſured of the affection of her ſubjects; that ſhe could hardly reſtrain ſome who offered to relieve Rochelle at their own expence, and maintain ſix months, in Gaſcogne, an army of 20,000 foot, and 2000 horſe.

Upon the ambaſſador's demanding leave for Verac to purſue his journey to Scotland, the queen agreed to it, after ſome affected delays. But whilſt ſhe was putting obſtacles in his way, ſhe cauſed a letter to be ſent from the earl of Morton, telling her, that Verac's coming to Scotland would be very diſpleaſing to him, as well as to the duke of Chatelerault, and the earl of Huntley, with whom he was in perfect friendſhip; that, therefore, he believed, the envoy would do well to ſave himſelf the trouble of the journey. Whilſt they were debating at London about this affair, the caſtle of Edinburgh ſurrendered, and ſo Verac's journey became entirely needneſs. Queen Catharine de Medici, politick as ſhe was, could not help making a falſe ſtep, in diſcovering to Walſingham, that the French court's deſign, was to foment the troubles of Scotland. Upon the ambaſſador's warm complaints of the intrigues of France, with reſpect to Scotland, ſhe proteſted, the king, her ſon, and herſelf knew not what he meant, and "that their intention was only to perſuade the Scots to agree, and acknowledge queen Mary for their ſovereign." That's the very thing, anſwered the ambaſſador, the queen my miſtreſs complains of, ſince it is a direct breach of the treaty of Blois. The queen perceiving ſhe had ſaid too much, turned the diſcourſe, and complained of Verac's being detained in England; to which Walſingham made the ſame reply as had been given to La Mothe, at London.

Elizabeth is in great tranquillity. Camden.

Scotland being in peace, under the authority of the young king, and of a regent devoted to England, Elizabeth was freed from a great uneaſineſs. The recalling the duke of Alva from the government of the Low-Countries, was a farther increaſe of her happineſs. The commander of Requeſens, who ſucceeded the duke of Alva, finding he had full employment, refuſed to meddle with the affairs of England and Scotland, and ſo Elizabeth had nothing to fear from that ſide. Her enemies having no longer admittance into Scotland, and England being ſafe from all attacks but by ſea, ſhe lived ſome years in great tranquillity. Beſides, France was not in condition to make any conſiderable attempt upon her, as well for want of naval forces, as becauſe of the civil wars which laid waſte the kingdom.

The biſhop of Roſs is driven away. Novemb. Camden.

In the interim, Elizabeth, being deſirous alſo to ſecure herſelf from all domeſtick attempts, commanded the biſhop of Roſs, author and promoter of all the plots againſt her, to depart England. He thought himſelf happy in coming off ſo eaſily, and withdrawing into France, continued his ſecret practices, tho' to little purpoſe. He wrote there a Hiſtory of Scotland, from the beginning, to the year 1561. What he ſays of the earl of Murray towards the end of his Hiſtory, ſpeaking of the firſt troubles of Scotland, and which Camden has taken care to copy, plainly ſhews, what might have been expected from him, had he continued it to the end of the war.

France preſſes the queen about the marriage. Camden.

Tho' Elizabeth had ſaid, in her reply to the propoſals concerning her marriage with the duke of Alenſon, that the article of religion was firſt to be ſettled, Catharine de Medici did not fail, however, to ſollicit her upon that ſubject. She ſaid, the court of France would yield in that point, but did not ſay how far. Moreover, ſhe cauſed the duke of Alenſon, who was then at the ſiege of Rochelle, to ſend her letters, expreſſing his eager deſire to have the marriage ſucceed. At laſt, ſhe was ſollicited ſo much to permit the duke to come and ſee her, that ſhe conſented, provided he would not take it ill, in caſe he was obliged to return without any thing done; but the

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* Probably, ſhe had ſome evaſion to excuſe the ſending of her troops into Scotland. Rapin.

1573. ſiege of Rochelle holding longer than was imagined, hindered the duke from paying his viſit.

Siege of Rochelle raiſed. Thuanus.

This ſiege, which had laſted ſo long, was, at length, raiſed on the 25th of June, after the city had withſtood 30,000 cannon balls, nine great aſſaults, beſides 20 leſſer ones, and the effects of 60 mines. The duke of Anjou loſt above 12,000 men. The news of his being choſen king of Poland, and of the Poliſh ambaſſadors being on their way to offer him the crown, afforded him a pretence to relinquiſh his enterpriſe, which, perhaps, would not have ended to his honour; and the raiſing the ſiege, brought with it peace to the Huguenots, who were hardly able to ſupport themſelves. Charles IX. was afraid of the duke, his brother, and the queen-mother loved him tenderly. This bred between the king and the queen, his mother, a diſſention, which, it is likely, proved fatal to the king. He thought it long till his brother was gone to Poland, and the queen ſtill found ſome freſh excuſe to hinder his departure. At laſt, Charles grew ſo ſuſpicious of all theſe delays, that he could not forbear threatening the queen, his mother, who was forced, at length, to ſuffer her beloved ſon to depart, and the king was pleaſed to accompany him part of the way. But he could not go ſo far as he had reſolved, by reaſon of a diſtemper wherewith he was ſeiſed, and of which he never recovered. Elizabeth hearing the king of Poland was gone, and Charles taken ill, did not think proper to receive the duke of Alenſon's viſit, before ſhe had a fuller knowledge of the affairs of the royal family of France. She wrote to him, therefore, to deſire him to defer his journey, and gave him for reaſon, that the Engliſh would not look with a good eye upon a prince coming from the ſiege of Rochelle, and wearing a ſword died with the blood of their brethren.

The earl of Eſſex goes into Ireland. Camden.

This year Walter d'Evereux, earl of Eſſex, had leave to go into Ireland, to conquer the country of Clandeboy at his own expence; but his enterpriſe was not crowned with ſucceſs, becauſe he was privately hindered by the earl of Leiceſter, his enemy.

1574. The duke of Alenſon is taken up. Mezerai.

Queen Elizabeth's letter to the duke of Alenſon not being capable of diſcouraging him, he made freſh inſtances for leave to come into England, to which the queen, at length, yielding, ſent him a ſafe-conduct; but in the interim, the queen, his mother, ſuſpecting him of a deſign to ſupplant the king of Poland, his brother, in caſe the king happened to die, ordered it ſo, that the king ſet a guard over him as well as the king of Navarre, who was accuſed of ſuggeſting this deſign to him. However this be, the queen-mother perceiving the king near his end, thought fit to take this precaution, to ſecure the crown to the king of Poland, who was abſent. And indeed Charles IX. died the 30th of May, in the 25th year of his age. The manner of his death was ſo uncommon, that it gave occaſion not only to the Proteſtants, but the Catholicks themſelves, to conſider it as an effect of the Divine vengeance, for the horrible maſſacre committed by his orders. The blood guſhed out of all the paſſages of his body, and even ſpouted through his pores. The queen-mother took her meaſures ſo well, that cauſing the dying king to confer on her the regency of the kingdom, ſhe kept all quiet till the arrival of the king of Poland, who ſucceeded his brother, by the name of Henry III. He arrived in France the 5th of September, but came not to Paris till about the middle of February the next year.

The death of Charles IX. Thuanus.

1574. Henry III. ſucceeds.

The marriage of the earl of Lenox. Camden.

Nothing memorable paſſed in England during the year 1574. The only thing Camden has remarked in his Annals, is the marriage of Charles, earl of Lenox, uncle to the king of Scotland, with Elizabeth Cavendiſh, the counteſs of Shrewſbury's daughter. As this marriage was made unknown to the queen, ſhe impriſoned the mothers of the new-married couple.

The affairs of the Low-Countries. Grotius.

In the Netherlands, the confederates took Middleburgh in Zealand; but on the other hand, Lewis, count of Naſſau, who was leading an army to his brother, the prince of Orange, loſt a battle upon Moker-heath, near Nimeguen, and was himſelf ſlain, with his brother Henry, and Chriſtopher, count Palatine. This ſame year, the Spaniſh troops mutinying, ſurpriſed and plundered Antwerp, where they made an immenſe booty. The governor of the Low-Countries, to avoid greater miſchiefs, was forced to pardon them.

1575. The affairs of France. Camden.

As ſoon as Henry III. was arrived in France, it was reſolved in his council, to wage war with the Huguenots, tho' they had given no occaſion, and preſently after, hoſtilities were renewed againſt them. In the interim, as Henry was afraid, the queen of England would aſſiſt thoſe whom he deſigned to extirpate, his firſt care was to renew with her the league of Blois, after moving the queſtion to her, whether the mutual defence againſt all men, mentioned in that league, did include the cauſe of religion? Elizabeth replied, it did, as ſhe could prove by a letter from the late king, which ſhe had by her; adding, if he were attacked on account of religion, and required her aid in vertue of the treaty, ſhe ſhould be always ready to give it. Indeed, ſhe ran no great riſque in making that offer, being fully perſuaded, the French king would not uſe Engliſh troops againſt the Huguenots. Beſides, by the terms of the league, ſhe was not bound to ſend him any troops, ſince inſtead of being attacked, he was himſelf the aggreſſor. However, Elizabeth's anſwer to Henry might have given the Huguenots ill notions of her, if ſhe had not privately ſupplied the prince of Conde with money to pay the army, prince Caſimire, count Palatine, was levying for them in Switzerland and Germany.

A tumult on the borders of Scotland. Camden.

England was pretty quiet during the year 1575. There happened only an accident on the borders of Scotland, where Sir John Forſter, warden of the Middle March, and Carmichel, warden of Liddeſdale in Scotland, holding a conference, each at the head of a troop of his own nation, quarrelled and fought.

The Engliſh were worſted, Sir George Heron, warden of Tindale, loſt his life, and Forſter being taken priſoner, was conducted to the earl of Morton, who treated him very civilly, but detained him ſome time, for fear, if he were preſently diſmiſſed, he would in his heat attempt a revenge. At laſt, having releaſed him, he made him promiſe to appear in Scotland at a ſet day. Elizabeth thought the regent of Scotland's proceeding very ſtrange, and at firſt took this affair very heinouſly; but Morton found means to appeaſe her, by making all the ſubmiſſions ſhe was pleaſed to require. This year died the duke of Chateleraut.

1576. The death of the earl of Eſſex in Ireland. Sept. 22. Camden.

The year 1576, affords as little matter for the Hiſtory of England as the foregoing. We find only that the earl of Eſſex died in Ireland, and the earl of Leiceſter privately married his widow, unknown to the queen, tho' he was ſuſpected of having cauſed the huſband to be poiſoned. He was always in the queen's good graces, who was ſo biaſſed in his favour, that no man durſt tell her his thoughts. It was one of queen Elizabeth's greateſt failings, to place her eſteem upon a perſon who ſo little deſerved it.

As it is neceſſary for the ſequel of the Hiſtory to know what paſſed in the countries near England, I muſt make a ſhort digreſſion, not ſo much to inform the reader of things which are well known, as to refreſh his memory.

The affairs of the Low-Countries. Camden.

Lewis de Zuniga, commander of Requeſens, and governor of the Low-Countries, died this year. After his death, the council of ſtate adminiſtred alone the affairs of the Netherlands till a new governor ſhould arrive. The council conſiſted of natives and Spaniards. Soon after, the Spaniſh troops happened to mutiny, and reſolved to plunder Bruſſels. The magiſtrates alarmed at the danger, applied to the council of ſtate, who declared the mutineers rebels, tho' ſeveral of the counſellors favoured the ſeditious. And, indeed, preſently after, the little town of Aloſt was ſacked, and the council of ſtate took no care to puniſh the authors of that outrage, or prevent the like miſfortune which threatened the other towns. For this reaſon ſome lords of Brabant drew together, at Bruſſels, a company of the citizens, and inveſting the place where the council of ſtate held their ſeſſions, expelled ſuch of the members as were ſuſpected to countenance the mutineers, and put in their room perſons better affected to the good of their country. This new council of ſtate, thus compoſed, joined the confederates, who were now in arms in defence of their liberties, and they entered together into a league to free themſelves from the Spaniſh forces. Then Hieronymo de Roda, a Spaniard, one of thoſe who were expelled the council, headed the rebels, and ſent for the Spaniſh troops which were in Holland, with whom the Germans joined. This body, grown very conſiderable, plundered Maeſtricht and Antwerp, without any poſſibility of preventing them.

The prince of Orange, who was in Holland, ſeeing the affairs of the Netherlands reduced to this point, offered the council of ſtate his troops, his perſon, and the aſſiſtance of the provinces of Holland and Zealand, which began to make a ſeparate ſtate, under his government. Upon this offer the council of ſtate reſolved to enter into treaty with Holland and Zealand. The conferences were held at Ghent, where with an unanimous conſent, Luxemburg excepted, was formed the union of the provinces of the Low-Countries, called the Union, or Pacification of Ghent, for the defence of their laws and liberties. Notwithſtanding this, they were ſtill willing to own the king of Spain's authority, provided he would govern according to the antient laws. This union being thus formed, the fortreſſes raiſed by the duke of Alva, to keep the Netherlands in ſubjection, were demoliſhed every where. Some time after, the aſſociation was ſworn by the clergy and nobility, ſolemnly approved by the council of ſtate, and publiſhed at Bruſſels. By that, Philip II. loſt almoſt all his authority in the Low-Countries, having only the bare title of ſovereign, unleſs he would confine himſelf to the rights enjoyed by his predeceſſors, which was very far from his thoughts.

The affairs of France. Thuanus.

France was not more quiet than the Low-Countries. The duke of Alenſon had aſſembled an army againſt the king, in favour of the Huguenots. On the other hand, the prince of Conde, with the forces levied by prince Caſimire, in Germany, entered France and joined the duke of Alenſon. Thus the Huguenots, whom the court had determined to extirpate, were in a condition to ſell their lives dear, having at their head the king's brother, the king of Navarre, the prince of Conde, with an army of 30,000 men. But the queen-mother had the addreſs to break all their meaſures. She ſent them offers of peace, and during the negotiation, found means to ſow jealouſy among them, and win from them the duke of Alenſon and prince Caſimire. In ſhort, ſhe cauſed them to agree to a peace, which, for all its ſeeming advantages, proved fatal to them, as it diſunited their forces. The treaty was concluded the 9th of May, and enrolled ſix months after by the parliament of Paris. The Huguenets had never obtained ſo advantageous a peace ſince the beginning of the troubles. In October the duke of Alenſon came to court, where the queen, his mother, diſengaged him entirely from the ſide of the Huguenots. Then it was that he aſſumed the title of duke of Anjou, borne by the king, his brother, before he aſcended the throne.

The peace was no ſooner ſigned, than, according to the ſincerity ſome time ſince profeſſed by the court of France, they took new meaſures to ruin the Huguenots. Treaties and oaths went then for nothing, and were conſidered only as lawful ſnares to ſurpriſe hereticks. The cardinal of Eſte, the pope's legate, and Don John of Auſtria, who was going to take poſſeſſion of the government of the Low-Countries, came to the court of France, and had ſeveral conferences upon this occaſion with the king, the queen-mother, and the duke of Guiſe. Guiſe was looked upon as the head of the Catholick party, and for that reaſon, the legate took with him mea-

1576. ſures, of which the king was not fully informed. The moſt proper means, in their opinion, to attain their end, was to unite ſeveral aſſociations, made in divers provinces by the zealous Catholicks, and form one general aſſociation againſt the enemies of the antient religion. This is what was called the Holy Union, or ſimply, the League. Humieres was the firſt that ſigned it in Picardy, from whence it ſpread afterwards over the kingdom. The pope was the chief promoter of it, the king of Spain gloried in being called its protector, and the duke of Guiſe, who aimed at being declared the head, ſupported it to the utmoſt of his power. The queen-mother willingly came into it, not from a religious zeal, but becauſe the Huguenots had threatended to call her to an account, for her adminiſtration during her regency. In fine, the king himſelf, ſeduced by ill counſels, and his own ſupineneſs, was carried away with the torrent, and ſuffered the evil to encreaſe, which was one day to prove his ruin.

When the late peace was negotiated, the Huguenots earneſtly ſollicited a general meeting of the ſtates, imagining, beſides a great many deputies of their religion, they ſhould have for them the duke of Alenſon's party, and many others who were not pleaſed with the government. But when the deputies came to be elected, the duke of Alenſon had now changed ſides. Beſides, the court, by intrigues and money, found means to procure a great number of deputies to be choſen, who were againſt the Huguenots. So, the ſtates meeting at Blois, inſtead of moving any thing in favour of the reformed religion, were going to demand of the king the confirmation of the league, and requeſt him to appoint the duke of Guiſe for head; but the king, who was now grown extremely jealous of the duke of Guiſe, reſolved to prevent it. To that end, he declared himſelf head of the league, and ſigning it firſt with his own hand, cauſed the great men of his court to ſubſcribe it, and ſent it into the provinces, that every one might do the ſame. Soon after, the ſtates having ſent to pray him, that he would not allow any religion in the kingdom but the Catholick, he anſwered, it was his intention; and if he was under a neceſſity of promiſing the contrary, even with an oath, he would keep his word only till he had forces ſufficient to enable him to break it. Thus the Huguenots were forced to defend themſelves to the laſt drop of their blood, without the leaſt hopes of ſeeing an end to their calamities by a treaty, ſince the king himſelf declared he would never make any with them, but only to deceive them.

1577. The affairs of the Low-Countries. Camden.

Don John of Auſtria came into the Low-Countries the beginning of the year 1577, full of vaſt projects. He was a prince of a great genius, and of an ambition ſuitable to his birth. The condition of a ſubject was a burden, of which he would have been glad to be eaſed. All his views tended to ſovereignty. His firſt project was, to make himſelf king of Tunis; that failing, he thought of marrying the queen of Scots, and becoming ſovereign of all Great-Britain. Camden affirms, he had this from the mouth of Antonio Perez, who told him moreover, that the project was imparted to pope Gregory XIII, who approved it, but was concealed from king Philip. This was, probably, the ſubject of Don John's conferences at Paris with the duke of Guiſe. So, Don John, when he arrived in the Low-Countries, had two grand deſigns in his head; firſt, to ſubdue the Netherlands entirely; ſecondly, to become maſter of England and Scotland. Elizabeth was not ignorant of the firſt, but the ſecond was ſtill a ſecret to her.

Grotius. Strada.

The pacification of Ghent was communicated to the Spaniſh court, and Philip giving way to the times, thought proper to confirm it by an edict; ſo, when Don John of Auſtria came to the Netherlands, he was forced to ſign it before he was owned for governor. This was followed by an aſſembly held at Marche en Famine, where it was reſolved to publiſh a perpetual edict (as they called it) for driving the Spaniſh troops out of the Low-Countries, purſuant to the pacification of Ghent. Philip approving alſo this edict, the Spaniards were ſent into Italy, all the places remaining in the hands of the ſtates. Hitherto Don John had been forced to diſſemble; but ſome time after, he took off the maſk, and ſurpriſed the caſtle of Namur. At the ſame time he ſollicited the German troops, who were waiting in that country for their arrears, to ſurrender the places where they were in garriſon; but he was prevented by the ſtates, who found means to gain thoſe troops before him. The ſtates imputed this rupture to Don John's ambition, and carried their complaints to the king, to whom Don John alſo wrote, that the cabals of the prince of Orange had conſtrained him to provide for his own ſafety. Be this as it will, the ſtates of Brabant called the prince of Orange to their relief, and gave him the ſuperintendency of their country, by conferring on him the title of Ruart*. This proceeding raiſed the jealouſy of the duke of Arſcot, and ſome other Brabant lords, who, to ruin the prince of Orange's credit, propoſed to the united provinces, the electing a governor-general, under colour they ſhould all have the ſame head. The prince of Orange perceived he was aimed at, but not to give occaſion to a fatal diviſion of the forces of the confederates, oppoſed not the election. The choice fell upon the archduke Matthias, brother of the emperor Rodolphus II, and the prince of Orange was declared his lieutenant. In the archduke's patent, however, were inſerted certain conditions, which, giving him the title and honour of governor, left the whole authority to the ſtates. This done, Matthias ſtealing away, as it was pretended, from his brother, the emperor's court, came into the Low-Countries, where he was put in poſſeſſion of his poſt. Then the ſtates proclaimed war with Don John, who had taken care to be prepared, by ſending for troops from Italy, which were now on their way.

Ambaſſy of the ſtates to Elizabeth.

Then, and not before, Elizabeth perceived ſhe muſt have an eye to what paſſed in the Nether-

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* An office anſwering to that of dictator, among the Romans. Strada.

1577.

Netherlands, becauſe, at the ſame time, the prince of Orange informed her of Don John's deſign to marry the queen of Scots, and the ſtates ſent ambaſſadors to deſire her aſſiſtance; ſo, finding the deſigns of the governor of the Low-Countries reached farther than ſhe imagined, ſhe immediately lent the ſtates 100,000 pounds ſterling, which they deſired of her. Camden ſpeaks here of a treaty whereby the queen engaged to aſſiſt the ſtates with 1000 horſe well-mounted, and 5000 foot, on condition the general, or commander, being an Engliſhman, ſhould be admitted into the council of ſtate, and nothing determined without his conſent; but Grotius does not mention this treaty in his Annals of the Low-Countries. He ſays only, from that time Elizabeth concerned herſelf ſo far with the affairs of the united provinces, that ſhe did not ſuffer the ſtates to come to any important reſolution without giving her notice. Indeed, it was very much her intereſt to order it ſo, that the war now beginning in the Low-Countries, ſhould be continued in ſuch a manner, as to diſable Don John of Auſtria to execute his projects upon England. Theſe projects were not the inventions of the prince of Orange, to engage Elizabeth in the defence of the Netherlands. Famianus Strada poſitively mentions them in his Hiſtory. He even ſays, Gregory XIII. ſent a nuncio to Don John with the ſum of 50,000 crowns, to be employed in the expedition projected againſt England, but that he was forced to uſe it in his war with the ſtates. In the interim, at the very time Elizabeth lent money to Philip II's enemies, ſhe wrote to him, that ſhe, by no means, intended to break the antient alliance between England and the houſe of Burgundy; that, on the contrary, ſhe ſupplied the confederates with money, only to ſecure theſe provinces to him, and hinder them from deſperately throwing themſelves into the arms of France. It is likely, Philip was not very well pleaſed with theſe reaſons, but feigned to be ſo, not to induce Elizabeth to do more.

A continuation of the affairs of France. P. Daniel.

At this time the affairs of France were in a ſad condition; for the tranſactions of the ſtates at Blois, could not but raiſe a civil war in the kingdom. The Huguenots finding, a reſolution was taken to extirpate them, made a counter-league, whereof the king of Navarre was declared general, and the prince of Conde appointed for his lieutenant. The former edict of pacification being revoked, as had been reſolved by the ſtates, hoſtilities were renewed on both ſides, but with great diſadvantage to the Huguenots, who were very weak. However, as the war gave the duke of Guiſe too much credit, of whoſe power the king was extremely jealous, Henry thought it his intereſt to grant a peace to the Huguenots. From thenceforward he plunged himſelf into pleaſures, and lived at ſo expenſive a rate, that he forfeited the love and eſteem of his ſubjects. The prince of Lorrain knew how to improve the advantages which the king's conduct procured him, as will hereafter appear.

1578.

The pope's and Philip's deſigns upon Ireland. Camden.

Whilſt Elizabeth aſſiſted the confederates of the Low-Countries, under colour of hindering them from ſubmitting to France, Philip returned this favour, by endeavouring to raiſe a rebellion in Ireland. This project was formed ſome time before, on account of pope Gregory XIII, who wanted to procure for his ſon Jacomo Boncompagno the crown of that kingdom. Thomas Stukely, an Engliſh fugitive, was the firſt author of it, and Philip II. undertook to ſupply whatever was neceſſary to accompliſh it. In the year 1570, Stukely went to Pius V, and perſuaded him, it would be very eaſy to burn the Engliſh fleet, and then conquer Ireland; and to that purpoſe he deſired the command of ſome ſhips, and 3000 Italians. This project, which could not then be executed, was reſumed under the pontificate of Gregory XIII, who was allured with the hopes of procuring the crown of Ireland for his baſtard ſon. As Stukely knew, that, beſides the navy-royal, Elizabeth could, upon occaſion, equip a good number of other ſhips, he propoſed the freighting of as many Engliſh veſſels as poſſible, by the Flemings, French, Spaniards, Italians, and the ſending them ſome long voyage. After that, he was to attack the royal-navy, which was then very weak, and try to burn the ſhips in the ſeveral harbours where they lay; which done, he intended to make a deſcent in Ireland, where he did not queſtion the native Iriſh would join him; and after the expulſion of the Engliſh, he was to cauſe the pope's ſon to be proclaimed king. It is not very likely, Philip II. depended upon the ſucceſs of this enterpriſe; but he hoped, no doubt, to cauſe a diverſion, which ſhould hinder Elizabeth from aſſiſting the rebels of the Low-Countries, or, at leaſt, convince her, ſhe ought to pay him more regard. However this be, the pope, having conferred on Stukely ſeveral honourable titles, taken from the kingdom of Ireland, as if he had been in poſſeſſion, gave him ſome ſhips, and 800 Italian ſoldiers, paid by the king of Spain. Stukely ſailed from Civita Vecchia, and ſafely arrived at Liſbon, with intent to purſue his voyage and undertaking; but Don Sebaſtian, king of Portugal, being then going into Africa, to make war upon the Moors, perſuaded him to accompany him in his expedition, and obtained Philip's leave. Soon after, they both periſhed in the battle of Alcazar, and Philip relinquiſhed the project of conquering Ireland, for that of ſecuring the crown of Portugal, after the death of the old cardinal Henry, who ſucceeded Don Sebaſtian.

A continuation of the affairs of Flanders. Camden.

The war commencing in the Netherlands, ſeveral companies of volunteers were formed in England, who went to ſerve the ſtates, with the queen's conſent, or, at leaſt, connivance. On the other hand, part of the Spaniſh troops, diſbanded at the arrival of Don John of Auſtria, were now returned to the Low-Countries, and, moreover, Alexander Farneſe, ſon of Octavio, had brought Don John a conſiderable body of Italians. With theſe forces, Don John gained, at Gemblours, a ſignal victory over the army of the ſtates, which was followed with the taking of ſeveral places. Some time after, Philip II. offered a peace to the ſtates, but, as it was upon terms very different from the pacification of Ghent, and as he did not talk of recalling Don John of Auſtria, his offer was rejected.

Deſſentions of the Low-Countries. Grotius.

The affairs of the ſtates were, however, in an ill ſituation. The jealouſies among the great men, and the diverſity of religions, bred very dangerous troubles in the riſing commonwealth. The duke of Anjou, and prince Caſimire, equally offered their aſſiſtance to the ſtates, who knew not which way to turn; but at this very time a fortunate and unexpected accident happened. The city of Amſterdam, which, hitherto, had been for the king, reſolved to join the confederates, and by that conſiderably ſtrengthened their party. On the other hand, what paſſed ſoon after in the ſame city, very much increaſed the ſuſpicion and diſtruſt of the Catholicks. They who had been baniſhed on account of religion, being recalled, found means to expel the magiſtrates, and put the government of the city into the hands of the reformed. The ſame thing was done at Haerlem, Utrecht, and other places; and this gave the Catholicks reaſon to ſuſpect, that, under colour of maintaining the cauſe of liberty, there was a deſign to aboliſh the antient religion, contrary to the pacification of Ghent; and, therefore, to prevent the execution of this project, the Catholicks propoſed to give the government of the ſtate, to the duke of Anjou, a prince attached to his religion, and over whom they hoped the prince of Orange would not have the ſame influence, as over Matthias. The prince of Orange not thinking proper to oppoſe this motion, for fear of confirming the ſuſpicions of the Catholicks, the duke of Anjou was declared by the ſtates, Protector of the Belgick Liberties.

The duke of Anjou is choſen protector of the Belgick liberties.

The diviſions continue.

In the interim, the reformed fearing, the duke of Anjou's arrival would produce ſome change prejudicial to their religion, preſented a petition to the ſtates, deſiring to be admitted to the exerciſe of the publick offices, as well as the Catholicks. This requeſt was granted, on condition the Catholicks ſhould enjoy the ſame privilege in Holland and Zealand; but theſe two provinces, without directly oppoſing this reſolution, found means, however, to evade the condition annexed. Thence aroſe great diviſions among the confederates. The Catholicks would yield nothing in the provinces where they were maſters, ſince Holland and Zealand did not perform what was ordained, and the reformed would ſeiſe by force, what was granted them by the ſtates.

The Gantois increaſe the diviſion. Strada.

Whilſt theſe differences ſenſibly leſſened the union of the confederate provinces, it happened, that the inhabitants of Ghent expelled the city all the Romiſh prieſts, and without obeying the archduke, and prince of Orange, who commanded them to recall them, prepared for their defence, in caſe they ſhould be compelled to ſubmit. On the other hand, the people of Artois and Haynault refuſed to ſuffer the reformed in their territories, and even pretended, that the Gantois ought to be reduced to their duty by force; but the prince of Orange ſtoutly oppoſed all violent methods, by reaſon of the manifeſt danger of turning the arms of the confederates againſt themſelves, at a time when Don John of Auſtria was preparing to do his utmoſt to deſtroy them. And indeed, ſoon after, he attempted to force the army of the ſtates, which was ſtrongly intrenched, but was bravely repulſed. This attempt failing contrary to his expectation, he made freſh offers of peace, to amuſe the ſtates, till the arrival of a conſiderable body of troops, which were coming to him. For the ſame reaſon, the ſtates readily entered into a treaty to gain time, becauſe they expected prince Caſimire with an army, and the duke of Anjou, who was now on the borders of Haynault with 8000 men. Don John's ſuccours coming firſt, he broke off the negotiation, and renewed the hoſtilities, being at the head of 30,000 foot, and 16,000 horſe. Prince Caſimire arriving alſo preſently after, the army of the ſtates was 60,000 ſtrong, whilſt the duke of Anjou took, in Haynault, the little town of Binck. Caſimire's army was chiefly paid by the queen, whoſe intereſt it was to hinder Don John from growing too powerful in the Netherlands, tho' feigning to be ignorant of his deſigns, ſhe found other pretences to juſtify her aſſiſting the ſtates.

Strada.

The diviſions between Ghent and the provinces of Artois and Haynault, rendered the great armament of the ſtates ineffectual. Some of their troops complaining they were not duly paid, ſuddenly quitted the army, and took Menin. Soon after, colonel Monigny followed their example with his whole regiment, and headed all the deſerters. After that, he joined the troops of Artois, and made inroads into the province of Flanders. Then the Gantois ſeeing their neighbours ſo powerful, and able to give them law, called prince Caſimire to their relief, and promiſed to pay his troops. The prince accepted their offer, and coming to Ghent, the duke of Anjou refuſed to join the army of the ſtates, unleſs prince Caſimire would return with his Germans; and as he could not prevail, he retired to France, leaving his troops free to join thoſe of Montigny. Thus theſe two princes, who came into the Low-Countries on purpoſe to aid the confederate provinces, ſerved only to ruin their affairs, by fomenting diſcord among the inhabitants. Some time after, Caſimire paſſed into England, probably to vindicate his conduct to Elizabeth, who had ſupplied him with money to raiſe and maintain his army.

The death of Don John of Auſtria. Camden.

Don John of Auſtria had not time to improve the troubles raiſed in the Netherlands, being prevented by death, the 1ſt of October. There had been a conſpiracy againſt him, for which two Engliſhmen, viz. Ratcliffe and Grey were executed; but he could not eſcape the poiſon which the king, his brother, cauſed to be given him, if we may believe ſome writers. After his death, Alexander Farneſe, prince of Parma, took upon him the command of the army, till farther orders from court of Spain. His principal care was to cheriſh the diſſention between the Flemings, and the inhabitants of Haynault and Artois, in which he ſucceeded to his wiſh.

The duke of Anjou preſſes his marriage with Elizabeth.
Camden.

Whilſt the duke of Anjou was in the Low-Countries, he ſent into England a gentlemen called Bacqueville, to renew the treaty of his marriage with the queen. The king of France alſo ſent thither Rambouillet upon the ſame account, being very deſirous to be freed from a brother, who made him very uneaſy by his levity, which ſuffered him to be directed by people who had not always his intereſt in view. The queen received theſe envoys ſo very graciouſly, that all the world imagined ſhe really intended to marry. It is difficult to know whether, being then 45 years old, ſhe ſeriouſly thought of eſpouſing the duke of Anjou, who was but 20, or, taking a ſort of pride in being wooed, only meant to amuſe him. For my part, I believe it to be an effect of her policy, that her enemies, upon the rumour of her going to marry the duke of Anjou, might be leſs eager to purſue their deſigns againſt her. I mean the private deſigns upon her life, ſince there was then no likelihood of her being openly attacked, nor conſequently any urgent reaſon to determine her to marry. She had nothing to fear from Scotland; France was not then in condition to make any conſiderable attempt upon England; the king of Spain was wholy intent upon procuring the crown of Portugal; in a word, the ſituation of the affairs of the Netherlands permited not Don John of Auſtria to execute his vaſt projects. Thus, in all appearance, the queen upon this occaſion acted ſolely out of policy; but before I relate the event of this negotiation, it will be neceſſary to give a general knowledge of what paſſed in Scotland, during the year 1578.

The affairs of Scotland.
Melvil.

The earl of Morton ſtill governed that kingdom as regent, but in ſuch a manner, that he daily created to himſelf freſh enemies. If Melvil is to be credited, he was proud and covetous. He ſought pretences againſt the rich, to rob them of their eſtates, and could ſuffer about him ſuch only as were always ready to flatter him. Elizabeth, whoſe intereſt it was to preſerve peace in Scotland, under the government of a man on whom ſhe could depend, was afraid, that, at length, the regent's ill-conduct would deprive her of that advantage. Wherefore ſhe diſpatched Randolph into Scotland, under colour of congratulating the king, who was then between 11 and 12 years old, upon the progreſs he was making in his ſtudies. But the ambaſſador's chief buſineſs was to inſtil into the earl of Morton a little more moderation, and perſuade him to live in a good underſtanding with the earls of Argyle and Athol, and ſome other lords, who being diſſatisfied might in the end raiſe troubles in the kingdom. The regent took this advice in good part, but not knowing how to improve it, was himſelf the ſole cauſe of his ruin.

Melvil.

The king had for governor Alexander Areſkine, ſon or brother of the late earl of Marr, and four preceptors, of whom George Buchanan was one. The earl of Morton having imprudently diſobliged theſe men, they found means to ſet the young king againſt him. This was not very difficult conſidering the king's age, the continual acceſs they had to him, and the frequent occaſions the regent gave them to take notice of his ill-management. When they had prepared the king almoſt to their wiſh, they ſent for the earls of Argyle and Athol, who had now privately taken meaſures to execute their purpoſe. Theſe two lords very eaſily perſuaded the king, to lay a ſide this troubleſome regent, and take himſelf the reins of the government, promiſing to aſſiſt him in it. This was done ſo ſuddenly, that the earl of Morton, who ſuſpected nothing, was not able to prevent it. The ſtates of the kingdom meeting at the ſame time, confirmed by their authority what the king had done, and appointed a council of 12 lords, among whom was the earl of Morton. But inſtead of taking his place in the council, he feigned to be quite weary of the court, and retired to his own houſe, where he ſeemed wholly employed in cultivating his gardens.

The king of Scotland's requeſt to Elizabeth.
Camden.

The young king having taken the government into his hands, ſent immediate notice of it to queen Elizabeth, demanding withal, the lands of the late earl of Lenox, his grandfather, and the renewal of the alliance between England and Scotland. It was not the way of Elizabeth and her council, to be governed by motives of generoſity, but rather to uſe artifice, in order to reap from every occurrence, all the benefit poſſible. Nothing could be more juſt than the king of Scotland's demand. The counteſs of Lenox, his grandmother, who lately died in England, had enjoyed, ſo long as ſhe lived, the eſtate aſſigned her by Henry VIII, her uncle, when ſhe married the earl of Lenox. He gave alſo certain lands to the earl, her huſband, to ſupport the honour of being married to a princeſs of the blood-royal. Who could, therefore, be their more lawful heir, than the king of Scotland, their grandſon? And yet the council of England pretended, the inheritance might be claimed by Arabella Stuart, daughter of Charles Stuart, younger brother to the late earl of Lenox, under colour, that ſhe was born in the kingdom; tho' in England, the princes of the royal family are not to be conſidered as foreigners, in what place ſoever they are born. Not that the queen intended to debar the king of Scotland entirely of his inheritance, but had a mind to hold him in ſubmiſſion, by an intimation, that the ſame reaſon might be uſed to deprive him of his right to ſucceed to the crown of England, and that he wanted her to ſurmount the difficulties which might occur. For this reaſon, ſhe ordered the rents of the lands to be ſequeſtered by the lord Burleigh, maſter of the wards. As to the renewing of the alliance between the two crowns, ſhe appointed commiſſioners to treat of that affair with the Scottiſh ambaſſadors. Theſe commiſſioners required the ambaſſadors to make propoſitions anſwerable to the gratitude due from the king, their maſter, to the queen, for placing and ſupporting him on the throne, at the expence of her treaſure, and the blood of her ſubjects. The ambaſſadors replied, they had only power to renew the alliance between the two crowns, with an additional article for the defence of the Proteſtant religion, received in Scotland ſince the laſt treaty. The Engliſh, deſiring to make this alliance to be conſidered as very advantageous to the king of Scotland, propoſed, that in return for the favours the king had received, and daily did receive, from their queen, and for the advantages this league was to procure to Scotland, he ſhould promiſe not to make any alliance with other princes or ſtates, nor to marry without the queen of England's conſent; but the ambaſſadors abſolutely rejected this propoſition.

The earl of Morton reſumes his authority. Camden.

In the interim, the earl of Morton, who had correſpondents in Sterling, where the king reſided, appearing one night at the gate of the town, with a company of armed men, it was opened to him, and he entered without oppoſition. Then, he went directly to the king's palace, of whoſe perſon he became maſter, and expelling his enemies, reſumed the poſt he had been obliged to relinquiſh. The earl of Athol, who had been made chancellor, died ſoon after, not without ſuſpicion of being poiſoned. We muſt now return to the affairs of England.

1579. The queen is extremely civil to prince Caſimire. Camden.

Prince Caſimire left not the court of England till about the middle of February. He had been honoured and careſſed in an extraordinary manner, the queen having ſhewn, it would be grateful to her to render his ſtay in England as agreeable as poſſible. Before his departure ſhe conferred on him the Order of St. George, and put on the garter herſelf about his leg. It was not without reaſon that ſhe uſed him thus civilly. He had ſtill a conſiderable body of troops ready to aſſiſt the Proteſtants, and it was no ſmall advantage to her, that ſhe could rely on him, by ſupplying him with money. In the preſent ſituation of her affairs, nothing deſerved her care more, than to hinder the ruin of the Proteſtants in France and the Netherlands, ſince on their preſervation depended her ſafety. Caſimire was her inſtrument to continue, in the Low-Countries, troubles which made her ſleep in peace. When he arrived in the Netherlands, he found his horſe had accepted the duke of Parma's paſſport, for their ſafe return into Germany, becauſe wanting their pay, they would neither ſerve any longer, nor ſtay in the country.

Simie, the French envoy, promotes the duke of Anjou's affairs. Camden.

At the ſame time, the queen was employed in an affair which required her whole attention; I mean, the negotiation of her marriage with the duke of Anjou. Beſides Rambouillet and Bacqueville, who had been in England ſome time upon that account, the king of France had alſo ſent Simie, a man of parts, and very fit for the purpoſe. Elizabeth had a large ſhare of wit and ſenſe, and was perfectly acquainted with her own intereſts; but was not free from all the paſſions of her ſex. Simie ſoon diſcovering her temper, did not loſe his time in ſolliciting the duke of Anjou's ſuit, by reaſons of ſtate and policy; ſhe knew more of that matter than himſelf. But he ſo well knew the moſt proper way to win her heart, that he gained her ear more than the duke of Anjou would have done himſelf. All were ſurpriſed at the great change they ſaw in her, and at the progreſs the duke of Anjou had made by the help of Simie; nay, it was believed he had uſed love-potions, and other unlawful arts, ſuch was his addreſs to render himſelf agreeable, if, after all, he was not himſelf deceived by the queen. Above all things, he took great care to ruin the earl of Leiceſter, not having the ſame reaſons as the Engliſh courtiers, to manage that favourite. It was he who revealed to the queen Leiceſter's clandeſtine marriage with the earl of Eſſex's widow, and this diſcovery put her into ſuch a paſſion, that ſhe was going to ſend him to the tower. Leiceſter was vexed to ſee himſelf thus braved by a foreigner. It is even ſaid, he bribed one of the guards to aſſaſſinate him. It is, at leaſt, certain, the queen fearing the French envoys might receive ſome affront, took them under her eſpecial protection, and commanded, by proclamation, that no man ſhould offer them any injury. It happened ſoon after, that as the queen was in her barge, on the Thames, near Greenwich, with the three French envoys, a piſtol was diſcharged out of a boat, and one of her bargemen wounded. The man that fired the piſtol was taken immediately, and threatened with the rack; but he cleared himſelf ſo ingenuouſly, that the queen was perſuaded of his innocence. She took occaſion from her pardoning this man, to diſplay the affection ſhe had for her ſubjects, ſaying, “ She could believe nothing of her “ people, which a parent could not believe of “ his own children.”

The duke of Anjou viſits Elizabeth incognito. Camden.

Soon after, the duke of Anjou came incognito into England, with only two ſervants. He went to court, without being known, and after ſome private diſcourſe with the queen, returned into France. Two months after, the queen ordered ſome of her moſt truſty privy-counſellors, to examine together the advantages and miſchiefs which might ariſe from her marriage with the duke of Anjou, and report them to her.

Eſme Stuart tries to ſet James and Elizabeth at variance. Melvil.

Whilſt Elizabeth was intent upon gaining the king of France's friendſhip, the duke of Guiſe was framing a plot capable of creating her one day much trouble. As England could be conveniently invaded only from Scotland, Guiſe, who had not relinquiſhed the project formed by the late duke, his father, and the cardinal, his uncle, was deviſing means to accompliſh it, by ſetting Elizabeth and the king of Scotland at variance. He made uſe, for that purpoſe, of Eſme Stuart, baron d'Aubigny, who came to Scotland, under colour of paying his reſpects to the king, as his near relation. He was ſon of John Stuart, younger brother of Matthew, earl of Lenox, the young king's grandfather. This lord, who was ſettled in France, where his family held the barony of Aubigny, in Berry, being come to the king, ſo artfully inſinuated himſelf into his good graces, that in a little time he became his favourite. There was alſo about the ſame time another young man, ſprung from a branch of the Stuart family, diſtinguiſhed by the name of Oghiltry, who was very much beloved by the king. Theſe two favourites joined together to ruin the earl of Morton, as well for the ſake of their own intereſt, as becauſe it was neceſſary, in order to execute the duke of Guiſe's deſigns, to be rid of a lord, who was too much attached to the intereſt of England. To compaſs their ends, they perſuaded the king to take a progreſs into ſome of his counties, well knowing the regent had buſineſs which would not ſuffer him to attend him. The earl of Morton not miſtruſting theſe young men, who ſeemed only to mind trifles, oppoſed not the king's deſign. During the progreſs, the two favourites inſtilled into the king an utter averſion to the regent, and an exceſſive deſire to be freed from him. We ſhall ſee preſently the effects of this averſion; but it will be proper firſt to mention what had paſſed in the Netherlands.

The affairs of the Low-Countries. Grotius.

The army of the ſtates being much weakened by the retreat of the German troops, the prince of Parma beſieged Maeſtricht, whilſt plenipotentiaries on both ſides were treating a peace at Cologne. But this negotiation ſerved only to divide the confederates the more. From that time ſeveral lords forſook them. Montigny came to the prince of Parma's army with the forces under his command. Artois and Haynault made a ſeparate treaty, and ſome other provinces returned to the obedience of the king of Spain. The prince of Orange ſeeing this defection, uſed his endeavours to unite ſtill more ſtrictly the provinces which perſiſted in the reſolution to throw off Philip's yoke. He ſucceeded, at length, and cauſed the famous union of Utrecht to be ſigned, between Holland, Zealand, Friſeland, and Utrecht, the articles whereof are to be ſeen in the Hiſtories of thoſe countries. Ghent and Ypres afterwards came into the union, and the prince of Orange was made governor of Flanders. In the interim, the prince of Parma took Maeſtricht, after which he diſbanded moſt of the Spaniſh and Italian troops, according to his promiſe. This ſincerity procured him Mechlin, Liſle, and Valenciennes.

1580. A prohibition againſt enlarging the city of London. Camden.

The city of London increaſing exceſſively, to the detriment of the reſt of the towns, the queen thought it neceſſary to remedy this inconveniency. She publiſhed, therefore, in the beginning of the year 1580, a proclamation, prohibiting any new buildings within three miles of the gates of the city, upon pain of impriſonment, and forfeiture of the materials. It were to be wiſhed for England, that this prohibition had been punctually executed even to this day, ſince the city is ſo enlarged, that it is grown a monſtrous head, to a body of a moderate ſize, to which it bears no proportion.

Engliſh ſeminaries at Rome and Rheims. Camden.

But there was ſtill a more preſſing evil, which it was no leſs neceſſary to remedy; I mean, the hindering of the Engliſh ſeminaries, in foreign countries, from ſending prieſts into England to preach ſedition and rebellion, under colour of adminiſtring the ſacraments to the Catholicks. The prieſts expelled England in the beginning of this reign, had ſet up a college at Douay, in 1568, by means of William Allen, an Oxford man, afterwards cardinal. Whilſt the duke of Alva was governor of the Netherlands, in this college were formed all the plots I have mentioned, in favour of the queen of Scots; but Don Lewis de Requeſens having baniſhed from the Low-Countries all the Engliſh fugitives, members of Douay college, retired, ſome to Rome, and ſome to Rheims, where they erected ſeminaries, under the protection of the pope and the cardinal of Lorrain, archbiſhop of Rheims. It was theſe two ſeminaries which ſupplied the Catholicks in England with prieſts. So long as the court imagined theſe men only adminiſtred the ſacraments in private, to thoſe of their religion, no notice ſeemed to be taken of it; but it was diſcovered, at length, that they were diligent in ſpreading pernicious principles, which might be attended with ill conſequences. They maintained, that the pope had, by divine right, full power to dethrone kings, and, Elizabeth being excommunicated and depoſed by Pius V's bull, her ſubjects were freed from their allegiance. Four of theſe dangerous emiſſaries were condemned and executed, for daring to maintain publickly, that the queen was lawfully depoſed.

Firſt Jeſuits in England. Camden.

This did not hinder the two ſeminaries from continually ſending into England incendiaries, with whom were joined Robert Parſons and Edmund Campian, Jeſuits, who were the firſt of that order employed to preach the forementioned dangerous tenets. They had obtained of the pope a bull, dated the 14th of April, 1580, declaring that pope Pius's bull did for ever bind Elizabeth and the hereticks, but not the Catholicks, till a favourable opportunity ſhould offer to put it in execution. Theſe two Jeſuits had profeſſed the Proteſtant religion, and even bore offices in the univerſity of Oxford; after that, withdrawing out of the kingdom, they returned from time to time, appearing one while like clergymen, another while like ſoldiers, or in ſome other diſguiſe, and frequented the houſes of the Catholicks, under pretence of inſtructing and comforting them, but in reality to inſpire them with ſedition and rebellion; nay, they had the confidence to challenge the Proteſtant clergy to diſpute, in print. All this coming to the queen's knowledge, a proclamation was iſſued out, commanding all thoſe who had any children, wards, kinſmen, beyond ſea, to give in their names, to the ordinary, in ten days, and call them home within a month, with a prohibition to ſupply them with money after that time. By the ſame proclamation, all perſons were forbid to entertain or harbour any Jeſuits, or prieſts, ſent forth from the ſeminaries of Rome, or Rheims, on pain of being puniſhed as rebels and ſeditious perſons.

A proclamation enjoining the calling home of children from foreign parts. Jan. 10. Camden.

Another threatening one. Camden.

Soon after, printed books were diſperſed, intimating, that the pope and king of Spain had conſpired to conquer England, and reſtore the Catholick religion, and exhorting the

Engliſh Papiſts to encourage the deſign. Whereupon the queen iſſued out another proclamation, declaring, ſhe was not ignorant of the practices of her enemies, but by the bleſſing of God, and the help of her faithful ſubjects, ſhe was able to withſtand their attacks, both at home and abroad; that moreover, as the plots which were contriving, were not only againſt her perſon, but alſo againſt the whole kingdom, ſhe did not intend to be cruel to the good, by ſparing the bad; and, therefore, ſuch as would not, for the future, keep within the bounds of their duty were to expect no favour.

A deſcent of the Spaniards in Ireland. Camden.

The menaces from the pope and king of Spain were not entirely vain, ſince it appeared this very year, that there was a plot formed againſt Ireland. Arthur Grey, lord-deputy of that iſland, had intelligence, that 700 Spaniards and Italians, ſent by the pope and Philip II, were landed without oppoſition, under the command of San Joſeppo, an Italian, and had raiſed a fortification, which they called the Fort del Oro. The earl of Ormond, who was not far from thoſe quarters, poſting thither with ſome troops, took a few priſoners, who declared, they had brought arms for 5 or 6000 men, who were to join them, in order to drive the Engliſh out of the iſland. The earl not having ſufficient forces to beſiege the fort, contented himſelf with inveſting it, till the lord-deputy, who was on the march, ſhould join him. A little after, the fort was beſieged in form, and compelled to ſurrender the fifth day at diſcretion. This good ſucceſs was ſullied by the cruelty of the Engliſh, who, under pretence of the great difficulty of guarding ſo many priſoners, put the Spaniards to the ſword, and hanged all the Iriſh.

Drake's return from his voyage round the world. Camden.

This year was memorable for the return of Francis Drake from his voyage round the world. He had navigated in America, upon the north and ſouth ſeas, and amaſſed a prodigious quantity of gold and ſilver, taken from the Spaniards. At his return, which was in November, the queen knighted him, and was pleaſed to dine in the ſhip which had made ſo great a voyage. After that, ſhe ordered it to be drawn up in a little creek near Deptford, and certain inſcriptions to be ſet up in memory of the thing *.

The Spaniſh ambaſſador's complaints againſt Drake.

The queen's anſwer. Camden.

Bernadine de Mendoza, the Spaniſh ambaſſador, made great complaints againſt Drake. He required, that he ſhould be puniſhed for his robberies, and for daring to ſail in the ſeas which were under the dominion of the king of Spain, and all the money, plundered upon the Spaniards, reſtored. He was told, that the Indian ocean was common to all the nations of Europe, and that the Engliſh, by no means, allowed of the propriety aſſumed by the king of Spain, nor of the pope's pretended donation, who had no right to diſpoſe of countries and ſeas which belonged not to him; that Drake ſhould be always ready to anſwer in law, whenever he ſhould be attacked, and to hinder him from converting the gold and ſilver to his own uſe, the queen had ordered all the goods, he had brought home, to be ſequeſtered, with deſign to ſatisfy the king of Spain, if he could prove they belonged to him, or his ſubjects, tho' the charges ſhe had been at in defending Ireland, againſt the attacks of the Spaniards, amounted to a much greater ſum. The queen, however, repaid afterwards part of the treaſure.

The death of the earl of Arundel. Feb. 24. Camden.

Henry Fitz-Alan, earl of Arundel, died this year. He was the laſt of that illuſtrious family which had flouriſhed in England above 300 years. One of his daughters married Thomas Howard, duke of Norfolk, and thence it was that the title of earl of Arundel came to the Howard family.

The affairs of France.

The religious war was renewed in France, in the month of January, and ended in November, by a ſixth treaty of peace.

Philip II. gets poſſeſſion of Portugal. Camden.

This year Philip II, ſeiſed the throne of Portugal, vacant by the death of king Henry. Don Antonio, prior of Crato, natural ſon to Don Lewis, brother of the late king, would have diſputed the crown with the king of Spain, but the forces of the two competitors being very unequal, Don Antonio's endeavours were fruitleſs.

The affairs of Scotland. Melvil.

The affairs of Scotland began to give Elizabeth ſome uneaſineſs, becauſe ſhe knew king James's two favourites were uſing their utmoſt endeavours to turn him againſt England. The firſt point of their project was to finiſh the earl of Morton's ruin, whom they had already deſtroyed in the king's favour. The ſecond, to engage the king to marry a French princeſs. The third, to perſuade him, after his marriage, to declare the duke of Guiſe his lieutenant-general. The advices, the queen received upon this occaſion, wanted not proof, ſince ſhe had long known the deſign to invade her from Scotland, and ſince what was contriving at king James's court was very proper to accompliſh that project. She ſaw, moreover, that the two favourites, one of whom was wholly devoted to the houſe of Lorrain, gained more and more the love and confidence of the king, who delighted to load them with favours. Aubigny had been made earl, and then duke of Lenox, and James Stuart was honoured with the title of earl of Arran. Upon the intelligence ſhe had received, ſhe believed it neceſſary to begin with opening the young king's eyes, in relation to the plots of his favourites, or put him under a neceſſity to ſhew that he approved them, which could not but breed great diſcontent among the people of Scotland. To that purpoſe, ſhe ſent Sir Robert Bowes, treaſurer of Berwick, into Scotland, to accuſe the duke of Lenox before the king and council, of holding with the court of France, and, particularly, with the

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* He ſailed from Plymouth the 13th of December, 1577, and returned to the ſame port, November 3, 1580. When the ſhip was hawled up, the ſame day ſome Wincheſter ſchollars ſet up ſome verſes on the main-maſt in praiſe of Drake, which I ſuppoſe were the inſcriptions mentioned by Rapin. Two of the verſes were as follows:

Plus ultra Herculeis inſcribas, Drace, Columnis,
Et magno dicas, Hercule major ero. Camden.

1580.

duke of Guiſe, intelligence deſtructive of Scotland and England. The council of Scotland, governed by the duke of Lenox, thought not proper to admit the accuſation; but the king ſent into England the lord Hume, to clear his favourite to the queen, who refuſed him audience. Nothing could be more grateful to the favourites, than the miſunderſtanding which began to be formed between their maſter and the queen of England. Not to give him time to cool, one day, as the earl of Morton was preſent in the council, the earl of Arran accuſed him of being concerned in the late king's murder. Upon which he was immediately arreſted, ſent to priſon in the caſtle of Edinburgh, and afterwards removed to Dunbarton.

1581. Randolph is ſent into Scotland. Spotiſwood. He can do no good with the king or ſtates. Melvil.

Elizabeth hearing of the earl of Morton's diſgrace, and finding, his attachment to England was the ſole cauſe of it, diſpatched Randolph immediately to ſollicit in his behalf; but the favourites intention being rather to exaſperate than appeaſe, his interceſſion was in vain. Randolph ſeeing the king ſo beſet, that it was not poſſible to prevail, demanded an audience of the ſtates, then aſſembled. He repreſented, how neceſſary a good underſtanding with England was to them, what the queen, his miſtreſs, had done for Scotland ſince the king's birth, how great an affection ſhe had ever expreſſed for him, and with what pains and charge ſhe had always protected his faithful ſubjects; that, notwithſtanding all this, the duke of Lenox was endeavouring to ſow diſcord between the two kingdoms, and had ſo far ſucceeded, that the king now looked upon the queen of England, his good kinſwoman, as an enemy. The ſtates heard his harangue, and returned a general anſwer, which demonſtrated their being directed by the court. So, finding he could obtain nothing either from the king or ſtates, he began to practiſe upon the great men, to perſuade them to riſe in arms, whilſt Elizabeth ſhould ſend forces towards the borders. As all this could not be done without the knowledge of the king and his favourites, the government of Sterling was taken from the earl of Marr, who was ſuſpected of being too good a friend to the Engliſh, and the king publiſh'd an order to all his ſubjects, fit to bear arms, to hold themſelves ready to march at a moment's warning; but as Elizabeth meant only to terrify the king of Scotland, and not to wage war with him for the ſake of the earl of Morton, ſhe ordered her troops to retire. Probably Elizabeth's endeavours to ſave the priſoner's life, rather haſtened his death, ſince, preſently after, he was condemned and beheaded. He confeſſed the earl of Bothwell imparted to him his deſign to kill the king, but denied, he had any hand in the murder. He ſaid alſo, he had intended to carry the king into England, that being educated among the Engliſh, he might find the leſs difficulty to obtain the crown of that kingdom after the queen's death. Randolph ſeeing Elizabeth had no deſign to ſupport the great men of Scotland, whom he had gained, retired without taking his audience of leave.

The earl of Morton is beheaded. June 2. Camden.

1581. The two favourites grow odious.

The earl of Morton being dead, the two favourites became more and more maſters of the king, and the government of the kingdom, without regard to the people's murmurs, who could not, without indignation, ſee themſelves at the mercy of two raw and unexperienced young men. The duke of Lenox had ſome good qualities; but had no knowledge of the affairs of Scotland, and beſides, was a Catholick, and deemed the duke of Guiſe's creature. This gave occaſion to fear he had formed projects deſtructive of the religion and liberty of Scotland. The earl of Arran was an atheiſt, and one of the moſt wicked of men, if Melvil's teſtimony is to be entirely credited. He pretended to be the duke of Lenox's friend, but laboured to ruin him, by giving him councils capable of making him forfeit the love and eſteem of the nobles and people. On the other hand, he privately hinted to the clergy, that the reformed religion was in great danger, if timely care was not taken to oppoſe the duke of Lenox's pernicious deſigns. By theſe ſecret practices, he ſo managed, that the duke became odious to the whole kingdom.

Their character. Melvil.

The articles of the queen's marriage with the duke of Anjou are agreed upon. Camden.

During theſe tranſactions in Scotland, the court of France earneſtly preſſed the duke of Anjou's marriage with Elizabeth; at laſt, the queen having agreed with Simie upon the chief articles, Henry III. ſent into England an honourable ambaſſy, conſiſting of Francis of Bourbon, prince of Dauphine, Arthur Coſſe, marſhal of France, preſident Briſſon, and ſome other perſons of diſtinction. Theſe ambaſſadors were received with great pomp and magnificence, and the queen appointed to treat with them the lord Burleigh, high-treaſurer, Edward Clinton, earl of Lincoln, lord admiral of England, Thomas Ratcliffe, earl of Suſſex, Francis Ruſſel, earl of Bedford, Robert Dudley, earl of Leiceſter, Sir Chriſtopher Hatton, and Sir Francis Walſingham, who was made ſecretary of ſtate in the room of Sir Thomas Smith, lately deceaſed. As every thing was almoſt ſettled, the following articles, which were to be digeſted in form of treaty, after being approved by the king of France, and the duke, his brother, were drawn by common conſent.

Articles.

The marriage ſhall be conſummated within ſix weeks after the ratifying of the treaty.

The duke of Anjou and his domeſticks, who are not Engliſh, ſhall have the free exerciſe of their religion, in ſome certain place to be appointed within his court.

The duke of Anjou ſhall alter nothing in the religion now received and eſtabliſhed in England.

After the conſummation of the marriage, he ſhall enjoy the title of king of England, but the adminiſtration of affairs ſhall remain in the hands of the queen alone.

Whereas the duke has demanded that he may be crowned king of England, preſently after the marriage, and enjoy that honour, in caſe he ſhall come to be guardian of the children he may have by the queen, it is agreed, the queen ſhall lay the affair before the parliament,

liament, and promote it as far as lies in her power.

Letters patents, &c. ſhall run in the name of the king and queen, as in the time of Philip and Mary.

The queen ſhall aſſign the duke by authority of parliament, an honourable penſion to be diſpoſed of as he pleaſes.

She ſhall procure the parliament to aſſign a yearly penſion in caſe he ſurvives her.

The duke ſhall make the queen a dowry of 40,000 crowns a year out of the dukedom of Berry, and ſhall put her in preſent poſſeſſion thereof.

As to their children, the following articles ſhall be ſettled, which ſhall be ratified in the parliaments of England and France, viz.

All the children, as well males as females, ſhall ſucceed to their mother's inheritance, each in his order, according to the cuſtoms of England.

If the crown of France happens to fall to the duke of Anjou, or his heirs, and there be two males, the eldeſt ſhall ſucceed in the kingdom of France, and the ſecond in that of England.

If there be but one ſon, he ſhall enjoy both crowns, but ſhall be obliged to reſide in England eight months in every two years.

If the duke never comes to the crown of France, his children ſhall inherit his appennage.

If he out-live the queen, he ſhall have the guardianſhip of the children; of the males till they are 18, and the females till 15.

If the duke die before the time of guardianſhip be expired, it ſhall be left to the diſpoſal of the parliament.

“ After theſe articles relating to the children, and ſerving to ſettle the ſucceſſion, it was farther agreed ;

The duke ſhall prefer no foreigner to any poſt or office in England.

He ſhall not carry the queen out of the kingdom, without her own, and the the expreſs conſent of the peers of the realm.

If ſhe die without iſſue, he ſhall pretend no claim to England.

He ſhall not convey the crown-jewels out of the kingdom.

He ſhall leave all the places in the hands of the Engliſh, and ſhall not remove from thence any warlike ſtores.

There ſhall be a particular treaty of league between France and England, with the proper ratifications.

By a ſeparate article ſigned apart by itſelf, it was agreed, “ The queen ſhall not be bound to conſummate the marriage, before ſhe and the duke of Anjou ſhall thoroughly ſatisfie one another in certain points, and ſhall certify the king of France thereof within ſix weeks.” It is not known upon what account it was neceſſary to take this precaution.

The duke of Anjou is made ſovereign of the confederate provinces. Grotius.

Ever ſince the laſt year, the ſtates of the Low-Countries had begun to treat with the duke of Anjou, concerning their offer of the ſovereignty of the confederate provinces, and this negotiation was ſo far advanced, that the conditions were now agreed. As ſoon as the prince of Orange was almoſt ſure of the ſucceſs of this affair, he ſo ordered it, that the ſtates declared the king of Spain to have forfeited the ſovereignty of the Netherlands, and the duke was expected every hour to take poſſeſſion of his new dignity, and oppoſe the prince of Parma, who was beſieging Cambray. The duke arrived, indeed, in Auguſt, with an army of 20,000 men, and conſtrained the prince of Parma to raiſe the ſiege, and retire to Valenciennes. He made his entry into Cambray, the 18th of Auguſt, and was declared prince thereof, having firſt taken the oath.

Elizabeth ſtarts difficulties about her marriage. Digges's Ambaſ.

In the interim, Elizabeth ſhewed, ſhe had altered her mind with regard to her marriage, or had never ſeriouſly reſolved to conſummate it. She only wanted a pretence to break it off, or, at leaſt, to defer it, till time ſhould produce a more favourable opportunity. To this end, ſhe ſent into France, James Sommers, clerk of the council, to require, that purſuant to the laſt marriage-article, a league offenſive and defenſive ſhould be inſtantly concluded between France and England. Henry III. anſwered, that in the articles there was no mention of an offenſive, but he was ready to ſign a defenſive, league. Sommers anſwered, the league ſpoken of in the articles muſt be deemed offenſive, ſince there was already a league defenſive concluded in 1572, which not having been violated, wanted no renewal. Upon this, Elizabeth ſent ſecretary Walſingham to Paris, to improve this difficulty, and add ſome others. Walſingham, therefore, told the king, when the queen, his miſtreſs, firſt reſolved to marry, it was only to ſatisfy her people, who deſired a certain ſucceſſion by her children, to which end, ſhe had preferred the duke of Anjou before all other princes, on account of his perſonal qualities, and royal deſcent; nevertheleſs, ſhe could not think of conſummating the marriage, till ſhe perceived whether it was pleaſing to her people, for fear ſhe ſhould be accuſed of conſidering of it too late; that ſhe heard with grief, the minds of the beſt men were averſe to the marriage, and for that reaſon ſhe thought it neceſſary to delay it, tho' ſhe had ſtill the ſame eſteem for the duke of Anjou; that beſides, ſince the concluſion of the articles, things had happened which required her to think more attentively of her engagement; that the duke having accepted the ſovereignty of the Netherlands, and incurred the diſpleaſure of the king, his brother, and this new dignity could not but engage England in a war with Spain, ſince it was not poſſible for the duke to be in war, without the queen, his ſpouſe, being ſo too, that ſhe believed, therefore, the preſent juncture very unſeaſonable to conſummate the marriage; and that it was proper to defer it till the duke ſhould be diſengaged from his war, and the league offenſive and defenſive between France and England, concluded accorded to agreement. Henry plainly perceiving this was only an evaſion, briefly replied, he was ready to renew the league defenſive, and would treat of a league offenſive, as ſoon as the marriage was conſummated.

The duke of Anjou arrives in England. Camden.

Theſe things paſſed whilſt the duke of Anjou was in the Netherlands. After he had raiſed the ſiege of Cambray, and taken Cateau in Cambreſis, the ſtates preſſed him to join his forces with their army, to improve ſo fair an opportunity; but the approach of winter furniſhed him with an excuſe to ſend back his troops into France, that he might go and ſollicit his affairs in England himſelf. He arrived there in November, and was received by the queen with ſo great reſpect and civility, that he thought himſelf almoſt ſure of ſucceſs. One day, as the anniverſary of her coronation was celebrating, the queen being in converſation with him, pulled off her ring from her finger, and put it on the duke's, which made all preſent imagine, ſhe had juſt then given him a promiſe.

She retracts all on a ſudden. Camden.

In the interim, this marriage was exclaimed againſt publickly, in the court and city. Walſingham, Leiceſter, Hatton, and others of the queen's confidents, murmured at it more than the reſt. Her maids of honour that were moſt intimate with her, never ceaſed to repreſent to her, all the miſchiefs which might from thence befal her, as well as the whole kingdom, and ſtrove by perſuaſions mixt with tears, to divert her from this reſolution. I know not whether I am miſtaken, in ſuſpecting all this to be a mere farce, acted by the queen's private orders, to give her a pretence to go from her word. Miniſters, courtiers, ſavourites, are ſeldom ſeen to oppoſe ſo openly and publickly, the will of their ſovereign, if they are not certain of approbation. Be this as it will, the queen having ſpent the whole night without taking any reſt, amidſt the ſighs and tears of her ladies, went to the duke's room, and talked with him in private. When ſhe withdrew, the duke was ſeen to throw the ring from him, and preſently to take it up again, complaining bitterly of the levity of women, and the inconſtancy of the Engliſh.

Remarks on the queen's conduct.

Elizabeth's conduct in every thing relating to this marriage was ſo ſingular, that there is no gueſſing her thoughts. If the buſineſs was only a bare negotiation, prolonged and broke off upon the point of concluſion, there would be no cauſe of wonder. Nothing was more agreeble to this queen's character, and, I will venture to ſay, to her intereſt; but the ſigning and ſealing of the marriage-articles raiſes a difficulty not eaſy to be removed. It is ſcarce probable, this wiſe politician ſhould think of amuſing to ſuch a degree, a brother of the king of France, and who might himſelf one day be king, ſince Henry had no children. This is ſo much the harder to be believed, as there was then no viſible neceſſity to carry her diſſimulation ſo far. For my part I ſee no properer way to explain this extraordinary conduct, than by ſaying, that in the beginning of the negotiation, her deſign was only to amuſe the duke of Anjou, that afterwards ſhe ſuffered herſelf to be won, and ſigned the articles with ſincerity, in a reſolution to perform them; but that after ſinging, ſhe repented, and choſe rather to affront the prince, than keep her word. Then it was that ſhe carried her diſſimulation to the greateſt height, in expreſſing an extraordinary value for the duke, and labouring withal to put him out of conceit with the marriage. There are two facts very difficult to be reconciled, but upon my ſuppoſition. The firſt is, during the duke's ſtay at court, ſhe cauſed a man's hand to be cut off for writing a ſatyr upon their marriage. After that, ſhe publiſhed a manifeſto, to ſatisfy the publick, that the duke of Anjou had no ill deſign againſt the Proteſtant religion, nor had demanded any thing in favour of the Catholicks. The ſecond fact, very oppoſite to the firſt, is, that ſhe took the opportunity whilſt the duke was with her, to put to death Edmund Campian, a Jeſuit, with three other prieſts, convicted of endeavouring to raiſe commotions in the kingdom, and obſtinately maintaining, that the queen was lawfully depoſed. It is eaſy to perceive, if her eſteem and affection for the duke of Anjou had been ſo great as ſhe pretended, ſhe would, at leaſt, have deferred theſe men's puniſhment till after his departure; but, doubtleſs, ſhe intended to let him ſee, he would not find in his marriage, thoſe comforts he thought to have reaſon to expect. Be this as it will, which ever way her proceedings are explained, there is no juſtifying, in my opinion, either her ſigning the articles, or afterwards breaking her word.

The Catholicks expoſe themſelves to the queen's ſeverity. Camden.

Whatever the queen's intention might be in this negotiation, it is certain it was extremely prejudicial to the Catholicks in England, who entertaining great hopes from this marriage, were too haſty to diſcover them. When it was known in the world that the articles were ſigned, England was ſuddenly over-run with Romiſh prieſts, Jeſuits, and other Catholicks, who hoped to be ſecure there under the duke of Anjou's protection. Among theſe, ſome were ſo imprudent as to vent openly the moſt extravagant doctrines concerning the pope's power, a crime then unpardonable, becauſe it tended to deprive the queen of her royalty, and raiſe a rebellion. It is no wonder, therefore, that the furious zeal and imprudence of ſome of the Catholicks drew upon the whole body, ſeverities to which the queen would not have been eaſily led, if they had been contented to live in quiet, and exerciſe their religion in private, without attacking the government. What did them ſtill more injury was, that ſome of them owned they were come into England with power to abſolve every man in particular from his oath of allegiance, from which Pius V's bull had abſolved the whole nation in general.

Don Antonio of Portugal retires into France.

This year Don Antonio, prior of Crato, who pretended to the kingdom of Portugal, and had been crowned at Liſbon, being expelled thence by the arms of the king of Spain, withdrew into France; after which, he came to Elizabeth, who took care of him, and put him in hopes of a greater relief.

Laws againſt the Catholicks.

The parliament meeting the beginning of the year 1582, whilſt the duke of Anjou was ſtill in England, paſſed very ſevere laws againſt the Catholicks, wherein all thoſe are declared guilty of high treaſon, "who ſhall endeavour to diſſuade the ſubjects from their allegiance to the queen, and from the religion eſtabliſhed in the kingdom, or ſhall reconcile them to the church of Rome, as alſo thoſe who ſhall be thus reconciled. Thoſe alſo are fined in 200 marks, and impriſonment for a year, who ſhall ſay maſs, and they who ſhall be knowingly preſent at maſs, are fined in 100 marks, with impriſonment alſo for a year; moreover, they who abſented themſelves from their pariſh-churches on the days appointed for Divine Service, are fined in 20 l. a month." It muſt be obſerved, that hitherto only 1 s. to the uſe of the poor, had been exacted for abſence on Sundays and Holidays. This ſhews, that, before, the laws againſt the Catholicks were not very ſevere, neither were they, it is certain, executed with rigour; but the indiſcreet zeal of thoſe would not be ſatisfied with this advantage, was the occaſion that all the Catholicks were deprived of it.

The duke of Anjou leaves Elizabeth. Hollingſh.

The duke of Anjou, and thoſe who had attended him into England, could plainly perceive, under what conſtraint they ſhould live, if the marriage was conſummated. In all appearance, the proceedings of the queen and parliament againſt the Catholicks, did not a little contribute to comfort him, and, perhaps, put him out of conceit with a country ſo oppoſite to France; nay, it is very likely, all this was done before his eyes with that view. He departed in February, having received from the queen many tokens of eſteem and affection, the moſt ſubſtantial whereof was a good ſum of money to aſſiſt him in maintaining the war in the Netherlands. The queen having accompanied him to Canterbury, ordered ſeveral Engliſh lords, to wait upon him as far as Antwerp, where preſently after he received the ducal crown of Brabant. By all theſe marks of eſteem and friendſhip, and by all her civilities, the queen had a mind to repair in ſome meaſure, the mortifications ſhe made him undergo during his ſtay in England. It is extremely probable, this ſtay was not to his advantage, and ſerved only to diſcover the meanneſs of his genius and other qualities.

Elizabeth's ſtate of uncertainty.

Elizabeth was too wiſe not to perceive that her conduct in the negotiation of the marriage could not but diſoblige the king of France; ſo, ſhe plainly ſaw, that tho' there had been no other reaſon but this alone, ſhe could not much rely on his friendſhip. On the other hand, ſhe was not ignorant how angry the king of Spain was, for that whole bodies of Engliſh troops ſerved in the army of the ſtates of the Low-Countries, under the command of Norris. Tho' theſe men were called volunteers, that is, owned by none, and who ſerved at their own charge, it was eaſy to judge, that they were not there in ſuch numbers, without the tacit or expreſs conſent of their queen. Beſides, it was hardly poſſible for Elizabeth to conceal the ſupplies of money ſhe had given prince Caſimire, and the duke of Anjou, for the maintenance of their armies. Philip II. was the moſt potent prince in Europe, and the conqueſt of Portugal had lately rendered him ſtill more formidable, particularly to the Engliſh. He was ſupported by the pope, and had but too much influence in the king of France's council. But Elizabeth had no friend on whom ſhe could depend. The duke of Guiſe was now labouring to take from her the king of Scotland; the Iriſh wanted only a favourable opportunity to revolt, and the Engliſh Catholicks were inceſſantly excited to rebellion by the pope's emiſſaries. To theſe may be added, a great number of Proteſtants, the queen of Scots adherents, who only waited an occaſion to ſhew their affection for her. Elizabeth's miniſters could not, without dread, think of all theſe things. They were in continual apprehenſion, that ſome terrible ſtorm was going to fall upon England. To this fear were owing, firſt the league defenſive with France, and then the project of the queen's marriage with the duke of Anjou, the miniſters judging it almoſt impoſſible for her to ſupport herſelf without ſome powerful alliance.

She relies on her people's affection.

In the interim, whether Elizabeth thought herſelf able to prevent, or repel, the danger, ſhe took but few precautions, relying wholly on the affection of her people. This was her beſt, or rather, her only refuge; and, therefore, to endeavour to corrupt, and cauſe them to loſe the love and eſteem they had for her, was wounding her in a very ſenſible part. To this muſt be aſcribed her tender expreſſions whenever ſhe ſpoke to her people. It muſt, however, be confeſſed, that ſhe won her people's love, not only by words and other external demonſtrations, but chiefly by very ſubſtantial deeds. Let a man peruſe the whole Hiſtory of England, and he will find no reign, wherein juſtice was adminiſtred ſo impartially, or the ſubjects enjoyed their privileges more peaceably, or were freer from wars abroad and at home, or from extraordinary taxes and impoſitions; in a word, wherein the kingdom was more flouriſhing. The queen ſpent no unneceſſary money, and her treaſury being regularly managed, the people had no occaſion to complain, ſince whatever they gave was employed for their own good.

She ſends the Order of the Garter to the king of Denmark. Camden.

But it was not only at home that the queen laboured to make her people happy, her care reached alſo abroad. This year ſhe ſent an ambaſſador to Frederic II, king of Denmark, under colour of carrying him the Order of the Garter; but the chief motive of this ambaſſy was to induce that prince to deſiſt from certain cuſtoms paid by the Engliſh merchant-ſhips in paſſing the Sound, in which, however, it was not poſſible to ſucceed. Frederic gratefully received the collar of the Order, but refuſed to take the uſual oath, becauſe he had denied the ſame thing before, when admitted into the order of St. Michael, by the French king.

Henry III. warns Elizabeth of the duke of Guiſe's deſigns. Camden.

Tho' Henry III. had no reaſon to be pleaſed with Elizabeth, he gave her notice however, that the duke of Guiſe was plotting ſomething in favour of the queen of Scots, and was to embarque in Normandy ſome troops deſigned either for England or Scotland, tho' he pretended to ſend them into Flanders. For this reaſon ſhe recalled Sir Walter Mildmay, who had been ſent to treat with the queen of Scots, or, at leaſt, to pretend to do ſo.

She minds the affairs of Scotland. Melvil.

As there was no likelihood the duke of Guiſe would invade England directly, but, on the contrary, every thing looked as if he intended to execute ſome project in Scotland, the queen turned her thoughts wholly to the affairs of that kingdom. They were then in a violent convulſion. Some perſons of great diſtinction, among whom were the earls of Marr, Lindſay, Goury, full of indignation to ſee the realm governed by a young prince of 15 years, and two raſh unexperienced miniſters, who had nothing leſs in view than the kingdom's welfare, conſpired together to ſeiſe the king's perſon, and remove his two favourites. To that end, taking their opportunity whilſt they were both abſent from court, and the king intent upon hunting near Athol, they ſent and invited him by the earl of Goury to paſs a few days at his houſe at Huntingtoun, and when he came there, ſecured his perſon. This was called the Ruthven-Conſpiracy, becauſe Ruthven was the name of the earl of Goury's family. For the ſame reaſon the conſpirators were called the lords of Ruthven. The earl of Arran, one of the king's favourites, drew together ſome people, and attempted to free his maſter, but was repulſed and forced to retreat to Ruthven-caſtle, where the earl of Goury received him and ſaved his life, but kept him priſoner. The duke of Lenox hearing what had paſſed, ſpeedily retired to Dunbarton, of which he was governor, and the king was carried to Sterling, free in appearance, but priſoner in reality.

The Ruthven conſpiracy in Scotland. Spotiſwood.

James avows the conſpiracy. Melvil.

Upon this news, Elizabeth, who probably was not ignorant of the conſpirators deſign, ordered Henry Carey to go immediately, and offer her ſervice to the king of Scotland; but James terrified by thoſe who had him in their power, anſwered, that every thing was done with his conſent, and he was very well pleaſed with the lords who were about him. Melvil affirms, however, that the king found means to tell Carey, in private, the contrary to what he had ſaid in publick. The king of France ſent likewiſe, La Mothe Fenelon into Scotland, to try to ſupport the favourites, knowing thoſe who had ſeiſed the king were all friends to England. La Mothe had alſo orders to inform the king, that the queen, his mother, who had hitherto refuſed to own him for king, agreed to make him partner in the royalty.

Mary's letter to Elizabeth. Camden.

Soon after, queen Mary wrote to Elizabeth, to try to engage her in the deliverance of the king, her ſon; but ſhe took a very improper way to obtain this favour, ſince her letter is full of reproaches for the barbarous uſage ſhe met with *.

1582.

The calendar is reformed.

This year, pope Gregory XIII. publiſhed his bull for reforming the calendar, and ordered 10 days of this very year, to be cut off at once. As England, and the reſt of the Proteſtant ſtates refuſed to comply with this ordinance, becauſe it flowed from the papal authority, there began from that time to be a difference of 10 days in the dates, the one reckoning it the firſt day of the month, when it was the 10th with the others. This difference ſtill ſubſiſts in ſome places, and particularly in England, and Swedeland, where the old way of reckoning is ſtill uſed, with the addition however of the new.

Elizabeth makes as if ſhe deſires to releaſe the queen of Scots. Camden.

Camden pretends, that Elizabeth was very much moved with Mary's letter, and that compaſſion for the afflicted queen made her adviſe with her council upon what terms ſhe could be releaſed. We ſhall ſee preſently, that this proceeding was far from demonſtrating a deſire to ſet her at liberty. It is much more likely, ſhe ſought only to amuſe her, and by putting her in hopes of deliverance, had no other view than to put a ſtop to the continual plots which were contriving in her favour, and free herſelf from the ſollicitations ſhe was perpetually troubled with. However this be, ſome time after the receipt of her letter, ſhe ſent to her Robert Beal, one of the clerks of the council, with certain articles founded upon Mary's offer of aſſociating her ſon in the government. Conſequently they ſuppoſed a previous agreement between them; but never had there been a more improper juncture to negotiate this agreement, ſince king James was captive in the hands of queen Elizabeth's adherents. Here are the articles, with ſome remarks, which will ſerve to ſhew Elizabeth's view, in feigning a deſire to releaſe her priſoner.

Conditions propoſed. Camden.

I. The queen of Scots, and the king, her ſon, ſhould promiſe to attempt nothing prejudicial to England.

It is eaſy to perceive, that this article is expreſſed in ſuch general terms as required a large explanation.

II. She ſhould diſclaim as unjuſt whatever was done by Francis II, her firſt huſband, and ratify the treaty of Edinburgh.

The former part of this article was very general, and liable to abundance of cavils. As to the latter part, it muſt be obſerved, that Mary could not ratify the treaty of Edinburgh but with the reſtriction ſhe had offered. So, in propoſing to her the ratifying of that treaty ſimply and abſolutely, a ſnare was laid for her, or elſe ſhe was put under a neceſſity of rejecting this article.

III. She ſhould diſcover and condemn all the conſpiracies againſt queen Elizabeth, that were come to her knowledge.

This was accuſing her of being concerned in theſe conſpiracies, and making her own it, which was very hard meaſure for Mary; ſhe could have done no more, had ſhe been fully

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* This year, one Peter Morris, a Dutchman, invented an engine, and pipes, for conveying the Thames water for the uſe of the city of London. Stow.

1582. convinced of Elizabeth's ſincerity, which is not very likely.

IV. She ſhould contrive nothing againſt the government of England, eccleſiaſtical or civil.

Mary was a Catholick, and the laws of England excluded the Catholicks from all poſts; ſo if ſhe agreed to this article without farther explanation, it might have been inferred, that ſhe excluded herſelf from ſucceeding Elizabeth.

V. She ſhould claim no right to the crown of England, during queen Elizabeth's life, and after Elizabeth's death, ſhould refer her title to the judgment of the parliament.

This was alſo laying a ſnare for Mary, in making her own, that her title was dubious, tho' ſhe did maintain, and had always maintained, that it was inconteſtable.

VI. She ſhould ſwear to theſe articles, to the end there might be no room for the objection taken from her, not being at liberty.

VII. The king, her ſon, ſhould ratify them by oath and writing.

To enable the king of Scotland to ratify theſe articles, it was neceſſary, firſt, that he ſhould agree in an authentick manner, that he was king, only as aſſociated by the queen, his mother, which was not then in his power, ſince he was in the hands of the lords of Ruthven, who, by no means, acknowledged Mary's authority.

VIII. For the performance of this article, the queen of Scots ſhould give hoſtages to the queen of England.

This article was alſo liable to many difficulties, concerning the number and quality of the hoſtages.

It is, therefore, evident, Elizabeth propoſed theſe articles to Mary, only to amuſe her and the world, at a time when it was not poſſible even to enter into the treaty upon this ſubject; beſides their being almoſt all inſnaring and liable to diſcuſſions, which the court of England might have prolonged as they pleaſed. Camden ſays, the Scots of the Engliſh party were utterly againſt this agreement, affirming it was owing to the intrigues of the French court. It is true, if the conditions propoſed had been advantageous to Mary, it is not unlikely, Elizabeth would have ſet the Scots to oppoſe the concluſion of the treaty; but there was no occaſion for this, ſince ſhe had taken ſufficient care to hinder Mary from accepting them.

The affairs of Scotland. Melvil.

I muſt now proceed to relate what paſſed in Scotland this year. If a man is confined to what Camden ſays, his idea of things will be very imperfect. This is one of thoſe paſſages wherein that hiſtorian has thought fit to be very ſhort, for fear of injuring king James's reputation, for whoſe ſake he wrote the Annals of queen Elizabeth; but by good fortune, we have Melvil's Memoirs, which give us a fuller information.

The duke of Lenox ſeeing the king in the hands of the lords of Ruthven, and the little probability of forming a party ſtrong enough to free him, withdrew into France, where he died ſoon after. 1582.

In the interim, the lords of Ruthven, whoſe ſole view had been to remove from the king his two favourites, finding that one was in priſon, and the other in France, thought proper to convene the ſtates, where the king was preſent. He declared, whatever they had done was with his conſent, and to his ſatisfaction. He wrote the ſame thing to the general aſſembly of the kirk, whereupon the ſtates and the kirk approved, by authentick acts, all that was paſſed. This done, the king was no longer watched, but left entirely at liberty.

Melvil.

Soon after, the king aſſembled the nobility in the city of St. Andrews, before whom he declared, that tho' he had been detained againſt his will, he owned however it was done for his ſervice; that he did not intend to call any perſon to an account, but would ſpeedily publiſh an act of oblivion. To ſhew that he forgot all that was paſt, he viſited the earl of Goury, who caſting himſelf at his feet, begged pardon, which he very readily obtained.

All being thus quiet, the king appointed 12 counſellors to aſſiſt him to govern the ſtate; but ſoon after, his affection for the earl of Arran reviving, he wiſhed to ſee him; and as all his counſellors were unanimouſly againſt it, he proteſted he would ſend him away again within 24 hours; but was not as good as his word, for he kept him for ever. In a ſhort ſpace, the favourite had ſuch an influence over him, that he would not ſuffer any but him to meddle in the publick affairs. Whereupon the council of 12 being no longer conſulted, broke up of themſelves. As ſoon as the earl of Arran ſaw himſelf fully reſtored, he ſuggeſted to the king, that he had made a falſe ſtep, in not puniſhing the inſolence of the lords of Ruthven, and perſuaded him, at length, to alter his reſolution. So, inſtead of an act of oblivion, he iſſued out a proclamation, commanding the complices of the Ruthven-conſpiracy, to come and beg pardon for their crime. Every one plainly ſaw the difference between this proclamation, and the promiſed act of oblivion. The king being free, had declared, that they who had detained him, intended him no ill, and for that reaſon he had promiſed them a pardon; but by the proclamation, he conſidered them as guilty, and obliged them to ſubmit to his mercy, at a time when he ſuffered himſelf to be governed by one of thoſe very favourites againſt whom they had conſpired. This was ſufficient to induce theſe lords to retire, ſome to their own homes, and others into England, to wait for another opportunity to ruin their enemy *.

Elizabeth's letter to the king of Scotland. Melvil.

Elizabeth being informed of the king of Scotland's proceedings, and the danger of the earl of Arran's entirely ruining the Engliſh party, wrote to the king, repreſenting the conſequences, and mixed in her letter ſome reproaches for breach of promiſe. She told

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* Camden turns this whole affair to the king's advantage, by paſſing over in ſilence all the particulars related by Melvil. Rapin.

him moreover, ſhe intended to ſend ſecretary Walſingham to talk with him from her. James returned a ſtout anſwer, and vindicated himſelf for not performing his promiſe, ſince it was extorted from him when a captive. This excuſe might have ſerved, with reſpect to what he ſaid to the ſtates; but it was inſufficient, ſince he repeated the ſame thing to the nobility when at full liberty. However, he promiſed the queen to proceed no farther till Walſingham's arrival. In the interim, the favourite made the earl of Goury undergo ſo many mortifications, that he forced him, at length, to quit the court. Walſingham being arrived, imparted to the king, in two private audiences, the queen's advice concerning the management of his affairs; but as this advice tended to the earl of Arran's ruin, the ambaſſador brought back no very ſatisfactory anſwer.

The duke of Anjou's attempt upon the Low-Countries is fruſtrated. Stow.

The beginning of the year, the duke of Anjou being too much confined by the terms laid upon him by the ſtates, attempted to ſeiſe, on the ſame day, Antwerp, and ſeven or eight other towns of the Netherlands. But miſſing his view, he was forced to retire to Dunkirk, and from thence into France. In the interim, the affairs of the ſtates were in a melancholy ſituation. The prince of Parma made great progreſs this year, and very likely would ſucceed, at length, in obliging all the united provinces to return to the obedience of the king of Spain.

The affairs of France. Thuanus.

Henry III. behaved in France after ſo ſtrange a manner, that he daily incurred the contempt of his ſubjects. In publick he affected an over ſtrained devotion, whilſt in private he plunged himſelf into the moſt criminal pleaſures. Philip II. taking advantage of Henry's indolence with regard to his moſt important affairs, ſtrove by all ſorts of ways to raiſe him troubles, which ſhould hinder him from undertaking the defence of the Netherlands, who ſhewed a ſtrong inclination to put themſelves under the dominion of France. He tried firſt to perſuade the king of Navarre to take arms, promiſing to aid and protect the Huguenots. This way failing, he applied to the duke of Guiſe, who accepted the ſuccours offered by Philip, to revenge the mortifications he daily received from the king's minions.

1584. The affairs of Scotland. Melvil.

Whether queen Elizabeth's advice to the king of Scotland had a good effect upon him, or Melvil's remonſtrances, as he hints himſelf in his Memoirs, made ſome impreſſion on his mind, he ſeemed reſolved to put a ſtop to the proſecution of the lords of Ruthven. To that purpoſe, he aſſembled the nobility at Edinburgh, to end this affair with the advice of the great men, as he had at firſt projected, by publiſhing an act of oblivion; but the earl of Arran, a bold and daring man, defeated this project in ſpite of the king himſelf. When the great men were come to Edinburgh, he went and talked with every one apart, intimating, that the king's intention was only to get his conduct approved, with regard to the lords of Ruthven, after which he would pardon them, when they had acknowledged, they owed that favour to his clemency. The great men ſeeing the point was only to ſave the king's honour, and thinking the fugitives would receive no prejudice, promiſed the favourite to do as the king deſired. So, when the king aſked their advice in this affair, they anſwered, it was their opinion he acted with great clemency, in opening the fugitives a way to obtain their pardon. This done, the earl of Arran told him, if, after this declaration, he publiſhed an act of oblivion, without the fugitives owning themſelves guilty, he would diſoblige the nobility, by neglecting their advice, and extremely injure his own dignity. Thus the fugitives obtained no advantage, tho' the aſſembly was convened purely for their ſake.

Melvil.

The declaration of the nobility drove the lords of Ruthven to deſpair. They were required to aſk pardon for a thing which the king had approved, as done for his ſervice; nay, they could not be ſure of their pardon, ſince, as the king had once departed from his word, they could not truſt him any more. The earl of Arran having obtained his deſire, grew more proud and inſolent, and ſo perſecuted all his enemies, that he forced them, at length, to form a new conſpiracy againſt him. Tho' the earl of Goury had ſaved his life, and procured him the king's pardon, he never ceaſed to moleſt him, till he had forced him to aſk leave to go out of the kingdom. He was now at Dundee, in order to retire into England, when he heard that the earls of Marr, Angus, and Glames, who were fled into Ireland, had ſome enterpriſe in hand againſt the favourite. This news made him ſtay in Scotland, and, at laſt, he entered into the conſpiracy himſelf, without ſtiring however from Dundee. The conſpirators had ſo well laid their meaſures, that arriving unexpectedly in Scotland, they immediately took Sterling.

Melvil.

In the interim, the court having before received ſome confuſed intelligence of this conſpiracy, and knowing the earl of Goury was concerned, ordered him to be arreſted, which was done accordingly, juſt as the conſpirators became maſters of Sterling. This arreſt quite diſheartened them. As he was a near relation of the king, they fancied, he had deſignedly ſuffered himſelf to be taken, and believing they were betrayed, abandoned their enterpriſe and fled out of the kingdom. It coſt the earl his life, who being brought to Edinburgh was there beheaded. Thus the earl of Arran ſtill kept his poſt in ſpite of his enemies. He was extremely odious to the whole kingdom, becauſe he was a wicked, atheiſtical man, and of an inſatiable avarice. There was alſo another thing which very much troubled the Scots; and that was, the king for ſome time had held private intelligence with the queen, his mother, which bred a fear, that he would engage in deſigns deſtructive of the ſtate and religion. He had privately accepted of the aſſociation ſhe had offered him, and it was ſeen that none but the queen's known friends

1584.

had acceſs to him; nay it was whiſpered, he intended to turn Catholick, and began to liſten to the propoſals of the French court, or rather of the duke of Guiſe.

Elizabeth ſends Daviſon into Scotland to gain the earl of Arran. Melvil.

All theſe things were but too apt to give Elizabeth great uneaſineſs. She was afraid, the king of Scotland would be perſuaded to take a French wife, and ſuch a marriage produce ill effects for England. To try, therefore, to prevent the miſchiefs which might happen from that quarter, ſhe ſent Daviſon into Scotland, under colour of excuſing her protection of the Scotch fugitives, tho' the king had demanded them by vertue of the treaty of alliance concluded between the two kingdoms; but Daviſon's chief buſineſs was to endeavour to win the earl of Arran to the queen's intereſt. This method was better and ſpeedier than to ſupport the male-contents of Scotland, who were always to be ſupplied with money, without being certain of the ſucceſs of their undertakings. Beſides, the queen ran the riſque of entirely loſing king James. That prince had ſenſe, but as he was young, unexperienced, and too much governed by his favourites, it was to be feared he would be drawn into projects detrimental to both kingdoms, for the ſake of others. Daviſon ſucceeded entirely in his negotiation with reſpect to the earl of Arran, and by means that are eaſy to be gueſſed, prevailed with him to be guided by the queen. Before his return to England, it was agreed between the two courts, that the earl of Hunſdon for England, and the earl of Arran for Scotland, ſhould meet upon the borders, and make a regulation proper to preſerve a good underſtanding between the two kingdoms. Under this pretence, theſe two lords conferred together, and before they parted, made a private treaty, whereby the earl of Arran engaged to keep the king unmarried for three years. Elizabeth pretended, ſhe deſigned to give him a princeſs of the blood-royal of England, who was not yet marriageable. This was, at leaſt, the pretence with which the treaty was coloured.

Elizabeth diſcovers Mary's ſecrets by Gray, the Scotch ambaſſador. Melvil.

Whilſt theſe things were in agitation, the maſter of Gray, a young Scotch lord, inſinuated himſelf ſo far into king James's favour, that the earl of Arran growing jealous, found means to remove him, by cauſing him to be ſent ambaſſador to Elizabeth. Gray was no ſooner in England, but the queen won him by her careſſes and bounties. From that time this ambaſſador feigned to be ſtrongly attached to queen Mary's intereſt, and by that means drew ſecrets from her, which Elizabeth knew how to improve. The earl of Arran having ſome intelligence of this intrigue, informed the king of it, in order to ruin his rival; but as in all likelihood, he could bring no proof of what he advanced, Gray being returned to Scotland, was very well received by the king, and ſpared no pains in his turn to ruin the favourite.

A conſpiracy diſcovered. Camden.

Whilſt theſe things paſſed in Scotland, plots were forming in England, in favour of the captive queen; but ſome intercepted letters to queen Mary from Francis Throckmorton, beginning to diſcover the conſpiracy, Throckmorton was arreſted. Immediately, Thomas, lord Paget, and Charles Arundel fled into France, and gave out that the Catholicks were ſo cruelly perſecuted in England, that it was not poſſible for them to ſtay there without danger of their lives; that the court had ſpies every where, not only to watch the Catholicks, but alſo to lay ſnares for them; that forged letters from the queen of Scots were left in their houſes, to force them either to bring them to the ſecretary of ſtate, or render themſelves guilty by concealing them. There is, no doubt, the queen had ſpies to watch the motions of the Catholicks, having but too much reaſon to ſuſpect their fidelity; nay, it is very poſſible, that among theſe ſpies there were ſome, who to improve their ſervices, laid ſnares for the Catholicks. Thoſe who take upon them ſuch an office, of what religion ſoever they be, are not uſually the moſt honeſt men. But the behaviour of the Catholicks had made theſe precautions neceſſary, the knowledge of what paſſed among them being of the utmoſt conſequence to the queen; for ſeveral books, as well printed as in manuſcript, were handed about, wherein the queen was ſlandered to the higheſt degree. She was taxed with putting to death many Catholicks without cauſe, having firſt racked them, to compel them to confeſs crimes of which they were innocent. Her maids of honour were exhorted to ſerve her in the ſame manner as Judith did Holofernes, and render themſelves, by ſuch an action worthy of the applauſe of the church throughout all future ages. Theſe books, with what had been diſcovered after Throckmorton's arreſt, made it thought ſome plot was ready to break out.

The queen blames the judges ſeverity. Camden.

In the interim, the queen, willing to ſhew it was not for their religion that ſome Catholicks had been puniſhed, ſent for the judges of the realm, and ſharply reproved them, for having been too ſevere in the tortures they had made theſe men ſuffer. Probably, this was done to afford them an opportunity to clear themſelves from this charge, by an apology which was made publick. They affirmed, "That no perſon had been made to ſuffer for his religion, but only for dangerous practices againſt the queen and ſtate; that, indeed, Campian, the Jeſuit, had been put to the rack, but with ſo little violence, that he was preſently able to walk and ſubſcribe his confeſſion; that Brian, one of his complices, obſtinately refuſing to ſpeak or write the perſon's name who penned the papers found about him, was, indeed, denied food, till he aſked it in writing." However, the queen, willing to take from her enemies all occaſion of ſlandering her in foreign parts, forbid the putting of any perſon whatever to the rack, and was ſatiſfied with tranſporting out of England 70 prieſts who were in priſon, and of whom ſome were under ſentence of death. Among theſe were certain Jeſuits, who afterwards proved very ungrateful for this favour. Perhaps, indeed, ſhe acted, upon this occaſion, on, not ſo much from a motive of clemency, as to ſeparate two things which were always endeavoured to be confounded, viz. religion, and the crimes againſt the ſtate, under pretence that moſt of the conſpirators were Catholicks.

The Spaniſh ambaſſador is diſcovered to be in the plot. Camden.

Before Throckmorton was apprehended, he ſent a cabinet full of papers to Mendoza, the Spaniſh ambaſſador, of which the court had notice. He denied all at his firſt examination; but at the ſecond, confeſſed, “that going ſome few years ſince to the Spaw, he conferred ſeveral times with Jeney and Sir Francis Inglefield, two Engliſh fugitives, how England might be invaded; that after his return, Morgan, another fugitive in France, told him, the Catholick princes had formed a deſign to free the queen of Scots, and to employ the duke of Guiſe for that purpoſe; that nothing was wanting, but to know what ſuccours might be depended upon from the Engliſh Catholicks; that in order to take their meaſures the better, Charles Paget, under the counterfeit name of Mope, was ſent into the county of Suſſex, where the duke of Guiſe intended to land; that he (Throckmorton) imparted the project to the Spaniſh ambaſſador, who had been already informed of it, and ſhewed him the ports where it would be moſt proper to land; that he moreover acquainted the ſame ambaſſador, with the names of the great men to whom he might freely open his mind, becauſe, as he was a publick perſon, he would not be ſo narrowly watched. Finally, that he conferred with him how to raiſe ſoldiers privately in England, to have them ready when the foreign troops ſhould arrive.”

He is ſent for by the council. Camden.

Upon theſe depoſitions, the Spaniſh ambaſſador was deſired to come to the council, where he was told what Throckmorton had witneſſed againſt him. As he did not think himſelf, doubtleſs, innocent enough to clear himſelf from theſe accuſations, he choſe by way of recrimination to charge the queen, with detaining the Spaniſh money ſhe had ſeiſed, and with aſſiſting the duke of Anjou. Then, he ſpoke againſt the miniſters, ſaying, that by their ill counſels they inceſſantly laboured to ſow diſcord between the queen and the king of Spain. A few days after, the queen commanded him to depart the kingdom, which he readily obeyed, thinking himſelf very happy in coming off at ſo eaſy a rate. However, when he came into France, he loudly complained, as if in England the law of nations had been violated in his perſon. In the interim, the queen diſpatched Wade to Spain, to inform the king of what had paſſed, and to tell him ſhe was ready to receive another ambaſſador from him; but Philip would not give Wade audience, who refuſed alſo in his turn to impart the contents of his ambaſſy to the prime miniſter.

Throckmorton is executed. July 10. Camden.

When Throckmorton was brought upon his tryal, he denied what he had confeſſed at his examination, affirming, he had invented it on purpoſe to avoid the rack; but after his condemnation, upon the evidence of his own letters to the queen of Scots, and the papers found in his coffers, he owned all, and even made a more circumſtantial declaration than at firſt; and, yet, when he came to the gallows, he denied again whatever he had confeſſed.

Elizabeth renews the negotiation with the queen of Scots.

Elizabeth, as ſhe could not doubt, her enemies were perpetually contriving to deprive her of the crown, and ſet it on the head of the queen of Scots, lived in a conſtant uneaſineſs, and under the apprehenſion that ſome one of their plots would at laſt ſucceed; ſo, to diſcover more fully the deſigns of her enemies, ſhe ſeemed willing to reſume the negotiation begun with the queen of Scots. To that end ſhe ſent Wade, at his return from Spain, to tell her, ſhe was ready to renew the treaty which had been interrupted, and would diſpatch to her, very ſoon, Sir Walter Mildmay for that purpoſe. But withal, ſhe let her know ſhe inſiſted upon two conditions, viz. that ſhe ſhould prevail with the king, her ſon, to grant the pardon promiſed to the lords of Ruthven, and put a ſtop to the plots of the biſhop of Glaſcow, her ambaſſador, in France.

Camden.

At this time happened the ſurpriſe of Sterling, the impriſonment of the earl of Goury, and the flight of the conſpirators into England. Whereupon Elizabeth ſent Beal to deſire the queen of Scots, to intercede with the king, her ſon, for the fugitives, and inform her of the duke of Guiſe's deſigns, as ſhe had promiſed Wade. Mary anſwered, ſhe had promiſed nothing, but on condition ſhe ſhould be releaſed; that ſhe would readily intercede for the Scotch fugitives, provided any advantage would accrue from thence to herſelf, or the king, her ſon, and in caſe they would confeſs their fault. She did not deny, ſhe had deſired the duke of Guiſe to uſe his endeavours to free her; but ſaid, ſhe knew nothing of his deſigns, nor, if ſhe did, would ſhe diſcover them, unleſs ſhe was aſſured of her deliverance. She beſought Elizabeth to uſe her with more humanity, and deſired the treaty might be concluded with her, before the Scots were treated with. Laſtly, ſhe added, that as the king of France had owned and received her ambaſſador jointly with her ſon's, as princes aſſociated, Elizabeth would be pleaſed to cauſe this aſſociation to be publiſhed in Scotland.

The negotiation is broken off.

Elizabeth took care not to ſerve her in what ſhe deſired, her view being only to draw from her a ſollicitation in behalf of the Scotch fugitives, and an information concerning the duke of Guiſe's deſigns, upon the uncertain hope of an agreement which ſhe flattered her with. But finding ſhe could get nothing out of her, ſhe relinquiſhed the negotiation as needleſs. However, perceiving by Mary's anſwer, that the king of Scotland had accepted the aſſociation, ſhe was afraid ſome dangerous plot was contriving in Scotland. It was this, chiefly, that made her reſolve to gain the earl of Arran at any rate, wherein ſhe ſucceeded as I ſaid before.

Other plots diſcovered. Camden.

Soon after, Elizabeth alſo diſcovered that her enemies did not ceaſe their ſecret practices. Chreichton, a Scotch Jeſuit, going by ſea into Scotland, and his ſhip being attacked by pirates, tore ſome papers he had about him, and threw them into the ſea; but by a very extraordinary accident, the wind hindered the torn papers from falling into the water, and blew them back into the ſhip, where ſomebody took the pains to gather them up. Theſe papers being delivered to Wade, he paſted them together upon another paper with great labour and patience, and by that means a plot was diſcovered, framed by the pope, the king of Spain, and the duke of Guiſe, to invade England. Whereupon, by the earl of Leiceſter's means, a general aſſociation of men of all degrees and conditions was formed in England, who bound themſelves, by oath, to proſecute to the death thoſe that ſhould attempt any thing againſt the queen.

Mary ſends propoſals to Elizabeth. Camden.

The queen of Scots eaſily perceived that the plots of her friends were diſcovered, ſince the aſſociation was a clear evidence that Elizabeth thought herſelf in danger. As ſhe was afraid ſhe could not avoid the efforts of this aſſociation, in caſe it came to be known that ſhe was concerned in theſe plots, ſhe uſed freſh endeavours to free herſelf from captivity. To that purpoſe ſhe ſent Naue, her ſecretary, to Elizabeth, with theſe propoſals:

That if ſhe might be releaſed, ſhe offered to enter into a cloſer amity with the queen of England; to renounce the title of Queen of England, and never lay claim to the crown of that kingdom ſo long as Elizabeth was alive; to ſign the aſſociation; to make a league defenſive with England, (ſo far as might ſtand with the alliance between France and Scotland) provided that nothing was done in England to her diſadvantage, before ſhe herſelf, or the king, her ſon, was heard in the parliament; to ſtay in England till hoſtages were given; to make no change in the religion eſtabliſhed in Scotland, provided ſhe might have the free exerciſe of her own; to bury in oblivion all injuries done to her in Scotland, on condition, that whatever had been enacted to her diſgrace ſhould be repealed; to recommend to her ſon ſuch counſellors as were inclined to preſerve a good underſtanding with England; to procure a pardon for the fugitives, provided they would own themſelves guilty; to treat of no match for the king, her ſon, without Elizabeth's knowledge. She required, on her part, that the treaty ſhould be made with her and the king, her ſon, jointly, and promiſed to have it ratified by the duke of Guiſe. Moreover, ſhe deſired matters might be ſpeedily concluded, for fear ſome accident ſhould obſtruct the treaty. Laſtly, ſhe prayed Elizabeth to give her ſome token of her eſteem, by granting her a little more liberty.

A remark upon this ſubject.

Had Mary made theſe offers at any other time, perhaps Elizabeth would have regarded them; but in the preſent juncture, they only ſerved to increaſe her ſuſpicions, ſince it was evident they were an effect of the fear inſtilled into the priſoner, by the aſſociation and the diſcovery of the plots. Camden pretends, contrary to all appearance, that Elizabeth being ſatisfied with theſe propoſals, was going to ſet Mary at liberty, had ſhe not been hindered by the clamours of the Scots. Hence he takes occaſion to make a long invective againſt the Preſbyterians and their preachers, and to accuſe them of inſolence, contempt of the king's perſon, and rebellion againſt the laws. Here alſo he ſpeaks of the ſuppreſſion of Buchanan's writings, which was foreign to the purpoſe. In a word, he would have Preſbytery to be conſidered as the ſole cauſe of the obſtacles to Mary's deliverance, in ſpite of Elizabeth's good intentions towards her. This is no wonder, for it was the modiſh ſtile in England, in the reign of James I, to whom court was made by inveighing againſt the Puritans. I own, however, it is not wholly improbable, that on this occaſion, Elizabeth even ſet the Scots upon forming the obſtacles mentioned here by Camden; but it is very unlikely, that at a time when ſhe ſaw her enemies in league againſt her, to place Mary, tho' a priſoner, on the throne of England, ſhe ſhould really intend to releaſe her, and ſo enable her the better to execute her deſigns. To take Elizabeth's diſſimulation for her real intention, was an artifice of Camden, thereby to inſinuate, ſhe thought Mary innocent of the plots which were continually framing; but he contradicts himſelf, by ſaying a little after, that Mary loſing all hopes of agreement, hearkened, at length, to dangerous counſels, and wrote to the pope, and the king of Spain, ſolliciting them "to haſten what they had in hand with "all ſpeed, let what would happen to her." It is, therefore, evident, there was now ſome project on foot, which ſhe knew, and had hearkened to dangerous counſels before the time mentioned by Camden. But Elizabeth, better informed than Mary imagined, knowing what meaſures were taken to carry her away, took her out of the hands of the earl of Shrewſbury, and committed her to the cuſtody of Sir Drue Drury, a watchful man, if ever there was one. Camden ſays, the earl of Leiceſter deſiring at once to free Elizabeth from the uneaſineſs, the queen of Scots created her, bribed certain murderers to aſſaſſinate the priſoner; but as none durſt give them an order for leave to approach her, Drury's watchfulneſs hindered them from getting acceſs to her. If this denotes the earl of Leiceſter's villany, and, perhaps, in Camden's intention, that of Elizabeth herſelf, it ſhews too how dangerous a perſon the queen of Scots was deemed, ſince it was thought, Elizabeth's life could not be ſafe, but by her death. It is not likely, therefore, that Elizabeth ſhould then think of releaſing her. The ſame author ſays, that to alienate queen Elizabeth's affection entirely from the queen of Scots, it was whiſpered in her ears, that a reſolution was taken to deprive her of the crown, and ſet it on Mary's head; that a council had been held, wherein cardinal Allen, for the Engliſh eccleſiaſticks, Inglefield for the laity, and the biſhop of Roſs for the queen of Scots, all three impowered by the pope, and the king of Spain, had agreed, that Elizabeth ſhould be aſſaſſinated, king James depoſed, and Mary given in marriage to ſome Engliſh Catholick nobleman; that this nobleman ſhould be elected king of England, and the crown ſettled upon his heirs. He adds, Walſingham diligently inquired who this Engliſh nobleman might be, and that the ſuſpicion fell upon Henry Howard, the late duke of Norfolk's brother.

The affairs of the Low-Countries. Grotius.

During this year, the affairs of the united provinces daily grew worſe, the prince of Parma from time to time conquering towns upon them; at laſt, to reduce them, as it were, to the laſt extremity, God permitted the prince of Orange to be aſſaſſinated by one Balthazar Gerrard, a Burgundian. Philip, his eldeſt ſon, being then in the hands of the king of Spain, and educated in the Catholick religion, the ſtates conferred the government of Holland and Zealand upon his ſecond ſon Maurice, about 18 years old. In the interim, the prince of Parma improving the conſternation of the ſtates, laid ſiege to Antwerp. In this diſtreſs, the ſtates, finding it was not poſſible to ſupport themſelves with their own forces, debated, whether they ſhould put themſelves under the protection of France or England, and, at length, reſolved for France; but Henry III. was then involved in troubles, which ſuffered him not to accept their offer; ſo, finding no encouragement from that quarter, they were forced to apply to the queen of England. We ſhall ſee next year the ſucceſs of this negotiation.

The affairs of France. Thuanus.

The troubles with which France had been ſo long diſturbed, and which ſeemed to be a little appeaſed, were renewed by the death of the duke of Anjou in June. As the king had no children, and was thought incapable of having any, the duke of Guiſe projected to ſeiſe the throne, as deſcended from Charles the Great. This, at leaſt, is what ſeveral have accuſed him of, not without great probability; but as Henry of Bourbon, king of Navarre, was become firſt prince of the blood, ſince the death of the duke of Anjou, a pretence was to be found to exclude him from the throne, otherwiſe it would not be poſſible for the duke of Guiſe to execute his project. It was not difficult to find a pretence, ſince the king of Navarre profeſſed the reformed religion. So the duke of Guiſe hiding his ambition under the veil of religion, pretended to have no other view but to maintain the Catholick religion, which would be in great danger, if a Huguenot aſcended the throne. The king, who knew his deſign, did his utmoſt to perſuade the king of Navarre to change his religion, and the duke perceiving endeavours were uſed to break his meaſures, renewed the league firſt at Paris, and then in the provinces. By this means he could have an army ready on the firſt occaſion. The people were ſo blind and ſtupid, as to imagine, he only aimed at the preſervation of the Catholick religion. In the interim, the duke having notice, that the king would cauſe him to be arreſted, withdrew to his government of Champagne, where, on the laſt day of December, he ſigned a private league with the king of Spain, who, on pretence of religion, ſought only to foment the troubles in France; but as the duke would not have it appear, that he aſpired to the crown, the treaty ran, that the cardinal of Bourbon ſhould be raiſed to the throne, after the death of Henry III, and to that end, the king of Spain ſhould find 50,000 crowns a month. Thus, by means of the duke of Guiſe, Philip II. kindled in France a flame which long conſumed that kingdom, and hindered the French from thinking of the acquiſition of the Netherlands.

1585. Parry's conſpiracy. Camden.

In the beginning of the year 1585, Elizabeth diſcovered a conſpiracy, of which William Parry was the author. He was a gentleman of Wales, member of the houſe of commons, and had ſignaliſed his zeal for the Catholick religion, in oppoſing alone a bill preferred in the lower houſe againſt the Jeſuits. He ſpoke upon that occaſion with ſo much paſſion and vehemence, that he was committed to cuſtody, but, his ſubmiſſion being made, he was in a few days readmitted into the houſe. Hardly was he at liberty, when Edmund Nevil, who claimed the inheritance of the earl of Weſtmoreland, lately deceaſed in the Low-Countries, accuſed him of conſpiring againſt the queen; whereupon he was ſent to the tower. He owned, "he had a deſign to kill the queen, and was perſuaded to it by Morgan, an Engliſh Catholick refugee in France; that he held intelligence with Jeſuits, the pope's nuncios and cardinals; that the better to deceive the queen, and procure free acceſs to her perſon, he returned from France into England, and diſcovered the whole conſpiracy to her; that afterwards, repenting of his wicked intention, he laid away his dagger every time he waited on her, leſt he ſhould be tempted to commit the murder; but, at length, cardinal Allen's book, wherein he maintained it to be not only lawful, but honourable to kill princes excommunicated, falling into his hands, he read it, and felt himſelf ſtrongly encouraged to purſue his firſt deſign; that Nevil, his accuſer, coming to dine with him, propoſed to attempt ſomething for the deliverance of the queen of Scots, to which he anſwered, he had a greater deſign in his thoughts; that a few days after, Nevil coming to ſee him, they reſolved to kill the queen, as ſhe rode abroad to take the air, and ſwore upon the bible to keep the ſecret; but that in the mean while, Nevil hearing the news of the earl of Weſtmoreland's death, accuſed him, in hopes of procuring the earl's inheritance, to which he laid claim." Upon this confeſſion, he was condemned and executed.

The parliament confirms the aſſociation. An act againſt the queen of Scots.

This conſpiracy occaſioned the parliament to take extraordinary care of the queen's and the kingdom's welfare. The general aſſociation was admitted, approved, and confirmed by unanimous conſent. It was alſo enacted, "that 24, or more, commiſſioners, choſen and appointed by the queen, ſhould make

“ inquiſition, concerning thoſe who ſhould endeavour to raiſe a rebellion in the kingdom, or attempt the queen's life, or claimed any right to the crown of England. That the perſon for whom, or by whom any attempt ſhould be made, ſhould be utterly incapable of ſucceeding to the crown, deprived for ever of all right and title to it, and proſecuted to death, if declared guilty by the 24 commiſſioners.”

It was impoſſible not to ſee, that the queen of Scots was directly aimed at, for whoſe ſake all theſe plots were contriving; wherefore, very probably, from this time her death began to be determined; the two queens being no longer able to ſubſiſt together. The council of England, at leaſt, was of this opinion. Mary doubted not that the law was enacted againſt her. Perhaps, ſhe would have prevented the fatal effects of it, could ſhe have reſolved to renounce all correſpondence in the kingdom, and in foreign countries; but ſhe had not the prudence to take this wiſe courſe, or, perhaps, to avoid the ſnares laid for her, nor was quick-ſighted enough to perceive, ſhe only ſerved for a blind to her pretended friends, to execute other projects.

Another againſt the Papiſts.

The parliament was not contented with this ſevere ſtatute for the queen's preſervation. It was farther enacted, “ That all Popiſh prieſts ſhould depart the realm within 40 days; that thoſe who ſhould afterwards return, ſhould be guilty of high-treaſon; that to receive or harbour them ſhould be felony.” It was declared alſo, “ That thoſe who were educated in foreign ſeminaries, if they returned not into England within ſix months, after notice, and made not their ſubmiſſion, within two days after their return, before a biſhop, or two juſtices of peace, ſhould be guilty of high-treaſon. That if any perſon ſubmitting himſelf, ſhould within ten years approach the court, or come within ten miles thereof, his ſubmiſſion ſhould be void. That thoſe who ſhould directly or indirectly, convey any money to ſtudents, or others in ſuch ſeminaries, ſhould incur the penalty of a Præmunire, loſs of goods, and perpetual exile. That if any of the peers of the realm ſhould offend againſt this act, they ſhould be brought to their tryal by their peers. That if any perſon ſhould know any popiſh prieſt or Jeſuit, lurking in the kingdom, and ſhould not diſcover him within four days, he ſhould be fined and impriſoned at the queen's pleaſure. That if any man ſhould be ſuſpected to be a prieſt or Jeſuit, and refuſe to ſubmit himſelf to examination, he ſhould be impriſoned till he did ſubmit. That they who ſhould ſend their children to Popiſh colleges or ſeminaries, ſhould be fined in 100 pounds ſterling. That if thoſe who were ſent thither, did not return within a year, they ſhould be incapable to ſucceed as heirs to any eſtate. That if the wardens of the ports ſhould ſuffer any beſides merchants to croſs the ſeas, within the queen's licenſe, ſigned by ſix privy-counſellors, they ſhould be turned out of their places. That the maſters of ſhips who received any paſſengers without ſuch licenſe, ſhould forfeit their ſhips and goods, ſuffer a year's impriſonment, and be incapable of exerciſing navigation for the future.”

This is the ſevereſt act againſt the Catholicks in the reign of queen Elizabeth; but they could blame only themſelves, or rather the indiſcreet zeal of ſome amongſt them, who never ceaſed plotting againſt the queen, and endeavouring to ſet the queen of Scots on the throne of England. Even this ſtatute was not capable of ſtopping them, till, at laſt, they carried their zeal to ſuch a height, that the deſtruction of one of the queens became neceſſary for the preſervation of the other.

The earl of Arundel is apprehended as he is going out of the land. Camden.

Philip, earl of Arundel, eldeſt ſon to the duke of Norfolk, had, through the queen's grace and favour, been reſtored in blood, and to his father's eſtate three years before; but afterwards he embraced the Catholick religion, and being twice cited before the council to anſwer to certain accuſations entered againſt him, was confined to his own houſe. Six months after he was releaſed, and came to the houſe of lords, but withdrew the very firſt day, not to be obliged to be preſent at the ſermon. As he was extremely addicted to his religion, he reſolved to leave the kingdom to enjoy the free exerciſe of it, and before his departure wrote a letter to the queen, which was not to be delivered till after he was gone. The letter was full of complaints, that his innocence was oppreſſed. He ſaid, “ that to avoid the miſfortune befallen his grandfather, and father, and to ſerve God with freedom, according to his conſcience, he had reſolved to quit the kingdom, but not his allegiance to his ſovereign.” But being betrayed by his own ſervants, he was apprehended, as he was going to embarque, and ſent to the tower.

The earl of Northumberland kills himſelf. Camden.

Henry Percy, earl of Northumberland, brother to him that was beheaded, was in the ſame tower, having been charged with being concerned in Throckmorton's conſpiracy, and with holding correſpondence with the lord Paget and the duke of Guiſe. June 21ſt this year, he was found dead in his bed, ſhot with three bullets under his left pap. As he was alone in his room, which was bolted on the inſide, it was eaſy to ſee he had killed himſelf.

Elizabeth is threatened from ſeveral quarters. Camden.

The calm Elizabeth had enjoyed for ſome years, began to be turned into ſtorms which threatened her from all quarters. This change muſt be aſcribed to three principal cauſes. The firſt was the duke of Guiſe's power, which was almoſt equal to that of the French king himſelf. Philip II's flouriſhing condition may be reckoned a ſecond, who, after acquiring the kingdom of Portugal, was upon the point of reducing to his obedience the revolted provinces of the Netherlands. The third was the hopes queen Elizabeth's enemies flattered themſelves with, of gaining the king of Scotland, and making uſe of him to invade England. I mention not the court of Rome, or the

the Engliſh Catholicks, who always continued in the ſame diſpoſition, ſo there was nothing new in that reſpect. The queen of Scots was ever the ſtumbling-block. It was ſhe that gave birth to all the contrivances. Her deliverance from captivity was deſired, in order to ſet on her head the crown of England and Scotland, and reſtore by her means the Catholick religion in both kingdoms. Such was the ſcheme of Elizabeth's enemies. She could not be ignorant of it, ſince they had purſued it from the beginning of her reign; as, on her part, ſhe had made it her whole buſineſs to break their meaſures. But ſome advantages, ſhe had hitherto enjoyed, began to fail her. Theſe were firſt, the jealouſy between the crowns of France and Spain which had reſtrained both from attacking her openly. Secondly, the French Huguenots had been ſufficiently ſtrong to ſupport themſelves, and diſable the court from attempting any thing againſt England. Thirdly, whilſt the affairs of the confederates in the Netherlands were proſperous, they had ſo employed the Spaniſh forces, that it was not poſſible for Philip II. to think ſeriouſly of foreign affairs. But at the time I was ſpeaking of, the ſcene was entirely altered. France was in ſuch a way, as Elizabeth could no longer build her ſafety upon the jealouſy between the French and Spaniſh crowns, that foundation being grown too weak. The duke of Guiſe, her mortal enemy, was more powerful in France than the king himſelf, and beſides, was ſupported by the king of Spain. Very probably the Huguenots would be entirely oppreſſed, and the Low-Countries ſoon brought under the Spaniſh yoke, after which, there was no doubt, England would be invaded. Elizabeth, therefore, was to think betimes of preventing the impendent danger, or reſolve to ſuſtain alone the efforts of her enemies. Prudence required, that ſhe ſhould in the firſt place try to avoid the aſſaults which were preparing againſt her, without neglecting, however, the means of withſtanding them, if ſhe ſhould be forced to it. The ſcheme ſhe laid was this, as will plainly appear in the ſequel. Firſt, ſhe reſolved to make alliances, if poſſible, with the two northern crowns and the German Proteſtants, tho' it were only to raiſe the jealouſy of her enemies. Secondly, to ſend a ſtrong aid to the confederates of the Low-Countries, to keep the king of Spain employed there. Thirdly, to aſſiſt the French Huguenots, to prevent their being too eaſily oppreſſed, knowing the duke of Guiſe would be unable to attempt any thing againſt her, ſo long as the civil wars held him employed in France. Laſtly, ſhe thought there was no better way to break her enemies meaſures, than to endeavour, if poſſible, to have the king of Scotland in her power, or, if that failed, to raiſe troubles in Scotland, which ſhould hinder that young prince from framing projects detrimental to England. It is alſo very likely, that at this time the death of the queen of Scots was determined, ſince her life was the foundation of all the plots againſt Elizabeth both at home and abroad; at leaſt, if this reſolution was not abſolutely taken, very probably, Elizabeth and her council were determined not to ſpare Mary, when the neceſſity of affairs required her to be ſacrificed to the publick ſafety. I own this is only a conjecture, but it is built upon the ſituation of Elizabeth's affairs at that time.

She ſends an ambaſſador into Germany. Camden.

To execute the firſt part of her ſcheme, ſhe ſent Sir Thomas Bodley into Germany and Denmark, to endeavour to perſuade the Proteſtant princes to make a league defenſive with England. He had orders, among other things, to acquaint the king of Denmark, that the duke of Lorrain, when he courted Elizabeth, pretended a right to the crown of Denmark, as grandſon to Chriſtiern II, by his daughter. I do not know the ſucceſs of Bodley's negotiations; but as Elizabeth was extremely frugal of her money, it is likely, ſhe uſed not the propereſt means to gain the German princes to her intereſt. I ſhall ſpeak preſently of the ſecond and third articles of Elizabeth's ſcheme, relating to France and the Netherlands. As to the fourth concerning Scotland, we find it explained in Melvil's Memoirs, if we may, however, give entire credit to this author, who ſeems extremely prejudiced againſt Elizabeth.

She tries to break off the project of the king of Scotland's marriage. Melvil.

The king of Scotland being determined to marry, caſt his eyes on the king of Denmark's eldeſt daughter, who, having ſome notice of it, reſolved to ſend an ambaſſy into Scotland, under colour of propoſing an alliance between the two kingdoms, and withal to give king James an opportunity to propoſe his marriage. Melvil pretends, Elizabeth having intelligence of the project, reſolved to uſe her endeavours to render it abortive. Not that this marriage was unſuitable for the king of Scotland, but it was requiſite for Elizabeth, that he ſhould not marry, unleſs he would take an Engliſh wife of her chuſing, or rather, ſhe wiſhed to have him in her power before he was married. She wrote to him, therefore, that, to preſerve with him always a good underſtanding, ſhe intended to ſend an ambaſſador, who ſhould reſide at his court, not to trouble his majeſty with buſineſs, but entertain him with merry diſcourſe, and bear him company in his recreations; that ſhe had choſen for that purpoſe Edward Wotton, a man of wit and a great traveller, imagining he would be very proper to divert him agreeably, and hoped he would take great delight in his converſation. Melvil, who was ordered to receive this ambaſſador, remembered to have ſeen him formerly at Paris, at his uncle Dr. Wotton's, the Engliſh ambaſſador, and that, young as he was, he had inſnared that able miniſter, the old conſtable Montmorency. He warned the king of it, who regarded it not. On the contrary, he made this ambaſſador, partner of all his pleaſures, and one of his greateſt favourites.

The affairs of Scotland.

The Daniſh ambaſſadors being arrived in Scotland, Wotton and ſome of the king's miniſters ſo ordered it, that they received ſo many mortifications, that they were going to

1585.

return in a very great diſcontent; but Melvil informing them of the ſtate of affairs, perſuaded them to have patience, and, indeed, the king being undeceived of ſome notions inſtilled into him againſt the king of Denmark, ſent them back better ſatisfied. Soon after he diſpatched Peter Young, his almoner, to the ſame prince, to thank him for his ambaſſy, and to acquaint him that he would very ſoon ſend ambaſſadors to him. The real motive of Young's voyage was to ſee the king of Denmark's two daughters, and inform the king, his maſter, of their qualifications.

Francis Ruſſel killed on the borders. Camden.

In the interim, the earl of Arran's credit ſenſibly decreaſed, by the addreſs of the maſter of Gray, his rival, who knew better how to manage the king. Moreover, Wotton helped with all his power to ruin the favourite; for, beſides that Elizabeth had no farther need of him ſince ſhe had won Gray, he was a man on whom ſhe could not much rely. An accident alſo on the borders did the earl of Arran great injury. Thomas Carr, the laird of Fernihurſt, who had married his niece, holding a conference with Sir Francis Ruſſel, the earl of Bedford's ſon, upon affairs relating to both kingdoms, an Engliſhman being taken pilfering, raiſed a quarrel between the two guards, wherein Ruſſel was ſlain. The Engliſh ambaſſador made great noiſe about this affair, pretending the earl of Arran had ſtirred up this quarrel by his nephew, to breed a rupture between the two kingdoms. Upon his complaints, the earl of Arran was confined to his own houſe, and Fernihurſt ſent to priſon, where he died quickly after.

The queen demands ſatisfaction. Camden.

Elizabeth having notice of this fact, demanded a ſolemn reparation. James did not refuſe it; but pretended he could do nothing before he had proofs. This was not eaſy, by reaſon of the cuſtom mentioned elſewhere, which allowed not the evidence of the Engliſh againſt the Scots, or of the Scots againſt the Engliſh, concerning what paſſed on the borders. This difficulty cauſing the affair to be prolonged, and the earl of Arran having his liberty, Elizabeth took occaſion to permit the Scotch fugitives, who had fledin to England, to return home. Wotton being informed of the queen's deſign, laboured to corrupt ſeveral Scots courtries, and gain them to Elizabeth's intereſt. If Melvil is to be credited, the king's greateſt confidents were of this number. Wherefore Wotton, finding himſelf ſo well ſupported, formed the project to ſurpriſe the king in Sterling park, and carry him into England. But being diſappointed, he reſolved to force the guard of the caſtle, and had now prepared every thing neceſſary to execute his deſign, when the king having ſome intelligence of it, broke his meaſures, by a ſudden departure from Sterling. Then Wotton perceiving he was diſcovered, privately retired without taking leave. This was the man ſent by Elizabeth to king James, to entertain and divert him.

The fugitives return into Scotland. Melvil.

But all the danger was not over. James was ſurrounded with perſons who correſponded with the fugitives, and hindered him from providing for his ſafety. The fugitive lords were now entered Scotland, where they had drawn together 3000 men, and were marching directly to Sterling, where the king was returned, without any precaution taken at court to ſtop their proceedings. This negligence, cauſed by the traytors about the king's perſon, afforded the male-contents an opportunity to come to the gates of Sterling, where the king was ſo ſurpriſed, that he was forced to put himſelf into their hands; but the earl of Arran had time to eſcape. The male-contents having the king in their power, treated him with ſuch reſpect and ſubmiſſion, that they perſuaded him, at length, they were not his enemies, as they had been made to believe. He owned, he had been miſled by Arran's pernicious counſels, and conſented that the exiles ſhould be reſtored to their eſtates. By this revolution, Elizabeth had the ſatisfaction to ſee the king of Scotland guided by counſellors from whom ſhe had nothing to fear, whereas before, ſhe was under continual apprehenſions with reſpect to the affairs of that kingdom. Soon after, colonel Stuart going to Copenhagen, began there a treaty about the king's marriage with one of the princeſſes of Denmark.

Treaty about the king's marriage. Melvil.

In the interim, the affairs of the united provinces were in ſo dangerous a ſituation, that the ſtates could no longer hope to withſtand the king of Spain, unleſs they were ſtrongly aſſiſted. Henry III. having refuſed the ſovereignty offered him by the ſtates, they applied to Elizabeth, who alſo refuſed it, for fear of engaging in a very troubleſome affair. She perceived, the war, ſhe ſhould be obliged to wage with Spain, for the preſervation of this ſovereignty, would draw her into extraordinary charges, which ſhe ſhould not be at liberty to leſſen as ſhe pleaſed. She choſe rather, in purſuance of her ſcheme, to give the ſtates a powerful aid, and the king of Spain a diverſion, becauſe this aid might be increaſed or leſſened, according to the ſituation of her affairs. She made, therefore, a treaty with them, promiſing to find them 5000 Foot, and 1000 horſe, under the command of an Engliſh general. It was agreed, ſhe ſhould pay theſe troops during the war, on condition of being repaid at the end of the war, viz. in the firſt year of the peace, the expences advanced in the firſt year of the war, and the reſt in four years; that for ſecurity of payment, Fluſhing and Rammekins in Zealand, and the Briel in Holland, ſhould be delivered into her hands; that the governors, ſhe ſhould place there, ſhould exerciſe no authority over the inhabitants; that the money being repaid, theſe places ſhould be reſtored, not to the king of Spain, but to the ſtates; that the Engliſh general, and two others, whom ſhe ſhould name, ſhould have a place in the council of ſtate, and no peace or truce be made, without a mutual conſent; that if the queen ſhould ſend a fleet to ſea, the ſtates ſhould be obliged to join it with an equal number of ſhips, under the command of the

The Queen's treaty with the ſtates. Act. Pub.

Engliſh admiral; laſtly, that the ports ſhould be open and free to both nations.

The earl of Leiceſter is made general of the Engliſh troops. Act. Pub.

This treaty being concluded, the queen appointed for general of her auxiliary forces, the earl of Leiceſter, for whom ſhe had ever a great affection; but he came not into Flanders till about the end of the year. Some time after, ſhe publiſhed a manifeſto, wherein ſhe alledges as a reaſon for her aiding the confederate provinces, that the alliance between the kings of England, and the princes of the Netherlands, was not ſo much between their perſons, as between their reſpective ſtates. Whence ſhe inferred, that, without breach of this alliance, ſhe might aſſiſt the inhabitants of the Low-Countries, oppreſſed by the Spaniards.

She ſends a fleet into America againſt the Spaniards. Camden.

In the interim, as ſhe judged this reaſon would not be ſatisfactory to the king of Spain, and that he would, doubtleſs, conſider this extraordinary aid given his rebellious ſubjects, as a declaration of war, ſhe reſolved to prevent him. To that purpoſe, ſhe equipped a fleet of 21 ſail, whereon were embarqued, 2300 ſoldiers, beſides mariners, to carry war into America, where the Spaniards little expected any ſuch thing. The fleet was commanded by the earl of Carliſle, who had under him the famous Sir Francis Drake. The Engliſh immediately took St. Jago, one of the iſles of Cape Verd. After that, they ſailed to St. Domingo, or Hiſpaniola, and became maſters of the capital. Having ſpent there all January, of the year 1586, they went and took Carthagena. Then they burnt the towns of St. Antonio, and St. Helena in Florida. A violent ſtorm diſperſing the fleet, as they were going upon new expeditions, they joined not again till they came into England[*], where they brought a booty valued at 60,000 l. ſterling; but in this expedition 700 men periſhed.

Davis's ſtreight in the north. Camden.

At the ſame time, John Davis, an Engliſhman, went in ſearch of a ſhorter paſſage, through the north of America, to the Eaſt-Indies. The ice preventing his paſſage, he long roved on the northern ſeas, and accidentally diſcovered a ſtreight, under the polar circle, which ſtill bears his name, but was not what he ſought.

The affairs of France. P. Daniel.

Before I leave the year 1585, it will be neceſſary to relate what paſſed in France. After the duke of Guiſe had concluded his treaty with the king of Spain, he tried all ways to corrupt the French, and gain them to his party. His view was to ſeiſe the crown, either before or after Henry III's death. He could not expect, that the king, who hated him mortally, would countenance his deſign; and on the other hand, he had no manner of colour to aſpire to the crown, except his pretended deſcent from the houſe of Charles the Great. And even in that caſe, the duke of Lorrain, head of that houſe, would have been before him. To aſſert, therefore, ſo extraordinary a title, the people's affection, and a religious zeal, were to ſupply all defects, otherwiſe, there was not the leaſt appearance, that, in cold blood, the French ſhould ſet on the throne, after the king's death, a foreign prince, in prejudice of the king of Navarre, who was deſcended from St. Lewis. To accompliſh his project, the duke of Guiſe began, by means of his emiſſaries, to diſparage the king, as a favourer of hereticks, and to rouze the zeal of the Catholicks againſt the Huguenots, and particularly againſt the king of Navarre, and the prince of Conde, who profeſſed the reformed religion, after a publick abjuration. In the interim, as the duke of Guiſe did not think proper to diſcover his deſigns, he publiſhed a manifeſto in the cardinal de Bourbon's name, wherein he pretended to demonſtrate, that the crown belonged to the cardinal after the king's death. Not that he deſired to place him on the throne; but it was ſufficient, firſt, to ſet aſide the king of Navarre. That done, under colour of hindering the throne from being filled with a heretick, he poſſeſſed himſelf of ſeveral places, pretending however, it was for the king's ſervice, and the good of the realm.

Mezerai.

The life led by the king for ſome time, cauſed him to forfeit the eſteem of moſt of his ſubjects. The duke of Guiſe's intrigues, who repreſented him as a favourer of hereticks, becauſe he ſupported the houſe of Bourbon's title, helped alſo to alienate the people from him. In ſhort, the court of Rome, the clergy, the friers, were for the duke of Guiſe, and ſerved him to the utmoſt of their power. So, the king, being unable to reſiſt, was forced to forſake the king of Navarre, publiſh an edict againſt the Huguenots, and join with the duke in their extirpation; nay, he had the vexation to be obliged to give him the command of the army.

Elizabeth aids the Huguenots. Thuanus.

The king of Navarre, and the Huguenots, finding themſelves thus attacked, aſſembled all their forces in their abſence. But theſe forces were ſo inconſiderable, in compariſon of their enemies, that there was no likelihood of withſtanding them long. The prince of Conde, attempting to relieve the caſtle of Angers, which was beſieged, was ſuddenly ſurrounded by enemies, and forced to ſteal away from his army, and fly into England. Elizabeth received him very civilly, and as ſhe knew the enemies of the Huguenots were alſo hers, promiſed to aſſiſt him. It was not without reaſon that ſhe concerned herſelf with the affairs of the Huguenots, ſince the league was not limited to their deſtruction, but aimed at the ruin of the Proteſtant religion throughout Europe, and eſpecially in England. Of this had been ſeen a very ſenſible proof this ſame year. Gregory XIII. dying in April, Sixtus V, his ſucceſſor, thundered immediately the cenſures

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[*] Keeping on their courſe along a deſolate coaſt, they lighted upon ſome Engliſhmen, who had planted themſelves in Virginia, ſo named in honour of the virgin queen Elizabeth; and whom Sir Walter Raleigh had, in April this year, carried over thither for a colony. Ralph Lane, one of them, came home with Drake, and was the firſt that brought tobacco into England. Camden. Tobacco was ſo named from the iſland Tobago, one of the Caribbee Iſlands, where it plentifully grows.

1585.

of the church againſt the king of Navarre, and the prince of Conde, calling them not only hereticks and relapſes, but alſo a baſtard progeny. Hence it was eaſy to ſee, how much the pope countenanced the duke of Guiſe's deſign, and the queen of England might infer, how great reaſon ſhe had to fear, if this duke ſhould one day become king of France, being ſupported by the pope, and the Spaniards. Upon this account it was, ſhe ſupplied the prince of Conde with 50,000 crowns; to aſſiſt him in maintaining the war, and lent him ten ſhips, with which he raiſed the blockade of Rochelle.

1586. Elizabeth complains of the authority given by the ſtates to the earl of Leiceſter. Camden.

The earl of Leiceſter being arrived in Holland the beginning of the year 1586, was received as a guardian angel. The ſtates, under colour of expreſſing their gratitude to Elizabeth, declared him governor, and captain-general of Holland, Zealand, and the united provinces, and inveſted him with almoſt an abſolute power. Very probably, their view was to engage the queen farther than ſhe intended. She had refuſed the offered ſovereignty, and it was deſigned to give it her in ſome meaſure, whether ſhe would or no, by inveſting her general with almoſt a ſovereign authority. But Elizabeth was too wiſe to be enſnared by this artifice. She ſharply complained to the ſtates of this ſort of deceit, and gave withal the earl of Leiceſter a ſevere reprimand, for accepting the honour, without having firſt conſulted her. She told him, he had acted directly contrary to her intention, ſince ſhe had publickly declared in her manifeſto, that ſhe was very ready to relieve her diſtreſſed neighbours, but never meant to aſſume any power over them. The ſtates excuſed themſelves, by ſaying, the neceſſity of their affairs had obliged them to confer ſuch an authority on the earl of Leiceſter, that he might be the better able to heal their diviſions, which put them in continual danger of periſhing; that they could not revoke the authority granted to her general, without great inconveniences, and had not, however diveſted themſelves of the ſupreme power. The earl of Leiceſter appeaſed the queen by his ſubmiſſions. In fine, ſhe conſented the patent ſhould ſubſiſt; but intimated to the ſtates, they vainly hoped to induce her to accept of the ſovereignty of their country, and that her intention was to keep within the bounds ſhe had preſcribed to herſelf, that is, not to be obliged to aſſiſt them any farther than her affairs would permit.

The earl of Leiceſter's ambitious projects. Speed.

The earl of Leiceſter, a man of great pride and ambition, was no ſooner clothed with this exhorbitant power, than he began ſecretly to form projects, deſtructive of the liberties of the country he was come to defend; at leaſt, this is what all the Dutch hiſtorians tax him with. They pretend, his deſign was to render himſelf ſovereign or perpetual dictator of the provinces, with whoſe government he had been intruſted. He made uſe of ſuch means, as bred an univerſal diſcontent againſt him. In ſhort after a campaign, wherein he performed no great exploits, he returned to England, to take proper meaſures to facilitate the execution of his projects, and, probably, to perſuade the queen to ſupport him.

1586.

Elizabeth propoſes a league with Scotland. Camden.

Whilſt France and the Netherlands were in commotion, Elizabeth wiſely provided for her own and her people's ſecurity. This ſhe did not only by aſſiſting the Huguenots and the confederate provinces, but alſo by preventing the dangers which might come from Scotland, in caſe the king of Spain and duke of Guiſe ſhould be ever able to invade her. The preſent juncture was very favourable. The king of Scotland had about him only men well-affected to the reformed religion, and the intereſt of England. This opportunity, therefore, was not to be neglected, of ſtrictly uniting the two kingdoms; this union being of the utmoſt conſequence to Elizabeth. Accordingly ſhe diſpatched Randolph to king James, to repreſent to him, that the enemies of the Proteſtant religion openly joining together for its deſtruction, it was the intereſt of the Proteſtant ſtates to unite alſo for their common defence. That England and Scotland were the bulwarks of the true religion, and the union of the forces the only poſſible means to preſerve it; that, therefore, ſhe thought it their common intereſt to join in a league for the defence of their religion, againſt all who ſhould attempt to deſtroy it, at leaſt, in England and Scotland. The better to perſuade the king to do what the queen deſired, Randolph told him, that as his revenues were extremely diminiſhed, by reaſon of the troubles which had ſo long afflicted his kingdom, the queen was willing to grant him a penſion to aſſiſt him in ſupporting his dignity. James readily conſented to what was propoſed to him, but on condition, nothing ſhould be done in England in prejudice to his right to the crown of that kingdom, and this article, with that of the penſion, be inſerted in the treaty. Randolph anſwered, he did not believe that would be poſſible. As to the penſion, he ſaid, if it was put into the treaty, the queen would ſeem to be tributary to Scotland, to which ſhe would never agree. As to the article of the ſucceſſion, the queen could not ſettle it by a publick treaty, without the concurrence of the parliament, and the diſcuſſion of ſuch an affair might retard the treaty too long, and, perhaps, give birth to great difficulties, becauſe of the queen his mother's religion; but he did not queſtion, Elizabeth would be very willing to ſatisfy him in thoſe two points, by means of two ſecret articles. James being contented with this expedient, Deſneval, the French ambaſſador, did all that lay in his power to diſſuade him from this league. He told him, that Elizabeth's view was only to ſecure herſelf from the attacks of thoſe who were combined for the deliverance of queen Mary. That it was a ſtrange thing he ſhould think of uniting with a queen, who kept his mother in priſon, againſt thoſe who were labouring to free her from captivity; adding, that the king, his maſter, could not conſider this league as an expreſs breach of the antient alliance between France and Scotland. James anſwered, that the queen his mother's miſfortunes proceeded wholly from her own friends, who, under colour of ſerving her, only aimed at executing their projects; that, as to the alliance between France and Scotland, he did not ſee wherein he ſhould violate it, ſince France pretended not to break it, when, without ſignifying it to him, ſhe made a league defenſive with England.

James having reſolved upon what the queen deſired, the plenipotentiaries of the two kingdoms met at Berwick, and ſigned a treaty of alliance and ſtricter amity between the two crowns.

A treaty of league between Elizabeth and James. Act. Pub.

The motive of the treaty was, that whereas the princes, who called themſelves Catholicks, were entered into leagues for extirpating the Proteſtant religion, not only in their own dominions, but alſo in foreign countries, it was neceſſary, the Proteſtants ſhould unite for its defence; that, therefore, the queen of England and king of Scotland did agree upon the following articles.

I. By this treaty, they ſhould be obliged to to defend the evangelical religion againſt all thoſe who ſhall attack it in either kingdom.

II. This league ſhall be offenſive and defenſive againſt thoſe who ſhall hinder the free exerciſe of the ſaid religion in either of the two kingdoms, all other treaties and alliances to the contrary notwithſtanding.

III. If one of the two parties be invaded, the other ſhall not directly or indirectly aſſiſt the invader, notwithſtanding any alliance or treaty formerly entered into.

IV. If England be invaded in any parts remote from Scotland, the king of Scotland ſhall find the queen of England 2000 horſe and 5000 foot, at the queen's charges, from the day of their entering England; and in the like caſe, the queen ſhall ſend the king of Scotland 6000 foot and 3000 horſe.

V. If England be invaded in any place within 60 miles of Scotland, the king of Scotland ſhall draw together all forces, and join the ſame with the queen's, in order to purſue the invaders for the ſpace of 30 days together, or if neceſſity require, for ſo long time as the vaſſals of Scotland are bound to furniſh the king with troops for the defence of the kingdom.

VI. If Ireland be invaded, the king of Scotland ſhall hinder the inhabitants of the county of Argyle from entering in a hoſtile manner into that kingdom.

VII. The king and queen ſhall mutually deliver all rebels, who ſhall have attempted any thing aganiſt either of the two kingdoms, or, at leaſt, they ſhall compel them to retire from their dominions.

VIII. Within ſix months, commiſſioners ſhall be ſent to compound and adjuſt all differences, which have happened on the borders between the two nations.

IX. Neither of the two princes ſhall make any treaty, to the prejudice of the articles of this preſent league, without the conſent of of the other.

X. This treaty ſhall be ratified on both ſides by letters-patents.

XI. This preſent treaty ſhall in no way derogate from former treaties between the two kingdoms, or from thoſe before made by the two crowns with any princes or ſtates, what relates to religion excepted. As to the article concerning religion, it is agreed, this alliance and league offenſive and defenſive ſhall remain firm and inviolate.

XII. The treaties ſhall be confirmed by the ſtates of Scotland, as ſoon as the king ſhall attain to the age of 25 years; and in like manner, the queen ſhall cauſe it to be approved by the parliaments of England and Ireland.

A remark on Camden's Annals.

Soon after the concluſion of this league, a conſpiracy was diſcovered in Engand, which coſt the queen of Scots her life. As this is one of the moſt important events of queen Elizabeth's reign, it will be neceſſary to relate all the particulars. But it is a ſad thing, theſe particulars muſt be taken from the Annals of Elizabeth, written by Camden, a very ſuſpicious author with reſpect to the queen of Scots. In all the former reigns, there is no remarkable event but what is traced, and in ſome meaſure cleared in the Collection of the Publick Acts; but as to this, all the acts relating to queen Mary are utterly deſtroyed*. On the other hand, James I, ſon to Mary, ſucceeding Elizabeth, there was not an Engliſhman who dared to write in his reign the truth of what paſſed in the former, whilſt the memory of it was yet freſh. Camden was the only perſon that undertook to publiſh the Annals of queen Elizabeth's reign, not ſo much to make known, as to diſguiſe, the events, as far as they concerned queen Mary, and to give an air of innocence to whatever ſullied her reputation when alive. This evidently appears in his account of king Henry Stuart's murder, which has given occaſion to preſume, he has been no faithfuller in what he ſays of Mary's tryal and death. He affirms however, heh as followed the Memoirs of Edward Barker, principal regiſter to the queen, of Thomas Wheeler, publick-notary, cryer of the court of Canterbury, and other perſons of credit whom he does not name. I do not know whether the Memoirs he ſpeaks of were ever publiſhed, or are ſtill extant. Be this as it will, from Camden's Annals the following account is taken, for want of a more impartial hiſtorian.

A conſpiracy againſt the queen. Camden.

William Gifford, doctor of divinity, in the ſeminary at Rheims, Gilbert Gifford and Hodgeſon, Engliſh prieſts, had inſtilled into one John Savage, their countryman, that it would be a meritorious act to kill Elizabeth, and cauſed him to vow it during the Eaſter-Holidays this year, 1586. At the ſame time, Ballard an Engliſh prieſt of that ſeminary, who had been in England, notwithſtanding the prohibition, returned into France, where he had ſeveral conferences with Mendoza and the lord Paget, how to invade England. As the chief end of the conſpiracy was to reſtore the Catholick religion in England, the point was not only to make away Elizabeth, but forces alſo were to be ready to deliver Mary, and ſet her on the throne of England. Theſe two projects could not be ſeparated. Ballard was accompanied by one Maud, whom he thought a friend, but who was, however, ſecretary Walſingham's ſpy.

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* Mr Rapin, in his account of Rymer's Fœd. ſuſpects, that king James I. ordered the archives to be cleared of every act relating to the queen, his mother, on purpoſe to deprive poſterity as far as poſſible of the knowledge of her affairs. Acta Reg.

Camden.

About Whitſuntide, Ballard was ſent back into England by the conſpirators, to gain proper perſons to facilitate the execution of the project. They told him, he would meet at London with a young gentleman called Anthony Babington, whom he might truſt. This Babington, who was a zealous Catholick, having been lately in France, was gained there by the biſhop of Glaſcow, Mary's ambaſſador, and by Morgan, an Engliſh fugitive. He was ſo prepoſſeſſed in favour of the queen of Scots, that he was thought qualified for any enterpriſe, and for that reaſon had been recommended to Mary without his knowledge. So, upon his return to England, ſhe wrote to him, and from that time he was employed to convey to her the letters which came from France, till ſhe was committed to the cuſtody of Sir Amias Powlet, and Sir Drue Drury. Then Babington, fearing the watchfulneſs of theſe new keepers, would have nothing more to do with the letters, either to or from her.

Ballard, when he came to England, ſaw Babington, and imparted to him the deſign to invade England, free the queen of Scots, and ſet her on the throne. Babington anſwered he very much doubted the poſſibility of executing this project ſo long as Elizabeth lived. Whereupon Ballard accquainted him alſo with Savage's vow; to which Babington replied, it was to hazardous to commit the execution of ſuch a deſign to a ſingle perſon; that there ſhould be ſix at leaſt, and Savage, not to break his vow, might be one of the number. Then they conferred together how a foreign army might be brought into the kingdom, otherwiſe they judged, the death of Elizabeth would ſignify nothing.

Mary's letter to Babington. Camden.

A few days after, Babington received, by an unknown hand, a letter, in cypher, from the queen of Scots, blaming him for his ſilence, and deſiring him to ſend her the packet of letters come from Morgan, and delivered by the French ambaſſador's ſecretary. Babington returned an anſwer, and after excuſing his ſilence, by reaſon of his fear of Powlet's and Drury's great watchfulneſs, imparted to her the plot he had laid with Ballard. In a ſecond letter from Mary, of the 27th of July, ſhe highly commended his zeal for the Catholick religion, but adviſes him to attempt nothing till he was ſure of foreign aſſiſtance. Beſides this, ſhe preſcribed ſeveral things for executing the project, as to ſend privately for the earl of Weſtmoreland, and the lord Paget. She chalked out the way for her deliverance, and charged him to promiſe, in her name, a good reward to the ſix perſons.

Five others ingage to kill the queen. Camden.

In the interim, Babington had gained ſome other perſons, among whom was Polly, Walſingham's ſpy, who by his means was daily informed of what paſſed among the conſpirators. He learnt from him, that the ſix who had engaged to aſſaſſinate the queen, were Savage, Tilney, Charnock, Abington, Tichbourn, and Barnwel, and that they were all ſix drawn in one picture, with Babington in the middle, and a certain motto obſcurely ſignifying their deſign; nay, he found means to ſhew this picture to the queen, who knew only Barnwel. She retained, however, the idea of their faces ſo well, that walking abroad a little after, and ſeeing Barnwel, ſhe looked ſtedfaſtly on him, and then turning to the captain of the guard, ſaid, "Am not I fairly guarded, that have not a man in my company that wears a ſword?"

Babington was ſo impatient to ſee the foreign ſuccours ready to depart for England, that he gave Ballard money, who had undertaken to go into France and haſten them. But as it was not eaſy to procure paſſ-ports, Babington found means to be introduced to ſecretary Walſingham, who, knowing what he was, received him very civilly, and expreſſed a great value for him. Encouraged by this kind reception, he deſired a paſſ-port for himſelf, and another for Ballard, under a counterfeit name, and affirmed, that by means of his friends at Paris, he ſhould diſcover many ſecrets concerning the queen of Scots. Walſingham commended his zeal, and promiſed him a good reward, if he did the queen any conſiderable ſervice. He put him likewiſe in hopes of the paſſ-ports he deſired.

Gifford diſcovers all to Walſingham. Camden.

Polly was not the only perſon from whom Walſingham learnt the ſecrets of the conſpiracy. Gilbert Gifford, who had been employed to corrupt Savage, being ſent into England, to confirm the villain in his reſolution, ſerved at the ſame time to convey letters to the queen of Scots, and ſend back her anſwers. To make tryal of his fidelity, ſeveral blank papers, made up like letters, were ſent at firſt, and as it was known by the anſwers, that they were delivered, he was employed without ſcruple. Some time after, Gifford, whether ſtruck with remorſe, or allured with the hopes of reward, came to Walſingham, and informed him of all he knew. The ſecretary received him very kindly, and promiſed to uſe his intereſt for him with the queen, and procure him a good reward; then inſtructing him how to behave, he ſent him to the place where the queen of Scots was kept, with a letter to Sir Amias Powlet, deſiring him to connive at the bearer's corrupting one of his ſervants to deliver letters to the queen of Scotland, and bring back her anſwers; but Powlet would not ſuffer any of his domeſticks to be concerned in ſuch an intrigue. He only hinted at a certain brewer, whom he thought fit for the purpoſe, and who, indeed, ſuffered himſelf to be corrupted. By this means, Gifford conveyed to the captive queen, letters, whereof Walſingham had taken copies, and received her anſwers, which were ſerved in the ſame manner; at length, when the court was ſufficiently inſtructed, Ballard was apprehended, under colour, that being a popiſh prieſt, he had entered the kingdom without a licenſe. At this news, Babington was in the utmoſt conſternation. He recovered, however, out of his fright, as it did not appear, that Ballard was arreſted for the conſpiracy, and nothing was ſaid at court, intimating the diſcovery of the plot. He reſolved, therefore, to try to ſave Ballard, and to that end, repreſented to Walſingham, that he would be of great ſervice to him in France, to diſcover the ſecret practices of the queen of Scots, and intreated him for his releaſe. Walſingham laid the blame of Ballard's being arreſted, upon the watchfulneſs of the ſpies, employed to diſcover the Popiſh prieſts and Jeſuits. He promiſed to endeavour to procure his releaſe, and fed him with hopes that the paſs-ports would be ready very ſoon. In the interim, he ſo managed, that Babington was narrowly watched. In ſhort, Babington, and all the reſt of the conſpirators were ſeiſed at the ſame time, and being ſeverally examined, impeached one another, and diſcovered the whole plot.

It is very likely, as I ſaid, that queen Elizabeth's council had reſolved, on the firſt pretence, to put the queen of Scots to death. Her life continually endangered Elizabeth's, and of this there was but too much reaſon to be convinced, by the late diſcoveries. So this opportunity was embraced. Great care was taken to hinder her being informed of the taking of the conſpirators, and Sir Thomas Gorges, an officer, was ſent to acquaint her with it, who ſurpriſed her with the news, juſt as ſhe had taken horſe to ride a hunting. She would have returned to her apartment, but was not permitted, till ſuch time as all her papers were ſeiſed and ſent to court. Naue and Curle, her ſecretaries, the one a Frenchman, the other a Scot, were apprehended at the ſame time, and without being ſuffered to ſpeak with her, conducted to London. But to have ſtill more convincing proofs againſt her, a method was uſed, which ſucceeded according to expectation. Gifford having revealed, that he had delivered to the French ambaſſador, ſeveral papers of moment concerning the queen of Scots, a falſe action, no way relating to the conſpiracy, was brought againſt him, for which he was baniſhed the realm. Before his departure, he waited on the ambaſſador, and acquainting him with the ſentence paſſed upon him, left a paper cut after a certain manner, and charged him to deliver the queen of Scots papers, to him only, that ſhould produce the counterpart, which counter-part he gave to Walſingham, who by that means came at every thing the ambaſſador had in his hands.

The conſpirators are executed. Camden.

The court being thus ſufficiently informed of all the circumſtances of the plot, 14 of the conſpirators were arraigned, who received ſentence of death, and confeſſed all. Care was taken before their execution, to record all their confeſſions. Naue and Curle, Mary's ſecretaries, being examined, confeſſed they had wrote in cypher, the letters found in the queen their miſtreſs's cabinet, or intercepted by Gifford's means. Camden inſinuates here, that Curle was bribed by Walſingham with the promiſe of a reward, which he afterwards refuſed to perform. However this be, Sir Edward Wotton was ſent to the court of France, with authentick copies, atteſted by ſeveral lords, of the queen of Scots letters, that he might ſhew them to the king. Probably, theſe letters diſcovered how far Mary was concerned in the plot, and her correſpondence with the king of Spain, and the duke of Guiſe.

The court is determined to try Mary. Camden.

At laſt, the reſolution being taken of trying and condemning queen Mary, as the prime cauſe of the dangers to which Elizabeth was continually expoſed, it was debated, on what ſtatute ſhe ſhould be proceeded againſt; but there was only one that could ſerve for that purpoſe, viz. the act paſſed the laſt year, which concerned her in particular. It was ſo uncommon a caſe, to try a foreign queen, who was come not armed into the kingdom, but to ſeek for refuge as a ſupplicant, that it would have been in vain to ſearch, in all the antient ſtatutes, after any thing to ſerve for ground to ſuch a proceeding. This gives occaſion to preſume, when this act was made the laſt year, the queen of Scots death was already determined, and this ſtatute was to ſerve for foundation to her ſentence. Some, however, pretend, the intent of this act was only to keep her in awe, and let her ſee what ſhe was to expect, if ſhe continued her practices, and that it was her own fault if ſhe did not make a good uſe of this warning: Wherefore, in vertue of this act, Elizabeth, by letters patents under the great ſeal, appointed 42 commiſſioners, with whom ſhe joined five judges of the realm, to try the queen of Scots. Some days before, certain lords, as well privy-counſellors as others, fell on their knees, and beſought her to take pity on herſelf, the whole nation, and all their poſterity, by puniſhing the queen of Scots. It muſt be obſerved, that throughout this whole affair, Elizabeth always pretended to act with regret, and from the neceſſity ſhe was under of ſaving her people, whom ſhe beheld in extreme danger; ſo, the proceeding of theſe lords agreed with her deſigns. The queen's commiſſion ran in this manner:

The queen's commiſſion. Camden.

“ Elizabeth, by the grace of God, of England, France and Ireland, queen, defender of the faith, &c. to the moſt reverend father in Chriſt, John, archbiſhop of Canterbury, primate and metropolitan of all England, and one of our privy-council; and to our truſty and well-beloved Sir Thomas Bromley, knight, chancellor of England, and, &c. greeting.

“ Whereas by an act of parliament held in the 26th year of our reign, it was enacted thus, &c.

Here was inſerted the act mentioned under the laſt year.

“ And whereas ſince the firſt day of June, in the 27th year of our reign, divers matters have been compaſſed and imagined,

“ tending to the hurt of our royal perſon, as well by Mary, daughter and heir of James V, king of Scotland, and commonly called queen of Scots, and dowager of France, pretending title to the crown of this realm of England, as by divers other perſons, with the privity of the ſame Mary, as we are given to underſtand: And whereas we do intend and determine, that the act aforeſaid be in all and every part thereof duly and effectually executed, according to the tenor of the ſame, and that all offences aboveſaid in the act aboveſaid mentioned, as aforeſaid, and the circumſtances of the ſame be examined, and ſentence or judgment thereupon given, according to the tenor and effect of the ſaid act. To you, and the greater part of you, we do give full and abſolute power, faculty, and authority, according to the tenor of the ſaid act, to examine all and ſingular matters compaſſed and imagined, tending to the hurt of our royal perſon, as well by the aforeſaid Mary, as by any other perſon or perſons whatſoever, with the privity of the ſame Mary, and all circumſtances of the ſame and all other offences aboveſaid, in the act aboveſaid, as aforeſaid, mentioned, and all circumſtances of the ſame, and of every of them; and thereupon, according to the tenor of the act aforeſaid, to give ſentence or judgment, as upon good proof of the matter ſhall appear to you. And, therefore, we do command you, that you at certain days and places, which you, or the greater part of you, ſhall thereunto fore-appoint, diligently proceed upon the premiſſes in form aforeſaid, &c.

A remark on the judges.

It muſt be obſerved, that among the commiſſioners were the lord treaſurer Burleigh, and ſecretary Walſingham, both Elizabeth's moſt truſty miniſters, known enemies to the queen of Scots, and, probably, authors and promoters of the reſolution to bring her to a tryal. As it was hard to believe, that Elizabeth had taken ſuch a reſolution without imparting it to her miniſters and council, and without her council's approbation, it ſhould ſeem ſhe ought not to have appointed her miniſters and privy-counſellors for Mary's judges. But on the other hand, as ſhe was willing to be ſure of the ſucceſs of the tryal, ſhe had a mind, doubtleſs, that perſons of ſo great weight as miniſters and privy-counſellors, ſhould be ready to turn the ſcale, in caſe of oppoſition from the other judges.

The commiſſion is notified to Mary. Camden.

Thirty-ſix of the commiſſioners meeting the 11th of October, at Fotheringhay-caſtle, in the county of Northampton, where the queen of Scots was then in cuſtody, ſent her queen Elizabeth's letter, which when ſhe had read, ſhe anſwered, “ ſhe was ſorry the queen, her ſiſter, was miſinformed of her. That ſhe had ever thought, the aſſociation, and the ſubſequent act of parliament, aimed wholly at her, and that ſhe ſhould bear the blame of whatever was contrived in foreign countries. That it was very ſtrange, the queen of England ſhould conſider her as a ſubject, and command her to ſubmit to a tryal. That ſhe was a ſovereign queen, and would do nothing prejudicial to royal majeſty, to herſelf, or the king, her ſon. That beſides, the laws and ſtatutes of England were unknown to her, and who were her peers ſhe could not tell. That ſhe was deſtitute of counſellors, and all her papers were taken from her. That ſhe had ſtirred up no man againſt Elizabeth, nor committed any crime. That ſhe was not to be charged but upon her own words or writings, and ſhe was ſure nothing criminal could be produced againſt her, except the recommending her cauſe to foreign princes, which ſhe did not pretend to deny.”

She refuſes to anſwer.

On the morrow, the commiſſioners ſent her a copy of her anſwer, and after it was read to her, ſhe ſaid, “ it was rightly taken, but ſhe had forgot one very material thing, viz. that it was ſaid in Elizabeth's letters, ſhe was ſubject to the laws of England, becauſe ſhe had long lived under their protection, but all the world knew, ſhe came into England to crave the aſſiſtance of the queen, her ſiſter, and had been ever ſince detained in priſon; and, therefore, had not enjoyed the protection of the laws, nay, had not been able to underſtand what manner of laws they were.”

Hatton perſuades her to plead. Camden.

To be ſhort, ſhe diſputed two whole days the authority of the judges, and would not own, that in any caſe Elizabeth had other juriſdiction over her, than what was uſurped by force; nay, ſhe perſiſted in it, after ſhe was threatened to be ſentenced for non-appearance, as an abſent perſon; but, at laſt, Hatton, one of the commiſſioners, made a ſpeech to her which ſhook her reſolution. He told her, “ that indeed ſhe was accuſed, but not condemned; that if ſhe were innocent, ſhe injured her reputation extremely in avoiding a tryal; that the queen would be very glad nothing could be proved againſt her, as he heard her ſay himſelf, when he took his leave of her.”

Had Mary been proved with council, ſhe would, doubtleſs, have been told that Hatton's ſpeech tended only to inſnare her, and engage her to anſwer that ſhe might be condemned by a peremptory ſentence. If ſhe had perſiſted in her refuſal, Elizabeth would have been, perhaps, greatly embarraſſed. Tho' ſhe was reſolved to put her to death, ſhe wiſhed, however, that the publick was convinced of the juſtice of the thing, in order to avoid part of the blame of ſo rigorous a proceeding; but a ſentence given upon non-appearance would not have produced this effect, ſince it could not be denied, that the refuſing to plead was founded upon very good reaſons. Mary ſtood out, however, till the 14th of October, when ſending for ſome of the commiſſioners, ſhe told them, Hatton's arguments had convinced her of the neceſſity to make her innocence appear; adding, ſhe conſented, therefore, to anſwer before them, provided her proteſtation were admitted; to which the commiſſioners agreed, without approving, however, the reaſons on which it was grounded.

A continuation of Mary's tryal. Camden

Preſently after, the judges met in the hall of the caſtle, to the number of 36, and the queen came to the ſame place *. When they were ſeated, the chancellor turning to Mary, ſaid, "She was accuſed of conſpiring the deſtruction of the queen, the realm of England, and the Proteſtant religion, and they were commiſſioned to examine the truth of the accuſation, and to hear her anſwer." The chancellor having done ſpeaking, the queen roſe up and ſaid, "That ſhe came into England to crave the aid which had been promiſed her; that ſhe was a queen, and no ſubject of Elizabeth, and if ſhe appeared before them, it was only to ſecure her honour and reputation." The chancellor would not own that any aid had been promiſed her. As to the proteſtation, he anſwered, "it was in vain, ſince the law upon which the accuſation was grounded, allowed of no diſtinction in the perſons of the tranſgreſſors, and, therefore, it was not to be admitted." The court ordered, however, that the proteſtation ſhould be recorded, with the chancellor's anſwer.

This done, the attorney-general read to her aloud the commiſſion, with the act of parliament, and after an account of Babington's plot, concluded, that Mary had broken the act, becauſe ſhe knew of the conſpiracy, and even ſhewed the ways and means to effect it. She anſwered, "ſhe knew not Babington, or ever received any letters from him, or wrote any to him. She never plotted the queen's deſtruction, and to prove any ſuch thing, letters under her own hand ought to be produced, which was impoſſible. She knew not Ballard, nor ever heard of him, and, in a word, being a priſoner, ſhe could not hinder the plots of others."

Whereupon the copies of Babington's letters to her were read, containing all the circumſtances of the conſpiracy. It ſhould ſeem, ſince her papers were ſeiſed, Babington's original letters might have been produced. But as, probably, ſhe had burnt them, only the copies could be uſed, which Walſingham took when he had the originals in his hands. To this Mary anſwered, "Babington might poſſibly write theſe letters, and, therefore, the point was not, to know whether he wrote them or not, but whether ſhe received them." To prove this, there was read Babington's confeſſion, before his execution, wherein he ſaid, he had ſent ſeveral letters to the queen of Scots, and received ſeveral from her. After that, were read the copies of certain letters, in cypher, from Mary to Babington, which he had received, where mention was made of the earls of Arundel and Northumberland. Then the queen with tears in her eyes, ſaid aloud, "Alas! what has the noble houſe of the Howards endured for my ſake!" She added, "that Babington might write what he pleaſed; that as for her own letters, in cypher, which were produced, ſhe knew nothing of them, and it was very eaſy for her enemies to get her cyphers, and write forged letters in her name; that, in ſhort, the letters were not her hand-writing; and beſides, it was not likely, that to execute the deſign ſhe was charged with, ſhe ſhould employ the earl of Arundel, who was priſoner in the tower, or the earl of Northumberland, who was very young, and to her entirely unknown."

There were alſo read Savage's and Ballard's confeſſions, which ran, that Babington communicated to them ſeveral letters, which he had received from the queen of Scots. To this ſhe anſwered, with a proteſtation, that Babington never received any from her.

Before I proceed, I ſhall here make two or three ſhort remarks. Firſt, it is ſurpriſing that Babington, Savage, and Ballard ſhould be executed before the queen of Scots tryal, ſince their teſtimony was uſed againſt her. In the next place, hitherto, the whole evidence conſiſted only in Babington's confeſſion, that he had received letters from the queen of Scots; but as he was dead, it could not be proved that theſe were the ſame letters that were read, which too were only copies of letters decyphered. My third remark is, that tho' Mary proteſted, ſhe never received any letters from Babington, nor wrote any to him, Camden muſt have been ſatisfied of the contrary, ſince in his account of the conſpiracy, he ſpeaks of a correſpondence, by letters between Mary and Babington, as a thing certain. This is farther confirmed by a little book, entitled, The Hiſtory of the Martyrdom of the queen of Scots, printed at Paris, in 1589, where the author, tho' a great friend of queen Mary, does not deny that ſhe held a correſpondence with Babington †.

After this were produced ſeveral letters in cypher from the queen of Scots, wherein ſhe approved of the conſpiracy. Theſe were, probably, the letters, Walſingham intercepted by Gifford's means, or thoſe he artfully drew out of the hands of the French ambaſſador. The queen anſwered, ſhe wrote not thoſe letters, and, probably, they were forged by her alphabet of cyphers in France, and accuſed Walſingham of doing it, who ſo cleared himſelf, as ſhe ſeemed ſatisfied with his anſwer. But to prove that ſhe wrote them, the confeſſions of Naue and Curle, her ſecretaries were produced, who owned they wrote them by her order.

This is all that paſſed in the firſt ſeſſion, the 14th of October. In the afternoon were read the copies of the letters received by Mary, concerning the conference at Paris, be-

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* Thuanus obſerves, that ſome of theſe commiſſioners were Papiſts.

† Thuanus alſo affirms, that Babington and Ballard confeſſed, and their intercepted letters confirmed the ſame, that Mary was informed of the conſpiracy, and the deſign of deſtroying queen Elizabeth was undertaken for her ſake, and upon her account. And the continuator of Hollingſhead ſays, that the conſpirators owned, the Scotiſh queen to be the principal comforter, director, and embracer of their treaſons.

tween Ballard, Paget, and Mendoza, for invading England, and it was proved by the teſtimony of Curle, her ſecretary, that ſhe had received them. She anſwered, this did not prove her intention to kill the queen. It is proper to obſerve here, ſhe was accuſed of three things; of conſpiring the queen's death; of procuring England to be invaded; and of contriving the deſtruction of the Proteſtant religion. She conſidered the firſt, as the principal, to which ſhe was very ready to anſwer, well knowing ſhe could not, without great injuſtice, be condemned for the other two. In anſwer to the proofs taken from the teſtimony of her ſecretaries, ſhe ſaid, "She believed Curle, the Scot, to be an honeſt man, but had not the ſame opinion of Naue, the Frenchman, who might poſſibly be corrupted; beſides, he abuſed Curle's eaſineſs in ſuch a manner, that he made him write what he pleaſed. In a word, her ſecretaries might inſert in her letters, things which ſhe never dictated; and, therefore, ſhe ought to be convicted only by her own hand-writing, and not by that of her ſecretaries, who would aſſuredly clear her if they were preſent."

Remark on the proceedings.

It cannot be denied that this proceeding was very irregular; firſt, becauſe three men had been put to death, on whoſe evidence it was pretended to convict the queen; ſecondly, as her ſecretaries, who were alive, were never brought face to face, tho' their teſtimony was uſed. This was the more ſtrange, as by an act of parliament paſſed in the 13th year of this very reign, it was expreſly ordained, that the witneſſes ſhould be confronted with the parties accuſed.

Upon this account, doubtleſs, it was, that the lord treaſurer Burleigh, perceiving the embarraſſment occaſioned by the queen's anſwer, grounded on the laws of England, thought proper to proceed to other matters. He charged her, therefore, with having intentions to ſend the king, her ſon, into Spain, and reſign to Philip II. her right to the kingdom of England. It is eaſy to perceive, the firſt of theſe accuſations was very foreign to the purpoſe, ſince the affairs of Scotland were not in diſpute. Accordingly, ſhe made no anſwer to it. As to the ſecond, ſhe only ſaid, "That by her birth ſhe was preſumptive heir to queen Elizabeth, and it was lawful to convey her right to whom ſhe pleaſed; but that all this amounted not to any proof of her having conſented to the project of killing the king."

It being objected to her, that ſhe had ſent her alphabet of cyphers to ſome Roman Catholicks, as Curle had teſtified, ſhe denied it not, and briefly anſwered, "It was not unlawful to hold correſpondence, and negotiate her concerns with men of her religion." But theſe objections ſerved only to divert them from the main point, ſince none of theſe things were contained in the accuſation. At laſt, ſhe was again urged with the teſtimonies of her ſecretaries, to which ſhe made the ſame anſwer as before, proteſting ſhe knew neither Babington nor Ballard. But, ſaid the lord treaſurer, you know Morgan very well, who ſent Parry over to kill the queen, and have aſſigned him a penſion. To this ſhe anſwered, "She was ignorant of what Morgan had done, but knew that he had loſt all for her ſake, and ſhe might as well give him a penſion, as Elizabeth gave one to Patrick Gray, and the king himſelf."

Then they proceeded to the other two articles of the impeachment, concerning the the invaſion of the kingdom, and the deſtruction of the Proteſtant religion; and to prove that Mary was concerned in theſe plots, the letters were read which ſhe wrote to Mendoza, Inglefield, and the lord Paget. She anſwered, "That theſe things did not prove, ſhe had any hand in the conſpiracy againſt the queen's life; that ſhe had nothing to ſay to the reſt, and had often declared to the queen herſelf, ſhe would try all things to procure her own liberty." In this manner paſſed the ſecond ſeſſion.

The next day, the court being met, Mary repeated her proteſtation againſt the authority of her judges, and required it to be recorded, and a copy delivered to her. She complained, "That all her offers for an accommodation were rejected, and herſelf moſt unworthily dealt with, whilſt all her letters were publickly read, in which were many things no way relating to the impeachment." To this the lord treaſurer replied, "That he was going to anſwer her in a double capacity, as commiſſioner, and as privy-counſellor. As commiſſioner, he told her, her proteſtation was recorded, and a copy thereof ſhould be delivered her. As to their authority, it was grounded on the power conferred on them by letters patents under the queen's own hand, and the great ſeal. That for the peruſing her letters, which ſhe complained of, it was neceſſary to read them whole and entire, becauſe they contained things, which by their circumſtances were ſo interwoven, that there was no ſeparating them." Here ſhe interrupted him, and ſaid, "Tho' the circumſtances were proved, it would ſignify nothing, if the principal fact was not; that her integrity depended not upon the credit of her ſecretaries, ſince they might very probably be corrupted; that theſe letters having no ſuperſcription, might be directed to others, and many things inſerted without her knowledge; but if ſhe had her papers, ſhe could the more eaſily vindicate herſelf." The lord treaſurer anſwered, "Nothing ſhould be objected but what paſſed ſince the 19th of June laſt, concerning which her memory could furniſh her, with what ſhe thought requiſite for her defence; that her papers would be of no ſervice to her, ſince Babington, and her ſecretaries, without putting to the rack, had owned, theſe letters came from her; that it was left to the commiſſioners to judge, whether more credit were to be given to her bare negation, than to their affirmation." He added, as a privy-a privy-counſellor, "that it was true, ſhe had made ſeveral eſſays to procure her liberty, and if they proved fruitleſs, it was owing to herſelf and the Scots; that the lords of Scotland had refuſed to give the king in hoſtage, and when the laſt treaty was holden concerning her releaſe, Morgan, her vaſſal, ſent Parry into England to kill the queen." Mary eaſily perceived the venom of theſe words, whereby, under colour of juſtifying the council, the lord treaſurer would have inſinuated to the other commiſſioners, that ſhe was concerned in Parry's plot. Wherefore, upon hearing him ſay this, "Ah! (ſaid ſhe) you are my adverſary". "Yes, (ſaid he) I am adverſary to all queen Elizabeth's enemies".

Now were read again her letters to Charles Paget, wherein ſhe told him, there was no other way for the king of Spain to reduce the rebellious Netherlands, but by ſetting a Catholick on the throne of England. There was read likewiſe, the copy of cardinal Allen's letter to her, wherein he called her his moſt dread ſovereign lady, and told her, the buſineſs was recommended to the prince of Parma's care. She anſwered, ſtill adhering to the firſt article of the impeachment, "That Babington, and her ſecretaries, had accuſed her to ſave themſelves; that ſhe had never heard of the ſix murderers, and all the reſt was of no ſervice to prove the principal crime ſhe was accuſed of; that ſhe held Allen for a reverend prelate, and acknowledged the pope for the true head of the church; neither could ſhe hinder foreigners from given her what title they pleaſed; that as for her ſecretaries, ſhe was willing to add, to what ſhe had already ſaid of them, that they deſerved no credit, for as they had ſworn ſecrecy to her, they could be deemed no other than perjured perſons, when they gave in their evidence againſt her; that Naue had often wrote otherwiſe than ſhe dictated, and Curle, whatever Naue bid him; that they had poſſibly confeſſed ſeveral falſhoods to ſave their lives, imagining, that her royalty would ſcreen her from puniſhment; that ſhe had never heard of any ſuch man as Ballard, but of one Hallard, who had offered her his ſervice, which, however, ſhe refuſed, becauſe ſhe knew him to be one of Walſingham's ſpies," It muſt be confeſſed, Mary was afforded great advantage, in not confronting the witneſſes, tho' it be a neceſſary formality in criminal tryals.

Laſtly, were read ſome particular paſſages out of Mary's letters to Mendoza, wherein mention was made of her deſign to convey to the Spaniard, her right to the crown of England. To this ſhe anſwered, "That ſhe being cloſe priſoner, and in a declining condition, it ſeemed good to her friends, that the ſucceſſion to the crown of England ſhould be ſettled upon the king of Spain, or ſome Engliſh Catholick; and that a book was ſent her to juſtify the Spaniard's title, which ſhe would not read; but deſpairing to recover her liberty by any other means, ſhe had reſolved not to refuſe foreign aſſiſtance." When ſhe had done ſpeaking, the lord treaſurer aſked her if ſhe had any more to ſay in her defence. To which ſhe anſwered, "That ſhe required to be heard in full parliament, or before the queen and council." Then the court adjourned till the 25th of October, to the ſtar-chamber, at Weſtminſter.

Remark on Camden's recital.

This is Camden's account of the queen of Scots tryal at Fotheringhay. As there are no better Memoirs, we are forced as it were to ſuppoſe what he ſays to be true. There is, however, but too much cauſe to ſuſpect, he has curtailed or altered in ſeveral places, what he pretends to take from the Regiſter's Memoirs. For inſtance, it may eaſily be remarked in this narrative, that, whatever is objected to the queen of Scots, is determinate and general, without deſcending to particulars. Of all the letters that were read for her conviction, he cites not one extract; ſo that ſhe ſeems to have been accuſed of holding a correſpondence by letters with Babington, and other of Elizabeth's enemies, rather than of engaging in a ſettled plot to kill the queen, tho' this was the principal point. In a word, this hiſtorian's partiality for the queen of Scots on other occaſions, gives reaſon to think, he did not forget himſelf in this capital article, but uſed all his art to render doubtful the fact ſhe was accuſed of. However, as this is only a conjecture, I do not pretend to inſiſt upon it *. I ſhall content my ſelf, in order to clear this affair, with making ſome obſervations on this famous tryal.

Reflections on the tryal.

It is hardly to be queſtioned, that Mary's death was determined, when Elizabeth, and her council, reſolved to have her tried by commiſſioners; but it muſt not be imagined, their intention was to puniſh her for attempting the life of Elizabeth. If that had been all, they would never have proceeded to extremities, but would, doubtleſs, have been ſatisfied with putting it out of her power to contrive any ſuch plots for the future, which would have been eaſy, by confining her more cloſely. But it was not ſo eaſy to hinder the pope, the king of Spain, the houſe of Guiſe, the Engliſh Catholicks, the Iriſh, the Scotiſh malecontents, from conſidering her as a princeſs to whom of right belonged the two crowns of England and Scotland, and from uſing their continual endeavours to reſtore her to the throne of Scotland, and place her on that of England, even in Elizabeth's life-time. Tho' ſhe had been ſo cloſely confined, that ſhe could not herſelf have been concerned in theſe plots, it would not have prevented her friends from acting in her favour. Nothing, therefore, but her death could break their meaſures, and put an end to the plots which were daily framing on her account. So, it might with truth be ſaid, that as Elizabeth's death was Mary's life, ſo Mary's death alone could preſerve Elizabeth, and with her, liberty, and the

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* This conjecture is, however, grounded upon the difference between Camden's account and that of Thuanus. Rapin.

Proteſtant religion in England. But as it was not likely, Mary who was the younger, ſhould depart firſt out of this world by a natural death, recourſe was to be had to violence, that the queen, and the realm, might be freed from their imminent danger. The ſhare, Mary had in Babington's conſpiracy, and which, probably, was greater than what Camden intimates, was not, therefore, the cauſe of her condemnation, but the pretence uſed to be rid of a queen, on whoſe life Elizabeth's adverſaries built all their hopes. It was, therefore, Mary's own friends that occaſioned her miſfortune, by ſerving her too zealouſly, or rather, by making her their inſtrument to execute their grand projects againſt the Proteſtant religion. The pope flattered himſelf with reſtoring, by her means, the Catholick religion in England; and the Engliſh Catholicks looked upon her, as the only perſon that could free them from the intolerable yoke of a Proteſtant government. Philip II. ſaw no other way to ſubdue the Netherlands. In ſhort the houſe of Guiſe, whoſe ambitious projects are well known, thought to find in her, an infallible means to cruſh the Huguenots of France, who ſupported the title of the lawful heir to the crown of that kingdom. Mary herſelf gave too much countenance to all theſe plots. She was ſo imprudent, as, being a priſoner, inceſſantly to confound two things, which could well be diſtinguiſhed and ſeparated; I mean her liberty, and her title to the crown of England. She thereby gave Elizabeth occaſion to confound them too, and ruin her, in order to preſerve her own life and crown.

Theſe were the real motives of Mary's condemnation. If we conſider them politically, they may be ſaid to be good and neceſſary; but it happens very frequently that policy is repugnant to juſtice and equity. Upon this condemnation it is that Elizabeth's enemies have triumphed, and, indeed, it is a very fit ſubject for rhetorick. But if it is conſidered who they were that exclaimed the loudeſt againſt Elizabeth, they will be found to be the very perſons, who would have murdered her to ſet Mary on the throne of England. Had they ſucceeded in their deſign, would their deed have been more juſt, or more agreeable to the precepts of the Chriſtian religion? Doubtleſs, it would, were the thing to be tried by the principles of the adverſaries to Elizabeth and her religion. But if it were allowed by the laws of religion, juſtice and equity, to take away the life of Elizabeth, in order to ſet Mary on the throne, and reſtore the Catholick religion in England, was it leſs allowable for the Engliſh to put Mary to death, in order to preſerve their queen and religion from the deſtruction they were continually threatened with! Let us ſay rather, theſe maxims are equally blameable and repugnant to the rules of the goſpel, to whatever party they are applied.

Having ſeen the real motives of queen Mary's condemnation, there is no great cauſe to wonder at the irregularities to be obſerved in her tryal. The point was not ſo much to puniſh her for her part in the plot, as to ſatiſfy the publick ſhe was concerned in it, that her condemnation might be thought the leſs ſtrange, or rather abſolutely neceſſary for the ſafety of England. The queen and council believed to have ſufficent evidence, that Mary was acquainted with the conſpiracy, had conſented to it, and promoted the execution to the utmoſt of her power. This ſufficed for their deſign. They new the people would eaſily excuſe ſome irregularities, in an affair where their own preſervation was concerned.

Since, therefore, Mary's condemnation can be conſidered only as the effect of Elizabeth's policy, it is in vain that the following queries are put concerning her tryal. 1. What authority had Elizabeth over her? 2. Whether Mary could be conſidered as ſubject to the laws of England, under colour that ſhe had lived there 18 years, being a priſoner? 3. Whether it could be ſaid, ſhe had enjoyed during that time the protection of the laws, and be thence inferred, that ſhe ought to be liable to them? 4. Whether, even upon ſuch a ſuppoſition, ſhe had enjoyed in her tryal the benefit of the laws of England? 5. Whether ſhe were tried by her peers according to the conſtant and immutable privilege of the Engliſh? 6. Who could be her peers? 7. Whether Elizabeth's commiſſion was according to law? 8. Whether the formalities requiſite in a tryal of this nature were obſerved? 9. Whether ſhe can be ſaid to have been legally convicted, by the teſtimony of perſons that were dead, and whom it lay in Elizabeth's breaſt to keep alive and bring face to face? 10. Whether the evidence of her ſecretaries, who were ſtill alive, could be deemed valid, without being confronted, contrary to expreſs acts of parliament? 11. Whether a captive queen's conſent to the invaſion of a kingdom, where ſhe is unjuſtly detained, is a crime worthy of death? 12. Whether the letters in cypher, wrote by her ſecretaries, were a ſufficient proof that the whole contents were dictated by her? 13. Laſtly, ſuppoſing ſhe had given a full and entire conſent to the plot, whether the manner of her being detained in England, her long confinement, the loſs of her kingdom procured partly by Elizabeth's ſecret practices, did not merit, that her crime ſhould be reckoned of a different nature from that of a ſubject, who conſpires againſt his ſovereign? I did not think it poſſible to vindicate Elizabeth upon each of theſe queries. We muſt, therefore, keep to the neceſſity ſhe was under, of deſtroying Mary to ſave herſelf, and juſtify her by the natural law of ſelf-preſervation, the only one which can be pleaded in her favour.

Sentence pronounced againſt Mary.

The commiſſioners being aſſembled in the ſtar-chamber, at Weſtminſter, the 25th of October, ſent for Naue and Curle, who confirmed upon oath their former evidence, after which ſentence was pronounced. It ran in general, that Mary had broken the ſtatute paſſed the laſt year. This is all that was divulged. It is not known whether the commiſſioners expreſly condemned the queen of Scots to die, or whether, after their judgment of the fact,

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fact, they left it to the laws and the queen to decide what puniſhment the crime deſerved. What follows is all that was publiſhed afterwards by the queen's order. "That ſince the firſt day of June, in the 27th year of the reign of queen Elizabeth, divers matters have been compaſſed and imagined within this realm of England, by Anthony Babington and others, with the privity of the ſaid Mary, tending to the hurt, death and deſtruction of our ſaid lady the queen. And alſo, that ſince the foreſaid day, the ſaid Mary, pretending a title to the crown of this realm, has compaſſed and imagined, within this realm, divers matters tending to the deſtruction of the royal perſon of our ſovereign lady the queen, contrary to the tenor of the ſtatute in the commiſſion aforeſaid ſpecified.

It is eaſy to perceive by this very extract, that the ſentence muſt have been longer and fuller, as may be judged by the terms of the ſaid Mary, which ſhew that ſhe was mentioned before; but the queen thought not proper to publiſh more of it. The author of the book entitled, The Hiſtory of the Martyrdom of Mary Stuart, ſays, ſo great care was taken to conceal this ſentence, that he could never poſſibly recover a copy of it, notwithſtanding all his pains. "Without doubt (continues he) there were myſteries in it, which were not to be divulged."

Declaration of the judges in favour of the king of Scotland. Camden.

The ſame day, the ſentence was pronounced, the judges declared, it did nothing derogate from the king of Scotland, that is, his title to the crown of England did ſtill remain intire. But was it their buſineſs to give ſuch a determination concerning the ſucceſſion, when they were not impowered by their commiſſion? It is viſible, they acted by the queen's direction, who was willing by this means to pacify the king of Scotland. Otherwiſe, the judges would not have taken upon them to make ſuch a declaration, which was beyond their power.

The parliament confirms the ſentence. D'ewes. and petition the queen to put it in execution. Nov. 12. Camden.

The parliament meeting four days after, on the 29th of October, approved and confirmed the ſentence given againſt the queen of Scots. But whether this was without a perfect knowledge, or upon a diligent enquiry, it is hard to know, tho' afterwards Elizabeth pretended it was not till after a long and ſerious examination. Be this as it will, the parliament having confirmed the ſentence, preſented a petition to the queen, beſeeching her to order it to be put in execution. The petition contained reaſons taken, not from the heinouſneſs of the crime, but the danger to which Elizabeth and the realm would be expoſed, if the queen of Scots were ſuffered to live. The queen returned to this petition an anſwer, the intent whereof was to ſhew the parliament, ſhe was extremely troubled and irreſolute. She had a mind to inſinuate, ſhe was inclined to mercy, but that her affection for her people extremely embarraſſed her. It was eaſy to conclude from this ſpeech, ſhe deſired to be preſſed, that ſhe might not ſeem to act from a motive of revenge. Here follows the anſwer, which perfectly diſcovers Elizabeth's character.

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The queen's anſwer. Hollingſh.

'SO many and ſo great are the bottomleſs graces and immeaſurable benefits beſtowed upon me by the Almighty, that I muſt not only moſt humbly acknowledge them as benefits, but admire them as miracles, being in no ſort able to expreſs them; and tho' there liveth not any, that may more juſtly acknowledge himſelf bound to God than I, whoſe life he hath miraculouſly preſerved from ſo many dangers; yet am I not more deeply bound to give him thanks for any one thing, than for this which I will now tell you, and which I account as a miracle, viz. that as I came to the crown with the moſt hearty good-will of all my ſubjects, ſo now after a 28 years reign, I perceive in them the ſame, if not greater good-will towards me; which, if once I loſe, well might I breathe, but never think I lived. And now tho' my life hath been dangerouſly ſhot at, yet I proteſt there is nothing hath more grieved me, than that one not differing from me in ſex, of like rank and degree, of the ſame ſtock, and moſt nearly allied unto me in blood, hath fallen into ſo great a crime. And ſo far have I been from bearing her any ill-will, that upon the diſcovery of certain treaſonable practices againſt me, I wrote unto her ſecretly, that if ſhe would confeſs them by a private letter unto myſelf, they ſhould be wrapped up in ſilence. Neither did I write thus in mind to intrap her, for I knew then as much as ſhe could confeſs. And even yet tho' the matter be come thus far, if ſhe would truly repent, and no man would undertake her cauſe againſt me, and if my life alone depended hereupon, and not the ſafety and welfare of my whole people, I would (I proteſt unfeignedly) moſt willingly pardon her. Nay, if England might by my death obtain a more flouriſhing eſtate, and a better prince, I would moſt gladly lay down my life. For, for your ſakes it is, and for my people's, that I deſire to live. As for me, I ſee no ſuch great cauſe why I ſhould either be fond to live, or fear to die. I have had good experience of this world; and I know what it is to be a ſubject, and what to be a ſovereign. Good neighbours I have had, and I have met with bad; and in truſt I have found treaſon. I have beſtowed benefits upon ill-deſervers; and where I have done well, have been ill requited. While I call to mind theſe things paſt, behold things preſent, and expect things to come, I hold them happieſt that go hence ſooneſt. Nevertheleſs, againſt ſuch miſchiefs as theſe I put on a better courage than is common to my ſex; ſo as whatſoever befal me, death ſhall not take me unprepared.

'And as touching theſe treaſons, I will not ſo prejudicate myſelf or the laws of my kingdom, as not but to think that ſhe, having been the contriver of the ſame treaſons,

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‘was bound and liable to the antient laws, tho' the late act had never been made. So far was it from being made to intrap her, that it was rather intended to forewarn and terrify her from attempting any thing againſt it. But ſeeing it was now in force of a law, I thought good to proceed againſt her according to the ſame. But you lawyers are ſo curious in ſcanning the nice points of the law, and following of precedents and form, rather than expounding the laws themſelves, that by exact obſerving of your form, ſhe muſt have been indicted in Staffordſhire, and have holden up her hand at the bar, and have been tried by a Jury of twelve men. A proper courſe, forſooth, of tryal againſt a princeſs! To avoid therefore ſuch abſurdities, I thought it better to refer the examination of ſo weighty a cauſe to a good number of the nobleſt perſonages of the land, and the judges of the realm; and all little enough. For we princes are ſet as it were upon ſtages in the ſight and view of all the world; the leaſt ſpot is ſoon ſpied in our garments, a blemiſh quickly noted in our doings. It behoveth us, therefore, to be careful that our proceedings be juſt and honourable. But I muſt tell you one thing, that by this laſt act of parliament, you have brought me to a narrow ſtraight, that I muſt give order for her death, which is a princeſs moſt nearly allied unto me in blood, and whoſe practices againſt me have ſtricken me into ſo great grief, that I have been glad to abſent my ſelf from this parliament, leſt I ſhould increaſe my ſorrow, by hearing it ſpoken of; and not out of fear of any danger, as ſome think. But yet I will now tell you a ſecret, (tho' it is well known that I have the property to keep counſel;) it is not long ſince theſe eyes of mine ſaw and read an oath, wherein ſome bound themſelves to kill me within a month. Hereby I ſee your danger in me, which I will be very careful to avoid.

‘Your aſſociation for my ſafety I have not forgotten, which I never ſo much as thought of, till a great number of hands, with many obligations, were ſhewed me; which as I do acknowledge as a ſtrong argument of your true hearts, and great zeal to my ſafety, ſo ſhall my bond be ſtronger tied to a great care for your good. But foraſmuch as this matter now in hand is very rare, and of greateſt conſequence, I hope you do not look for any preſent reſolution; for my manner is, in matters of leſs moment than this, to deliberate long upon that which is once to be reſolved. In the interim, I beſeech almighty God to illuminate my mind, that I may foreſee that which may ſerve for the good of his church, the proſperity of the commonwealth, and your ſafety. And that delay may not breed danger, we will ſignify our reſolution with all conveniency; and whatever the beſt ſubjects may expect at the hands of the beſt princeſs, that expect from me to be performed to the full."

1586.

Remarks on the queen's ſpeech.

It is not very difficult to perceive in this ſpeech, notwithſtanding her affected obſcurity, the double view Elizabeth propoſed to herſelf. One was to make the publick believe, ſhe could not, without extreme concern, reſolve to put the queen of Scots to death; the other, to inſinuate to the parliament, that there was a neceſſity of diſpatching queen Mary, or reſolving to loſe the beſt of queens, who was very ready to lay down her life for the good of her ſubjects. She dwelt chiefly upon her tenderneſs for her people, that they might fear to be deprived of ſo gracious a queen, and earneſtly require the death of her adverſary. But leſt the parliament's affection for her ſhould not be ſufficiently ſtrong, ſhe took care to hint ſeveral times, that their own ſafety depended on her preſervation. She ſaid, if her welfare only were at ſtake, ſhe would readily pardon, ſince ſhe was not fond of life; but that it was ſolely the danger of the ſtate, which made her uneaſy. Was not this very plainly ſaying, the death of the queen of Scots was neceſſary for the ſafety of the realm? She would have it believed, ſhe was inclined to favour Mary, but alledged no reaſon for her. On the contrary, ſhe made uſe of the arguments of ſex and kindred to aggravate her crime, and clearly ſet forth the reaſons which might determine her to conſent to her death. She magnified the care ſhe had taken, not to ſuffer her dignity to be debaſed, by trying her like a common perſon. This was all the favour ſhe ſhewed her. But what favour was it to give her judges, among whom were her greateſt enemies, perſons who had before voted againſt her in the council, and had been for bringing her to a tryal? Hatton, one of the judges drew her into a ſnare, by perſuading her to anſwer for herſelf, and the lord treaſurer acted in ſome meaſure the part of an accuſer. On the other hand, we ſee in ſeveral of Walſingham's letters ſent from France when he was ambaſſador, that it was his opinion, Elizabeth could never be ſafe ſo long as the queen of Scots was alive. Was it not a great favour to give her ſuch judges? In ſhort, with what intent did Elizabeth tell the parliament, ſhe knew for certain ſome had bound themſelves by an oath to kill her within a month? Was it not to incite the two houſes to prevent this miſfortune by the ſpeedy execution of the ſentence given againſt Mary? All this ſhews, that her view was to engage the parliament to preſs her upon that head, that ſhe might in ſome meaſure be juſtified to the world, by aſcribing the execution of the ſentence to the inſtances of the parliament. But the ſequel will ſtill more plainly ſhew it.

Elizabeth deſires the two houſes to find out ſome expedient.

They find none, and inſiſt upon their demand.

Camden.

On the 12th day after, the queen ſent the lord chancellor to the upper-houſe, and Puckering to the lower, to deſire them to find ſome expedient, whereby the queen of Scots life might be ſaved, and her own ſafety provided for. The two houſes, after a ſerious debate, anſwered her, that her ſafety could not poſſibly be ſecured ſo long as the queen of Scots lived. That there were but four ways to be deviſed to that end, which were all inſufficient. The firſt was, that the queen of Scots ſhould ſeriouſly repent; but ſuch a repentance was not to be expected, ſince ſhe would not ſo much as acknowledge her fault. The ſecond, that ſhe ſhould be kept with a cloſer guard, and bound to her good demeanour by bond and oath. The third, that ſhe ſhould give hoſtages. But theſe two ways were inſufficient, ſince if the queen's life were once taken away, all theſe precautions would vaniſh. The fourth, that ſhe ſhould depart the kingdom. But this was the moſt dangerous; for if, whilſt a priſoner, ſhe ſtirred up ſo many in her favour, what would ſhe do if ſhe were at liberty? In a word, the two houſes in their anſwer repreſented to the queen, that if it were injuſtice to deny execution of the law to the meaneſt of her ſubjects, how much more to the whole body of the people, unanimouſly and with one voice ſuing for the ſame. They who have the leaſt knowledge what influence the court-party uſually have upon the two houſes, will very eaſily judge, that the parliament would never have expreſſed themſelves in this manner, if they had not known it to be grateful to the queen. But to diſcover more fully Elizabeth's character, it will be neceſſary to inſert her anſwer, which will evidently ſhew, not her perplexity and uncertainty, as ſhe pretended, but her extreme diſſimulation, on this article.

The queen's ſpeech to the parliament. Hollingſh.

'FULL grievous is the way, whoſe going on, and end, yield nothing but cumber for the hire of a laborious journey. I have this day been in greater conflict with myſelf, than ever in all my life, whether I ſhould ſpeak, or hold my peace. If I ſpeak, and not complain, I ſhall diſſemble; and if I ſhould be ſilent, your labour taken were all in vain. If I ſhould complain, it might ſeem ſtrange and rare. Yet I confeſs, that my moſt hearty deſire was, that ſome other means might have been deviſed to work your ſecurity, and my ſafety, than this which is now propounded. So I cannot but complain, tho' not of you, yet unto you, that I perceive by your petitions, that my ſafety dependeth wholly upon the death of another. If there be any that think, I have prolonged the time, or purpoſe to make a counterfeit ſhew of clemency, they do me the moſt undeſerved wrong, as he knoweth which is the ſearcher of the moſt ſecret thoughts of the heart. Or, if there be any that be perſuaded, that the commiſſioners durſt not pronounce other ſentence, as fearing thereby to diſpleaſe me, or to ſeem to fail of their care for my ſafety, they do but heap upon me moſt injurious conceipts. For either thoſe whom I have put in truſt have failed of their duties; or elſe they ſignified unto the commiſſioners in my name, that my will and pleaſure was, that every one ſhould deal freely, according to his conſcience; and what they would not openly declare, that they ſhould reveal unto me in private. It was of my moſt favourable mind towards her, that I deſired ſome other means might be found out to prevent this miſchief. But ſince now it is reſolved, that my ſurety is moſt deſperate without her death, I have a moſt inward feeling of ſorrow, that I, which have in my time pardoned ſo many rebels, winked at ſo many treaſons, or neglected them with ſilence, muſt now ſeem to ſhew cruelty upon ſo great a princeſs.

'I have, ſince I came to the crown of this realm, ſeen many defamatory books and pamphlets againſt me, accuſing me to be a tyrant. Well fare the writers hearts; I believe their meaning was to tell me news; and news indeed it was to me, to be branded with the note of tyranny. I would it were as great news to hear of their impiety. But what is it which they will not write now, when they ſhall hear that I have given conſent, that the executioner's hands ſhould be imbrued in the blood of my neareſt kinſwoman? But ſo far am I from cruelty, that, to ſave mine own life, I would not offer her violence; neither have I been ſo careful how to preſerve mine own life, as how to preſerve both; which that it is now impoſſible, I grieve exceedingly. I am not ſo void of judgment, as not to ſee mine own perils before mine eyes; nor ſo mad to ſharpen a ſword to cut mine own throat; nor ſo careleſs, as not to provide for the ſafety of mine own life. But this I conſider with myſelf, that many a man would put his own life in danger, to ſave a princeſs's life; I do not ſay ſo will I; yet have I many times thought upon it.

'But ſeeing ſo many have both written and ſpoken againſt me, give me leave, I pray you, to ſay ſomewhat in my own defence, that ye may ſee what manner of woman I am, for whoſe ſafety you have paſſed ſuch careful thoughts. Wherein as I do with moſt thankful heart conſider your vigilant care; ſo am I ſure I ſhall never requite it, had I as many lives as you all.

'When firſt I took the ſceptre, I was not unmindful of God the giver, and, therefore, began my reign with his ſervice, and the religion I have been both born in, bred in, and I truſt ſhall die in. And tho' I was not ignorant how many perils I ſhould be ſet withal at home for altering religion, and how many great princes abroad of a contrary profeſſion, would attempt all hoſtility againſt me; yet was I no whit diſmayed, knowing that God, whom only I reſpected, would defend both me and my cauſe. Hence it is, that ſo many treacheries and conſpiracies have been attempted againſt me, that I rather marvel that I am, than muſe that I ſhould now be alive at this day, were it not that God's holy hand hath protected me, beyond all expectation. Then, to the end I might make the better progreſs in the art of ſwaying the ſceptre, I entered into long and ſerious cogitations, what things were worthy and fitting for kings to do; and I found it moſt neceſſary that they ſhould be abundantly furniſhed with thoſe

‘ ſpecial virtues, juſtice, temperance, prudence, and magnanimity. As for the two latter, I will not boaſt myſelf, my ſex doth not permit it. But for the two former, I dare ſay, (and that without oſtentation) I never made a difference of perſons, where right was one. I never preferred for favour, whom I thought not fit for worth; I never bent my ear to credit a tale that was firſt told; nor was ſo raſh to corrupt my judgment with prejudice, before I heard the cauſe. I will not ſay but many reports might haply be brought me into much favour of the one ſide or the other; for we princes cannot hear all ourſelves. Yet this I dare ſay boldly, my judgment ever went with the truth, according to my underſtanding. And as full well Alcibiades wiſhed his friend, not to give any anſwer till he had run over the letters of the alphabet; ſo have I not uſed raſh and ſudden reſolutions in any thing.

‘ And, therefore, as touching your counſels and conſultations, I acknowledge them to be ſo careful, provident, and profitable, for the preſervation of my life, and to proceed from minds ſo ſincere, and to me moſt devoted, that I ſhall endeavour myſelf, all I can, to give you cauſe to think your pains not ill beſtowed, and ſtrive to make myſelf worthy of ſuch ſubject.

‘ And now for your petition, I pray you for this preſent to content yourſelves with an anſwer without anſwer. Your judgment I condemn not, neither do I miſtake your reaſons; but pray to accept my thankfulneſs, excuſe my doubtfulneſs, and take in good part my anſwer, anſwer-leſs. If I ſhould ſay, I would not do what you requeſt, I might ſay, perhaps, more than I think; and if I ſhould ſay I would do it, I might plunge myſelf into peril, whom you labour to preſerve; which in your wiſdoms and diſcretions, ye would not that I ſhould, if ye conſider the circumſtances of place, time, and the manners and conditions of men”.

This ſpeech, which was of the ſame nature and ſpirit with the former, was not an anſwer to the petition of the two houſes, as the queen herſelf owned, but only an intimation to the Engliſh, how imprudent it would be to hazard the life of ſo good a queen, in order to ſave Mary's. She ſeemed in a great perplexity, and yet gave to underſtand, ſhe was fully determined. And, indeed, ſince ſhe preferred the good of her ſubjects before all other things, and Mary's death was neceſſary to them, what could be the occaſion of her doubts? In comparing the reaſons which inclined her to mercy, with thoſe which concerned her own ſafety, there was need of no great penetration, to ſee to which ſide ſhe would turn, however irreſolute ſhe ſeemed. So, in this, as in the former ſpeech, her ſole view was to make the publick believe, ſhe yielded with reluctancy to the ſollicitations of the parliament, tho' ſhe took care not to object any ſtrong reaſons to theſe ſollicitations. But her actions were ſtill plainer indications than her ſpeeches, of what paſſed in her thoughts.

The parliament is prorogued. D'ewes.

Immediately after this anſwer without anſwer, the parliament was prorogued, for fear, doubtleſs, her feigned perplexities ſhould be taken literally, and ſome expedient found to ſave the queen of Scots. After what had been done, Elizabeth had no farther occaſion for the parliament, and in cauſing the ſentence to be executed, could ſay, ſhe only yielded to the preſſing inſtances of the two houſes. It will, perhaps, be thought ſtrange, that I am thus peremptory in a thing ſo hard to be known, as Elizabeth's inmoſt thoughts; but in my opinion, very evident proofs may be drawn both from her actions and words, that throughout this whole affair, ſhe acted with great diſſimulation.

Mary is informed of her ſentence. Camden.

A few days after the prorogation of the parliament, the lord Buckhurſt and Beal were ſent to the queen of Scots; with orders to tell her, that her judges had condemned her to die, that the parliament had confirmed the ſentence, and deſired the execution thereof, believing, if ſhe remained alive, the religion eſtabliſhed in England could not ſubſiſt. She received the news with great reſolution, and even ſeemed to triumph, that religion was the cauſe of her death. Then ſhe ſaid, with ſome emotion, “ It is no wonder if the Engliſh, who have often put their own ſovereigns to death, ſhould treat in the ſame manner, a princeſs ſprung from the blood of their kings”.

The French ambaſſador ſollicits in her favour. The ſentence is publiſhed. Decemb. 6. Camden.

L'Aubeſpine, the French ambaſſador, who was entirely devoted to the houſe of Guiſe, ſtopped, for ſome days, the publication of the ſentence by his ſollicitations; but, at laſt, it was proclaimed all over London by the queen's expreſs order, who forgot not to declare to the people, that her conſent was extorted by the preſſing intreaties of the parliament. In the proclamation the queen ſaid, that being informed of the queen of Scots devices, the lords of the council, with many others, earneſtly beſought her to bring her to juſtice, and try her in the moſt honourable manner. That upon theſe inſtances ſhe granted a commiſſion to 42 lords, 36 of whom met at Fotheringhay, and after very ſtrict examination, gave ſentence to this effect: “ That Mary had broken the ſtatute made the laſt year”; that the parliament having examined the ſentence, and the proofs on which it was founded, required the execution thereof, notwithſtanding her frequent inſtances, that ſome other expedient might be found; that, therefore, moved with her own and the nation's welfare, ſhe had ordered the ſentence to be notified to her good ſubjects.

Mary's letter to Elizabeth. Camden.

Mary, when ſhe received the news of this publication, plainly ſaw there was no mercy to be expected. She wrote a long letter to Elizabeth, deſiring certain favours concerning her death, burial, and ſervants[*]; but it is uncertain, whether this letter was ever delivered. The king of Scotland wrote alſo to queen Elizabeth, and ſent Patrick Gray and Robert Melvil to implore her mercy for the queen, his mother; but it was to no purpoſe; nay, it is ſaid, Gray, who had been many years attached to Elizabeth's intereſt, after having publickly ſollicited her to favour Mary, adviſed her in private to make her away, ſaying, "A dead woman bites not".

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[*] In her will, queen Mary provided, that, if the prince, her ſon, did not renounce the falſe and heretical perſuaſion which he had drunk in, the inheritance of the crown of England ſhould never deſcend to him, but devolve to Philip, king of Spain. Burnet.

The king of France ſends an ambaſſador into England. Thuanus.

Henry III. ſent alſo the preſident de Bellievre into England, to intreat Elizabeth in behalf of the condemned queen. The ambaſſador diſcharged his commiſſion like a man who ſeemed very deſirous to ſucceed. He preſented a long memorial, which was publiſhed, containing the ſtrongeſt reaſons, he could deviſe, to perſuade Elizabeth to ſpare the unfortunate queen; to which memorial the queen returned an anſwer in the margin of each article. The ſubſtance of the anſwer was, "That things were come to that point, that one or other of the two queens muſt periſh, and Elizabeth flattered herſelf that the king of France had her intereſt no leſs at heart than Mary's". But if du Maurier is to be credited, in his preface to his father's Memoirs, the ambaſſador acted the counterfeit, and impoſed upon the world and Mary's friends. He affirms to have heard his father ſay, that Bellievre, tho' he feigned to have inſtructions to the contrary, had private orders to ſollicit the death of the queen of Scots*. This is not unlikely, conſidering the ſituation of the affairs of France at that time, and the king's juſt apprehenſions of the duke of Guiſe's ambitious deſigns.

1587. The French ambaſſador's conſpiracy againſt the queen. Camden.

Whilſt all the world was in expectation of the effects of this extraordinary ſentence, the court diſcovered, that L'Aubeſpine, the French ambaſſador, had bribed two aſſaſſins to murder the queen. One of the villains repenting and informing the miniſters of the plot, the ambaſſador was deſired to come to the lord treaſurer's houſe where the council was aſſembled, and the two witneſſes were brought face to face. If Camden is to be credited, he made but an ill defence, contenting himſelf with pleading the privilege of ambaſſadors, who were accountable only to their one maſters. The lord treaſurer, without allowing or diſputing this privilege, gravely reproved him, and adviſed him to beware for the future how he provoked a queen, who was too much injured already, and had it in her power to be revenged. It muſt be obſerved, the French tranſlator of Camden's Annals, thought fit to paſs over in ſilence this whole conſpiracy.

The people loudly call for Mary's death. Camden.

It was no proper ſeaſon to enquire any farther into the circumſtances of this plot, which, probably, was entirely owing to the ambaſſador's furious zeal for the houſe of Lorrain; nay, who knows whether it were not a ſnare laid for him, to make him inſtrumental, contrary to his intention, in haſtening the queen of Scots execution? When this affair became publick, it was every where ſaid, there was no ſafety for the queen ſo long as Mary was alive. This was preciſely what the court wiſhed, that the people being ſatisfied of the neceſſity of executing the ſentence, might be leſs attentive to the irregularities. Camden ſays, Elizabeth was ſtill in ſuſpence and diſtracted in her thoughts, not being able to reſolve to put to death a queen, her near relation, over whom ſhe had no juriſdiction. He adds, means were found, however, to determine her, by ſpreading a report that England was going to be invaded; that the Spaniſh fleet was already arrived at Milford-Haven; that the duke of Guiſe was landed in Suſſex with an army; that the queen of Scots was eſcaped out of priſon, and was raiſing troops in the north; that ſeveral plots were on foot to kill the queen, and ſet the city of London on fire; yea, that the queen was dead. By theſe artifices, according to that hiſtorian, Elizabeth was prevailed with to ſign a warrant for Mary's execution. For my part, who verily believe Mary's death was reſolved, even before her tryal, I rather think all theſe reports were ſpread by the emiſſaries of the court, to terrify the people, and to let them ſee how neceſſary Mary's death was. There is not the leaſt probability, that the queen and her miniſters, ſhould ſuffer themſelves to be deceived by ſuch reports, the falſhood whereof it was ſo eaſy for them to diſcover. But Camden's view is to inſinuate, that Elizabeth was convinced of Mary's innocence, and, therefore, diſtracted in her thoughts.

Elizabeth's extreme diſſimulation.

We are now come to the laſt act of the tragedy, for ſo it may well be called with regard to the queen of Scots, tho' with reſpect to Elizabeth it was a real comedy, or, at leaſt, a continued ſcene of diſſimulation, acted ſo artfully, that it can hardly be conceived how it could be carried farther. Before Elizabeth ordered the commiſſion to try Mary to be drawn, ſeveral lords, as I ſaid, caſt themſelves at her feet, and begged her to take pitty of them, and their poſterity, and to provide, by Mary's death, for the ſecurity of the church and ſtate. Afterwards, when ſentence was given, ſhe waited till ſhe was twice ſollicited by the parliament, with the ſharp reproach that ſhe denied her people juſtice. To carry on the farce, ſome formalities were likewiſe to be acted after the publication of the ſentence, before the warrant was ſigned for execution. All this was done; but there was ſtill ſomething more. Elizabeth undertook to make the publick believe, the execution was done againſt her will, and without her knowledge, and the method ſhe uſed to accompliſh it was this.

She draws Daviſon, her ſecretary, into a ſnare. Camden.

Daviſon, without his knowing it, was her inſtrument to act this ſort of comedy. A little before the queen of Scots tryal, he was made ſecretary of ſtate, and very likely, was put into that office on purpoſe to be inſnared, and made accountable for Mary's death. All the forementioned rumours being ſpread, and the queen feigning to be terrified, delivered to Daviſon a writing ſigned with her own hand, and ſealed with her ſignet, commanding him to draw a warrant under the great ſeal for the queen of Scots execution, but enjoined him withal to keep the warrant by him, and acquaint no man therewith. The lord chancellor, however, muſt have been informed of it, unleſs ſhe had taken the great ſeal from him, and given it to Daviſon, of which there have been inſtances. Be this as it will, the next day ſhe ordered Daviſon, by Killegrew, not to draw the warrant. Whereupon Daviſon came to the queen, and told her, it was drawn, and under ſeal already; at which ſhe was angry, and blamed him for making ſuch haſte. The warrant was dated the 1ſt of February, and directed to the earls of Shrewsbury, Derby, Kent, Cumberland, and Pembroke, to ſee the queen of Scots executed in their preſence. In the interim, tho' the queen ſeemed diſpleaſed with the ſecretary for making too much haſte, ſhe left the warrant in his hands, without telling him what he was to do with it. This puzzled him extremely, ſince by her contrary proceedings, with reſpect to the warrant, ſhe had not diſcloſed to him her intention. In this uncertainty, he choſe to impart the tranſaction to a privy-counſellor, who was of opinion, that the reſt of the counſellors ſhould be informed, that nothing might be done raſhly, and Daviſon fell into the ſnare. Whereupon the council being met, it was unanimouſly reſolved to execute the warrant, tho' nothing was eaſier than to advertiſe the queen of their embarraſſment. To that end, the warrant was given to Beal, who took care to acquaint the four lords, to whom it was addreſſed, and departed for Fotheringhay with two executioners. Certainly, it is very hard to believe, that a ſcore of privy-counſellors (among whom were the queen's miniſters, and her intimate confidents) would have undertaken to order the warrant to be executed, unknown to her, had they not been perſuaded it was agreeable to her will, eſpecially as Daviſon had communicated the ſecret to them, only becauſe of his uncertainty concerning the queen's intention.

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* Nay, this was not ſo ſecret, but that after the death of the duke of Guiſe, Henry III. was accuſed by the leaguers of having cauſed the queen of Scots to be put to death. Rapin.

After Beal's departure, the queen told Daviſon, ſhe had changed her mind. This ought to have aſtoniſhed the council, who had ordered execution by their own authority, and yet no care was taken to recall Beal, tho' there were ſeven days ſpace between his departure, and Mary's execution. But what is ſtill more ſtrange, is, that during theſe ſeven days, tho' the queen had declared that her mind was altered, not one of her counſellors or miniſters thought of informing her of what was tranſacting. This is a clear evidence, that it was very well known, ſhe did not deſire to be informed.

The queen of Scots is beheaded. Camden.

However this be, the four lords, appointed to ſee execution done, being come to Fotheringhay, admoniſhed the queen of Scots to prepare for her death, and on the morrow, being the 8th of February, they ſaw her beheaded. I ſhall not relate here all the circumſtances of this tragedy. It ſuffices to ſay in a word, that ſhe died with great reſolution, and in an inviolable attachment to her religion. The earl of Kent telling her, "That her life would be the death of the Proteſtant religion in England", ſhe rejoiced, and ſaid, ſhe was condemned as guilty of plotting againſt the queen of England's life, and yet the earl of Kent had juſt told her, ſhe was to die for her religion, wherein ſhe gloried. If Camden is to be credited, ſhe proteſted, ſhe knew nothing of Babington's practices, and that her ſecretaries were ſuborned to witneſs againſt her *.

Elizabeth expreſſes great grief at it.

The news of Mary's execution being brought to Elizabeth, ſhe appeared extremely diſpleaſed. Sighs, tears, lamentation, and mourning, were the ſigns ſhe gave of her grief, which ſeemed immoderate. She drove the privy-counſellors from her preſence, and commanded them to be examined in the ſtar-chamber, and Daviſon to be tried for his diſobedience. A few days after, ſhe ſent the following letter to the king of Scotland by Robert Carey.

My dear brother,

‘I Would you knew, tho' not felt, the extreme dolour that overwhelmeth my mind, for that miſerable accident which far contrary to my meaning hath befaln. I have ſent this kinſman of mine†, whom ere now it hath pleaſed you to favour, to inſtruct you truly of that, which is too irkſome for my pen to tell you. I beſeech you, that as God, and many mo know, how innocent I am in this caſe, ſo you will believe me, that if I had done it, I would have abode by it, I am not ſo baſe minded, that the fear of any living creature, ſhould make me afraid to do what is juſt, or done, to deny the ſame: I am not ſo degenerate, nor carry ſo vile a mind. But as not to diſguiſe, fits moſt a king, ſo will I never diſſemble my actions, but cauſe them ſhew as I mean them. This aſſure your ſelf from me, that as I know it was deſerved, if I had meant it, I would never over another's ſhoulders, and to impute to my ſelf that, which I did not ſo much as think of: I will not. The circum-

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* She appeared with a compoſed countenance and chearful look; her head was covered with a veil hanging down to the ground, her beads hanging at her girdle, with a crucifix in her hand. In the porch ſhe was received by the earls, and other noblemen, where ſpeaking a ſhort ſpeech to Melvil, ſhe bid him farewell; and turning to the earls, deſired that her ſervants might ſtand by her at her death. Then the earls of Kent and Shrewsbury, and Thomas Andrews, Eſq; ſheriff of Northamptonſhire, going before her, ſhe came to the ſcaffold, at the upper end of the hall, on which was placed a chair, a cuſhion, and a block covered with black cloth. As ſoon as ſhe was ſat down, Beal read the warrant, to which the queen liſtened with a careleſs, or rather merry countenance; after which the executioner having asked her forgiveneſs, her women took off her upper garments, and covering her face with a handkerchief, ſhe laid down her head on the block, which was ſevered from her body at two ſtrokes. She was buried in a royal manner, in the cathedral of Peterborough, on Auguſt 1, and from thence her corpſe was removed in 1612, into the ſouth iſle of king Henry VII's chapel at Weſtminiſter, where it now lies; and a ſtately monument erected to her memory. Camden. Melvil.

† He was kin to her by Ann Boleyn, her mother. Rapin.

‘ ſtances you will be pleaſed to hear of this ‘ bearer: And for my part, think you have ‘ not in the world a more loving kinſwoman, ‘ and more dear friend, nor any that will ‘ watch more carfully to preſerve you and your ‘ ſtate. And if any would otherwiſe perſuade ‘ you, think they bear more good-will to o‘ thers, than to you. Thus in haſte, I leave ‘ to trouble you, beſeeching God to ſend you ‘ a long reign.”

Daviſon is tried. Camden.

Whilſt Carey was upon the road, Daviſon was cited into the ſtar-chamber, to anſwer to the accuſation of contempt and diſobedience entered againſt him. The accuſation ran, “ That he had contemned the queen's orders, “ broke his oath of allegiance, and neglected “ his duty. That the queen never intending, “ (for reaſons beſt known to herſelf) that “ the queen of Scots, tho' condemned, ſhould “ have been put to death, had, however, for “ preventing of dangers, commanded a war“ rant for her execution to be drawn, com“ mitted it to his truſt and ſecrecy; but that “ forgetting his duty, had acquainted the “ council therewith, and put the warrant in “ execution unknown to the queen.”

Daviſon anſwered, “ That he was extreme“ ly ſorry to find himſelf accuſed of contempt “ to the queen, who had loaded him with “ favours; that he choſe rather to confeſs “ himſelf guilty of the crimes he was charged “ with, than conteſt with her majeſty, ſince “ he could not vindicate himſelf without fail“ ing in the reſpect and duty he owed her. “ He proteſted, however, he had offended “ wholly out of ignorance, being perſuaded “ he had done nothing contrary to the queen's “ will and pleaſure. He affirmed, that when “ the queen blamed him for making ſuch “ haſte to get the warrant ready, ſhe gave “ ſome intimation, but no expreſs command, “ that he ſhould keep it by him, neither did “ he believe himſelf guilty of breach of truſt, “ by communicating it only to the council. “ As to his being accuſed of not recalling the “ warrant, after ſhe had told him ſhe had “ changed her mind, he proteſted, it was the “ opinion of the whole council, that it ſhould “ be preſently executed, leſt the queen or “ ſtate ſhould receive any hurt by too long a “ delay”.

After he had done ſpeaking, the queen's council preſſed him with his own confeſſion, and with what the lord treaſurer had teſtified, that, doubting whether the queen hnd abſolutely conſented to have execution done, Daviſon affirmed, it was her intention. Then Daviſon, with tears in his eyes, prayed the queen's council not to urge him any farther, but remember that he would not conteſt with the queen, to whoſe conſcience, and his judges cenſure, he entirely ſubmitted himſelf. After that were made ſeveral ſpeeches, ſome tending to aggravate his offence, and others, to ſhew he had only acted imprudently. In ſhort, he was condemned to be fined in 10,000 pounds, and impriſoned during the queen's pleaſure. The lord Lumley, in his ſpeech on this occaſion, was not ſatisfied with blaming Daviſon; but, accuſing chiefly the whole council, ſaid, “ Never was there ſuch a contempt “ againſt a prince heard or read of, that pri“ vy-counſellors, in the queen's palace, and “ when they had free acceſs to her, ſhould at“ tempt ſuch a thing without her advice or “ knowledge; proteſting, that if his own ſon “ were guilty of the like fault, he would be “ the firſt to condemn him.” But it was not the queen's intention to puniſh the counſellors, who, probably, had acted only by her private orders. And, therefore, to ſcreen them from theſe and the like reproaches, the lord privy-ſeal told the aſſembly, that tho' the queen, being juſtly offended with her council, had left them to a ſtrict examination; yet now being ſenſible, they had tranſgreſſed out of an exceſs of zeal for her and the ſtate, ſhe forgave them. Thus Daviſon was the only ſacrifice, tho' the council was ſtill more guilty than he, ſuppoſing he had acted contrary to the queen's intention. Daviſon remained long in priſon, without obtaining any other favour, than ſome preſents of money from the queen, to relieve his wants.

Camden, whoſe view was not to vindicate Elizabeth in any thing relating to the queen of Scots, has inſerted in his Annals, an apology, which Daviſon, being in priſon, ſent himſelf to ſecretary Walſingham, and leaves his readers to give their judgment of it, without making himſelf any remark. The apology was worded in the following manner.

Daviſon's apology wrote by himſelf. Camden.

“ The queen, after the departure of the “ French and Scotch ambaſſadors, of her own “ accord, commanded me to deliver her the “ warrant for executing the ſentence againſt “ the queen of Scots; when I had delivered it, “ ſhe readily ſigned it with her own hand; “ when ſhe had ſo done, ſhe commanded it to “ be ſealed with the great-ſeal of England; “ and in a jeſting manner ſaid, Go tell all “ this to Walſingham, who is now ſick; tho' “ I fear he will die for ſorrow when he hears “ it. She added alſo the reaſons of her defer“ ring it ſo long, viz. leſt ſhe might ſeem to “ have been violently or maliciouſly drawn “ thereto, whereas in the mean time ſhe was “ not ignorant how neceſſary it was. More“ over ſhe blamed Powlet and Drury, that they “ had not eaſed her of this care, and wiſhed “ that Walſingham would feel their pulſes “ touching this matter.

“ The next day after the warrant was un“ der the great-ſeal, ſhe commanded me by “ Killegrew, that it ſhould be done, and when “ I had informed her that it was done alrea“ dy, ſhe found fault with ſuch great haſte, “ telling me that in the judgment of ſome “ wiſe men, another courſe might be taken; “ I anſwered, that the courſe which was juſt, “ was always beſt and ſafeſt. But fearing leſt “ ſhe would lay the fault upon me, (as ſhe “ had laid the putting of the duke of Nor“ folk to death upon the lord Burleigh) I ac“ quainted Hatton with the whole matter, “ proteſting that I would not plunge myſelf “ any deeper in ſo great a buſineſs. He pre“ ſently imparted it to the lord Burleigh, “and the lord Burleigh to the reſt of the council; who all conſented to have the execution haſtened, and every one of them vowed to bear an equal ſhare in the blame, and ſent Beal away with the warrant and letters. The third day after, when by a dream which ſhe told of the queen of Scots death, I perceived that ſhe wavered in her reſolution, I asked her whether ſhe had changed her mind? She anſwered, no; but another courſe (ſaid ſhe) might have been deviſed; and withal ſhe asked me, whether I had received any anſwer from Powlet? Whoſe letter when I had ſhewed her, wherein he flatly refuſed to undertake that which ſtood not with honour and juſtice; ſhe waxing angry, accuſed him and others (who had bound themſelves by the aſſociation) of perjury and breach of their vow, as thoſe that had promiſed great matters for their prince's ſafety, but would perform nothing. Yet there are (ſaid ſhe) who will do it for my ſake. But I ſhewed her how diſhonourable and unjuſt a thing this would be; and withal into how great danger ſhe would bring Powlet and Drury by it. For if ſhe approved the fact, ſhe would draw upon herſelf both danger and diſhonour, not without cenſure of injuſtice; and if ſhe diſallowed it, ſhe would utterly undo men of great deſert, and their whole poſterity. And afterwards ſhe gave me a light check the ſame day that the queen of Scots was executed, becauſe ſhe was not yet put to death.”

If this apology be true, one cannot deſire a more convincing proof of Elizabeth's diſſimulation. The point was, not Mary's death, for that was fully determined, but the manner. It appears in this writing, that Elizabeth would have been glad, the queen of Scots two keepers had diſpatched her, that ſhe might have been able to clear herſelf, which ſhe would not have failed to do, by putting them both to death. There remains but one ſcruple, which is, that we have this from Camden only, whoſe teſtimony cannot be reckoned very certain.

The king of Scotland ſhews at firſt a great deal of reſentment. Melvil.

The king of Scotland having received the news of the queen his mother's tragical end, expreſſed a very lively reſentment at the ſame. His firſt thoughts prompted him to revenge. The ſtates of Scotland, then aſſembled, promiſed him their aſſiſtance, and there were not wanting ſome about him, who perſuaded him to join with the pope, France and Spain, to revenge ſo great an affront. Others adviſed him not to break with England, for fear of hazarding upon the uncertain chance of war, his undoubted title to the crown of that kingdom; eſpecially as the Engliſh only wanted perhaps a pretence, to hinder a Scotch prince from aſcending the throne of England, which therefore he ought to take care not to furniſh them with. Some were of opinion, he ſhould declare openly for neither of the two religions, but keep himſelf always ready to improve the events, time ſhould produce. Carey arriving ſoon after, the king refuſed him audience, and it was not without great difficulty, that he was perſuaded to receive Elizabeth's letter. We find, however, in Melvil's Memoirs, that ſome lords of the court of Scotland had wrote to England, that whenever queen Mary ſhould be put to death, the king, her ſon, would not highly reſent it; and accordingly, Melvil affirms, he quickly forgot it. When Elizabeth heard that king James's grief began to abate, ſhe cauſed ſome of thoſe whom ſhe moſt truſted, to repreſent to him, “That in the preſent ſituation of Scotland, there was no room to expect that a war with England could be ſucceſsful. If he pretended to rely on foreign aid, his mother's ſad experience might teach him how uncertain that was. The king of France would be ſo far from countenancing him, that it was his intereſt to hinder the two kingdoms of Great-Britain from being united under the ſame dominion; nay, he would oppoſe to the utmoſt of his power, the ſucceſs of his arms, for fear he ſhould afterwards aſſiſt the duke of Guiſe, who aſpired to the crown. The king of Spain in pretending to aid him, would only ſerve himſelf, on account of his groundleſs claim to the crown of England, as deſcended from the houſe of Lancaſter. Even the queen, his mother, had made a will the night before her death, whereby ſhe excluded him from the ſucceſſion, in caſe he perſevered in the Proteſtant religion, and nominated Philip II. for her heir, which will was ſent into Spain. He was, therefore, to expect no aſſiſtance from Philip, but rather to conſider him as an enemy. In a word, if he made war upon Elizabeth, and the parliament paſſed an act againſt him, he ran the riſque of being excluded for ever from a noble ſucceſſion, which he could not fail to enjoy, provided he would but remain in peace.” To all theſe arguments it was alſo added, “That Elizabeth had an affection for him, and beſides, would think herſelf bound in honour and duty to repair the mother's wrongs, by leaving her crown to the ſon, in caſe he gave her no occaſion to do otherwiſe.” Theſe repreſentations had their effect. James ſaw it to be his intereſt to keep fair with Elizabeth, and that, added to the ſentence given againſt Daviſon, which was ſent him, ſo ſtifled his reſentment, that he ſhewed no farther marks of it.

The queen ſends a fleet againſt Spain. Camden.

In the interim, Elizabeth hearing the Spaniard was making great preparations to invade England *, ſent Drake with a good fleet upon the coaſt of Spain, with orders to burn all the Spaniſh ſhips he ſhould meet. This admiral's firſt expedition was to the port of Cadiz,

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* Their preparations were ſo extraordinary great, that Sir Francis Drake ſays, in a letter, the Spaniards had proviſions of bread and wine, ſufficient to maintain 40,000 men a whole year. See Strype's Ann. That theſe great preparations were aimed at England, was diſcovered by Walſingham in the following remarkable manner: He had intelligence from Madrid, that Philip had told his council, he had diſpatched an expreſs to Rome, with a letter wrote with

diz, where he burnt above 100 veſſels, laden with victuals and ammunition, and a large galeon of the marqueſs of Santa Cruz, with another of Raguſa, full of rich merchandize; then returning to Cape St. Vincent, he did great damage to the inhabitants along the coaſt; after which he came to the mouth of the Tagus, where he, in vain, provoked the marqueſs of Santa Cruz, by plundering and burning the ſhips he found there. From thence he ſailed to the Azores, and meeting in the way with a rich carack, called the St. Philip, returning from the Eaſt-Indies, eaſily took her. The proviſions and ſtores which the Spaniards loſt at Cadiz, the taking of the galeons and carack, and the reſt of the damages they ſuſtained, obliged Philip to defer till the next year the expedition, he had projected againſt England. While Drake was acting in Europe againſt Spain, Cavendiſh was doing the ſame in America, having entered the South-Sea by the ſtraits of Magellan. He plundered without oppoſition the coaſts of Chili and Peru, and did the Spaniards great damage in thoſe parts.

The ſtates of the United Provinces complain of the earl of Leiceſter. Grotius.

I left, about the end of the laſt year, the earl of Leiceſter returning into England, after having ſet on foot his project to become ſovereign of the United Provinces, by cheriſhing confuſion and diſcord. Before his departure, the ſtates began to perceive his deſigns, and the orders he left when he went away, and which the officers, his creatures, punctually executed, fully confirmed their ſuſpicions. For this reaſon they ſent ambaſſadors to Elizabeth to complain of him; but his credit, and the queen of Scots affair, which then held the court employed, hindered the ambaſſadors from being ſo ſpeedily diſpatched as they deſired. It even happened in this interval, that Stanley and York, who held of the earl of Leiceſter the governments of Deventer, and a fort near Zutphen, delivered theſe two places to the duke of Parma. So, the ſtates no longer truſting that general, gave the command of their army to count Maurice of Naſſau, the late prince of Orange's ſecond ſon. They did likewiſe ſome other things which plainly ſhewed that, having diſcovered the earl of Leiceſter's deſigns, they would not ſuffer him to put them in practice. In the interim, the duke of Parma beſieging Sluys, the earl returned from England to raiſe the ſiege, but had not the good fortune to ſucceed; at laſt, finding he was every where miſtruſted, he reſolved to execute by force the project he had formed. To that end, he would have made himſelf maſter of ſeveral places at once, in the heart of the country, to keep the reſt in awe. But his deſign to ſurpriſe Leyden being diſcovered, in ſeaſon, all correſpondence between him and the ſtates entirely ceaſed. Whereupon the queen was obliged to recall him, and ſend in his room, Peregrine Barty, lord Willoughby of Eresby, but with no other authority than the command of the Engliſh forces. Then the ſtates appointed count Maurice their captain general.

Philip II. prepares to invade England. Camden.

In the interim the king of Spain, ever intent upon the project of invading England, continued to make extraordinary preparations. This project was formed ever ſince the queen of Scots had been perſuaded to convey to him her right to England, as being the only means to reſtore there the Catholick religion. According to the received maxim in the church of Rome, that a heretick is unworthy and incapable of enjoying a crown, Philip II. thought he might juſtly claim that of England, as being the next Catholick prince deſcended from the houſe of Lancaſter. But that the reader may the better know the ground of his pretenſions, it will be proper to caſt an eye upon his genealogy, which ſhews him ſprung from the two daughters of John of Gaunt, duke of Lancaſter, fourth ſon to Edward III. Upon this deſcent therefore, and the queen of Scots conveyance and will, he had projected the conqueſt of England. Elizabeth, not being ignorant of it, took all poſſible care to be in a poſture of defence, and both coloured their preparations with divers pretences. To amuſe Elizabeth, Philip ſent and propoſed her mediation for a peace between him and the revolted provinces of the Netherlands. Elizabeth perfectly knew Philip's view; and, to amuſe him in her turn, accepted the mediation, in hopes, the negotiation would give her more time to be prepared. She propoſed, therefore, to the ſtates a peace with Spain, intimating, they could not refuſe to enter into treaty, without incurring the blame of continuing the war out of obſtinacy. She promiſed them moreover to have their intereſt as much at heart as her own. But the ſtates abſolutely refuſed to treat, knowing, by frequent experience, that ſuch negotiations were ever fatal to them. Nevertheleſs, ſhe ſent plenipotentiaries into Flanders, imagining the ſtates would be forced, as ſhe hinted, to agree to her deciſions with Spain. Three months paſſed before the place of congreſs could be ſettled. Elizabeth required as preliminaries, a general pardon for the confederates; that the towns of the Netherlands ſhould enjoy all their antient privileges, and the old alliance between England and Spain be renewed; that ſome good fund ſhould be aſſigned her for the payment of what was due from the ſtates, and the forces on both ſides be diſbanded. As to religion, the Spaniards demanded, that it ſhould be entirely as the king pleaſed, ſince he did not hinder Elizabeth from ſettling it in her dominions according to her pleaſure. Elizabeth did not inſiſt much upon this article, whether ſhe believed every ſovereign to have a right to impoſe a religion upon his people, or, to amuſe

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with his own hand to the pope, acquainting him with the true deſign of his preparations, and asking his bleſſing upon it; which for ſome reaſons he would not yet diſcloſe to them, till the return of the courier. The ſecret being thus lodged with the pope, Walſingham, by the means of a Venetian prieſt, retained at Rome, as his ſpy, got a copy of the original letter, which was ſtolen out of the pope's cabinet, by a gentleman of the bed-chamber, who took the keys out of the pope's pocket while he ſlept. Welwood's Mem.

1587. the Spaniards, feigned to relax that ſhe might not obſtruct a negotiation, the continuance whereof could not but be advantageous to her. Be this as it will, ſhe went ſo far, as to be ſatisfied that the exerciſe of the reformed religion ſhould be tolerated two years only in the United Provinces. As for the places in her poſſeſſion, ſhe refuſed not to reſtore them, provided ſhe were reimburſed. Upon theſe mutual demands, the Spaniards took care to delay the concluſion of the preliminaries, imagining that the hopes of a ſpeedy peace would prevent Elizabeth's preparing againſt their attacks. They refuſed to come to any agreement with reſpect to religion; and as for Elizabeth's charges in ſupporting the confederates, they pretended they were to be balanced by the expences ſhe had put their king to. At length, the preparations which were making againſt England in all the Spaniſh ports, became ſo publick, that this feigned negotiation broke off without any ſucceſs, after laſting till March the next year.

The pope ſides with Philip. Camden.

I have already mentioned Philip's pretenſions to England and Ireland. Ferdinand, the Catholick, his great-grandfather, had not ſo plauſible a claim to the kingdom of Naples and Navarre which he ſeiſed, and which ſtill are part of the Spaniſh monarchy. But beſides theſe pretenſions, Philip made uſe of another thing, very proper to impoſe upon the world, viz. a great zeal for the reſtoration of the Catholick religion in the three kingdoms of Great-Britain. By that he had perſuaded pope Sixtus V. to come into the project, the execution whereof would be as well glorious as advantageous to both, but of which Philip was to bear the whole charge. As for Sixtus, he had nothing to contribute, but what the popes were wont to ſupply on ſuch occaſions, viz. vows, prayers, and anathema's. To countenance, therefore, the king of Spain's undertaking, the pope thundered againſt Elizabeth a bull, abſolving her ſubjects from their oath of allegiance, and giving her kingdoms to the firſt that ſhould ſeiſe them *. This was the king of Spain, who was now ready to embrace the pope's offer.

The invincible Armada. Camden.

He had prepared in Portugal, at Naples, and in Sicily, a fleet, called the Invincible Armada. It conſiſted of 150 great ſhips, in which were embarqued 19000 men, and 2630 pieces of cannon. It was to be commanded by the marqueſs de Santa Cruz, but that admiral dying whilſt the fleet was equipping, the duke of Medina-Celi was appointed in his room. On the other hand, the duke of Parma had cauſed an army of 30,000 men to advance towards the coaſts of the Low-Countries, and prepared a great number of veſſels to tranſport them, in order to join the Spaniſh fleet, and land in England. The project was to ſtation the fleet at the mouth of the Thames, to aſſiſt the troops who were to march directly to London. Elizabeth, who wanted not good ſpies, having timely notice of theſe great preparations, provided for the defence of her kingdom with great care and diligence. She fitted out a conſiderable fleet, which, however, was inferior to that of Spain, both in the number and largeneſs of the ſhips, and gave the command to Charles, lord Howard of Effingham, high-admiral of England, and very expert in ſea-affairs. He had for vice-admirals, Drake, Hawkins, and Forbiſher, three of the beſt ſea-officers, then in the world. On the other hand, Henry Seymour, ſecond ſon to the late duke of Somerſet, lay upon the coaſt of Flanders, with 40 ſail, Engliſh and Dutch, to hinder the prince of Parma from joining the Spaniſh fleet. Moreover, Elizabeth had in England an army of 40,000 men, whereof 3000, under the command of the earl of Leiceſter, were poſted near the Thames mouth. The reſt were near the queen's perſon, ready to march where it ſhould be deemed neceſſary. Beſides this, there was in each county a body of militia well armed, under leaders who had orders to join one another as occaſion ſhould require. It is certain, there are no trained-bands in the world more proper for a bold action than thoſe of England. So in caſe the Spaniards had landed, they would have met with their match. The ſea-ports were fortified as much as the time would permit, and ſignals were every where appointed to ſhew the places where the troops were to march. In ſhort, it was reſolved, that if the Spaniards made a deſcent, the country about them ſhould be laid waſte, that they might have nothing to ſubſiſt upon but what they brought from the fleet. This was the courſe taken by Francis I, in Provence, againſt Charles V, with ſucceſs, that anſwered his expectations. Theſe meaſures being taken, the enemy was expected with uncommon alacrity, tho' it ſhould ſeem that on ſuch an occaſion every one ſhould have been in the utmoſt conſternation.

1588. The queen's perplexities.

In the interim, Elizabeth was not without uneaſineſs. The hour ſhe had ever dreaded was, at length, come. Her crown lay at ſtake, and ſhe was to defend it, without the aſſiſtance of any ally. This ſhe had always endeavoured to prevent, from the beginning of her reign, by all the artifices her policy could ſuggeſt, by fomenting the troubles of Scotland, by making an alliance with France, by feigning to marry the duke of Anjou, by aſſiſting the Huguenots of France, and the male-contents of the Netherlands, and finally, by beheading the queen of Scots. She had ſucceeded hitherto, and tho' ſurrounded with enemies, had found means to employ them at home, and prevent them from directly invading England. But the time was now come that her right muſt be expoſed to the chance of war. Tho' ſhe was generally beloved by her ſubjects, ſhe was not ignorant, that there were many diſaffected perſons in the kingdom, and eſpecially among the Catholicks; nay, ſhe had reaſon to fear, they correſponded with the king of Spain, and favoured his invaſion. On the other hand, ſhe was not eaſy with reſpect

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* The bulls of Pius V, and Gregory XIII, were renewed by cardinal Allen, ſent for that purpoſe into the Low-Countries. A Cruſade was alſo publiſhed againſt queen Elizabeth. Camden.

to Ireland, becauſe of the religion of the Iriſh, and the correſpondents the pope and Philip II. had there. But ſhe was under a ſtill greater concern on account of Scotland. She had juſt put king James's mother to death by the hand of the executioner, and if that prince ſhould be tranſported with the deſire of revenge, he could never have a fairer opportunity, ſince it was in his power to favour the deſcent of the Spaniards, in one extremity of the kingdom, by making a diverſion in the other. In a word, if ſhe could not hinder the Spaniards from landing in England, ſhe muſt neceſſarily reſolve to riſque a battle, the country not being proper to prolong the war. All this was more than ſufficient to inſpire her with a juſt dread, which, however, ſhe very carefully concealed. If ever ſhe diſcovered ability, it was on this important occaſion. Far from ſhewing the leaſt faint-heartedneſs, ſhe encouraged her people by her looks, her reſolution, her affability, which made them think ſhe was troubled only for their ſakes; and on her own account, regardleſs of the danger. In the interim, ſhe looked to every thing with a wonderful prudence, and a preſence of mind, rarely to be found in the greateſt men, and which gained her the admiration and praiſes of all the world. Some adviſed her to put to death, or ſend beyond ſea, the leading Catholicks; but ſhe thought, it would be diſcovering too much fear, beſides that it would have been great injuſtice to puniſh men upon bare ſuſpicions. She contented herſelf with cauſing ſome to be arreſted, and put into cuſtody, telling them, however, it was only by way of precaution, which, inſtead of injuring, would ſcreen them from the violence of their enemies.

Camden.

As for Ireland, ſhe ſent orders to Sir William Fitz-Williams, who was then lord-deputy; diſtinctly pointing out to him what precautions he ſhould uſe to hinder the Iriſh from riſing; but above all things, ſhe took care to careſs the king of Scotland, and put him in hopes of an ample acknowledgment, if on this occaſion he inviolably adhered to the Proteſtant religion, and the intereſt of Great-Britain. She repreſented to him, that, in reſpect to England, he was to conſider the king of Spain as a dangerous competitor, and that the loſs of one of the realms of Great-Britain, would not fail of being attended with the loſs of the other. But her uneaſineſs with regard to Scotland was not long-lived, ſince ſhe had quickly the ſatisfaction to hear, that James knowing perfectly his own intereſt, had no correſpondence with the king of Spain, but even ſtood upon his guard for fear of being invaded himſelf.

The expedition of the Spaniſh fleet. Camden.

The duke of Medina-Celi ſailed out of the Tagus with the Invincible Armada, the 3d of June, and ſteered his courſe towards the north. Within a few days, a ſtorm ariſing, ſo diſperſed the ſhips, that they could not rejoin till they came to the Groyne. This accident occaſioned a report over Europe, that the Spaniſh fleet was entirely deſtroyed. Walſingham himſelf, ſecretary of ſtate, thought his intelligence ſo certain, that he wrote to the lord-admiral Howard, to ſend home four of the largeſt ſhips, there being no farther danger this year. But the admiral anſwered, he could not think of parting with the four ſhips, tho' he ſhould be obliged to keep them at his own charge, till he had more certain advice. The better to know the truth, the wind turning to the north, he ſailed with all his fleet towards Spain, with deſign to complete the deſtruction of the enemy's Armada, which was repreſented to him as diſabled. But when he approached Spain, he heard the fleet had not ſuffered ſo much damage as was reported. At the ſame time, the wind changing to the South, he ſailed back to his ſtation at the mouth of the channel, for fear with the ſame wind the enemies fleet ſhould advance towards England.

But it was the 12th of July before the Spaniards departed from the Groyne, and two days after, the duke of Medina-Celi ſent a yatcht to notify the ſame to the duke of Parma, that he might be ready to join him. The 19th, the Spaniſh fleet entered the channel, and the 20th, appeared in ſight of the Engliſh, who let it paſs in order to follow it before the wind. Camden has inſerted in his Annals, a journal of what paſſed in the channel till the Spaniards retired to the north. I do not think it very neceſſary to copy this journal, which beſides is ſomething obſcure, and gives but an imperfect idea of the bravery and conduct of the Engliſh. It will ſuffice to ſay, that whilſt the Spaniards were in the channel, the Engliſh kept cloſe to them, and even took ſome of their ſhips. Of this number were a galeon, commanded by Don Pedro de Valdis, which was ſent to Dartmouth, and a ſhip of Biſcay, in which was the king's treaſure; but the Spaniards had taken out the money, becauſe the ſhip had been fired.

The 23d of July, the wind being in the north, the duke of Medina-Celi ſtood towards the Engliſh fleet. There was that day a ſharp engagement, wherein the Spaniards, tho' much ſuperior in number of ſhips, obtained no advantage. The unweildineſs of their ſhips, and the agility of the Engliſh, made it eaſy for theſe laſt to ſtand off or on, as they ſaw fit, and ſo to balance the ſuperiority of their enemies. The trial the Spaniards made on this occaſion of the Engliſh valour and ſkill in ſea-engagements, began, doubtleſs, to give them quite another notion of their enterpriſe, than they had hitherto conceived.

In the interim, the duke of Medina-Celi ſent daily meſſages to preſs the duke of Parma to put to ſea with his army. But that was not practicable, by reaſon of the Engliſh and Dutch ſhips, poſted advantageouſly to hinder the junction. It was neceſſary for the Spaniards to approach the coaſt of Flanders, to compel them to retire. But the 27th in the evening, they were no farther than off Calais, where they came to an anchor, being ſtill followed by the Engliſh, who lay within ſhot. Here the Engliſh fleet was joined by a

1588.

good number of ſhips, not only of the queen's, but of divers private perſons, who had fitted out ſeveral at their own expence. And now the fleet conſiſted of 140 ſhips of war, ſmall indeed in compariſon of the Spaniſh, but, however, with the advantage of moving more eaſily, and retiring into the ports of England in caſe of neceſſity. The duke of Parma, who was to ſail from Dunkirk and Newport, was ſtill earneſtly ſollicited by the duke of Medina-Celi to put to ſea, and make a deſcent in England, as it had been reſolved. But, beſides that the ſhips which expected him, were not yet withdrawn, notwithſtanding the neighbourhood of the Spaniſh Armada, many of his mariners had deſerted, and his fleet was ill provided with victuals. In ſhort, he could not, or would not embarque.

Whilſt the Spaniards lay before Calais, the Engliſh admiral ſent in the night, eight fire-ſhips among their fleet. This ſight ſtruck them with ſuch a terror, that inſtantly cutting their cables, they put to ſea to avoid the impending danger. In this confuſion, the Admiral Galeaſs, commanded by Hugo de Moncada, having loſt her rudder, floated up and down till the next day, when ſhe was taken by the Engliſh, after a ſharp engagement, wherein Moncada was ſlain. Tho' the Spaniſh admiral had ordered every ſhip to return to her ſtation as ſoon as the danger was paſſed, and made a ſignal for that purpoſe, there were but few that endeavoured to obey. So, the fleet remained diſperſed, ſome of the ſhips being driven to the north, and others upon the ſhallows of Flanders, where they were in great danger. They had not only to guard againſt the ſands, but alſo againſt the Engliſh, who ſo played upon them with their cannon, that ſeveral Spaniſh ſhips were that day diſabled, and the galeons, called St. Philip, and St. Matthew, fell into the hands of the Zealanders. At laſt, a north-weſt wind driving the fleet upon the coaſt of Zealand, where they were very like to be loſt, the Engliſh gave over the chace, for fear of being expoſed to the ſame danger. Happily for the Spaniards, the wind turned to the ſouth-weſt very ſeaſonably, and freed them from their diſtreſs. But now, perceiving the impoſſibility of executing their project, they reſolved to return home, by ſailing round Scotland and Ireland, and the rather, as ſome of their ſhips had already ſteered that courſe. The Engliſh admiral ſeeing them ſtand to the northward, left part of his fleet to have an eye upon the coaſt of Flanders, and gave them chace, tho' at a little diſtance, till they were paſt Edinburgh-Frith. The courſe they ſteered gave ſome ſuſpicion, that they were ſure of a retreat in the ports of Scotland. Whereupon the Engliſh ambaſſador, at king James's court, made him large offers, and even ſome promiſes, which he had not power to make, and which were never performed.

In the interim, the Spaniſh fleet continuing their courſe, ſuſtained ſome farther damage by contrary winds, which cauſed ſeveral ſhips to be loſt on the coaſt of Scotland and Ireland. Seven hundred ſoldiers and mariners, who had eſcaped to land in the king of Scotland's dominions, were ſent to the duke of Parma with Elizabeth's conſent; but thoſe who were ſhipwrecked in Ireland, and caſt aſhore, were all put to the ſword, or periſhed by the hands of the executioner; the lord deputy, by whoſe orders it was done, fearing they would join with the rebels; at leaſt, this was his pretence to excuſe this barbarity.

Philip bears his misfortune patiently. Camden.

Philip II. received the news of the ill ſucceſs of his fleet, with an heroic patience. He had ſpent three years in preparing this Armada, with incredible expence, and, when he heard of the defeat, ſo contrary to his expectation, thanked God it was no greater.

The queen returns God thanks. Camden.

Upon the retreat of this ſo formidable fleet, England was filled with an univerſal joy. Elizabeth ordered a publick thankſgiving for this deliverance, to be made in all the churches of the kingdom, and went herſelf to St. Paul's in great ſolemnity to perform the ſame duty. After that, ſhe confered on the lord-admiral a yearly revenue, in recompence of his great ſervice to his country, and beſtowed penſions on the wounded. For the reſt, their rewards conſiſted more in words than in deeds.

King James remains firm to the intereſt of England. Act. Pub

Sir Robert Sidney, who had been ſent into Scotland before the arrival of the Spaniſh fleet, at the time, the queen was afraid king James would think of being revenged, returned home when the danger was over. He reported, that the king of Scotland had teſtified his ſincere attachment to the intereſt of England, and the Proteſtant religion, and had told him, "That he looked for no other favour "from the Spaniards, than what Polyphemus "promiſed Ulyſſes, viz. that he ſhould be "devoured the laſt.

The death of the earl of Leiceſter. Camden.

On the 4th of September died the earl of Leiceſter, a man little deſerving his greatneſs, if moſt of the hiſtorians are to be credited. His death drew tears from the queen, who nevertheleſs ordered his goods to be ſold at a publick ſale, for payment of the ſums ſhe had lent him.

The affairs of the Low-Countries. Camden.

After the Spaniſh fleet had left the coaſt of Flanders, the duke of Parma ſeeing the enterpriſe blaſted, beſieged Bergen-op-ſcom, where was an Engliſh governor with a garriſon all of the ſame nation. This ſiege acquired the governor great reputation, who by a gallant defence, obliged the duke, at length, to raiſe the ſiege.

The affairs of France. Thuanus.

The ſame year, ſo memorable for England, was no leſs ſo for France. The duke of Guiſe, grown more powerful than the king, came to Paris in May, and by the favour of the people, whoſe idol he was, obliged the king to depart, having firſt ſeen the furious populace chaining the ſtreets, and preparing to attack his perſon in the Louvre. This is what was called, the Barracadoes of Paris. This inſolent action was followed by an agreement, which the king was forced to make with the heads of the league, whereby he put ſeveral places, into their hands. But in December following Henry perceiving himſelf ruined, if he did not make away with the duke of Guiſe, and his brother the cardinal, cauſed them both to be aſſaſſinated at Blois, where the ſtates of the kingdom were aſſembled. Thus he freed himſelf from a preſent danger, but it was only to fall into another, for this action made the league, and the city of Paris openly declare againſt him.

The affairs of Scotland. Melvil.

As for Scotland, all was quiet there during the whole year 1588. So long as the king had about him miniſters and counſellors attached to the intereſt of England, he generally led an eaſy and peaceable life. So, the only thing that troubled him this year was his marrige, which he could not accompliſh, tho' he paſſionately wiſhed it himſelf. Melvil inſinuates, that chancellor Maitland, who then managed that prince's affairs, was bribed by Elizabeth; that ſhe gave penſions to moſt of the counſellors of Scotland, and that her view was to hinder the king from marrying. He had ſent ambaſſadors to Copenhagen, to treat of his marriage with the eldeſt daughter of Frederick II, but by the artifice of his miniſters, the ambaſſadors power was ſo limited, that it was impoſſible for them to conclude. On the other hand, whilſt this marriage was negotiating, one Dubartus*, a French poet, ſervant of the king of Navarre, came to Edinburgh, under colour of paying his reſpects to the king, who had expreſſed ſome eſteem for his works, and propoſed, as of himſelf, the king's marriage with Catharine, his maſter's ſiſter. He ſaid ſo many fine things of this lady, that the king, by the advice of his council, ſent the lord Tungland, Melvil's brother, into France to ſee her, on pretence of negotiating ſome affair with the king, her brother. The king of Denmark hearing of it, and ſeeing moreover the limited power of the Scotch ambaſſadors, believed he was mocked, and gave his daughter to the duke of Brunſwick. Melvil aſcribes, not without great likelihood, this whole intrigue to Elizabeth, and affirms, it was ſhe that informed the king of Denmark of the lord Tungland's being ſent to the court of Navarre.

1589. A plot in Scotland diſcovered. Camden.

Soon after, in the beginning of the year 1589, was diſcovered in Scotland, a conſpiracy againſt the king, contrived by the earls of Huntley and Bothwell, ſon to John, prior of Coldingham, natural ſon of James V. Their deſign was to ſeiſe the king's perſon, and compel him to reſtore the Catholick religion in Scotland. It is ſaid, they were excited by emiſſaries from Spain. The king prevented the execution of the plot by his diligence. He purſued the earl of Huntley, who had taken arms, till, at laſt, he conſtrained him to yield at diſcretion. As for Bothwell, he withdrew to his own houſe, where he meditated new projects, which I ſhall ſpeak of hereafter. I return to the affairs of England.

The tryal of the earl of Arundel. Camden.

Philip Howard, earl of Arundel, eldeſt ſon of the late duke of Norfolk, who had been three years priſoner in the tower, was, at laſt, brought to his tryal before his peers, being accuſed of conſpiring againſt the queen and ſtate. Camden ſhews, he was convicted at moſt, of being diſaffected to the government, and too much attached to the Catholick religion. He was, however, condemned to die; but the queen gave him his life.

The queen ſpares his life.

The peaceable ſtate of Elizabeth.

Elizabeth enjoyed now a tranquillity, to which ſhe had been a ſtranger ever ſince the beginning of her reign. The queen of Scotland was no longer in the world; and the king, her ſon, in expectation of one day ſucceeding Elizabeth, ſtifled his reſentment, or rather had entirely forgot the tragical death of his mother. The king of Spain was diſabled to make a freſh attempt upon England, ſince the unfortunate ſucceſs of his Invincible Armada. The affairs of the United Provinces began to be reſtored, by the valour and prudent conduct of count Maurice, and thoſe of France were in ſuch a ſituation, that England had nothing to fear from that quarter. The duke of Guiſe, Elizabeth's great enemy, was dead, his ſon in priſon, and the duke of Mayenne wholly bent upon revenging the death of his brothers. As for Sixtus V, tho' very capable of forming great projects, he could not execute them without the aid of ſome Catholick potentate; and the king of Spain, on whom alone he could depend, was wholly engroſſed with the thoughts of improving the troubles of France. As for the Engliſh Catholicks, there was no likelihood of their ſtirring, at a time when they could not expect any foreign aſſiſtance.

She ſends a fleet againſt Spain. Camden.

In this proſperous ſtate, Elizabeth having nothing to fear either at home or abroad, had a mind to ſhew the Spaniard, the Engliſh could attack as well as defend. But as ſhe was extremely frugal, and an undertaking againſt Spain could not but be very expenſive, ſhe ſo ordered it, that Drake and Norris took upon them to be at the charge, in hopes of making themſelves amends by the booty they ſhould meet with. So, ſhe only found them ſhips of war, with leave to raiſe ſoldiers and ſailors for the expedition. Drake had already tried the Spaniards in America, and the channel, and was convinced they were more formidable in common opinion, than in reality. Wherefore joining with Norris, and ſome other private perſons, they equipped a fleet, and embarqued 11,000 ſoldiers, and 1500 mariners. The Hollanders having alſo added ſome ſhips, the fleet conſiſted of 80 ſail of all ſorts. Drake commanded at ſea, and Norris was general of the land-forces. They took with them Don Antonio, who ſtiled himſelf king of Portugal, and hoped, by the aſſiſtance of the Engliſh, to be put in poſſeſſion of that kingdom, where he pretended to have many friends.

The expedition. Camden.

They ſailed from Plymouth the 18th of April, and ſoon after arrived at the Groyne, where landing their troops, they aſſaulted the lower-town and carried it by ſtorm. Then, they beſieged the upper-town; but Norris having advice that the Conde di Andrada was approaching with a body of troops to relieve the place, ſuddenly raiſed the ſiege to march againſt him, but the Spaniſh Conde thinking proper to retire, he purſued him, and overtaking him ſlew 3000 of his men. This done, he burnt ſeveral villages, and without returning to the ſiege, re-embarqued his troops. The principal deſign of the Engliſh was to exert themſelves chiefly againſt Portugal.

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* As this name is thus wrote in Melvil's Memoirs, it was not thought proper to alter it. But there is room to ſuſpect it ſhould be Du Bartas, a famous poet, who was indeed ſent to Scotland by the king of Navarre, tho' one cannot be ſure it was this very year. Thuanus. Rapin. Melvil ſays, that king James had this Dubartus in great eſteem, for his rare poeſie ſet out in the French tongue; which puts it out of all doubt that it was Dubartus. Melvil.

Whilſt they were ſailing towards the coaſts of that kingdom, they met the earl of Eſſex, who joined the fleet with ſome ſhips he had armed at his own charge, and unknown to the queen. Some days after, they arrived at Penicha, a little town of Portugal, and taking it, reſtored it to Don Antonio. From hence Norris marched by land to Liſbon, Drake promiſing to follow with the fleet up the Tagus. The army marched 60 miles without any oppoſition, and encamping before Liſbon took the ſuburbs of St. Catharine; but as Drake performed not his promiſe, and the army wanted cannon and ammunition, it was reſolved in a council of war, to retire. This reſolution was taken, becauſe there was no appearance that the Portugueze were inclined to revolt, as Don Antonio had expected, and alſo becauſe there was no news of the ſuccours he had boaſted of, from the king of Morocco. The army marching towards the mouth of the Tagus met Drake, who had taken the town of Caſcaes and excuſed himſelf upon the impoſſiblity of performing his promiſe. Some days after, the caſtle of Caſcaes ſurrendering, it was blown up, and to make themſelves amends for the charges of the expedition, the Engliſh ſeiſed 60 veſſels laden with corn belonging to the Hans-Towns. Then they went and took Vigo, which was abandoned by the inhabitants, and firing the town returned to England. This expedition did ſome damage to the king of Spain, but was of no benefit to Elizabeth, and the booty was not ſufficient to pay for equipping the fleet. Beſides this, above 6000 men periſhed by ſickneſs. The only advantage reaped by the Engliſh was, that they were more convinced of the weakneſs of the Spaniards in their own country.

The Engliſh ſeiſe 60 ſhips belonging to the Hans-Towns.

They complain to the queen. The court's anſwer.

The Hans-Towns made great noiſe on account of the ſeiſure of their ſhips in the Tagus, and ſent ambaſſadors to the queen with their complaints. They were told in the firſt place, that in the patent granted them by Edward III. it was expreſly provided, they ſhould not import any commodities into the dominions of the profeſſed and open enemies of England. Secondly, that a neutrality was ſo to be ordered, that in aſſiſting one of the parties, the other ſhould not be damaged; and that it was a thing well known, that warlike proviſions carried to one of the contending parties, were contraband goods, and liable to ſeiſure. In the third place, they could not juſtly complain of the taking their veſſels, ſince the queen had warned them not to import any proviſions to Spain and Portugal, unleſs they would hazard their being ſeiſed by the Engliſh.

The affairs of France. Thuanus.

This affair was of little moment; but what paſſed in France this year was much more conſiderable. The ſtep Henry III. had taken, in cauſing the duke of Guiſe to be ſtabbed, ſerved only to throw him into greater trouble. His ſwearing again to the league in the preſence of the ſtates before he diſmiſſed them, ſignified nothing. The leaguers, as they could no longer truſt to his promiſes and oaths, almoſt entirely alienated the whole kingdom from him. Hence he ſaw himſelf forced to call the king of Navarre and the Huguenots to his aſſiſtance, and join with them againſt the league. It is a thing very remarkable, that this prince, who had ſworn to extirpate the Huguenots, and ſolemnly declared he would never keep promiſe with them, ſcarce found any other ſubjects but the Huguenots in whom he could confide. The forces brought him by the king of Navarre, and 10,000 Switzers, 2000 Landſquenets, with ſome horſe, which came in ſeaſon, enabled him to beſiege or block up Paris with an army of 38,000 men. But juſt as he ſaw himſelf upon the point of compelling the Pariſians to return to their duty, James Clement, a Jacobin monk, ſtabbed him in the belly with a dagger, of which he died in two days. Before he expired, he nominated for his ſucceſſor the king of Navarre, head of the houſe of Bourbon, who aſſumed the name of Henry IV.

Thuanus.

The league refuſed to acknowledge the new king; nay, he ſaw himſelf deſerted by ſeveral great men of the late king's party, and in order to retain ſome of the Catholick nobility, he was obliged to promiſe them, that he would within ſuch a time be inſtructed in the principles of the Romiſh religion; that is, would turn Catholick; for that was the meaning given to theſe words. In the interim, he had neither men nor money, the Switzers and Germans who had ſerved Henty III. threatening to leave him, unleſs he would pay them their arrears, which he was not able to do. In this extremity he had recourſe to Elizabeth, who generouſly promiſed him both men and money. In expectation of theſe ſuccours, he ſtood firm againſt the duke of Mayenne, who had forced him into Normandy, and even attacked him at Arques, but without ſucceſs. Henry thought himſelf in ſuch danger, that he would have taken the advice given him by ſome, to fly into England, if the marſhal de Biron had not ſtopped him. At laſt, the Engliſh ſupplies arrived, conſiſting of 4000 men, under the command of Peregrine, lord Willoughby, and of 22,000 pounds ſterling in gold. With this reinforcement he was able to approach Paris, and take one of the ſuburbs of that city; but the duke of Mayenne having entered with his army, he was forced to retire. In the interim, the duke of Mayenne had cauſed the old cardinal de Bourbon to be proclaimed king, and himſelf had aſſumed the title of lieutenant-general of the crown of France. Henry leaving the country about Paris, returned into Normandy where he reduced ſome places to his obedience, after which he ſent home the Engliſh forces.

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to the queen's expreſs orders; ſuppoſing, that ſince he had given the king his parole, nothing could free him from his engagement. Elizabeth was ſo diſpleaſed with the king, and the earl, that ſhe returned a very rough anſwer to the French ambaſſador, who preſſed her for the 5000 men, demanded by the king, his maſter, and left him no hopes of obtaining them. At the ſame time, ſhe diſpatched Sir Thomas Leyton, the earl of Eſſex's uncle, with an expreſs order to him, inſtantly to return, if he would not be entirely diſgraced. In the interim, Henry hearing the duke of Parma was departed from Bruſſels about the end of November, repaired to his army before Roan, to carry on the ſiege, hoping to take the city before the duke of Parma's arrival. Soon after, he ſent du Pleſſis Mornay to Elizabeth, to try to obtain the deſired ſupply.

He ſends Du Pleſſis,

who can obtain nothing. Du Pleſſis's Memoirs.

Du Pleſſis, accompanied with the ambaſſador in ordinary, being admitted to audience, and telling the queen his buſineſs, ſhe plainly anſwered, ſhe would not be the French king's dupe; neither would ſhe for the future concern herſelf any more with his affairs, nor was he to expect any other aſſiſtance from her than her prayers; that he had demanded a ſpeedy aid for the ſiege of Roan, which ſhe had accordingly ſet him; but inſtead of executing their treaty, he had loſt his time before Noyon, and ſuffered the Engliſh troops to decay, whilſt he was making war in Champagne; that he had given the duke of Parma four months to prepare, and then, a ſpeedy ſupply was deſired of her, which would not have been wanted, had things been done in time. To this ſhe added, great menaces againſt the earl of Eſſex, ſaying, he would have it thought that he ruled in England, but nothing was more falſe, and ſhe would make him the moſt pitiful fellow in the kingdom; that, inſtead of ſending freſh troops into France, ſhe was determined to recall thoſe that were there. Then pretending to be indiſpoſed, ſhe deſired the ambaſſadors to be contented with this ſhort audience, hardly giving Du Pleſſis time to return any reply to her complaints. But he had taken care before hand, and prepared a memorial which he would have preſented her, but ſhe bid him give it the lord treaſurer. In ſhort, Du Pleſſis returned, without obtaining any thing, and the earl of Eſſex was forced to go back to England, where he found means to appeaſe the queen. In the interim, the duke of Parma having entered France, and being joined by the duke of Mayenne, and the young duke of Guiſe, who had eſcaped out of priſon, raiſed the ſiege of Roan. Henry eaſily perceived by Elizabeth's conduct, ſhe would not ſuffer herſelf to be amuſed by his artifices, and for fear of loſing ſo neceſſary an aſſiſtance, aboured ſo effectually to be reconciled with her, that, at laſt, ſhe ſent him 2000 freſh men; but it was not till after the raiſing of the ſiege.

1591. Thomas Howard's fruitleſs expedition. Camden.

Whilſt theſe things were tranſacting, the late duke of Norfolk's ſon, was gone with ſix men of war to the Azores, to wait for the Spaniſh plate fleet, homeward bound from America. Having ſtayed ſix months in the Iſle of Flores, he was himſelf almoſt ſurpriſed by Alphenſo Baſſano, who was ſent to convoy home the fleet, with 53 ſhips of war. He had the good fortune to eſcape the danger, by a timely retreat, but one of his ſhips that was not ſpeedy enough, was taken by the Spaniards, after a ſharp engagement. The Engliſh made themſelves ample amends for this loſs, by ſeveral prizes, and, particularly, by taking a ſhip richly laden, bound for the Weſt-Indies, in which, it is ſaid, they found 22,000 indulgences for the Spaniards of America.

Two proclamations. Camden.

This year the queen publiſhed two proclamations, the firſt of which prohibited the carrying of any warlike ſtores or proviſions into the king of Spain's dominions. The ſecond, publiſhed in October, expreſly forbid the harbouring any perſon who ſhould come from the Engliſh ſeminaries, at Rome, or Rheims, or from a third, lately founded by the king of Spain at Valladolid.

1592. New treaty with Henry IV. Camden.

The war which continued in France, made Elizabeth very uneaſy, becauſe the Spaniards had got footing in Bretagne, from whence they might readily make ſome attempt upon England. Henry perfectly knowing her extreme deſire to diſlodge them from that poſt, demanded a farther aid to carry the war into that Province. Tho' Elizabeth had experienced, that ſhe could not much rely on his word, becauſe it was not always in his power to make war where he pleaſed, ſhe concluded with him, however, a new treaty to this effect. That ſhe ſhould furniſh him with 4000 men, ſome pieces of ordnance, and a certain quantity of ammunition; that he ſhould add to the Engliſh troops 4000 foot, and 1000 horſe, and this army be employed to recover Bretagne. That he ſhould within a year repay all her charges. That he ſhould not make peace with the leaguers till they promiſed to aſſiſt him in driving the Spaniards out of the kingdom. That England ſhould be expreſly included in the peace he ſhould make with Spain. Elizabeth ſincerely performed her engagement, and ſent 4000 men into Bretagne, by Norris. But Henry inſtead of joyning his troops with the Engliſh, and carrying the war into Bretagne, ordered them to ſerve in Normandy, whether he was moſt preſſed in thoſe parts, or had made the treaty only to amuſe the queen. However this be, Elizabeth reſented it extremely to be again deceived. She often wrote to the king, complaining of his proceedings, but to no purpoſe. In her anger, ſhe was going to recall all her troops; but hearing the duke of Parma was preparing to make a third expedition into France, ſacrificed her reſentment to the good of that kingdom, which was in ſome meaſure her own. Indeed the duke of Parma was upon the point of re-entering France; but death, which ſeiſed him at the ſame time, freed Henry as well as Elizabeth from their uneaſineſs.

Affairs of Scotland. Camden. Melvil.

Scotland was then diſturbed by Bothwell, who made this year a freſh attempt to become maſter of the king's perſon. As his deſign was diſcovered before it could be executed, he was forced to fly into England. Elizabeth being informed of it, wrote to the king, that ſhe would cauſe thoſe who had harboured the fugitive to be ſeverely puniſhed; and yet, when James ſent and required her to deliver him up, purſuant to their treaty, ſhe evaded his demand, being well pleaſed to keep that prince always in a ſort of uneaſineſs, which ſhould oblige him to regard her.

Sir Walter Raleigh's Expedition. Camden.

The riches brought by the Spaniſh fleets from the Eaſt and Weſt-Indies, were a continual allurement to the Engliſh, who attempted almoſt every year to take them. Sir Walter Raleigh, with that deſign, departing this year with 15 ſail, met near the Azores a ſeven-decked carrack, 165 foot long, moſt richly laden, which he took without much difficulty. This prize made him ſome amends for his charges, in fitting out his fleet; but the contrary winds hindered him from executing a more important enterpriſe projected againſt America.

The Thames dryed up Sept. 6. Stow.

There was a ſort of prodigy this ſummer at London; the Thames was ſo dried up, and the channel ſo ſhallow, that a man might ride over it, near London bridge.

1593. Statute againſt the Non-conformiſts. D'ewes.

The parliament meeting in February, 1593, paſſed an act which troubled not only the Catholicks, but even Proteſtants who differed in certain points from the church of England, and were called Puritans. By this act, thoſe who neglected to be preſent at divine ſervice, eſtabliſhed by law, were liable to certain penalties, and ſo, not only was it no longer permitted to be a Roman Catholick with impunity, but even a Proteſtant without conforming to the church of England. Thus in ſome meaſure were renewed the days of Henry VIII, when it was unlawful to ſwerve ever ſo little from the religion of the ſovereign; with this difference, that under Elizabeth the penalty was not death, as in the reign of her father. Nevertheleſs there was in this laſt act ſomething more hard than thoſe of Henry VIII. That prince, abſolute as he was, contented himſelf with puniſhing ſuch as, by ſome over-act, oppoſed the eſtabliſhed religion; but by this new ſtatute, the ſubjects were obliged openly to profeſs the religion of the church of England. Elizabeth, exaſperated againſt the Catholicks, who had made frequent attempts upon her crown and even her life, would have been very glad to have cleared the kingdom of them. On the other hand, ſhe could not endure the Puritans, looking upon them as obſtinate people, who for very frivolous cauſes bred a ſchiſm in the Proteſtant church. Whilſt ſhe was in danger from the queen of Scots, France, and Spain; in a word, whilſt her affairs remained in a ſort of uncertainty, ſhe left the Puritans unmoleſted, for fear of uniting them in the ſame intereſt with the Catholicks; but no ſooner was ſhe firmly eſtabliſhed, but ſhe hearkened to the ſuggeſtions of the clergy, who repreſented the Puritans as ſeditious perſons, who rebelled againſt the laws, and by their diſobedience ſhook the foundations of the government. This is not the only time, nor is England the only ſtate, where diſobedience in point of religion has been confounded with rebellion againſt the ſovereign. There is ſcarce a Chriſtian ſtate, where the prevailing ſect will ſuffer the leaſt diviſion, or the leaſt ſwerving from the eſtabliſhed opinions, no, not even in private. Shall I venture to ſay it? It is the clergy chiefly who ſupport this ſtrange principle of non-toleration, ſo little agreeable to Chriſtian charity. The ſeverity which from this time began to be exerciſed in England upon the Nonconformiſts, produced terrible effects in the following reigns, and occaſioned troubles and factions which remain to this day, and of which, perhaps, there will be no end theſe many years.

Unuſual ſubſidy granted to the queen. D'ewes.

The ſame parliament taking into conſideration the queen's great expences, both in defending the kingdom againſt the Spaniſh invaſion, and in aſſiſting the French king, and the United Provinces, granted her an extraordinary aid of money; but it was inſerted in the act, that ſo large and unuſual ſupply, granted to a moſt excellent queen, who made ſo good uſe of the publick money, ſhould not be drawn into a precedent. The queen coming to the houſe to give the royal aſſent to this act, made a fine ſpeech, wherein ſhe forgot not to extol her love and care of her ſubjects, and her attachment to the Proteſtant religion. She ſpoke in lofty terms of the bravery of the Engliſh, and ſhewed how formidable they were to all nations of Europe. No perſon was ever more maſter of the art of gaining the affection of her people, by expreſſing an uncommon value and tenderneſs for them.

Suſpicions againſt the king of Scotland. Camden.

Amidſt all the occaſions the queen had to congratulate herſelf upon her good fortune, ſhe ſtill felt ſome uneaſineſs with reſpect to the tranſactions of Scotland. King James began to be ruled by ſuſpicious perſons, and the queen received advice, that the Spaniards aſſiſted by the Catholicks, were contriving ſome dangerous plot, and were countenanced by the earls of Huntley, Angus, and Errol. She heard farther that the king acted not with the vigour neceſſary to prevent their projects, and thereby gave cauſe to ſuſpect, he was himſelf ſomething inclined to innovations. She did not entirely rely on that prince; beſides his ſuffering himſelf to be always guided by thoſe whom he entruſted with the adminiſtration of his affairs, ſhe was afraid, he had been inſpired with the deſire to revenge the queen his mother's death, and that his proteſtations of being ever attached to her intereſt, where only intended to amuſe her. For this reaſon, ſhe ſent the lord Borough to give him advice, and deſired him to inform her of what he knew concerning the plot of the Spaniards and Catholicks. She wiſhed, moreover, he would ſhew himſelf a little more ſevere to thoſe who endeavoured to raiſe troubles in Scotland, and would admit to his council only perſons of known loyalty. James replied, he would do what the queen deſired, as far as his own intereſt, and the laws of the land would allow; but withal, he told the ambaſſador, that his revenues being extremely diminiſhed, he expected the queen to furniſh him with means to puniſh thoſe who ſhould dare to diſturb the publick peace. He alſo required, ſhe ſhould deliver up Bothwell, who had twice attempted his life, and even ſent Robert Melvil to Elizabeth, to demand him expreſly. But ſhe refuſed to ſurrender him, and only baniſhed him out of England, as ſhe was bound by the treaty of league, made with the king.

The affairs of Scotland. Melvil.

Bothwell not being able to ſtay longer in England, returned into Scotland, and withdrew to his own houſe. Soon after, his party ſo increaſed, by accidents, which it is needleſs to mention, that he had the boldneſs to come into the king's preſence, under colour of begging his pardon. James was ſurpriſed to ſee him, but was more ſo, when he perceived, that his whole court, except ſome of his miniſters, were Bothwell's friends. He was, therefore, forced as it were to grant him a pardon, on condition that he ſhould depart the kingdom, and not return unleſs re-called. Bothwell accepted the condition, and concealed himſelf on the borders of England; but at his departure, he left ſo ſtrong a party in the court, that the king was at laſt, obliged, to diſmiſs the chancellor, the lord-treaſurer, and others whom he moſt truſted. Bothwell was ready to improve this change, but the king broke his meaſures, by declaring to the ſtates, he was compelled to pardon him, and by deſiring their aid to free him from his yoke. The ſtates declaring for the king, he recalled his miniſters, and Bothwell's friends were driven from the court.

The people of Scotland ſuſpect the king of inclining to the Catholicks. Spotiſ.

In this aſſembly of the ſtates, an ordinance was made for ſupporting the Proteſtant religion, as eſtabliſhed in Scotland; but as the king and his council were ſuſpected of favouring the plots of the Catholicks, this ordinance was not deemed ſtrong enough by the people who thought that in ſuch a juncture, the ſtates ſhould have taken more vigorous reſolutions. However this be, the king's obſtinacy in keeping in the miniſtry, about his perſon, men who ſeemed to have no zeal for the Proteſtant religion, give occaſion to ſuſpect, ſome dangerous plot was contriving for its deſtruction.

Henry continues to deceive Elizabeth. Camden.

What paſſed in France made Elizabeth no leſs uneaſy than the king of Scotland's inconſtancy. General Norris was ſtill in Bretagne with the Engliſh forces. He had been promiſed a place in that province for a retreat, and that the duke d'Aumont and Eſpinay, ſhould join him; but he was long left there, without being thought of. At laſt, Eſpinay being arrived, they made together ſome little conqueſts, too inconſiderable to requite Elizabeth for the maintenance of her troops, which coſt her weekly 3200 pounds ſterling. Thus, inſtead of employing the Engliſh to drive the Spaniards out of Bretagne, Henry uſed them only to keep his enemies in awe, and hinder them from making greater progreſs, whilſt he was waring elſewhere. Elizabeth ſeeing herſelf thus deceived would have recalled her troops, but was perſuaded by the marſhal d'Aumont, not only to leave them, but even to ſend freſh ſupplies, upon the hopes he gave her, that the king would very ſoon make a powerful effort to reduce that province.

He changes his religion. Camden.

The queen's vexation at Henry's proceedings was nothing in comparriſon of her concern, when ſhe heard he was going to change his religion. At the firſt news, ſhe diſpatched Thomas Wilks to diſſuade him, if poſſible, from that deſign; but at his arrival, Wilks found the thing already done. However Henry thought proper to inform him of the reaſons of his change, that he might acquaint the queen, his miſtreſs, with the ſame. All he ſaid on this occaſion tended to this, that he had changed his religion againſt his will, and after as long a delay as poſſible; but being at laſt convinced, he ſhould never be fixed in his throne, whilſt a Proteſtant, he had determined to embrace the Catholick religion; that is, in other words, having put his conſcience in the balance with his crown, he had given it for the latter. After ſo expreſs a declaration of the inſincerity of his converſion, it is no wonder, Elizabeth ſhould loſe much of her eſteem for him, and the pope and leaguers not conſider him as a true Catholick, or rather it is ſtrange they ſhould be ſatisfied with an outward appearance. Morlant, the French ambaſſador, at London, having told Elizabeth the ſubſtance of the king's diſcourſe to Wilks, ſhe wrote the king the following lines.

Elizabeth's letter to Henry IV. Camden.

“IT is hardly poſſible to expreſs the extreme grief and diſſatisfaction which has ſeiſed me upon Morlant's repreſentation of things. Good God! what a miſerable world do we live in? Could I ever have thought, ſir, that any ſecular conſideration could have prevailed with you to diſcard a juſt ſenſe of God and his fear? Or can you ever reaſonably expect that providence will grant this change of yours a happy iſſue? Or could you entertain a jealouſy that the gracious Being, who had ſo long ſupported and preſerved you, would fail and abandon you at laſt? It is, believe me, a dangerous experiment, ‘to do evil that good may come’. But I hope you may be yet recovered to a better inclination, even the ſpirit of a ſound mind. In the mean time I ſhall not ceaſe to recommend your caſe to God in my daily prayers, and earneſtly to beſeech him that Eſau's hands may not pollute the bleſſings and birth-right of Jacob. The promiſe you make of a ſacred and friendly alliance, I conceive myſelf to have deſired, and even earned at a vaſt expence; but I had not mattered that, had you ſtill kept yourſelf the ſon of the ſame father. From henceforth I cannot look on myſelf as your ſiſter, in reſpect to our common father, for I muſt and ſhall always pay a much greater regard to nature than choice in that relation: As I may appeal to God, whom I beſeech

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"to recover you into the path of a ſafer and "ſounder judgment".

Your ſiſter after the old-faſhioned way. As for the new, I have nothing to do with it.

ELIZABETH.

Henry gives the queen reaſons to complain of him. Camden.

This was not the only affair Wilks was charged to mention to the king of France. He had orders to complain from the queen, that the late treaty was not executed, and d'Aumont's delay had been very expenſive to the queen. Henry threw all the blame on the marſhal, and poſſitively promiſed to march himſelf into Bretagne, when the truce for that province was expired; adding, that in the interim, he would adviſe with his council concerning the place of retreat for the Engliſh troops. But theſe were only empty words; for the king's intention was not to employ his forces againſt Bretagne, before he had reduced the reſt of France, but only to uſe the Engliſh troops by way of diverſion to the duke of Mercœur, for fear, when he had made himſelf abſolute maſter of Bretagne, he ſhould aſſiſt the duke of Mayenne. Still leſs did he intend to give a place of retreat to the Engliſh in that province, leſt he ſhould find it very difficult to diſlodge them. Theſe things troubled the queen exceedingly, and certainly, had ſhe aided Henry only from a motive of friendſhip and generoſity, as ſhe would have made him believe, ſhe would never have ſuffered ſuch infringements of the treaties. But it was manifeſtly her intereſt to oppoſe the Spaniard's deſigns, who had a mind to become maſter of France, under pretence of maintaining the Catholick religion. Henry perfectly knew, Elizabeth's, policy, and therefore gave her only good words, well knowing ſhe was concerned to aſſiſt him. At length, the king of Spain preparing to exert his utmoſt in ſupport of the league, which was declining, ſince the king's turning Catholick, Elizabeth readily made a league offenſive and defenſive with Henry, whatever reaſon ſhe had to complain of him. This league was concluded and ſigned at Melun in October, and among other articles it was agreed, that a peace ſhould not be made without a mutual conſent.

Heſquet is hanged. Camden.

About this time, it was diſcovered in England, that one Heſquet had been ſent by ſome Engliſh fugitives, to perſuade Ferdinand, earl of Derby, to aſſume the title of king, as great-grandſon of Mary, daughter to Henry VII. When this was propoſed to the earl, Heſquet added, he might rely on the aſſiſtance of Philip II, but if he refuſed to do what he propoſed, or did not keep the thing ſecret, he might be aſſured, he ſhould not live long. The earl of Derby fearing to be inſnared, informed againſt Heſquet, who was taken and hanged; but he died himſelf within four months, by a ſtrange poiſon which made him vomit himſelf to death. His gentleman of the horſe was ſuſpected of the deed, becauſe he rid away the firſt day of his lord's illneſs. The Engliſh fugitives imagining there was ſuch numbers of male-contents in England, that ſome great man's declaring againſt the queen would be ſufficient to raiſe a general rebellion. This is not the only time, that, in the like junctures, fugitives have flattered themſelves with ſuch vain hopes.

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The Low-Countries governed by the count de Fuentes, and D. Diego d'Ibarra. Grotius.

1594. They form conſpiracies againſt the queen of England. Camden. and ſuborn perſons to poiſon her. The conſpirators diſcovered, Stow.

The duke of Parma's death had not entirely hindered the expedition deſigned by the Spaniards againſt France. Their army had entered Picardy and taken Noyon, and was returned into Flanders. After Parma's death, the count de Fuentes and D. Diego d' Ibarra were at the head of the council, expecting a new governor. While the adminiſtration of affairs reſted in their hands, they inceſſently endeavoured to excite troubles in Scotland, by aſſuring the Catholicks of a powerful aſſiſtance from the king of Spain. Their project was to ſend a Spaniſh army into Scotland, to aſſaſſinate or poiſon queen Elizabeth, and then invade England with their army from Scotland, which the general conſternation upon her death would render leſs difficult. To execute the deſign upon Elizabeth, they had caſt their eyes on Roderigo Lopez, a Jew, and two Portugueſe. Lopez, the queen's phyſician, had promiſed to poiſon her for 50,000 crowns. This plot being diſcovered, the three accomplices confeſſed, they had been corrupted by the count de Fuentes, and Don Diego d'Ibarra, to undertake ſo execrable a deſign. Lopez, however, pleaded in his excuſe, that his intention was only to draw money from the king of Spain, and that he had even preſented to the queen a rich jewel received from that prince; but as he had given no intimation of the plot, his excuſe was not allowed. At the gallows he affirmed, "That he loved "the queen as well as Jeſus Chriſt". This was a plain indication that he was not unjuſtly condemned.

and executed. Camden.

Other perſons engaged to kill the queen. Camden.

The day after theſe three villains were executed, a fourth, one Patrick Cullen, an Iriſh fencing-maſter, who had been ſent from the Low-Countries to kill the queen, underwent the ſame fate. Edmund York and Richard Williams, who had been ſuborned by Ibarra to commit the ſame crime, were alſo arreſted, and others were diſcovered, who had engaged to fire the navy. Elizabeth on this occaſion wrote to the archduke Erneſt, who had been appointed governor of the Low-Countries, to demand the puniſhment of the authors. She told him, moreover, that to clear the king of Spain from ſuſpicion, the moſt proper way would be to ſurrender all the fugitive Engliſh in his dominions, or, at leaſt, thoſe who were concerned in the conſpiracies. But foreſeeing that Antonio Perez, who had endeavoured to excite troubles in Arragon, and was then in England, might likewiſe be demanded, ſhe told the archduke, the king of France had ſent him to his ambaſſador at London, without her knowledge, and he had never been aſſiſted by her; but all this was to no purpoſe. On the other hand, the earl of Eſſex received Perez into his houſe, to learn of him the ſecrets of the Spaniſh monarchy.

It was not only in England that the Spa-

1594.

Henry IV. makes himſelf maſter of Paris. Thuanus.

niards had the mortification to ſee their project miſcarry; for in France likewiſe, their affairs were in a very ill ſituation, ſince Henry's embracing the Catholick religion. The cities and great men who had been for the league, returned in crowds to the obedience of the king, and all the people manifeſtly tended to ſhake off the Spaniſh yoke. The 22d of March, the city of Paris was ſurrendered to the king by count Briſſac, and the duke of Feria, who was there, was obliged to take a ſafe-conduct from the king, to retire with his Spaniſh troops to the duke of Guiſe's army. It was then only that Henry ſeriouſly reſolved to drive the Spaniards out of Bretagne, who were in poſſeſſion of many places in that province. The marſhal d'Aumont having been intruſted with the management of this war, made good uſe of the Engliſh troops, who diſtinguiſhed themſelves with that bravery, that the queen was obliged to write to Norris, not to be ſo laviſh of the blood of her ſubjects. Martin Forbiſher, a famous ſea-officer, was killed at a ſiege in this war. Some time after, the queen recalled Norris, to ſend him into Ireland.

Elizabeth's uneaſineſs with relation to Scotland.

The affairs of Scotland gave Elizabeth perpetual uneaſineſs. She had intimations from thence, that the Spaniſh faction was powerful at court; that ſomething was contriving againſt the Proteſtant religion, and that the king ſeemed to incline to the Popiſh party. This filling the queen with ſuſpicions, ſhe reſolved to ſend the lord Zouche into Scotland, as well to be informed of the truth, as to fortify the Engliſh party, and inſtruct king James in his true intereſt. This ambaſſador repreſented to the king from his miſtreſs, that the late act of the ſtates was not capable to reſtrain the inſolence of the Roman Catholicks, who affected publickly to exerciſe their religion, and held an almoſt correſpondence with the king of Spain. James anſwered, that he would proceed againſt the Catholicks by the eſtabliſhed laws; and if they refuſed a ſubmiſſion to the laws, he would proſecute them with the ſword, provided the queen, who had the ſame intereſt as himſelf, would contribute to the expence of the war. The ambaſſador, not ſatisfied with this anſwer, earneſtly preſſed him to procure other laws againſt the Catholicks, more ſevere than the preſent. To this James, with ſome heat, replied, he was not at the queen's command, nor did it belong to her to preſcribe in what manner he ſhould govern his kingdom. After that, he demanded Bothwell, who was retired into England.

The affairs of Scotland. Melvil.

But Elizabeth was very far from giving him this ſatiſfaction. On the contrary, it was probably from her that Bothwell was enabled to enter Scotland at the head of 400 men, with whom he ſurpriſed the town of Leith. He afterwards publiſhed a manfeſto, importing, "that perſons dangerous to the church and ſtate, having by ſome artifice procured admiſſion into the council, gave occaſion by their conduct, to believe, they were forming deſigns againſt the evangelical religion; that for ſome time the Romiſh prieſts had been ſeen running from village to village, and celebrating the maſs in the moſt publick manner; that they endeavoured to animate the people againſt the Engliſh, in order to kindle a war between the two nations, which could not but prove fatal to Scotland; that to give a check to theſe dangerous conſpiracies, he had, with the concurrence of divers lords and gentlemen, taken arms to drive theſe pernicious counſellors out of the kingdom, or bring them to an account for their actions; that the thing was the more urgent, as the Spaniards were going to invade the kingdom; and, therefore, he exhorted the Scots to join with him, to prevent greater miſchiefs, and induce the king to favour ſo juſt a deſign". He wrote in the ſame manner to the general ſynod of the kirk aſſembled at Dunbar, and to the Engliſh ambaſſadors. When the coherence between Bothwell's manifeſto, and the lord Zouche's repreſentation to the king is conſidered, Elizabeth muſtbe ſuſpected of being concerned in this undertaking.

Camden.

In the interim, the king having aſſembled ſome forces, prepared to oppoſe Bothwell's deſigns, who declined not, however, to meet him; but the rebel, having ſome diſadvantage in the firſt engagement, and finding himſelf not ſupported, was ſeiſed with fear, and retired to the borders. Whereupon Elizabeth forbid any to harbour or conceal him. This was very agreeable to the Scotch king, who was afraid ſhe would think of ſupporting him. Tho' Bothwell's undertaking miſcarried, it, however, produced a very good effect. James perceiving the danger he might incur by a breach with Elizabeth, reſolved, at laſt, to alter his conduct, leſt his vain projects ſhould cauſe him, in the end, to forfeit the Engliſh crown. He, therefore, aſſembled the ſtates, and prevailed to have the Catholick lords, who had appeared too zealous for the Spaniard, to be baniſhed the kingdom. They made ſome efforts to reſiſt, but were, at laſt, obliged to obey. Then the ſtates enacted new laws againſt the Catholicks, and even formed an aſſociation like that in England ſome years before. One Graham Feintry, a zealous adherent of Spain, endeavouring to excite new troubles, was puniſhed with death.

1595.

Projects to place the crown of England upon the head of the infanta of Spain. Camden.

The king of Scotland's change, and the vigour he exerted on this occaſion, deſtroyed the hopes entertained by the Catholicks, of engaging him in their intereſt. They, therefore, formed new projects to place the crown of England on the head of ſome perſon devoted to their religion, or, at leaſt, not very zealous for the Proteſtant. The Engliſh Catholicks caſt their eyes on the earl of Eſſex, who, they had obſerved, approved not the laws made againſt them; but the Engliſh fugitives in the Low-Countries were for the infanta Iſabella, daughter of Philip II. They even publiſhed a genealogy, to ſhew, that, the king of Scotland being a heretick, the crown was devolved to the king of Spain, whence they inferred, he had power to diſpoſe of it in favour of his daughter. Nor was this a bear project founded on the paſſion of the

Engliſh

1595. Engliſh Catholicks; for it is certain, Philip, tho' he wanted not employment, ſince the king of France had declared war againſt him, intended to make extraordinary efforts to procure his daughter the crown offered her by the Engliſh fugitives. The fame of his preparations was now flown over Europe, and produced miſchievous effects in Ireland, where Hugh O Neal, earl of Tir-oen, had rebelled, in expectation of the aſſiſtance promiſed by the Spaniard. This obliged Elizabeth to prepare for the defence of her dominions, and to ſend a ſtrong re-inforcement to Norris, now in Ireland.

Tir-oen's rebellion in Ireland. Camden.

Camden.

Henry IV, had, as I ſaid, declared war againſt Spain, tho' unadviſedly, if it could have been avoided, conſidering the miſerable ſituation of France; but Philip II, by his continual and powerful ſupport of the league, had ſufficiently declared war againſt Henry, tho' he pretended to make war not upon, but for France. However this be, Henry was indiſpenſably obliged to maintain a war againſt Spain, and, therefore, believed, it would be better to attack Philip directly, than to ſtand upon the defenſive. But as France was drained both of men and money, it was not eaſy for him to ſupport the war alone, and come off with honour. He had, therefore, recourſe to Elizabeth as to his laſt refuge in his preſſing neceſſities' And, perhaps, he was encouraged to break openly with Spain, by the hopes of a powerful aſſiſtance from England. To that end, he wrote to the queen, that the recalling of Norris, and his forces, had broke all his meaſures, and he rather expected ſhe would ſend greater ſuccours, ſince he had declared war againſt Spain. Elizabeth replied, "That ſhe commended his reſolution to attack the king of Spain's dominions; that this was a good expedient to prevent an invaſion, as ſhe had experienced; that as to the recalling of her troops out of Bretagne, he could not juſtly complain of it, ſince they had not only remained there longer than the treaty required, but even notwithſtanding the manifeſt breach of that treaty, and the violation of his promiſe; that he had poſitively engaged to ſurrender to the Engliſh, the town of Morlaix when taken, for a place of retreat; but that this very place, conquered at the expence of Engliſh blood, had been denied to the juſt expectation of the Engliſh, by a fradulent capitulation of the marſhal d'Aumont, to have none but Catholicks admitted into it; that he ought not to be ſurpriſed, if ſhe was unwilling to be his dupe any longer, ſince ſhe could rely neither on his promiſes nor his treaties; that beſides, ſhe wanted her forces in Ireland, where there was danger of a general revolt." It is certain, Henry's behavour to Elizabeth was no encouragement to her to grant him any grea aſſiſtance. And, therefore, it was only her fear of the Spaniards taking advantage of the weakneſs of France, which ſtill kept her attached to Henry's intereſt, for whom ſhe had no longer her former eſteem and regard. It may alſo be ſaid, that ſince his acceſſion to the throne of France, he had done nothing tending to preſerve Elizabeth's friendſhip. 1595.

The queen and king of Scots heartily united. Camden.

The queen, in the preſent ſituation of her affairs, not being able to rely much on the king of France, and looking upon all her expence, on his account, as entirely fruitleſs, reſolved to keep her forces and treaſure for the defence of her own dominions, in caſe they ſhould be attacked by the Spaniard. England was properly in danger only from Scotland; but the news ſhe received of the change in king James, freed her from all uneaſineſs. That prince perceiving, Philip's views were levelled as much againſt Scotland as England, ſaw, at laſt, that the beſt way to break his meaſures, was to live in union with Elizabeth. So, to ſhew that he meant to preſerve this union, he publiſhed a proclamation, forbidding, under ſevere penalties, his ſubjects on the borders to injure the Engliſh, and the queen put forth another to the ſame purpoſe. From this time he lived with Elizabeth in a good underſtanding, which nothing was capable to diſturb, being ſenſible this was the ſureſt way to aſcend one day the throne of England.

York and Williams executed. Camden.

Edmund York and Richard Williams, who had been arreſted the laſt year, being tried and convicted of a deſign to murder the queen, were executed in February. They confeſſed, that Ibarra had promiſed them 40,000 florins, if they accompliſhed their enterpriſe.

Henry IV. is in a great ſtrait. Mezerai.

Henry IV, after his declaration of war with Spain, formed a deſign of penetrating into the Low-Countries, and making conſiderable conqueſts; but he was ſoon ſenſible, his meaſures were not juſt. In April, 1595, Ferdinand de Velaſco, conſtable of Caſtile, came into Frenche Comte at the head of 18,000 men, and threatened the duchy of Burgundy. This obliged Henry to lead thither, in perſon, the beſt part of his army. Whilſt he was thus employed in Burgundy, the count de Fuentes, who commanded in the Netherlands, after the death of the archduke Erneſt, entered Picardy, and became maſter of Catelet. Then he beſieged Dourlens, beat the French, who came to its relief, and took the town by ſtorm. Henry upon this mortifying news, ſent Chevalier immediately into England to demand a ſupply of forces, for the defence of Picardy, according to his treaty with the queen. In the inſtructions given to his envoy, he ordered him to take care that this ſupply ſhould be ready in a fortnight after the date; but Chevalier ſpent 12 days in his voyage. The queen anſwered, ſhe would not fail to ſend a body of troops into Picardy, as ſoon as they could be ready, to defend Calais, Dieppe, and Boulogne. Indeed the ſole motive of her treaty with Henry, was to prevent the Spaniards from becoming maſters of thoſe maritime places; but ſhe had never pretended to defend the inland towns of that province, for which ſhe was little concerned. This was not what Henry wanted, having no deſire to put the Engliſh into theſe places. He pretended, that without any diſtinction, the queen ſhould ſend him a body of troops, to aſſiſt him in driving the Spaniards out of all Picardy. At the ſame time, the deputies of the province of Bretagne arrived at London, to demand

He demands aid of Elizabeth.

mand ſupplies of the queen, without ſpecifying either the number or ſervice, and without offering a place of retreat; but this demand of troops was rejected by the queen.

The progreſs of the Spaniſh conqueſts in France. Camden.

The Spaniards, after the taking of Dourlens, beſieged Cambray, and became maſters of that important place. Henry ſeeing himſelf thus preſſed, ſent Lomenie, ſecretary of ſtate, to Elizabeth, to demand of her a ſpeedy and powerful aid. He expected, by entering into a league with Elizabeth, to engage her to make war with Spain in the kingdom of France, ſo that it ſhould ſeem, ſhe was obliged to ſend him forces and money, whenever he had occaſion, tho' the treaty contained nothing like it. But Elizabeth had no ſuch intention, being unwilling to ſend her forces into France, when her own dominions were in danger, or ſo to make war with Spain, that all the profit ſhould be Henry's, and the loſs hers. Therefore, ſhe told the ambaſſador, ſhe could not comply with his maſter's demand. Lomenie, vexed with the ill ſucceſs of his negotiation, ſpoke to her very haughtily, and charged her with being the cauſe of the loſs of Cambray, by her having not ſent the deſired ſupplies into Picardy; adding, that ſhe ſeemed to rejoice at the misfortunes of France, but ſhe might ſoon repent, and by her conduct, be forced to make a diſadvantageous peace with Spain. Theſe menaces, and the haughtineſs wherewith they were ſpoken by Lomenie, entirely offended Elizabeth. Nevertheleſs, as Henry's affairs were in a very ill ſituation, ſhe thought it not proper to deprive him of all hopes of her future aſſiſtance. She anſwered Lomenie, however, ſuitable to her dignity, but leſs ſharply than ſhe would have done at another juncture. Afterwards, when he demanded a ſecond audience, her anſwer was, that ſhe would acquaint the king of France, by her ambaſſador, with her reaſons for keeping her troops and money.

Elizabeth cold to the intereſt of Henry. Camden.

Elizabeth's refuſal offended Henry's council, in which the leaguers had now to a great an influence. Several adviſed him to make a ſeparate peace with Spain, ſince he could hope for no aſſiſtance from Elizabeth. They ſeemed to talk as if ſhe had been obliged to ſend forces to Henry, whenever they were demanded, and had violated her engagements. This was, doubtleſs, what was inteded by the league. The French had reckoned to manage her as they pleaſed, but being diſappointed, were very angry with her. Beſides, Henry's council being moſtly compoſed of the declared enemies of the Proteſtant religion, and of whom ſome had been the moſt zealous leaguers, conſidered Elizabeth not as a friend, whom they were hereafter to regard, but as a temporary friend, from whom they were to draw all poſſible advantages. It was not without reaſon, that Elizabeth miſtruſted the king of France, who, to obtain his abſolution from the pope, had ſubmitted to terms unbecoming a king, and tending to the ruin of the Proteſtants, thereby ſhewing, he no longer conſidered them as his friends. It was not, therefore, proper for her to aſſiſt powerfully, a friend, who was only ſo in name. Wherefore ſhe left him to manage his affairs as he pleaſed, without giving herſelf any concern. Beſides, ſhe could expect from him only a bare diverſion to the arms of Spain, which, probably, would laſt no longer than required by the intereſt of France. Henry's conduct gave her no room to expect any thing farther ſince he had left the Spaniards unmoleſted in Bretagne, tho' her greateſt danger was from thence. And, indeed, in July this year, the Spaniards, who were ſettled in Bretagne, made a deſcent in Cornwall, and burnt ſome villages. Tho' this expedition was inconſiderable, it, however, obliged Elizabeth to be upon her guard, and demonſtrated the neceſſity of diſlodging the common enemy from that province. But the intereſt of England was not the motive of Henry's actions.

Henry complains of the ſtates. Camden.

It was not of Elizabeth only that the king of France complained after the loſs of Cambray. He accuſed alſo the ſtates of the United Provinces of violating their alliance with him, in ſuffering a town of that importance to be taken, and threatened to make a ſeparate peace. The ſtates, ſeeing the advantage of a war between France and Spain, appeaſed the king with a round ſum of money, two regiments, and a conſiderable quantity of corn.

Elizabeth demands of them a payment of her debt. Camden.

This proceeding of the ſtates cauſed Elizabeth to tell them, ſince they had money enough to lend the king of France, they were, doubtleſs, able to pay their debts, and, therefore, ſhe demanded to be reimburſed of what ſhe had advanced for them; adding, that unleſs ſpeedy ſatisfaction was given her, by a diſcharge of part of the debt, and an aſſurance of the remainder within ſuch a time, ſhe would take proper meaſures to do herſelf juſtice. The ſtates being thus preſſed, had recourſe to prayers and ſubmiſſions to appeaſe her. They repreſented, that the ſtate of their affairs did not permit them to ſatiſfy her. But as excuſes ſignified little, they urged their treaty with her, by which they were not obliged to repay her, till the end of the war. She anſwered, that when ſhe aſſiſted them, they were reduced to a deplorable ſtate, and ſhe ſhewed her bounty and generoſity, in not requiring a reimburſment till after the peace, becauſe it was not likely, they ſhould be able to pay her before; but ſince they were rich enough to lend the king of France money, it was evidently in their power to reimburſe her; that, therefore, the article of the treaty on which they inſiſted, ought naturally to be thus interpreted, "That "they ſhould not be in a condition to repay "her before the concluſion of the war." There were great and even warm conteſts upon this ſubject; but, at laſt, the affair was adjuſted for a time, on theſe conditions; that the ſtates ſhould promiſe for the future, to pay the Engliſh forces in their ſervice, and join the queen's fleet, with a certain number of ſhips, in caſe ſhe ſhould be attacked by the Spaniards.

The complaints of the Hanſe Towns. Camden.

Elizabeth had alſo a conteſt to maintain with the Hanſe-Towns, who complained to the diet of the empire, that their corn was ſeiſed by the Engliſh in Portugal, and their privileges infringed, formerly granted them by Edward III. As this affair was more warmly puſhed ſome years after, I ſhall have occaſion to ſpeak of it elſewhere.

Sir Walter Raleigh goes upon a ſecond voyage into America. Camden.

This year, Sir Walter Raleigh made, at his own charge, a ſecond expedition into America, from which he reaped no great advantage. The queen likewiſe fitted out 26 ſhips to carry the war into that country, under the command of Sir Francis Drake, and Sir John Hawkins; but as the Spaniards had taken great precautions, the Engliſh admirals performed nothing memorable; nay, they both died in this expedition.

The affairs of Ireland. Camden.

Norris, as I ſaid, was diſpatched into Ireland to command the forces againſt the rebels, at the head of which was the earl of Tir-oen. The jealouſy which aroſe between that general and the lord Ruſſel, lieutenant of Ireland, was the reaſon, the Engliſh made no greater progreſs in that kingdom. The earl of Tir-oen even obtained a truce, upon giving hopes he would lay down his arms, and ſubmit to the queen; but this was only a feint to gain time till the arrival of the ſuccours promiſed him from Spain. The war was continued for ſome years; but my deſign is not to relate the Iriſh affairs, which would require a ſeparate hiſtory; beſides, the manner in which hiſtorians deliver them is ſo confuſed, and the Iriſh names as well of perſons as places are ſo barbarous and hard to remember, that it is difficult to form a clear idea of this war.

1596. The ſucceſs of the Spaniſh arms in France. Thuanus.

Whatever reſolution had been made by Elizabeth to concern herſelf no more with the affairs of France, ſhe was, however, forced to take other meaſures, by reaſon of the great ſucceſs of the Spaniſh arms in that kingdom. Cardinal Albert of Auſtria, who had ſucceeded his brother Erneſt in the government of the Low-Countries, arrived there the beginning of the year 1596. He immediately made great preparations as if he intended to relieve La Fere, which had been for ſome time blockaded by the French king, and, at laſt, beſieged in form; but ſuddenly, after throwing ſuccours into the town, the archduke marched to Calais and inveſted it. This place had been formerly of great repute, but whether from the change in the method of beſieging towns, or from being neglected ſince it was recovered by France, it was now of little note. Henry alarmed at this ſiege, diſpatched Sancy into England to demand ſuccours. The marſhal de Bouillon quickly followed him, and ſo preſſed the queen, that ſhe ordered 8000 men to be ready under the command of the earl of Eſſex; but ſhe required, in caſe the ſiege was raiſed by the Engliſh, to have the town delivered to them, ſince it was in effect loſt to France. The marſhal and Sancy evaded this demand, by ſaying, they had no inſtructions upon that ſubject, knowing, at the worſt, the king had rather ſee the place in the hands of the Spaniards than reſtored to the Engliſh. So, under pretence that the relief of Calais was too preſſing to allow time to diſcuſs that propoſal, they ſo managed, that the queen gave orders for the imbarquation of the troops. But at the ſame time, news came that the place was taken, after a reſiſtance but of 12 days. Then, the archduke alſo took Ardres with the ſame eaſe. This was the ſixth place taken from France by the Spaniards, within a year. The ſuccours deſigned for Calais not having been ready in time, the new levied troops were diſmiſſed; but the queen lent money to Henry on the ſecurity of his two ambaſſadors.

Elizabeth ſends a fleet againſt Spain. Camden.

In the interim, the queen having advice, that the king of Spain was preparing to invade England and Ireland, reſolved to prevent him. For this purpoſe, ſhe fitted out a fleet of 50 ſail, with 22 Dutch ſhips, and 7000 ſoldiers. Charles Howard commanded as admiral, and the earl of Eſſex was appointed general of the land forces.

An expedition of the Engliſh to Cadiz. June 3. Camden.

The fleet ſailed from Plymouth the beginning of June, and kept a diſtance from the coaſts of France and Spain for fear of alarming the Spaniards, the commanders intending to ſurpriſe Cadiz. It was with great joy that they learned from the maſter of an Iriſh veſſel returning from that port, that every thing there was in the greateſt ſecurity; that the garriſon was full of ſhips of war, galeons, gallies, and merchant-men freighted for the Indies. This news filling them with hopes, they arrived the 20th of June, on the weſt ſide of the Iſle of Cadiz, and at their approach the Spaniſh ſhips retired to the Puntals. The next day, the Engliſh attacked them with great reſolution, but met with ſo warm a reception, that the fight laſted from break of day till noon; at laſt the Spaniards deſpairing to make a longer defence, reſolved to ſink their ſhips, and eſcape to land. Their admiral ſhip, called the St. Philip, was burnt to aſhes, with two others near her, the Spaniards themſelves ſetting it on fire to prevent its falling into the hands of the Engliſh. The St. Matthew and St. Andrew were taken, and moſt of the others ran aſhore.

During the engagement at ſea, the earl of Eſſex with 800 men landed at the Puntals, and marched directly to Cadiz. Three or 400 paces from the city, he met with 500 Spaniards, who, when they ſaw him, retired into the town, and were ſo cloſely purſued, that the Engliſh had like to have entered with them. The conſternation was ſo great in the town, that before any meaſures could be taken for its defence, the Engliſh had time to force the gate and throw themſelves into the town. Tho' they found ſome reſiſtance in the ſtreets, yet in half an hour they made themſelves maſters of the market-place. Then the garriſon and inhabitants retired into the caſtle and townhouſe, but the ſame of the following day, were obliged to ſurrender. By the capitulation, they were to have their lives on payment of 70,000 ducats, for which four principal citizens were given in hoſtage. The town being thus in the power of the Engliſh, the earl of Eſſex turned out all the inhabitants, and then ordered to be carried on board a great quantity of ſilver, ammunition, and other valuable things, beſides what the ſoldiers had plundered.

On the other hand, admiral Howard ſent Sir Walter Raleigh to burn the merchant-ſhips at Port-Real. The admiral was offered 2,000,000 of ducats for their ranſom, but rejected the offer, ſaying, he came to burn and not to ranſom the ſhips. In the interim, the duke of Medina found means to unload ſome of theſe ſhips, and fire others to deprive the Engliſh of their riches. Beſides the merchantmen, the king of Spain loſt two galeons, taken by the Engliſh, with above 100 braſs guns, 13 men of war, 11 ſhips freighted for the Indies, and 13 others, without reckoning the ſtores prepared for the intended expedition againſt England. The Engliſh eſtimated his loſs, at 20,000,000 of ducats.

The earl of Eſſex propoſed in a council of war to keep Cadiz, and even offered to ſtay there, provided he might have 400 men, and three months proviſions; but his advice was not followed, every one being impatient to return with his plunder to England. So the fleet ſet ſail, after burning the town with ſome adjacent villages. While the fleet was ſailing for England, a north wind ariſing, the earl of Eſſex propoſed to ſteer for the Azores, and wait for the Indian caracks; but he was not heard, every one fearing to loſe what he had gained.

A mortification given to the earl of Eſſex. Camden.

The queen received theſe brave men with great marks of eſteem, and expreſſed her acknowledgment of the ſervice they had done her; but the earl of Eſſex met with a mortification on his arrival at court, for, having before his departure, recommended Sir Thomas Bodley to be ſecretary of ſtate, the queen, without regarding his recommendation, had conferred that office on Sir Robert Cecil, the lord treaſurer's ſon, who was not his friend. Some days after, he had alſo the vexation to ſee Francis Vere made governor of the Briel, tho' he had ſtrongly ſollicited for another. This convinced him that his credit was declining, and his uneaſineſs at it engaged him in extravagant projects which coſt him his life.

Elizabeth demands payment of the ſtates. Grotius.

The king of Spain having been for ſome time unable to purſue his projects againſt England, Elizabeth renewed her applications to the ſtates of the United Provinces, for payment of her arrears. The ſtates, to be excuſed, alledged the ſame reaſons as before, which were no better received. The queen ſaid, it was unjuſt her payment ſhould depend on a peace, which the ſtates might defer as long as they pleaſed. That beſides, the treaty ſhe had made with them, contained in expreſs terms, that the war ſhould continue no longer than ſhe ſaw convenient; but the ſtates pretended, this article was inſerted in the treaty only in honour to her. This conteſt held, till the report of new preparations in Spain for an invaſion of England, cauſed the queen to ceaſe by degrees her ſollicitations. The truth is, the ſtates delayed to pay her, not ſo much out of inability, as to keep her always attached to their intereſt. On the other hand, the queen did not make theſe preſſing inſtances from want of money, but becauſe ſhe would not have her payment depend on the ſucceſs of the affairs of her debtors. They were then able to pay, but ſhe knew not what alterations time might produce.

A new treaty between France and England. Thuanus.

When the marſhal de Bouillon was ſent into England to demand aid, he had made ſome propoſal of a ſtricter alliance between France and England; but the French king had neglected this affair, becauſe he ſaw Elizabeth upon her guard, and unwilling to furniſh him with either men or money, but upon good grounds. In the interim, the deſigns and preparations of the Spaniards becoming publick, Henry believed, Elizabeth would be more tractable, and he might treat with her upon better terms. In this belief he diſpatched the marſhal de Bouillon and Sancy into England, to negotiate with the queen a league offenſive and defenſive. The treaty was ſoon concluded, for the queen was afraid, the ill ſituation of the king's affairs would force him to a ſeparate peace with Spain. The principal articles of this league were, that the queen ſhould furniſh 4000 men for the defence of Picardy and Normandy; that the king of France, in caſe the queen was invaded, ſhould find the like number for the defence of England, not to ſerve above 50 miles from the ſea. That neither of the two crowns ſhould make peace without the conſent of the other. By a ſecret article it was agreed, that Elizabeth ſhould this year furniſh no more than 2000 men. Very probably, Elizabeth concluded this league with France, with the ſole view of keeping Henry engaged in the Spaniſh war, by means of the ſupplies ſhe was to ſend him. But it is unlikely, ſhe expected the ſame aſſiſtance in caſe of need, becauſe Henry could not himſelf be without the Engliſh auxiliaries. On the other hand, Henry knowing, that Elizabeth had conſented to this treaty from the ſole motive of intereſt, ſcrupled not to act on the ſame motive; that is, to uſe the queen's aſſiſtance, till he could with honour diſengage himſelf from a war, he had ſo unſeaſonably declared againſt Spain. There are few leagues but what have the like foundation; wherefore they are commonly ſeen to ceaſe, when the intereſt of one of the parties begins to change. The ſtates of the United Provinces entered into this league, with ſome additional articles which concerned them in particular; but Elizabeth's jealouſy of their attachment to France retarded ſome time the concluſion of their treaty. She pretended, they ought not to come into it as ſovereigns, but as aſſociated towns which had put themſelves under her protection; but the king of France prevailed with her to deſiſt from this pretenſion.

The king of Spain makes a ſtrong effort to conquer England. Camden.

Philip II. was enraged to be prevented by Elizabeth, and to be unable to defend his own dominions, he who had, his whole life, been ſo greedy of thoſe of others. So, reſolving neither to deſiſt from his deſigns, nor ſuffer Elizabeth to enjoy the ſatisfaction of her happy ſucceſs, he determined to make another effort, not only to be revenged of Elizabeth, but alſo to conquer England. Tho' he had received great damage from the Engliſh, yet as it was only in one of the places where he had made his preparations, he ſtill believed himſelf in condition to purſue his projects. He, therefore, aſſembled all the ſhips he had left, freighted many foreign ones, and, by this means, had a formidable fleet, when Elizabeth thought him entirely unable to act againſt her. This fleet ſailed from Liſbon to take up the land-forces at Fariola, and then ſteered directly for England; but a violent ſtorm ariſing in the midſt of the voyage, ſeveral of the ſhips were loſt, and the reſt ſo diſperſed, that the fleet was rendered unſerviceable for this year. Thus Elizabeth had the pleaſure to hear it was unable to hurt her, before ſhe knew of its ſailing; but not to be expoſed again to the like danger, ſhe took care to fortify the places where the Spaniards could moſt eaſily have landed, if Heaven had not blaſted their projects.

1597. The battle of Turnhout in the Low-Countries. Mezerai.

In the beginning of the year 1597, during a moſt ſevere winter, prince Maurice gained a battle, againſt the Spaniards, at Turnhout; but on the other ſide, in March, Hernando Tellez Portocarrero, governor of Dourlens, found means to ſurpriſe Amiens. This accident diſturbed the ſecret negotiations of peace, which by the mediation of the pope were on foot, between Henry and Philip. The treaty was now well advanced without Elizabeth's knowing any thing of it, notwithſtanding Henry's late treaty with her, of which the principal article was, that no peace ſhould be made without a mutual conſent.

Philip forms deſigns againſt Ireland. Camden.

Philip II. relying on a ſeparate peace with France, had reſolved to make an effort againſt Ireland, where he had correſpondents, and even prepared a fleet to execute his deſign. The notice the queen received of it, made her reſolve to prevent him, as ſhe had often done with ſucceſs. For this purpoſe, ſhe equipped a fleet of 120 veſſels, with 6000 land forces, and gave the command to the earl of Eſſex. The earl's project was to ſail to the Groyne, and deſtroy the armament preparing there, then to wait at the Azores for the Spaniſh fleet returning from the Indies; but contrary winds, ſtorms, and a quarrel between the earl of Eſſex and Sir Walter Raleigh, broke theſe meaſures, and the fleet returned to England, without any memorable action. It is, needleſs, therefore, to be more particular, concerning an expedition from which Elizabeth received but little advantage. I ſhall only ſay, that whilſt the Engliſh were returning, a Spaniſh fleet from Fariola was ſteering the ſame courſe, in order to make a deſcent in Cornwall; but a tempeſt from the north ſo diſperſed the two fleets, that they could not even get ſight of each other.

The earl of Eſſex in ill humour againſt the court. Camden.

The earl of Eſſex being returned to court about the end of October, met with a freſh cauſe of diſcontent. The queen had created admiral Howard, earl of Nottingham, and inſerted in his patent, that it was for his ſervices to his country in 1588, againſt the fleet of Spain, and afterwards, in taking the town of Cadiz jointly with the earl of Eſſex. This patent offended the earl, who thought himſelf affronted by the queen, in her aſcribing any ſhare of the taking of Cadiz to the admiral. Beſides, by this creation the new earl of Nottingham was to take place of him by an act of Henry VIII, which gave the precedence to the lord high-ſteward, the lord chancellor, the lord treaſurer, the lord preſident, the lord privy-ſeal; the lord chamberlain, the lord high-conſtable, the earl-marſhal, the lord high-admiral, and the lord ſteward, who are called the great officers of the crown, before all the peers of equal degree; but the queen, to aſſwage his reſentment, created him earl-marſhal of England, which preſerved to him the precedence of the lord high-admiral.

The diſpute of the Hanſe-Towns revived. Camden.

The Hanſe-Towns, as I ſaid, had made great complaints to the diet of the empire, concerning the corn taken from them in Portugal, and their privileges loſt in England. Elizabeth ſent an ambaſſador to the diet, to anſwer theſe accuſations. He repreſented, that the Hanſe-Towns by the abuſe of their privileges, had cauſed them to be annulled by an act of parliament in the reign of Edward VI; that afterwards Mary had for a time ſuſpended the execution of that act; but, at laſt, even in her reign, thoſe privileges had been entirely aboliſhed, for which he alledged ſeveral reaſons mentioned in Edward's reign. That as to the ſeiſure of their ſhips in Portugal, they were freighted with proviſions for the Spaniards, and by the law of nations the Engliſh could ſeiſe proviſions which were carrying to their enemies, and even confiſcate the ſhips which, however, were reſtored to the owners. This affair ſeemed ſuppreſſed, and it had not been mentioned for two years, when ſuddenly the emperor, at the ſollicitation of the Hanſe-Towns, prohibited the commerce of the Engliſh merchants, called the Adventurers, with the empire. This obliged the queen to prohibit the commerce of the Hanſe-Towns in England.

Henry demands ſuccours of Elizabeth. Camden.

In the interim, the king of France was greatly embarraſſed, ſince the Spaniards were become maſters of Amiens, from whence they could make incurſions to the gates of Paris. He reſolved, therefore, at any rate, to recover this place, and formed the ſiege about the end of May. At the ſame time, he ſummoned queen Elizabeth to ſend him 4000 men, according to their treaty. The queen anſwered, ſhe was ready to ſend the forces, provided he would pay them, becauſe her expences in equipping a fleet, and maintaining an army in Ireland, rendered her unable. Troops without money did not ſuit with Henry, whoſe exchequer was exhauſted. Wherefore to induce Elizabeth to comply with his demand, he ordered her to be told, that offers of peace had been made him, with the reſtitution of all his places, except Calais, and Ardres, if he would abandon England. He meant to inſinuate, that it was ſolely on her account, he had refuſed a ſeparate peace, tho' in truth,

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the ſurpriſe of Amiens was the real cauſe of the diſcontinuance of the treaty, which he would not have begun, without her participation, if he had retained the leaſt regard for her. However this be, the queen, yet ignorant of the ſecret, told him, by her ambaſſador, ſhe could never believe, that ſo great a prince would violate a ſolemn treaty ſo lately made, and confirmed with reciprocal oaths. She prayed him to look into the treaty, where he would find this article in expreſs terms: "The queen of England ſhall ſend this year, 4000 foot to ſerve the king for the ſpace of ſix months; they ſhall likewiſe ſerve him as long in the following years, if the queen of England's affairs will conveniently permit, in which point the king of France is to take her honour and conſcience for ſecurity." That, therefore, it was manifeſt, the treaty was not violated by her, as ſhe offered to ſend forces, provided he would promiſe to pay them. All this ended, at laſt, in what, probably, Henry propoſed, which was, that Elizabeth inſtead of forces, ſhould ſupply him with money. For ſecurity, Henry offered her Calais, provided ſhe would recover it within ſuch a time with her own forces. This was engaging her to make a diverſion more advantageous to France, than the 4000 men he demanded. It was even uncertain, whether the town could be taken within the limited time, which, probably, would have been very ſhort. But Elizabeth was not to be thus inſnared, eſpecially as ſhe knew, the king of France had rather ſee Calais in the hands of the Spaniards, than of the Engliſh; but the retaking of Amiens, which ſurrendered in September, finiſhed this diſpute.

Henry negotiates a peace with Spain, without the participation of Elizabeth. Camden.

The ſurrender of Amiens renewed the negotiations between France and Spain, which had been interrupted. Henry's conduct on this occaſion did not correſpond with the ſervices he had received from Elizabeth in his moſt preſſing neceſſities. He deferred to acquaint her, that a peace was abſolutely neceſſary for him, till he had privately ſettled the principal articles. He thought, probably, as Elizabeth had only conſulted her own intereſt in their league, he might likewiſe conſider only his own advantage. Such a principle allows the breach of any alliance without ſcruple. He could not, however, ſo ſecretly tranſact this affair, but Elizabeth had notice of his proceedings and deſigns. For this reaſon ſhe called a parliament to demand an aid in ſuch a juncture, intimating, ſhe was going to be abandoned by her ally, tho' he ſtill pretended not to treat without her. The parliament perceiving the danger of an immediate invaſion, voted an extraordinary ſupply, on condition, it ſhould not be drawn into a precedent.

1598. Henry makes peace without his allies. Camden.

Elizabeth knew Henry was treating with Spain, but was ignorant the peace was now almoſt concluded, and the more, as he had deſired her to ſend ambaſſadors to ſettle the points on which they were to treat. She ſent therefore Thomas Wilks, Sir Robert Cecil, and John Herbert, maſter of requeſts. The firſt died preſently after his arrival at Paris. The two others waited on the king at Angers, to know upon what terms the negotiations ſtood with Spain. Henry gave a general anſwer, declaring, he wanted a peace, and that the welfare of his people, which he preferred to all other conſiderations abſolutely required it. Cecil anſwered, the queen, his miſtreſs, deſired it no leſs, but wanted to know upon what conditions it was propoſed by the king of Spain, and whether the ſtates of the United Provinces were to be included. Henry replied, the king of Spain offered to reſtore all the places taken in France, Calais not excepted; that this offer could not be rejected, without expoſing his kingdom to utter ruin; adding, he would ſoon cauſe the king of Spain to grant honourable conditions to the queen, and the United Provinces.

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They complain to no purpoſe. Camden.

This was ſufficient to ſhew the ambaſſadors, that the peace between France and Spain was already concluded, and no care taken of Henry's allies. Elizabeth, having ſome intelligence of it, ordered her ambaſſadors to complain to the king; and the ambaſſadors of the ſtates received alſo the ſame orders from their maſters. But Henry not to hear himſelf reproached, which muſt have been very mortifying to him, appointed commiſſioners to treat with the ambaſſadors, inſtead of granting the audience they demanded. Theſe commiſſioners and the ambaſſadors being met, Oldenbarnevelt, one of the ſtates ambaſſadors, ſpoke boldly of the inſincerity wherewith the king had treated his maſters. He abjured the king tho' abſent, to declare in his conſcience, if he thought it becoming a prince, to ſeperate from his allies without any provocation. Then, to confound the French commiſſioners, he read aloud the treaty of league, concluding with theſe words: "That ſome kings preferred their private intereſts to their alliances; but that this often proved fatal to them; for when princes have parted with their faith and honour, it is in vain to think of ſupporting themſelves by mere power". The chancellor, who was one of the commiſſioners anſwered the ambaſſador, that what he ſaid deſerved great regard, and ſhould be reported to the king, proteſting, however, that France could not ſubſiſt without peace.

Camden.

Cecil ſpoke next, and ſaid, that being impowered only to treat of a general peace, ſince the ſtates of the United Provinces were not to be included in the king's treaty with Spain, he could proceed no farther. Then, after a juſtification of Elizabeth's conduct, and a bold cenſure of the French king's, he demanded time to inform the queen of what paſſed. But his demand being eluded, he prayed the commiſſioners to remind the king of the oath, he had taken before God and man. He concluded with ſaying, that the queen expected to be repaid, the ſums lent the king in his preſſing neceſſities. But whatever the ambaſſadors alledged ſignified nothing, ſince the peace between France and Spain was concluded, and nothing was wanting, but the formality of having it publickly ſigned by plenipotentiaries, who were to meet at Vervins.

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Elizabeth enraged. Camden.

Elizabeth was extremely provoked with the French king's proceedings, and the more, as ſhe ſaw no other cauſe which could obliged him to negotiate a peace without giving her notice, than compliance to the pope and the king of Spain. It is certian, Henry might have diſengaged himſelf, with ſome appearance of good faith, if he had but pretended an unwillingneſs to treat without his allies, and afterwards, upon the difficulties which ſhould ariſe, had urged the neceſſity he was under of making a peace; but concluding it without their knowledge, he clearly diſcovered, that he preferred the king of Spain's intereſt before that of his antient allies. This was, indeed, his character. He was ſo impatient to ſee himſelf in peaceable poſſeſſion of the crown of France, that to compaſs his ends, he never ſcrupled to ſacrifice his old friends, who were unable to hurt him, to his moſt mortal enemies, who might ſtill create him diſturbance. He had no perſon about him who dared to cenſure ſuch a conduct; but in Elizabeth he found one of an equal rank, who uſed him with leſs ceremony. She ſent him a letter, in which, after other ſevere expreſſions, ſhe told him, "That if in temporal con-" cerns, there was ſuch a thing as a ſin againſt " the Holy Ghoſt, it was, doubteſs, ingrati-" tude; that if he had obtained advantageous " terms from Spain, he ought to thank Eng-" land for them; and that ſolemn oaths, and " mutual compacts, were never intended for " ſnares unleſs by the worſt of men." Henry was ſtung with theſe reproaches, but as they admitted of no reply, choſe to take no notice of them. He excuſed himſelf upon the urgent neceſſity which forced him to make peace, and endeavoured to perſuade Elizabeth, that whereas he had hitherto been only a burden to her, he would for the future, give her marks of his acknowledgment, in procuring her a ſafe and honourable peace, and in never forſaking her intereſts; but this was only words, which were not much regarded by the queen.

He ſigns the peace without his allies. May 10. Thuanus.

During theſe tranſactions, ſome articles of little moment which had remained undecided, were finiſhed at Vervins. Mezerai owns, the peace might have been concluded and ſigned in leſs than three weeks, if Henry had not affected to perſuade the publick, he would not abandon his allies; but all this tended only, to obtain for the ambaſſadors of England and of the ſtates, an admiſſion to the conferences without any declaration of what he would do in their favour. But Philip, who knew how far he ſhould be ſollicited, remained inflexible, and would never grant a power to his plenipotentiaries to treat either with England or the ſtates. At laſt, after Henry had made all the neceſſary excuſes to clear himſelf to the publick, he gave orders to his plenipotentiaries to ſign the treaty, promiſing, however, his allies, that he would not ratify it till 40 days after, as if that time had been ſufficient to make their peace with the Spaniard, who even refuſed to treat with them. In the interim, he exhorted them, whether ſeriouſly or jeſtingly, to embrace the opportunity he was procuring them. This peace was ſigned at Vervins the 2d of May, and ratified by Henry the 12th of June.

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Elizabeth's reaſons for continuing the war. Grotius.

It was now incumbent upon the queen and the ſtates to take proper meaſures to ſuſtain the war againſt all the forces of Spain, and in order to this, Elizabeth ſent Francis Vere to the ſtates to know their reſolution. In the interim, it was debated in council, whether it was proper to make peace, or continue the war. The council being divided upon this queſtion, ſeveral reaſons were alledged on both ſides. But the queen, who knew perfectly her intereſt, readily declared for war. She perceived, that in making a ſeparate peace, as it would have been very eaſy, ſhe ſhould oblige the ſtates to put themſelves again under the Spaniſh yoke. In that caſe, ſhe foreſaw, ſhe ſhould ſtand ſingle without any ally, and expoſed to the inſults of Philip, who would never want pretences to quarrel with her, and reſume his former projects againſt England; nay, it was to be feared, the king of France incited by the pope and a Catholick council, where the antient leaguers had great influence, would ſuffer himſelf to be engaged in a plot to dethrone her. She was alſo apprehenſive, the king of Scots, in order to aſcend ſooner the throne of England, would be tempted by promiſes to abandon the intereſt of the Proteſtant religion. In a word, by forſaking the ſtates, ſhe expoſed herſelf to the danger of ſeeing the ſtorm falling upon her own head, which ſhe had all her life been labouring to turn upon her neighbours. On the contrary, in ſupporting them ſhe employed the Spaniard, and hindered him from making any conſiderable attempts upon England. Moreover, if by a vigorous war ſhe could oblige Philip to a peace without any danger to the liberty of the ſtates, ſhe would thereby ſecure friends, who might be very ſerviceable on occaſion.

Theſe were the reaſons which determined the queen to continue the war. But ſhe was very careful to conceal her intentions from the ſtates, and rather ſhewed a great inclination to peace, pretending ſhe was unable to carry on ſo burdenſome a war. She intimated to them, that her intereſt was not concerned, and that Philip's efforts againſt England, plainly ſhewed, ſhe was in no danger from him. The ſtates, not being able to diſſemble like her, becauſe their all was at ſtake, ſhe brought them to acknowledge, that if the war was continued, it was ſolely for the preſervation of their liberty, and, therefore, it was neceſſary to treat anew upon that foundation. In ſhort, ſhe ſo artfully managed, that they came to a new agreement with her, entirely to her advantage. The ſtates choſe rather to ſubmit to her terms than be forced to make a peace, by which, in that juncture, they muſt have loſt their liberty, their religion, and the fruits of 30 years labour. The articles of this new treaty were:

Articles of it.

That the ſtates ſhould give ſecurity to Elizabeth for 800,000 l. ſterling, to which all her claims were limited.

That the half of this ſum ſhould be diſcharged by yearly payments of 30,000 l. ſterling, as long as the war ſhould continue; and, if, at the end of the war, any thing remained of this half, the annual payments ſhould be but 20,000 l.

That as to the other half, and the reſtitution of the places which were in the queen's hands, there ſhould be an amicable agreement, when the peace was concluded.

That for the garriſons of Fluſhing, the Briel, and other forts, the queen ſhould furniſh 1150 men, to be paid by the ſtates, at the rate of 170 l. ſterling a month, beſides utenſils and other uſual neceſſaries for ſoldiers in garriſon.

That for the future, the queen ſhould be diſcharged of her engagement to furniſh the ſtates with auxiliaries, and that the Engliſh, who now ſerved, or ſhould hereafter ſerve in the Low-Countries, ſhould be paid by the ſtates, take an oath to them, and obey the orders of their generals.

That by this means, the authority of the Engliſh deputy, ſtipulated in the former treaty, would be aboliſhed, the queen nevertheleſs reſerving a power to put one perſon into the council of ſtate.

That if, during the war, the common enemy, or his adherents ſhould ſet out a fleet to invade England, or the iſles belonging to it, viz. thoſe of Wight, Silley, Guernſey, and Jerſey, the ſtates ſhould be obliged to aſſiſt her majeſty with a fleet of 30 or 40 ſhips of war; and, in caſe of an invaſion, with 5000 foot and 500 horſe; that if her majeſty ſhould equip a fleet of 50 or 60 ſhips, to act offenſively, either in Spain, Portugal, or the Weſt-Indies, the ſtates ſhould join her with the ſame number of ſhips. And if any Engliſh forces, as 10,000 foot and 2000 horſe, at the leaſt, were ſent over into Flanders, or Brabant, the ſtates ſhould furniſh out half the ſame number of men.

The earl of Tir-oen formidable in Ireland. Camden.

A conſpiracy diſcovered againſt the queen. Stow.

It is eaſy to obſerve from this treaty, how well the queen knew to improve the preſent circumſtances of the ſtates, and their fear of being forced to make a diſadvantageous peace with Spain, tho' for reaſons before mentioned, it was her intereſt to continue the war. Beſides, when this treaty was negotiating, the earl of Tir-oen was very formidable in Ireland. In fine, the king of Scotland almoſt openly demanded to be declared the queen's preſumptive heir. He diſperſed written or printed books, in which he pretended to prove that no perſon whatever could deprive him of his right. A Letter was even ſhewn to Elizabeth, ſubſcribed with his own hand, and addreſſed to the pope. Camden ſays, he had been ſurpriſed into this letter, but that author is too partial in every thing concerning king James, to deſerve entire credit. Soon after, one Edward Squire was apprehended in London, for having undertaken to kill the queen by poiſoning the pummel of her ſaddle. All this ſhews, ſhe had no leſs reaſon to fear for herſelf than for the ſtates, and that it was her intereſt to ſupport them, and procure them a peace, which ſhould ſecure their liberty.

Death of Philip. Sept. 13. Thuanus.

The death of Philip of Spain, which happened in September this year, ſomething allayed Elizabeth's uneaſineſs. That prince was 72 years old, and had reigned 42, in continual troubles to enlarge the bounds of his monarchy. He caſt his ambitious views upon France, England, and Portugal, and of all theſe grand projects, the laſt only ſucceeded. But he loſt ſeven provinces in the Netherlands, which were well worth the kingdom he acquired. He died a dreadful death, being devoured by lice ſwarming from ulcers with which he had been ſome time afflicted; but he bore his calamity with admirable conſtancy. Some time before his death, he had aſſigned the ſovereignty of the Low-Countries in dower to the infanta Iſabella, his daughter, when he married her to archduke Albert. But the conditions annexed to this grant ſhew he had no intention to diſmember thoſe provinces from the Spaniſh monarchy. Beſides the reſervation of homage, and a power to keep garriſons in the citadels of Antwerp and Cambray, he had ſtipulated the reverſion of theſe provinces to the crown of Spain, in default of heirs deſcending from the princeſs, his daughter, and it is even pretended he had rendered her incapable of ever having any. He was ſucceeded by his ſon Philip III.

The queen gives the earl of Eſſex a box on the ear. Camden.

This year a troubleſome affair happened at the Engliſh court. The queen conſulting the earl of Eſſex and the admiral, concerning a fit perſon to be ſent into Ireland, diſcovered an inclination for Sir William Knolles; but the earl of Eſſex, tho' his nephew, ſtrenuouſly oppoſed it, contending for Sir George Carew, in order to remove him from court, as being jealous of him. He ſupported his opinion with great haughtineſs and obſtinacy, and perceiving the queen immovable, turned his back upon her with ſuch an air of contempt, that provoked at his inſolence ſhe gave him a box on the ear. He immediately laid his hand on his ſword, and being prevented from drawing it by the admiral, ſwore, "That he neither could nor would put up ſo great an indignity; nor would he have taken it from Henry VIII. himſelf were he alive," and inſtantly retired from court. The lord privy-ſeal repreſenting to him, in a letter, the folly of his menaces, and adviſing him to aſk the queen's pardon, he ſent a long and paſſionate anſwer, wherein he ſpoke very diſreſpectfully of the queen. But at laſt being brought to himſelf, by the advice of his friends, he was re-admitted to favour. Few believed this reconciliation ſincere, and the earl's friends were in great fear for him.

Death of lord Burleigh. Stow.

William Cecil, baron Burleigh, lord treaſurer, and for many years prime miniſter and confident of the queen, died this year in extreme old age. The lord Buckhurſt ſucceeded in him his office of treaſurer.

1599. The affairs of Ireland. Camden.

The affairs of Ireland were in ſo ill a ſituation, that a ſpeedy remedy was to be applied, or the kingdom expoſed to the hazard of being entirely loſt. Since the advantages gained

by

1599.

by the earl of Tir-oen over the Engliſh, the whole province of Munſter had revolted. The natives in every other part of the iſle were in the ſame diſpoſition, flattering themſelves that with the aſſiſtance of the pope and the Spaniard, the earl of Tir-oen would free them entirely from the Engliſh yoke. The queen, informed of the ſtate of affairs, believed, no time was to be loſt to reduce the Iriſh to their duty, and ordered her council to conſider in her preſence, how to execute her reſolution. The earl of Eſſex ſpoke long upon this ſubject, blaming the conduct of the former lord deputies, who, he ſaid, amuſed themſelves with trifles, inſtead of acting directly againſt the earl of Tir-oen, without giving him any reſpit; that by truces granted him from time to time he had reſtored his affairs; and withal, the queen had been put to needleſs expences, ſince her troops were as well paid in a truce as during the war. This opinion was grateful to the queen, who loved not to be laviſh of her money without occaſion. When a deputy came to be named, moſt of the council were for the lord Montjoy. This was oppoſed by the earl of Eſſex, becauſe that lord had never commanded in chief, and was too much addicted to books; whereas the affairs of Ireland required an active and warlike general; adding, that to put a ſpeedy end to the war in Ireland, the management of it ought to be given to a general of reputation, and who was acceptable to the people. In a word, he ſo plainly pointed out himſelf, that he was choſen to the employ. His friends thought to oblige him, and his enemies hoped that this poſt, and his abſence from the court, would afford them means to ruin him.

The earl of Eſſex ſent lieutenant. Camden.

A remark upon his conduct.

What this lord's deſigns were, is not known, but for ſome time he had made himſelf ſo popular, and gained ſo far upon the people by his affable behaviour, that he was almoſt adored. He only wanted to gain the affection of the ſoldiery, and probably this was his view in deſiring to command in Ireland. But as he had enemies, intent upon his ruin, it was on this employment they founded their hopes of ſucceſs. On the other hand, his friends in ſerving him too zealouſly did him a diſkindneſs. They affected to publiſh his deſcent from the royal houſe of Scotland, and from that of England by his great-grandmother, who numbered amongſt her anceſtors Edmund de Langley, duke of York, and Thomas of Woodſtock, both ſons of Edward III. Hence it was intended to inſinuate, that after the queen's death it would be better to place him on the throne than a foreign prince. A book was alſo dedicated to him, in which the author overthrew the titles of all the pretenders to the crown, except the Spaniſh Infanta's. His enemies perceiving he was forming ſome dangerous conſpiracy, took care not to divert him from it. On the contrary, they every where, and on all occaſions, extolled his valour, his prudence, and his attachment to the Proteſtant intereſt, in order to engage him in meaſures which would more clearly diſcover his deſigns. He had a lively wit, and many amiable qualities, but was too much intoxicated with his own merit, and regarded the reſt of the nobility as very much his inferiors. He was made lord deputy with a very extenſive commiſſion, to continue or end the war as he pleaſed; and even to pardon the earl of Tir-oen, and the other rebels, which was an authority never before granted to any of his predeceſſors. But it was inſerted in his commiſſion, that laying aſide all other affairs he ſhould apply himſelf wholly to purſue and ruin the earl of Tir-oen, chief of the rebels. He could not complain of this clauſe, becauſe it was only what was propoſed by himſelf in the council.

1599.

His character.

Acts in Ireland contrary to his own advice.

About the end of March the earl of Eſſex ſailed for Ireland with an army of 20,000 foot, and 1300 horſe. The Engliſh had never before ſeen ſo formidable an army in that iſland. The queen had made this great effort purſuant to the earl's advice in order to put a ſpeedy end to the rebellion, and terminate the war in one campaign. On his arrival, he affected, whether of himſelf, or by the advice of his pretended friends, to act directly contrary to his inſtructions. He immediately gave the command of the horſe to his intimate friend the earl of Southampton, contrary to the queen's expreſs orders, who was offended with that lord for marrying without her permiſſion. Then, inſtead of marching againſt Tir-oen, he turned his arms againſt ſome rebels in Munſter, whom he drove, indeed, into the woods and mountains, but with the loſs of many of his men. This expedition, of little importance, detained him in thoſe parts till the end of July. In the interim, the queen informed of his procceedings, wrote to him in an angry ſtile, and reproached him with acting contrary to orders founded upon his own advice, commanding him withal to march into Ulſter againſt Tir-oen himſelf. He excuſed himſelf, by ſaying, that the council of Ireland, which knew beſt the affairs of that kingdom, had adviſed him firſt to clear Munſter, and promiſed poſitively to march the firſt opportunity againſt the chief rebel. But ſoon after, he wrote to the court, that he was obliged to return to Dublin, to chaſtiſe ſome Iriſh who infeſted the country, and indeed he ſuppreſſed them. But after this ſecond expedition, his army was ſo diminiſhed, that he wrote for a reinforcement, without which, he ſaid, he could not perform any great exploits in Ulſter. He began, however, to march thither, but his vanguard conſiſting of 1500 men, under the command of Sir Coniers Clifford, fell into an ambuſh and was entirely defeated.

Tho' it was aſtoniſhing, that with ſo fine an army he had done nothing conſiderable, but on the contrary was forced to demand a reinforcement, the queen immediately ſent him ſome freſh troops; but ſoon after, he let the court know, that all he could do this campaign was to poſt himſelf on the frontiers of Ulſter with 1300 foot and 300 horſe. On his arrival in that province, the earl of Tir-oen deſired a parley, which he refuſed. The next day, when the armies were near one another, Tir-oen ſent Hagan, an officer, to tell him he was ready to ſubmit to the queen, and deſired him to grant him a conference on the banks of a ſmall river, * where they might confer, each remaining on his own ſide. The earl of Eſſex conſented, and they talked together about an hour, without any witneſs. Two hours after, Tir-oen demanded a ſecond conference, in preſence of ſome of the chief officers of the two armies. The earl of Eſſex granted his requeſt, and in this ſecond conference it was agreed, that commiſſioners ſhould be appointed to treat of a peace the next day. This negotiation ended in a treaty of truce which was ſpeedily concluded The truce was to continue, from ſix weeks to ſix weeks, till May the next year, with this condition, that either party ſhould be at liberty to break it upon giving 14 days notice.

He is ſuſpected by the queen. Camden.

In the interim, the queen having received the earl of Eſſex's laſt letter, was extremely provoked. She could not forbear ſaying, ſhe ſuſpected him of ill deſigns. She was adviſed to recall him immediately; but ſhe feared to incenſe him too much, whilſt he had the ſword in his hand. Nevertheleſs, ſhe wrote to him very ſharply, and reproached him with his contempt of her orders. This letter made ſuch an impreſſion on the earl, that he inſtantly reſolved to return into England with the flower of his army, and be revenged of his enemies, flattering himſelf with a general inſurrection in his favour. But the earl of Southampton diſſuaded him from ſo dangerous a reſolution. The queen, informed of this project, countenanced a report, that a fleet was preparing in Spain to invade England, and under that pretence raiſed 6000 men. Sometime after, ſhe augmented her army, and gave the command to the lord admiral, who was no friend to the earl of Eſſex. But this terror being diſpelled by advices from Ireland, ſhe diſbanded the greateſt part of her forces.

Comes into England without leave. Camden.

The news of what paſſed in England convincing the earl of Eſſex that he was ſuſpected by the queen, he took a ſudden reſolution to go and juſtify himſelf, without demanding the queen's leave. He was accompanied by the earl of Southampton and ſeveral officers, who on their arrival in England diſpoſed of themſelves different ways. He reſerved only ſix men to attend him, and poſted with all diligence in order to be with the queen before ſhe had notice of his arrival; but he found, notwithſtanding his care, he had been prevented. The queen was then at Nonſuch, 10 miles from London. She received him without any emotion, and with ſome marks of favour; but, after ſome reproaches for his irregular conduct, ſhe commanded him to his apartment till farther orders. After that, being asked why he made a truce with the earl of Tir-oen, which might at any time be broken at a fortnight's warning, ſince he was empowered to conclude a peace; he anſwered, that the earl of Tir-oen was ſo unreaſonable in his demands, that they could not be granted; but it was his opinion, that a truce might bring him to more equitable terms. This anſwer did not ſatiſfy the queen, who was moreover provoked at his leaving his government without her permiſſion; beſides that the perſons who attended him into England, were very apt to cauſe her to ſuſpect him. Wherefore ſhe committed him to cuſtody at the lord keeper's, to prevent his running into new exceſſes.

He makes his own apology. Camden.

In Camden's Annals, there is an apology wrote by the earl himſelf, in which it appears, that he very lamely anſwered the accuſation of having neglected to attack the earl of Tir-oen, and employed his army in expeditions of little conſequence. He contented himſelf with ſaying, that he had put the Iriſh affairs in ſuch a ſituation, that, during his nine months government, the Engliſh had ſuſtained no damage. But he was not entruſted with an army of 20,000 men, to ſtand upon the defenſive. As for his return without leave, he mentioned it not. Concerning the perſons who attended him, he ſaid only, that not above ſix came to court with him; but of the reſt who accompanied him from Ireland, he did not ſpeak. The commiſſion given to the earl of Southampton, contrary to the queen's expreſs orders, he alſo paſſed over in ſilence. The reſt conſiſted wholly in exclamations upon the injuſtice of ſuſpecting him, and in magnifying his father's merits, his brother's, killed in the queen's ſervice, and his own. At the ſame time his friends and relations loudly complained of the rigour with which he was treated, repreſenting it as exceſſive. Some even plotted to reſcue him by force, but he would not conſent to it.

The earl of Tir-oen breaks the truce. Camden.

In the interim, the earl of Tir-oen, hearing the earl of Eſſex was arreſted, broke the truce, and did great damage to the Engliſh inhabitants in Ireland. He flattered himſelf with a great and ſpeedy aſſiſtance from Spain, and the pope, who had made him a preſent of a pretended Phœnix plume. In this expectation, he formed no leſs project, than to drive the Engliſh entirely out of Ireland.

The friends of the earl of Eſſex cabal in his favour.

In the mean time, the earl of Eſſex's friends were inciting the people to an inſurrection in his favour, repreſenting him, as the moſt accompliſhed lord England ever ſaw, ſince the foundation of the monarchy. At the ſame time, they inveighed againſt the miniſtry, not without malicious reflections on the queen's conduct, as if ſhe took no care of the Iriſh affairs. This extremely injured the earl, and increaſed the queen's ſuſpicions of him. As ſhe had provoked him, ſhe eaſily believed he was meditating revenge. Wherefore, in the beginning of October, ſhe aſſembled the council in the ſtar-chamber, where the earl's conduct was examined, and unanimouſly condemned by all the privy-counſellors. Nothing more however was done againſt him, the queen only deſiring to ſatiſfy the people, that

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* At Balla-Clinch, near Louth. Camden.

it was not out of caprice that he was under confinement. He remained therefore at the lord-keeper's houſe, where he gave himſelf up to devotion, ſpending his time in prayer, and writing letters to his friends in ſo devout a ſtrain, that he was thought to have renounced all worldly vanities.

The arch-duke tries to amuſe Elizabeth. Camden.

In the cloſe of the year, the archduke Andrew, governor of the Low-Countries in his brother Albert's abſence, who was gone into Spain, to marry the Infanta, propoſed a peace to Elizabeth. She anſwered, ſhe would freely conſent to it, if the ſtates of the United Provinces were included. This condition put a ſtop to the negotiation at once. The queen ſuſpected, the propoſal was made only to amuſe her, till a fleet, then preparing in Spain, ſhould be ready to invade England; but, this pretended fleet, which gave her ſome uneaſineſs, ended, at laſt, in a few gallies, put to ſea by Frederick Spinola, a Genoeſe, in the king of Spain's ſervice, and carried by him into the harbour of Sluys.

1600. The earl of Tir-oen's progreſs in Ireland. Camden.

The earl of Tir-oen improved the diſorder created by the earl of Eſſex in the Iriſh affairs. He reduced the whole province of Ulſter to his obedience, and hoped to be ſoon maſter of the whole kingdom. For his encouragement, pope Clement VIII. ſent him a bull, by which he granted to him and his adherents, the ſame indulgences, as to thoſe who fought againſt the Turks, for the recovery of the Holy-Land; but Charles Blount, lord Montjoy, appointed lieutenant of Ireland, in the room of the earl of Eſſex, found means to ſtop the progreſs of the rebels, and give a check to their inſolence.

A fruitleſs conference for a peace. Camden.

At the ſame time, archduke Albert, called alſo the Cardinal Infant, being returned from Spain, made new propoſals of peace to Elizabeth. Henry IV. ſupported them with all his intereſt, and ſucceeded ſo far, that the queen ſent plenipotentiaries to Boulogne, where the peace was to be negotiated. But after the ambaſſadors of the two contending crowns had been four months in that place, they parted, without ever aſſembling, by reaſon of a diſpute of precedency between England and Spain. After great conteſts on this ſubject, queen Elizabeth, had at laſt, conſented to an equality, but the Spaniard would not quit his pretenſions. If the plenipotentiaries had met, another obſtacle would have occurred, which would never have been ſurmounted. This was, that the Spaniards were for a ſeparate peace or truce with England; to which Elizabeth, doubtleſs, would not have conſented. Beſides, the king of Spain pretended, that Elizabeth ſhould ſurrender the places mortgaged to her by the ſtates. The Spaniſh ambaſſadors having ſounded the Engliſh on theſe two articles, and finding they ſhould never obtain their deſires, uſed the pretence of precedency to break off the negotiation.

Battle of Newport. Camden.

The ſecond day of July, prince Maurice gained the famous battle of Newport over the archduke. The Engliſh, to the number of 1500, under the conduct of Sir Francis Vere, diſtinguiſhed themſelves glorioully; but there remained 800 dead upon the ſpot.

Briefs ſent to the Engliſh Catholicks by pope Clement. Camden.

Elizabeth being now 67 years old, it was with extreme vexation, that the Catholicks ſaw the Engliſh crown ready to fall on the head of a Proteſtant prince. Clement VIII, being deſirous to prevent it to the utmoſt of his power, ſent two briefs into England, one addreſſed to the Romiſh clergy, and one to the people. In theſe briefs, they were forbid to acknowledge, after Elizabeth's death, any prince who would not ſwear, not only to tolerate their religion, but even to ſupport it with all his power. Theſe briefs were privately conveyed into the nation, and communicated but to few, all dreading the penalties enacted by law.

A conſpiracy againſt the king of Scots. Camden.

But at the ſame time, ſome found a more ready and effectual way to prevent the king of Scots aſcending the throne of England. The Ruthvens, ſons to earl Goury, beheaded in 1584, conſpired againſt him, and inviting him to their houſe, at Perth, on ſome pretence, deſigned to murder him, but he eſcaped by a ſort of miracle. The two Ruthvens were killed, and their complices condemned to die. Afterwards, by an act of parliament, all who bore the name of Ruthven were obliged to quit it, that the very name of the family might be aboliſhed.

The earl of Eſſex's ſtory continued. Camden.

The earl of Eſſex was ſtill under arreſt at the lord privy ſeal's, where he cloſely applied himſelf to devotion. He wrote from time to time ſuch ſubmiſſive letters to the queen, that he ſeemed to have loſt that extreme haughtineſs ſo prejudicial to him. At laſt, the queen, content with having humbled him, permitted him to retire to his own houſe, under the free cuſtody of Sir Richard Berkley, who was to watch him. Probably, he had been ſoon reſtored to favour, the queen clearly diſcovering her ſentiments in that reſpect; but his friends and domeſticks ruined him. They had made ſuch ſtrong cabals among the people, that nothing was talked of but the earl of Eſſex's innocence. Whereas the queen pretended to have treated him with great lenity and moderation, it was given out, that he was unjuſtly perſecuted, and even his life attempted on falſe ſuggeſtions. Elizabeth, who was very nice in ſuch a point, and conſidered the people's prejudices againſt her as a great misfortune, reſolved to ſhew, the earl had more reaſon to praiſe her moderation, than complain of her rigour. To this purpoſe, ſhe ordered him to be brought before the privy-council, to which ſhe had added four earls, two barons, and four judges. But ſhe told theſe commiſſioners, it was not her intention to condemn him to any infamous puniſhment, as guilty of treaſon or treachery; but only to convince him of having failed in his allegiance, and ſlighted her orders and inſtructions, thro' exceſs of vanity. The queen's deſign was to ſhew the prejudiced people, that the earl of Eſſex deſerved a ſeverer puniſhment, than a few months impriſonment.

Articles of his accuſation.

When he appeared before his judges, he was firſt accuſed of contemning the queen's

1600.

orders, in making the earl of Southampton general of the horſe. Secondly, of making knights, contrary to the expreſs words of his patent. Thirdly, of neglecting to purſue the earl of Tir-oen, tho' that was the principal end of his commiſſion. Fourthly, of ſecretly conferring with that rebel. Fifthly, of granting a truce very prejudicial to the queen's affairs. Sixthly, of abandoning his government, without vouchſafing to aſk the queen's permiſſion. Some inferences were likewiſe drawn from his diſreſpectful expreſſions in his apology, and from certain dangerous principles contained in a book dedicated to him, concerning the depoſing of Richard II.

He is declared guilty.

After hearing the articles of his accuſation, he kneeled down, and thanked God for all his mercies, and his ſovereign, for not ordering him a hearing in the ſtar-chamber; declaring, he would neither excuſe his faults, either in whole or in part, nor contend with the queen; he acknowledged his guilt, but proteſted upon his honour, that his heart had been always free from the leaſt thought of rebellion. However, in continuing to ſpeak, he began to urge ſome excuſes in his own behalf. But the lord-keeper interrupted him, by reminding him, that he had taken a good method, but was now ſwerving from it; that in extenuating his faults, he likewiſe extenuated the queen's clemency; and that in fine, a manifeſt diſobedience was but an ill proof of a good intention. The lord-keeper, in preventing him from enlarging on his juſtification, did him a good office. The queen's intention was not to have him rigorouſly tried, but only to ſhew, he had been treated more gently than he deſerved. His confeſſion led him to the ſame end, whereas his juſtification would have obliged his judges to a more ſevere examination. So, whether he underſtood his own intereſt of himſelf, or was warned what to do, he held his peace. After this, the commiſſioners conſulting together, were of opinion, that he ought to be removed from the council-board, ſuſpended from his offices of earl-marſhal, and maſter of the ordnance, and committed to priſon during the queen's pleaſure. His office of maſter of the horſe was untouched at the queen's expreſs command, who was unwilling to give occaſion to believe, ſhe had entirely withdrawn her confidence from him. She even ordered, the ſentence ſhould not be recorded. The earl received his chaſtiſement with ſo much humility, that the queen, pleaſed with his deportment, removed Berkley from him, and left him at full liberty; but ſhe adviſed him to be his own keeper, and forbid him the court.

His character.

For ſome years the queen had honoured the earl of Eſſex with a particular eſteem and affection. She had given him marks of it on ſundry occaſions; and particularly by the poſts, offices, and commands he had enjoyed. This diſtinction had ſo filled him with pride, that he ſolely aſcribed to his merit theſe extraordinary favours, which were the pure effect of the queen's inclination. For this cauſe, he had not always that regard for her ſhe had reaſon to expect from him, imagining ſhe could not be without his aſſiſtance. In a word, he was a very bad courtier. It is not ſtrange, that ſo imprudent a conduct altered the queen's affection, and yet, it appeared in all her proceedings, that it was not entirely extinguiſhed. Her deſign was only to humble that proud ſpirit, which ſeemed to vye with her, wherein ſhe believed to have now been ſucceſsful. It ſeemed, he was, at laſt, ſenſible, that humility was the only way to reſtore him entirely to favour, and had reſolved to purſue that method as the ſureſt. Immediately after his ſentence, while he was preparing to retire into the country, he told the queen, by the lord Howard, "That he kiſſed "the rod and the queen's hand, which had "only corrected, and not ruined him, but "ſhould enjoy no peace, till he ſaw again "thoſe eyes which had once ſhined ſo propitiouſly on him; that he had reſolved to "atone for his error, and like Nebuchadnezzar, to dwell with the beaſts of the "field, eat graſs as an ox, and be wet with "the dew of heaven, till it ſhould pleaſe his "queen to reſtore him to his ſenſes." This ſubmiſſion was very agreeable to the queen, and yet ſhe anſwered, ſhe would not be amuſed with vain words, but as he had ſo long abuſed her patience, ſhe would take ſome time to try his humility. This was a plain intimation, that with a little patience he would appeaſe her entirely, and it was in ſome meaſure directing him how to form his conduct. But he was ſo imprudent as not to improve this advantage, and to follow the intereſted councils of his domeſticks, who adviſed him to petition the queen for the continuation of the farm of the ſweet wines *, which had been very profitable to him. The queen, to prove his humility, refuſed his petition, knowing it to be in her power to repair the loſs, whenever ſhe pleaſed; but inſtead of receiving this denial with the humility and reſignation he had profeſſed ſince his diſgrace, he diſcovered paſſion and reſentment, which made the queen think, he was not yet ſufficiently humbled. Whereupon Cuff, his ſecretary and confident, ſuggeſted to him, that the queen not only intended to humble, but beggar him, and render him contemptible to all the world. Cuff was ſeconded by other incendiaries, who, at laſt, inſpired him with the deſign to reſtore himſelf to favour by force, and deſtroy all his enemies about the queen's perſon. After this reſolution, his houſe was open to all the male-contents. The earl of Southampton, who had withdrawn into the Netherlands, returned to England; and the earl of Eſſex, leaving the country, came to reſide in his houſe at London. When he arrived, Merrick, his ſteward, kept open houſe, for all who thought they had cauſe to complain of the queen or her miniſters, and a great number of ſuſpicious perſons reſorted to his houſe. In ſhort, his whole conduct ſhewed, he was meditating ſome dangerous project. His ene-

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* So all were called, except French and Rheniſh. Camden.

mies improving theſe proceedings, found means to infuſe ſuſpicions into the queen, and to have ſpies placed upon him, who informed the court of what paſſed in his houſe.

1601. Snares laid for him.

It is pretended, his enemies, who had projected his ruin, knowing his pride and haughtineſs, cauſed his friends at court to write to him, not to diſcover ſo much impatience in his diſgrace, but to throw himſelf entirely upon the queen's mercy, as the readieſt way to her favour. Theſe advices drew from him anſwers agreeable to the intentions of his enemies, which being told to the queen, compleated his ruin. They were filled with expreſſions denoting his anger and impatience, and even intimating his deſigns. He ſaid, that a ſtorm was fallen upon him when he expected a harveſt; that the queen had reduced him to a private life, which was diſagreeable to him; that he was incapable of ſo vile a ſubmiſſion as was expected from him; that he had been unjuſtly impriſoned; that ſovereigns had not an unlimited power, nor were infallible; that he had been wounded in every pore of his body; and, that his enemies triumphed, but ſhould never have the ſatisfaction to ſee him cringe to them. To theſe expreſſions, which were no ſigns of repentance, care was taken to add reports capable to make him forfeit the queen's favour for ever. She was told, he had ſaid, " She was grown an old " woman, and no leſs crooked and diſtorted " in her mind than in her body." Camden ſeems to intimate, that he deſignedly paſſes over in ſilence things ſtill more offenſive to the queen.

His deſigns upon the queen's perſon.

Probably, the earl of Eſſex thought all farther caution needleſs, his project being now formed, tho' he had laid his meaſures very ill. Thoſe who ſpeak moſt favourably of it, ſay, his project was to ſeiſe the queen's perſon, and drive his enemies from court, as was practiſed in Scotland with regard to king James; but he ſeems to have had greater deſigns, ſince he courted the king of Scotland's aſſiſtance, perhaps, to place him on the throne before the queen's death. It was known, he had wrote to that prince, that a plot was formed to deprive him of the ſucceſſion, and give the crown to the Infanta of Spain; that for this purpoſe, the projectors, who governed at court, had filled the moſt conſiderable poſts with the infanta's adherents; that ſecretary Cecil, ſon to the late treaſurer, was at the head of this party, and had engaged in it the lord treaſurer Buckhurſt, with the earl of Nottingham, the lord admiral; that, the better to execute his project, he had committed the government of the maritime places to his creatures, where the Spaniards might moſt conveniently land; that the queen was ſo impaired in her underſtanding, that ſhe was incapable to act of herſelf, and was intirely guided by her miniſters; that he was, therefore, neceſſarily obliged to proceed openly to defeat this conſpiracy; and to this end, was ſpeedily to diſpatch ambaſſadors to England, to demand a publick declaration of his title to the ſucceſſion, and the removal of his enemies, creatures and penſioners of Spain, from the court and council. At the ſame time he furniſhed him with poofs to be uſed by the ambaſſadors, to ſhew the truth of the plot. Laſtly, he inſinuated that his ambaſſadors ſhould be ſufficiently ſupported. Camden, who wrote in the reign of James I, has not thought proper to tell us, how thoſe propoſitions were received by that prince; but it may be judged, they were not diſapproved, ſince ambaſſadors were preſently ſent into England, who, however, came too late. This hiſtorian adds, the earl of Eſſex gained to his party ſome Preſbyterian miniſters, and even ſome Papiſts, by commiſerating their afflicted condition, under the queen's tyrannical government, and by inſpiring them with hopes of being eaſed. Then he hired the ſwords-men about London, and placed them near his houſe. After that, he eſtabliſhed a council compoſed of the earl of Southampton, Sir Charles Davers, Sir Ferdinando Gorges, governor of Plymouth-Fort, Sir John Davis, a great mathematician, and ſurveyor of the ordnance, John Littleton, a man of great ſenſe and judgment, and equally qualified for the cabinet and camp.

He plots to ſeiſe the queen's perſon. Camden.

This junto meeting in Drury-houſe, the earl of Eſſex gave them a liſt of certain noblemen whom he believed at his devotion, containing 120 earls, barons, knights, and gentlemen, and deſired them to conſult, whether it was moſt proper, to ſeiſe the palace or the tower, or both at once. The reſult of their deliberation was, that the queen's perſon and palace ſhould firſt be ſeiſed, and when ſhe was in their power, the earl ſhould diſmiſs certain perſons from her preſence, and turn them out of their places; but that nothing ſhould be done, till the arrival of the Scotch ambaſſadors.

Is ſent for to the council. Camden.

In the interim, the great reſort of ſuſpected perſons to Eſſex's houſe, ſome words unwarily dropped by the conſpirators, and the reports of the ſpies, confirming the court's ſuſpicions, the council met at the treaſurer's houſe, and ſent one of the ſecretaries to the earl of Eſſex, to require his attendance; but at the ſame time a note was delivered him, adviſing him to take care of himſelf. Whereupon he told the ſecretary he was indiſpoſed, and could not ſtir from his houſe. Immediately after, he conſulted whether he ſhould purſue his firſt project of ſeiſing the palace, or attempt to raiſe the city of London, or make his eſcape, ſince his plot was undoubtedly diſcovered. The firſt of theſe projects was deemed impracticable, becauſe the guards had been doubled. The ſecond occaſioned long debates on the uncertainty of the execution, becauſe the diſpoſition of the Londoners was not ſufficiently known. In the interim, one of the conſpirators entered, affirming he came from the city, and that the inhabitants were ready to defend the earl againſt all his enemies; adding, that Thomas Smith, the ſheriff, who commanded 1000 of the trained-bands, had promiſed to join him. Probably, the perſon who made this falſe report had been induced to it by ſome of the principal conſpirators, who finding the earl begin to relent, was willing to engage him ſo far, that it ſhould not be poſſible for him to recede. This was ſufficient to make the earl reſolve to raiſe an inſurrection in the city, being perſuaded the people were inclined to his cauſe. It was, therefore, agreed, that the next day the earl, attended by 500 men, ſhould repair to the city, and aſſembling the aldermen and people, require their aſſiſtance. That if the citizens were well diſpoſed, they ſhould be employed to gain acceſs to the queen, or in caſe of diſappointment, the conſpirators ſhould retire to ſome other part of the kingdom.

Purſuant to this reſolution, the earls of Rutland and Southampton went next morning to Eſſex's houſe, with 300 gentlemen, and immediately the gates were ſhut, and no perſon ſuffered to come in or out. But Sir Ferdinando Gorges, one of the moſt zealous of his party, was permitted on ſome pretence to go out. It was probably, he who diſcovered the plot to the court; for ſoon after the queen ſent to the mayor of London, to order the trained-bands to be ready to march upon the firſt notice. At the ſame time ſhe ſent the lord keeper, the earl of Worceſter, and Sir william Knolles, to the earl's houſe, who were let in through a wicket, without any of their attendants except the purſe-bearer. In the court-yard they ſaw the earls of Eſſex, Rutland, and Southampton, ſurrounded with a crowd of armed men, and the lord-keeper advancing towards them, told the earl of Eſſex, he was ſent by the queen to know the reaſon of ſo great a concourſe. Then the earl raiſing his voice, told him, "he certainly knew that it was deſigned to murder him in his bed; that his hand-writing was counterfeited, in order to have a pretence to deſtroy him; that he had aſſembled his friends for the ſecurity of his life, ſince his enemies could not be ſatisfied without having his blood." The lord-keeper anſwering, the queen would do him juſtice, provided he would diſcover his grievances, was interrupted by a voice, crying out, "My lord, you are betrayed, they deſign only to ruin you, we loſe time, let us be gone." Upon this, the earl made a ſign to thoſe ſent by the queen to follow him, and while they were croſſing the court, they heard a confuſed noiſe, ſaying, "Kill them, away with that great ſeal, ſeſecure them in priſon." When they were in the houſe, the earl told them, "if they would have a little patience, he would go and adviſe with the lord mayor and ſheriffs, and return immediate." Upon theſe words, he left them, and, ordering the door to be ſhut, ſet a guard upon them.

The queen ſends ſome perſons of diſtinction to the earl. Camden.

who are impriſoned by him.

Immediately after, he began to march with his company, and entering the city, cried out, "For the queen! for the queen! A plot is laid for my life!" Then he went to the ſheriff's houſe, which was at a diſtance, and during his march was not joined by one citizen, tho' numbers led by curioſity crowded to ſee him paſs. In vain did he cry, "Arm, my friends, or you can do me no good," not a man ſtirred in his favour. The ſheriff, who ſaw him approaching, withdrew himſelf to a back door, to the lord mayor's. The ſheriff's flight convinced the earl he had been deceived, when he was told, he might depend on his aſſiſtance. While he was at the ſheriff's, uncertain what to do, he was informed that a herald had proclaimed him a traytor, in one of the wards of the city, and that the earl of Cumberland had done the ſame in another. Upon this, he left the ſheriff's houſe, and crying in the ſtreets, "that England was to be delivered to the Infanta of Spain, conjured the inhabitants to take arms for the prevention of ſo great a misfortune." But ſeeing no man prepare to ſupport him, and hearing withal, that the lord admiral was marching againſt him with a ſtrong party, he reſolved to return to his own houſe. But coming to Ludgate, he found Sir John Leviſon poſted there, with a company of ſoldiers to oppoſe his paſſage. He inſtantly ſent Gorges to deſire leave to go through; but being denied, was obliged to return to St. Paul's. Here Gorges repreſented to him, that it would be proper to diſcharge the three counſellors, and having the earl's leave, he freed them immediately, and accompanied them himſelf to White-Hall. Probably, Gorges had betrayed him from the very beginning.

He marches into the city to raiſe an inſurrection; Camden.

but without ſucceſs. Stow.

Is proclamed a traytor. Camden.

Is oppoſed in his return to his houſe,

Camden.

In the interim, the earl perſiſting in his reſolution of returniug home, found the ſtreet chained, and guarded by ſoldiers. As he ſaw no other way to paſs than by attacking the guard, he ordered Blunt to fall on, and ſeconded him ſword in hand, with great reſolution. But he was repulſed and ſhot through the hat, and Blunt was taken priſoner. By this reſiſtance, he was forced to go to Queenhithe, and taking boat with a few followers, the reſt being diſperſed, retired to his houſe on the Thames ſide. When he came there, his firſt care was to burn ſome papers, and then, fortify his houſe in the beſt manner he could, ſtill expecting to be relieved by the Londoners. Soon after, the lord admiral inveſted the houſe both from the ſtreet and the gardings which reached to the river. Then, he ſummoned thoſe within to ſurrender, to which they anſwered, they would die ſword in hand. This was the opinion of the lord Sands, who preſſed the earl of Eſſex to fight his way out, repreſenting, it was more honourable to die by the ſword, than the ax. And, indeed, the beſieged ſeemed to be all fixed to that reſolution; but the earl of Eſſex ſuddenly changed his mind, and offered to ſurender on theſe three conditions: That they ſhould all be civilly treated; tried according to the laws; and that Aſhton, the miniſter, ſhould be ſent to him to comfort him in priſon. The lord admiral anſwered, that he engaged for the firſt; that the queen would, doubtleſs, perform the ſecond; and as to the third, he promiſed his intereſt to obtain it. Aſhton was a Presbyterian miniſter. This done, the earls of Eſſex, Rutland, Southampton, the lords Sands, Cromwell, Monteagle, with Davers and Bromley, were put into boats and conducted

comes to it, and is immediately inveſted. Camden.

He ſurrenders;

and is with his principal followers committed to the tower. Act. Pub.

ducted to the tower. The reſt were committed to other priſons. The next day the queen by proclamation thanked the Londoners for their fidelity, warning them withal to have a watchful eye on whatever paſſed in the city, the conſpiracy being, as ſhe ſaid, more dangerous than was imagined.

Thomas Lee executed. Camden.

The 13th of February, Thomas Lee, the earl of Eſſex's creature, and intimate friend of the earl of Tir-oen, was hanged for ſaying to a certain officer, that it would be a glorious action for ſix brave fellows to force the queen to releaſe Eſſex and the other priſoners. Two days after, the queen publiſhed a proclamation, ordering all vagabonds to leave the city on pain of death. The court had received information, that a great number of ſuch perſons lay hid in the city, to reſcue the earl of Eſſex, when an opportunity offered.

Eſſex and Southampton are condemned to die. Camden.

At laſt, ſome of the priſoners having diſcovered the moſt ſecret reſolutions of the conſpirators, the earls of Eſſex and Southampton were tried the 19th of February. They were accuſed of the crimes I have mentioned, and their ſole defence was, that they had done nothing but for their own preſervation; however, they could not prove their lives had been in danger. The earl of Eſſex expreſſed a diſregard of his life, but the earl of Southampton implored the queen's mercy, and deſired the peers to intercede for him. They were condemned to die as traytors.

The earl of Eſſex very penitent. Camden.

The earl of Eſſex after his ſentence ſeriouſly reflected on his paſt conduct, and appeared very penitent. Aſhton greatly contributed by his exhortations and remonſtrances, to put him into this diſpoſition. But becauſe this Preſbyterian miniſter adviſed him to declare whatever he knew, and, probably, by that means, the king of Scotland was known to be concerned in the conſpiracy, Camden ſpeaks of it in ſuch a manner as ſhews, he approved not this conduct. "By the impreſſions (ſays he) left upon him by his miniſter, Eſſex could think of nothing but damnation, unleſs he diſcovered the whole ſcene, and confeſſed who were his complices". An author who talks in this manner, is eaſily perceived to be ſecretly intereſted in the depoſition of the criminal. However this be, the earl of Eſſex deſiring to ſpeak with ſome of the privy-counſellors, the lord keeper, the lord treaſurer, the lord admiral, and ſecretary Cecil went to him. He immediately asked the lord keeper's pardon for detaining him at his houſe, and Cecil's for accuſing him of aſſerting the Infanta's title to the crown of England, and was ſincerely reconciled to both. Then, he declared, that the queen could not be ſafe whilſt he lived, and deſired he might ſuffer privately in the tower. He owned, that ſome of his friends and domeſticks were wicked perſons, and publick peſts, and deſired to ſpeak with Blunt and Cuff, who were immediately ſent for. When he ſaw them, he exhorted both to ask pardon of God and the queen, and told Cuff that this diſloyalty was owing to his advice. He declared that Sir Henry Nevill, ambaſſador to France, was privy to the conſpiracy. This, probably, occaſioned the recalling of that ambaſſador as he was going to Paris, and his being ordered into the cuſtody of the lord admiral. The earl of Eſſex ſaid alſo, that Montjoy, lord deputy of Ireland, and ſeveral others in Scotland, France, and the Low-Countries were acceſſary to the deſign. But the lord Montjoy's behavour in Ireland, had ſo recommended him to the queen, that ſhe took no notice of the earl's depoſition againſt him. In ſhort, the penitent criminal made a full diſcharge of his conſcience, and concealed nothing of what he knew. "Eſſex, (ſays Camden) thought a verbal confeſſion too little, and, therefore, being moved by the diſmal ſcene preſented to his conſcience, by the perſon whom he choſe to guide it, he delivered the ſame in writing under his own hand, which his enemies ſhewing to king James ſome time after, brought the earl and his friends into great diſeſteem with that prince." If king James had not been concerned in this affair, there is no viſible reaſon why Eſſex's declarations ſhould have made him forfeit his eſteem; but according to the earl's project, the ambaſſadors of Scotland were now on their way to London, and king James ever after ſpoke of this lord as of one who was his martyr.

Is beheaded. Camden.

The 25th of February was appointed for the earl of Eſſex's execution. That day the queen appeared ſomething irreſolute. She even ſent an order to the lieutenant of the tower to countermand his execution; but preſently after, ordered him to proceed. This irreſolution, pretended or real, has afforded plenty of matter for plays and romances, in which Elizabeth is repreſented as ſtruggling with love and anger, not knowing which of the paſſions ſhe ſhould obey. She was now, however, in her 68th year, an age wherein the motions of love could not be very violent. But without dwelling on theſe trifles, it ſuffices to ſay, that the earl of Eſſex died like a good Chriſtian, with all the ſigns of a ſerious repentance. His head was not ſeparated from his body till the third ſtroke, but the firſt deprived him of all ſenſe of pain. The marſhal de Biron being told in what manner he died, ridiculed it, and ſaid, ſuch a death was more becoming a prieſt than a ſoldier.

Thus ended the life and projects of the earl of Eſſex, projects which were never yet thoroughly known. Tho' they ſeem to have tended only to dethrone Elizabeth, and ſet the crown on the head of the king of Scotland, however, it is not unlikely that he only uſed that prince's title as a pretence to ruin Elizabeth, and that his confidence in the people's affection inſpired him with greater deſigns. It is certain, the queen had given occaſion to think ſhe had more than a common eſteem for this lord. When he was yet but 21 years old, ſhe forgave him what ſhe had lent his father, for his expedition into Ireland; and he was the only perſon to whom ſhe was ever ſo liberal. The earl of Leiceſter dying ſoon after, ſhe ordered his goods to be expoſed to ſale, for payment of the ſums ſhe had lent him. Before the earl of Eſſex had done her any great ſervice, ſhe made him knight of the Garter, and gave him a place in her privy-council. She continued afterwards to diſtinguiſh him from all other courtiers, not only by the poſts, offices, and commands ſhe honoured him with, but chiefly by particular marks of her favour, which were viſible to all, and made him to be conſidered as a favourite. Theſe favours produced their uſual effect, that is, rendered him proud and vain. He could not bear that any perſon ſhould be promoted but by his means, and was a ſworn enemy to all who were truſted by the queen; nay, he grew ſo exceſſively proud, that he pretended to lord it over the queen herſelf, and force her to follow his advice in every thing. This procured him that unfortunate box on the ear, which, doubtleſs, inſpired him with thoughts of a ſignal revenge; for, from that time, he began to meditate projects which proved his ruin, and might have been attended with that of the queen herſelf; ſo careful ought ſovereigns to be, not to affront perſons of honour. His family was originally from Evreux in Normandy, and from hence borrowed its ſirname. It was noble and antient, as may be inferred from his alliances with the beſt families in England, ſome of which were derived from the royal family. Walter, his father, was, however, the firſt of his houſe honoured with the title of earl.

Some others of his accomplices executed. Camden.

The earl being dead, his principal complices were brought to their tryals. In Blunt's examination, Eſſex's written confeſſion was read to him. Blunt, ſeeing it ſigned with the earl's own hand, was ſo confounded, that he could only ſay, with his eyes lifted up, "Lord, thou knoweſt from what deſigns I endeavoured to divert him." After that, Lee's confeſſion, who had been executed, was read, in which he ſaid, Blunt had permitted him to ſend to the earl of Tir-oen, who told the meſſenger, "that if Eſſex would be guided by him, he would make him the greateſt man in England." Lee had likewiſe depoſed, that the two earls and Blunt were in the ſame plot, and formed the ſame projects. Blunt made a weak defence, as well as Davers, Davis, Cuff, the earl's ſecretary, and Merrick, his ſteward, and they all received ſentence of death. Blunt ſaid upon the ſcaffold, that for three years he had obſerved the earl was diſcontented, and fired with ambition; that when they were in Ireland, the earl told him his deſign of taking with him the flower of the army; of ſeiſing Milford-haven in Wales; of raiſing men in thoſe parts, and marching directly to London. That he had diſſuaded him from an undertaking, ſo dangerous and difficult; but had, indeed, adviſed him to take a ſelect company of men and ſeiſe the queen's perſon, and in her name, to act afterwards as he ſaw convenient; "but, added Blunt, tho' it is true, that in all our debates we never thought of embruing our hands in the queen's blood, yet had we ſucceeded, I cannot ſay but her life might have been in danger." He declared, that he died a Roman Catholick, but ſuch a one, as ſolely relied on the merits of Chriſt's death and ſufferings.

The queen pardons ſeveral conſpirators. Camden.

The queen and council believed it prudent to end the executions with theſe few perſons, by reaſon of the number and quality of the complices. The earl of Southampton was kept in priſon, and the reſt were fined, tho' very few paid their fines. Henry Nevill was only condemned to impriſonment at the queen's pleaſure, tho' it was proved againſt him that he knew of the conſpiracy, and made no diſcovery.

Ambaſſadors from Scotland. Act. Pub.

The earl of Marr and the lord of Kinloſs, the Scotch ambaſſadors, arrived too late, when the earl of Eſſex was in cuſtody. It is well known with what view the earl of Eſſex had deſired them, but we are ignorant of the inſtructions given them by the king of Scotland concerning the plot. It ſeems, however, it may be inferred from Eſſex's propoſal, and the arrival of theſe ambaſſadors at the very time the conſpiracy was diſcovered, that king James was not againſt it. Be this as it will, theſe ambaſſadors confined themſelves, to congratulate the queen upon the diſcovery of ſo dangerous a plot; to demand the puniſhment of one Valentine Thomas, who in 1598, had accuſed their maſter of ill deſigns againſt the queen, for which he was now in priſon; to complain that two Engliſh fugitives had been drawn out of Scotland by ſtratagem, who had fled thither for protection; and laſtly, to demand the aſſignment of ſome lands in England for the king, their maſter. Elizabeth, without taking notice of what ſhe knew, anſwered, ſhe received very kindly the king's congratulation, and wiſhed that no ſuch thing might ever happen in his kingdom; that ſhe had not put Valentine to death, to ſhew how little ſhe credited his depoſition; that the two fugitives had been artfully recovered by the warden of the March, who was to blame for ſuffering them to eſcape, and that ſhe was aſtoniſhed, the king of Scotland ſhould demand them, ſince to protect the ſeditious ſubjects of another prince, was teaching his own to rebel; that as to the aſſignment of the lands, ſhe had given a ſufficient anſwer before; however, ſhe would make a yearly augmentation of 2000 pounds, provided he would ſincerely maintain their mutual friendſhip, without ſuffering himſelf to be influenced by men, who ſought their own private advantage in the publick calamities.

Oſtend beſieged. Camden.

The ſiege of Oſtend, begun in July this year, furniſhed ample matter for the affairs of the Netherlands. Sir Francis Vere, the firſt governor during the ſiege, and the Engliſh troops which ſerved under him, ſignaliſed themſelves, and were a great honour to their nation *.

Mutual compliments between Henry IV. and Elizabeth.

Henry IV. came to Calais, in Auguſt, as it were to ſee more nearly what paſſed at the ſiege, which made the archduke uneaſy. But

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* John Carew of Antony, Eſq; having one of his arms ſhot off in a ſally, and carried at a great diſtance from him, went and took it up without any concern, as if he had felt no pain, and brought it into the town. Camden. Thuanus.

this journey was not ſo much to obſerve the ſiege, as to confer more eaſily with Elizabeth on his project againſt the houſe of Auſtria. Mezerai pretends, Elizabeth firſt conceived this deſign, and earneſtly deſired to confer in perſon with Henry, in a veſſel between Dover and Calais. But I can hardly believe, that at her age, and having no children, ſhe would form a deſign of this nature, the execution whereof required much time and expence. I ſtill leſs believe, that ſhe would have expoſed herſelf to the dangers of the ſea, to confer with Henry, whom for ſome time ſhe had neither valued nor truſted. It is more likely, this prince meditating then the deſign which he would have afterwards executed, was deſirous to engage Elizabeth in it. The Engliſh hiſtorians only ſay, that the queen hearing of the king's arrival at Calais, ſent Sir Thomas Edmunds to pay him her compliments, and that in return, Henry ſent the marſhal de Biron, and the count d'Auvergne, with duke d'Aumont, who were received very graciouſly. Mezerai adds, that the queen ſhewed theſe French lords the earl of Eſſex's ſkull in her cloſet. But Camden has confuted this ſtory in his Annals, by affirming, the head was buried with the body; he ſays only, that the queen ſpeaking to the marſhal de Biron, concerning the earl of Eſſex, told him, that it was her advice to the king of France, never to ſpare the heads of thoſe who attempted to diſturb his tranquillity.

Monopolies complained of. D'ewes.

The parliament meeting in October, great complaints were made in the lower-houſe, concerning divers monopolies authoriſed by the queen's letters patents, which gave private perſons the ſole privilege of ſelling certain commodities, excluſively of all others. The queen being informed, that the commons conſidered theſe monopolies as ſo many breaches of the people's privileges, annulled moſt of theſe grants, and left the reſt to be tried by the laws. This proceeding, even before ſhe had been addreſſed, was ſo pleaſing to the commons, that 140 of their members were appointed to wait upon her with their thanks. She did not omit this opportunity to teſtify to the houſe her great affection for her people. When ſhe had received the compliment of the members, ſhe returned an anſwer in the following ſpeech.

The queen's ſpeech to the deputies of the commons.

GENTLEMEN,

‘I Owe you hearty thanks and commendations for your ſingular good-will towards me, not only in your hearts and thoughts, but which you have openly expreſſed and declared, whereby you have recalled me from an error proceeding from my ignorance, not my will. Theſe things had undeſervedly turned to my diſgrace, (to whom nothing is more dear than the ſafety and love of my people) had not ſuch harpyes and horſeleaches as theſe been made known and diſcovered to me by you. I had rather my heart or hand ſhould periſh, than that either my heart or hand ſhould allow ſuch privileges to monopoliſts, as may be prejudicial to my people. The ſplendor of regal majeſty hath not ſo blinded mine eyes, that licentious power ſhould prevail with me more than juſtice. The glory of the name of a king may deceive princes that know not how to rule, as gilded pills may deceive a ſick patient. But I am none of thoſe princes; for I know that the commonwealth is to be governed for the good and advantage of thoſe that are committed to me, not of myſelf to whom it is intruſted; and that an account is one day to be given before another judgment-ſeat. I think myſelf moſt happy, that by God's aſſiſtance I have hitherto ſo proſperouſly governed the commonwealth in all reſpects; and that I have ſuch ſubjects, as for their good I would willingly leave both kingdom and life alſo. I beſeech you, that whatever miſdemeanours and miſcarriages others are guilty of by their falſe ſuggeſtions, may not be imputed to me; let the teſtimony of a clear conſcience entirely in all reſpects excuſe me. You are not ignorant, that princes ſervants are oftentimes too much ſet upon their own private advantage; that the truth is frequently concealed from princes, and they cannot themſelves look narrowly into all things, upon whoſe ſhoulders lieth continually the heavy weight of the greateſt and moſt important affairs.”

Elizabeth had the good fortune to be believed when ſhe ſpoke in this manner, becauſe, in reality, the Engliſh, in her reign, were the happieſt people under the ſun. They ſaw no deſigns upon their liberties, nor any infringement of their privileges encouraged. Juſtice was adminiſtered impartially, and the revenues of the crown, and the ſubſidies granted by parliament for the publick occaſions, were not idly conſumed. They had therefore reaſon to think the queen truly loved them, ſince ſhe cauſed them to enjoy ſo great happineſs *. Some ſucceſſors of this illuſtrious queen have talked in the ſame manner to their parliaments, nay, it is in great meaſure become cuſtomary; but they have not all gained the ſame credit, becauſe it is not words but deeds that perſuade. This affair did not end in mutual compliments. The commons willing to ſhew their gratitude to the queen, granted her the largeſt ſubſidy they had ever given her ſince the beginning of her reign. Happy are the kings of England, who by a free and ſincere conduct wiſely preſerve ſuch a correſpondence between them and their parliaments.

A continuation of the Iriſh war. Camden.

The war in Ireland was carried on this year more ſucceſsfully than in the two former. The rebels received, however, an aid from Spain,

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* Sir Robert Naunton partly aſcribes the cauſe of this mutual love between the queen and her parliaments, to the choice of parliament-men; for, ſays he, I find not that they were at any time given to any violent or pertinacious diſpute, elections being made of grave and diſcreet perſons, not factious and ambitious of fame; ſuch as came not to the houſe with a malevolent ſpirit of contention, but with a preparation to conſult on the publick good.

1601.

under the command of Don Juan d'Aquila, who landed at Kinſale, and became maſter of the town. He inſtantly publiſhed a manifeſto, declaring that Elizabeth being lawfully depoſed by the pope, her ſubjects were abſolved from their oath of allegiance, and he was come to deliver "Ireland from the jaws of the devil." But inſtead of making the progreſs he expected, he found himſelf beſieged in Kinſale by the lord deputy. Soon after, the earl of Tir-oen approaching the Engliſh to raiſe the ſiege, was utterly routed, after which the Spaniſh general was forced to capitulate. He was permitted to retire with his forces into Spain, having firſt ſurrendered the caſtles he had taken. This capitulation was ſigned the 2d of January, 1602. During the reſt of the winter, the lord-deputy had ſuch ſucceſs againſt the rebels, that the earl of Tir-oen's affairs were reduced to a very ill ſtate.

1602. A fleet againſt Spain. Camden.

In the interim, the queen, to divert the Spaniards from making freſh attempts upon Ireland, armed eight large ſhips, with ſome others of leſſer burthen, under the command of Sir Richard Leviſon and Sir William Mounſon These two commanders being ſeparated, Leviſon met with 38 Spaniſh veſſels coming from the Weſt-Indies, and attacked them, but without ſucceſs. Mounſon joining him ſome time after, they went together and aſſaulted a large carrack of 1600 tuns, richly laden from the Eaſt-Indies, and which lay under the caſtle of Zizambra in Portugal, where ſhe was guarded by 11 gallies commanded by Spinola. Notwithſtanding the difficulty of the undertaking, they attacked the carrack, and after diſperſing the gallies, took that rich ſhip, valued at 1,000,000 of crowns, and brought her to England, with the loſs only of 12 men.

A rich Spaniſh carrack taken.

Gallies taken by the Engliſh.

In September following, Spinola, with ſix gallies he had ſaved, ſailing for Flanders, met in the channel ſome Engliſh and Dutch ſhips, with whom he had a ſharp engagement. Two of his gallies were ſunk, one taken, and with the other three he retired into Sluys.

A quarral between the Jeſuits and ſecular prieſts. Camden.

This ſame year, there was a great conteſt in England between the Jeſuits and the ſecular prieſts. Theſe laſt accuſed the Jeſuits of being the ſole cauſe of the ſevere laws enacted againſt the Catholicks, becauſe they had been concerned in all the conſpiracies, and had even ſuborned aſſaſſins to murder the queen. In the midſt of this quarrel, the queen had intelligence, that the Jeſuits and ſuch of the ſecular prieſts as eſpouſed their principles and party, were contriving ſomething againſt the government. Whereupon ſhe baniſhed them the realm by proclamation, forbidding them ever to return to England, on pain of death. The other ſecular prieſts, who joined not with the Jeſuits, were alſo liable to the ſame penalty, unleſs they would take the oath of allegiance.

A conſpiracy againſt Henry IV. Thuanus.

It was likewiſe in the courſe of this year, that king Henry IV. ordered the marſhal de Biron's head to be ſtruck off, for conſpiring with ſome others to diſmember the French monarchy. The marſhal had been his right-hand, whilſt his affairs were in an ill ſtate; but ſince the peace with Spain, he thought the beſt way to procure quiet was to gain by favours the French lords, who had moſt oppoſed him. This could not be done without neglecting his old friends, and from thence ſprung the plot whereof the marſhal de Biron was head. His complices, as the count d'Auvergne, and ſome others, eaſily obtained their pardon; but the marſhal de Bouillon, who was alſo of the number, tho' it ſafeſt to withdraw into Germany, from whence he wrote to Elizabeth, deſiring her to intercede for him. The king of France wrote to her alſo, acquainting her with the conſpiracy, and asking her advice concerning the marſhal de Bouillon. The queen anſwered, ſhe could not adviſe him, till ſhe certainly knew, whether the marſhal were guilty. She warned him alſo to take care that it was not a Spaniſh artifice to cauſe him to entertain ſuſpicions of his beſt ſubjects. But Henry, not conſidering the marſhal as ſuch, told the Engliſh ambaſſador, that the queen, his miſtreſs, had a better opinion of him than he deſerved, ſince it was certain, he was concerned in the earl of Eſſex's plot, and had not even diſowned it.

1602.

Tir-oen ſubmits to the queen. Camden.

The earl of Tir-oen's affairs in Ireland daily declined. The lord deputy having cloſely purſued him, without giving him any reſpite, even to the places where he thought himſelf moſt ſafe *, compelled him, at length, to caſt himſelf upon the queen's mercy; but he would not receive his ſubmiſſion without an expreſs order from the court. The order coming at laſt, the earl of Tir-oen yielded himſelf to the lord deputy, who reſolved to carry him into England and preſent him to the queen.

1603. The queen ſickens Camden.

About the end of January, 1603, Elizabeth began to feel the firſt attacks of a diſtemper, which carried her, at length, to her grave. Her being obliged to have the ring ſhe wore on her finger filed off, was looked upon as an ill omen, becauſe ſhe was wont to ſay, with that ring ſhe had been married to her people. As ſhe was now very old, it was eaſily believed ſhe would not recover. Accordingly, ſome time before her death, ſhe had the mortification to ſee herſelf forſaken by moſt of her courtiers, who ſtrove with emulation to court the favour of the king of Scotland, her preſumptive ſucceſſor. This threw her into a melancholy, of which it was not poſſible to conceal the cauſe, eſpecially as it was openly talked of ſending for king James before ſhe expired. In the beginning of March ſhe was ſeiſed with a heavineſs in all her limbs, which rendered her motionleſs, and even cauſed her to ſpeak with great difficulty. This was attended with great frowardneſs, ſo that ſhe could not bear any one near her but the archbiſhop of Canterbury, who comforted her, and joined with her in prayer. In ſhort, when it was perceived ſhe was near her laſt hour, the council ſent the lord admiral, the lord

She grows melancholy. Camden.

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* Viz. in Ulſter. The lord Montjoy was chiefly indebted for his good ſucceſs againſt Tir-oen, to the bravery and conduct of Sir Henry Docwray, and Sir Arthur Chicheſter, knights; the latter of whom ſucceeded him afterwards in his office of lord deputy. Camden.

privy-ſeal, and the ſecretary, to pray her to name her ſucceſſor. She faintly anſwered, “ That ſhe had always ſaid, her throne was “ the throne of kings, and ſhe would have no “ mean perſon to ſucceed her.” The ſecretary repreſenting to her, that theſe words were very obſcure, and the council deſired ſhe would declare her pleaſure more plainly, “ I “ will, (ſaid ſhe) that a king ſucceed me; “ and who ſhould that be but my neareſt “ kinſman, the king of Scots?” Then being admoniſhed by the archbiſhop to fix her thoughts upon God, “ That I do (ſaid ſhe) “ neither doth my mind wander from him “ at all.” When ſhe could no longer pray with her tongue, ſhe lifted up her hands and eyes to heaven, and giving ſome other ſigns of her confidence in the mercy of God, ſhe expired on the 24th of March, old ſtyle, in the 70th year of her age, and the 44th of her reign.

Elizabeth's character.

To diſplay, in few words, the elogy of this illuſtrious queen, it ſeems to be ſufficient to obſerve, that her name is ſtill of bleſſed memory with the Engliſh, now when flattery cannot be ſuppoſed to have any ſhare in the veneration they pay her. But Elizabeth baniſhed from England the Catholick religion, and reſtored the reformation. This alone was the cauſe that two parties have been formed on her account, who mutually tax each other with flattery or animoſity. The Proteſtants, conſidering that this queen was the ſole bulwark of their religion, which, probably, without her would have been deſtroyed in England, Scotland, Ireland, and, perhaps, in France, and the Low-Countries, cannot forbear giving her great commendations, and feel themſelves inclined to excuſe her failings. For the ſame reaſon, the Roman Catholicks look upon her with another eye; nay, ſome have not ſcrupled to paint her in the blackeſt colours, and give her the moſt odious epithets. This makes it impoſſible to give her a character that ſhall pleaſe all the world. I ſhall content myſelf, therefore, with making ſome reflections which will aſſiſt thoſe who ſeek only truth, to paſs an impartial judgment on this famous queen, free from party-paſſion and prejudice.

Her ability.

Elizabeth had great ſenſe, and a judgment naturally ſound and ſolid. This appeared in her whole conduct, from the beginning to the end of her reign. Nothing ſhews her capacity more, than her addreſs in ſurmounting the difficulties and troubles created by her enemies, eſpecially when it is conſidered what theſe enemies were, the moſt powerful, the moſt artful, the moſt ſubtle, and the leaſt ſcrupulous in Europe *. The bare naming of them is a ſufficient demonſtration. The court of Rome under ſeveral popes, Philip II, king of Spain, the duke of Alva, Henry II, and Charles IX, kings of France, Catharine de Medici, the duke of Guiſe, the cardinal of Lorrain, Mary, queen of Scots, all the Romiſh clergy, and, particularly, the Jeſuits. Had her forces been proportionable to thoſe of her enemies united together, there would be nothing very extraordinary, ſtrength often ſupplying the want of capacity. But in what manner did ſhe withſtand ſo potent, ſo formidable enemies? It was by two or three maxims which ſhe made the rule of her conduct, and from which ſhe never ſwerved; “ To make herſelf “ beloved by her people; to be frugal of her “ treaſure; to cheriſh diſſention amongſt her “ neighbours.” If things are rightly conſidered, ſhe had no other way to ſecure herſelf. It cannot, therefore, be denied, that this is a clear evidence of her ability. But as her ability was never queſtioned, it is not this I am chiefly to deſcribe. On the contrary, her enemies have taken occaſion from thence to defame her, by repreſenting as vices diſguiſed, what her friends extol as ſo many virtues.

Her diſſimulation.

They pretend, that her ability conſiſted wholly in an overſtrained diſſimulation, and a profound hypocriſy. In a word, they ſay ſhe was a perfect comedian. For my part, I do not pretend to deny that ſhe made great uſe of diſſimulation, as well to the courts of France and Spain as to the queen of Scotland and the Scots. This would be denying a manifeſt truth. The court of Rome was the only court ſhe never diſſembled with. I am alſo perſuaded, that being ſo much concerned to gain the love and eſteem of her ſubjects, ſhe affected to ſpeak frequently, and with exaggeration, of her tenderneſs for them, and deſired to have it believed, that ſhe did thro' an exceſſive love to her people, things wherein her own intereſt was moſtly concerned. But the queſtion is to know, whether in her circumſtances her diſſimulation was blameable. What injury was it to her ſubjects to endeavour to perſuade them, ſhe loved them tenderly, ſince ſhe actually and really did whatever was neceſſary to convince them? As to foreigners, it muſt be carefully obſerved, that her diſſimulation and artifices tended not to invade their poſſeſſions, but to preſerve her own. Her enemies frequently attempted to deprive her both of crown and life, and ſhe ſaved both by her policy and diſſimulation. Where is the harm of ſuch a conduct? Can the diſſimulation and artifices which aim only at ſelf-preſervation, be, without extreme prejudice, confounded with the diſſimulation and artifices that tend to ſurpriſe the innocent, and invade the property of others; can theſe, I ſay, be conſidered upon the ſame foot? For my part, I am ſo far from thinking that this ſort of diſſimulation is any blemiſh to Elizabeth's reputation, that I rather believe it ought to be reckoned among her commendable qualities.

Concerning her avarice. Osborn.

Avarice is another failing imputed to her by her own friends. I will not deny that ſhe was too parſimonious, and upon ſome occaſions ſtuck too cloſe to her maxim, not to be at any expence but what was abſolutely neceſſary. However, in general I maintain, that her circumſtances required her, if not to be

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* Pope Sixtus V. uſed to ſpeak of queen Elizabeth, and the king of Navarre, as the only princes that underſtood what it was to govern; and profanely wiſhed, he might enjoy her but one night, ſaying, they would beget a new Alexander the Great between them. Burnet's Ref.

covetous, at leaſt, not to part with her money, but with the greateſt caution, both to preſerve her people's affection, and enable her to withſtand her enemies. After all, whom did ſhe wrong by her extreme frugality? A dozen of hungry courtiers, who would have been very glad ſhe had laviſhed her treaſure, like the king, her father, in the beginning of his reign. As for the reſt of her ſubjects, inſtead of having cauſe to complain of this pretended avarice, they had reaſon to be pleaſed with it, ſince it conſiſted not in robbing them of their property by illegal methods, as Henry VII, her grandfather, had done, but in husbanding her revenues and conſequently their own *.

Slanders upon her chaſtity.

She is alſo accuſed of not being ſo chaſte as ſhe affected to appear; nay, ſome pretend, there are now in England the deſcendants of a daughter ſhe had by the earl of Leiceſter; but as hitherto no proof of this accuſation has been produced, it may be ſafely reckoned among the calumnies with which her reputation has been attacked, as well during her life as after her death.

Reflections on the death of the queen of Scots.

It is not ſo eaſy to juſtify her concerning the death of the queen of Scots. Here it muſt freely be owned that ſhe ſacrificed equity, juſtice, and, perhaps, her own conſcience, to her ſafety. If Mary was guilty of her huſband's murder, as there is reaſon to believe, it belonged not to Elizabeth to puniſh her. And, indeed, it was not for that ſhe took away her life, but ſhe uſed that pretence to detain her in priſon, under the deceitful excuſe of making her innocence appear. On this occaſion her diſſimulation was blame-worthy. This firſt injuſtice engaged her afterwards, to uſe numberleſs arts and devices to have a pretence to render Mary's impriſonment perpetual. Hence aroſe, at laſt, the neceſſity of putting her to death on the ſcaffold. In ſhort, this exceſs of violence gave birth to more artifices and acts of diſſimulation to juſtify herſelf, and caſt the blame on the innocent. This, doubtleſs, is Elizabeth's great blemiſh, which manifeſtly proves to what height ſhe carried the fear of loſing a tottering crown. This continual fear and uneaſineſs, is what characteriſes her reign, becauſe it was the ſpring of almoſt all her actions. All that can be ſaid for Elizabeth, is, that the queen of Scots and her friends had brought things to ſuch a point, that one of the two queens was to periſh, and it was natural that the weakeſt ſhould fall. But this does not excuſe Elizabeth's injuſtice to Mary, in detaining her in priſon, which had no other foundation than Elizabeth's fear concerning her crown.

Concerning Elizabeth's religion.

I come now to Elizabeth's religion. I do not believe her being a true Proteſtant was ever queſtioned; but as it was her intereſt to be ſo, ſome have taken occaſion to doubt whether the zeal ſhe expreſſed for her religion, was the effect of her perſuaſion or policy. What may have occaſioned this doubt, is, that it clearly appears in her Hiſtory, that in aſſiſting the Proteſtants of France and the Netherlands, as well as thoſe of Scotland, ſhe had only temporal views, viz. her own ſafety and defence againſt impending invaſions. But it cannot thence be inferred, ſhe was not a good Proteſtant, or had no religion at all, ſince it is not impoſſible that her religion ſhould agree with her temporal intereſt. All that can be ſaid, is, that ſhe happened ſometimes to prefer her temporal, before her religious concerns.

Concerning her perſecuting the Catholicks.

She is warmly accuſed of perſecuting the Catholicks, and putting ſeveral to death. It is true, there were ſome that ſuffered death in her reign; but one may venture to affirm, that none were puniſhed but for conſpiring againſt the queen or ſtate, or for attempting to deſtroy the Proteſtant religion in England, and reſtore the Romiſh by violent methods. The Catholicks, who lived peaceably, were tolerated, tho' with ſome reſtraint as to the exerciſe of their religion, but with none as to their conſciences. If this may be called perſecution, what name ſhall be given to the ſufferings of the Proteſtants in the reign of Mary †.

The Preſbyterians think alſo, they have reaſon to complain of the ſtatute enacted in this reign, which deprived them of liberty of conſcience, tho' they were Proteſtants. I ſhall not take upon me to determine, whether they had cauſe to complain of this rigour; I ſhall only ſay, that, in my opinion, they had too much obſtinacy, and their adverſaries too little charity.

Elizabeth's juſt encomium.

To ſum up in two words what may ſerve to form Elizabeth's character, I ſhall add, that ſhe was a good and illuſtrious queen, with many virtues and noble qualities, and few faults; but what ſhe ought to be eſteemed for above all things, is, that ſhe cauſed the Engliſh to enjoy a felicity unknown to their anceſtors, under moſt of the kings, her predeceſſors. This, doubtleſs, is the teſt, by which we are to judge of thoſe whom God has ſet over us.

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* She was not ſo covetous, but that four ſubſidies having been granted her in one of her parliaments, and finding that three would do her buſineſs, ſhe by proclamation diſcharged the fourth, and ſo much of the other three as was not levied. Bohun's Char. of Eliz.

† The ſecular prieſts themſelves ſhewed in their writings; that in the 11 firſt years of queen Elizabeth's reign, not one Papiſt was perſecuted for religion; in 10 years after the publication of pope Pius V's bull, not above 12 prieſts had been put to death, and moſt of them for treaſon, till the year 1580, when the turbulent and reſtleſs Jeſuits firſt ſet foot in England; and yet, in the 10 next years after that, not above 50 prieſts were executed, and 55 baniſhed. Camden.

THE
HISTORY
OF
ENGLAND.

BOOK XVIII.

The Reign of JAMES I; containing the ſpace of 22 years, and three days.

24. JAMES I.

1603.
The council proclaim James I. March 24. Wilſon.

ELIZABETH had no ſooner breathed her laſt, but the council met to conſult about the meaſures that were to be taken in the preſent juncture. The queen, who had delayed to name her ſucceſſor till the end of her days, at laſt declared, the king of Scotland was to aſcend the throne of England after her, and it was not doubted, but her will agreed with this declaration; ſo, the council deemed it neceſſary, before all things, to be aſſured of it, by peruſing the will, which was immediately opened, and found to confirm what the queen had declared by word of mouth. The king of Scotland had therefore in his perſon a threefold right, which rendered his title indiſputable. The firſt was what is called in England, a parliamentary right, which derived its validity from the act of parliament, ſecuring the crown to Henry VII, and his heirs. The ſecond was hereditary right, for this prince was the neareſt relation, and natural heir to Elizabeth. Theſe two rights were farther ſtrengthened by the queen's will, which made the third; ſo, the council readily judged, he ought to be acknowledged for king of England. This reſolution being imparted to the lord mayor of London, the new king was proclaimed by the name of James I, ſix hours after the queen's death.

1603.
James receives the news of his acceſſion to the crown of England. Welden.

Tho' the council had been careful to ſend the king the firſt news of his acceſſion to the crown of England, Sir Robert Carey, the lord Hunſdon's youngeſt ſon, found means to be before them. James, who impatiently expected the news, received it, however, without altering his countenance, the queen's illneſs having been long enough to afford him time to be compoſed, when the news ſhould arrive. Nevertheleſs, he could not forbear lifting up his eyes to heaven, probably, to thank God for the favour he had long expected, not without great anxiety. Elizabeth would never poſitively declare, ſhe intended to name him for her ſucceſſor. She contented herſelf with keeping him in hopes, but in ſuch a manner, that ſhe ſeemed to reſerve the power of depriving him of the ſucceſſion, if his conduct diſpleaſed her. James's correſpondence with the earl of Eſſex, which, tho' connived at, was not unknown to the court of England, might give him ſome apprehenſions. Beſides, Elizabeth never loved him; whether becauſe he was ſon to her mortal enemy, or had ſhewn too much impatience to poſſeſs the crown of England; or in fine, by reaſon of his inclination to the Catholicks. All theſe reaſons made this prince very uneaſy, in the expectation of a crown which his birth intitled him to, but which, however, he might have loſt, had Elizabeth been pleaſed to take meaſures to deprive him of it. The news of the queen's death could not then but be agreeable to him, ſince, by his correſpondence with one of the chief miniſters, he was aſſured ſhe had done nothing to his prejudice.

Stow.

Preſently after Carey's arrival, came Sir Charles Percy and Thomas Somerſet, who, by order of the council of England, notified to him the queen's death, and the council's diligence in proclaiming him. Theſe were quickly followed by Sir Thomas Lake, who was ſent by the council to inform him of the ſtate and condition of the realm.

Reflections of the Engliſh.

Whilſt the news of his acceſſion to the crown was carrying to the king, the Engliſh were reflecting on the alterations which the queen's death was likely to produce. The people, in general, lamented the loſs of their queen. They had been happy under her, and were not ſure their happineſs would continue in the new reign. A king of Scotland on the throne of England, was to moſt no pleaſing object. Beſides, ſince James was of age, he had given no very advantageous idea of himſelf. His unſteadineſs, his weakneſs for his favourites, his inclination to the Catholicks, of which, on ſeveral occaſions, he had given viſible marks, were not qualities apt to prepoſſeſs the Engliſh in his favour. It was hoped, however, he would tread in the ſteps of the illuſtrious queen, his immediate predeceſſor, becauſe it was thought he could not follow a better courſe, and what is deſired is eaſily believed. As for the deceaſed queen's miniſters and courtiers, the good and welfare of the realm was what leaſt affected them, every one being wholly intent upon gaining the favour of the ſucceſſor. Towards the end of the late reign, there were two factions at court, the one conſiſting of Eſſex's friends, and the other of his enemies. The firſt was entirely humbled by the death of their head; and the other had ſo far the aſcendant, that they abſolutely ruled in the council. Sir Robert Cecil, ſecretary of ſtate, and ſecond ſon of the late lord treaſurer Burleigh, was at the head of this party; but this politick courtier, foreſeeing, that after the queen's death his party could not fail of ſinking, ſince king James conſidered the earl of Eſſex as his martyr, had taken timely meaſures for his ſupport. Before the queen's death, he had devoted himſelf to the king of Scotland, and held a private correſpondence with him, to inform him of what paſſed at court; by which means, he had ſecured that prince's favour, tho' it was not without danger of loſing the queen's, had ſhe known his ſecret practices. He was the only man of his party that had gained the new king's favour, which he ſo artfully cultivated, that in the end he became his prime miniſter.

The hopes and fears of the Engliſh with regard to religion. Speed.

There was alſo another thing which engaged the attention of the Engliſh, viz. the affair of religion. The king's conduct in Scotland gave occaſion for ſundry reflections, which kept people in uncertainty, none knowing poſitively what was to b hoped or feared. James was born of Roman Catholick parents, but being taken from his mother in his infancy, had been educated in the Proteſtant religion, and always profeſſed it. On the other hand, the religion he had been brought up in, tho' Proteſtant, differed a little from the religion eſtabliſhed in England, if not in doctrine, at leaſt, in diſcipline, and ſome other points of external worſhip, which were conſidered by the two churches as very important. In a word, it was the Presbyterian or Puritanical religion. In fine, this prince had ſhewn on numberleſs occaſions, that he was far from being an enemy to the Romiſh religion. All this formed a certain contraſt, which bred an univerſal ſuſpenſe. The Catholicks hoped to meet, under his government, with gentler treatment, and more indulgence than under Elizabeth, nay, they carried their expectations much farther. The Presbyterians flattered themſelves, that James, who had been educated in their religion, would promote the reforming of the church of England upon the plan of that of Scotland, and hoped ſoon to ſee the downfall of the eccleſiaſtical hierarchy. Finally, the Church of England-Men thought to have reaſon, to expect, that the new king would conform to their religion, ſince it was eſtabliſhed by law. But after all, the hopes of the three parties could not but be mixed with fears, ſince the king had not yet declared. Such were the ſentiments of the Engliſh, concerning their new king, whom as yet they knew only by report.

James ſets out for England. Weldon.

As ſoon as James was informed by the perſons ſent from the council of England that he was proclaimed, he diſpatched Aſton to acquaint the privy-counſellors, that he was preparing for his journey, and accordingly he left Scotland the 5th of April, 11 days after Elizabeth's death. The principal Scotch lords, by whom he was attended into England, were the duke of Lenox, the earl of Marr, the lord Hume, and the lord Kinloſs, with ſeveral others of leſs diſtinction, but who afterwards were promoted to Engliſh honours and dignities. He ſpent above a month in his journey from Edinburgh to London, where he arrived the 7th of May. He had no ſooner entered England, but the people ſtrove to demonſtrate their regard by magnificent entertainments in all the towns he paſſed through. Such were their acclamations, their wiſhes for his proſperity, their praiſes and joy for his arrival, that an honeſt plain Scotchman could not forbear ſaying, "This people will ſpoil a gud "king." In the interim, the multitudes which flocked from all parts to ſee their new ſovereign, grew, at laſt, ſo troubleſome to him, that he was forced to ſet bounds to their curioſity by a proclamation. This was very ſurpriſing to the people, who did not underſtand that a little inconveniency ſhould hinder the king from receiving the reſpects of his new ſubjects; but, perhaps, this was owing to the king's fear, that among the crowd ſome aſſaſſin might lurk, and attempt upon his life. It may be too, he had a mind to accuſtom his ſubjects not to be too familiar with their ſovereign. Be this as it will, it did not hinder the people from paying him every where the reſpect due to him, and expreſſing great ſatisfaction to ſee him paſs, in order to be ſeated on the throne.

The Engliſh lords meet him at York. Coke.

At York, moſt of the Engliſh lords came and paid him their homage. Among theſe were ſecretary Cecil, who was now conſidered as out of favour, becauſe he had been Eſſex's ſworn enemy; but great was the ſurpriſe, when the king received him with extraordinary marks of eſteem. This gave occaſion to ſuſpect, he had taken care beforehand to gain his favour, and the king's behaviour to him afterwards confirmed the ſuſpicion. Some accuſe this lord of inſpiring the king with the deſign of ſetting himſelf above the laws, and not ſuffering the parliament to ſhare the ſupreme authority with him; at leaſt, it is certain, James's chief care, after his acceſſion, was to maintain the prerogative royal in its utmoſt extent, nay, to carry it higher than any of his predeceſſors. He muſt, at the time I am now ſpeaking of, have conceived a larger notion than had been hitherto formed, of the power of an Engliſh king, ſince when he came to Newark, he ordered a cut-purſe to be hanged by his ſole warrant, and without tryal. It cannot be denied, that this was beyond the lawful power of a king of England, and directly contrary to the privileges of the Engliſh nation. Probably, care was taken to warn him of the ill effects ſuch illegal acts might produce among the people, ſince he refrained from them ever after.

He comes to Theobald's. Stow.

On the 3d of May he came to Theobald's, ſecretary Cecil's houſe, where he ſtayed ſome days. Here the council came to pay their reſpects to him, and here paſſed what was moſt remarkable in his journey till his arrival at London. When he was about to leave Scotland, he ſent Carey to tell the privy-counſellors, that his intention was to continue every man in his poſt. However, at his coming to Theobald's, he encreaſes their number with ſeveral others, moſt of whom were Scots, his deſign being, as he more plainly ſhewed afterwards, to make but one kingdom of England and Scotland. The new Scotch counſellors were the duke of Lenox, the earl of Marr, the lord Hume, and Sir James Elphinſton, his ſecretary. He nominated alſo two Engliſh noblemen, the lords Zouch, and Burleigh, ſecretary Cecil's eldeſt brother. I find likewiſe, that at the ſame time, or, preſently after, he admitted into his council the earls of Northumberland and Cumberland, the lords Thomas and Henry Howard, the one ſon, the other brother to the late duke of Norfolk, of whom the firſt was a ſuſpected, the laſt a known Papiſt, but upon the king's arrival he had embraced the Proteſtant religion. The king's gratitude to the Howard-family, who for the ſake of the queen, his mother, were in diſgrace in the late reign, did not ſtop there; for the lord Thomas was made earl of Suffolk, and then lord-treaſurer, and the lord Henry was created ſome years after earl of Northampton. Moreover, Philip, earl of Arundel, the late duke of Norfolk's eldeſt ſon, having loſt his title by his condemnation, tho' Elizabeth gave him his life, the king created his ſon Thomas, earl of Arundel and Surrey. Thus the king's regard for the duke of Norfolk's family, plainly ſhewed what he thought of Elizabeth's treatment of that duke and his houſe. It was not in this alone that he expreſſed his reſentment againſt the late queen. Upon all occaſions he affected to ſhew, it was only out of policy that he had whilſt ſhe lived, concealed his averſion for her. The moſt notable mark he gave of it, was, that he neither went into mourning himſelf nor would admit any perſon to his preſence in a mourning habit.

He is laviſh of honours and dignities. Stow.

From the king's arrival in England to his departure from Theobald's, he made above two hundred knights, and ſome days after his coming to London, he made many more. As Elizabeth had been ſparing in the diſtribution of honours, with which ſovereigns are wont to reward the merit and ſervices of their ſubjects, her ſucceſſor on the contrary, beſtowed them with a liberal, or rather profuſe, hand. Never had the like number of knights, barons, and earls been made in any former reign. This occaſioned a ſatirical libel, entitled, "A help for weak memories to retain the names of the nobility". The truth is, James made ſo many knights and peers, particularly in the firſt years of his reign, that ſuch a help was very neceſſary. Indeed it is pretended, the current of honour was ſtopped in Elizabeth's reign, that ſcarce a county had knights enough to make a jury.

Beſides the three Howards, Thomas Sackville, lord Buckhurſt and high-treaſurer, was made earl of Dorſet; Sir Robert Cecil was, at firſt, created baron of Effingdon, then viſcount Cranburne, and afterwards earl of Saliſbury, and Philip Herbert, the earl of Pembroke's brother, was made earl of Montgomery. I confine myſelf to theſe, becauſe their names moſt frequently occur in the beginning of this reign. I muſt alſo add, that the earl of Southampton who had been condemned to die, and the earl of Eſſex's ſon, were reſtored to their eſtates and honours before the king reached London; but the lords Grey, Cobham, Carew †, and Sir Walter Raleigh who had been enemies to the earl of Eſſex, were coldly received by the king. Theſe four courtiers of Elizabeth had not a little contributed to the earl of Eſſex's death, as well as ſecretary Cecil; but this laſt, as I obſerved, had wiſely gained the king's favour. Nothing could more plainly ſhew that the king conſidered the earl of Eſſex as his martyr, as he himſelf called him, than his gracious reception of the earl of Southamp-

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* The king bought this houſe afterwards: It belongs now to the duke of Portland. Rapin. The king gave in exchange for it Hatfield-houſe, the ſeat of the preſent earl of Saliſbury.

† There was no ſuch lord as the lord Carew, Sir George Carew, (who had ſerved in Ireland three years, and wrote an account of the memorable paſſages which happened there in that time) was now in favour, and one of thoſe that were ſent to fetch the queen; he was made baron of Clopton, 3 Jac. and earl of Totneſs, 1 Car. I. Rapin.

ton when that lord came to wait on him. This was publickly owning that he approved of theſe two lords conſpiracy, the intent of which was to ſet him on the throne before the queen's death. This gained him no credit with the diſintereſted. But from that very time he began to liſten to the flatteries of his courtiers, who extolled all his actions to the ſkies, and that continued but too much throughout his whole reign.

He has a great idea of the power of kings. R. Coke.

King James, with good natural parts, had a good ſhare of learning. He was able to form the plan of a good government, the general maxims whereof he perfectly knew; but his averſion to war, his weakneſs for his favourites, certain prejudices he had imbibed, wherein all that approached him helped to confirm him, ever hindered him from putting his theory in practice. He was perſuaded, that the authority of ſovereigns over their ſubjects was unlimited, and that all monarchial government ought to be abſolute, not conſidering that theſe maxims could not be applied to the government of England, without deſtroying the conſtitution. Moreover, he was ſtrongly prepoſſeſſed in favour of his own merit and capacity. As ſoon as his courtiers diſcovered his genius and character, they failed not to attack him in the moſt ſenſible part; that is, they took all occaſions to applaud his wiſdom, learning, parts, and to talk in the higheſt ſtrain of the regal power. As this pleaſed him infinitely, ſo it was the beſt way to gain his favour. Hence aroſe ſeveral expreſſions little known in the former reigns, but which were common in this. The king was called the Solomon of the age, and ſtiled his ſacred majeſty, and theſe flattering titles, which he greedily received, confirmed him more in his prejudices. He had one amongſt the reſt which greatly influenced his whole adminiſtration; and that was, he really believed he was come to the crown of England ſolely by hereditary right, and could not bear, it ſhould be thought he was obliged to queen Elizabeth, or that his title proceeded from any act of parliament. If this had been only a ſpeculative notion, it would not have much diſturbed the Engliſh; but he drew from this principle terrible conſequences, tending to no leſs than arbitrary power, and of courſe to the ſubverſion of the Engliſh conſtitution. From his being king by hereditary right he inferred, that his will ought to be the ſole rule of the government, and conſidered as undeniable truths, all the wild aſſertions of certain writers concerning the regal power. This pretended hereditary right, with its conſequences, were the fountain of the diviſions which began in this reign, between the king and parliament, and which continued during the three following reigns. This alſo gave birth to the Tory and Whig factions, who worry one another to this very day. It is requiſite, therefore, for the reader's information to obſerve, before we proceed, that this hereditary right by which James I. pretended to reign, was not ſo indiſputable as he then did, and as many ſtill do, imagine it.

Remarks on the ſucceſſion to the crown of England.

In the firſt place, no law can be produced on which may be founded the hereditary ſucceſſion of the crown of England. Secondly, there are many precedents in the Engliſh Hiſtory which ſhew that the parliament aſſumed a power to diſpoſe of the crown, and ſettle the ſucceſſion without any regard to the next heir. In the third place, more kings, ſince the conqueſt, have mounted the throne by vertue of acts of parliament, or ſome other means, than by hereditary right. The four firſt eſpecially, viz. William the Conqueror, William Rufus, Henry I, and Stephen, moſt certainly came not to the crown by this right. When was it then that the crown became hereditary? It is their buſineſs who maintain this opinion, to point out the time. In the fourth place, of all the kings from William the Conqueror to James I. there was not one who had leſs right to the crown than Henry VII, before he was confirmed by the parliament *. It was, therefore, from the parliament's confirmation, rather than from Henry VII's hereditary right that James I. could derive his own title. Laſtly, if ſome inſtances may be produced of kings ſucceeding from father to ſon, and if from thence it be inferred, it was by hereditary right, it will alſo be eaſy to ſhew, that this right vaniſhes when traced to the ſource. For example, if it be ſuppoſed that Elizabeth, Mary, Edward VI, and Henry VIII, came to the crown by hereditary right, tho' there would be much to be ſaid concerning the two queens, the fountain of this right ſprings from Henry VII, who was heir neither of the houſe of York, nor the houſe of Lancaſter. Henry VI, and Henry V. ſucceeded from father to ſon, to Henry IV, who was not the next heir of Richard II. Edward III. could not ſucceed Edward II, his father, who was yet alive, by hereditary right. Edward II, Edward I, and Henry III, form the longeſt hereditary ſucceſſion from father to ſon that occurs in the Engliſh Hiſtory; but they derived their right from John Lackland, who certainly was not Richard I's next heir. I paſs over in ſilence the former kings, becauſe the thing is too evident to need any farther explication. Thus of 23 kings from the conqueſt to James I, above one half, at leaſt, did not aſcend the throne by hereditary right. As for thoſe who ſucceeded from father to ſon, and may be ſuppoſed to have reigned by hereditary right, they could ſupport their right of ſucceſſion only by acts of parliament, adjudging the crown to ſome one of their anceſtors, contrary to hereditary right. How then can the hereditary ſucceſſion of the crown of England be indiſputably eſtabliſhed? It follows from what has been ſaid, that nothing is more uncertain than the right by which the kings of England reigned from the conqueſt, to the time of James I, ſince it is not poſſible to lay down any undoubted principle upon this head. It is much eaſier to combat all the different opinions concerning the ſucceſſion, than to eſtabliſh any one by ſolid and undeniable reaſons. I ſhall add here in confirmation of what I have ſaid, that the

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* See the reigns of Richard III. and Henry VII. Rapin.

kings who were reckoned the wiſeſt and moſt able, took care to have their titles confirmed by the parliament, when they believed them liable to any objections; ſo James I. in reſolving to eſtabliſh this pretended hereditary right, was the firſt cauſe of the troubles which afflicted England, and which are not yet ceaſed.

The king's miniſters flatter him greatly. Osborn.

This prince's choice of the miniſters who were to manage the publick affairs, greatly conduced to cheriſh his high conceit of his perſonal qualities, and of the regal authority. The firſt was Sir Robert Cecil, afterwards earl of Saliſbury. This lord, who had been Eſſex's ſworn enemy, knowing how much the king was concerned in that earl's diſgrace, found no better way to keep in his favour than by flattering him continually, and making his court to him, by talking of kingly government according to his notions. He was accuſed, at leaſt, of inſpiring him with ſentiments very diſadvantageous to the people and parliament. He was in other reſpects a man of a great genius, conſummate prudence, vaſt capacity, and perfectly acquainted with the ſtate and intereſt of the nation. The earls of Suffolk and Northampton, the one lord-chamberlain, the other lord-keeper, were much inferior to the earl of Saliſbury in parts and ability; but it is pretended they were Papiſts in their hearts, and as the Catholick religion could be reſtored in England but by an arbitrary power, they earneſtly laboured to indulge the king in his notions concerning the regal authority. To theſe three lords the king chiefly committed the management of his affairs. All the reſt of the courtiers followed the ſame method, and emulouſly ſtrove to gain the king's favour, by a blind ſubmiſſion to his will.

He ſends for the queen and his children. Spotiſw.

Soon after the king's arrival at London, he ſent a numerous train of lords and ladies into Scotland, to attend the queen and his children, who were ready to come to him. He had three children, viz. Henry, nine years old, Elizabeth and Charles. This laſt, being indiſpoſed, was left in Scotland till September the next year.

He gets Thomas hanged. Camden.

Whilſt the queen was on her journey, the king remembered, he had complained to Elizabeth of Valentine Thomas, who had ſlandered her, and was now in priſon. It is not known wherein this ſlander conſiſted, but whatever it was, about a month after the king's arrival, Thomas was ordered to be brought upon his tryal, and received ſentence of death for conſpiring againſt Elizabeth, and ſome of her council *.

The marqueſs of Roſny's ambaſſy. Sully's Mem.

About the ſame time, and before the queen's arrival, the marqueſs of Roſny came from the king of France, to congratulate the king upon his acceſſion to the crown of England. He had expreſs orders from the king, his maſter, to appear in mourning with all his train, at his firſt audience; but he was told, he would diſoblige the king, who would, doubtleſs, look upon this affectation as a reproach for not going himſelf into mourning for the queen. The marqueſs ſays in his Memoirs, that the king being at table, boaſted publickly, that for ſeveral years before Elizabeth's death, it was he, properly, that governed England, and that no reſolution was taken in the council but by his direction. He would, perhaps, have been nearer the truth, had he ſaid, Elizabeth governed Scotland and himſelf too, without his perceiving it. The French king's deſign was not only to congratulate the king. His chief view in ſending the marqueſs of Roſny, his favourite, was, to hinder James from being gained by the Spaniards, and to renew his defenſive alliance with Elizabeth, in which the ambaſſador ſucceeded to his wiſh.

Ambaſſy from the archduke. Stow.

Count Aremberg, ambaſſador from the archduke Albert and the Infanta Iſabella, ſovereigns of the Low-Countries, was come to London ſome time before; but was ſick, or feigned to be ſo, all the while the marqueſs of Roſny ſtaid in England. It was not till after the marqueſs's departure, that he deſired the king to ſend one of his privy-council to hear the occaſion of his ambaſſy. Cecil, whom the king choſe, was ſtrangely ſurpriſed to hear nothing from him but compliments. Probably, this ambaſſador was ſent into England, only to obſerve what paſſed there, and to ſound the new king's intention concerning a peace between England and Spain. James had now ſhewn by his proceedings, that he was inclined to peace, ſince, without any ſollicitation, he had revoked the letters of mark granted by Elizabeth, to ſeveral private perſons †. Some time after, Taxis came alſo to London from the king of Spain, and having congratulated the king upon his acceſſion to the crown, deſired commiſſioners might be appointed to treat with him of a peace. This negotiation, which was then only begun, ended, at length, in a treaty of peace, concluded the next year **.

The king retires to Wilton. Camden.

The plague, which began to break out in December, increaſing, at London, during the hot weather, the king retired for ſome time to Wilton, the earl of Pembroke's ſeat, near Saliſbury.

A plot diſcovered in favour of Arabella Stuart. Camden.

Whilſt the court was at Wilton, a conſpiracy, or rather the project of a conſpiracy was diſcovered, the authors whereof were Thomas, lord Grey of Wilton, Henry Brook, lord Cobham, Sir Walter Raleigh, George Brook, two prieſts, Watſon and Clark, and ſome others. The deſign was to place on the throne Arabella Stuart, the king's couſin-german.

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* About this time Charles lord Montjoy, returned out of Ireland, and brought with him Hugh O Neal, earl of Tyrone, or rather Tir-oen, i. e. (the Land of Eugenes) being the name of an Iriſh county. The lord Montjoy was honourably received, ſworn of his majeſty's privy-council, and afterwards made earl of Devonſhire. Tir-oen himſelf, who had been the cauſe of ſo much blood-ſhed, was pardoned, and proclamation made, that he ſhould be treated by all men with reſpect and honour. Stow.

† This revocation was dated the 23d of June. Rapin.

** For the more ſolemn reception of ambaſſadors, was at this time inſtituted a new officer, by the name of Maſter of the Ceremonies, with a ſalary of 200 l. a year, of whom the firſt was Sir Lewis Lewkenor. Rymer's Fœd.

To this end, the lord Cobham was to treat with the archduke at Bruſſels, and try to obtain 600,000 crowns, of which Raleigh was to have 70,000. Cobham was alſo to carry Arabella's letters to the archduke, the king of Spain, the duke of Savoy, wherein ſhe ſhould promiſe to marry the perſon they ſhould name, and to grant a full toleration to the Catholicks. It was farther agreed, that the lord Grey ſhould aſk the king's leave to raiſe 2000 men for the ſervice of Holland, and with theſe troops ſhould ſeiſe his perſon. But this was only a project, unexecuted in every point, except that ſome of the conſpirators had conferred with count Aremberg. It is thought the count occaſioned this plot to deſtroy Raleigh, who, of all England, was the man moſt dreaded by the Spaniards, and that afterwards he himſelf informed the king of it. However this be, the conſpirators being apprehended, were tried at Wincheſter in November following, and condemned to die. Raleigh was found guilty upon the written evidence of one ſingle witneſs, viz. the lord Cobham, even without being confronted, contrary to the expreſs law of the land. Only George Brook, however, the lord Cobham's brother, and the two prieſts were executed, the king having ordered the reſt to be ſent back to priſon, but without giving them a pardon. The lord Grey died ſoon after, and the lord Cobham obtained his liberty at laſt; but Sir Walter Raleigh remained 12 years in the tower, where he wrote a Hiſtory of the World, much eſteemed in England. I ſhall have farther occaſion to ſpeak of him in the courſe of this reign.

Raleigh is condemned. Camden.

He remains 12 years in the tower.

The king and queen crowned. Camden.

Not long after the diſcovery of this plot, the king and queen were crowned at Weſtminſter, with the uſual ſolemnity, on the 25th of July, St. James's day. Immediately after the coronation, the king iſſued out a proclamation, expreſly forbidding all perſons, who had any buſineſs at court, to repair thither till winter, by reaſon of the plague which raged then exceedingly, and ſwept away above 30,000 in London only. Proclamations were much more frequent in this reign than in the former ones. In the eight or nine firſt months, there was no leſs than 12.

The Catholicks preſent a petition to the king. Coke.

I juſt mentioned the hopes of the Papiſts and Puritans to experience ſome happy change in this new reign. The Papiſts could not believe, that a prince, who had never expreſſed any hatred of them, ſhould ſuddenly alter his mind, and chuſe to tread in the ſteps of Elizabeth. The Puritans imagined that James having been educated in their religion, and profeſſed it all his life, till his arrival in England, would be propitious to them. They expected he would, at leaſt, reform good part of the faults they found in the church of England. Both were deceived, but the laſt much more than the firſt. Of the Catholicks, James hated only the Jeſuits, and ſuch as were too ſervilely attached to the court of Rome, and the prerogatives of the pope. But on the other hand, he ſaw it would not be in his power to grant a full toleration to the other Catholicks, tho' he ſhould be inclined to it. For this reaſon, he believed it adviſable not to diſcover too openly his thoughts of them. Thus the Catholicks, who had expected, at leaſt, a full toleration of their religion, were very much ſurpriſed, when, upon preſenting a petition to the king on this occaſion, they received for anſwer, that he thought himſelf obliged to ſupport what he found eſtabliſhed in the kingdom.

The petition of the Puritans. Speed.

The Puritans believing to have more reaſon to hope than the Catholicks, preſented alſo their petition, not only for a toleration, but moreover to pray the king that ſundry articles of the church of England, with which they could not comply, might be reformed. The biſhops failed not ſtrenuouſly to oppoſe this petition, and to intreat the king to leave religion as he found it at his acceſſion to the crown, without any innovation. This was what the king fully intended, when he firſt came into the kingdom, he not only went over to the church of England, but even meant to force the Puritans to conform, and to be revenged on them for what the Preſbyterian ſynods had made him ſuffer in Scotland; beſides the government of the church, by Preſbyters, too much reſembled a commonwealth, to be agreeable to a prince ſo ſtrongly prepoſſeſſed in favour of monarchy. The government of the church of England was much more conformable to his principles. In the interim, not to appear, at firſt, too partial, and to make believe, he would not be determined without hearing the arguments of both ſides, he appointed a conference between the two parties, wherein he would be moderator himſelf. In the mean time, he publiſhed a proclamation, commanding both ſides to be quiet, till matters were regulated as he ſhould think proper.

1604. A conference at Hampton-Court. Wilſon.

The conference between ſome biſhops and Preſbyterian miniſters was held at Hampton-Court, the 14th, 16th and 18th of January, 1604*. The king let the miniſters ſee immediately what they were to expect. He declared, "That following the example of all "Chriſtian princes, who uſually began their "reigns with the eſtabliſhment of the church, "he had now, at his entering upon the "throne, aſſembled them for ſettling an uni- "form order in the ſame, for planting unity, "removing diſſentions, and reforming a- "buſes, which were naturally incident to all "politick bodies; and that he might not be "miſapprehended, and his deſigns in aſſemb- "ling them miſconſtrued, he farther declared, "that his meaning was not to make any in- "novation of the government eſtabliſhed in "the church, which he knew was approved of "God, but to hear and examine the com- "plaints that were made, and remove the "occaſion of them; therefore he deſired

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* Wilſon ſays, that the king thought, if church power were in the hands of many, it would not be ſo eaſy to be managed, as when in the hands of one, who had dependence upon him, and with whom he might better grapple; and therefore the king would often ſay, "No biſhop, no king". Coke.

“ the petitioners to begin, and to ſhew what “ were their grievances.” Doctor Reynolds being ſpokeſman, reduced what he had to ſay to two heads, the firſt whereof related to the doctrine, and the ſecond to the diſcipline of the church. As to the doctrine, he ſaid, the articles of the church of England were in ſome places obſcure, and in others, defective. Then he mentioned the articles he ſpoke of, and deſired the king they might be ſo explained as to leave no ambiguity, and that what was defective might be ſupplied. Whereupon a diſpute was begun, wherein the king always replied, anſwering the miniſters arguments himſelf, one while with reaſons, another while with authority and menaces. The miniſters ſeeing the king become their adverſary, which they did not expect, choſe to be ſilent, and feigned to be ſatisfied. Then the king upbraided their preſumption, ſaying, they ought not to have importuned him for ſuch trifles. Indeed, this was not their great grievance. The government, and external worſhip of the church, was what troubled them moſt. The points they inſiſted upon, were, 1. That ſufficient care was not taken to plant good and learned paſtors in the churches, to the great prejudice of the people. 2. That ſubſcription was required to the Common-Prayer-Book, wherein they ſaw ſeveral things which their conſcience would not ſuffer them to receive. 3. That the clergy were liable to the cenſures of lay-men, by means of the high-commiſſion. 4. They objected againſt the croſs in baptiſm, the ring in marriage, the ſurplice, with ſome other things which they looked upon as ſuperſtitious. There were warm diſputes upon all theſe points, wherein the king took care to reply to the miniſters himſelf, without giving the biſhops time to ſpeak. The king's conduct was ſo agreeable to the biſhops and their friends, that the lord chancellor Egerton, unwilling to miſs ſo fair an opportunity to flatter the king, ſaid aloud, “ He had often heard “ that the prieſthood and royalty were united, “ but never ſaw it verified till now.” Whitgift, archbiſhop of Canterbury, carried his flattery ſtill farther, and ſaid, “ he verily believed the king ſpoke by the ſpirit of God.” After this, the king diſmiſſed the aſſembly, and ordered the biſhops and miniſters to meet again in three days at the ſame place.

The king is highly flattered. Wilſon.

On the 18th of January, the day appointed by the king, the biſhops were called firſt into his preſence, and delivered to him an explanation of the liturgy. Then the king queſtioned them about excommunication, the high-commiſſion, the oath ex officio, the ſubſcription to the Common-Prayer-Book, and approving their anſwers, ordered the miniſters to be called in, and the writing preſented by the biſhops to be read before them. The miniſters believing it was in vain to make any reply, kept ſilence; nay, it is pretended that ſome of them declared, their doubts were ſufficiently cleared. However, the king ſuppoſing they had nothing to object, and had reaſon to be ſatisfied with the condeſcenſion that was ſhewn them, exhorted the biſhops to treat with lenity ſuch as were of a contrary opinion, and commanded the miniſters to preſerve the unity of the church, and beware of obſtinacy and diſobedience. “ Obedience “ and humility, added he, are the marks “ of good and honeſt men, ſuch I believe you “ to be; but it feareth me, that many of “ your ſort are humorous, and too buſy in the “ preventing of others. The exceptions “ taken againſt the Communion-Book, as I “ perceive, are matters of mere weakneſs, “ and they who are diſcreet will be gained “ with time and by gentle perſuaſions; or if “ they be indiſcreet, better it is to remove “ them, than to have the church troubled “ with their contentions. For the biſhops, I “ will anſwer, that it is not their purpoſe preſently and out of hand, to enforce obedience but by fatherly admonitions and conferences, to induce ſuch as are diſaffected. “ But if any be of an oppoſite and turbulent ſpirit, I will have them enforced to “ a conformity. Neither tell me, that the “ wearing of a ſurplice, or uſing the croſs in “ baptiſm, will diminiſh the credit of miniſters that have formerly diſallowed the “ ſame; for that is juſt the Scottiſh argument, “ when any thing was concluded, that ſorted “ not with their humour, the only reaſon “ why they could not obey was, that it “ ſtood not with their credit to yield, having “ been ſo long of a contrary opinion. I will “ none of that but that a time be limited by “ the biſhops of every dioceſe to ſuch, and “ they that will not yield, whatſoever they “ are, let them be removed; for we muſt not “ prefer the credit of a few private men to “ the general peace of the church.”

In this manner paſſed the pretended conference, whoſe ſole end was to make the publick believe, the miniſters were convinced and fully inſtructed; that, therefore, it was out of pure obſtinacy that they ſtill ſeparated from the church. Hence it was natural to infer, that to conquer their obſtinacy, it was requiſite to uſe ſome ſeverity. And this was what the king plainly intimated, when he ſaid, “ he would anſwer for the biſhops, that it “ was not their deſign immediately to enforce “ obedience,” and when he afterwards added more clearly, “ that after ſuch a time they “ ſhould be dealt with in another manner.” But this conference wrought not the conviction of the Puritans, and all the fruit the king reaped by it, was, to ſhew them how much they were miſtaken in depending upon his protection.

Whitgift dies. Wilſon.

Bancroft ſucceeds him.

Whitgift was a mild and peaceable man, who would have been very glad to reclaim the Puritans by gentle methods, agreeable to the goſpel, but he died quickly after, on the 29th of February. He was ſucceeded by Richard Bancroft, a prelate of a very different character, who, inſtead of dealing gently with the Puritans, never ceaſed incenſing the king againſt them, and doing them all the miſchief he could. Herein he was but too cloſely imitated by the reſt of the biſhops, who found a double advantage in deſtroying the

the Puritans. In the firſt place they made their court to the king, who hated them mortally. Secondly, they perceived the hierarchy, which the Puritans were deſirous to overthrow. The perſecution, which theſe ſuffered whilſt Bancroft was at the head of the clergy, induced many families to withdraw out of the kingdom, to enjoy elſewhere liberty of conſcience, denied them at home. Bancroft is alſo accuſed of having been one of the moſt zealous to inſtill into the king the maxims of arbitrary power.

The Jeſuits are baniſhed. Act. Pub.

The 22d of February the king publiſhed a proclamation, commanding all Jeſuits and other prieſts having orders from any foreign power, to depart the kingdom*. This proclamation was ſo worded, that the king was extremely careful to ſhew, he did not baniſh the Jeſuits in hatred to the Catholick religion in general, but only on account of their attachment to the doctrine of the pope's unlimited power over crowned heads. This is what the king very diligently obſerved throughout his whole reign. He conſtantly affected to conſider the Romiſh religion, ſo far only as it might be contrary to civil government, that is to ſay, with reſpect to the pope's unlimited power. As for the other doctrines he was very willing to allow the Catholicks to believe what they pleaſed, provided they renounced the belief of the pope's ſuperiority over kings. He was perſuaded this equity would procure him a peaceable reign; but he had too much reaſon afterwards to be convinced, that he was taking wrong meaſures, and yet would never alter his conduct. Moſt of the Catholicks were not ſatisfied with ſo limited a toleration, and the zealous Proteſtants repreſented the king as a Papiſt. It is certain, he gave occaſion to think he was inclined to the Catholick religion, by his conſtant care to ſhew, he was diſpleaſed only with the pope's abſolute power, and valued not the other doctrines, which diſtinguiſhed the two religions. This obliged him to take, in favour of the moderate Catholicks, ſome ſteps which rendered him very ſuſpicious to many Proteſtants†, whilſt others conſidered his zeal againſt the Presbyterians as an undeniable evidence of his attachment to the Proteſtant religion.

A proclamation againſt the Puritans Act. Pub.

The proclamation againſt the Jeſuits was ſoon followed by another, enjoining the Puritans to conform to the worſhip of the eſtabliſhed church. There was not ſeen here the ſame care to juſtify the king's conduct with reſpect to this ſort of perſecution. The king intimated in the firſt, that he would have regard to the tender conſciences of ſuch Catholicks as could not comply with the received doctrines of the church of England. But in this, there was not the leaſt indulgence for the tender conſciences of the Puritans. Theſe were all a ſet of obſtinate people who deſerved to have no favour ſhewn them!

Sundry abuſes ſuppreſſed. Wilſon.

As the parliament was to meet the 19th of March, the king thought it neceſſary to gain the affection of his ſubjects, by ſuppreſſing ſome abuſes introduced about the end of the late reign, tending to the oppreſſion of the people. This he did by ſeveral proclamations againſt certain monopolies; againſt protections frequently hindering the courſe of juſtice; againſt Salt-petre-men, who dug up people's houſes, unleſs they were well feed; againſt the king's purveyors, who ſeiſed any man's horſes and cart, under colour of employing them for the king, and then excuſed them for money. Among theſe proclamations, there was one not ſo acceptable to the people, viz. that againſt hunting on very ſevere penalties to the offender. This reign was a reign of proclamations. The king and his miniſters would have been glad to have had them regarded as laws; but neither the judges nor people were yet accuſtomed to it.

A proclamation againſt hunting. Wilſon.

Another to make the 5th of Auguſt a holy-day. Wilſon.

Soon after, another appeared, appointing the 5th of Auguſt to be kept as a holy-day. It was ordered, that every year on that day publick thanks ſhould be returned to God in all the churches, for the king's miraculous deliverance in the year 1600, from the conſpiracy of the Gouries, who made an attempt upon his life. This new holy-day was not univerſally liked. Beſides that the occaſion of it happened to the king before his acceſſion to the crown of England, there were people as well in Scotland as in England, who had the malice to affirm it was only a fiction to cover a real conſpiracy of the king againſt the two Ruthvens or Gouries, who were killed on this occaſion. I do not relate this with intent to blemiſh king James's reputation, or to queſtion the deliverance for which he was pleaſed to thank God, but only to ſhew that from the beginning of his reign in England, there were ſome who had no great opinion of him.

The king and queen make their entry into London. Wilſon.

As the time of the parliament's meeting approached, the king and queen made their entry into London four days before, not having been able to do it ſooner by reaſon of the plague. The king had need that day of all his patience, nothing being more diſagreable to him than the ſolemnities which drew a crowd of people about him. Herein he differed from queen Elizabeth, who took a pleaſure in ſeeing her people preſs to behold her, and in hearing their acclamations.

James is poſſeſſed with a notion of the extent of the prerogative royal.

James I's notion of the Engliſh conſtitution was, as I obſerved, very different from what had been hitherto current. If any of his predeceſſors had been of his opinion, they had, at leaſt, taken care to conceal it, or to ſhew it but on extraordinary occaſions. For his part, he did not think proper to follow their example, ſince he omitted no opportunity to diſcover his thoughts. He was perſuaded the privileges of the nation and parliament were ſo many uſurpations, or at beſt, but revocable conceſſions of the crown, and gave frequent occaſion to believe, he had formed a deſign to free both himſelf and ſucceſſors from the reſtraint which the laws, cuſtoms, and privileges of the Engliſh nation had laid on his Predeceſſors. However this be, from one end of his reign to the other, he embraced all opportunities to improve his prerogative-royal, to which he ſet no bounds but his will. The firſt publick ſtep which diſcovered his ſentiments, was the calling the firſt parliament, of which I am now going to ſpeak. Both in the writs and the proclamation, he takes upon him to deſcribe what ſort of repreſentatives ſhould be elected, not by way of exhortation as the former kings had done, but by way of command, and as conditions without which they ſhould not be admitted into the houſe. This was directly ſtriking at the commons, whoſe privilege of deciding the validity of elections had never been queſtioned.

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* By the 19th of March. Thoſe that were in priſon were to be ſhipped off at ſome convenient port. Rymer Fœd. In this proclamation the king acknowledges himſelf perſonally much beholden to the biſhop of Rome for his kind offices and private temporal carriage towards him in many things, and ſays, he is ready to requite the ſame towards him as a ſecular prince.

† Biſhop Burnet obſerves, that from the year 1606, to his dying day, he continued always writing and talking againſt popery, but acting for it. Hiſtory of his one Time.

Act. Pub. "Wee notifye by theis preſentes, that all retornes and certificates of knights, citizens and burgeſſes, oughte and are to be brought to the chauncery, and there to be fyled of record; and if any ſhall be founde to be made contrarie to this proclamation, the ſame is to be rejected as unlawful and inſufficient, and the citie and borough to be fyned for the ſame; and, if it be founde that they have committed any groſſe or wilful default and contempt in their election, retorne or certificate, that then their liberties, according to the law, are to be ſeiſed into our handes as forfeited; and if any perſon take upon him the place of a knight, citizen or burgeſſe, not beinge duely elected retorned and ſworn according to the lawes and ſtatutes in that behalfe provided, and according to the purport, effect, and true meaning of this our proclamation, then every perſon, ſoe offending, to be fyned and impriſoned for the ſame."

Thus the King aſſumed a power not only to enjoin penalties on ſuch as ſhould offend againſt the ſtatutes concerning the elections, but alſo to enjoin them by a bare proclamation, the authority whereof he rendered equal to that of the laws. We ſhall ſee preſently this was not done without deſign.

At the opening of the parliament, the king being ſeated on his throne, ſent for the commons as uſual; but as the crowd was great, it happened that ſeveral of the members could not enter. Sir Herbert Crofts, one of the repreſentatives, ſtriving to get in, was rudely thruſt back by one of the king's guards, who knowing him to be what he was, ſaid to him in a jeer, "Goodman Burgeſs, you come not here". This affair made ſome noiſe afterwards; but the houſe thought proper to take no notice of it. The commons being entered, the king made a ſpeech to both houſes, which, tho' very long, deſerves to be inſerted at length, that from ſome certain paſſages may be diſcovered the genius, character and deſigns of this prince.

The king's ſpeech to the parliament. Wilſon.

'IT did no ſooner pleaſe God to lighten his hand, and relent the violence of his devouring angel, againſt the poor people of this city, but as ſoon did I reſolve to call this parliament, and that for three chief and principal reaſons. The firſt whereof is, (and which of itſelf, altho' there were no more, is not only a ſufficient, but a moſt full and neceſſary ground and reaſon for convening of this aſſembly;) this firſt reaſon, I ſay, is, that you, who are here preſently aſſembled to repreſent the body of this whole kingdom, and of all ſorts of people within the ſame, may with your own ears hear, and that I out of mine own mouth may deliver unto you, the aſſurance of my due thankfulneſs for your ſo joyful and general applauſe, to the declaring and receiving of me in this ſeat, "(which God by my birthright and lineal deſcent, had in the fulneſs of time provided for me;)" and that, immediately after it pleaſed God to call your late ſovereign, of famous memory, full of days, but fuller of immortal trophies of honour, out of this tranſitory life. Not that I am able to expreſs by words, or utter by eloquence, the vive image of mine inward thankfulneſs, but only that out of mine own mouth you may reſt aſſured to expect that meaſure of thankfulneſs at my hands, which is according to the infiniteneſs of your deſerts, and to my inclination and ability for requital of the ſame. Shall I ever, nay, can I ever be able, or rather ſo unable in memory, as to forget your unexpected readineſs and alacrity, your ever memorable reſolution, and your moſt wonderful conjunction and harmony of your hearts, "in declaring and embracing me as your undoubted and lawful king and governor?" Or ſhall it ever be blotted out of my mind, how at my firſt entry into this kingdom, the people of all ſorts rid and ran; nay, rather flew to meet me? Their eyes flaming nothing but ſparkles of affection; their mouths and tongues uttering nothing but ſounds of joy; their hands, feet, and all the reſt of their members in their geſtures, diſcovering a paſſionate longing, and earneſtneſs to meet and embrace their new ſovereign. Quid ergo retribuam? Shall I allow in myſelf that which I could never bear with in another? No, I muſt plainly and freely confeſs here, in all your audiences, that I did ever naturally ſo far miſlike a tongue too ſmooth, and diligent in paying their creditors with lip-payment and verbal thanks, as I ever ſuſpected that ſort of people meant not to pay their debtors in more ſubſtantial ſort of coin. And therefore for expreſſing my thankfulneſs, I muſt reſort unto the other two reaſons of my convening of this parliament, by them in action to utter my thankfulneſs; both the ſaid reaſons having but one ground, which is the deeds, whereby all the days of my life I am by God's grace to expreſs my ſaid thankfulneſs towards you, but divided in this, that in the firſt of theſe two mine actions of thanks are ſo inſeparably conjoyned with my perſon, as they are in a manner become individually annexed to the ſame. In the other reaſon, mine actions are ſuch, as I may either do them, or leave them undone, although by God's grace, I hope never to be weary of doing them.

‘As to the firſt, it is the bleſſings which God hath in my perſon beſtowed upon you all, wherein I proteſt, I do more glory at the ſame for your weale, than for any particular reſpect of mine own reputation, or advantage therein.

‘The firſt then of theſe bleſſings, which God hath jointly with my perſon ſent unto you, is, outward peace; that is, peace abroad with all foreign neighbours: For I thank God, I may juſtly ſay, that never ſince I was a king, I either received wrong of any other Chriſtian prince or ſtate, or did wrong to any. I have ever, I praiſe God, yet kept peace and amity with all, which hath been ſo far tied to my perſon, as at my coming here, you are witneſſes, I found the ſtate embarqued in a great and tedious war; and only by mine arrival here, and by the peace in my perſon, is now amity kept, where war was before, which is no ſmall bleſſing to a Chriſtian commonwealth: For by peace abroad with their neighbours, the towns flouriſh, the merchants become rich, the trade doth increaſe, and the people of all ſorts in the land enjoy free liberty to exerciſe themſelves in their ſeveral vocations, without peril or diſturbance. Not that I think this outward peace ſo unſeparably tied to my perſon, as I dare aſſuredly promiſe to myſelf, and to you, the certain continuance thereof; but thus far I can very well aſſure you, and in the word of a king promiſe unto you, that I ſhall never give the firſt occaſion of the breach thereof; neither ſhall I ever be moved for any particular or private paſſion of mind, to interrupt your publick peace, except I be forced thereunto, either for reparation of the honour of the kingdom, or elſe by neceſſity for the weale and preſervation of the ſame: In which caſe, a ſecure and honourable war, muſt be preferred to an unſecure and diſhonourable peace. Yet do I hope, by my experience of the by-paſt bleſſings of peace, which God hath ſo long, ever ſince my birth, beſtowed upon me, that he will not be weary to continue the ſame, nor repent him of his grace towards me; transferring that ſentence of king David's, upon his by-paſt victory of war, to mine of peace; that “that God who preſerved me from the devouring jaws of the bear, and of the lyon, and delivered them into my hands, ſhall alſo now grant me victories over that uncircumciſed Philiſtine”. But although outward peace be a great bleſſing, yet it is as far inferior to peace within, as civil wars are more cruel and unnatural than wars abroad. And, therefore, the ſecond great bleſſing that God hath within my perſon ſent unto you, is peace within, and that in a double form: Firſt, by my deſcent lineally out of the loins of Henry VII, is re-united and confirmed in me the union of the two princely roſes of the two houſes of Lancaſter and York, whereof that king of happy memory was the firſt uniter, as he was alſo the firſt ground-layer of the other peace, (the lamentable and miſerable events, by the civil and bloody diſſention betwixt theſe two houſes, was ſo great, and ſo late, as it need not be renewed unto your memories) which as it was firſt ſettled and united in him, ſo is it now re-united and confirmed in me; being juſtly and lineally deſcended, not only of that happy conjunction, but of both the branches thereof in any times before. But the union of theſe two princely houſes is nothing comparable to the union of theſe two antient and famous kingdoms, which is the other inward peace annexed to my perſon.

‘And here I muſt crave your patiences for a little ſpace, to give me leave to diſcourſe more particularly of the benefits that do ariſe of that union which is made in my blood, being a matter that moſt properly belongeth to me to ſpeak of, as the head wherein that great body is united. And firſt, if we were to look no higher than to natural and phyſical reaſons, we may eaſily be perſuaded of the great benefits that by that union do redound to the whole iſland: For if 20,000 men be a ſtrong army, is not the double thereof, 40,000, a double the ſtronger army? If a baron enricheth himſelf with double as many lands as he had before, is he not double the greater? Nature teaches us, that mountains are made of motes; and that at the firſt, kingdoms being divided, and every particular town, or little country, as tyrants or uſurpers could obtain the poſſeſſion, a ſigniory part: Many of theſe little kingdoms are now, in proceſs of time, by the ordinance of God, joined into great monarchies, whereby they are become powerful within themſelves, to defend themſelves from all outward invaſions, and their head and governor thereby enabled to redeem them from foreign aſſaults, and puniſh private tranſgreſſions within. Do we not yet remember that this kingdom was divided into ſeven little kingdoms, beſides Wales? And is it not now the ſtronger by their union? And hath not the union of Wales to England added a greater ſtrength thereto? Which, tho' it was a great principality, was nothing comparable in greatneſs and power, to the antient and famous kingdom of Scotland. But what ſhould we ſtick upon any natural appearance when it is manifeſt that God by his almighty providence hath pre-ordained it ſo to be? Hath not God firſt united theſe two kingdoms, both in language, religion, and ſimilitude of manners? Yea, hath he not made us all in one iſland, compaſſed with one ſea, and of itſelf by nature ſo indiviſible, as almoſt thoſe that were borderers themſelves on the late borders, cannot diſtinguiſh, nor know, or diſcern their own limits: Theſe two countries being ſeparated neither by ſea, nor great rivers, mountains, nor other ſtrength of nature, but only by little ſmall brooks, or demoliſhed little walls, ſo as rather they were divided in apprehenſion than in effect; and now in the end and fulneſs of time united, the right and title of both in my perſon, alike lineally deſcended of both the crowns, whereby it is now become like a little world within itſelf, being intrenched and fortified round about with a natural, and yet admirable ſtrong pond or ditch, whereby all the former fears of this nation are now quite cut off: The other part of the iſland being ever before now, not only the place of landing to all ſtrangers that were to make invaſion here, but likewiſe moved by the enemies of this ſtate, by untimely incurſions to make enforced diverſions from their conqueſt, for defending themſelves at home, and keeping ſure their back-door, as then it was called, which was the greateſt hinderance and lett that ever my predeceſſors of this nation gat, in diſturbing them from their many famous and and glorious conqueſts abroad: "What God hath conjoined then, let no man ſeparate." I am the husband, and all the whole iſland is my lawful wife; I am the head, and it is my body; I am the ſhepherd, and it is my flock. I hope, therefore, no man will be ſo unreaſonable as to think, that I, that am a Chriſtian king, under the goſpel, ſhould be a polygamiſt and husband to two wives; that I being the head, ſhould have a divided and monſtrous body; or that being the ſhepherd to ſo fair a flock, (whoſe fold hath no wall to hedge it but the four ſeas) ſhould have my flock parted in two. But as I am aſſured that no honeſt ſubject, of whatſoever degree, within my whole dominions, is leſs glad of this joyful union than I am; ſo may the frivolous objection of any that would be hinderers of this work (which God hath in my perſon already eſtabliſhed) be eaſily anſwered; which can be none, except ſuch as are either blinded with ignorance, or elſe tranſported with malice, being unable to live in a well-governed common-wealth, and only delighting to fiſh in troubled waters; for if they would ſtand upon their reputation and privileges of any of the kingdoms; I pray you, were not both the kingdoms monarchies from the beginning? And conſequently, could ever the body be counted without the head, which was ever unſeparably joined thereunto? So that as the honour and privileges of any of the kingdoms could not be divided from their ſovereign; ſo are they now confounded and joined in my perſon, who am equal and alike kindly head to you both. When this kingdom of England was divided into ſo many little kingdoms, as I told you before, one of them behoved to eat up another, till they were all united in one. And yet can Wiltſhire or Devonſhire, which were of the Weſt-Saxons, although their kingdom was of longeſt durance, and did by conqueſt overcome divers of the reſt of the little kingdoms, make claim to priority of place or honour before Suſſex, Eſſex, or other ſhires, which were conquered by them? And have we not like experience in the kingdom of France, being compoſed of divers duchies, and one after another conquered by the ſword? For even as little brooks loſe their names by their running and falling into great rivers, and the very name and memory of the great rivers ſwallowed up in the ocean; ſo by the conjunction of divers little kingdoms in one, are all theſe private differences and queſtions ſwallowed up. And, ſince the ſucceſs was happy of the Saxon kingdoms, being conquered by the ſpear of Bellona, how much greater reaſon have we to expect a happy iſſue of this greater union, which is only faſtened and bound up by the wedding-ring of Aſtrea? And as God hath made Scotland (the one half of this iſle) to enjoy my birth and the firſt and moſt imperfect half of my life; and you here to enjoy the perfect and laſt half thereof; ſo cannot I think that any would be ſo injurious to me, no, not in their thoughts and wiſhes, as to cut a ſunder the one half of me from the other. But in this matter I have far enough inſiſted, reſting aſſured, that in your hearts and minds you all applaud this my diſcourſe.

‘Now altho' theſe bleſſings, before rehearſed, of inward and outward peace be great; yet ſeeing that I in all good things, a great part of their goodneſs and eſtimation is loſt, if they have not appearance of perpetuity or long continuance; ſo hath it pleaſed almighty God to accompany my perſon alſo with that favour, having healthful and hopeful iſſue of my body, whereof ſome here preſent, for continuance and propagation of that undoubted right which is in my perſon; under whom I doubt not but it will pleaſe God to proſper and continue for many years this uniand all other bleſſings of inward and outward which I have brought with me.

‘But neither peace outward, nor peace inward, nor any other bleſſing that can follow thereupon, nor appearance of the perpetuity thereof, by propagation in the poſterity, is but a weak pillar, and a rotten reed to lean unto, if God do not ſtrengthen, and by the ſtaff of his bleſſing make them durable; for in vain doth the watchman watch the city, if the Lord be not the principal defence thereof; in vain doth the builder build the houſe, if God give not the ſucceſs; and in vain, as Paul ſaith, doth Paul plant, and Apollo water, if God give not the increaſe: for all worldly bleſſings are but like ſwift paſſing ſhadows, fading flowers, or chaff blown before the wind, if by the profeſſion of true religion, and works according thereunto, God be not moved to maintain and ſettle the thrones of princes. And although that ſince mine entry into this kingdom, I have both by meeting with divers of the eccleſiaſtical ſtate, and likewiſe by divers proclamations, clearly declared my mind in points of religion, yet do I not think it amiſs in this ſo ſolemn an audience. I ſhould now take occaſion to diſcover ſomewhat of the ſecrets of my heart in that matter. For I ſhall never, with God's grace, be aſhamed to make publick profeſſion thereof at all occaſions, leſt God ſhould be aſhamed to profeſs and allow me, before men and angels; eſpecially, leſt that at this time men might preſume farther upon the miſknowledge of my meaning, to trouble this parliament of ours than were convenient.

‘At my firſt coming, although I found but one religion, and that which by myſelf is profeſſed, publickly allowed, and by the law maintained; yet found I another ſort of religion, beſides a privat ſect, lurking within the bowels of this nation. The firſt is the true religion, which by me is profeſſed, and by the law is eſtabliſhed: the ſecond is, the falſely called Catholicks, but truly Papiſts: the third, which I call a ſect, rather than a religion, is the Puritans and noveliſts, who do not ſo far differ from us in points of religion, as in their confuſed form of policy and purity, “being ever diſcontented with the preſent government, and impatient to ſuffer any ſuperiority, which makes their ſect unable to be ſuffered, in any well-governed common-wealth.” But as for my courſe towards them, I remit it to my proclamations made upon that ſubject.

‘And now for the Papiſts, I muſt put a difference betwixt my own private profeſſion of mine own ſalvation, and my politick government of the realm, for the weal and quietneſs thereof. As for mine own profeſſion, you have me your head now amongſt you, of the ſame religion that the body is of: As I am no ſtranger to you in blood, no more am I a ſtranger to you in faith, or in the matters concerning the houſe of God. And although this my profeſſion be according to mine education, wherein, I thank God, I ſucked the milk of God's truth, with the milk of my nurſe; yet do I here proteſt unto you, that I would never, for ſuch a conceit of conſtancy, or other prejudicate opinion, have ſo firmly kept my firſt profeſſion, if I had not found it agreeable to all reaſon, and to the rule of my conſcience. But I was never violent, nor unreaſonable in my profeſſion: “I acknowledge the Romiſh church to be our mother church, although defiled with ſome infirmities and corruptions, as the Jews were when they crucified Chriſt.” And as I am none enemy to the life of a ſick man, becauſe I would have his body purged of ill humours; no more am I enemy to their church, becauſe I would have them reform their errors, not wiſhing the down-throwing of the temple, but that it might be purged, and cleanſed from corruption; otherwiſe how can they wiſh us to enter, if their houſe be not firſt clean? But as I would be lother to diſpence in the leaſt point of mine one conſcience, for any worldly reſpect, than the fooliſheſt preciſion of them all; ſo would I be as ſorry to ſtrait the politick government of the bodies and minds of all my ſubjects to my private opinions; nay, my mind was ever ſo free from perſecution, or thralling of my ſubjects in matters of conſcience, as I hope thoſe of that profeſſion within this kingdom, have a proof ſince my coming, that I was ſo far from encreaſing their burthens with Rehoboam, as I have ſo much, as either time, occaſion, or law could permit, lightened them. And even now at this time, have I been careful to reviſe and conſider deeply upon the laws made againſt them, “That ſome overture might be proponed to the preſent parliament, for clearing theſe laws by reaſon, (which is the ſoul of the law,) in caſe they have been in times paſt farther, or more rigorouſly extended by judges, than the meaning of the law was, or might tend to the hurt as well of the innocent, as of guilty perſons.” And as to the perſons of my ſubjects which are of that profeſſion, I muſt divide them into two ranks, clericks and laicks; for the part of the laicks certainly I ever thought them far more excuſable than the other ſort, becauſe that ſort of religion contained ſuch an ignorant, doubtful, and implicit kind of faith in the laicks, grounded upon their church, as except they do generally believe whatſoever their teachers pleaſe to affirm, they cannot be thought guilty of theſe particular points of hereſies and corruptions, which their teachers do ſo wilfully profeſs. And again, I muſt ſub-divide the ſame laicks into two ranks, that is, either quiet and well-minded men, peaceable ſubjects, who either being old, have retained their firſt drunken in liquor, upon a certain ſhamefacedneſs to be thought curious, or changeable; or being young men, through evil educations, have never been nurſed or brought up but upon ſuch venom, inſtead of wholeſome nutriment; and that ſort of people, I would be ſorry to puniſh their bodies for the error of their minds, the reformation whereof muſt only come of God, and the true ſpirit. But the other rank of laicks, who either through curioſity, affectation of novelties, or diſcontentment in their private humours, have changed their coats, only to be factious ſtirrers of ſedition, and perturbers of the common-wealth; their backwardneſs in their religion giveth a ground to me, their magiſtrate, to take the better heed to their proceedings, and to correct their obſtinacy.

‘But for the part of the clericks, I muſt directly ſay and affirm, that as long as they maintain one ſpecial point of their doctrine, and another point of their practice, they are no way ſufferable to remain in this kingdom. Their point of doctrine is, that arrogant and ambitious ſupremacy of their head the pope, whereby he not only claims to be ſpiritual head of all Chriſtians, but alſo to have an imperial civil power over all kings and emperors, dethroning and decrowning princes with his foot as pleaſeth him, and diſpenſing and diſpoſing of all kingdoms and empires at his appetite. The other point which they obſerve in continual practice is, the aſſaſſinates and murthers of kings; thinking it no ſin, but rather a matter of ſalvation, to do all actions of rebellion and hoſtility againſt their natural ſovereign lord, if he be once curſed, his ſubjects diſcharged of their fidelity, and his kingdom given a prey, by that three-crowned monarch, or rather monſter, their head. And in this point I have no occaſion to ſpeak further here, ſaving, that I could wiſh from my heart, that it would pleaſe God to make me one of the members of ſuch a general Chriſtian union in religion, as laying wilfulneſs aſide on both hands, we might meet in the midſt, which is the centre and perfection of all things. For if they would leave, and be aſhamed of ſuch new and groſs corruptions of theirs, as themſelves cannot maintain, nor deny to be worthy of reformation, I would for my own part be content to meet them in the mid-way, ſo that all novelties might be renounced on either ſides. For as my faith is the true,ancient, catholick and apoſtolick faith, grounded upon the ſcriptures and expreſs word of God; ſo will I ever yield all reverence to antiquity, in the points of eccleſiaſtical policy; and by that means ſhall I ever, with God's grace, keep myſelf from either being an heretick in faith, or ſchiſmatick in matters of policy.

‘But of one thing would I have the Papiſts of this land to be admoniſhed, that they preſume not ſo much upon my lenity, (becauſe I would be loth to be thought a perſecutor) as thereupon to think it lawful for them daily to encreaſe their number and ſtrength in this kingdom; whereby, if not in my time, at leaſt in the time of my poſterity, they might be in hope to erect their religion again. No, let them aſſure themſelves, that as I am a friend to their perſons, if they be good ſubjects; ſo I am a vowed enemy, and do denounce mortal war to their errors. And that as I would be ſorry to be driven by their ill behaviour, from the protection and conſervation of their bodies and lives; ſo will I never ceaſe, as far as I can, to tread down their errors and wrong opinions. For I could not permit the increaſe and growing of their religion, without firſt betraying of myſelf and mine own conſcience: Secondly, this whole iſle, as well the part I am come from, as the part I remain in; in betraying their liberties, and reducing them to the former ſlaviſh yoke, which both had caſten off before I came amongſt them; and thirdly, the liberty of the crown in my poſterity, which I ſhould leave again under a new ſlavery, having found it left free to me by my predeceſſors. And, therefore, would I wiſh all my good ſubjects that are deceived with that corruption, firſt, if they find any beginning of inſtinction in themſelves of knowledge, and love to the truth, to foſter the ſame by all lawful means, and to beware of quenching the ſpirit that worketh within them. And if they can find as yet no motion tending that way, to be ſtudious to read and confer with learned men, and to uſe all ſuch means as may farther their reſolution; aſſuring themſelves, that as long as they are diſconformable in religion from us, they cannot be but half my ſubjects, be able to do but half ſervice, and I to want the beſt half of them, which is their ſouls.

‘And here I take occaſion to ſpeak to you my lords the biſhops; for as you my lord of Durham ſaid very learnedly to day in your ſermon, Correction without inſtruction is but a tyranny; ſo ought you, and all the clergy under you, to be more careful,vigilant, and diligent, than you have been to win ſouls to God, as well by your exemplary life as doctrine. And ſince you ſee how careful they are, ſparing neither labour, pains, nor extream peril of their perſons, to pervert, (the devil is ſo buſy a biſhop,) ye ſhould be the more careful and wakeful in your charges. Follow the rule preſcribed to you by St. Paul, Be ye careful to exhort and inſtruct, in ſeaſon, and out of ſeaſon; and where you have been any way ſluggiſh before, now waken yourſelves up again with a new diligence in this point, remitting the ſucceſs to God, who calling them either at the ſecond, third, tenth, or twelfth hour, as they are alike welcome to him, ſo ſhall they be to me his lieutenant here.

‘The third reaſon of my convening you at this time, which containeth ſuch actions of my thankfulneſs towards you, as I may either do, or leave undone, yet ſhall, with God's grace, ever preſs to perform all the days of my life. It conſiſts in theſe two points, in making of laws at certain times, which is only at ſuch times as this, in parliament; or in the careful execution thereof at all other times. As for the making of them, I will thus far faithfully promiſe unto you, that I will ever prefer the weal of the body, and of the whole common-wealth, in making of good laws and conſtitutions, to any particular or private ends of mine, thinking ever the wealth and weal of the common-wealth to be my greateſt weal, and worldly felicity: A point wherein a lawful king doth directly differ from a tyrant. But at this time I am only thus far to forewarn you in that point, that you beware to ſeek the making of too many laws, for two eſpecial reaſons: Firſt, becauſe In corruptiſſima republica plurimæ leges: And the execution of good laws is far more profitable in a common-wealth, than to burden men's memories with the making of too many of them. And next, becauſe the making of too many laws in one parliament will bring in confuſion, for lack of leiſure wiſely to deliberate before you conclude; for the biſhop ſaid well to day, that to deliberation would a large time be given; but to execution a greater promptneſs was required. As for the execution of good laws, it hath been very wiſely and honourably foreſeen, and ordered by my predeceſſors in this kingdom, in planting ſuch a number of judges, and all ſorts of magiſtrates, in convenient places, for the execution of the ſame. And, therefore, muſt I now turn me to you that are judges, and magiſtrates under me, as mine eyes and ears in this caſe; I can ſay none otherwiſe to you, than as Ezekias, the good king of Judah ſaid to his judges, Remember that the thrones you ſit on are God's, and neither yours nor mine. And that as you muſt be anſwerable to me, ſo muſt both you and I be anſwerable to God, for the due execution of our offices. That place is no place for you to utter your affections in; you muſt not there hate your foe, nor love your friend; fear the offence of the greater party, or pity the miſery of the meaner; ye muſt be blind, and not ſee diſtinctions of perſons; handleſs, not receive bribes; but keep that juſt temper and mid-courſe in all your proceedings, that like a juſt balance, ye may neither ſway to the right nor left-hand. Three principal qualities are required in you, knowledge, courage and ſincerity; that you may diſcern with knowledge, execute with courage, and do both in upright ſincerity. And as for my part, I do vow and proteſt here in the preſence of God, and of this honourable audience, I never ſhall be weary, nor omit no occaſion wherein I may ſhew my carefulneſs of the execution of good laws. And as I wiſh you that are judges, not to be weary in your office, in doing of it, ſo ſhall I never be weary, with God's grace, to take account of you, which is properly my calling.

'And thus having told you the three cauſes of my convening of this parliament, all three tending only to utter my thankfulneſs, but in divers forms; the firſt by word, the other by action; I do confeſs, that when I have done, and performed all that in this ſpeech I have promiſed, Inutilis ſervus ſum. Inutile, becauſe the meaning of the word Inutilis in that place of ſcripture, is underſtood, that in doing all that ſervice which we can to God, it is but our due, and we do nothing to God, but that which we are bound to do; and in like manner, when I have done all that I can for you, I do nothing but that, which I am bound to do, and am accountable to God upon the contrary. For I do acknowledge that the ſpecial and greateſt point of difference that is betwixt a rightful king, and a uſurping tyrant, is in this; that whereas the proud and ambitious tyrant doth think his kingdom and people are only ordained for ſatisfaction of his deſires and unreaſonable appetites; the righteous and juſt king doth by the contrary acknowledge himſelf to be ordained for the procuring of the wealth and proſperity of his people, and that his greateſt and principal worldly felicity muſt conſiſt in their proſperity. If you be rich, I cannot be poor; if you be happy, I cannot but be fortunate; and I proteſt that your welfare ſhall ever be my greateſt care and contentment. And that I am a ſervant is moſt true; that as I am head and governor of all the people in my dominions, who are my natural vaſſals and ſubjects, conſidering them in numbers and diſtinct ranks; ſo if we will take the whole people as one body and maſs, then as the head is ordained for the body, and not the body for the head, ſo muſt a righteous king know himſelf to be ordained for his people, and not his people for him; for although king and people be related, yet can he be no king if he want people and ſubjects; but there be many people in the world that lack a head; wherefore I will never be aſhamed to confeſs it my principal honour, to be the great ſervant of the commonwealth; and ever think the proſperity thereof to be my greateſt felicity, as I have already ſaid.

'But as it was the whole body of this kingdom, (with an uniform aſſent and harmony) as I told you in the beginning of my ſpeech, which did ſo far oblige me, in goodwill and thankfulneſs of requital by their alacrity and readineſs in declaring and receiving me to that place which God had provided for me, and not any particular perſons, (for then it had not been the body) ſo is my thankfulneſs due to the whole ſtate. For even as in matters of faults, Quod a multis peccatur impune peccatur; even ſo in the matters of virtuous and good deeds, what is done by the willing conſent and harmony of the whole body, no particular perſon can juſtly claim thanks, as proper to him for the ſame; and, therefore, I muſt here make a little apology for myſelf, in that I could not ſatisfy the particular humours of every perſon that looked for ſome advancement or reward at my hand, ſince my entry into this kingdom. Three kinds of things were craved of me, advancement to honour, preferment to place of credit about my perſon, and reward in matters of land or profit. If I had beſtowed honour upon all, no man could have been advanced to honour; for the degrees of honour do conſiſt in preferring ſome above their fellows; if every man had the like acceſs to my privy or bed-chamber, then no man could have it, becauſe it cannot contain all; and if I had beſtowed lands and rewards upon every man, the fountain of my liberality would have been ſo exhauſted and dried, as I would lack means to be liberal to any man; and yet was I not ſo ſparing, but I may without vaunting affirm, that I have enlarged my favour, in all the three degrees, towards as many, and more than ever king of England did, in ſo ſhort a ſpace. No, I rather crave your pardon, that I have been ſo bountiful; for, if the means of the crown be waſted, I behoved then to have recourſe to you my ſubjects, and be burthenſome to you; which I would be lotheſt to be of any king alive. For as it is true, that as I have already ſaid, it was a whole body which did deſerve ſo well at my hand, and not every particular perſon of the people; yet were there ſome who by reaſon of their office, credit with the people, or otherwiſe, took occaſion both before, and at the ſame time of my coming amongſt you, to give proof of their love and affection towards me.

‘Not that I am any way in doubt, that if other of my ſubjects, had been in their places, and had had the like occaſion, but they would have uttered the like good effects, (ſo general and ſo great were the love and affection of you all towards me;) but yet this having been performed by ſome ſpecial perſons, I could not without unthankfulneſs but requite them accordingly. And, therefore, had I juſt occaſion to advance ſome in honour, ſome to places of ſervice about me, and by rewarding to enable ſome who had deſerved well of me, and were not otherwiſe able to maintain the ranks I thought them capable of, and others who although they had not particularly deſerved before, yet I found them capable and worthy of place of preferment and credit, and not able to ſuſtain thoſe places for which I thought them fit, without my help. Two eſpecial cauſes moved me to be ſo open-handed, whereof the one was reaſonable and honourable, but the other (I will not be aſhamed to confeſs unto you) proceeded of mine own infirmity. That which was juſt and honourable, was, that being ſo far beholden to the body of the whole ſtate, I thought I could not refuſe to let run ſome brooks out of the fountain of my thankfulneſs to the whole, for refreſhing of particular perſons that were members of that multitude. The other, which proceeded out of mine own infirmity, was, the multitude and importunity of ſuitors; but although reaſon come by infuſion in a manner, yet experience groweth with time and labour; and, therefore, do I not doubt, but experience in time coming will both teach the particular ſubjects of this kingdom, not to be ſo importune and undiſcreet in craving; and me not to be ſo eaſily and ſlightly moved in granting, that which may be harmful to my eſtate, and conſequently to the whole kingdom.

‘And thus having, at length, declared unto you my mind, in all the points for the which I called this parliament, my concluſion ſhall only now be, to excuſe myſelf, in caſe you have not found ſuch eloquence in my ſpeech, as peradventure you might have looked for at my hands. I might, if I liſt, alledge the great weight of my affairs, and my continual buſineſs and diſtraction, that I could never have leiſure to think upon what I was to ſpeak, before I came to the place where I was to ſpeak; and I might alſo alledge, that my firſt ſight of this ſo famous and honourable an aſſembly, might likewiſe breed ſome impediment; but leaving theſe excuſes, I will plainly and freely in my manner, tell you the true cauſe of it; which is, that it becometh a king, in my opinion, to uſe no other eloquence than plainneſs and ſincerity. By plainneſs, I mean, that his ſpeeches ſhould be ſo clear, and void of all ambiguity, that they may not be thrown, nor rent aſunder in contrary ſenſes, like the old oracles of the pagan gods; and by ſincerity I underſtand, that uprightneſs and honeſty which ought to be in a king's whole ſpeeches and actions; that, as far as a king is in honour erected above any of his ſubjects, ſo far ſhould he ſtrive in ſincerity to be above them all, and that his tongue ſhould be ever the true meſſenger of his heart. And this ſort of eloquence may you ever aſſuredly look for at my hands.’

Several remarks are made on the king's ſpeech.

This ſpeech was not received with the applauſes expected by the king. Beſides the exceſſive length, ſeveral things were remarked which gave occaſion for cenſure. In the firſt place, no body could tell what to make of his ‘actions of thanks inſeparably conjoined in his perſon,’ and containing two bleſſings, the firſt whereof was confined to theſe two points: 1. That having never had war with any of his neighbours, he inferred from thence that he brought peace with him every where. But it was no great wonder, he had not been hitherto in war with his neighbours, ſince Scotland has properly no neighbours but the Engliſh. 2. That without being ſollicited he had revoked the letters of mark againſt Spain. The other bleſſing of his actions of thanks conſiſted in the union in his perſon of the titles of the two houſes of Lancaſter and York. Hence he would have inſinuated, that by his acceſſion to the throne of England, he freed the Engliſh from the dread of ſeeing a renewal of the civil wars occaſioned by the titles of the two houſes. But this pretended dread was only a chimera of his own forming. Since Henry VIII, who much more juſtly united in his perſon the rights of the two contending houſes, the dread of a civil war had ſo diſappeared, that it was entirely forgot. As for his efforts to ſhew the great advantages which would accrue to England from the union of the two kingdoms, they were entirely vain, as will hereafter appear. Beſides, his inferences from the arbitrary compariſons, of a head with a divided body, a huſband with two wives, a ſhepherd with two flocks, ſeemed ſo little ſolid, that they were turned to ridicule. What he ſaid about religion was diſpleaſing to all. The Catholicks were not ſatisfied with his diſtinctions. The Puritans were extremely offended, that he ſhould poſitively ſay of them, “They were ever diſcontented with the preſent government, and impatient of any ſuperiority, which made their ſect inſufferable in a well-governed common-wealth.” The Proteſtants in general remarked in his ſpeech too great condeſcenſion for the Papiſts, and even contradiction in what he ſaid about them. On the one hand, he affirmed, he was of the church of England, and his faith grounded upon the holy ſcriptures. On the other hand, he was ready to lay aſide all prejudice, and meet the Catholicks half way. He declared himſelf a mortal enemy to their errors, but took care to intimate, that he confined, as I may ſay, theſe errors to the doctrine of the pope's exorbitant power. Upon the other ſort of actions of thanks, conſiſting in the making and executing of laws, it was ſaid, that a king of England might extol his condeſcenſion concerning ſome particular law, made to his own detriment, and the nation's benefit; but no king before him ever pretended to lay an obligation upon his people, for giving his aſſent to ſuch laws as were for his own and the kingdom's good. It was alſo obſerved, that he admoniſhed the parliament not to enact too many laws, as if he feared to be obliged to carry his pretended thankfulneſs too far. That as for the few good laws he was willing to admit, all the effects of his thankfulneſs conſiſted in giving the judges a very common and trivial charge. Finally, it was remarked, that this thankfulneſs upon which his whole ſpeech turned, was as imaginary as the cauſe which produced it. In thanking the people of England "for receiving and embracing him as their undoubted and lawful king and governour," he did not mean to declare that the people had made him ſo, but only that being undoubted king by his birth-right, they had received and owned him as ſuch. This was leſſening the obligation, and conſequently the thankfulneſs too. Wherefore, it was thought by many, that the king's view, in this long harangue, was not ſo much to expreſs his thankfulneſs to the Engliſh, as to inſinuate to them, that all he was obliged to them for, was, their not oppoſing his undoubted right; that his chief intention was, to obtain of the parliament the union of the two kingdoms; to prevent any new laws againſt the Papiſts, and to have the execution of thoſe already in force left to him. What was only conjectured at firſt, became certain afterwards, as the king's intentions were diſcovered. In this very parliament, therefore, a ſuſpicion and jealouſy of the king began to be entertained by the people. This alſo put the houſe of commons upon their guard, and made them carefully weigh the king's words and actions, who notwithſtanding the maxims laid down in the concluſion of his ſpeech, was a great maſter in the art of chuſing ambiguous expreſſions. This muſt always be remembred, in order to underſtand the events of this reign.

An act to confirm the king's title. Wilſon.

The firſt thing the parliament did, was to prepare an act for acknowledging the king's title to the crown of England. James had not required it. On the contrary, in all appearance, by repeating ſeveral times in his ſpeech, that he was undoubted king by birth-right, he deſigned to intimate, he did not want the parliament's confirmation. But if this was his intent, the two houſes did not, or ſeemed not to underſtand it, whether they reſolved to preſerve a privilege hitherto enjoyed, or feared ſuch an omiſſion might occaſion troubles and rebellions. The king on his part thought it not prudent to refuſe the act.

Commiſſioners to examine the union of the two kingdoms. Act. Pub.

After the parliament had conſidered of ſome other affairs, they appointed commiſſioners to examine the king's propoſal concerning the union of the two kingdoms. But the king had already obſtructed it, by laviſhing honours and riches upon his Scotch courtiers. This convinced the Engliſh, they could not but loſe by a union, whoſe end, as they believed, was to render the Scots partakers of the riches of England, whereas the Engliſh had nothing to expect in Scotland. Hence the king's ſpeech was cenſured, where he ſpoke of Scotland as the one half of the iſland, tho' the Engliſh were perſuaded, there was a great inequality between England and Scotland. The eager purſuit of the Scots after places, penſions, and rich matches, raiſed the jealouſy of the Engliſh, and rendered them very averſe to the union projected by the king. With theſe diſpoſitions the commiſſioners met to examine the advantages and inconveniencies, in order to make their report to the two houſes.

The people's diſcontent with reſpect to religion. Wilſon.

Whilſt this affair was in hand, moſt people could not forbear ſhewing diſcontent with regard to religion. The Catholicks expected greater favours from a prince, whom they imagined in their intereſt. His diſtinctions between the clericks and laicks, between thoſe who aſcribed to the pope an unlimited power, and ſuch as received not that doctrine, made them fear, the advantages they had promiſed themſelves in this new reign would be very inconſiderable. The Presbyterians were enraged to ſee the king ſo openly prefer the Papiſts before them. All the Proteſtants in general heard with grief, the advances made by the king to the Papiſts, eſpecially, the offer of meeting them half way, and the affectation of condemning only a ſingle tenet, gave occaſion to fear, he had indeed the ſentiments he was ſuſpected of in Scotland. "What means, ſaid they, his offer to the Papiſts of meeting them half way, upon their renouncing the doctrines repugnant to the regal authority? Where is this half way to be? Does it relate to the hierarchy? But if the pope's authority is not received, there will be no difference between the Engliſh and Catholick church. Does he reckon the Catholicks will have come half way, when they have renounced the pope's exorbitant power? If ſo, we muſt, in order to go the other half, yield them the reſt of the articles, which were the cauſe of our ſeparation." In a word, it was not known how far this offer was to extend, or where to ſtop, ſo obſcure and doubtful was this expreſſion, tho' he had declared, he would uſe no other eloquence than plainneſs and ſincerity. Moſt of the biſhops, and the zealous church of England-men, were alone pleaſed, becauſe the king ſeemed bent not to ſuffer the Puritans, who were no leſs odious to them than the bigotted Papiſts. It is certain, their zeal for the church of England was carried a little too far, and the king, by declaring himſelf ſo plainly a ſworn enemy to the Puritans, bred a mutual enmity between the two parties, which was but too much cheriſhed, and which, at another time, proved fatal to the eſtabliſhed church. The Puritans were ſo offended at this uncharitableneſs for them, and the great condeſcenſion for the Papiſts, that they did not ſcruple to charge the king, the biſhops, and the zealous epiſcopalians, with being ſo many popiſh agents. Amidſt theſe diviſions, the Romiſh emiſſaries had but too many opportunities to foment the animoſity of the two parties, and carry it to the utmoſt height, knowing they could not better execute their deſigns, than when the kingdom was involved in troubles. It is pretended, at this time many Jeſuits, with their ſuperiors permiſſion, were received, ſome as Presbyterian miniſters, others as church of England prieſts, and that under theſe diſguiſes, they ſo ſtretched the principles of the two parties, whether in their writings or in their ſermons, that the breach was rendered irreparable.

The king loves flattery. Osborn.

At the ſame time, thoſe who approached the king's perſon, both Engliſh and Scots, thought only of making their court, in order to obtain his good-graces and favours. The jealouſy between the two nations helped to ſtrain the flattery uſed by the whole court to the king. Every one ſtrove to keep in his eſteem by whatever was moſt grateful to him, and nothing was more ſo, than to be extolled for his learning and parts, and to hear the royal authority talked of according to his principles. It was ſome time, before the people had a clear knowledge of this prince's genius and character; but when he was once well known, the eſteem at firſt entertained of him, very ſenſibly diminiſhed, to which the king himſelf greatly contributed by his ſtrange conduct, as will hereafter appear.

He aſſumes the title of King of Great-Britain. Wilſon.

The principal affair for which the king had ſummoned the parliament was, the union of the two kingdoms, tho' he pretended, his ſole motive was to expreſs his thankfulneſs to the Engliſh. He had ſo good an opinion of his eloquence, that he did not queſtion the ſucceſs of this affair, and the nomination of the commiſſioners for that purpoſe confirmed his belief; ſo, whether through impatience, or to engage the parliament the ſooner to unite the two kingdoms, he ordered himſelf to be proclaimed king of Great-Britain, without ſtaying for the parliament's determination. From thenceforward he would hear no more of the diſtinction of the two kingdoms. St. Andrew's croſs was quartered with St. George's in the flags, and by proclamation the Scottiſh coins were made current in England. This ſhewed, the king did not doubt, the affair of the union would ſucceed to his wiſh; but he did not yet know the genius and character of the Engliſh. Such as had no ſhare in his bounties, loudly murmured to ſee his Scotch attendants grown ſo rich in a very ſhort ſpace, that the Engliſh could not imitate their magnificence without ruining their eſtates *. Several paſquils were daily made upon this occaſion, not much to the advantage of the Scots, nor conſequently to the deſign of the union of the two kingdoms.

A difference between the king and the houſe of commons. Coke.

There was alſo another thing which did not render the people favourable to the king. This was an occaſion of diſcontent given to the houſe of commons, and which it will be neceſſary to mention, in order to ſhew this prince's idea of the Engliſh conſtitution, and the juſt cauſe he gave the commons to fear, he deſigned to invade their privileges. Immediately after the openſng of the parliament, the commons examining, according to cuſtom, the conteſted elections, there was a debate in the houſe about the return of Sir Francis Goodwin, and Sir John Forteſcue, for knight of the ſhire for the county of Bucks, and upon a full hearing, Sir Francis was declared duly elected. Three days after, the lords ſent a meſſage to the commons, that there might be a conference about Goodwin's election. The commons ſurpriſed at ſo extraordinary a meſſage, anſwered, they did not think themſelves obliged to give an account of their proceedings, and, therefore, could not grant the conference required. The lords replied, the king having been acquainted with what had paſſed in Goodwin's caſe, thought himſelf engaged in honour to have the affair debated again, and had ordered them to confer with the commons upon it. Whereupon, the commons, by their ſpeaker, gave their reaſons to the king, why they could not admit of this innovation; but all they could obtain was, that inſtead of a conference with the lords, the king commanded them to confer with the judges. This pleaſing them no more than the other, they ſet down their reaſons in writing, and delivered them at the council chamber, to deſire their lordſhips to intercede for them to the king, not to violate their privileges. The anſwer was, the king abſolutely commanded them to have a conference with the judges. The commons were extremely ſurpriſed at ſo abſolute an order. In the interim, fearing to be accuſed of too eaſily engaging in a quarrel with the king, they thought it more proper to yield, than ſtand out, fully bent, however, to adhere to what had been determined in the caſe of the conteſted election. Certainly, the king had engaged in a very nice affair, and, probably, would not have come off with honour, had he not been diſengaged by Goodwin's moderation. Sir Francis chuſing to forfeit his right rather than occaſion a quarrel between the king and the commons, deſired the houſe to order the county of Bucks to elect another knight in his ſtead. The king and commons equally accepted of this expedient, which prevented them from coming to extremities; but the king found from hence, that no great account was made of the proclamation upon calling the parliament, whereby he meant to be maſter of the election.

The commons addreſs the king. Coke.

The commons perceived by this affair, that the king's intention was to ſound them, and that hereafter ſuch incidents might frequently be revived; for which reaſon, on the 16th of June, addreſſing the king concerning certain grievances, they took occaſion to repreſent their privileges, of which they ſuppoſed him not yet fully informed. This addreſs ſo diſpleaſed the king, that on the 7th of July, he prorogued the parliament to the 7th of February, to have time to think of means to humble the commons.

The clergy countenance the king's principles touching arbitrary power. Osborn.

It is certain, moſt of thoſe who approached the king, laboured to inſpire him with the deſign of rendering himſelf abſolute, or rather

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* The Engliſh repined, as Wilſon ſays, to ſee the Scots advanced from blue bonnets to coſtly beavers, wearing inſtead of wadmeal, velvet and ſattin. Spotiſwood.

to confirm him in this reſolution, by which they perfectly made their court. Beſides, arbitrary power is as advantageous to miniſters and courtiers, as it is prejudicial to the reſt of the nation. Several authors accuſe the biſhops of having been of the number of the flatterers. Perhaps matters have been a little aggravated. However, many things give occaſion to believe, that the clergy of the church of England were inclined to aſcribe to the king, more power than his predeceſſors had hitherto enjoyed; at leaſt, it is certain that from the reign of James I. to this preſent time, many of the clergy have endeavoured to perſuade the people, that they ought to acknowledge in the ſovereign an unlimited authority*, and have extended paſſive obedience in England as far as in the moſt arbitrary monarchies.

The archbiſhop's attempt in favour of the king. Coke.

Bancroft, archbiſhop of Canterbury, a moſt zealous aſſerter of the prerogative-royal, was one of the firſt who attempted to go beyond the uſual bounds, by cauſing things to depend on the king's will, which were undeniably within the parliament's juriſdiction. He exhibited to the king and council 25 grievances of the clergy †, which were deſired to be reformed in granting prohibitions, that the king's courts might not have cognizance of what concerned theſe articles. It is ſaid, his intention was to ſhew others the way to apply directly to the king, without regarding the parliament or convocation; but the king was told, in caſe he granted the archbiſhop's requeſt, he would be engaged in inextricable difficulties, becauſe the redreſſing of grievances had ever belonged to the parliament. Whereupon, the king conſulted the judges, who anſwered unanimouſly, he ought to refrain from deciding any thing concerning the archbiſhop's requeſt.

Treaty of peace with Spain. Act. Pub.

The concluſion of the peace with Spain ſoon followed the prorogation of the parliament. Taxis having informed the king of Spain how the court of England ſtood affected, the conſtable of Caſtile was ſent into the Low-Countries, with orders to paſs into England and conclude the peace; but the conſtable being detained by ſome affairs in the Netherlands, conveyed his power to Taxis and Richardot. Theſe two deputies being come to London, agreed upon a treaty, which was not however ſigned till the 18th of Auguſt, after the arrival of the conſtable of Caſtile. Some ſay, this ambaſſador purchaſed the peace with large ſums of money, diſtributed among the king's miniſters; but this can only be ſaid by conjecture, thoſe who are entruſted with ſuch ſort of intrigues, not being uſed to diſcover them. However this be, the treaty with the king of Spain was double, there being one relating entirely to commerce.

Coke.

“ By the IVth article of the firſt treaty it
“ was agreed, that neither the kings of
“ England nor Spain, ſhould directly or in-
“ directly, give aid to the enemies or rebels
“ of either part, of what nature or condition
“ ſoever they were.

“ By the Vth, they renounced all former
“ leagues, confederacies, capitulations, and
“ intelligences contrary to that treaty.

Coke.

“ In the VIIth, king James excuſes the
“ delivery of the cautionary towns to the
“ king of Spain; and promiſes to enter into
“ a treaty with the ſtates, wherein he will aſ-
“ ſign a competent time to them, to accept
“ and receive terms for a pacification with the
“ archduke; which if they refuſed, he would
“ from thenceforth think himſelf freed from
“ the former conventions with them”.

Theſe, doubtleſs, are the articles which have given occaſion to ſay, the Spaniards bought the peace. It does not however appear, that after this treaty James withdrew his troops from the ſervice of the ſtates, as he ſhould have done by vertue of the IVth article, nor that he fixed a time for the ſtates to make a peace, purſuant to the VIIth. On the contrary, it will be ſeen, that he delivered to them the cautionary towns for a much leſs ſum than was agreed on with Elizabeth. Moreover, Andrew du Cheſne, in his Hiſtory of England, ſpeaking of this treaty, relates only four articles, whereof the fourth is directly contrary to the forementioned fourth article. According to that hiſtorian the article ran;

Du Cheſne.

“ That as to the ſtates of Holland and Zea-
“ land, things ſhould remain as they were, as
“ well with reſpect to the cautionary towns, as
“ to the other articles of the treaties between
“ Elizabeth and the ſaid ſtates, without the
“ king of England's being obliged to recall
“ his troops from the Low-Countries; or to
“ forbid his ſubjects to ſerve the ſaid ſtates.
“ Moreover, that the commerce, trade, and
“ navigation between the Engliſh and the
“ ſaid ſtates, ſhould continue upon the ſame
“ foot as in Elizabeth's life-time.”

This contrariety makes me think, that James, to pleaſe the Spaniard and the archduke, was perſuaded to agree, that the fourth article ſhould be inſerted in the treaty in the manner firſt mentioned, in order to induce the ſtates to haſten a peace, and that this ſame article, as related by Du Cheſne, was a reſtriction of the firſt, or a ſecret article, which was alone to take place. This is ſo common a thing in treaties, that this conjecture cannot be conſidered as groundleſs, eſpecially as it is confirmed by the event.

A company erected for the trade with Spain and Italy. Coke.

The peace with Spain being concluded, the king was perſuaded to grant a monopoly of the trade with Spain and Italy to a company of merchants, and to forbid all his ſubjects, except ſuch as were authoriſed by this company, to traffick in thoſe countries; but in the next ſeſſion of the parliament, the commons taking into conſideration, how deſtructive to trade ſuch a monopoly was, repreſented ſo plainly to the king the ill conſequences thereof, that the company's patent was revoked, and the trade with Spain and Italy declared free as before.

The king lives very quietly. He is laviſh of honours.

During the reſt of the year 1604, nothing remarkable paſſed in England. The king led a peaceable life amidſt the flatteries of his court, and very laviſhly beſtowed his favours on his minions. But this liberality bred a great diſcontent in thoſe who had no ſhare in it, and thought themſelves, however, no leſs worthy than the others. Queen Elizabeth took a very different method, but James did not think fit to be her imitator. Never were honours beſtowed with leſs diſcretion and more profuſion than in this reign; and, accordingly, they were no longer conſidered as the reward of merit, but only of adulation[*].

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* They are now pretty well beat out of that falſe notion.

† They were called Articuli Cleri. Coke's 2d Inſtitute.

The taking of Oſtend. Thuanus.

The town of Oſtend beſieged now three years by the Spaniards, was at laſt, forced to capitulate the 20th of September. By the taking of this place, the conquerors gained only heaps of ruins, which had coſt them immenſe ſums, and the loſs of numberleſs officers and ſoldiers. Before James concluded the peace with Spain, he ſeemed willing to concern himſelf in the preſervation of Oſtend; but when the peace was made, he thought only of ſtrengthening his new friendſhip with the king of Spain and the archduke, by ſending them ambaſſadors.

1605. The lord admiral's ambaſſy to Spain. Wilſon.

Theking made choice of his high-admiral, the earl of Nottingham, for ambaſſador extraordinary to Spain. The earl departed in March, 1605, with a very numerous retinue, conſiſting, according to ſome, of no leſs than 650 perſons[†].

And the earl of Hertford's to Bruſſels. Weldon.

At the ſame time, the earl of Hertford was ſent in ambaſſy to Bruſſels. Whilſt he was at ſea, a Dutch man of war ſailed by, and refuſing to ſtrike, the Engliſh captain, Sir William Monſon, prepared to compel him, but the ambaſſador would not give him leave. This was the firſt indignity of that nature received by England from the Dutch, whoſe ſovereignty was not yet ſo much as acknowledged by any potentate in Europe. If James had demanded reparation, doubtleſs, he might eaſily have obtained it, conſidering the then circumſtances of the United Provinces; but very likely, he did not think it worth his while to make a noiſe about an affair of ſo little importance. The Engliſh, however, murmured at it, and many took occaſion to compare the king's indolence with Elizabeth's ſpirit, who, doubtleſs, would not have been ſo eaſy under ſuch an affront. James gave himſelf no trouble about it, believing, that to avoid all occaſion of rupture with his neighbours was a more effectual way to procure his own and the nation's welfare, than to engage in a war for ſuch a trifle.

Jealouſy between the Engliſh and Scots. Osborn.

The jealouſy the Engliſh began to conceive of the Hollanders, was nothing in compariſon of that cauſed by the king's prodigal favours to the Scots[‡]. Moſt hiſtorians accuſe the Catholicks of cheriſhing this jealouſy between the two nations, to make an advantage of their diviſions. But without being forced to recur to ſo remote a cauſe, the old enmity between the two kingdoms, and the king's inclination for the Scots, were in my opinion much more natural cauſes of it. The king was no ſtranger to this jealouſy, and uſed ſome endeavours to allay it. He ordered this year in England, Thomas Douglas, a Scotchman, to be hanged, for counterfeiting the king's privy-ſeal to ſeveral princes of Germany. This man falling into the hands of the elector Palatine, who diſcovered the fraud, was ſent into England, where he met with his deſert.

The king's happy ſtate. Osborn.

Hitherto the king was undiſturbed and ſurrounded with plenty; whereas he had ſpent in Scotland, the firſt years of his life in troubles and want. Since his acceſſion to the throne of England, he had not been obliged to aſk money of his parliament, becauſe when he came to the crown, he found the deceaſed queen had not yet touched the ſubſidy granted her by the parliament, amounting to 300,000 l. ſterling, which he had entirely received. This, with his uſual revenues, enabled him to be liberal to his favourites of both nations, who quickly grew very rich. On the other hand, he took a pleaſure in raiſing to honours and dignities ſeveral perſons, who would not have aſpired to them in Elizabeth's reign. In ſhort, he ſaw himſelf inceſſantly flattered by his courtiers, who omitted no opportunities to ſhew how much they admired his wiſdom and all his other virtues. This was a neceſſary method, to acquire his favour. To ſay all in a word, he led a very ſoft and peaceable life, in the midſt of plenty and pleaſures, to which ſome pretended he was a little too much addicted. But this prince has had the misfortune to have for hiſtorians ſuch as loved him not, as on the other ſide, he has had the good fortune to have ſome who have endeavoured to praiſe all his actions. So, there is danger of being greatly miſtaken, if an idea of his character is formed upon the commendations or invectives of his hiſtorians. It is better to keep ſolely to the examination of his actions themſelves.

Whilſt every thing ſeemed to procure king James a quiet and peaceable reign, the devil, envying the happineſs of the Engliſh, inſpired ſome of his agents with one of the moſt horrible plots that ever was heard of; I mean the gunpowder-treaſon-plot, which has made ſo much noiſe in the world, and of which I ſhall relate the particulars, without any aggravation

Whatever might be the ground of the hopes

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[*] The king who was a great enemy to tobacco, as appears by his writings againſt it, ordered by a proclamation, dated October 7, that beſides the cuſtom of 2 d. in the pound, it uſed to pay, there ſhould be an additional duty of 6 s. 8 d. on every pound imported into the realm. See Rymer's Fœd.

[†] The Spaniards were aſtoniſhed at the magnificence of the ambaſſy, and the handſome gentlemen; for it ſeems the Jeſuits reported our nation to be ugly, and like devils, as a puniſhment for caſting off the pope; and they pictured Sir Francis Drake generally half a man half a dragon. So eaſy is it, ſays Wilſon, for thoſe jugglers, when they have once bound up the conſcience, to tie up the underſtanding alſo. Weldon.

[‡] This jealouſy occaſioned many inſolencies; the ſtreets of London ſwarmed night and day with bloody quarrels; and private duels were every where fomented between the Engliſh and Scots. Wilſon. The Scots complaining at firſt to the king, that they were ſo poor, they underwent the by-word of beggarly Scots; the king replied to them, content yourſelves, I will ſhortly make the Engliſh as beggarly as you, and ſo end that controverſy. Weldon.

Occaſion of the gun-powder-plot. Wilſon.

entertained by the Catholicks, when they ſaw king James aſcend the throne of England, it is certain they expected great things from him, and, at leaſt, a full toleration, with liberty of publickly exerciſing their religion. Upon this toleration they built their hopes of reſtoring, by degrees, their religion in England. But the king's ſpeech to the parliament diſcovered two things. The firſt, that this toleration, which till then had been hardly doubted, was not yet ready to come. The ſecond, that tho' they ſhould obtain it of the king, it would not be for ſuch as acknowledged the pope's authority in its utmoſt extent. Theſe were the men, however, that was moſt active and eager to re-eſtabliſh their religion in the kingdom. They deſpiſed a bare liberty of conſcience for the moderate Catholicks, to which the king ſeemed to confine his favours. They believed it to be the king's intention to divide the Catholicks, and make two ſects, whereof one, renouncing the doctrine of the pope's ſupremacy, ſhould be tolerated in the kingdom, and the other expelled. This diviſion appeared to them ſo deſtructive to the Catholick religion, that they imagined, the king by this artful and politick conduct, intended to reconcile to the church of England, ſuch as ſhould imprudently reject the papal authority, as it happened in the reign of Henry VIII.

Account of the gun-powder treaſon. Diſcourſe of that treaſon in king's James's works. Speed.

To prevent the execution of this pretended deſign, which might be very prejudicial to the church of Rome, ſome of theſe zealots conſulted together, and formed a horrible plot, which was afterwards approved by the reſt. The chief of theſe wretches was Robert Catesby, a gentleman of Northamptonſhire, deſcended from the Catesbies mentioned in the reign of Edward V. This man having gained Thomas Percy, the earl of Northumland's couſin, John Grant, Ambroſe Rookwood, John and Chriſtopher Wright, Francis Treſham, Guy Fawkes, Sir Everard Digby, Robert and Thomas Winter, Thomas Bates, and Robert Keyes, choſe five of them to conſult how to reſtore the Romiſh religion in England. Percy one of the moſt zealous, propoſed killing the king, and offered to perform it. To this Catesby replied, "tho' the king "was dead, their cauſe would not be advan"ced, ſince he would leave ſons, who, per"haps, would not be more favourable to the "Catholicks; nay, ſuppoſing the king and "his children were removed, there would re"main ſo many of the nobles and gentry, "that, probably, it would be very difficult "to accompliſh their deſign; adding, that, "he had thought of a way to deſtroy in an "inſtant, almoſt all the principal enemies of "the Catholick religion, and to throw the "kingdom into ſuch a conſternation, that not "a man would be able to take proper mea"ſures to oppoſe the execution of their de"ſigns." This way was to blow up the parliament houſe, whilſt the king ſhould be ſpeaking his ſpeech from his throne to the lords and commons. Then he ſhewed them in what manner the project might be executed, and was applauded by all. However, as ſo deteſtable a plot could not but breed ideas frightful and naturally ſhocking to conſcience, ſome moved to have the lawfulneſs of the project examined by their divines. It is ſaid, that Henry Garnet, Oſwald Teſmond, and John Gerrard being conſulted, approved of the plot as juſt and lawful, ſince it was againſt excommunicated hereticks. I cannot warrant this, becauſe I never ſaw their tryals. But thus much is certain, they ſuffered death for not diſcovering the conſpiracy of which they were informed; and the king in an apology publiſhed ſome time after, affirmed, that Garnet was legally convicted, and had confeſſed his crime.

Be this as it will, the thing being determined, they took an oath of ſecrecy, adminiſtered as it is ſaid by father Garnet. Then Percy being one of the gentlemen-penſioners, was appointed to hire a houſe, adjoining to the upper-houſe of parliament. This paſſed in November or December, 1604, and the king was to make his ſpeech to the parliament on the ſeventh of February. Percy having hired the houſe, the conſpirators began, with no ſmall labour, to dig in the cellar through the wall of partition, which was very thick; but as the parliament was prorogued to the 3d of October, they had as much time as was neceſſary to finiſh their work. In the beginning of February, 1605, they had almoſt digged through the wall, when on a ſudden they heard a noiſe on the other ſide. This threw them into a great fright, being apprehenſive of a diſcovery, but their courage reviving, Guy Fawkes, who paſſed for Percy's footman, was ſent to ſee what had occaſioned their fear. Preſently after he returned and ſaid, the place from whence the noiſe came, was a large cellar under the upper-houſe of parliament, full of ſea-coals which were now under ſale, and the cellar offered to be let. As nothing could be more favourable to their deſign, Percy immediately hired the cellar, and bought the remainder of the coals. Then he ſent for 36 barrels of powder from Holland, and lodging them at Lambeth, cauſed them to be conveyed in the night into the cellar, and covered with coals and faggots.

Fawkes's Confeſ.

The plot being thus in a fair way, it was conſidered what was to be done, when the king, prince Henry his eldeſt ſon, the lords and commons, ſhould be buried in the ruins of the parliament-houſe. The duke of York, the king's ſecond ſon, being yet very young was not to be preſent at the parliament, and the princeſs Elizabeth, his ſiſter, was educated at a houſe belonging to the lord Harrington, in Warwickſhire. It was reſolved, therefore, that Percy who had free admittance into the king's palace, ſhould undertake to kill the the duke of York, and that others under colour of a hunting-match ſhould meet on the ſame day, near the lord Harrington's houſe, and ſecure the princeſs Elizabeth. As all this could not be effected without money, Treſham offered 2000 pounds ſterling, Digby 1500, and Percy promiſed to ſupply 4000.

Fawkes's and Winter's Confeſ.

Some moved for foreign aid beforehand; but the motion was rejected. It was reſolved only to demand aſſiſtance of France, Spain, and the archduke, when the plot ſhould be executed. Then, after ſome conſultation, they agreed to ſave the princeſs Elizabeth, and proclaim her queen. To this end, they drew up a proclamation, taking care to inſert nothing concerning religion, for fear of alarming the people, till they were ſufficiently ſtrong to execute all their deſigns. Finally, they reſolved to ſpread a report after the blow ſhould be given, that the Puritans were the authors of it.

Winter's Confeſ.

The parliament being farther prorogued to the 5th of November, the conſpirators expected the day with the utmoſt impatience, not one being touched with remorſe of the crime they were going to commit; but God abhoring ſo deteſtable a plot, inſpired one of the conſpirators with a deſire to ſave William Parker, lord Monteagle, ſon to the lord Motley. This lord going home about ſeven in the evening, a letter was given him by his ſervant who received it from an unknown perſon, with a charge to deliver it into his maſter's own hand. The letter was without name or date, and expreſſed in theſe words:

> My LORD,
>
> 'OWT of the love I beare to ſome of your frends, I have a care of your preſervation. Therefore I would adviſe you, as you tender your life, to deviſe ſome excuſe to ſhift off your attendance at the parliament; for God and man have concurred to puniſh the wickedneſſe of this tyme. And thincke not ſlightlie of this advertiſement, but retire yourſelfe into your countrey, where you may expect the event in ſafetie. For though there be no apparance of any ſtirre, yet I ſay, they ſhall receave a terrible blow this parliament, and yet they ſhall not ſee who hurt them. This counceill is not to be contemned, bicauſe yt may doe you good, and can doe you no harme; for the danger is paſt ſo ſoon as you burne this letter. And I hope God will give you the grace to make good uſe of yt; to whoſe holy protection I commend you'.

This letter was delivered to the lord Monteagle 10 days before the meeting of the parliament. Tho' it was unintelligible to him, nay, tho' he imagined it only an artifice to frighten him, he carried it that very evening to the earl of Saliſbury, principal ſecretary of ſtate. The earl ſhewed it to ſome privy-counſellors, who underſtood the meaning of it no more than he. However they reſolved to do nothing till the king's return, who was then at Royſton.

Diſcourſe of the treaſon.

The king returning to London the laſt day of October, the earl of Saliſbury read the letter to him, on the morrow, and concluded that it was written by ſome fool or madman. To convince the king he repeated this ſentence, "The danger is paſt ſo ſoone as you burne this letter;" for, ſaid he, if the danger be paſſed when the letter is burnt, what ſignifies this warning? But the king ordering the letter to be read again, explained the words otherwiſe, and ſaid, "ſo ſoon as you burne the letter," was to be interpreted, "in as ſhort a ſpace as you ſhall take to burn the letter." Then comparing this ſentence with the foregoing, "That they ſhould receive a terrible blow this parliament, and yet ſhould not ſee who hurt them," he concluded that ſome ſudden blow was preparing by means of gunpowder. This interpretation being deemed very plauſible, it was reſolved, that all the rooms and cellars adjoining to the parliament-houſe ſhould be ſearched, to ſee whether there was any powder concealed. This ſearch was however deferred till the day before the meeting of the parliament, in a belief, that the nearer the execution was the more ſigns would be found. The earl of Suffolk, lord chamberlain, went himſelf to ſearch, without noiſe or hurry. When he came to the cellar where the powder was and ſaw the coals and faggots with which it was covered, he asked Whyneard, the keeper of the wardrobe, who attended him, to what uſe he had put the cellar? Whyneard anſwered, Mr. Percy had hired it, and very probably the coals and wood were the gentleman's fuel for winter. At the ſame time the lord chamberlain perceiving a man ſtanding in a corner, asked who he was, and being told he was Mr. Percy's ſervant, did not ſeem to take any farther notice. This affected negligence made the conſpirators think there would be no farther ſearch, ſince nothing was found in the cellar to create any ſuſpicion, and they prepared to execute their plot the next day.

Powder is found under the houſe of lords.

The earl of Suffolk having made his report to the council, it was thought if there was any powder concealed, it was in the large cellar under the faggots and coals; but as the parliament was to meet on the morrow, it was reſolved not to ſearch under the wood till midnight, in hopes to find in or about the cellar ſome perſons from whom information might be had. Purſuant to this reſolution, Sir Thomas Knevet, gentleman of the privy-chamber, and juſtice of peace for Weſtminſter, going to the cellar about midnight, found at the door a man in a cloak and boots, whom he immediatly apprehended. This was Guy Fawkes who paſſed for Percy's ſervant. Then cauſing the wood and coals to be removed, they found underneath, 36 barrels of powder. After this diſcovery, Fawkes being ſearched, there was found upon him a dark lanthorn, a tinder-box, and three matches. The villain, inſtead of being diſmayed, boldly told them, if he had been taken within the cellar, he would have blown up himſelf and them together. The king being accquainted with the diſcovery, ordered the priſoner to be examined concerning the circumſtances of the plot. He confeſſed the deſign was to blow up the king and parliament, and expreſſed great ſorrow that it was not done, ſaying, it was the devil and not God that was the diſcoverer.

He obſtinately refuſed all that day to name any of his complices; but on the morrow being ſhewed the rack confeſſed all he knew.

Diſcourſe of treaſon.

The opening of the parliament, which was to be the ſame day, being deferred, and the news of the conſpiracy beginning to ſpread in London, Catesby, Percy, Winter, and the two Wrights, fled by ſeveral ways to their companions, who were to ſecure the princeſs Elizabeth. Theſe laſt were ready to execute their deſign the moment they ſhould hear of the ſucceſs of the mine at Weſtminſter. As they did not queſtion it would ſucceed to their wiſh, and believed they had nothing more to manage, they had the night before broke open a ſtable, and carried away 12 horſes. This action had alarmed Sir Richard Verney, ſheriff of the county, who had drawn the people together to ſeiſe the robbers. Preſently after came the conſpirators that fled from London, and told their companions, the plot had miſcarried. Whereupon they reſolved to keep together, to endeavour to make the Catholicks riſe, and put themſelves at their head. But all their efforts ended only in raiſing about 100 horſe.

Some are taken, others ſlain.

In the interim, the ſheriffs of the neighbouring counties having ſent notice to one another, called the people to arms, and purſued the conſpirators from place to place, till, at length, the villains were forced to take harbour at Holbeach, where the ſheriff ſummoned them to ſurrender. They anſwered, he had not a ſufficient force to compel them, and prepared to defend themſelves, or fight their way through; but in opening a barrel of powder to charge their muskets, it took fire and blew up part of the houſe*. This accident conſtrained them to open the gate, and try to eſcape. Some were killed, immediately, by the people who ſurrounded them. Catesby, Percy, and Winter ſtanding back to back, fought deſperatly, till the two firſt were killed with one ſhot, and the other taken alive, after receiving ſeveral wounds. Digby, Rookwood, Grant, and Batee, yielded, or were taken in trying to eſcape. Treſham, who ſtaid at London with Robert Winter, brother of Thomas Winter, and Littleton, was diſcovered and apprehended with his two companions. All the priſoners were ſent to the tower, and ſtrictly examined. Thomas Winter confeſſed himſelf guilty, and wrote his confeſſion with his own hand. Digby extenuated his crime, becauſe having expected the king would grant a free toleration to the Catholicks, and not ſeeing any likelihood of their obtaining it, he was driven by deſpair to engage in the plot. Treſham ſaid, at firſt, that father Garnet, the Jeſuit, was privy to the conſpiracy, but afterwards denied it, by his wife's inſtigation, as it is pretended, affirming, he had not ſeen him for 16 years; but Garnet, who was happrehended after Treſham's death, confeſſed, he had frequently conferred with him within ſix months. The earl of Northumberland was ſent to the tower, on ſuſpicion of being concerned in the plot. This ſuſpicion was grounded upon his being captain of the band of gentlemen penſioners, admitting into it his couſin Percy, without adminiſtering to him the oath of ſupremacy, tho' he knew his religion. This affair being afterwards brought into the ſtar-chamber the earl was fined in 30,000 pounds ſterling, deprived of all his poſts, and impriſoned during the king's pleaſure.

The king's ſpeech to the parliament, to excuſe the Catholicks. K. James's Works.

The ſeſſion of the parliament began not till the 9th of November, tho' it was fixed to the 5th. The king made a long ſpeech, repreſenting the heinouſneſs and conſequences of this horrible plot, and magnifying the mercy of God in the miraculous diſcovery; but withal, he took great care to clear the Catholick religion, and to obſerve, that this abominable plot, was to be aſcribed to ſuch only as were truly Papiſts, and imbued with the deteſtable principles mentioned in his firſt ſpeech to the parliament; affirming, there were not many of theſe, and it would be extremely injurious to accuſe the Catholicks, in general, of following ſuch extravagant maxims.

“ For, added he, altho' it cannot be denied, that it was only the blind ſuperſtition of their errors in religion, that led them to this deſperate device; yet doth it not follow, that all profeſſing the Romiſh religion were guilty of the ſame; for as it is true, that no other ſect of Heretiques, not excepting Turk, Jew, nor Pagan, no, not even thoſe of Calicute, who adore the devil, did ever maintain by the grounds of their religion, that it was lawful, or rather meritorious, (as the Romiſh Catholicks call it) to murder princes or people for quarrel of religion; yet it is true on the other ſide, that many honeſt men, blinded, peradventure, with ſome opinions of Popery, as if they be not ſound in the queſtions of the real preſence, or in the number of their ſacraments, and ſome ſuch ſchool queſtion; yet do either not know, or, at leaſt, not believe, all the true grounds of Popery, which, is, indeed, the myſtery of iniquity; and, therefore, do we juſtly confeſs, that many Papiſts, eſpecially our forefathers, laying their only truſt upon Chriſt and his merits, at their laſt breath, may be, and oftentimes are ſaved; deteſting in that point, and thinking the cruelty of the Puritans worthy of fire, that will admit no ſalvation to any Papiſt.”

And then concluding that part of his diſcourſe, he declared, “ As upon the one part many honeſt men ſeduced with ſome errors of Popery, may yet remain good and faithful ſubjects; ſo upon the other part none of thoſe that truly know and believe the whole grounds of Popery, can ever prove either good Chriſtians, or faithful ſubjects.”

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* As they were mending the fire in their chamber, a ſpark of fire happened to fall upon two pounds of powder which was drying a little from the chimney; and it blowing up, ſo maimed the faces of ſome of the principal rebels, and the hands and ſides of others, that they opened the gate. A great bag of powder was blown up without taking fire. See king James's Works.

Reflections of the people upon the king's ſpeech.

This ſpeech was much applauded by the courtiers, who admired its wiſdom, juſtice, and equity, and remarked the king's greatneſs of ſoul, who at the very time he had ſo much reaſon to complain of the Catholicks, took care to juſtify their religion, and hinder the innocent from being confounded with the guilty. But the reſt of the people were not of the ſame opinion; for they conſidered with grief and aſtoniſhment, the tender regard the king expreſſed for the Catholicks in general, under pretence of a diſtinction, which was thought imaginary, or, at leaſt, very uſeleſs, by reaſon of the difficulty of diſcerning thoſe who held the maxims condemned by the king, from thoſe who were willing to renounce them. They obſerved alſo the difference, the king put between the Romiſh religion and that of the Puritans. The firſt hindered not its profeſſors from being faithful ſubjects, but the laſt was not to be tolerated in any well-governed common-wealth, as he expreſſed himſelf in his former ſpeech. Here, to turn the hatred of the good Proteſtants upon the Puritans, he is not content with deteſting an opinion indifferent in itſelf, and which had no relation to the ſtate, but even thinks it worthy of fire, either temporal or ſpiritual, for he does not ſay which, whilſt he calls the doctrine of tranſubſtantiation a mere ſchool-queſtion. It was alſo ſaid, that if upon this ſame opinion, he had been pleaſed to diſtinguiſh the Puritans who did not, from ſuch as did, damn all the Catholicks, this diſtinction would have been as well-grounded as that between the Catholicks and Papiſts. In ſhort, it was obſerved, that he affected to aſcribe to the Puritans alone this opinion worthy of fire, which he might much more juſtly have imputed to the Roman Catholicks, as all the world knew. It cannot be denied, that throughout the whole courſe of his reign, this prince ſhewed an extreme tenderneſs for the Roman Catholicks. This will ſtill more plainly appear in the ſequel, ſince what I have hitherto related may be deemed doubtful marks of his ſentiments, and capable of admitting a favourable conſtruction.

The parliament is prorogued.

As ſoon as he had ended his ſpeech, the king prorogued the parliament to the 21ſt of January; ſo that it evidently appeared he had cauſed them to meet for one ſingle day, on purpoſe to ſhew his thoughts of the conſpiracy, and the manner he would have it examined in, that is, with reſpect to ſuch only as were concerned in it.

The lords Mordant and Sturton are fined. Wilſon.

The lords Mordant and Sturton, ſuſpected of being privy to the plot, were fined, the firſt 10,000 marks, the other 6000, tho' there was no other proof againſt them, but their not coming to the parliament. They were ſentenced by the ſtar-chamber, which was then the terror of the great men, and which for the leaſt offence, condemned the parties accuſed in exorbitant fines to the king's uſe.

1606. Coke.

The diſcovery of the powder-plot was univerſally aſcribed to the king's penetration, who alone diſcovered the meaning of the letter to the lord Monteagle; nay, ſome of his flatterers did not ſcruple to ſay, he could never have found out the myſtery, without the immediate aſſiſtance of the Holy Ghoſt.

The affected joy of the Spaniſh and archduke's ambaſſadors. Howes.

The king of Spain's and the archduke's ambaſſadors teſtified their joy for this deliverance, by bonfires before their doors, and fountains of wine to the mob. This was not, perhaps, a very proper way to remove the ſuſpicions of the Engliſh, who were apt to believe the Spaniards were concerned in this horrible plot. It was remembered, that when the conſtable of Caſtile was in England, he ſaid publickly, in caſe the king refuſed to tolerate the Catholicks, there would be found perſons capable of any attempt; nay, after the plot was diſcovered, the archduke refuſed to deliver ſome of the complices who had eſcaped into the Netherlands, and ſent the chief of them to Spain, where he was very well received. It is certain, however, theſe ambaſſadors were not accuſed by the depoſitions of the criminals; nay, the king publickly declared, he was ſure no foreign prince was privy to the plot. Indeed, all the princes, as well Catholick as Proteſtant, expreſſed their abhorrence of ſo damnable a deſign, and congratulated him upon his deliverance.

Eight conſpirators are executed. State-Try.

The parliament meeting the 21ſt of January, the king appointed commiſſioners to try the conſpirators. He had till now delayed to give the people the ſatisfaction to ſee theſe villains puniſhed. But perceiving if he did not do it of himſelf, the parliament would not fail to petition him, he reſolved to give them over to juſtice. There were but eight executed the 31ſt of January, tho' the number of the guilty was much greater. Some time after, Oldcorn, a Jeſuit, ſaying openly, that the ill ſucceſs of the conſpiracy did not render it the leſs juſt, was ſent to priſon, condemned and executed. Henry Garnet, provincial of the Engliſh Jeſuits, having alſo being arreſted, was ſentenced to die as a traytor, upon the depoſitions of thoſe that were already executed. Some ſay, he only confeſſed, he had heard of a conſpiracy to reſtore the Catholick religion in England, but was ignorant of the circumſtances. Others pretend, the plot was revealed to him only in confeſſion, and he was not obliged to reveal it. The king, as I ſaid, publickly declared afterwards Garnet was legally convicted. The Jeſuits have been pleaſed to honour theſe men with the title of martyrs, as if they had ſuffered only in hatred to their religion; but king James's humour and character will not permit it to be thought, that he put men to death only becauſe they were Catholicks.

A rumour of the king's death. March 22. Wilſon.

Whilſt the parliament was conſidering the powder-plot, it was ſuddenly rumoured that the king was ſtabbed at Oking with a poiſoned knife. This rumour inſtantly threw the people into the utmoſt conſternation, imagining it was the effect of ſome freſh conſpiracy; but the alarm was ſoon over. Two hours after came certain advice that the king was alive, and he even returned to London that very day, and publiſhed a proclamation to quiet the people. The Spaniſh ambaſſador diſtinguiſhed his affection for the king, by preſenting Sir Lewis Lewkenor with a gold chain, for bringing him the news of his ſafety.

The parliament enjoins an oath, which every ſubject is obliged to take. Coke.

In the interim, the parliament ſeriouſly applied themſelves to prevent the deſigns of the Popiſh recuſants, that is, of ſuch as refuſed to acknowledge the king's independent authority. For the more eaſy diſcovery of ſuch perſons, the two houſes agreed to draw up an oath, which all ſubjects, without exception, ſhould be obliged to take. This oath was called the oath of allegiance, that is, of ſubmiſſion and obedience to the king, as ſovereign independent of any other power upon earth. It differed from the oath of ſupremacy, as it concerned only the king's temporal ſovereignty, and his independence of the pope, whereas the other, enacted in the reign of Henry VIII, obliged the ſubjects to acknowledge the king for ſupreme head of the church of England. So, every Catholick could ſafely take this new oath, unleſs he was one of thoſe who thought, that to be a true Catholick, it was neceſſary to believe, the pope had power to depoſe kings, and give away their dominions; nay, the king was extremely careful not to have any clauſe inſerted in the oath that might give juſt offence to the Catholicks. The commons having put in the rough-draught of the oath, "That the pope has not power to excommunicate the king;" he ſaid theſe words might offend his good Catholick ſubjects, and it ſufficed to aſſert, the pope's excommunication could not authoriſe ſubjects to riſe againſt their ſovereign. Here follows the oath which has been, and ſtill is ſpoken of by many, without well knowing what it is.

The oath of allegiance. Statut. 3 Jac. c. 4.

"I A. B. do truly and ſincerely acknowledge, profeſs, teſtify, and declare in my conſcience before God and the world, that our ſovereign lord king James, is lawful king of this realm, and of all other his majeſty's dominions and countries; and that the pope neither of himſelf, nor by any authority of the church or ſee of Rome, or by any other means with any other, hath any power or authority to depoſe the king, or to diſpoſe of any of his majeſty's kingdoms, or dominions, or to authoriſe any foreign prince to invade or annoy him or his countries, or to diſcharge any of his ſubjects of their allegiance and obedience to his majeſty, or to give licenſe or leave to any of them to bear arms, raiſe tumults, or to offer any violence or hurt to his majeſty's royal perſon, ſtate, or government, or to any of his majeſty's ſubjects within his majeſty's dominions. Alſo I do ſwear from my heart, that, notwithſtanding any declaration or ſentence of excommunication, or deprivation made or granted, or to be made or granted by the pope, or his ſucceſſors, or by any authority derived, or pretended to be derived from him or his ſee, againſt the ſaid king, his heirs or ſucceſſors, or any abſolution of the ſaid ſubjects from their obedience; I will bear faith and true allegiance to his majeſty, his heirs and ſucceſſors, and him and them will defend to the uttermoſt of my power, againſt all conſpiracies and attempts whatſoever, which ſhall be made againſt his or their perſons, their crown and dignity, by reaſon or colour of any ſuch ſentence, or declaration, or otherwiſe, and will do this my endeavour to diſcloſe and make known to his majeſty, his heirs and ſucceſſors, all treaſons and traiterous conſpiracies, which I ſhall know or hear of, to be againſt him or any of them. And I do farther ſwear, that I do from my heart abhor deteſt and abjure as impious and heretical this damnable doctrine and poſition, that princes which be excommunicated or deprived by the pope, may be depoſed and murthered by their ſubjects or any other whatſoever. And I do believe, and in conſcience am reſolved, that neither the pope, nor any perſon whatſoever, hath power to abſolve me of this oath, or any part thereof; which I acknowledge by good and full authority to be lawfully miniſtred unto me, and do renounce all pardons and diſpenſations to the contrary. And all theſe things I do plainly and ſincerely acknowledge and ſwear, according to theſe expreſs words by me ſpoken, and according to the plain and common ſenſe and underſtanding of the ſame words, without any equivocation, or mental evaſion, or ſecret reſervation whatſoever. And I do make this recognition and acknowledgment heartily, willingly, and truly, upon the true faith of a Chriſtian."

So help me God.

A remark on this oath.

It is eaſy to ſee, this oath contained nothing repugnant to the eſſential articles of the Romiſh faith, and concerned only the unlimited power, which by ſome is aſcribed, and by others denied, to the pope. Accordingly, moſt of the Engliſh Catholicks, with the arch-prieſt Blackwel, their ſuperior, made no ſcruple to comply with it; nay, when Urban VIII. ſent them a brief, dated October 31, 1606, forbidding them to take this oath, they thought the brief was forged by their enemies, to draw them into a non-compliance. But the pope ſpoke more fully the next year, and by a ſecond brief plainly told them, if they took the oath, they forfeited all hopes of ſalvation. At the ſame time, cardinal Bellarmine, under the feigned name of Tortus, wrote a book againſt this oath, and a letter to the arch-prieſt Blackwel, to admoniſh him to repent, as if in taking the oath he had committed the moſt heinous offence. This occaſioned king James's apology for himſelf, publiſhed ſome time after, with a preamble, addreſſed to all Chriſtian princes, wherein he cleared himſelf from the falſe imputation of being a perſecutor of the Catholicks. He began the apology with juſtifying queen Elizabeth's conduct to the Romaniſts, and then added theſe words:

The king's apology with reſpect to the Catholicks. Apolog.

"But now having ſacrified (if I may ſo ſay) to the manes of my late predeceſſor, I may next with St. Paul juſtly vindicate mine own

“ fame, from thoſe innumerable calumnies ſpread againſt me, in teſtifying the truth of my behaviour toward the Papiſts; wherein I may truly affirm, that whatſoever was her juſt and merciful government over the Papiſts in her time, my government over them ſince hath ſo far exceeded her's, in mercy and clemency, as not only the Papiſts themſelves grew to that height of pride, in confidence of my mildneſs, as they did directly expect and aſſuredly promiſe to themſelves liberty of conſcience, and equality with other of my ſubjects in all things; but even a number of the beſt and faithfulleſt of my ſaid ſubjects were caſt in great fear and amazement of my courſe and proceedings, ever prognoſticating and juſtly ſuſpecting that ſower fruit to come of it, which ſhewed itſelf clearly in the powder treaſon. How many did I honour with knighthood, of known and open recuſants? How indifferently did I give audience and acceſs to both ſides, beſtowing equally all favours and honours on both profeſſions? How free and continual acceſs had all ranks and degrees of Papiſts in my court and company? And above all, how frankly and freely did I free recuſants of their ordinary payments? Beſides, it is evident, what ſtrait order was given out of my own mouth to the judges to ſpare the execution of all prieſts, (notwithſtanding their conviction) joining thereunto a gracious proclamation, whereby all prieſts that were at liberty, and not taken, might go out of the country by ſuch a day: My general pardon having been extended to all convicted prieſts in priſon; whereupon they were ſet at liberty as good ſubjects: And all prieſts that were taken after, ſent over and ſet at liberty there. But time and paper will fail me to make enumeration of all the benefits and favours that I beſtowed in general and particular upon Papiſts: In recounting whereof, every ſcrape of my pen would ſerve but for a blot of the pope's ingratitude and injuſtice, in meeting me with ſo hard a meaſure for the ſame.”

Remarks on this apology.

All the king ſaid in this part of his apology was very true; but it is ſurpriſing, that ſince he thought proper to make a long apology to clear himſelf to foreign princes, from the aſperſion of being an enemy to the Papiſts, he ſhould never think of excuſing to his own ſubjects his too great condeſcenſion to theſe ſame Papiſts, and his extreme care to hinder the execution of the laws enacted againſt them. There is another very extraordinary particular in this apology. The king evidently ſhews, that cardinal Bellarmine confounds in his book the oath of allegiance with that of ſupremacy, whereby it was manifeſt, he did not underſtand the point in diſpute; but I have ſaid enough of this ſubject. I ſhall only add, to conclude what relates to the powder-plot, that the parliament appointed the 5th of November to be a publick thankſgiving-day for ſo great a deliverance, which day has been conſtantly ſolemniſed to this preſent time.

The parliament grants a large ſubſidy. Wilſon.

The common danger which threatened the whole kingdom, ſtifled for a time the diſputes between the king and commons, which aroſe in the firſt ſeſſion of the parliament. The commons were ſo far from intending to revive them, that, on the contrary, to gain the king's good-will, they granted him one of the largeſt ſubſidies that had ever been given to his predeceſſors, in the moſt urgent occaſions of the ſtate, tho' he was then in profound peace, and wanted money only to enrich his favourites. This aid conſiſted of three whole ſubſidies and ſix fifteens, and tenths, beſides four ſubſidies of four ſhillings in the pound granted at the ſame time by the clergy. But the affair of the union of the two kingdoms was deferred to the next ſeſſion. So the king having no farther occaſion for the parliament, prorogued it from the 27th of May to the 18th of November.

Great tranquillity in England.

The conſternation cauſed by the powder-plot in the court and the whole kingdom, was, at length, turned into a pleaſant tranquillity. The king and people were equally pleaſed with being delivered from ſo great a danger; and the king had the more reaſon to be ſo, as he had brought the parliament to be of his moderate ſentiments with reſpect to the Roman Catholicks, of whom 10 only had been left to the rigour of the law. Their yoke was not aggravated, unleſs the obligation of bearing allegiance to their king, or departing the realm, was to be deemed an aggravation. On the other hand, the king was able to gratify his favourites, by means of the money granted by parliament, and the whole court rejoiced, every one expecting to partake of the king's bounties.

James receives a viſit from the king of Denmark, July 11. Weldon.

This money came very ſeaſonably to the king, to give a ſplendid reception to his brother-in-law, the king of Denmark, who arrived ſoon after, on purpoſe to viſit the queen, his ſiſter, and the king. No coſt was ſpared on this occaſion, to demonſtrate the king's and queen's affections for this prince, and to ſhew him the riches of the kingdom they had acquired. During his ſtay in England, there was one continued, tho' various, ſcene of diverſions, as plays, fights, entertainments, balls, maſquerades, hunting, in a word, every thing that was thought proper to divert him.

and from the prince of Vandemont. Sept. 23. Howes.

Some time after, the prince of Vaudemont, the duke of Lorrain's third ſon, made the king another ſuch viſit, attended by ſeven earls, 10 barons, 40 gentlemen, and 120 domeſticks. He ſtayed a fortnight with the king, by whom he was, with his whole train, royally entertained. Theſe two viſits conſumed good part of the money lately granted by parliament.

The union of the two kingdoms is debated in the parliament. Wilſon.

The ſeſſion of the parliament, which began the 18th of November, was chiefly employed in the affairs of the union, which the king ſtrongly ſollicited. Sir Francis Bacon, the king's ſollicitor, was ordered to move and ſupport it with the beſt arguments he could deviſe. But tho' he was learned and eloquent, he met in the houſe of commons, with perſons able to withſtand him, and to alledge as ſtrong reaſons againſt, as he did for, the union. The chief objections were, the inequality between the ſtate and riches of the two kingdoms, the difference of the laws and cuſtoms, and Scotland's perpetual alliance with France. But the moſt prevailing argument, tho' it was not publickly inſiſted upon, was the jealouſy of the Engliſh, which baffled all Bacon's rhetorick.

1607. The king's ſpeech to the parliament in favour of the union. March 31. K. James's Works.

The king hearing the affair was not like to ſucceed in the parliament, ſent for both houſes to Whitehall, and endeavoured in a long ſpeech to ſhew the neceſſity of the union, and the common advantage it would procure. He anſwered the objections alledged in the two houſes, ſpeaking one while with great mildneſs, another while with a threatening tone, turning himſelf every way to attain his ends. He ſaid, it was not reaſonable, the Engliſh and Scots ſhould conſider one another as enemies, whilſt ſubjects of the ſame king, and conſequently it was neceſſary all hoſtile laws ſhould ceaſe, meaning the laws made from time to time upon the frequent invaſions of the Scots on the borders of England; adding, it was no leſs reaſonable, there ſhould be between the two nations community of commerce, ſince he was no ſtranger, but deſcended from the antient kings of England, and could not be natural liege-lord to both, while they were ſtrangers to one another. Finally, it was againſt nature, for people who lived under the ſame dominion, to be no more united than Frenchmen and Spaniards.

He ſpeaks of his proclamation in favour of the Poſt-nati.

He then proceeded to a nice point, as he had himſelf determined, a thing which properly belonged to the cognizance of the parliament. He ſaid, he was informed by the judges, there was a difference between the Ante-nati, and Poſt-nati of each kingdom, that is, between ſuch as were born before, and ſuch as were born after, his acceſſion to the crown of England; that, therefore, he had publiſhed a proclamation, declaring all thoſe to be naturaliſed in both kingdoms, who were born ſince his acceſſion. That, indeed, he confeſſed the judges might err; but admoniſhed both houſes, "to beware to diſgrace, either his proclamations or the judges, for ſo they might diſgrace both their king and the laws, who have power, when the parliament is done, to try both their lands and lives."

In anſwering the objection taken from the perpetual alliance between France and Scotland, he affirmed, the alliance was not between the two nations, but only between their kings. I do not know whether this was really fact.

He concluded his ſpeech with ſaying, "What is now deſired hath oft before been ſought, and not obtained; to refuſe it now then were double iniquity. And for their ſecurity in ſuch reaſonable points of reſtriction, which he ſhall agree to, they need not doubt his inclination: For, added he, "I will not ſay any thing which I will not promiſe, nor promiſe any thing which I will not ſwear, what I ſwear, I will ſign, and what I ſign, I ſhall with God's grace ever perform."

The union is rejected. Wilſon.

The earneſtneſs which the king expreſſed for the union of the two kingdoms, was not capable of prevailing with the parliament, ſo inconvenient was it thought. All he could obtain, was the repealing of the hoſtile laws. So the union was rejected, without any mention however of the proclamation concerning the Poſt-nati. But by not approving it, the parliament did in effect reject it, ſince a proclamation in England is not conſidered as a law. Nevertheleſs, two years after, the king cauſed the ſame thing to be determined by the judges of the realm, tho' this determination was of no more force than the proclamation.

The ill ſucceſs of this affair extremely troubled the king. In his firſt ſpeech to the parliament, he called ſuch as were againſt the union of the two kingdoms, blind, ignorant, reſtleſs, and diſaffected, and affirmed, no honeſt ſubject whatever was leſs glad of this union than himſelf. But he now found the lords and commons againſt it, and this caſt a ſort of ridicule upon his too haſty judgment. From thenceforward he always appeared very averſe to parliaments; as on the other hand, the people began to diſlike him. They could not ſee without grief, ſo many proclamations, which ſeemed to ſuppoſe the king's will to be the ſole rule of the government. The king's needleſs expences were another cauſe of complaint, becauſe they were compared with queen Elizabeth's frugality and good management. It was conſidered, the 300,000 l. received by the king at his coming, with what was lately granted by the parliament and clergy, ſerved only to enrich his favourites and miniſters. All this began to form a cloud, which, perhaps, would have been followed by a ſtorm, had not the king, on the 4th of July, prorogued the parliament to the 16th of November, and afterwards to the 9th of February *.

Inſurrection in Northamptonſhire. May. Howes.

Before the parliament was prorogued, there were ſome commotions in Northamptonſhire, where the country people roſe in arms, under the conduct of one John Reynolds, who ſtiled himſelf captain Pouch, but theſe troubles were ſhort-lived. The ſheriff of the county found means to diſperſe the rebels, without the aſſiſtance of any regular troops.

The earl of Tir-oen flies from Ireland on pretence of religion. Sept. Howes.

The earl of Tir-oen, the famous Iriſh rebel, pardoned by queen Elizabeth, was brought to London the beginning of this reign, by the lord Montjoy, and preſented to the king, who received him very graciouſly. Soon after, he returned to his native country, where he could not live in peace. He not only attempted once more to raiſe a rebellion in Ireland, but alſo applied to foreign princes for aſſiſtance. His ſecret practices not ſucceeding to his expectation, he was afraid of being apprehended, and choſe to leave Ireland, taking with him the earl of Tyrconnel, whom he had

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* In this ſeſſion it was enacted, that every perſon which is drunk, ſhall forfeit for every offence five ſhillings, to be paid to the church-wardens of the pariſh.

drawn into his plots. When he was come to a place of ſafety, he gave out, that the outrages committed in Ireland upon the Catholicks, had conſtrained him to forſake his eſtate and country; but the king briſkly repelled this aſperſion by a ſort of apology publiſhed on this occaſion, not induring that the world ſhould think him a perſecutor of the Catholicks.

A negotiation for a peace with the Low-Countries. Thuanus.

In the beginning of this year, the archduke and the Infanta, his ſpouſe, ſent into Holland father Ney, provincial of the Order of St. Francis, to propoſe a peace with the ſtates of the United-Provinces. Ney lying concealed for a time at Ryſwick, was, at laſt, admitted to audience by prince Maurice, who told him plainly, there was no hopes of a peace, unleſs the United-Provinces were owned for a free and independent ſtate. This declaration obliged the father to return to Bruſſels, from whence he came ſome time after, with a writing ſigned by the archduke and the Infanta, with which the ſtates were ſatisfied, provided it was ratified by the king of Spain, which ratification Ney undertook to procure. Henry IV. hearing what was tranſacting at the Hague, diſpatched preſident Jeannin to offer his mediation to the ſtates, which was accepted. But as they feared to creat jealouſy in king James, if France alone was concerned in the affair, they wrote to him for his advice and aſſiſtance, and ſoon after, ſent an ambaſſador to inform him more particularly of the ſituation of their affairs. In the interim, the king of Spain's ratification being come, the ſtates found it full of equivocal and captious expreſſions, which gave them occaſion to require explanations. This prolonged the negotiation, the ſucceſs whereof ſhall be related hereafter.

1608. A prieſt and Jeſuit executed. Howes.

April 11, 1608, George Gervis, a ſeminary prieſt of Rheims, was hanged at Tyburn, and the 23d of June, Thomas Garnet, a Jeſuit, had the ſame fate. Garnet was offered a pardon, provided he would take the oath of allegiance, which he reſolutely refuſed.

The death of the lord treaſurer. Wilſon. Saliſbury ſucceeds him.

Thomas Sackville, earl of Dorſet, and lord-treaſurer, dying ſuddenly as he was ſitting at the council-table, Robert Cecil, earl of Saliſbury, ſucceeded him in his poſt. He was a lord of a great genius, and tho' crooked before and behind, nature ſupplied that defect with noble endowments of mind.

The king ſpends abundance of money. Wilſon.

The chief concern of the miniſters was to ſee that the king did not want money. He had occaſion for great ſums, being extremely liberal, or rather prodigal, and it may well be thought, that in procuring money for the king, the miniſters did not forget themſelves; but this is ſo cuſtomary a thing with favourites and miniſters, that it would be wrong to upbraid theſe with it in particular. As to foreign affairs, they were little regarded throughout this whole reign.

Monopoly of cloths. Coke.

One of the propereſt means deviſed to procure the king money, was the monopoly of the ſale of cloths, at the ſollicitation of a certain merchant, who, in all appearance, dearly purchaſed his patent. At this time, the Engliſh were not ſkilled in the art of dreſſing and dying Engliſh woollen manufactures. They ſent them into Holland white, and the Hollanders, after they had dyed them, ſent them back, and ſold them in England. The merchant I juſt mentioned, intimating to the king and miniſtry, that a great profit would accrue to England, if the cloths were dreſſed at home, obtained a patent to dreſs and dye them, excluſive of all others. Then the king publiſhed a proclamation forbidding all perſons to ſend any white cloths abroad. Whereupon the Hollanders prohibited the importation of dyed cloths from England. So the merchant who obtained the patent, not being able to ſell his dyed cloths any where but in England, was forced to dreſs and dye only a ſmall quantity. This raiſed ſuch clamours amongſt the cloth-weavers that the king was obliged to permit the exportation of a certain quantity of white cloths. At length, the court by degrees connived at the offenders, and the woollen-trade continued upon the ſame foot as before.

and of allum. Howes.

The ſame year, the king ingroſſed to himſelf the ſelling of allum, which had been lately found out in England, and prohibited the importation of foreign allum, by prolamation.

A diſpute between the king and the Hollanders about the fiſhery. Coke.

Whether the king intended to be revenged of the Hollanders for breaking his meaſures with reſpect to the woollen manufactures, or only to draw money from them, a proclamation was publiſhed, prohibiting all foreign nations to fiſh on the coaſts of Great-Britain. This occaſioned the next year a treaty, whereby the Hollanders engaged to pay an annual ſum for leave to fiſh. The king would have afterwards broke the treaty, and taken from them the licenſe he had granted them; but they maintained their privilege againſt his conſent, by guarding their fiſhing boats with men of war. James being a pacifick prince, did not think this a ſufficient motive to quarrel with them.

Bancroft perſecutes the Puritans.

Archbiſhop Bancroft never ceaſed to plague the Puritans, to oblige them to conform to the church of England. For this reaſon, great numbers of thoſe people reſolved to ſettle in Virginia, diſcovered in the late reign by Sir Walter Raleigh. Accordingly, ſome departed for that country; but the archbiſhop ſeeing many more ready to take the ſame voyage, obtained a proclamation, enjoining them not to go without the king's expreſs licence. The court was apprehenſive this ſect would become in the end too numerous and powerful in America. This very year the archbiſhop made a freſh attempt concerning the 21 articles formerly mentioned; but the oppoſition of the judges was ſo ſtrong, that the king, however deſirous he was to pleaſe the prelate, durſt not proceed.

A continuation of the treaty for a peace in the Low-Countries. Grotius.

The treaty at the Hague concerning a peace between the archduke and the ſtates, was an important affair, in which it ſeemed, the king would have had a great ſhare, and yet he appeared not to be much concerned. However, he made two treaties with the ſtates,

1608. the firſt whereof was concerning the payment of what was due to him. The other contained an alliance, which was not to take place till after they had concluded a peace with Spain. Then he ſent Sir Robert Spencer to the Hague, to aſſiſt at the negotiations of peace, jointly with Sir Ralph Winwood, his ambaſſador in ordinary. Numberleſs difficulties occurred in this affair, the chief whereof was, that the king of Spain refuſed to ſpeak plainly with reſpect to the liberty of the ſtates. He had ratified the archduke's declaration, but it was on condition the peace ſhould be made, and the ſtates would treat only upon the foot of free ſtates. Beſides, in the king of Spain's ratification were certain ambiguous expreſſions, which the ſtates were not pleaſed with. They knew alſo, that whilſt they were negotiating at the Hague the Spaniſh court was endeavouring to gain the king of England, and for that purpoſe, had ſent to him Don Fernando de Gironne, a lord of great diſtinction, as ambaſſador extraordinary. This made the ſtates extremely uneaſy, and the more, as James affected on all occaſions to intimate, that he looked upon them as rebels. He applied to their caſe the general maxims of ſovereignty, and firmly believed, what he would have had univerſally thought, that ſubjects ought not to withdrew their allegiance from their prince upany account whatſoever. Hence may be judged what effect his mediation could have Accordingly his ambaſſadors made a very little figure throughout the whole negotiation. Jeannin managed every thing, the Engliſh ambaſſadors acting but faintly, and ſhewing little or no deſire that the treaty ſhould ſucceed.

What endeavours ſoever Jeanin might uſe, it was not poſſible for him to cauſe the parties to conſent to a peace; and, therefore, he propoſed, at laſt, a 12 or 15 years truce, during which both parties, ſhould remain in poſſeſſion of what they held without prejudice to their rights; but the ſtates rejected it, unleſs their liberty was plainly eſtabliſhed. Whereupon the ambaſſadors of Spain and the archduke withdrew, as ſeeing no likelihood of peace or truce. However, Jeannin continued his inſtances to perſuade the ſtates to accept of the ratification as it was, and conſent to ſome other articles, on which there had been great debates. At length, by his many repreſentations he obtained of the United Provinces, Zealand excepted, which ſtood out till the next year, what he deſired to accompliſh for the concluſion of the truce.

A teſtimony of preſident. Jeannin.

King James did not gain much credit by this negotiation. Beſides his leaving every thing to the king of France, he acted not with ſincerity, if we may believe preſident Jeannin, who in a letter to the king, his maſter, on this occaſion, ſpeaking of king James, ſays, "He pretends a willingneſs to procure a peace, and yet obſtructs it, by publickly ſaying, he cannot forbear condemning the ſtates for rebelling againſt the king of Spain, their ſovereign." Indeed, Richardot did not ſcruple to own in a letter to Jeannin, that the king of Spain's firmneſs was entirely owing to the king of England's promiſe, that the liberty of the ſtates ſhould not be mentioned in the treaty of truce. Henry IV. had no great opinion of James, as appears from his writing to Jeannin, "that he knew what that---was capable of, but however it did not break his reſt".

1609. A truce of 12 years in the Low-Countries. Howes.

The province of Zealand, reſolving to follow the ſentiment of the other provinces, the conferences were renewed at Antwerp, where a 12 years truce was ſigned, April the 9th, *1609*. By this truce, the ſtates obtained that the king of Spain and archduke owned them as free and independent, and even avoided renouncing the navigation and trade to the Indies, which had been a principal obſtacle to the negotiation.

James diſcovers more and more his principles concerning the regal power. Coke.

James diſcovered no ſatisfaction at the advantages obtained by the ſtates, becauſe he conſidered it as a precedent very dangerous and prejudicial to the ſovereign authority of king's with which he was ever extremely prepoſſeſſed. This evidently appeared at preſent, by his licenſing two books, which maintained the moſt extravagant maxims of arbitrary power. The firſt wrote by Cowel, doctor of civil law, laid down theſe three principles.

1. That the king was not bound by the laws, or his coronation-oath.
2. That the king was not obliged to call a parliament to make laws, but might do it alone by his abſolute power.
3. That it was a great favour to admit the conſent of the ſubjects in giving ſubſidies.

The other book was compoſed by Dr. Blackwood, a clergyman, who laid down this principle, that the Engliſh were all ſlaves by reaſon of the Norman Conqueſt.

He diſappoints the juſtice of the parliament upon the authors of theſe books.

The parliament which met the next year, took this affair to heart, and would have ſeverely upniſhed the authors of theſe books; but the king interpoſed, and fruſtrated the parliament's deſign, by publiſhing a proclamation, to forbid the reading of theſe books, and to order the copies to be delivered to the magiſtrates. But ſuch proclamations are uſually ill-obeyed, eſpecially when it is not the king's intereſt to ſee them ſtrictly executed.

1610. The people are diſſatisfied. Coke.

The king's proceedings increaſed the diſcontent of moſt of the Engliſh. The proclamations which were every day publiſhed, and whereof ſeveral were upon ſubjects not uſed to be decided by the former kings without the concurrence of the parliament, and the indiſcreet ſpeeches of the courtiers, who rallied the people's privileges, bred ſuſpicions and jealouſies, which the king was not ſufficiently careful to ſtifle in their birth. On the other hand, his condeſcenſion for the Roman Catholicks, whoſe cauſe he eſpouſed on all occaſions, their acceſs and credit at court, even to their being admitted to the moſt important offices, and into the miniſtry itſelf, created fears in the people, and cauſed them to ſuſpect ſome plot was formed againſt the Proteſtant religion. The miniſters knowing theſe diſpoſitions, were juſtly apprehenſive of meeting great difficulties in the parliament, which was to ſit the 9th of February. The king intended to procure money, of which he was in great want, tho' he had no war upon his hands, nor any affair which ſeemed to require an extraordinary aid. It was, therefore, neceſſary, at leaſt, to give the parliament good words, and try to palliate his immenſe expences, ſince his acceſſion to the throne. But James believing it to be derogatory to the dignity of a ſovereign, to make an apology himſelf to his ſubjects, ordered the earls of Suffolk and Salisbury to do it for him.

A ſpeech to the parliament from the king. Wilſon.

The earl of Salisbury, who was the ſpokeſman, declared to both houſes, "that they "were met, firſt, to ſupply his majeſty's "wants; ſecondly, to redreſs the people's "grievances." Then he told them, "that "the king, willing to ſhew them a ſingular "mark of his favour, had reſolved to create "his eldeſt ſon prince Henry, prince of "Wales, during the ſeſſion of the parliament, "tho' he was free to do it at any other time, "as by many precedents was evident." Having thus endeavoured to gain the king the good-will of both houſes, by ſo ſtrong an argument of his majeſty's regard for them, he demonſtrated, "it was not without juſt rea-"ſons that the king demanded money, ſince "what he had received had been laid out in "very neceſſary expences. Firſt, as for the "350,000 l. due in the late queen's time, he "no ſooner received the money with one "hand, but he paid it away with the other, "in redeeming the crown-lands ſhe had mort-"gaged to the city of London, Secondly, "he was forced to keep on foot for ſome "time, an army of 19,000 men in Ireland, "not deeming it proper to make peace with "Spain without the ſword in his hand. 3. He "was obliged to bury queen Elizabeth, whoſe "obſequies were very expenſive. 4. His "own journey from Edinburgh to London "could not be performed without money; "for it would not have been decent for a king "to come the firſt time to his kingdom like "a private perſon, and without a numerous "train. 5. Neither was it fit that his royal "conſort, with his children, the kingdom's "future hopes, ſhould be expoſed to robbers, "without a guard and retinue, and conſe-"quently their journey muſt have been very "chargeable. 6. The king of Denmark's "viſit was ſo honourable to his majeſty, that "he could not diſpenſe with giving him a "ſuitable and magnificent reception. 7. The "ambaſſadors who came from all parts to "congratulate him upon his acceſſion to the "crown of England, could not be ſent back "without preſents, for the honour of the "Engliſh nation, beſides the charge to enter-"tain them during their ſtay *. 8. The "king was obliged to ſend ambaſſadors to "the princes by whom he was congratulated, "and to return their civilities †."

Theſe were the cauſes, according to the orator, of the king's wants, and not, as ſome affected to give out, his indiſcreet bounty to his ſervants. "But, added he, how could a "bounty ſo worthy of a king be blamed? If "he did not give to his ſervants, they would "be miſerable in a country abounding with "riches. As for the Scots, it muſt be re-"membered, that tho' they were not born "in the kingdom, his majeſty was born a-"mong them; and not to have them taſte of "the bleſſing he had attained, were to have "him change his virtue with his fortune. "Upon all theſe accounts, his majeſty deſires "the commons to ſupply his wants, which "mark of eſteem could not be denied to a "king, who is not only the wiſeſt of kings, "but the very image of an angel, who has "brought good tidings to the Engliſh, and "ſecured them in the enjoyment of perfect "happineſs; to a king, who by his vaſt "knowledge and noble endowments, deſerves "the title of defender of the faith; to a king, "who has ſhut the back-door by which Eng-"land was liable to invaſions, and who only "ſeeks that every man may live happy un-"der his own olive. That none will wonder "or ſtartle at the king's deſiring a ſupply, "but ſuch as ſtudy to ſerve their own turns, "and believe nothing but what they find "written in the ſtories of their own ignorance. "Among whom are to be reckoned thoſe, "who hearing of an order to bind up the "printed proclamations in a book, that the "better notice may be taken of the things "contained in them, have ſpread a report, "that the king intended (this parliament) to "make proclamations equal to the laws, "which never entered into his thoughts. "That ſo far is he from governing by will "and pleaſure, that he is ready to hearken to "any motion from the two houſes, provided "they keep a juſt proportion, and obſerve "what is due to a great and gracious king."

Complaints againſt the king in the houſe of commons; Wilſon.

This ſpeech produced not the effect hoped by the king and his miniſters. Some of the commons loudly complained of the king's prodigality, and exceſſive bounty to the Scots. They ſaid, the whole wealth of England would not ſerve to ſatisfy their avidity; that ſince the king's acceſſion gold and ſilver were as common in Edinburgh as ſtones in the ſtreets, and that all the riches of England flowed thither, where they were ſwallowed up as in a gulph, and never returned. Others ſaid, it was viſible, the king was gradually undermining the nation's privileges by continual incroachments. That he deſigned to eſtabliſh the civil law, in the room of the common law, and had dropped ſome expreſſions to that purpoſe at his own table. Finally, he had approved of a book lately written, the deſign whereof was to render the common law contemptible

particularly about the high-commiſſion. Coke.

But what made moſt noiſe in the lower-houſe was the high-commiſſion, which exer-

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* When the marqueſs of Roſni the French ambaſſador landed at Dover, the king ſent him word, he could not beat the charges of the ambaſſadors, by reaſon of their number. Rapin.

† The charge of the foreign ambaſſadors that came to England was, 31,400 l. And of the Engliſh ambaſſadors ſent into foreign parts, 20,790 l. State of the revenue.

1610.

ciſed in the kingdom a kind of inquiſition for matters of religion and ſtate. For the better underſtanding this cauſe of complaint, it muſt be remembered, that when Henry VIII. was declared ſupreme head of the church of England, he appointed Cromwell for his vicegerent in religious affairs, with power to exerciſe the ſupremacy in his name. After the tragical end of this firſt and only vicegerent, this office was executed by commiſſioners. And this is what was called the high-commiſſion, which continued during the lives of Henry VIII. and Edward VI, and ceaſing in Mary's reign, was revived by Elizabeth. In her reign the high-commiſſion exerciſed its authority with great moderation; but the caſe was otherwiſe under James I. This prince, as I have frequently obſerved, mortally hated the Puritans, and after his proclamation for uniformity, it was the high-commiſſion's buſineſs to ſee his injunctions executed. It may be eaſily gueſſed that the commiſſioners, who were all named by the king, were not favourable to the Puritans. Accordingly, they very rigorouſly exerciſed their power. Had they ſtopped there, this ſeverity upon a ſet of obſtinate people, as they were reckoned, and whoſe number was ſmall in compariſon of the Epiſcopalians, would not have excited the complaints of the lower houſe. But they went much farther. I have obſerved, that becauſe the Puritans were againſt the hierarchy, the king inferred they were alſo againſt monarchy, and there were but too many who laboured to confirm him in this notion. For this reaſon, all who were not very ſubmiſſive to the king's orders, or great aſſertors of the privileges of the people, were affectedly called Puritans. Under this pretence the high-commiſſion proceeded againſt them, and wanted not means to moleſt them. Thus to be really a Proteſtant and member of the church of England, the communicating in that church, and complying with the external worſhip were not ſufficient, the king's authority was alſo to be acknowledged as extenſive as his flatterers were pleaſed to make it. They who ventured to cenſure his conduct, and queſtion his unlimited power, were deemed infected with Puritaniſm, and to reaſon upon puritanical principles. So there were then two ſorts of Puritans, Church-Puritans, and State-Puritans. But the high-commiſſion affected to confound them one with another, in order to exerciſe authority upon both. This was the occaſion of the complaints in the houſe of commons.

The king being informed of what was talked in the parliament, ſent for both houſes to Whitehall, and endeavoured to ſhew, he was unjuſtly complained of. But withal, he intimated by ſome expreſſions which plainly diſcovered his ſentiments, that if he did not rule with an abſolute ſway, it was not for want of power, but entirely owing to his equity.

The king's ſpeech to both houſes. Wilſon.

He told them, 'Tho' the king's heart be in the hands of the Lord, yet he will ſet it before the eyes of the people; aſſuring them, that he never meant to govern by any law, but the law of the land; tho' it be diſputed among them, as if he had an intention to alter the law, and govern by the abſolute power of a king. He knew, he ſaid, the power of kings, reſembling it to the power divine; for as God can create and deſtroy, make and unmake at his pleaſure, ſo kings can give life and death, judge all, and be judged of none. They can exalt low things, and abaſe high things, making the ſubjects like men at cheſs, a pawn to take a biſhop. And when he had raiſed the king's power to the height, with, "Ye are Gods," he brings them down again with, "They ſhall die like men:" And that all kings, who are not tyrants or perjured, will bound themſelves within the limits of their laws; and they that perſuade them the contrary, are vipers and peſts both againſt them and the common-wealth. "Yet as it is blaſphemy to diſpute what God may do, ſo it is ſedition in ſubjects to diſpute what a king may do in the height of his power. And as he will not have his ſubjects diſcourſe of what he may, ſo he will do nothing but what ſhall be conſonant to law and reaſon." Then he ſtrives to mitigate the ſharpneſs of the words dropped from him at his table, to the diſparagement of the common law, on which he beſtows very high encomiums; but recalling himſelf, he points out ſome corruptions in it.

'After which, he addreſſes himſelf to the houſe of commons, and not only thanks them for the bonfire they made of certain papers, which were preſented as grievances from ſome diſcontented murmuring ſpirits; inſtructing them how to receive grievances hereafter: In which he would have them careful to avoid three things.

'The firſt, that they meddle not with the main points of government, that is his craft. To meddle with that were to leſſen him, who had been 30 years at the trade in Scotland, and ſerved an apprenticeſhip of ſeven years here (in England.)

'Secondly, he would not have ſuch antient rights as he hath received from his predeceſſors accounted grievances; that were to judge him unworthy to enjoy what they left him.

'And laſtly, that they ſhould be careful not to preſent that for a grievance, which is eſtabliſhed by a law; for it is very undutiful in ſubjects to preſs their king wherein they are ſure to be denied. Complaints may be made unto them of the high-commiſſioners, let the abuſe appear then, and ſpare not; there may be errors among them; but to take away the commiſſion, is to derogate from him; and it is now in his thoughts to rectify it in a good proportion.

'Then he ſhews the emergent cauſe of his great expences, ſince his coming to the crown, which makes him deſire a ſupply from them. And if they refuſe to grant it him, his reputation will ſuffer at home and abroad; for the world will think it want of love in them, or merit in him, that both

1610.

The commons hide their reſentment.

'leſſened their hearts, and tied up their 'hands towards him.'

There was need of no great penetration to perceive in the king's ſpeech, the maxims on which he pretended to have a right to govern the Engliſh nation, and his idea of monarchy in all countries without diſtinction. He ſpoke ſo plainly, that it would have been difficult not to underſtand him. If it was ſedition in ſubjects to diſpute about the extent of the regal power, it neceſſarily followed, the king might do any thing; and if he ruled not like a tyrant, it was not for want of power, but entirely owing to his juſtice and clemency. In ſhort, if the whole ſpeech be examined, there is ſcarce a word but what tends either plainly, or ambiguouſly, to eſtabliſh in the king an abſolute and deſpotick power. The Engliſh had not been uſed to hear their kings ſpeak in this manner. Henry VIII. the moſt arbitrary of all, managed the parliament, in order to procure acts in favour of the ſovereign, but never pretended to eſtabliſh his authority upon ſuch principles. So, the commons evidently perceiving what the king had in his thoughts, reſolved ſtrenuouſly to oppoſe his deſigns. But it was not yet a proper ſeaſon to begin; ſuch great bodies require time to form and execute their projects. They feigned, therefore, to take no notice of the maxims the king would have eſtabliſhed, and granted a ſubſidy, tho' a much ſmaller than he expected. This done, the parliament having ſat till July 23, was prorogued to the 16th of October.

Henry created prince of Wales. June 4. Act. Pub.

Before the end of the ſeſſion, the king created his eldeſt ſon Henry, prince of Wales, and ſettled his houſhold, ſo that the young prince kept his court at St. James's, whilſt the queen kept her's at Somerſet-houſe, to which ſhe gave the name of Denmark-houſe; but it was called ſo only during her life, and among her own people. Thus the king had three courts to maintain, which was very expenſive.

The character of the prince of Wales. Oſborn.

All the hiſtorians affirm, the prince of Wales was of a very different character from that of the king, his father. Tho' he was but 16 years old, there appeared in him principles of equity, juſtice, moderation, magnanimity, which ſo gained him the love and eſteem of the Engliſh, that the king could not forbear being jealous. His court was well regulated, no extravagancies or indecencies were ſeen there, except, perhaps, the too frequent maſquerades, which were then much in vogue, becauſe the queen was paſſionately fond of them. As for the king, it is ſaid, he did not ſpend much of his time in ſtate-affairs, but entirely truſted to his miniſters. It may be, this is a little aggravated, tho' it is not very unlikely, that a prince who was in peace with all the world, and a great lover of books, and hunting, ſhould leave common affairs to his miniſters.

A war about the ſucceſſion of the duke of Cleves. Wilſon.

1610.

Whilſt James lived in profound tranquillity, the eyes of all Europe were fixed upon Henry IV's grand project to humble the houſe of Auſtria. This houſe daily grew ſo formidable, that it might very juſtly raiſe the jealouſy of the other ſtates. What had lately happened on account of the ſucceſſion of John-William, duke of Cleves, was a clear evidence how attentive the houſe of Auſtria was to aggrandiſe itſelf on all ſides. The duke of Cleves dying the 25th of March, 1609, his four ſiſters, or their heirs, claimed his inheritance, containing the duchies of Cleves, and Juliers, and the earldoms of la Marck, Bergh, Ravenſbergh, and Raveſtein. The chief competitors were, Wolfgang-William, ſon to the duke of Newburg, John duke of Deuxponts, both of the Palatin family, John Sigiſmund, elector of Brandenburgh, Chriſtian II, elector of Saxony, and Charles of Auſtria, marqueſs of Burgaw. Whilſt theſe princes contended about the ſucceſſion, the emperor Rodolphus II. pretended it was to be committed to his truſt, till the affair was decided. To that purpoſe, he ſent his orders to Leopold of Auſtria, biſhop of Straſburgh, who entering the duchy of Juliers at the head of an army, took the capital city, and left a garriſon in it. This proceeding convincing the elector of Brandenburgh, and the duke of Newburg, that whilſt they were contending about the duke of Cleves's ſucceſſion, they both ran the riſque of loſing it, they joined in a league, and taking poſſeſſion of the reſt of the deceaſed duke's dominions, implored the aſſiſtance of France and Holland to ſupport them. Henry IV. who had now made great preparations againſt the houſe of Auſtria, promiſed to aſſiſt them in perſon. At the ſame time, he ordered the troops he had in Holland, to be ready to join him in the duchy of Cleves, and deſired the ſtates to ſend thither alſo prince Maurice, with part of their own forces. But whilſt he was preparing for this expedition, he was murdered by Ravailliac, a frier, in his own coach, in the midſt of Paris *.

Henry IV. is ſtabbed. May 3. Camden's Annals.

A proclamation to baniſh the Jeſuits. June 4. Act. Pub.

The murderer's confeſſion diſcovered, that this regicide was committed in conſequence of that doctrine of the Romiſh church, which was ſo diſagreeable to king James, and the Jeſuits were univerſally believed to be concerned in it. Wherefore James finding how much it behoved him to remove from his perſon, men who held ſo deteſtable a doctrine, iſſued out a freſh proclamation, commanding all Jeſuits, (and prieſts,) to depart the kingdom, and all recuſants, not to come within 10 miles of the court. Then he cauſed all his ſubjects to take the oath of allegiance, which the parliament, then ſitting, had firſt taken.

James has a mind to marry prince Henry in Spain. Wilſon.

The court of Spain was generally ſuſpected of contriving the king of France's murder, becauſe, that prince was known to be making great preparations againſt the houſe of Auſtria, and that houſe was not ſeen to prepare to oppoſe his deſigns. In the interim, whether James did not believe it, or thought it adviſeable to gain the friendſhip of a houſe ſo

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* At his examination he boldly confeſſed he did it, becauſe the king did not take arms againſt the Huguenots, and that his making war againſt the pope, is the ſame as to make war againſt God, ſeeing the pope was God, and God was the pope. Cave.

formidable to the Proteſtants, he ſent to Sir Charles Cornwallis, his ambaſſador, to negotiate a marriage between the prince of Wales and the king of Spain's eldeſt daughter.

The death of Bancroft. Wilſon.

Richard Bancroft, archbiſhop of Canterbury, and grand adverſary of the Puritans, died about this time. He had procured the king's patent to found a college at Chelſea, for the maintenance of a certain number of able controverſiſts, who were to combat with their ſermons and writings, the adverſaries of the church of England, as well Puritans as Papiſts; but his death put an end to the project. George Abbot, who ſucceeded him, was of a very different character. He was even ſuſpected and accuſed of being a Puritan, becauſe he would not, like his predeceſſor, perſecute that ſect, nor blindly follow the maxims of the court with reſpect to government.

The parliament is diſſolved. Journ. Par.

The parliament meeting the 16th of October, the commons were in a humour which pleaſed not the king; and, therefore, he determined to diſſolve the parliament by proclamation the 31ſt of December, having firſt prorogued it. The miniſters finding by the motions made in the lower-houſe, that a reſolution was taken to uſe the moſt effectual methods to redreſs the grievances, thought it againſt the king's and their own intereſt, to ſuffer the commons to execute this project. The pretences for diſſolving the parliament ſet forth in the proclamation, were:

Coke.

“That the king had propoſed many things far differing and ſurpaſſing the graces and favours of former times, both in nature and value, in expectation of a good concluſion of ſome weighty cauſe, which had been there in deliberation, not only for the ſupply of the neceſſities of his majeſty's eſtate, but for the eaſe and freedom of his ſubjects; but theſe being, the two laſt ſeſſions, little taken notice of, and that the members, by reaſon of the length of the parliament, were debarred from the hoſpitality they kept in the country, and that divers ſhires, cities, and boroughs, had been burdened with expence of maintaining their members; for theſe reaſons he diſſolved them.” This parliament, being the firſt of this reign, had ſat ſeven years. From its diſſolution to the year 1614, it was the miniſtry's buſineſs to deviſe ways and means to ſupply the king's wants.

The taking of Juliers. Wilſon. Act. Pub.

On the 1ſt of September prince Maurice became maſter of Juliers, with the aid brought by the marſhal de la Chatre from France, and the Engliſh forces that were in the ſervice of the ſtates, under the command of Sir Edward Cecil, the earl of Saliſbury's brother.

1611. The court diverſions. Wilſon.

The king being freed from the incumbrance of the parliament, and reſolving never to call another, the courtiers greatly applauded his deſign. An abſolute government was much more for their advantage, than a government bounded by the laws, where the king in ſome meaſure depends on the people. The whole court was overjoyed at the king's ſhaking off the troubleſome yoke of the parliaments. The three courts were a continued ſcene of mirth and diverſions, and eſpecially the queen's where ſcarce any thing elſe was regarded. She had her favourites, as the king had his, that is, perſons whoſe avidity was to be ſatisfied. The king, however, had not yet a favourite, according to the uſual ſenſe of the word, tho' whilſt he reigned in Scotland, he had plainly ſhewed he could hardly be without one. Perhaps, the ill offices, the Engliſh and Scots did one another, had, till now, prevented the king from fixing. Beſides, this prince's taſte was very different from that of moſt others. Neither virtue, nor merit, nor eminent qualities, had any charms for him. He was to be captivated only by ſomething external and dazzling, as youth, gracefulneſs of perſon, fine cloaths, and the like. Never was prince ſo much taken with ſuch ſort of outward accompliſhments. I ſpeak upon the teſtimony of the lord Clarendon, and ſeveral others, and upon the characters of this prince's favourites as well in England as Scotland, in whom no other merit was ever acknowledged. Be this as it will, among the Engliſh and Scots who approached the king, there was not yet found any one poſſeſſed of the qualities requiſite to become his favourite. He wanted an unexperienced youth, whom he might mould as he pleaſed. The Engliſh and Scots accounting it a ſort of miracle that he could live ſo long without abandoning himſelf to ſome perſon, ſtrove with emulation to give him a favourite, without his perceiving it, by cauſing all the youths of their nation, whom they thought moſt capable of gaining his heart, to appear in his ſight. But hitherto neither had been able to compaſs their ends. It was not till 1611, that the Scots found means, at laſt, to gain the advantage of their rivals, by giving the king a favourite of their nation.

Robert Carr becomes the king's favourite. Wilſon.

Robert Carr, a young Scotch gentleman, about 20 years of age, juſt come from learning his exerciſes in France, going to court to wait on the lord Hay, his countryman, to whom he was recommended, that lord had no ſooner caſt his eyes on him, but he imagined him a fit perſon to fix the king's affection. With this view, he reſolved to ſhew him at court, and ſurpriſe the king, by preſenting to him, as by chance, this new object. One day at a tilting, he choſe Carr to preſent his ſhield and device to the king, according to cuſtom. The king being on horſeback, and Carr advancing to perform his office, his horſe by ſome accident happened to ſtart, threw him down, and break his leg. The king ſorry for this misfortune, aſked who the young man was, and hearing his name was Carr, remembered he had a page of that name in Scotland, which proved to be the ſame. This made him ſtill the more concerned for his fall; and was the cauſe of his ordering him to be lodged in the palace, and all poſſible care to be taken of him. The tilting was no ſooner over, but he viſited Carr in his room. Next day he came again. In ſhort, as long as Carr kept his bed, not a day paſſed but the king ſpent an hour or two with him. He found in this young

young Scot no great depth of learning, or experience, yet ſuch a calm outſide, as made him think there might be a fit harbour for his moſt retired thoughts. Wherefore, he reſolved to fix his inclination upon this object, hoping to render him, by his inſtructions, as great a man as any of his miniſters. As ſoon as Carr was recovered, the king made him a knight, and gentleman of the bed-chamber, and took the pains himſelf to teach him Latin. In a word, Carr became a perfect favourite. All ſuits, all petitions were addreſſed to him, and no favours granted but by his means. Happily for him George Hume, earl of Dunbar, a Scotchman, who was very much eſteemed by the king, died about this time. So Carr enjoyed the king's favour without a rival, and was raiſed to the office of lord treaſurer of Scotland, vacant by the death of Dunbar.

James ſides againſt the Arminians in Holland.

K. James's Works.

The king's new inclination hindered him not from interpoſing in the diſputes cauſed in Holland by the diverſity of opinion upon certain religious points, between the Gomariſts and the Arminians or Remonſtrants. Theſe diſputes are ſo well known, that it would be loſt time to explain them. It will ſuffice to relate the occaſion of the king's interpoſing without being applied to, and even with an extraordinary zeal, for the preſervation of orthodoxy in this church, tho' foreign and Preſbyterian.

See Wilſon.

Franciſcus Gomarus and Jacobus Arminius, both divinity-profeſſors in the univerſity of Leyden, had ſome years ſince diſcovered a difference in opinion, concerning abſolute predeſtination, inamiſſibility of grace, and ſome other theological points. They begun their diſputes at the end of the laſt century; but the war at that time not permitting people to attend to their controverſy, it was confined to their ſchools till the year 1608. Gomarus followed the opinion of the firſt reformers, and Arminius took a contrary courſe. At laſt, the ſtates of Holland perceiving a ſchiſm was forming in their church, endeavoured to prevent it by means of a conference, which ſerved only to inflame it. The diſputes continued; each ſtrengthened his party; and the ſtates, being then employed in the important affair of the truce, could not attend to this, and prevent its conſequences. Arminius dying in 1608, his diſciples and followers continued the diſpute. At length, they preſented to the ſtates a petition, containing the articles of their faith; and as, inſtead of the term petitioners, they uſed that of remonſtrants, they were ſo called, and gloried in the name. The Gomariſts preſented likewiſe their petition, ſtyling themſelves Contra-Remonſtrants. For ſome time the two parties were known by no other names. But afterwards, that of Contra-Remonſtrants was ſcarce heard of, whilſt Arminius's followers are ſtill called Remonſtrants or Arminians.

Arminius's profeſſorſhip was filled with Conrade Vorſtius, divinity-profeſſor at Steinfort, in the county of Bentheim. This divine had publiſhed a treatiſe concerning God, which had ſo exerted the Gomariſts againſt him, that he was obliged to clear himſelf in a printed apology from their imputations. But notwithſtanding, before he came to Leyden, he was repreſented as a real Socinian. In 1611, he was attacked by ſome divines, who offered to ſhew damnable errors both in his treatiſe concerning God, and in his apology. Theſe two books being ſent into England, the king read them, and preſently after ſent to Sir Ralph Winwood, his ambaſſador at the Hague, a liſt of the errors he had remarked, ordering him withal to declare to the ſtates, that he was reſolved to publiſh in print, how much he deteſted ſuch abominable errors, and the allowers and tolerators of them. This was directly falling upon the ſtates, who had acquitted Vorſtius. The ambaſſador preſented, therefore, on this occaſion, a memorial, to which the ſtates returned a modeſt anſwer, tho' they had reaſon to complain of the haughtineſs, the king treated them with. Before the king received the anſwer, he had ordered ſome of Vorſtius's books to be publickly burnt at London, Oxford, and Cambridge. Notwithſtanding all this, Vorſtius was received at Leyden, and the king wrote againſt him to the ſtates with ſo much vehemence, that, in his opinion, burning was too good for him; nay, he threatened, that in caſe they continued to tolerate this profeſſor, he would cauſe the churches of England and Scotland to withdraw from the communion of that of Holland, and exhort all other reformed churches to follow the example. Winwood when he delivered this letter, made a ſpeech to the ſtates, wherein he perfectly ſeconded his maſter's intentions.

Tho' the ſtates of Holland thought it very ſtrange to be thus checked, they believed, however, it was proper to ſhew a regard to the king of England, tho' without complying with what he required. To this end, they anſwered the ambaſſador, that they had proviſionally ordered, that Vorſtius ſhould forbear the functions of his office till the next aſſembly upon this affair, and in the mean time remain at Leyden only as an inhabitant. Winwood took this anſwer for a denial, and complained in very haughty terms, of their little reſpect for the king, his maſter. Not long after, the king publiſhed a declaration againſt Vorſtius, wherein he uſes the ſtates of Holland very roughly. Then the ſtates, who were unwilling to quarrel with him, ordered Vorſtius to remove from Leyden to Gouda, where he had another ſettlement provided for him.

A remark on this ſubject.

It is difficult to gueſs the true cauſe of the king's great zeal on this occaſion. It ſeems, on the contrary, that he ought not, upon many accounts, to have interpoſed in a theological diſpute, about which the ſtates had not aſked his advice, and which concerned a church, over which he could not challenge the leaſt juriſdiction. How could he, who in his ſpeech to both houſes of parliament, called the queſtions about tranſubſtantiation, and the number of the ſacraments, mere ſchool-queſtions, how could he, I ſay, account the queſtions

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queſtions concerning grace in Holland, to be of ſo much greater moment? Moreover, he who thought the Papiſts might be tolerated in England, provided they behaved like good ſubjects, could not bear that Vorſtius ſhould be tolerated in Holland, or even ſo much as ſuffered to live. Theſe are contradictions which I can only venture to explain by three conjectures. Firſt, as he pretended to be very learned in divinity, he imagined, that having declared for one of the opinions, he was bound in honour to ſupport it. Secondly, looking upon himſelf ſtill as protector of the ſtates, he had a mind to exert his authority on this occaſion, and oblige them to do as he required. Thirdly, he was willing to favour prince Maurice, who had declared for the Gomariſts, againſt the Arminians, who had penſionary Barnevelt at their head. I return to the affairs of England *.

1612. Carr is made viſcount Rocheſter. Howes.

The king's fondneſs for his new favourite continually and ſwiftly encreaſed. The favours the king loaded him with, ſeemed to exceed all bounds. Having made him knight, gentleman of the bed-chamber, lord-treaſurer of Scotland, he created him the 25th of March, 1612, baron of Branſpeth, and viſcount Rocheſter. A month after, he made him privy-counſellor, and then knight of the garter. Every thing at court paſſed through his hands, and whoever deſired any favour of the king, was firſt to make the viſcount Rocheſter his friend. So many favours heaped on this favourite, convinced the miniſters and courtiers, it would be in vain to endeavour to ruin him; and even to attempt it, would be very dangerous. So every one reſolved to pay his adorations to the perſon the king was pleaſed to honour. The earl of Saliſbury, however, was not pleaſed, to be ſurpaſſed by this new-comer, and continually obliged to uſe all his art to find money, in order to ſee it ſhowered on a man whoſe ſervices were yet ſo inconſiderable. All the hiſtorians agree, the king was liberal beyond meaſure, in his preſents to his young favourite, as if he had been poſſeſſed of an inexhauſtible fountain of treaſure, tho' he was ever in want. One day, as the ſtory goes, the king having given him an order under his own hand, to receive 20,000 pounds at the exchequer, the lord treaſurer Saliſbury, ſurpriſed at the immenſeneſs of the preſent, conſidering how little money there was then in the treaſury, ſucceſsfully uſed a ſtratagem, to demonſtrate to the king, the exceſs of his bounty. He ordered the money, all in ſilver, to be laid on four tables in a room of his houſe, and inviting the king to an entertainment, cauſed him to paſs through the room as by accident. The king failed not, as the lord treaſurer foreſaw, to aſk, for what all that money was deſigned; to which Saliſbury careleſsly anſwered, it was for the viſcount Rocheſter, according to his majeſty's command. Whether the king underſtood his meaning, or had

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not conſidered the greatneſs of the preſent, he ſaid, it was too much for one man, and bid the treaſurer give him but 5000 pounds.

The prudent behaviour of the favourite.

It is agreed by all the hiſtorians, that Carr behaved at firſt very wiſely, as favourite. He was neither greedy nor inſolent; he did every one what ſervice he could, and eſpecially the Engliſh, whoſe friendſhip he preferred before that of his countrymen. He had but one Scotch ſervant, and one friend of that nation, a couſin-german. This conduct rendered him agreeable to the Engliſh. The prince of Wales alone, affected ſometimes to mortify him, becauſe they were both enamoured of the counteſs of Eſſex, who gave the preference to the favourite. This was ſufficient to gain him the prince's enmity, who nevertheleſs, would not be revenged of him. He choſe rather to turn into contempt, his love for the lady, who, as we ſhall ſee preſently, was not worthy of ſuch a lover. Except this amour, which proved his ruin, the favourite carried himſelf very prudently, being guided by the counſels of Sir Thomas Overbury, a man of parts and great wiſdom, who took care to keep him clear of thoſe rocks, on which favourites ſeldom fail to run.

The king loads him with favours.

But tho' the viſcount Rocheſter, carefully avoided being troubleſome, his modeſty ſerved only to inflame the king's deſire, to render him inſtantly rich and powerful. This, added to the many bounties he beſtowed on his courtiers, both Engliſh and Scotch, and to the maintenance of three ſeveral courts, threw him perpetually into ſtraits. His miniſters were inceſſantly deviſing means to raiſe money without a parliament, of which he would not hear the leaſt mention. It may be eaſily conceived, theſe means were not all legal, but that many of them occaſioned murmurs among the people, as monopolies, benevolences, and loans. A king of England can very hardly increaſe his revenues by ſuch methods, without giving his ſubjects cauſe to believe, he intends to incroach upon their privileges, and James was now but too much ſuſpected of ſuch a deſign.

The death of the earl of Saliſbury. May 24. Camden's Annals.

The king, to his great misfortune, loſt in May the next year, 1613, the earl of Saliſbury, who was perfectly acquainted with the affairs of the ſtate, and genius of the Engliſh. He was a check to the reſt of the miniſters, and hindered them from running upon precipices, the danger whereof they did not know ſo well as he. Moreover, he had a wonderful art of diverting the king himſelf from hurtful reſolutions, tho' he did not always ſucceed. The earl of Suffolk was made lord treaſurer; but he was very different from the perſon he ſucceeded, both for parts and uprightneſs. Beſides, he had a wife who was very greedy of money, and made no ſcruple to take bribes with both hands.

Queen Mary's body is removed to Weſtminſter. Act. Pub.

During the great tranquillity enjoyed by the king, he cauſed the body of the queen, his

mother,

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* This year, on Decemb. 12. died Thomas Sutton, Eſq; founder of the Charter-houſe in London. This noble foundation he endowed with about 4500 l. a year, for the maintenance of a maſter, a preacher, a free-ſchool, in which are 40 ſcholars, and a maſter and uſher; and alſo for the maintenance of 80 poor people, who are to be provided with ſufficient cloathing, meat, drink, lodging, wages, &c. Stow's Survey.

mother, to be removed to Henry VII's chapel at Weſtminſter, from Peterborough, where it was interred, at firſt, and had lain ever ſince.

About the middle of the year, Robert Chreighton, lord Sanquir, a Scotch nobleman, was condemned to be hanged, for hiring two of his countrymen to murder a fencing-maſter[†]. The archbiſhop of Canterbury and ſeveral great men interceded for him in vain. Nothing could prevail with the king to pardon him, who thought this example neceſſary to curb the inſolence of the Scots, who had already committed ſeveral outrages in England. His clemency to ſome had produced ſuch ill effects, that he did not think proper to continue the ſame courſe, for fear, in the end, of a general quarrel between the two nations, which muſt have been to the diſadvantage of the Scots[*].

Sir Robert Sherley arrives as ambaſſador from the king of Perſia. Camden's Annals.

Soon after, arrived in England a very extraordinary ambaſſy. Sir Robert Sherley, an Engliſhman, who had ſerved the king of Perſia many years in his army, deſiring to ſee his native country, obtained of that monarch the character of his ambaſſador, and a letter of credit to the king. His inſtructions were only to pay his compliments to the king, with the offer of a free trade to the Engliſh throughout the Perſian dominions. This ambaſſador had paſſed thro' the Hague, where he demanded audience of the ſtates, to propoſe to them a treaty with the king of Perſia; but becauſe he came from Spain, where he had made ſome ſtay, the ſtates ſuſpecting, he had ſome other deſign, asked to ſee his inſtructions, and upon his ſcrupling to ſhew them, he was deſired to withdraw. As he had been alſo at other courts, it was believed, he had put the king of Perſia in hopes of engaging all the Chriſtian princes in a war with the Turks, who were preparing to invade him. He had married a Perſian wife, who was delivered of a ſon in England, to whom the queen ſtood godmother, and prince Henry godfather. After a year's ſtay in England, he returned into Perſia.

The elector Palatine's arrival. Wilſon.

The arrival of this ambaſſador did not make ſo much noiſe as that of Frederick V, elector Palatine, who came in October to marry the princeſs Elizabeth, the king's daughter. He was received with all the reſpect imaginable; and for ſome time nothing was ſeen at court but entertainments and diverſions on his account. But amidſt the univerſal joy for this marriage, the prince of Wales was ſeiſed with a diſtemper, which, at firſt, was not thought dangerous. It begun on the 10th of October, a few days before the elector Palatine's arrival; but he himſelf believed it of ſo little conſequence, that he accompanied the elector every where for ſome days. He was not forced to keep his bed till the 25th of the ſame month, and died the 6th of November, at the age of 18 years.

The death of the prince of Wales. Coke.

His encomium. Oſborn.

He was one of the moſt accompliſhed princes that ever was, I will not ſay in England, but in all Europe, if we may believe what hiſtorians relate of him. He was ſober, chaſte, temperate, religious, full of honour and probity. He was never heard to ſwear, tho' the example of his father and the whole court, was but too apt to corrupt him in that reſpect. He took great delight in the converſation of men of honour; and thoſe who were not reckoned as ſuch, were looked upon with a very ill eye at his court. He had naturally a greatneſs of mind, noble and generous thoughts; and was as much diſpleaſed with trifles, as his father was fond of them. He frequently ſaid, if ever he mounted the throne, his firſt care ſhould be to try to reconcile the Puritans to the church of England. As this could not be done without conceſſions on each ſide, and as ſuch a condeſcenſion was directly contrary to the temper of the court and clergy, he was ſuſpected to countenance Puritaniſm. He was naturally gentle and affable; but, however, in his carriage had a noble ſtatelineſs without affectation, which commanded eſteem and reſpect. He ſhewed a warlike genius, in his paſſionate fondneſs for all martial exerciſes. A French ambaſſador coming to take his leave of him, found him toſſing the pike, and asking him, "what ſervice he would command "him to his maſter?" The prince bid him tell him, "what he was doing." In ſhort, to ſay all in a word, tho' he was 18 years old when he died, no hiſtorian has taxed him with any vice. The king, his father, is ſaid to have been jealous of him, and to ask one day, "If "his ſon would bury him alive?" I paſs over in ſilence many things ſaid upon this occaſion, particularly what ſome authors would inſinuate, that the king cauſed him to be poiſoned. In ſuch a caſe, the proofs ought to be as clear as the ſun, and I find in the moſt inveterate hiſtorians againſt king James, only bare ſuſpicions and naked conjectures, which, probably, were but fruits of the blackeſt ma-

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[†] Oſborn ſays, it was thought the king would not be prevailed with to pardon Sanquir, as he had done ſome other of his countrymen for the like offence, by reaſon of his love to the king of France, and not making any reply, when he ſaid in his preſence, to one that called our king James, Solomon, that "he hoped he was not Da-"vid the fidler's ſon." Howes.

[*] Ramſey ſwitched Philip Herbert, the earl of Pembroke's brother, over the face at a horſe-race, which he not reſenting, the king made him a knight, a baron, a viſcount, and an earl in one day. Mr. Edward Hawley of Grey's-Inn, coming to court one day, Maxwell led him out of the room by a black-ſtring he wore in his ear, a faſhion then much in uſe. But this had like to have coſt warm blood; not only Grey's-Inn ſociety, but all the gentry in London, thought themſelves concerned in the affront, and Hawley threatened to kill Maxwell wherever he met him, if he refuſed to fight; which ſo frightened the king, that he ſent for the benchers, and made up the quarrel. One Murray a Scot, killed a ſerjeant that came to arreſt him; which things, with Sanquir's piſtoling Turner, and other inſolencies, occaſioned the following verſes on the Scots:

They beg our lands, our goods, our lives,
They ſwitch our nobles, and lie with their wives;
They pinch our gentry, and ſend for our benchers;
They ſtab our ſerjeants, and piſtol our fencers. Oſborn.

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lice. Others are contented with accuſing the viſcount Rocheſter of this crime, but without any manner of proof. Some ſlight preſumptions, which I ſhall have occaſion to ſpeak of elſewhere, may have helped to breed this ſuſpicion, which, indeed, was ſpread immediately after the prince's death. Wherefore his head and body were ordered to be laid open in the preſence of many phyſicians and ſurgeons, who gave their opinion upon oath, that no marks of poiſon appeared. But what reflected moſt upon the king, was his commanding that no perſon ſhould appear at court in mourning; whether he was willing to remove all melancholy objects from his ſight, that might conſtantly renew his concern, or did not think proper to interrupt the diverſions prepared for his daughter's marriage. Decency obliged him, however, to defer the nuptials a few weeks, as the prince's funeral could not be performed till the 7th of December.

The elector and prince Maurice, are made knights of the Garter. Camden's Annals.

Preſently after, the king held a chapter of the Order of the Garter at Windſor, wherein the elector Palatine, and prince Maurice, ſtadtholder of Holland, were made knights. They were inſtalled in February following, both on the ſame day, the one at Windſor, the other at the Hague.

1613. The marriage of the elector and the princeſs. Howes.

The beginning of the year 1613, was wholly ſpent in preparations for the princeſs's wedding, which was ſolemniſed the 14th of February, the elector having been inſtalled knight of the Garter, on the 7th. Nothing was ſpared to render the entertainments on theſe occaſions as magnificent as poſſible. To this end the king demanded aid-money of his ſubjects, according to the antient cuſtom, obſerved when the kings married their eldeſt daughter. Tho' it was now 100 years ſince this cuſtom had been uſed, there having been no occaſion ſince the reign of Henry VII, yet few or none durſt refuſe to give what the king demanded. Great ſums were raiſed by this means, which were all expended in the marriage. The elector and the princeſs ſtayed in England till April, during which time there was nothing but entertainments, balls, maſquerades, and other diverſions. The city of London made the new married couple a ſplendid feaſt; after which, the lord mayor, and aldermen, preſented the bride with a chain of oriental pearl, worthy the greatneſs and riches of that metropolis.

By the departure of the elector and electoreſs, the court became a little more quiet, as to publick rejoicings, which had held ſeveral months without ceaſing. But at the ſame time, a private ſcene was acting, the plots whereof began to open this year, but were not quite unravelled till two years after. I mean, the annulling of the earl of Eſſex's marriage; his counteſs's ſecond marriage with the viſcount Rocheſter; and the violent death of Sir Thomas Overbury. As theſe three incidents did not happen all at once, and by accident, but were gradually brought in, by diabolical practices, it will be neceſſary to relate ſome things already paſſed, and which were deferred, that the thread of the ſtory might not be interrupted.

1613. An account of the diſſolving of the earl of Eſſex's marriage. Wilſon.

Robert Cecil, earl of Saliſbury, was, as I obſerved, a mortal enemy to the earl of Eſſex, and one of the chief inſtruments of his ruin. This earl left a ſon, who being but nine years old, did not give Cecil much uneaſineſs, tho' the king, at his coming to England, reſtored him to his eſtate and honours. In the interim, as this able miniſter could not be ignorant of the king's affection for the father, he was apprehenſive, that, one time or other, he ſhould be made to pay for all his artifices to ruin that lord. It was chiefly upon this account, that, in order to preſerve the king's favour, he judged it proper to unite cloſely with the Howard's family, by his ſon's marriage with the earl of Suffolk's eldeſt daughter. After which, perceiving the earl of Eſſex to grow up, and fearing he might one day prove a thorn in his ſide, he believed it for his intereſt to be reconciled to him, and to confirm the reconciliation with the marriage of this young lord to the earl of Suffolk's ſecond daughter, younger ſiſter of his daughter-in-law. Beſides his own advantage by this alliance, he gave the king the pleaſure to ſee in ſtrict union three families, for which he had the greateſt affection; viz. thoſe of Howard, Devreux, and Cecil. This marriage was accompliſhed in 1606, the earl of Eſſex being then in his 15th, and Frances Howard, his bride, in her 13th year. As the married couple were yet very young, their relations thought fit the earl ſhould travel into France and Germany, till they were both a little more advanced in years. During his abſence, his counteſs became a perfect beauty, and eclipſed all the court-ladies.

Wilſon.

The earl of Eſſex returned to England in the year 1610. He found his counteſs in the prime of her age and beauty; but withal, extremely proud of her own merit, by reaſon of the praiſes beſtowed on her by all. He was himſelf charmed with her, but met not with that return he expected. She daily coined freſh excuſes to delay the conſummation of the marriage, and ſhewed as much reluctance as he did eagerneſs. He bore it patiently for ſome time, being unwilling to uſe compulſion, for fear of giving his bride an averſion to him. Soon after, he fell ſo dangerouſly ill of the ſmall-pox, that his life was deſpaired of; but, the ſtrength of his conſtitution overcome his diſtemper, tho' it was long before he was quite well.

In this interval it was that Robert Carr became the king's favourite. When he gained his maſter's heart, he made a conqueſt almoſt at the ſame time of the counteſs of Eſſex's, who ſuffered herſelf to be taken with the charms of this young Scot, and entirely gave herſelf over to this new paſſion, without daring, however, to reveal it to the perſon that cauſed it. In the interim, the earl of Eſſex finding himſelf perfectly recovered, preſſed his ſpouſe to conſent to the conſummation of their marriage; but he found her reluctance the greater, as ſhe was enamoured of another.

In

1613.

In ſhort, after trying all ſorts of ways to prevail with her, without being able to ſucceed, he had recourſe to the earl of Suffolk, his father-in-law, and entreated him to uſe his endeavours to vanquiſh his daughters obſtinacy. The earl of Suffolk, ſurpriſed at what his ſon-in-law told him, ſharply reprimanded his daughter, and poſitively told her, ſhe muſt reſolve to conſummate the marriage. Then the counteſs, not daring to diſobey her father directly, deſired only a little longer delay. She believed, in caſe ſhe could avoid conſummating her marriage with the earl of Eſſex, it would not be impracticable to procure a divorce, and then marry the viſcount Rocheſter. Indeed, the viſcount knew nothing yet of her paſſion; but ſhe had too good an opinion of her charms, not to hope an eaſy conqueſt, as ſoon as ſhe ſhould have occaſion to diſcover it. On the other hand, the great credit of Rocheſter, and the earls of Suffolk and Northampton, did not ſuffer her to queſtion, that if the favourite undertook to marry her, he would eaſily accompliſh it. But ſhe wanted ſome time to lay her meaſures, wherein however ſhe met with great oppoſition both from her huſband and father.

Wilſon.

In this extremity, not knowing how to proceed, ſhe opened her mind to one Mrs. Turner, a phyſician's widow, a woman of a diſſolute life, and capable of the baſeſt actions. As this woman had no good advice to give her, ſhe perſuades her to apply to one Dr. Foreman, who paſſed for a conjurer. He had, perhaps, ſome ſecrets of nature, but was not ſorry to be thought ſkilled in the magick-art, becauſe many women came to conſult him, and paid him well for it. To this man the counteſs of Eſſex told her ſecret, and deſired two things of him; firſt, to manage it ſo, that the earl of Eſſex ſhould be incapable to conſummate his marriage. Secondly, to make the viſcount Rocheſter in love with her. Foreman very confidently promiſed both, and gave her certain powders for her huſband to take, and to be put amongſt his linnen, with inſtructions how ſhe ſhould behave to him. As for Rocheſter, he himſelf undertook to perform upon him the neceſſary operations.

In the interim, the counteſs could no longer diſobey her father's command, ſo was forced, at laſt, to cohabit with her huſband. But tho' they lay together, the marriage was not conſummated, whether it was owning to Foreman's powders, or to ſome other more effectual means uſed by the counteſs to fruſtrate her huſband's efforts. However this be, the earl of Eſſex imagined, that his living in London, and at court, might contribute to his miſfortune, and, therefore, reſolved to carry his lady to Chartley in Staffordſhire, a country-ſeat, about 100 miles from London. The counteſs could not be excuſed from going with her lord; but all the while ſhe was there, ſhut herſelf up in a room, and would not ſo much as ſuffer the light of the ſun to enter, giving herſelf over to an exceſſive melancholy, whether out of vexation or policy, the better to deny her huſband. After this manner ſhe lived ſome time with her huſband in the country, who did not underſtand the meaning of this ſtrange behaviour. In the mean while, ſhe wrote ſeveral letters to Mrs. Turner and Foreman, telling them, "She was afraid " Foreman's powders were not ſtrong enough; " her huſband was as luſty as ever; it would " be very difficult for her to hold out for ever, " and if ſhe ſhould chance to yield, ſhe ſhould " become the moſt unfortunate woman in the " world; ſhe intreated them to free her from " her miſery, and they ſhould have what " money they deſired." Theſe Letters were found in Foreman's ſtudy, and read in open court, upon an occaſion which I ſhall mention preſently.

At laſt, the earl of Eſſex ſeeing himſelf in ſo uneaſy a ſituation, reſolved to carry his lady back to London, and gave her full leave to live as ſhe pleaſed. He began to perceive there was ſomething extraordinary in her carriage, which he choſe rather to be ignorant of than endeavour to diſcover.

Wilſon.

The counteſs being returned to court, and miſtreſs of herſelf, no longer delayed to let Rocheſter know what ſhe endured for his ſake. There was no occaſion to uſe magick to produce the deſired effect. He was young, and ſhe the fineſt lady in the kingdom; ſo any advances from the counteſs, were more than ſufficient to kindle a flame in the favourite's breaſt. As ſoon as they began to underſtand one another, aſſignations became frequent. They were, at firſt, very private; but in time, the two lovers uſed ſo little caution, that not a courtier was a ſtranger to their amours. The king, very probably, was informed of it, ſince nothing delighted him more than to hear of the love-intrigues of his courtiers. The earl of Eſſex, who had alſo notice of it, choſe to ſhut his eyes, and ſcorn an object ſo unworthy of his love.

The counteſs of Eſſex's deſigns to get her marriage annulled. Wilſon.

The counteſs of Eſſex having ſucceeded in her intended conqueſt, and finding herſelf ſure of her lover's heart, would not allow his paſſion time to cool. Every thing ſeemed to favour the execution of her deſigns, that is, her divorce from the earl of Eſſex, and marriage with the viſcount Rocheſter. Eſſex ſaw her no more, and ſeemed to concern himſelf very little about her, and Rocheſter was ſo beloved by the king, that, in all appearance, nothing would be impracticable; ſo ſhe let her lover know her deſires, and without much difficulty brought him to ſecond her projects. But as he was wont to impart his moſt ſerious affairs to Overbury, he believed he ought not to conceal this from him, and the more, as he expected from him ſome good advice to accompliſh it. But ſo far was Overbury from approving ſuch a project, that he uſed his utmoſt endeavours to diſſuade him from it. He repreſented to him the injuſtice and indignity of the thing, his danger of being ruined by ſuch an action; and laſtly, the little value he ought to have for a woman, who, tho' married, ſcrupled not to throw herſelf into the arms of another man; that ſhe had already

leſt

loſt her reputation in the world, and when ſhe ſhould be his wife, all the diſhonour would reflect upon him. Rocheſter, who did not expect ſo great oppoſition from his friend, could not forbear ſhewing ſome reſentment. He had the addreſs, however, to contain himſelf ſo far, as not to give him room to think he would proceed notwithſtanding his advice, and continued, as uſual, to communicate to him his other affairs. The counteſs was in a violent paſſion when ſhe heard Overbury's advice, and from that moment ceaſed not to excite her lover to revenge. She was the more incenſed againſt Overbury, as ſhe feared, that being acquainted with the deſign, he would labour to render it abortive. In ſhort, Rocheſter was ſo complaiſant and blind, as to promiſe her to ſacrifice his friend. He might eaſily have diſmiſſed him; but it would have been too dangerous not to ruin him entirely, after truſting him with the ſecret. It is pretended, that to ſtrike the more ſurely, he conſulted the earl of Northampton, uncle to the counteſs of Eſſex, and by his advice uſed this artifice to ruin him. He extolled to the king Overbury's abilities; but intimated withal, that he took too much upon him, and was grown intolerably inſolent; and, therefore, he ſhould be very glad to have him removed, by ſome honourable employment, praying his majeſty to ſend him ambaſſador to Ruſſia*. The king liking the propoſal, appoints inſtantly Overbury for the ambaſſay. Rocheſter having proceeded thus far, acquaints Overbury with the king's intention, and pretending he could not live without him, entreats him to refuſe the employment, promiſing to procure him a better at court; adding, that indeed he believed it would not be in his power to hinder the king from being angry at firſt, who, probably, would reſent his refuſal, but he did not queſtion to appeaſe him in a few days. Overbury fell into the ſnare, and when the king ſent for him to acquaint him with the employment deſigned for him, he moſt humbly beſought his majeſty to make choice of ſome other perſon. As ſoon as he was retired, Rocheſter aggravated his pride and inſolence, in daring thus to refuſe his maſter's gracious offer, adding, it was requiſite to chaſtiſe him; that he was himſelf affected by it, for he ſhould be infallibly blamed for uſing his intereſt for him. In a word, by Rocheſter's inſtances, the king commanded Overbury to be ſent to the tower. Some days before, the favourite had cauſed Sir Gervaſe Elways, his creature, to be made lieutenant of the tower. Overbury was cloſely confined in a room, and not ſuffered to keep one of his ſervants, or receive any viſits from his relations and friends, a rigour not uſed even towards the greateſt offenders. He was now where the viſcount Rocheſter and the counteſs of Eſſex wiſhed him, in order to diſpatch him more eaſily. However, there were ſtill more difficulties. It could not be done by ſtabbing, becauſe the lieutenant of the tower, who is to anſwer for the priſoners, would not have ſuffered it, and beſides, a murder openly committed in one of the king's priſons, would have made too much noiſe in the world. It was reſolved, therefore, to make uſe of poiſon. To that end Mrs. Turner provided a truſty perſon, one Weſton, who had been a ſervant to her huſband, and Sir Thomas Monſon recommended this man to the lieutenant of the tower, to wait on the priſoner as footman. But even this was not ſufficient. Whatever was brought to Overbury to eat being dreſſed in the lieutenant's kitchen, it was alſo neceſſary to engage him in the plot. Some ſay, the earl of Northampton ſpoke to him of it, hinting that every thing was done with the king's privity. Others affirm, the lieutenant refuſing to be concerned in the crime, and not daring, however, to diſcover it, by reaſon of the quality of the parties, took care to ſeiſe the victuals ſent from time to time by the viſcount Rocheſter to the priſoner, and threw them into the houſe of office; and this is moſt likely, ſince, otherwiſe, Overbury would have been ſoon diſpatched. He could not, however, hinder Weſton from giving him a certain jelly ſent by Sir Thomas Monſon, which almoſt killed him. Whereupon the lieutenant of the tower was ſtill more careful, that Overbury ſhould be ſeen but by Weſton alone. This was a check upon Weſton, becauſe he perceived none could be accuſed but himſelf; wherefore he durſt not make ſuch haſte as Overbury's enemies deſired. There aroſe, however, an inconvenience from this delay, which was that every one was ſurpriſed, to ſee the king uſe ſo great rigour upon a friend of the viſcount Rocheſter for ſo ſlight an offence, if the refuſing to go in ambaſſy to Ruſſia could be deemed any crime at all. It could not be conceived, and it was vainly endeavoured to diſcover the cauſe of the extreme ſeverity with which Overbury was treated.

Overbury is ſent to the tower, and cloſely confined. Wilſon.

The deſign of taking away his life is formed. May 9. Wilſon.

The earl of Eſſex's marriage is annulled. Wilſon.

Whilſt the unfortunate priſoner languiſhed in his confinement, the viſcount Rocheſter and the counteſs of Eſſex were thinking of executing their project, that is, of annulling the counteſs of Eſſex's marriage, that ſhe might afterwards eſpouſe the viſcount. To effect this, without Rocheſter's appearing to be concerned, the earl of Northampton, who was in the two lovers ſecrets, undertook to ſpeak to the king. Some ſay the viſcount Rocheſter had already acquainted the king with the counteſs's deſign of being divorced, and prayed his majeſty to procure him the lady when the marriage ſhould be diſſolved; but I do not know if this be well atteſted. However, the earl of Northampton preſented to the king the counteſs of Eſſex's petition to this effect†. That the earl her huſband being incapable of conſummating their marriage, ſhe beſought his majeſty to let her complaint be examined, and if found well-grounded, to have liberty to marry another. Upon this petition, the king commiſſioned the archbiſhop, ſeveral other biſhops, and ſome laymen, to hear and determine the affair. This court proceeded very gravely to the tryal of the cauſe, and entered into ſuch particular and ſecret examinations, as did not very well become clergymen. The earl of Eſſex being examined, briefly anſwered, he had never conſummated his marriage, neither did he think he ſhould ever be able to conſummate it; but did not feel the ſame inability with regard to other women. Tho' this confeſſion greatly favoured the counteſs's cauſe, the court deemed it proper to be certain of the truth by another method, and ordered the counteſs to be inſpected by a jury of matrons, aſſiſted by ſome midwives. This inſpection being made, the matrons declared ſhe was a virgin. But it is pretended the counteſs, under pretence of ſaving her modeſty, was permitted to appear in a veil before the matrons, and that Mrs. Fines, a young gentlewoman of her age and ſtature, was introduced in her place. I omit numberleſs circumſtances of this tryal, which are to be found in ſeveral authors, and which it is indecent to relate. It ſuffices to ſay in a word, that by the ſentence, the marriage was diſſolved, contrary to the opinion of the archbiſhop of Canterbury, who even publiſhed his reaſons againſt it. But the king himſelf took the pains to anſwer the archbiſhop's arguments, and to maintain the juſtice of the ſentence, upbraiding the prelate with founding his opinion on Puritan-principles. Dr. Bilſon, biſhop of Wincheſter, one of the judges, having ſpoke very ſtrenuouſly to prove the nullity of the marriage, his ſon was ſoon after knighted; but the publick was ſo malicious as to call him Sir Nullity Bilſon. This affair made great noiſe, and brought little honour to the judges, moſt of whom could not be ignorant of the counteſs of Eſſex's ill-character.

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* Some ſay, into France, others into Flanders. Rapin.

† Dr. Franklyn, author of the Annals of James I. ſays, the earl of Suffolk preſented the petition. Here he begins his account, without any mention of what went before. Rapin.

Rocheſter marries the counteſs of Eſſex. Wilſon.

If after her divorce, the counteſs had married any other than the viſcount Rocheſter, her conduct might have been eaſily juſtified. This was not the firſt marriage annulled upon the like account. But the ſentence was hardly publiſhed, when the viſcount openly made his addreſſes to the lady, and their marriage was quickly concluded. The king not only gave his favourite leave to marry the counteſs, but alſo made him earl of Somerſet on the 4th of November, that the ſecond huſband might be of equal rank with the firſt. The nuptials were ſolemniſed a month after, with ſuch extraordinary rejoicings, that had the king's own ſon been married, there could not have been greater. The city of London ſignaliſed itſelf on this occaſion, by a ſplendid entertainment which the lord mayor and aldermen gave the new-married couple, and to which the king, queen, and whole court were invited. For ſome time nothing was talked of but banquets, balls, maſquerades, and other diverſions, in honour of the new earl of Somerſet's nuptials.

He is made earl of Somerſet. Nov. 4. Dec. 26. Wilſon.

Johnſton's Hiſtory of Scotland.

Theſe things gave occaſion to the diſaffected to talk freely of the king. They reported, that in Scotland the earl of Arran, formerly the king's favourite, married the earl of Athol's daughter, having procured, by the like means, and on the ſame account, a diſſolution of that lady's marriage with the earl of March. It was thereby inſinuated, that the king had taught his favourite the way to attain his miſtreſs. But theſe inſinuations reached not the king's ear, thoſe about him not being ſo ill courtiers as to carry him ſuch reports.

Violent death of Overbury. Weldon.

Whilſt the counteſs of Eſſex's marriage was annulling, the unfortunate Overbury was cloſely confined, without having the comfort of ſeeing any of his friends, as if he had been guilty of the moſt heinous of crimes. He had been extremely ſick with the poiſon that was given him, without knowing the cauſe of his illneſs; but when he heard what was tranſacting, he no longer doubted concerning the author of his miſery. In this lamentable ſtate, he ſaw no other remedy but to write to the favourite, intreating him to deliver him out of his wretched condition. Rocheſter replied, that the king being ſtill highly incenſed, he had not yet been able to ſpeak in his behalf, but hoped to do it within a few days; nay, it is ſaid, he ſent a certain powder in this letter, as a ſure remedy to cure his diſtemper; but Overbury was ſo wiſe as not to taken it. In ſhort, the two lovers being impatient to ſee a man live ſo long, who might one day be their ruin, cauſed an impoiſoned clyſter to be adminiſtered by one Franklin an apothecary's apprentice, which ended his miſeries with his life. Some ſay, that Weſton and Franklin ſeeing the extraordinary effect of the clyſter, and fearing if they ſuffered the poiſon to operate any longer, it would leave marks on the body, which would riſe in judgment againſt them, ſmothered him with the bedcloaths. When he was dead, he was ſpeedily buried without any ceremony, and a report ſpread, that dying of the pox, he was ſo rotten, he could not be kept any longer. This was the earl of Northampton's account in his letter to the favourite, to acquaint him with Overbury's death, admiring withal, the juſtice of God upon ſuch wicked inſtruments*.

The favourite gives himſelf over to the earl of Northampton. Hiſtoric. Narrat.

The earl of Somerſet thought it a great advantage to have diſpatched Overbury. But on the other hand, he found himſelf much more embarraſſed in the management of affairs, ſince he was no longer aſſiſted by that faithful counſellor. As his ſmall experience rendered every thing difficult, he was forced to chuſe another friend, and it was the earl of Northampton that ſupplied Overbury's place. But there was a great deal of difference between theſe two counſellors. Overbury's ſole view, was to procure his friend honour and glory, and the earl of Northampton's chief view, was to make uſe of his credit to countenance the Catholicks. Ever ſince his being in favour, he had always protected them to the utmoſt of his power, as was obvious to all the world; but when he came to rule the favourite, he acted without any reſerve. As he was warden of the Cinque-ports, the Jeſuits and Romiſh prieſts could ſafely land there without being examined at their arrival. By this means their number ſo increaſed in a very ſhort ſpace, that the people loudly murmured at it, and caſt the blame on the earl of Northampton. Wherefore, to ſilence thoſe who talked too freely, he took out a writ of Scandalum Magnatum againſt ſome of them. He believed, it was not poſſible to convict him of a thing founded only upon common report, and that, ſuch evidence not being valid in law, he ſhould ſilence his enemies by the puniſhment of ſome of the moſt forward to ſpeak againſt him. But the archbiſhop of Canterbury broke his meaſures, by producing a letter under the earl's own hand to cardinal Bellarmine, wherein he ſaid, "That, however, the ſituation of the affairs of England, and the inſtances of the king compelled him to be a Proteſtant in ſhew, nevertheleſs, his heart ſtood firm with the Catholicks, and he would be ever ready to countenance them to the utmoſt of his power."

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* King James's friends have given Overbury a very bad character, probably, to leſſen the horror of the viſcount Rocheſter's crime. Rapin. This year, the city of London ſent colonies into the province of Ulſter in Ireland, which were planted chiefly about Londonderry, and Colerain. Howes.

The death of Northampton. June 3. Wilſon.

Upon this letter the parties accuſed were diſcharged; nay the king ſo reprimanded the earl, that he retired to his country houſe, where he died ſoon after. He declared in his laſt will and teſtament, that he had always been a Catholick, and would die in that religion. Thus ſeveral hiſtorians ſpeak of him. But the anonymous author of the Annals of James I. and Charles I, who endeavours to vindicate theſe princes, their miniſters and government, in every thing without exception, forgets not to juſtify alſo the earl of Northampton. He ſays among other things, that the charge of being concerned in Overbury's murder was only a rumour ſpread after his death, as if there were a certain proof of his innocence. As to the earl's religion, the ſame author ſays, "He died ſuſpected more Catholick than ſome will think reaſonable, tho' in the form of a Church-Papiſt."

The Puritans are mortified.

The court was not ſo well affected to the Puritans as to the Papiſts. The Puritans were conſidered as enemies to the king and to monarchy, but the Papiſts as hearty wiſhers that the king might meet with no oppoſition to his will. This was ſufficient to induce the court to countenance the latter, and cauſe the former to endure continual mortifications. In the ſpring this year, ſome Presbyterian families reſolved to go and ſettle in New-England, to enjoy there that peace which they could not find at home. The author, I juſt mentioned concerning the earl of Northampton, ſays, theſe people were notorious ſchiſmaticks of ſeveral ſects, known by the general name of Puritans, which term included good and bad in their diſtinct kinds, truly and ingeniouſly diſtinguiſhed into the Puritan-Knave, and the Knave-Puritan. As it was not impoſſible, by the increaſe of Presbyterian families, the Engliſh plantations might become nurſeries for Non-conformiſts, the court gave orders not to let them depart. But afterwards, ſuch as deſired to remove beyond ſea, being examined, ſome were allowed to purſue their voyage, and others were detained as ſureties for thoſe that went away.

The king's profuſeneſs. Wilſon.

It was now four years ſince the king had called a parliament. It was a great comfort to him, to have no diſputes with a houſe of commons, ever ready to complain of grievances, and take occaſion to examine the conduct of the ſovereign or his miniſters. He liked it much better to command abſolutely and without controul. But this was attended with great inconveniences. He was forced continually to invent new methods to raiſe money, and theſe methods, grounded upon abſolute authority, cauſed loud murmurs among the people. Neither did theſe methods bring in ſufficient ſums for the king's occaſions, who loved magnificence, and was always ready to give. Hence ſprung his wants, which inceſſantly encreaſed, his revenues, as well ordinary as extraordinary, not ſufficing for his expences. He ſeemed, however, to have an inexhauſtible fund, ſo profuſe was he, without conſidering how he ſhould recover what was unneceſſarily given. The following inſtance of his bounty may ſerve to ſhew his character. Being one day in the gallery at Whitehall, and none with him but Sir Henry Rich, afterwards earl of Holland, and James Maxwel, one of his bed-chamber, ſome porters paſſed by with 3000 l. going to the privy-purſe. Rich ſeeing the money, turned to Maxwel, and whiſpered him. The king perceiving it, asked what he ſaid? Maxwel told him, Rich ſhould think himſelf very happy if he had ſuch a ſum. Whereupon the king called to the porters, ordered them to carry the money to Rich's lodgings, ſaying, at the ſame time, "You think now you have a great purchaſe; but I am more delighted in giving you the money, than you can be in receiving it."

Remarks on this ſubject.

If the king had been thus laviſh out of his abundance or out of his ſavings, his generoſity muſt have been laudable; but unhappily, in order to be thus profuſe to a few private perſons, he gained the ill-will of all the reſt of the nation, and was forced to uſe, to raiſe money, ſeveral extraordinary methods which were looked upon as ſo many grievances, and loudly complained of. Moreover, he was obliged, either not to call a parliament, or to quarrel with the houſe of commons. James was, however, the Solomon of the age, the wiſeſt, moſt prudent, and moſt juſt of monarchs. Theſe, at leaſt, are the epithets generally given him, and which are even to be found in ſeveral Hiſtories penned ſince the reſtoration of Charles II.

Creation of baronets. Wilſon.

The king's exceſſive liberality reducing him continually to ſtraits, he had, at laſt, recourſe to a project, formed by the late earl of Saliſbury; viz. to create knights baronets, a ſort of middle nobility, between barons and knights batchellors. Their number was not to exceed 200; but the king, at the firſt promotion, made only 100. To purchaſe this honour, which was to be hereditary, every baronet was obliged to pay to the king 1000 l. But in order to give ſome colour to this new inſtitution every baronet was obliged by his patent, to maintain 30 foot ſoldiers in Ireland for three years, at eight-pence a day each ſoldier. Afterwards it was hinted to them, that if they would compound with the king, and pay the whole ſum at once, part ſhould be abated, and the king would maintain the troops in Ireland himſelf, and there was not one but what accepted this offer. The author of the Annals before-mentioned, affirms, that the king received only about 100,000 l. of the baronets, and that the maintenance of the troops in Ireland coſt him much more. So, according to him, this new order was inſtituted merely to eaſe the ſubjects.

Other means to raiſe money. Coke.

Beſides this method, the king made uſe of others to fill his empty coffers, without being obliged to have recourſe to the parliament. I ſhall only mention them, without pretending to determine whether the king had exceeded his prerogative or not. 1. The king by his letters patents, granted monopolies to private perſons, excluſive of all others, and raiſed great ſums by theſe ſorts of favours. 2. He iſſued out commiſſions for reviving obſolete laws, for making men who could expend 40 l. a year, to compound for not being knighted. Formerly an eſtate of 40 l. a year in land was conſiderable; and, therefore, the owners of ſuch an eſtate were deemed proper to be made knights, and as ſuch, to ſerve the king in his wars, or find ſoldiers. But in king James I's time, ſuch a revenue was conſiderable; there were infinite numbers who had more, but not deſiring to be knights, choſe rather to give the king money, than be obliged to receive an honour, which rendered them very dependant. 3. The king made a certain number of knights of Nova Scotia, each of which paid him ſuch a ſum. 4. The dignities of baron, viſcount, and earl, had a fixed price ſet upon them. The king received for making a baron 10,000 l. for a viſcount 15,000 l. and 20,000 l. for an earl. Thus, whoever had money, might be made a peer of the realm. 5. The ſame honours were rated likewiſe in Scotland and Ireland, tho' at lower prices. 6. Thoſe who had defective titles, were obliged to compound with the king for rectifying them, otherwiſe they were declared null and void. 7. The ſtar-chamber condemned in exceſſive fines, to the king's uſe, ſuch as were cited thither. I have already related ſome inſtances, and ſhall have occaſion to take notice of ſome others hereafter. 8. To all this, may be added the ſums levied by the king upon his ſubjects, when the prince, his ſon, was knighted, and his daughter married.

Coke.

He would have had alſo a good means of raiſing money, if he had demanded of the United Provinces the ſums that were due to him. But if we believe certain hiſtorians, he durſt not claim his debt, for fear of engaging in a war in caſe of refuſal. A more probable reaſon might be given, by ſaying, the places he held in Holland and Zealand kept the ſtates in a ſort of ſubjection, if he had not ſhewn, two years after, that this was not the true reaſon, by receiving his money when offered him by the ſtates.

The king reſolves to call a parliament. Wilſon.

In fine, the king's revenue not anſwering his expences, recourſe was to be had to a parliament. The earl of Somerſet, having with him neither Overbury nor the earl of Northampton, was at a loſs how to find the king money, and the lord treaſurer, his father-in-law, was no leſs embarraſſed. All extraordinary means ſeemed to be exhauſted, they propoſed to the king the calling of a parliament. To induce him to it, they put him in hopes, that by their intereſt and management, the majority of the commons ſhould be at his devotion. The king was very loth to conſent; but, at length, was perſuaded, and a parliament was ſummoned to meet the 1ſt of April.

The parliament meets. Journ.Par.

The commons examine the grievances.

1. Grievance. The king's revenues put to ill uſes. Weldon.

This parliament conſiſted not of ſuch members as the king was made to expect. The people, who were diſcontented, inſtead of being gained by the court, choſe repreſentatives of a quite different character, from what the miniſters deſired. The very firſt day, the king demanded an aid of money for the marriage of his daughter, and told the commons, after diſpatching that affair, he would give them leave to examine the grievances of the nation; but the commons thought proper to invert the method preſcribed them, and begin with the grievances. Inſtead, therefore, of granting the money firſt, as the king expected, they examined to what uſes the revenues of the crown had been put. The reſult was, that the king had beſtowed on the Scots exceſſive grants both in land and money, and that the Scots having ſold theſe lands to the Engliſh, had conveyed the money into Scotland, to the great detriment of England. If what the king had given to the Engliſh had been as carefully examined, it would have been found ten-times more, by the confeſſion of the hiſtorians themſelves; but herein was not ſeen the ſame inconvenience.

2. Grievance. Increaſe of Papiſts.

Then, the houſe inquired into the cauſes of the increaſe of Popiſh recuſants; ſince it ſhould rather ſeem, that the laws enacted after the gun-powder-plot, ſhould have very much leſſened their number. The firſt cauſe appeared to be the king's admitting into his council Popiſh lords, publickly known for ſuch. A ſecond was, the negotiations abroad for the marriage of the late prince Henry and prince Charles with Popiſh princeſſes.

3. Grievance. Monopolies.

After this, the commons took into conſideration the monopolies authoriſed and licenſed by the king's letters patents, to the great prejudice of trade; and the extraordinary levies of money, without the conſent of the parliament. Upon all theſe grievances, it was reſolved to repreſent them in a petition to his majeſty, and to pray him to redreſs them, and eſpecially to hinder the future ſettlement of the Scots in England.

The parliament is diſſolved. Wilſon.

The carriage of the commons was ſo different from that of the courtiers, who never ſpoke of the king but with admiration, that his majeſty had not patience to bear it. So, on the 7th of June he diſſolved the parliament, after a ſeſſion of about two months, wherein not one ſtatute was enacted. The parliament was no ſooner diſſolved, but the king committed to priſon ſeveral members of the houſe of commons, who had ſpoken the moſt freely, without admitting them to bail.

The parliament not anſwering the king's expectation, and his exchequer being empty, there was a neceſſity of recurring to new expedients to fill it. But before we ſpeak of theſe expedients, it will not be amiſs to ſhew one of the chief cauſes of the king's being reduced to ſtraits. I mean the electreſs, his daughter's marriage, which had coſt him very near 100,000 pounds, according to the following account, inſerted in his book by the anonymous author of the Annals above-mentioned.

Annals of K. James.

	l.
For the Palſgrave's diet at his ſtanding houſe - - -	6000
For his diet at his inſtalment of the Garter - - - -	4000
For diet at his marriage - -	2000
For lodging for his ſervants - -	830
To the wardrobe for apparel for the princeſs Elizabeth - -	6252
For furniſhing her chamber -	3023
Apparel and neceſſaries for her to my lord Harrington's - -	1829
Jewels and apparels for her ſervants -	3914
To divers merchants for ſilk, &c. -	995
The lords mask at her marriage -	400
For the naval fight of fire-works on the Thames at her marriage -	4800
More fire-works on the Thames at her marriage - - - - -	2880
To Sir Edward Cecil as treaſurer, for her journey from hence to Heidelbergh, and for her purſe -	2000
For ſettling her jointure, and charges to ſome of the gentry to go thither and to take the aſſurance -	800
The charges of her journey -	8000
For her tranſport to Fluſhing -	5555
Paid over to the Palſgrave's agent for her portion - -	40000
* Total - - - -	93278

The king levies a benevolence. Wilſon.

The king reſolving to call no more parliaments, extraordinary means were to be deviſed to ſupply his expences, his ordinary revenues being far from ſufficient. To that end, certain perſons diligently ſearched into Hiſtory, to diſcover what had been done by former kings in the like caſes, or when there was not time to call a parliament. Among all theſe methods, the court choſe the way of benevolence, invented by Edward IV, aboliſhed by Richard III, and once revived, if I am not miſtaken, by the parliament itſelf in the reign of Henry VIII. Nevertheleſs, the author of the Annals pretends, that James only followed the conſtant example of all his predeceſſors, and upon theſe pretended examples, and the cuſtom in France and Spain, undertakes to vindicate him; but there would be too many things to be ſaid upon this head, if it ſhould be inſiſted on.

The reſolution being taken not only to demand, but extort a benevolence, all the ſheriffs were ordered by the council, to aſk of all private perſons within their diſtrict a free gift, in proportion to the king's wants. At the ſame time, they were expreſly commanded to return to the council the names of ſuch as ſhould refuſe to contribute, or not give according to their abilities. This ſhews the king did not mean, the benevolence ſhould be entirely voluntary. This method, however, was not ſo ſucceſsful as the king had expected. The more eager the ſheriffs and court-party were to excite the people's liberality, the more induſtrious were others to diſſuade them from it, by ſetting before them the conſequences. So, if we may believe the author of the Annals, the benevolence procured the king but 52,909 l. "which yet (continues he) madded the ill-minded men (pillars, ſo ſome called them, to the kingdom's liberties) always plotters to the kingdom's miſeries, who being aſhamed to be out-done in honeſty and honour, they juſtly drew upon themſelves a mark of malignity.----And yet they would be medling, deviſing poor arguments, to pretend it was againſt the ſubjects liberties, tho' accuſtomed evermore by examples of all former ſovereigns." Others ſpeak of it very differently, and repreſent this way of raiſing money upon the people, as a real extortion and incroachment on the nation's liberties. Thus do king James's hiſtorians contradict one another, not in facts but in principles, ſome deeming illegal, what others maintain to be the undoubted prerogative of the crown.

The king of Denmark's viſit. Howes.

The money ariſing to the king from the benevolence, tho' no great ſum, came, however, very ſeaſonably for the king of Denmark's reception, who made him a ſecond viſit, with a train of 40 perſons only. During the fortnight he ſtayed in England, entertainments and diverſions never ceaſed.

The Ruſſian ambaſſy. Howes.

Soon after, the king received with great pomp the Ruſſian ambaſſador ſent by the Czar, to deſire him to be mediator between him and the king of Sweden, on account of their differences.

A project againſt the favourite. Wilſon.

Hitherto, the earl of Somerſet poſſeſſed the king's heart ſo entirely, that the queen herſelf grew jealous. Some ſay, ſhe inwardly grieved for the death of prince Henry, and ſuſpected him to be the author. Others ſay only, that his greatneſs had ſo blinded the favourite, that he was wanting in his reſpect to the queen. However this be, ſhe had conceived a very violent hatred of him, and to ruin him the more eaſily, ſhe thought proper to gain Sir Ralph Winwood, who was ſtill ſecretary of ſtate, but without exerciſing the office,

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* Tho' this account ſeems of little moment, it may ſerve, however, to ſhew the liberal temper of the king, and his opinion that the parliament was obliged to find him money for theſe expences. Rapin.

at leaſt, in important affairs, becauſe the earl of Somerſet had ſeiſed the management of every thing. Winwood readily joined with the queen to ruin this lord, who left him only the title of ſecretary. This was a preparative to the revolution which happened the next year.

Water conveyed to all parts of London. Howes.

Before I end this year, I muſt not forget to mention the memorable undertaking of Mr. Hugh Middleton, citizen and goldſmith of London, who having an act of parliament for his warrant, found means to bring water from Hertfordſhire, to the principal parts of the city, for the conveniency of the inhabitants *.

1615. The king's progreſs to Cambridge. Coke.

The king was wont twice a year to take a journey into ſome part of the kingdom. Theſe journies were called progreſſes, one whereof was made in winter, the other in ſummer. In his winter-progreſs, in the year 1615, he paſſed thro' Cambridge, where the ſcholars entertained him with a comedy called Ignoramus, which ridiculed the common-law. Nothing could be more diverting to the king. The civil-law, or the laws made by the ſupreme authority of the Roman emperors, appeared to him of much greater value than the common or ſtatute law, and he could not forbear now and then to ſpeak of theſe laſt with contempt. Wherefore he was ſo delighted with this play, that he cauſed it to be acted twice in his preſence, during his ſhort ſtay at Cambridge.

George Villiers. Coke.

At this play it was that the king was ſtruck with a new object, which made the ſame impreſſion upon his mind as Robert Carr did at the firſt time he ſaw him. This was George Villiers, a young gentleman, who appeared before him with all the advantages of a good mien, a fine ſhape, and a handſome and well-made ſuit of cloaths. Every one perceived he looked upon this young man with pleaſure, and from that moment it was thought Villiers might ſupplant the earl of Somerſet; and, indeed, with this view it was that certain lords had brought him before the king, and placed him at the play juſt oppoſite to him.

His extraction. Wilſon.

George Villiers was of a good and antient family, in Leiceſterſhire, ſon of Sir George Villiers, of Brokeſby, by a ſecond wife, who bore him three ſons, of whom this George was the ſecond. After the death of Sir George, his widow married Sir Thomas Compton, brother of the lord Compton. As George Villiers was but a younger ſon of a ſecond bed, his fortune could be but ſmall; nevertheleſs, his mother took great care of his education. After he had finiſhed his ſtudies, ſhe ſent him into France, where he made himſelf perfect maſter of the French tongue, with all the exerciſes proper for a gentleman, and eſpecially dancing, wherein he excelled. When he returned from his travels, his mother ſent him to court to make himſelf known, and endeavour to procure himſelf friends and a place. He no ſooner appeared there, but the earl of Pembroke, the earl of Bedford, and ſome other lords, enemies to the favourite, and who ſought his deſtruction, fancied this young man might be ſubſervient to their deſign. They knew the king ſufficiently, to hope he would be taken with the outward accompliſhments of this new-comer. To this end, they liberally ſupplied him wherewith to deck himſelf and attract the king's eyes. Their project ſucceeded to their expectation. The king being at the play, looked with admiration on George Villiers, and could not help ſhewing ſome ſigns of his growing inclination. He took care, however, to conceal it as much as poſſible, not to alarm the earl of Somerſet; nevertheleſs he reſolved from that inſtant to have Villiers near his perſon, imagining he might eaſily keep both. So, to have time to manage this affair, he privately cauſed Villiers to purchaſe a cup-bearer's place, and to be inſtructed how to behave.

What care ſoever the king might take to conceal his new inclination, the courtiers did not fail to diſcover it. Somerſet, as moſt concerned, was harder to be deceived than the reſt. His office of lord chamberlain giving him a great authority over the king's ſervants, he did not want opportunities to vex and mortify Villiers, who bore all with patience; and the king feigned not to perceive it. But, at laſt, an accident happened which ſuffered not the king to diſſemble any longer. It was cuſtomary for the cup-bearer whoſe turn it was to be in waiting, to have the firſt place at the table where the cup-bearers dined. Villiers having begun his month, ſat at the upper-end during the whole time of his ſervice, without any oppoſition. But offering to ſit in the ſame place after his month was expired, the perſon, whoſe turn it was to wait, rudely thruſt him from thence, which greatly confounded him. Some days after, the ſame cup-bearer carrying a glaſs of wine to the king, let it fall accidentally or deſignedly on Villiers, who gave him a box on the ear. It is a law of a long ſtanding at court, that whoever ſtrikes another in the king's palace, is to loſe his right-hand, with many formalities. It is the lord chamberlain's buſineſs to ſee crimes of this nature puniſhed, and the earl of Somerſet failed not to do all that lay in his power to have the law executed to the utmoſt rigour; but the king granted Villiers a pardon, without enjoining any ſatisfaction to the party offended. This was the firſt publick mark of his affection for Villiers.

The king is diſguſted with Somerſet. Coke.

From thenceforward, the earl of Somerſet's enemies laboured inceſſantly to ruin him in the king's favour, in which they could not better ſucceed, than by cheriſhing the king's new inclination by immoderate commendations of Villiers. The truth is, that even before he had ſeen Villiers, the king began to be weary of Somerſet, who was not ſo agreeable as when he was firſt taken into favour. Since his marriage with the counteſs of Eſſex, he was grown very melancholy, of which probably Overbury's death was the cauſe, and became

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* He cut a channel from the two great ſprings of Chadwell and Amwell, near Ware in Hertfordſhire; in which the water is conveyed to a large pond at Iſlington, and from thence in elm pipes to all places of the city. This new river runs under near 800 bridges. Howes.

more careleſs of his perſon and dreſs. He had loſt that vivacity which rendered him ſo agreeable to the king, and his temper, now gloomy and ſullen, induced him harſhly to oppoſe ſome wanton tricks which were now and then played in the king's anti-chamber, and wherein his majeſty took a ſingular delight; nay, he was become ſo intereſted, that he did nothing for any one without money. His enemies did not forget to inform the king, or hint the ſame to him, knowing how much it might conduce to make him forfeit his favour, ſince there was no vice more contrary to the king's humour than avarice. The queen for her part miſſed no opportunity to do him ill offices; ſo that, in all appearance the project of making Villiers the king's favourite was formed upon the viſible ſigns of the earl of Somerſet's decline.

The queen is perſuaded to ſpeak for Villiers.

The whole court perceived the alteration in the king ſince he had Villiers about him, and every one ſtrove to thruſt the old favourite down the precipice. The beſt way to that end, was to oblige the king to declare for Villiers; but there was a great obſtacle to be removed. The king by a very groſs artifice, would have no favourite but of the queen's recommending, that in caſe ſhe complained of him afterwards he might ſay, he had received him at her hands. This was the king's turn, who fancied by ſuch device, to impoſe upon the queen and the whole court. The buſineſs, therefore, was to prevail with the queen, to recommend Villiers to the king. But ſhe was already prejudiced againſt this young man, and not ſeeing with the king's eyes, perceived nothing in him worthy of ſo great an advancement. Perhaps too, ſhe had caſt her eyes on ſome other, to procure him this preferment. Somerſet's enemies knowing how the queen ſtood affected to Villiers, thought the archbiſhop of Canterbury alone able to perſuade her to what they deſired. The archbiſhop, who neither loved nor valued the earl of Somerſet, readily undertook to ſpeak to the queen; but his firſt attempt was in vain. The queen, who was perfectly acquainted with the king's temper, told the prelate, that neither he, nor they who ſet him on, knew what they did; adding, "I know the king "better than you all, for if this young man "be once brought in, the firſt perſons he will "plague, muſt be you that labour for him; "yea, I ſhall have my part alſo. The king "will teach him to deſpiſe and hardly intreat "us all, that he may ſeem to be beholden to "none but himſelf."

For this time the archbiſhop could not prevail with the queen; but afterwards he ſo preſſed her, that, at length, ſhe deſired the king to receive Villiers as a favourite. The king, who only waited for this, ſent immediately for Villiers, knighted him with the prince of Wales's ſword, and ordered him to be ſworn gentleman of the bed-chamber. Somerſet, hearing of it, came immediately, and intreated the king to make Villiers only a groom; but the archbiſhop and other lords beſought the queen to compleat the work; and, at laſt, Villiers was admitted to the poſt ordered him by the king. As ſoon as he was out of the king's preſence, he waited upon the archbiſhop, and acknowledging himſelf indebted to him for his good fortune, deſired his inſtruction how to behave. The prelate told him, he had three leſſons to give him; firſt, to pray without ceaſing for the king's proſperity, and for grace to ſerve his maſter faithfully. Secondly, to labour continually to preſerve a good union between the king, queen, and prince. Thirdly, to tell the king nothing but truth. Then he cauſed him to repeat theſe three leſſons before him, to ſee if he retained them. The king hearing this, was extremely well pleaſed with it, and ſaid, theſe leſſons were truly worthy of a biſhop. The queen's prediction proved but too true with regard to the archbiſhop, who was one of the firſt to whom Villiers became ungreatful. In the interim, Villiers being come to court without a great ſtock of money, the king eaſily gueſſed he wanted a ſupply. Had it been in his power to follow his inclination, this ſupply would have been very conſiderable; but he was himſelf ſo deſtitute of money, that a preſent of 1000 pounds was all he could ſpare at that time.

He is made gentleman of the bed-chamber. Howes.

The king gives him 1000 l. Coke.

Two parties formed at court. Weldon.

After Villiers was made gentleman of the bed-chamber, ſeveral courtiers adhered to him, in hopes he would ſoon have the advantage of his rival. Others continued firm to the earl of Somerſet, whether out of gratitude, or for fear of ruining their fortune by falſe conjectures. Two parties, therefore, were formed at court, who mutually claſhed upon all occaſions. If the king had, at once, diſmiſſed Somerſet, all would have been quiet; but he intended to keep both, not ſo much out of love to Somerſet, of whom he was tired, as to avoid the imputation of inconſtancy. Thus the king ſtill affecting to ſhew, he loved his old favourite as well as ever, the courtiers were greatly embarraſſed. But Villiers daily ſtole the hearts of the courtiers and petitioners from his rival, by his noble and generous way of promoting their ſuits.

The earl of Somerſet procures a pardon; Wilſon.

In the interim the earl of Somerſet perceiving, he daily declined in favour, before all things thought of ſecuring himſelf from the danger to which he might be expoſed by Overbury's murder. Tho' he knew the king had not the ſame affection for him as formerly, he hoped, however, as it was not entirely extinguiſhed, to obtain what, at leaſt, would free him from uneaſineſs. So, ſpying a favourable opportunity, he caſt himſelf at the king's feet, and repreſented to him, that having ſerved him ſome years in a very dangerous poſt, it was difficult not to fall into ſome miſcarriages, and, therefore, beſought him to grant him a general pardon, which might ſecure him from the malice of his enemies. The king very readily complied with his requeſt, and ordered as ample a pardon as poſſible to be drawn. This was accordingly done; but, whether through the ignorance or malice of the perſon who drew the inſtrument, the king was made to ſay in it, "that he par-

“ doned not only all manner of treaſons, murders, felonies and outrages whatever, already committed, but alſo thoſe which ſhould be hereafter committed by the earl of Somerſet.” The king ſigned this pardon without any ſcruple, and, perhaps, without reading it. But the lord chanceller Egerton refuſed to put the ſeal to it, ſaying, as there had never been an inſtance of ſuch a pardon, he ſhould incur a Præmunire if he paſſed it; and when he told the king the reaſon of his refuſal, he eaſily ſatisfied him, he could not anſwer ſetting the ſeal to the pardon. Nothing was more eaſy than to draw another pardon, without the clauſe diſliked by the chancellor; but whether the queen was againſt it, as ſome affirm, or Somerſet did not care to diſcover too plainly the occaſion he had for a pardon, or the king was now informed of the circumſtances of Overbury's death, nothing more was ſaid of it. Indeed, it is likely the king had now ſome knowledge of Overbury's treatment, but, perhaps, not ſufficient to ſatisfy him of the earl's guilt. However this be, he began his ſummer-progreſs before this affair came publick.

but the chancellor would not paſs it.

The uncertainty of the courtiers, in reſpect to the favourites. Weldon.

The king's diſſimulation with reſpect to his two favourites, held the court in continual ſuſpenſe. Many were afraid of adhering to Villiers, leaſt his credit was not yet firmly eſtabliſhed. Others declared openly againſt Somerſet, in order to make a merit of it with the new favourite. Winwood was one of theſe, and affected, upon all occaſions, to oppoſe the earl of Somerſet, who had it not in his power to be revenged. During the whole progreſs, there were may diſputes and quarrels between the two parties, to the king's great diſguſt. At length, the fatal blow was given, at the court's return to Royſton.

The king is informed of Overbury's being poiſoned. Wilſon.

Franklin, who adminiſtered the poiſoned clyſter to Overbury, made uſe, to compoſe it, of one Reeve, an apothecary's boy, who was afterwards ſent into Flanders, or, perhaps, run away from his maſter. This Reeve being at Fluſhing, where ſome buſineſs had brought Sir William Trumbull, his majeſty's envoy at Bruſſels, got acquainted with ſome of his ſervants, and whether unadviſedly or with deſign, informed them of what he knew concerning Overbury's death. The ſervants telling their maſter what they had heard, he examined Reeve himſelf, and drawing from him what he deſired, found means to detain him at his houſe. Then, he wrote to Winwood deſiring him to obtain the king's leave for him to come to England, becauſe he had ſome things to reveal, which he could not truſt to paper. Leave being granted, he acquainted Winwood with what he had learned, and Winwood told it the king, who commanded them both to keep it private till farther orders.

He keeps it private.

He tries in vain to make his two favourites friends. Weldon.

Some time after, the king being returned to London, wanted to reconcile his two favourites, to be freed from the continual importunities occaſioned by their conteſts, and thoſe of their adherents. He thought he had found a notable expedient, by obliging Villiers to make the firſt advances, and deſire the earl of Somerſet's favour and protection, To that purpoſe, he ordered Sir Humphery May, Somerſet's creature, but who ſhewed great reſpect for Villiers, to tell the earl, as from himſelf, that he was credibly informed, Villiers would come and deſire his friendſhip and protection, and adviſed him to receive him civilly, and that by giving the king this token of his compliance, he would ſtill be very much in favour, tho' he was not to flatter himſelf with reigning alone in the king's affection. Sir Humphrey May having diſcharged his commiſſion, and perceiving the earl of Somerſet unwilling to follow his advice, was, at length, forced to tell him in plain terms, that what he had ſaid was by the king's order, and warned him to conſider ſeriouſly the conſequence of a refuſal. About half an hour after, Villiers came to the earl's, and uſed theſe very words: “My lord, I deſire to be your ſervant and creature, and to take my court-preferment under your lordſhip's favour, and your lordſhip ſhall find me as faithful a ſervant as ever did ſerve you.” To this ſo ſubmiſſive a compliment, the earl returned this ſhort and quick anſwer, “I will have none of your ſervice, and you ſhall have none of my favour. I will, if I can, break your neck, and of that be confident.” Theſe words very much exaſperated the king, who from that inſtant reſolved to be rid of the earl of Somerſet.

It is hard to gueſs whether, ſuppoſing the earl of Somerſet had behaved with more condeſcenſion to the king, and been reconciled to Villiers, Overbury's affair would have been buried in eternal oblivion. This ſeems, at leaſt, to be the courſe the king had reſolved to take, if the earl had been inclined to do what he deſired. Be this as it will, the king being come to Royſton, to begin his winter-progreſs expreſſed no diſpleaſure againſt Somerſet, but lived with him as he was wont, without the leaſt ſign of any alteration in his friendſhip. But ſome days after, he ſent in the night a meſſenger to lord chief juſtice Coke, with a letter, ordering him to make a warrant to apprehend the earl of Somerſet at Royſton, and his counteſs at London, with Franklin, Weſton, Mrs. Turner, and Sir Gervaſe Elways, lieutenant of the tower. The meſſenger was ſent back to Royſton at four a-clock in the morning, with an officer of juſtice to execute the warrant. At his arrival, the officer found the king with his arms about Somerſet's neck, who was juſt going to London, and affectionately ſaying to him, “when ſhall I ſee you again Somerſet*?” At that very inſtant the officer arreſted the earl by Sir Edward's warrant, who exclaimed, that ſuch an affront was never offered to a peer of the realm

The earl of Somerſet arreſted, with the reſt of the accomplices of Overbury's death. Wilſon.

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* The words at length, as related by Weldon, were, “For God's ſake when ſhall I ſee thee again? On my ſoul, I ſhall neither eat nor ſleep, until you come again.” The earl told him on Monday, (this being on the Friday,) for God's ſake, ſhall I, ſhall I? Then lolled about his neck; then, for God's ſake, give they lady this kiſs for me: In the ſame manner at the ſtairs head, and at the middle, and foot of the ſtairs.

in the king's preſence. The king feigning ignorance, and aſking what was the matter, ſaid jeſtingly, "nay, man, there is no remedy, for if Coke ſends for me I muſt go." Then accompanying him to the ſteps before the door, he deſired him, as he was going down, to return ſpeedily, ſaying, he could not live without him. As ſoon as Somerſet was in his coach, the king ſaid, in the hearing of ſome perſons, who told it again afterwards, "now the deel go with thee, I will never ſee they face more." If this be true, it muſt be owned, it was a needleſs and very ſtrange diſſimulation; but king James took delight in things of this nature.

The king's injunction to chief juſtice Coke. Wilſon.

At his coming to London, the earl of Somerſet was ſent to the tower, his counteſs, and the reſt of the complices, having been arreſted and committed, whilſt he was on the road. The ſame day, chief juſtice Coke going to Royſton, the king told him all he had heard from Trumbull, and enjoined him, with all poſſible ſcrutiny, to ſearch into the affair, without partiality or reſpect of perſons. He concluded with ſaying, "God's curſe be upon you and yours, if you ſpare any of them: And God's curſe be upon me and mine, if I pardon any one of them."

The guilty are condemned and executed. Wilſon.

Coke receiving ſuch ſtrict orders, was very active in the affair; nay, ſome pretend, he was too active, and that finding in the earl of Somerſet's papers, indications of his being concerned in the death of prince Henry, he had not the prudence to conceal them. However this be, moſt of the parties accuſed were tried in October and November, and being found guilty, were condemned and executed. Sir Thomas Monſon, who was alſo arreſted, appeared twice before the judges, and at the ſecond time Coke received a note from the king, which obliged him to ſend back the priſoner to the tower, with theſe words, "take him away, we have other matters againſt him of a higher nature." It is affirmed, Coke ſaid aloud one day, as he was ſitting on the bench, "God knows what became of that ſweet babe prince Henry, but I know ſomewhat," and then ſtopped ſhort. This gave occaſion to think, he had made ſome diſcovery concerning the prince's death.

Simon Maſon, ſervant to Monſon, who had been employed to carry a poiſoned tart to Overbury, being likewiſe brought before the court, the judge ſaid to him, "Simon, thou hadſt a hand in this poiſoning buſineſs. "No, my good lord, (anſwered Simon) I had but one finger in it, which coſt me all my hair and nails." He had, it ſeems, out of liquoriſhneſs, as he was carrying the tart, taſted with his finger a little of the ſyrup. This ingenuous anſwer cauſed him to be acquitted; for it was thought he would not have taſted the ſyrup, had he known it to be poiſoned.

The earl of Somerſet's tryal. Weldon.

The tryal of the earl of Somerſet and his counteſs was deferred to May the next year 1616, but not to be obliged to return to this affair, I ſhall relate here the circumſtances of the tryal. If we may believe Sir Anthony Weldon, author of a little book entitled, The Court and Character of King James, which is, properly, but a ſatyr. The king had aſſured the earl of Somerſet he ſhould not be brought to a tryal. For this reaſon, when George More, lieutenant of the tower, came and told him, he muſt prepare for his tryal on the morrow, he anſwered, that poſitively he would not appear, unleſs he was carried by force in his bed. The ſame author adds, the king being informed of it, ſent him word, he could not hinder his appearing before the judges, but would prevent the paſſing any ſentence upon him. By this artifice, ſays Weldon, the earl was prevailed with to appear in court, where he pleaded in his defence from eight in the morning, till ſeven in the evening, when, contrary to his expectation, ſentence of death was paſſed upon him, as guilty of Overbury's murder. The ſame author ſays, the king was terribly uneaſy all that day, neither was he at reſt till the news came of his condemnation. This author's view, in relating theſe and many other circumſtances, was to inſinuate, that the king was afraid the earl of Somerſet, to ſave his life, would reveal ſome ſecrets he had a mind to conceal. But theſe ſecrets are not explained, and, probably, are only chimera's. If the king had feared any thing from the earl of Somerſet, he would never have brought him to a tryal, or commanded the judge to examine him ſtrictly. Nevertheleſs, tho' Weldon be ſatirical, and there is no depending upon his teſtimony, ſome truth however appears in what he relates, ſince the king's conduct, after the earl of Somerſet's condemnation, ſhews there was in this affair ſome circumſtance by which he was embarraſſed.

He is condemned to die. Franklin's Annals.

The counteſs is condemned alſo.

The counteſs of Somerſet being brought before the court, pleaded only with a ſhower of tears, which raiſed ſome compaſſion in her judges, but, however, hindered her not from being condemned to die as well as her lord. The king granted them a reprieve, which was often renewed till the year 1621, when they had liberty to go and live at a country-ſeat, without, however, being releaſed from their ſentence. At laſt, in 1624, about four months before the king's death, a pardon was granted them. After the earl of Somerſet was condemned, the king gave him 4000 pounds a year in land, which he took in his ſervants names. This noble preſent, the pardon granted the earl, notwithſtanding the curſe denounced by the king againſt himſelf and poſterity, if ever he pardoned the guilty, his reſtleſſneſs during the tryal, the note ſent to the chief juſtice whilſt he was trying Sir Thomas Monſon, Coke's imprudent words concerning prince Henry, and his diſgrace which ſoon followed, all theſe things, I ſay, have given occaſion to king James's enemies to inſinuate, he was conſcious of ſome guilt, and they have been pleaſed to apply the whole to prince Henry's death. But, beſides that all theſe circumſtances could at moſt only form a bare preſumption, who can affirm them to

They are reprieved, Wilſon. and at length pardoned. Weldon.

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1615.

be all preciſely true? Amidſt the perpetual contrarieties in the authors who write of king James I, it is hard to know diſtinctly the truth. Some paſs over in ſilence particulars which are chiefly inſiſted upon by others, or abſolutely deny facts, which the others advance as inconteſtable. Some there are whoſe view was to give a very ill idea of the manners and qualities of this prince, whilſt others repreſent him as a very wiſe, juſt and religious king. Some penned his reign while the civil wars raged in England, or when the monarchy was changed into a common-wealth. Theſe thought to do their country ſervice, in demonſtrating that the project of enſlaving England was begun in the reign of James I, and purſued in that of Charles I. Others wrote after the reſtoration of Charles II, when the civil wars were ſtiled an unnatural rebellion, and when the fear of falling under an arbitrary government was termed chimerical. Hence ariſes the difficulty of making a choice amidſt all the contrarities between the hiſtorians. Unhappily the ſame parties ſtill ſubſiſt with the ſame prejudices; ſo there is little hopes of ſeeing an impartial Hiſtory of England, from the beginning of king James I's reign, to our time. Let a hiſtorian turn which way ſoever he pleaſes, he will be looked upon as partial, by one or other of the two factions. This is a remark abſolutely neceſſary as well for the fact I have juſt mentioned, as for the whole reign of James I, and ſtill more for the following.

Wilſon.

To finiſh what relates to the earl and counteſs of Somerſet, I ſhall briefly add, that their love which had engaged them to commit ſuch abominable deeds, turned at laſt to hatred. They lived together many years in one houſe, as ſtrangers to each other, and, at laſt, the counteſs died of an uncommon diſeaſe. The earl lived long enough to ſee his daughter married to the duke of Bedford, who had by her the lord Ruſſel, beheaded in the reign of Charles II.

Death of Arabella Stuart. Camden's Annals. She is ſuſpected to be poiſoned.

Arabella Stuart, firſt-couſin to the king, died in the tower the 27th of September, 1615, a little before the tryal of the complices of Overbury's murder. Many ſeeing that on occaſion of theſe tryals, prince Henry's death began to be talked of afreſh, imagined this kinſwoman of his majeſty might alſo be poiſoned. This is what ſome hiſtorians, enemies to king James, have advanced, or, at leaſt, inſinuated, without any other foundation than this malicious report, grounded upon the chimerical project in the beginning of the preſent reign, of ſettling Arabella on the throne. She was daughter of Charles Stuart, younger brother to Henry, his majeſty's father. Conſequently, ſhe could have but very remote pretenſions to the crowns of England and Scotland, which James enjoyed not by the title of the Stuart family, of which he was by the father's ſide, but by his mother queen Mary's right, to whom Arabella was only a very diſtant relation. The king, therefore, muſt have carried his ſuſpicions beyond all imagination, to reſolve to poiſon this relation at a time when there was no commotion either in England or Scotland, and when ſhe was actually in priſon. The cauſe of her diſgrace was, her privately eſpouſing without the king's conſent, Sir William Seymour, grandſon to the earl of Hertford, for which the king ſent them both to the tower, from whence ſome time after, they made their eſcape with intent to fly into France. Seymour had the good fortune to eſcape, but Arabella was taken and ſhut up in the tower, where ſhe died.

1616. Villiers rules all at court. Weldon.

The earl of Somerſet's affair ending the diſpute between the two favourites, the court was reſtored to its former tranquillity, under the management of Villiers, who engroſſed the king's affection without a rival. The new favourite behaved in much the ſame manner as his predeceſſor. He ſuffered himſelf, at firſt, to be guided by ſuch as he thought wiſer and more experienced than himſelf; but in time he thought himſelf the moſt able perſon in the kingdom. His firſt care was to diſmiſs by degrees the earl of Somerſet's creatures, and confer the places on his own relations and friends. Nothing more material was tranſacted at court for ſome years, except the two uſual affairs of this reign, wherein the promotion of the new favourite made no alteration. I mean the advancement of the prerogative royal, and the methods of raiſing money without the parliament. The firſt of theſe two points produced in the year 1616, between the king and the judges a ſharp conteſt, the occaſion whereof was this:

Diſpute between the king and the judges concerning the prerogative. Camden's Annals.

The king deſigning to give in Commendam a vacant church, it was diſputed in the court of common-pleas, not only whether the king might give a Commendam to a biſhop, either before or after the conſecration, but alſo whether Commendams were to be granted without neceſſity. The chief juſtice of the common-pleas finding the caſe difficult to be decided, deſired to have it farther argued by all the judges, as is uſually done in nice points. The king, who was at Royſton, being informed of it, commanded his attorney-general Bacon, to ſignify by letters to all the judges, that they ſhould defer the determination of the affair till his return. Notwithſtanding this order, the judges met and argued the caſe. After which, they unanimouſly ſigned a writing, declaring they could not obey the king's order, becauſe they were ſworn to have no regard to the king's orders or letters, in matters concerning private perſons. The king, exaſperated at their proceedings, wrote them, that it was not his intent to ſtop the courſe of juſtice, but, however, he would not endure, that under pretence of determining caſes between private perſons, they ſhould attack the prerogative royal, or, "That any perſon ſhould be allowed to diſpute or argue on that head;" that the argument drawn from their oath was impertinent, ſince the oath was enjoined by the kings, his predeceſſors, only to prevent the importunities of ſuitors to the prince, and not to give the judges authority to determine in points of prerogative. He concluded with a peremptory command, not to proceed " till " they had conſulted him."

It muſt be obſerved, that in this letter, the king ſuppoſed two or three principles, which neither the judges, nor the generality of the nation did admit. The firſt, that no perſon had a right to argue concerning the extent of his prerogative, ſince the judges of the realm, being conſidered as middle perſons between the king and people, were alone to decide, and commonly did decide the queſtions on this head. The ſecond principle was, that the oath taken by the judges at their admittance into their office, was enjoined by the kings, his predeceſſors, to avoid the ſollicitations of ſuitors, whereas it was the common opinion that the power aſcribed to the judges to diſobey the king's letters, was given them by the whole nation repreſented in parliament. The third principle was, that nothing ought to be decided without conſulting him, that is to ſay, their determination was to be founded upon what he ſhould himſelf enjoin. People for the moſt part affirmed, the king would thereby eſtabliſh a new prerogative unheard of in England.

The council decides in favour of the king. Annals.

The king being returned to London, ſent for all the judges to the council-table, and reprimanded them ſeverely. He told them among other things, that ſince his acceſſion to the crown of England, he had obſerved that the counſellors at the bar, took the liberty to argue the extent of the prerogative royal, which on that pretence, was trampled upon, and it was the judges buſineſs to bridle this inſolence in their reſpective courts. Then ſpeaking of the order he had ſent them, he imperiouſly told them, there was no reaſon that could excuſe their non-compliance. The king's manner of expreſſing himſelf terrified the judges, who choſe rather to give way than reſiſt him to his face. Coke alone conſtantly maintained, that the king's order being contrary to law, they were not to blame for refuſing to obey it. Whereupon the king ſaid with ſome emotion, whether they had done well or ill, he would not ſuffer his prerogative to be conteſted. In fine, the judges being withdrawn, the council unanimouſly determined the caſe in favour of the king.

The peoples murmurs.

This affair made great noiſe among the people. They who were already prejudiced againſt the king, ſaid, it was evident he intended to reign with an abſolute power; that not only he contemned the determinations of the judges, but would not ſo much as endure that his prerogative ſhould be argued, and pretended to be ſole judge of the extent of his own authority; but others admired his courage in maintaining the prerogatives of the crown.

Coke is turned out. Wilſon.

It was not long before Coke felt the effects of the king's wrath. The chief juſtice having brought a complaint in the ſtar-chamber againſt the lord chancellor Elleſmere, concerning an order iſſued out of the court of chancery, and having loſt his cauſe, wherein he was accuſed, 1. Of having wrongfully attacked the lord chancellor. 2. Of having, when attorney-general, concealed a ſtatute of 12000 l. due to the king from the late lord chancellor Hatton. 3. Of having ſaid in open court, that his majeſty was labouring to overthrow the common-law of England. 4. Of having behaved very inſolent to the king, in the caſe of Commendams. The lord treaſurer upbraided him likewiſe before the council, for ſuffering his coachman to drive him bareheaded, a privilege not granted even to the lord chancellor himſelf. As the king was diſpleaſed with him, this was ſufficient to turn him out of his place, which was given to Sir Henry Montague. Coke was extremely well verſed in the common laws of England, of which he wrote a book highly eſteemed, and which is daily cited in the courts of juſtice, and the high court of parliament*. But as he was one of thoſe who ſuſpected the king of aſpiring to arbitrary power, and thought it his duty to oppoſe it, he could not be agreeable to the court.

The lord chancellor delivers up the great-ſeal. Annals.

Preſently after, the lord chancellor Elleſmere being taken ſo ill, as to deſpair of being able to continue the functions of his office, deſired the king to confer it on another; but the king, without granting his requeſt, ſent for the ſeal, telling him, he would himſelf be his deputy; and, indeed, he kept the great ſeal till Elleſmere's death, which was not till March the next year. After that, Sir Francis Bacon, attorney-general, was made lord-keeper, and then chancellor. He was a man of great abilities, as appears in his works, but a ſervile flatterer, cringing to thoſe who were in favour, and very haughty to ſuch as he believed he ſhould not want.

Bacon is made lord keeper. Wilſon.

Prince Charles created prince of Wales. Novem 4. Act. Pub.

Prince Charles, the king's only ſon, was created this year prince of Wales, with the uſual ceremonies. The king thought of marrying him, but it was not eaſy to find a princeſs fit for him. There was never a Proteſtant princeſs of royal extraction in Europe, and his father could not reſolve to marry him to any but a king's daughter. Several of his predeceſſors had not been ſo difficult; but for his part, he was extremely nice on this occaſion. He would have thought it a diſparagement to the prince, his ſon, to marry the daughter of any German prince. He choſe rather, contrary to all the rules of good policy, to ſeek him a wife in a houſe ſworn enemy to the Proteſtant religion, than to marry him to one of his own religion, who was not royally deſcended. This infatuation, if I may be allowed the expreſſion, is to be conſidered as the ſource of the reſt of the occurrences of this reign, and of all the vexations James had to endure, as well from foreigners as his own ſubjects. It may be farther added, that this made him better known than before,

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* He wrote Inſtitutes, or a Comment on Littleton, ſeveral volumes of Reports, &c. He is accuſed of diſcovering too much paſſion and prejudice on the bench, and of acting the part of a pleader rather than a judge. His pleadings at the tryal of Sir Walter Raleigh, ſhew, to his eternal infamy, that he could at any time talk an innocent perſon to death; for there never was ſeen ſuch a heap of inſolence, and hard names. See State-tryals.

1616.

and in a manner not to his advantage. He would have married his eldeſt ſon prince Henry, to Anne of Auſtria, who afterwards eſpouſed Lewis XIII, king of France; but having, at laſt, diſcovered, that the court of Spain carried on the negotiation only to amuſe him, he gave over his deſign. The French king's marriage being ſolemniſed this year, 1616, James ſent ambaſſadors to France and Spain to congratulate the two monarchs. The lord Hay, a Scotchman, was choſen for the French ambaſſy *, and the lord Roſs for the Spaniſh. They had both orders to ſound the two courts concerning the prince of Wales's marriage, with the princeſs, eldeſt ſiſter to Lewis XIII, or with the Infanta Maria, daughter to Philip III. The lord Hay quickly found, his negotiation would be fruitleſs, ſince the princeſs of France was already promiſed to the prince of Piedmont, ſon to the duke of Savoy.

He reſolves for the Spaniſh match. Annals.

Whilſt theſe things were in agitation, and before the lord Roſs's arrival in Spain, Sir John Digby, his majeſty's ambaſſador to Philip III, wrote to the king, that the duke of Lerma had made an overture of a marriage between the Infanta Maria and the prince of Wales, and deſired private inſtructions on that head. He adviſed him, however, not to break off the negotiation with France, for fear the duke of Lerma's offer ſhould be an artifice to render him ſuſpected to the Proteſtants. James could the leſs doubt of Digby's ſuſpicion being well grounded, as Sir Dudley Carleton, his ambaſſador at the Hague, had told him, that to weaken the good intelligence between him and the ſtates-general, a report was ſpread, that the prince of Wales's marriage with the Infanta of Spain was on foot, and now far advanced. But he took no notice of this intelligence; on the contrary, he ſent orders to Sir John Digby to begin the negotiation with Spain. At the ſame time, Don Diego di Sarmientos, count Gondemar, the Spaniſh ambaſſador in England, received a commiſſion to treat with the king concerning the marriage.

James is amuſed by the court of Spain Ruſhw.

After James had taken this reſolution, he could not conceal his extreme deſire to accompliſh this marriage. Hence he gave occaſion to the Spaniard, who had then no deſign to treat ſeriouſly of this affair, to feign that he paſſionately wiſhed to conclude it to his ſatiſfaction, and to draw from his readineſs, conſiderable advantages for the houſe of Auſtria and the Catholick religion. By means of this ſame deſire it was, that count Gondemar, a man of great abilities, ſo inſinuated himſelf into the king's favour, that for many years he cauſed him to do almoſt whatever he pleaſed, by putting him in fear that the marriage would miſcarry, if the Spaniſh court was not managed. We may judge of the policy of that court, by the length of this negotiation, which was made to laſt ſeven years. At firſt, the Spaniard intended only to hinder king James from concerning himſelf in the war of Cleves, and aſſiſting the Proteſtant princes; but afterwards, a more important affair made it his intereſt more than ever to amuſe the king of England, and to keep him at a bay.

1616.

The king's ſtrange conduct.

Certainly James's conduct, who in ſome men's opinion paſſes for the Solomon of his age, was very extraordinary. Under colour of being at peace with all the world, he meddled not with any foreign affairs. He beheld, without concern, France openly labouring the deſtruction of the Huguenots, and the houſe of Auſtria forming projects to enſlave all Europe, and daily increaſing in power, to the juſt dread of the reſt of the ſtates, and eſpecially the Proteſtant. Moreover, he expreſſed a ſtrong deſire to be allied to that houſe, by a marriage which could not but be prejudicial to the eſtabliſhed religion of England. In ſhort, if his management at home be examined, the capacity, the great wiſdom he thought himſelf bleſſed with will no where appear. Without any war upon his hands, he had conſumed immenſe ſums, and alienated almoſt all the crown-lands, to enrich a dozen of Engliſh and Scotch favourites, who had never done him any conſiderable ſervice. The earl of Somerſet had, before his diſgrace, amaſſed 200,000 pounds in money, plate and jewels, beſides 19,000 pounds a year in land, tho' he had been but five years in favour. The earl of Saliſbury, younger ſon to the lord Burleigh, who had no eſtate but what he derived from the crown, had left his ſon as rich as any peer in the kingdom. The earl of Northampton, younger brother of the late duke of Norfolk, had built a ſtately palace in London, ſince called Northumberland-houſe, and left a vaſt inheritance to his nephew the earl of Arundel, tho' he had little or nothing from his family. The earl of Suffolk, youngeſt ſon to the duke of Norfolk, had built a country ſeat, which coſt above 200,000 pounds, and he did not, as may be judged, expend his whole ſubſtance on this ſtructure. The duke of Lenox, the earl of Dunbar, the lord Hay, had remitted great ſums into Scotland, and Sir Henry Rich, afterwards earl of Holland, tho' a younger ſon, had found means to raiſe an immenſe eſtate. Amidſt all theſe favourites ſo rich and powerful, the king was in extreme want, continually giving more than he could afford, and running into needleſs expences, without ever regulating his treaſury. To all this was added a new favourite, who being no leſs greedy than the reſt, was alſo to be inriched, and had a numerous kindred, whom he did not mean to leave in want. Another effect of the king's great wiſdom was, to quarrel with his parliament, in ſupport of a prerogative which he would have carried higher than any of his predeceſſors, and thereby put himſelf under a neceſſity of uſing means to raiſe money, which

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* This was one of the moſt magnificent ambaſſies recorded in Hiſtory. Among other things, the lord Hay, at his publick entry into Paris, had his horſe ſhod with ſilver ſhoes ſlightly tacked on; and when he came over-againſt houſes or balconies, where perſons, or beauties, of eminency were, his horſe prancing in humble reverence, flung his ſhoes away, which the ſurrounding mob ſcrambled for; then one of his train, out of a velvet bag took others, and tacked them on; which laſted till he came to the next troop of grandees. Wilſon.

could not but alienate from him the love of his people. Laſtly, let us add his weakneſs in ſuffering himſelf always to be ſo governed by his favourites, that he could not, or would not, ſee but with their eyes. At the time I am now ſpeaking of, his cabinet-council conſiſted ſolely of the new favourite, a young man without experience, thro' whoſe hands never any affair of moment had paſſed, and who, notwithſtanding, thought himſelf the moſt able man in the kingdom *. The earl of Suffolk was more verſed in affairs, tho' he was never counted a great genius; but he was now upon the decline of his favour, Villiers being far from ſupporting the earl of Somerſet's father-in-law. Bacon, lord-keeper, was well verſed in the laws of the land, and capable of giving good advice; but he made it his whole ſtudy to adapt himſelf to the king's humour, and make his court to the favourite.

He gives up the cautionary-towns for the third part of what is due to him. Coke.

The only affair which then employed the king and his miniſters, was to find money, and in plenty too, otherwiſe the king would have led a ſad life. But all means ſeemed to have been exhauſted, and a parliament could not ſafely be called, the wound of the impriſoned members being ſtill too freſh to hope it was yet cloſed. In the interim, the treaty of the prince of Wales's marriage with the Infanta, procured the king an unexpected ſupply. Queen Elizabeth had ſettled, with the ſtates of the United-Provinces, the arrears they owed her, amounting to 8,000,000 of florins. This ſum was due to James, as Elizabeth's ſucceſſor. The ſtates would have paid the debt long ſince, had they not found their account in remaining debtors to England, becauſe they thereby engaged that kingdom to ſupport them. But after the 12 years truce was concluded, the face of affairs was altered. The ſtates no longer wanted the king's protection, and beſides, he held in their provinces, places which gave him opportunity to treat them with haughtineſs, as he had done in the affair of Vorſtius. It was, therefore, time for them to recover theſe places, ſince they had not the ſame intereſt now to leave them in the king's hands, when their dread of Spain was very much leſſened by the truce. But the ſum they were to pay was ſo conſiderable, that they waited a favourable opportunity to procure them ſome abatement. This opportunity offering not till the preſent year *1616*, they embraced it more eagerly, as they were under an urgent neceſſity to withdraw their towns from the Engliſh. The king treating of his ſon's marriage with the Infanta, it was to be feared, the reſtitution of theſe towns, to which the Spaniards laid claim, would be one of the articles of the marriage treaty, eſpecially as a clauſe in the treaty of *1604*, between England and Spain, gave them juſt cauſe to fear. On the other hand, the preſent juncture was favourable to them, becauſe the king's coffers were quite empty, and there was no likelihood of his venturing to call a parliament, by reaſon of the people's diſcontent. All the difficulty, therefore, was, to order it ſo, that the offer of reſtoring the towns ſhould come from the king himſelf, becauſe, in that caſe, the ſtates might pretend inability to pay ſo large a ſum, and that would naturally lead to a negotiation for an abatement of the debt. So, to bring the king to this point, they ceaſed for a time to pay the garriſons of the places in poſſeſſion of the Engliſh; tho', till then, they had punctually executed the treaty which obliged them to pay them. The garriſons complained, and the ſtates, without however refuſing payment, found ſeveral pretences to defer it. This delay conſtrained the Engliſh forces, who were without money, to apply to the king, who was not in condition to ſatisfy them. He complained to the ſtates, who anſwered with great moderation, inſiſting upon the ill-ſtate of their affairs, by reaſon of their vaſt expence during the war. In ſhort, this affair did not end, and the Engliſh garriſons ſtill remained without pay. At laſt, Caron, the Dutch envoy in England, intimated as of himſelf, to ſome one of the miniſters, that he believed, if the king would offer to reſtore the towns in his poſſeſſion, the ſtates would do their utmoſt to diſcharge the whole debt, by borrowing money at a high intereſt. This intimation produced the deſired effect. The king having no money, and ſeeing a near proſpect of drawing from the ſtates a large ſum, which the courtiers had already devoured in their thoughts, readily determined to ſurrender the cautionary towns. Purſuant to this reſolution, he wrote to the ſtates, "That he knew them to be his good friends and confederates, both in point of religion and policy, therefore he apprehended not the leaſt fear of difference between them; in contemplation whereof, if they would have their towns again, he would willingly ſurrender them." Upon this letter, they ſent penſionary Barnevelt to the king, who ſo artfully managed this affair, that they were diſcharged for 2,728000 florins, in lieu of 8,000,000, which they had promiſed to pay to Elizabeth, beſides 18 years intereſt. By this agreement, the cautionary towns were delivered to the ſtates the 14th of June, *1616*.

Reflections to the king's diſadvantage.

They who were not pleaſed with the court, greatly cenſured this treaty, which robbed the crown of England of the advantage of holding the United-Provinces in a ſort of ſubjection. It was ſaid, that indeed Elizabeth was bound to reſign theſe places, upon payment of the ſums ſhe had advanced; but there was no neceſſity to reſtore them for much leſs; that there was the leſs occaſion to haſten this reſtitution, as the garriſons were not maintained by the crown; and if the ſtates neglected to perform their agreement with the queen, the king ſhould have made them ſenſible they had not done it with impunity. Theſe things were not for the king's honour, and his proceedings on this occaſion could at moſt but confirm to him the title of pacifick, which he affected above all others. But it was much worſe, when it was ſeen in a very ſhort ſpace, that the money paid by the ſtates was vaniſhed, without a poſſibility to gueſs what was become of it. The king had paid none of his debts; the navy was ſuffered to decay, for want of money to repair it; and nothing had been ſent to his army in Ireland, which had not received one peny for ſeveral years, and whoſe wants had ſerved for pretence to treat with the ſtates.

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* Gondemar is ſaid to tell king James in raillery, "That he was the wiſeſt prince in Chriſtendom, to make privy-counſellors ſage at the age of 21, which his maſter, the king of Spain, could not do till 60. Sir E. Peyton.

The lord treaſurer is accuſed of miſmanagement. Wilſon.

At length, it was diſcovered, that the lord treaſurer Suffolk had converted to his own uſe good part of the money received from the cautionary towns. The favourite miſſed not this opportunity to ruin a man, whom he could not conſider as his friend, ſince he was father-in-law to the earl of Somerſet. The lord treaſurer was therefore accuſed in the ſtar-chamber, of ſundry miſdemeanors in the exerciſe of his office, and eſpecially of having kept for himſelf great part of the money received of the Hollanders. Sir Edward Coke, who was reſtored to his place, or had another, was his accuſer. He aggravated his miſdemeanors, his extortions, his miſmanagement of the king's treaſures, his boldneſs to apply them to his own uſe, the corruptions of his counteſs, who took bribes with both hands, the artifices of his deputy Bingley[*], to enſnare ſuch as had buſineſs with his maſter. After that, he cited many precedents of treaſurers, who in former reigns had been puniſhed for ſlighter crimes than thoſe of the earl of Suffolk, and ſhewed the dangerous conſequences reſulting from the ill adminiſtration of the treaſurerſhip, when it was not managed by uncorrupt perſons. If the lord treaſurer had caſt himſelf upon the king's mercy, he would have been eaſily acquitted; but he ſtrove to juſtify himſelf, and not doing it to the ſatisfaction of his judges, he was fined 30,000 pounds, and condemned to impriſonment during the king's pleaſure, and Bingley was fined 2000. Till the king ſhould make choice of a treaſurer, that office was executed by commiſſioners, the firſt of whom was Sir Henry Montague, the favourite's creature.

Other changes at court.

The earl of Suffolk was not the only ſacrifice to Villiers's policy, who by degrees removed Somerſet's creatures. Sir John Bennet, judge of the prerogative court, was turned out, and fined 20,000. Sir Henry Yelverton, the king's attorney, alſo loſt his place, as well as ſeveral others whom it is needleſs to mention. Secretary Winwood dying about this time, Sir Robert Naunton, a Proteſtant, and Sir George Calvert, a Papiſt, were made ſecretaries.

The king is ever full of his prerogative.

The tranquillity enjoyed by the king, might have been deemed perfect, if the fear of his prerogative's being attacked, had not continually diſturbed his repoſe. In vain did he preach and advance his principles upon all occaſions, he had the misfortune to be regarded by none but his courtiers and immediate dependants. For this reaſon he durſt not call a parliament, knowing the commons did not allow of his maxims. He ſeems to have thought it pure ignorance in the Engliſh, and that by a frequent repetition of the ſovereign's prerogatives, he ſhould, at length, ſucceed in convincing them of the truth of his principles. This he took occaſion to do in June this year, in a ſolemn aſſembly held in the ſtar-chamber, on pretence of making known his deſign to correct certain abuſes crept into the courts of juſtice. He made a very long ſpeech, full of diviſions and ſubdiviſions, according to his cuſtom, and took for his text theſe words of Pſalm lxxii. 1. "Give thy judgments to the "king, O God, and thy righteouſneſs to the "king's ſon."

The king's ſpeech in the ſtar-chamber. Annals.

He begins with ſaying, "The literal ſenſe "of theſe words runs upon David and Solo-"mon, godly and wiſe; the myſtical upon "God and Chriſt, juſt and righteous; and from "this imitation all governments, eſpecially "monarchies, have been eſtabliſhed. Kings "ſit in the throne of God, and thence all "judgment is derived, from the king to the "magiſtrates, not privative but cumulative. "So by the counſel of Jethro to Moſes, the "judges were deputed for eaſier queſtions, "the more profound left to Moſes; and in "this manner all Chriſtian kings govern; "whereby appears the near conjunction be-"tween God and the king upward, and the "king and the judges downward; the king "to ſettle the law of God, and his judges to "interpret the law of the king."

Then he teaches the judges their duty in adminiſtring juſtice; and after dwelling upon many common places, he proceeds to the limits preſcribed them: "Incroach not upon "the prerogative; deal not in difficult que-"ſtions, before you conſult with the king and "council, for fear of wounding the king thro' "the ſides of a private perſon." Whereupon he takes occaſion to commend ſome of the judges for rebuking the popular humour of certain pleaders at the bar, who meddled with ſuch matters. "That which concerns (ſays "he) the myſtery of the king's power, is not "lawful to be diſputed; for that is to wade "into the weakneſs of princes, and to take a-"way the myſtical reverence that belongs to "thoſe who ſit in the throne of God[**]."

After having run through, and given his opinion concerning the ſeveral courts of judicature, he goes on, "It is the duty of judges "to puniſh ſuch as ſeek to deprave the king's "courts, and therefore it was an odious and "inept ſpeech in Weſtminſter-hall, to ſay, "that a Præmunire lay againſt the court of "chancery. I mean not that the chancery

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[*] Sir John Bingley was one of the tellers of the exchequer. Sir Francis Bacon, in his ſpeech upon this occaſion, wittily obſerves, that the counteſs of Suffolk kept the ſhop, and Sir John Bingley, her officer, cried, what do you lack? Wilſon.

[**] He farther ſays, "The abſolute prerogative of the crown is no ſubject for the tongue of a lawyer, nor is "lawful to be diſputed. It is atheiſm and blaſphemy to diſpute what God can do: Good Chriſtians content them-"ſelves with his revealed will. So it is preſumption and high contempt in a ſubject to diſpute what a king can "do or ſay, that a king cannot do this or that, but reſt in that which is the king's revealed will in his law." King James's Works.

" ſhould exceed its limits, " but the king only is to correct it, and none elſe;" and therefore I was greatly abuſed in that attempt; " and for that reaſon commanded, that no man " hereafter preſume to ſue a Præmunire againſt " that court."

He ſpeaks afterwards of the ſtar-chamber, and ſays, " As a ſtar is a glorious creature, " next in place to the angels; ſo this court is " the moſt glorious of all courts, conſiſting of " privy-counſellors, judges, peers of the realm, " and biſhops, and conſequently the learning " of both divine and human law, the experience and practice of government, are conjoined together in the proceedings of this " court; adding, I have laboured to gather " articles like an Index expurgatorius of novelties crept into the law; look to Plowden's caſes, and if you find it not there, " away with it."

Then he addreſſes himſelf to the auditory, and gives them advice with reſpect to the law-ſuits that were carrying on in the ſeveral courts. He chiefly adviſes them in their pleas, " Not to preſume to meddle with things againſt the king's prerogative or honour; if " they do, the judges will puniſh them; and " in caſe the judges do not, he muſt puniſh " both them and the judges. Plead not, continues he, upon new Puritanical ſtrains, that " make all things popular, but keep you " within the antient limits of pleas."

In ſpeaking of recuſants, that is, thoſe who refuſed to be of the church of England, he ſays, " There are three ſorts; the firſt are " they, who inforced by law, come now and " then to church; theſe are formal to the " law, but falſe to God *. The ſecond ſort " are they that have their conſcience miſled, " and, therefore, refuſe to come to church, " but otherwiſe live as peaceable ſubjects †. " The third ſort are practiſing recuſants, " who force their ſervants and tenants to be " of their opinion, theſe are men of pride and " preſumption **. He adds, I can love the " perſon of a Papiſt ſo born and bred, but an " apoſtate Papiſt I hate; ſuch deſerve ſevere " puniſhment. I confeſs I am loth to hang a " prieſt only for his religion, and ſaying maſs; " but if they refuſe the oath of allegiance, I " leave them to the law."

He concludes his long ſpeech with exhorting the judges to countenance the clergy againſt the Papiſts and Puritans, adding, God and the king will reward their zeal.

A remark on this ſpeech.

It is eaſy to obſerve, as well in this as in the king's other ſpeeches in publick, and on ſundry occaſions, three principal deſigns which he had ever in view. The firſt was, to eſtabliſh the prerogative royal according to his own principles. The ſecond, to intimate, that the Papiſts were not to be moleſted, provided they lived peaceably, and took the oath of allegiance. The third was, to expreſs his hatred of the Puritans, and to create the ſame averſion for them in the people. But it would be a great miſtake, to aſcribe this hatred to their refuſing to allow of the ſurplice, the croſs in baptiſm, kneeling at the communion. Theſe were not the things that rendered them odious in his ſight. He fancied their principles with reſpect to church-government, led them to be enemies to monarchy. For this reaſon, all arguments againſt the extent of the royal prerogative ſeemed to him to be founded on Puritanical principles.

Villiers is made earl of Buckingham. Howes.

On the 27th of Auguſt the king created Sir George Villiers, baron of Whaddon and viſcount Villiers, and on the 1ſt of January following, he was made earl of Buckingham.

1617. An account of the archbiſhop of Spalato. Wilſon.

In the beginning of the year 1617, arrived in England Marco Antonio de Dominis, archbiſhop of Spalato in Dalmatia, who was come to profeſs the Proteſtant religion in the communion of the church of England. As he was a man advanced in years, and very corpulent, it was readily believed, no other motive but that of religion and conſcience could have induced him to undertake ſo long a voyage, and quit his archbiſhoprick. He preached and wrote againſt the Romiſh religion, and, at length, was preferred to the maſterſhip of the Savoy, and the deanery of Windſor. After ſome years ſtay in England he ſuffered himſelf to be gained by count Gondemar, the Spaniſh ambaſſador, with the hopes of a cardinal's cap, if he would go to Rome, and publickly abjure the Proteſtant religion. This man, upon the brink of the grave, being ſeduced by Gondemar's promiſe, went to Rome, and abjured the religion he had embraced in England, after which, inſtead of being a cardinal, he was thrown into a dungeon in the inquiſition, where he died, and notwithſtanding his abjuration, his body was publickly burnt.

The king is reſolved to compel the Scots to conform to the church of England. Wilſon.

I have ſeveral times mentioned the king's averſion to the Puritans, whoſe government, which came very near the republican, was directly contrary to the principles he was labouring to eſtabliſh. Ever ſince his coming to England, he had kept the Puritans ſo low, that it was not in their power to give him any diſturbance. But the church of Scotland was ſtill Presbyterian, to his great mortification. Indeed, epiſcopacy was not entirely ſuppreſſed in that kingdom; but it was in ſuch a ſtate, that the biſhops had no manner of juriſdiction. The ſeveral presbyteries and the general-aſſembly of the clergy, had engroſſed the whole eccleſiaſtical authority, and left the biſhops only an empty name without power. There were alſo many other points wherein the Scottiſh church differed from the Engliſh, ſo that Puritaniſm triumphed in Scotland, at the time it was looked upon in England as a ſort of rebellion. James had, therefore, reſolved to put the church of Scotland upon the ſame foot with that of England; but perceiving, that to compel the Scots all at once to a perfect conformity with the Engliſh church, would be too dif-

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* Theſe were the Presbyterians, of whom ſeveral made no ſcruple to be preſent at the ſervice of the church of England. Rapin.

† Theſe were the Papiſts, who were willing to ſwear allegiance. Rapin.

** Theſe were the zealous and furious Papiſts. Rapin.

1617.

ficult an undertaking, he meant to lead them to it by degrees. Purſuant to this project, he had now ſent to the general aſſembly of the kirk certain articles, which he deſired might be inſerted into the canons of the church. Theſe articles were:

1. For the future, the holy communion ſhould be received kneeling.
2. The euchariſt ſhould not be denied to the ſick, with three or four perſons to communicate with them.
3. Chriſtmas, Eaſter, Aſcenſion-day, and Whit-ſunday, ſhould be kept as holy-days, and the preachers ſhould make choice of texts ſuitable to the occaſion.
4. Confirmation ſhould be practiſed after this manner; when the childeren were eight years old, the miniſters ſhould catechize them, and then the biſhops in their viſitations ſhould bleſs them with prayer for God's grace, and the gifts of the Holy Ghoſt.

As to this laſt article, the king did not deſire that confirmation ſhould be received in Scotland, as practiſed in the church of England, becauſe he was not fully convinced of its uſefulneſs. But as the buſineſs concerned one of the epiſcopal functions, he would that the biſhops ſhould have ſomething, at leaſt, to do in it,

He meets with oppoſition. Spotiſw.

The king's deſign being to compaſs his ends by degrees, he had ſelected theſe four articles as leaſt liable to give offence to the miniſters, in order to leave them without excuſe in caſe they rejected them. The general aſſembly of the Scottiſh church, perceiving the king's view, declared, if the churches of England and Scotland differed only in theſe four articles, they might be received for peace-ſake; but as they were innovations incapable of producing a perfect union, there was no neceſſity of inſerting them among the canons. The king offended with this refuſal, reſolved to compel the Scots, not only to receive theſe four articles, but alſo many more which he had not thought fit to meddle with at firſt, being perſuaded he had a right, by vertue of his royal authority, to impoſe upon his people of Scotland, the religion which to him ſeemed the beſt. To this purpoſe, he reſolved to go in perſon to Scotland, under colour of viſiting his native country, where he had not been theſe 14 years.

He takes a journey into Scotland. Spotiſw. Annals,

Before his departure, he ordered a proclamation to be publiſhed in Scotland, wherein he ſaid, he was going to viſit his old kingdom, “not to alter the civil and eccleſiaſtical ſtate, “but to reform certain abuſes in the church “and common-wealth.” At the ſame time, he ſent beforehand ſome officers of his houſhold, all Engliſh, with orders to adorn his chapel at Edinburgh in the ſame manner as that at Whitehall; and theſe men forgot not to carry with them ſome pictures and even ſtatues of the apoſtles. As ſoon as they began to adorn the chapel, the people of Edinburgh exclaimed at the ſight, ſaying, “images “were begun to be introduced, and the “maſs would quickly follow.

1617.

He treats the Scots with haughtineſs. Spotiſw.

The king being come to Berwick, prorogued the parliament of Scotland, to open it himſelf, as he did indeed with a long ſpeech, according to cuſtom. To conceal his real deſign, he propoſed ſeveral things, among which he did not forget the article concerning religion, the only point he was ſeriouſly labouring. He contented himſelf, at firſt, with requiring, that a certain number of commiſſioners ſhould be appointed to examine and ſettle the affairs of religion. The parliament conſenting to his demand, the king ſtaid not for the parliament's nominating the commiſſioners, but choſe them himſelf, and appointed the lord chancellor, the lord treaſurer, and the the clerk of the rolls, who were all three his creatures. But as the parliament ſcrupled to ſtand to this nomination, he fell into a violent paſſion, thinking it very ſtrange they ſhould pretend to name others, after he had made known his pleaſure. In ſhort, as they durſt not reſiſt him to his face, he obtained whatever he pleaſed.

He gets an article paſſed, which gives him power. Spotiſw.

Theſe commiſſioners immediately ſettled an article, after which there was nothing more to be examined. The article was, “That “whatſoever his majeſty ſhould determine in “the external government of the church, “with the advice of the archbiſhops, biſhops, “and a competent number of the miniſtery, “ſhould have the ſtrength of a law.” The king himſelf had dictated this article, “not “(ſaid he) that I am againſt the advice of “the grave and learned miniſters, but to be “over-ruled, as in your former general aſ- “ſemblies, I will never agree; the biſhops “muſt rule the miniſters, and the king go- “vern both in matters not repugnant to God's “law.” Thus the king plainly ſhewed, that ſince his acceſſion to England, he claimed in Scotland a greater authority than before.

A proteſtation againſt this article. Spotiſw.

In the interim, the miniſters in and about Edinburgh, perceiving that by the prevarication of the commiſſioners, their church was going to be overthrown, ſince the king was impowered to make what alterations he pleaſed, met together to conſult how to prevent it. They found no other remedy than a proteſtation againſt the article paſſed by the commiſſioners; and when they had drawn it, they committed it to one Hewet, to preſent it to the king. Hewet being come into his majeſty's anti-chamber, in order to execute his commiſſion, the archbiſhop of St. Andrews civilly accoſted him, deſiring to ſee the proteſtation; which the miniſter readily ſhewed him. As ſoon as he had it in his hands, he would have put it in his pocket, but Hewet ſeiſed the paper, which could not be done without making ſome noiſe. Upon which the king coming out and hearing the occaſion of the buſtle, ſpoke ſo roughly to the miniſter, that the poor man, all in fright, fell on his knees and begged pardon, proteſting never more to meddle in the affair.

He ſummons the miniſters, and makes harſh ſpeech to them. Spotiſw.

But tho' the king had obtained what he wanted of the commiſſioners, he found, however, he ſhould never attain his ends without the conſent of the miniſters, eſpecially as their proteſtation was publick, and many copies, which continually increaſed, were already diſperſed. He addreſſed therefore to the biſhops, an order to ſummon the miniſters to meet on the 10th of July, at St. Andrews, where he would come and ſpeak to them in perſon. The miniſters obeying the ſummons, the king called them all to witneſs his great care of the church of Scotland, as well before, as ſince his acceſſion to the crown, adding, he expected, however, no thanks for his zeal for the true worſhip of God, and for maintaining good order in the church. Then he told them, that before he departed for Scotland, he had ſent them four articles to be inſerted in their canons, which were rejected, and yet he was ſilent; that having lately deſired, it might be declared, that by vertue of his prerogative, he had power to make eccleſiaſtical laws, they mutinied and proteſted againſt him; however, he was very willing to paſs by all theſe, with many other, affronts, received at their hands. But now, continued he, "the errand for which I have called you, "is to know your reaſons, why this ſame "power ought not to be admitted. I mean not "to do any thing againſt reaſon; and on the "other part my demands being juſt and religious, you muſt not think that I will be refuſed, or reſiſted." He ſpoke theſe laſt words knitting his brows, and looking at them, ſays the author of the Annals, with a majeſtical and ſtern eye, which made them all fall down on their knees. Then continuing his ſpeech, he ſaid, "It is a power innate, "and a ſpecial prerogative which we that are "Chriſtian kings have, to order and diſpoſe "of external things in the policy of the "church, as we by advice of our biſhops "ſhall find moſt fitting. And, ſirs, for your "approving or diſapproving, deceive not "yourſelves, I will never regard it, unleſs "you bring me a reaſon which I cannot anſwer."

They demand an aſſembly-general. Spotiſw.

The miniſters ſeeing how peremptory the king was, deſired leave to confer among themſelves. Their requeſt being granted, they returned in a few hours, with a petition for a general aſſembly, that what his majeſty propoſed might be received with common conſent. "Ay, ſays the king, but what aſſurance have I of their conſenting?" Whereupon ſome of them ſaid, they ſaw no reaſon to the contrary. "But, ſays the king, if "the general aſſembly be of another mind, "and your reaſon now be none of theirs then, "and the articles are rejected, my difficulty "will be the greater; for when I ſhall hereafter uſe my own authority in eſtabliſhing "them, I ſhall be pulpited a tyrant, and perſecutor; ye were wont to do ſo." Then all cried out, that none durſt be ſo mad. "Yet experience tells, ſays the king, that it "hath been ſo; therefore unleſs I be made "ſure, I will not give way to an aſſembly."

He grants it afterwards.

It was, however, eaſy to perceive, that without an aſſembly, the king could not poſſibly compaſs his ends. Tho' he ſhould have extorted the conſent of the miniſters then preſent, it would have been to no purpoſe, ſince they were not authoriſed. And if the king had cauſed theſe articles to be paſſed by an order flowing from his abſolute power, he ſhould have been firſt ſecure of the obedience of his ſubjects, or, at leaſt, of a ſufficient power to compel them, both which were equally difficult, not to ſay impracticable. So the king having conſidered the thing more maturely, agreed, at length, that a general aſſembly ſhould be held at St. Andrews in November. In this interval, Symſon the miniſter, who drew up and ſigned the proteſtation, was committed to Edinburgh-caſtle, and Catherwood, who carried letters to other miniſters to encourage them to adhere to it, was baniſhed. After this the king returns to England.

He is not ſatisfied with the aſſembly. Spotiſw.

The general aſſembly, held at St. Andrews in November, reſolved to defer the reception of the four articles, till all the churches of the kingdom were formed of this affair; and then ſeparated. The king was extremely incenſed, and looking upon this delay as a contempt of his authority, ordered the payment of the miniſters ſtipends to be ſtopped for a year. But finding this only exaſperated people, and retarded his deſign, he gave leave, at length, that another general aſſembly ſhould be held at Perth, on Auguſt the 25th the next year. And there, by fair or foul means, he obtained the churches conſent to the four articles. But withal, he ſowed in Scotland the ſeeds of thoſe troubles, which diſtracted the kingdom in the following reign, and deprived the king, his ſon and ſucceſſor, both of crown and life. Thus, his zeal againſt the Puritans cauſed him to forſake the principles of equity and moderation, which he thought ſo reaſonable in the caſe of the Catholicks. He would not force the conſcience of theſe, provided they lived like good ſubjects; but the Preſbyterians were to ſubmit, tho' ever ſo unwilling, to what he ſhould think proper. What has been ſaid upon this ſubject, is taken almoſt word for word out of the Annals, the author whereof cannot be ſuſpected of repreſenting things to the king's diſadvantage.

He grants another, wherein he obtains his deſire. Annals.

Buckingham is made privy-counſellor of Scotland.

Before he left Scotland, the king made the earl of Buckingham privy-counſellor of that kingdom, as he had been ſo for ſome time in England.

A petition preſented to the king concerning recreations on Sunday.

Whilſt the king was returning to London, he received a petition from ſome ſervants, labourers, mechanicks, and other vulgar perſons, complaining, that they were debarred from dancing, playing, church-ales, in a word, from all recreations on Sundays after divine ſervice. Whereupon it was ſuggeſted to the king, that the Puritans meant to perſuade the people, ſuch diverſions were contrary to the regard due to the Lord's-day. That theſe men went upon erroneous principles, viz. that Chriſtians were obliged to keep the day of reſt with the ſame ſtrictneſs as the Jews, and therefore affected to call Sunday the Sabbath. This was a ſufficient inducement to the king to condemn the Puritannical ſcruple, and the rather, as he was not himſelf very ſcrupleous in this point. A book, therefore, was publiſhed in his name, wherein he maintained by ſeveral arguments, that paſtimes on Sundays, after evening ſervice, were allowable, and withal, commanded that none ſhould be hindered or diſcouraged from any lawful recreations. This book made a great noiſe, neither was it exclaimed againſt by the Preſbyterians alone. Many churchmen diſapproved of it, and particularly the lord-mayor of London, who, notwithſtanding the prohibition, commanded the king's own carriages to be ſtopped, as they were paſſing thro' the city on a Sunday. But the king himſelf, regardleſs of theſe murmurs, and willing to ſupport what he had done, enjoined all miniſters to read his book publickly in their churches; and thoſe that refuſed were ſeverely puniſhed by the high-commiſſion. Some pretended, this order was a ſnare to ſurpriſe certain miniſters, who tho' Puritans, ſcrupled not to be of the church of England, and preach their doctrines there.

Buckingham rules all. Wilſon.

Theſe were the moſt material affairs then in England. The king, as I ſaid, never concerning himſelf in any foreign matters, left the government of the kingdom to the care of his miniſters. The earl of Buckingham was the head manager. He ruled with an abſolute ſway both in church and ſtate, diſpoſing of all places and preferments. If we may believe certain authors, he beſtowed nothing without money or a yearly penſion. As the king was always in want, the favourite was obliged to find means to maintain, and even enrich his numerous kindred, who flocked to court to partake of his greatneſs. Not to return to theſe matters, I ſhall ſay here at once, that the favourite's elder brother was made viſcount Purbeck; his younger brother, earl of Angleſea; his mother, tho' a Papiſt, was created counteſs of Buckingham, without her huſband's enjoying the ſame honour. In a word, all his female relations were married into the richeſt and moſt noble families of the kingdom. The favourite's mother being a Papiſt, and ruling her ſon, who was properly of no religion, with the ſame eaſe as he himſelf governed the king, it was not very ſtrange, the Papiſts conceived great hopes, and ſwarmed in the kingdom. The king gave himſelf little trouble about it. Provided a man took the oath of allegience, and was not Puritan, every thing elſe was indifferent to him. He was almoſt wholly employed in his diverſions, and as he very frequently hunted, his admirers pretended he took thoſe times to conſider of the affairs of the government.

Account of Sir Walter Raleigh's death. Wilſon.

I ſhall cloſe the events of the year 1617, with the ſad cataſtrophy of Sir Walter Raleigh. He had been a priſoner 12 years, ever ſince his condemnation, during which time, he had employed himſelf in compiling his Hiſtory of the World. At laſt, he obtained his liberty, tho' without the king's pardon. As his eſtate was all forfeited, and given to the earl of Somerſet, he was very much embarraſſed when he came out of priſon. The court, where he was entirely unknown, was like a ſtrange country to him. For this reaſon, he formed a project of ſeeking his fortune in diſtant climates. He had formerly traverſed the ſeas of America, and knew all the coaſts, particularly that of Guiana; nay, it is ſaid, he ſet up marks to direct him again to a certain place, where was a gold mine, and that Keymis his old attendant, brought him from thence a piece of ore, which made him think the mine very rich. However this be, as he knew not where to lay his head, he found means to acquaint the king, that he knew of a very rich mine in America, from whence he hoped to bring mountains of gold, if his majeſty would be pleaſed to grant him a private commiſſion. The mine lying in a country belonging to the Spaniard, it could not be ſeiſed without breaking the peace with Spain. Nevertheleſs, the king, tempted no doubt with the golden hopes inſpired by Raleigh, granted him a commiſſion, directed to "Our beloved and faithful Walter Raleigh, knight, &c." It was ſaid afterwards, the king granted the commiſſion with this limitation, that he ſhould not injure the ſubjects of Spain; but how was it poſſible to bring away gold from a mine belonging to the Spaniards, without doing them damage?

Howes.

However, Raleigh, by vertue of his commiſſion, engaged ſeveral perſons in this project. He was ſupplied with money to fit out 12 ſail, and departed in Auguſt, 1617, in ſearch of the mine. At his arrival upon the coaſt of Guiana, he found not the marks he had left there, neither could he know again the place he thought to have ſo well obſerved. He detached, however, his ſon, and captain Keymis, with five ſhips, to ſail up the river Oroonoque as high as poſſible, in order to diſcover the mountain where the ſuppoſed mine lay. The mountain not appearing, the Engliſh landed, and putting the Spaniards to flight who oppoſed their deſcent, purſued them to the town of St. Thomas, which they took and plundered. Sir Walter Raleigh's ſon was killed in the aſſault. Then leaving a garriſon in the place, they advanced farther into the country, without being able to find the ſo much deſired mine. At laſt, weary with ſearching, they returned to Sir Walter Raleigh, who finding himſelf diſappointed of his hopes, threatened Keymis with the king's indignation, and ſome days after, Keymis was found dead in his cabin. The ſailors, vexed at this ill ſucceſs, loudly complained of their being drawn into a chimerical project, and compelled Sir Walter to ſail back for England. When they arrived at Kinſale in Ireland, he would have perſuaded them to go with him into France; but inſtead of liſtening to his propoſal, they carried him againſt

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* Prince Henry uſed to ſay, That no other king but his father would keep ſuch a bird as Sir Walter Raleigh in a cage, i. e. in the tower. Coke.

† He was releaſed in 1615. Some ſay, that after the publication of his Hiſtory, he petitioned the king, whoſe love to learning induced him now at laſt to grant Sir Walter Raleigh his liberty. Annals.

1617.

his will to Plymouth, where he was arreſted by the king's orders, and conveyed to the tower of London.

Wilſon.

During his abſcence, Don Diego de Sarmiento, count of Gondemar, the Spaniſh ambaſſador in England, making great complaints about Sir Walter's commiſſion, which was become publick, the king found no better way to appeaſe him, than by diſowning it, or, at leaſt, by aſſuring, that Raleigh had expreſs orders not to act againſt the Spaniards. Raleigh returning without gold, his cauſe was ſo much the worſe. Beſides, the ambaſſador openly inſiſted upon his being puniſhed, and told the king, there was no other way to continue the treaty of the prince of Wales's marriage with the Infanta. Wherefore the king determined, at length, to ſacrifice Raleigh to the Spaniard. But as he could not be tried upon his late expedition, for which he had a commiſſion in form, it was reſolved he ſhould loſe his head, by vertue of the ſentence paſſed upon him fourteen years before. In vain did he plead that his commiſſion, wherein the king ſtiled him faithful ſervant, and gave him power of life and death over thoſe who were under his command, was equivolent to a pardon. The judges told him, "That treaſon could not be pardoned but "by expreſs words." So, without being called to an account for his late expedition, it was ordered that the former ſentence ſhould be executed*.

Rapin. Osborn.

Thus died Sir Walter Raleigh, in the 77th year of his age. He was a man that deſerved a better fortune, and had a large ſhare of merit. He had alſo ſome faults, which are leſſened or aggravated, in order to render his execution more or leſs odious, according as the hiſtorians are for or againſt king James. Moſt certain it is, he fell a ſacrifice to the mortal hatred conceived by the Spaniards againſt him in queen Elizabeth's time, and to the king's unhappy deſire to accompliſh the prince his ſon's marriage with the Infanta of Spain.

1618. The people complain of the king and the adminiſtration.

Since James was on the throne, the Engliſh had lived in peace with all their neighbours, without being diſturbed by any war. The king and his miniſters pretended, this was the chief point of government, and that nothing more plainly diſcovered the capacity of thoſe that ruled, than to cauſe the ſubjects to live in peace. In the interim, the people were not ſatisfied, many affirming, this maxim was falſe when carried too far, and that war often happens to be no leſs neceſſary than peace, for the welfare of a nation. It was diſliked, that the king ſhould let the Hollanders fiſh upon the Engliſh coaſt, without asking leave of him, or, the governor of Scarborough, as was cuſtomary, before they had recovered their cautionary towns. It was thought no leſs ſtrange, that they ſhould be ſuffered to come upon the coaſt with a fleet to ſupport their fiſhermen, as if they meant to bully the king, and ſhew they would fiſh on his coaſt in ſpite of him; and it was openly ſaid, to preſerve peace by bearing ſuch affronts, was no great ſign of ability. It was alſo complained, that the king deſerted the cauſe of the Proteſtant religion, at a time when France, the emperor, king of Spain, and pope, were uſing their utmoſt endeavours to deſtroy it, and had but too much hopes of ſucceeding, ſince the defender of the faith remained unconcerned. The king's extreme jealouſy with reſpect to his prerogative, was another and great occaſion of diſcontent. It did not appear wherein this prerogative had been infringed; but it was thought very manifeſt, he intended to ſtretch it farther than any of his predeceſſors. It was conſidered, he had impriſoned ſeveral members of parliament, ſolely for inſiſting in the houſe upon the people's grievances; had granted divers monopolies; and raiſed money upon the ſubject without conſent of parliament; that his ſpeeches to the houſes, to the judges, and in the ſtar-chamber, tended only to exalt the regal authority, and make it, as it were, equal to God's; from whence it was inferred, that he deſigned to deſtroy the conſtitution. People could not behold, without indignation, a young man of 25 imperiouſly governing the whole kingdom; diſpoſing of all preferments in favour of his relations and friends; inveſted with the office of lord high-admiral, tho' he had never been at ſea, except from Dover to Calais; and laſtly, honoured with the title of marqueſs of Buckingham, without having ever done the ſtate any ſervice during the two years he had been at court. Theſe two dignities were lately beſtowed on the favourite; the firſt, by the earl of Nottingham's reſignation, who had amaſſed great ſums, and got a penſion for the reſidue of his life. But there were ſtill farther complaints. It was ſaid, the court gave a very ill example to the whole kingdom; nothing was heard there but blaſphemy and oaths, and the king himſelf was not free from this vice; that one of the two ſecretaries of ſtate was a Papiſt, as well as the favourite's mother; that tho' it was not known what religion her ſon was of, his debaucheries were publick, and gave univerſal offence; the number of Papiſts daily increaſed; the prince's marriage with a Papiſt, daughter to the mortal enemy of the Proteſtant religion, ſhewed how little the king regarded the concerns of religion; that if any one repreſented to the king and the miniſters, the inconveniencies ariſing from ſuch a marriage, he was ſilenced, by being told, it was an attempt upon the the prerogative royal; and that every man, who, without a call, pried into the ſecrets of the government, was guilty of rebellion.

The king is not ſatisfied with the people. Coke.

But on the other hand, the king was no leſs offended with this boldneſs in cenſuring his conduct, as if a king was to be guided by the caprice of his ſubjects. What moſt troubled him was, that the Puritans were not the only perſons who dared to complain of the government, but that even the greateſt friends to the eccleſiaſtical hierarchy could not bear an arbitrary power in the ſtate. The parliament itſelf had plainly ſhewed him, how far they were from ſubmitting to any laws but thoſe which had been hitherto in uſe.

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* He was not beheaded till Octob. 29.

1618.

Thus the king and people were equally diſſatiſfied. It is true, the king ſeemed to have a great advantage, as, there not being a parliament, no man had right openly to arraign his conduct; but then, money did not flow into the exchequer ſo plentifully as under the kings, his predeceſſors, who knew how to manage the parliament. He choſe, however, to be without any, or to procure it by ſuch means as increaſed the people's diſcontent, rather than run the riſque of ſeeing the parliament queſtion his prerogative, of which he was ſtrangely jealous. He comforted himſelf, however, with the hopes of ſpeedily concluding his ſon's marriage, by which he was to receive a dowry of two millions. It is certain the court of Spain had offered that ſum; but I have not been able to diſcover what ſort of money was meant. I imagine the Spaniard left that undetermined, to have an opportunity of prolonging the negotiation as much as he pleaſed, and of breaking it off, at laſt, when he thought proper.

The Spaniard's view in the negotiation of the marriage.

When the king of Spain's proceedings with reſpect to the marriage are conſidered, it muſt be thought, that he did not intend to conclude it, either at the time the negotiation was begun, or long after. At firſt, his ſole view was to amuſe king James, and hinder him from interpoſing in the affair of Cleves. The emperor had a mind either to keep that duchy for himſelf, or to give it to ſome prince of his family, under pretence of holding it in ſequeſtration till the diſpute was decided; but the ſtates of the United Provincies avoiding this ſnare, ſeiſed part of the country in queſtion, proteſting to reſtore it to the perſon to whom it ſhould be adjudged. Beſides, they openly protected the elector of Brandenburgh, who was one of the chief claimants, and a Proteſtant; as on the contrary, the houſe of Auſtria favoured the duke of Newburgh, who was turned Catholick. On this pretence, prince Maurice on the one ſide, and Spinola on the other, endeavoured to become maſters of the country, and a ſo kind of religious war enſued, wherein England's not interpoſing was of great conſequence to the houſe of Auſtria. For this it was, that James was allured by the Spaniard with the hopes of the marriage and dowry of two millions.

Convention for the prince of Wales's marriage with the Infanta. Annals.

Pretences were not wanting to prolong the negotiation. The union of a Catholick princeſs with a Proteſtant prince, required that care ſhould be taken to ſecure to the Infanta the liberty of profeſſing her religion, in a manner becoming the princeſs of Spain. This was the only article inſiſted upon at firſt, the two courts being of opinion, that before this was ſettled, it was in vain to bring the reſt upon the carpet. As it was the Spaniard's intereſt to lengthen the negotiation, ſo it was neceſſary to ſatisfy king James of his ſincerity, to keep him ſtill at a bay. To that purpoſe, after a two years debate, fearing, at laſt, that James would be diſcouraged, he agreed with Digby and Cottington the Engliſh ambaſſadors upon five articles, the firſt whereof faciliated the continuance, or, even the entire interruption of the treaty, when it ſhould be no longer his intereſt to diſſemble. The articles were theſe:

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1. That the pope's diſpenſation be firſt obtained by the mere act of the king of Spain.
2. That the children of this marriage be not conſtrained in matter of religion, nor their title prejudiced in caſe they prove Catholicks.
3. That the Infanta's family, being ſtrangers, may be Catholicks, and ſhall have a decent place appointed for all divine ſervice, according to the uſe of the church of Rome; and the eccleſiaſticks and religious perſons may wear their proper habits.
4. That the marriage ſhould be celebrated in Spain by a procurator, according to the inſtructions of the council of Trent; and after the Infanta's arrival in England, ſuch a ſolemnization ſhall be uſed, as may make the marriage valid, according to the laws of this kingdom.
5. That ſhe ſhall have a competent number of chaplains, and a confeſſor, being ſtrangers, one whereof ſhall have power to govern the family in religious matters.

The king ſigns theſe articles.

Theſe articles being tranſmitted to England, the king in allowing and ſigning them, thus expreſſed himſelf: “Seeing this marriage is to be with a lady of a different religion from us, it becometh us to be tender, as on the one part, to give them all ſatiſfaction convenient, ſo on the other, to admit nothing that may blemiſh our conſcience, or detract from the religion here eſtabliſhed.” I confeſs I do not ſee how this maxim agreed with the ſecond article. For the firſt, he ſuppoſed as previous, the pope's diſpenſation, which was expected ſeveral years, and, at laſt, came clogged with additions and limitations, which I ſhall have occaſion to ſpeak of hereafter.

King Philip's reaſons for ſpinning out the negotiation.

Hitherto the Spaniard in prolonging the negotiation had only the ſucceſſion of Cleves in view; but this year the affairs of Germany and Bohemia began to give occaſion to fear, a religious war would be kindled in thoſe countries. This was a freſh reaſon for the Spaniard's amuſing king James, leſt he ſhould ſide with the Proteſtants, and ſend them a powerful aid. For the better underſtanding of the ſequel, it will be abſolutely neceſſary to know in what ſituation the affairs of Germany and Bohemia then were.

The affairs of Germany. Annals.

As for Germany, it ſuffices to ſay in two words, that for ſome time there had been great jealouſies and mutual ſuſpicions between the Catholicks and Proteſtants. Theſe laſt complained, that they could not have juſtice either from the emperor or the imperial chamber. The Catholicks concerned in their turn, that the Proteſtants were continually endeavouring to extend their privilege beyond what the laws of the empire allowed; that after pretending to be ſatisfied with a bear toleration, they aſpired to an equality, and not content with that, had plotted to baniſh the Catholick religion out of all Germany. On this pretence it was that the Catholicks had entered into a confederacy which occaſioned the like among the Proteſtants, the Proteſtants being aſſembled at Hailbrun, the emperor Matthias wrote to exhort them to diſſolve their league. But they thought not proper to ſubmit to his exhortations, by reaſon their league was only defenſive and the Catholicks did not offer to break their confederacy. This was a motive for the Spaniard to amuſe king James and hinder him from uniting with the Proteſtants of Germany. But the troubles this year in Bohemia, furniſhed him with a motive of much greater conſequence, which I muſt explain here as briefly as poſſible, becauſe this affair continually influences all the reſt of this reign.

The affairs of Bohemia. Hiſt. of the Reb. of Bohemia.

In Bohemia were two religions eſtabliſhed by law, the one was called Sub una, and the other Sub utraque. The former was profeſſed by the Catholicks, who communicated in one kind only, the latter of the Huſſites, who received the euchariſt in both kinds, and, ſince the reformation, were become true Proteſtants. I have ſpoken elſewhere of the religious wars which afflicted that kingdom under the emperor Sigiſmund. It ſuffices, therefore, to add here, that this emperor was forced, in order to be owned for king of Bohemia, to grant the Huſſites an edict, whereby among other privileges, it was decreed that there ſhould be no magiſtrate or inhabitant in Prague, but what was of their religion. This edict granted in the year *1435* was obſerved till *1570*, when, by order of Maximilian II. a Catholick was made citizen of Prague. Another of the ſame religion obtained the ſame favour in *1599*, and withal a place in the magiſtracy. From that time, Sigiſmund's edict were frequently violated, and, at laſt, the Jeſuits were admitted into Prague, and built there a ſtately college. Thus, by degrees the number of the Catholicks was conſiderably augmented in the city, by means of the governors and emperor's other officers who were all of the ſame religion. The more they increaſed, the higher they carried their pretenſions, and, at laſt, if we may believe the apology publiſhed afterwards by the Bohemians, the edict of Sigiſmund was continually tranſgreſſed. However, in the reign of Rodolphus II. the Proteſtants, by the interceſſion of prince Matthias, obtained of the emperor a ſecond edict, which under colour of confirming their privileges, put them upon a ſort of equality with the Catholicks, tho' they had enjoyed the ſuperiority for *150* years. Nevertheleſs, this equality was as much as they could expect, conſidering the preſent juncture of time. But tho' it was far ſhort of their antient privileges, the emperor's officers in Bohemia thinking ſuch an edict prejudicial to the Catholick religion, refuſed to publiſh it, affirming, it was extorted from the emperor whilſt at war with the Turk. Very likely they were privately countenanced by the court of Vienna.

Rebel. of Bohem. Wilſon.

Rodolphus II. dying in *1614*, his brother Matthias ſucceeded him, both in the kingdom of Bohemia, and the imperial dignity. Under this new king the privileges of the Proteſtants were violated much more openly, and with greater haughtineſs than under the laſt, if any credit is to be given to their apology. But this was not all, Matthias having adopted his nephew, Ferdinand of Auſtria, had a mind alſo to ſecure him the crown of Bohemia. The execution of this project would doubtleſs have been very difficult, had not the emperor uſed artifice. Sileſia, Moravia, upper and lower Luſatia, being annexed to Bohemia, had a right to ſend deputies to the aſſembly of the ſtates of that kingdom. But as theſe countries were Proteſtant, their deputies very probably would join with thoſe of Bohemia, of the ſame religion, and fruſtrate the emperor's deſign. Wherefore he convened the ſtates of Bohemia without ſummoning the others. The Proteſtants complained of this innovation, and not to authoriſe it, refuſed, for the moſt part, to ſend deputies to the ſtates. This was what the emperor foreſaw and wiſhed, for the Catholick deputies being the majority, Ferdinand was declared Matthias's preſumptive ſucceſſor, and ſoon after crowned at Prague; after which he reſided at Gratz. The defenders, for ſo were called a certain number of eminent perſons, choſen and appointed by the ſtates to ſee the edicts put in execution, perceiving the deſigns of the imperial court, ſummoned the ſtates purſuant to their power, and forgot not to call the incorporated provinces. This aſſembly only drew a petition to be preſented to the emperor, wherein the ſtates demanded the execution of the laws of the kingdom, and a juſt reparation for the injuries done them. In the interim, as they could come to no reſolution before the emperor's anſwer was received, they adjourned to the Monday after Rogation-Week, in the year *1618*.

The Bohemian ſtates preſent a petition to the emperor.

The emperor inſtead of being inclined to ſend a favourable anſwer to the ſtates petition, ordered his lieutenant in Bohemia to hinder the next ſeſſion of the aſſembly, called without his licenſe; but the lieutenant was not ſtrong enough to execute the order. His oppoſition ſerving only to exaſperate the ſtates who were aſſembled on the day appointed in the college of Charles IV, they went in a body to the chancery, and ſeiſing the emperor's officers, pitched upon three, and threw them out of the caſtle-window. After that, they drove the Jeſuits out of Prague.

They throw three of his officers out of a window.

Things being come to theſe extremities, the ſtates publiſhed an apology to acquaint the publick why they had puniſhed theſe officers; but as they believed the emperor would not hear their reaſons, they ſigned a confederacy, promiſing mutual aſſiſtance againſt all oppoſers. In the interim, hearing the emperor was making preparations to attack them, they choſe 24 protectors, impowering them to raiſe forces, and lay upon the kingdom and the incorporated countries what taxes they ſhould judge neceſſary. Thus, a war being unavoidable, every one took ſuch meaſures as he deemed requiſite, whether to attack or defend.

They reſolve to take up arms. Wilſon.

At the time, the Bohemian ſtates were taking theſe reſolutions, the cardinal infant was preparing an army in the Low-Countries to aſſiſt the emperor. Whilſt this army was levying, he ſent Charles de Bucquoy, count de Longueval, to the emperor, who made him general of the army deſigned againſt Bohemia.

An army levied in the Low-Countries for the emperor. Hiſt. of the Rebel. of Bohem.

1618. The ſtates choſe for their generals count Erneſt of Mansfeldt, and count de la Tour. This war was of ſo great moment to the houſe of Auſtria, that it is not very ſtrange the Spaniard ſhould ſtill continue to amuſe king James with the hopes of ſeeing the projected marriage ſpeedily concluded. Very likely this war would, at laſt, become a religious war, and in that caſe, England could very much ſtrengthen the Proteſtant party. Afterwards, the king of Spain had ſtill farther motives to continue this management. But the wonder is, tho' James had very ſtrong reaſons to ſuſpect the Spaniard of artifice, he ſtill obſtinately relied on his ſincerity. “It ſeemeth unto us here in England, (ſays one of his miniſters in a letter to Cottington (that Conde Gondemar hath gone but very ſlowly in his journey; and divers (ſeeing how long time he hath ſpent in the way) do make conjecture, that it proceedeth from the ſmall affection that he judgeth to be there, towards the effecting of the main buſineſs.---But if the Spaniards act unſincerely, I ſhall judge them the moſt unworthy and perfidious people of the world, and the more, for that his majeſty hath given them ſo many teſtimonies of his ſincere intentions towards them, which he daily continueth, as now of late, by the cauſing Sir Walter Rauleigh to be put to death, chiefly for the giving them ſatisfaction, when by preſerving him, he might have given great ſatisfaction to his ſubjects, and had at command upon all occaſions as uſeful a man as ſerved any prince in Chriſtendom *”. It is certain, however, the king was amuſed by the Spaniſh court. Count Gondemar undertaking to carry into Spain the articles ſigned by the king, was ſo very long on the road, that it was evident he ſought only to delay the time. Notwithſtanding this king James continued wilfully to ſhut his eyes, which will appear ſtill plainer in the ſequel.

Tho' the people of England were not informed of the contents of the articles agreed upon by the two courts, they knew, however, the marriage was going to be concluded, and thought it could not but be prejudicial to religion. This occaſioned many complaints and murmurs amongſt the Proteſtants, whilſt the Catholicks triumphed, knowing the king of Spain would not give his daughter to prince Charles, without procuring them great advantages. At the worſt, they were ſure of having in this princeſs a powerful protectreſs, who would never forſake the intereſt of her religion. We ſhall ſee in the following years how artfully the Spaniard prolonged the negotiation, till he had drawn from it all poſſible advantages, as well for the houſe of Auſtria, as for the Catholick religion.

1619. The earl of Northumberland is releaſed. Wilſon.

In the beginning of the year 1619, the earl of Northumberland who had been in the tower ever ſince the gun-powder-plot, obtained his liberty, at laſt, by means of the lord Hay, his ſon-in-law, lately made viſcount Doncaſter.

1619. Williams is made privy-counſellor. Weldon.

About the ſame time, doctor Williams, dean of Weſtminſter, was made privy-counſellor, and ſoon after biſhop of Lincoln. I purpoſely mention this prelate's promotion, becauſe he will often occur in the Hiſtory of this, as well as of the next reign.

The queen's death. Howes.

In March, this year †, the king loſt his queen, in the 46th year of her age. Soon after he was himſelf ſeiſed with a great illneſs, which brought him, as I may ſay, to the brink of the grave. It would have been well for his reputation, had he died at this time, ſince the reſt of his reign, which laſted ſix years longer, was not much to his honour. In this ſpace he more plainly diſcovered his ſettled deſign to ſtretch the prerogative-royal as high as poſſible. Beſides, he gave very convincing proofs, that tho' he defended the Proteſtant religion by his writings, he had not its intereſt much at heart. In fine, his eager deſire to conclude the Spaniſh match, diſplayed all his weakneſs, and the affair of Bohemia, in which he could not but be concerned, fully ſatisfied the world of his ſlender capacity.

A continuation of the affairs of Bohemia. Hiſt. of the Rebel. of Bohem.

The emperor Matthias dying the 20th of March, 1619, Ferdinand his couſin and adopted ſon, was proclaimed king of Bohemia, as well in conſequence of his election, as in vertue of his pretended hereditary right to that crown. In the interim, as his chief view was to obtain the imperial dignity, and as he ſtood in need for that purpoſe of the Proteſtant electors, he feigned a willingneſs to end amicably the war now begun in Bohemia, by giving the ſtates a reaſonable ſatisfaction with reſpect to their privileges. But the ſtates thought not fit to truſt to his promiſes. In the mean time, he endeavoured to gain the electors, and make alliances with the Catholick princes of Germany. James, who gloried in being ſtiled the pacifick king, thought himſelf obliged as ſuch, to try to appeaſe, by his mediation, the troubles of Bohemia. To this end, he choſe the viſcount Doncaſter to go and endeavour to procure a peace between Ferdinand and the Bohemian ſtates. There was not a prince in Europe ſo improper as he for a mediation of this nature, conſidering his principles, with reſpect to monarchy. This ambaſſy was very expenſive, the ambaſſador, who was a ſort of favourite, and extremely profuſe, having been very laviſh of his maſter's money. In the interim, I know not whether he could obtain ſo much as a ſingle audience of Ferdinand, who ſtill removed as the ambaſſador approached. Thus much is certain, the ambaſſy was entirely fruitleſs, and ſerved only to ſhew the little account Ferdinand made of the king of England's mediation.

Ferdinand is invited to the diet as king of Bohemia, and elector. Hiſtory of the Rebel. of Bohem.

The time appointed for the election of an emperor approaching, the elector of Mentz ſummoned the reſt of the electors, and particularly Ferdinand as king of Bohemia. The ſtates of that kingdom proteſted againſt the ſummons, ſaying, Ferdinand could not be received as elector in quality of the king of Bohemia, ſince he was not in poſſeſſion of the

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* The author of the Annals inſinuates, that this letter might be an invention of Ruſhworth's, but gives no reaſon for it. Rapin.

† Ruſhworth places the queen's death on the 17th of November, 1619. Rapin.

1619.

kingdom. But their oppoſition was ineffectual. Ferdinand was not only acknowledged for the king of Bohemia and elector, but was alſo choſen emperor the 8th of Auguſt, *1619*. Then the ſtates of Bohemia, ſeeing they had not been able to hinder Ferdinand from being emperor, took an oath never to own him for their ſovereign, and at the ſame time, viz. on the 5th of September, choſe for their king, Frederick, elector Palatine, and ſent deputies to acquaint him with his election, and pray him to repair to Prague. Frederick did not want much ſollicitation to accept of a crown offered him by thoſe who, in his opinion, had a right to diſpoſe of it. He diſpatched, however, baron d'Aulne * to the king, his father-in-law, for his advice, but it was a mere compliment. As he knew him to be a prince not very ready to engage in great undertakings, he did not ſtay for his anſwer, but aſſembling ſome troops, came to Prague, where he was crowned the 4th of November.

James thinks the elector ought to refuſe it. Ruſhw.

Before Frederick's envoy reached England, James hearing the news of his ſon-in-law's election, called a council to debate whether the elector ought to accept or refuſe the crown of Bohemia. The archbiſhop of Canterbury not being preſent, by reaſon of the gout which confined him to his bed, wrote to ſecretary Naunton, "That it was his opinion the elector ſhould accept of the crown, and England openly ſupport him; and, therefore, as ſoon as there ſhould be certain news of his coronation, the bells ought to be rung, guns fired, and bonfires made, to let all Europe ſee the king was determined to countenance him." But this advice was not followed. The king maintained in the council Ferdinand's cauſe againſt the ſtates of Bohemia, and without knowing any thing of their privileges, as he afterwards owned, decided that the Bohemian ſtates were in actual rebellion. As for the reaſons with which the archbiſhop ſupported his opinion, in his letter to Naunton, the king rejected them, as built upon Puritan-principles. For, as I have elſewhere obſerved, there were in this reign State-Puritans as well as Church-Puritans, whom the court took great care to confound one with another, and this confuſion of ideas has been preſerved to this day. Hence the obſcurity which ſtill occurs in the notion of the two parties of the Whigs and Tories. It was, therefore, reſolved, the king ſhould admoniſh the elector to refuſe the offered crown, not only becauſe it was agreeable to the king's principles, but for another and no leſs ſtrong, reaſon, viz. the king rightly judged that the elector's acceptance could not but be extremely prejudicial to the negotiation of the Spaniſh match, conſidering the ſtrict union between the princes of the houſe of Auſtria.

The king is angry with the elector. Wilſon.

But the elector Palatine had broken theſe meaſures by accepting the crown, without expecting the council of England's reſolution. The king was ſo angry, that he refuſed to give baron d'Aulne audience, who, ſince his departure, had received orders to excuſe the elector from the neceſſity he was under of proceeding with all poſſible expedition. If the ſtates of Bohemia had deſigned to gain king James, by electing his ſon-in-law, they were very much deceived, ſince they were never aſſiſted by him. The very ambaſſadors, ſent by king James on this occaſion to the emperor, and ſeveral German princes, did great injury to the ſtates; for theſe ambaſſadors had expreſs orders to diſavow Frederick's proceedings; and of all the Proteſtant princes, James alone never gave him the title of king.

He thinks to perſuade him to quit the crown. Howes.

In the mean time, tho' the elector was now crowned, the king his father-in-law fancied, he could perſuade him to quit the crown, and induce the ſtates of Bohemia to acknowledge Ferdinand. To that purpoſe, he ſent two ambaſſadors to Prague, viz. Richard Weſton, a Papiſt, and Sir Edward Conway, a Proteſtant. Conway being afterwards made ſecretary of ſtate, the king uſed to ſay to him merrily, that never prince had ſuch a ſecretary, who could neither read nor write **. This ambaſſy was very fruitleſs, as it was eaſy to foreſee.

The Spaniſh court continue to amuſe the king.

In the interim, the king of Spain did not forget to do the emperor good ſervice, keeping king James in his pacifick diſpoſition. Nothing was talked of at the court of Madrid, but the king of England's generoſity, juſtice, and equity. In fine, to amuſe him the better, the negotiation of the marriage was renewed, having been interrupted, in expectation of the pope's diſpenſation; nay, it was intimated to Cottington, that if the diſpenſation did not quickly arrive, the marriage ſhould be concluded without it, or means found to force the pope to grant it. Cottington, who knew the Spaniſh court, fell not into the ſnare. He ſent word to England, that nothing more was to be expected concerning the marriage; that the king of Spain's intent was only to amuſe his majeſty, and, therefore, he believed, the negotiation ought to be broke off. But, inſtead of ſeeing his advice followed, he received orders to declare to the king of Spain, that his maſter was not concerned in the acceptance of the crown of Bohemia; that his ſon-in-law had proceeded without his approbation and knowledge, and therefore he entirely diſowned him. Philip anſwered, he was glad to find the king, his brother, in ſo equitable a diſpoſition, and that nothing could ſooner gain his eſteem and affection, than the continuance of this expreſs diſowning an action ſo repugnant to juſtice †.

1620. James deſires to be umpire between Ferdinand and Frederick, but cannot ſucceed. Ruſhw.

The affair of Bohemia put ſeveral of the princes of Europe in motion, and held the reſt

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* Some ſay, it was the baron of Dhona. I own, I am not certain, whether it was d'Aulne, or Dhona. Rapin.

** It was a pleaſant remark of the king's: That Stenny had given him three notable ſervants: A gentleman of the bed-chamber (Clark) who could not help him to untruſs a point, for he had but one hand. A chaplain, (Dr. Preſton) who could not ſay prayers, for he ſcrupled the uſe of our liturgy; and a ſecretary of ſtate, (Conway) who could neither write nor read. Conway had been bred a ſoldier, being governor of the Briel, when England gave up the cautionary towns.

† On July 17, one Bernard Calvert ſetting out of Southwark about three o'Clock in the morning, embarqued

1620.

in ſuſpence. Ferdinand and Frederick had each their friends and allies, who were preparing to aſſiſt them, whilſt James ſtood neuter, imagining, that by making a ſhew of neutrality, he ſhould induce the two competitors to make him arbiter of their difference. But both were jealous of him, the one becauſe he was a Proteſtant, and father-in-law of his adverſary; the other, becauſe he had openly declared, he diſapproved of his conduct. So, without much regarding his ſollicitations, both ſides prepared to decide the quarrel by arms.

Ferdinand is embarraſſed. Wilſon.

Had England eſpouſed Frederick's cauſe, and with a good fleet kept Spain and the Netherland's in awe, the elector, very probably, would have preſerved his crown, in ſo good a ſituation were his affairs the beginning of the year 1620. Several princes of Germany had formed a league to ſupport him, and were now levying an army, to be commanded by the prince of Anſpach. On the other hand, Bethlem Gabor, prince of Tranſilvania, had excited the Hungarians to rebel againſt Ferdinand, and moſt part of Auſtria had followed the example of Hungary and Bohemia. All this confounded the emperor, and would have confounded him more, if the elector of Saxony had ſtill remained neuter, according to his firſt reſolution. But the emperor offering him upper Luſatia, on condition he would conquer it, he could not withſtand the temptation of acquiring a country which lay ſo convenient for him. Moreover, the duke of Bavaria, and the three eccleſiaſtical electors, declared for the emperor; the pope ſupplied him with money, and the king of Spain ordered his forces at Naples and in the Milaneſe to march to his aſſiſtance.

Philip orders an army to be raiſed in the Netherlands to invade the Palatinate. Wilſon.

But this was not all the aid, the Spaniard gave the emperor. He aſſiſted him ſtill more conſiderably, in hindering James from aiding his daughter and ſon-in-law, and keeping him immoveable, and, as it were, enchanted, with the hopes of the marriage and dowry of 2,000,000. To hold him the faſter in his chains, Philip ſent back count Gondemar, under colour of finiſhing the affair. He diſſembled ſo artfully, that James, who had recalled Digby from Spain, ſent thither Sir Walter Aſton, to endeavour with Cottington to finiſh the treaty, which he thought very near a concluſion. Gondemar being returned to England with great ſums of money, laid them out ſo pertinently, and made ſuch good uſe of his talents and knowledge of the court, that he became as maſter of the king, the favourite, and the miniſters, and governed them as he pleaſed.

Wilſon.

To this aid, which was not inconſiderable, Philip was preparing to add another more effectual, to enable the emperor to get the advantage of his enemy. Frederick had drawn 10,000 men out of the Palatinate, and ſent them into Bohemia. This inſpired the emperor with the thoughts of invading him on that ſide, and to execute this project, Philip and the archduke Albert levied in the Low-Countries an army of 26,000 foot, and 4000 horſe, to be commanded by Ambroſe Spinola. The truce between Spain and the United Provinces not being yet near expired, it was evident theſe forces could be deſigned only againſt the Palatinate. The Hollanders warned king James of it, and ſuch of the courtiers as were not bribed with Spaniſh gold, never ceaſed to repreſent to him the danger to which the elector's dominions would be expoſed, if he did not ſuddenly reſolve to prepare for their defence. But James could not think of taking ſuch meaſures on bare ſuſpicions. He contented himſelf, with ordering Sir Thomas Edmonds, his ambaſſador at Bruſſels, to ask the archduke the reaſon of ſo conſiderable an armament. The archduke anſwered, it was by the king of Spain's order, and the reaſon might be known of Spinola, who had the command of the army. Spinola being asked the ſame queſtion, replied, that indeed he was ordered by the king of Spain to raiſe forces, but did not know for what purpoſe; that his orders being ſealed, he could not open them till his march, and if the ambaſſador would follow him, he might then be reſolved. A man muſt have been wilfully blind, not to ſee what this myſtery tended to, and yet James ſtill continued immoveable, relying on the Spaniard's friendſhip, and Gondemar's fair promiſes.

The king is perſuaded to let 2200 Engliſh to be ſent to the Palatinate. Wilſon.

The whole kingdom was extremely ſurpriſed at the king's inſenſibility for his ſon-in-law, his daughter, and their children; but for his part, he looked upon the quarrel between the emperor and Frederick in quite another light. He was juſt going to be ſtrictly united with the houſe of Auſtria, by his ſon's marriage with the Infanta of Spain, and at this very time, the elector, his ſon-in-law, had broken all his meaſures by a raſh, unjuſt, and inconſiderate action; for ſo he termed the acceptance of the crown of Bohemia. "Is it "reaſonable, ſaid he, I ſhould ſuffer myſelf to "be drawn by a ſon-in-law's ambition and "humour, into a war againſt the houſe of "Auſtria, who have done me no wrong? "Muſt I alter all my projects, all my mea"ſures, becauſe the elector Palatine has been "pleaſed to accept the crown of Bohemia, "without ſo much as asking my advice?" However, by much perſuaſion, he was prevailed with, at length, to ſuffer a regiment of 2200 men to be raiſed, which was done moſtly at the charge of ſome lords. Sir Horatio Vere, who had long ſerved in Holland, where he had acquired great reputation, commanded this regiment, having under him Burroughs and Herbert for major-generals. The earls of Oxford and Eſſex accompanied him, and commanded each a company of gentlemen volunteers.

The Engliſh join the army of the confederates. Wilſon.

This regiment being raiſed with extreme ſpeed, was tranſported to Holland. Then they paſſed the Rhine below Wezel, to avoid Spinola, who was at Ax la Chapelle. It was not without danger, that the Engliſh croſſed ſo

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at Dover about eight, went to Calais, and returned to Southwark again the ſame day, about eight in the evening. Howes.

many countries to reach the Palatinate; nay, they durſt not have attempted it, if prince Frederick Henry of Naſſau, with 2000 horſe, and ſome foot, had not conducted them to Francfort, and deceived Spinola's vigilance, who expected them on another road. It was the 1ſt of October before they joined the army of the king of Bohemia's allies, commanded by the Markgrave of Anſpach.

The campaign of the Palatine. Wilſon.

Spinola who departed from Bruſſels the 8th of Auguſt, being come to Coblentz, opened his orders in the preſence of the Engliſh ambaſſador, who had accompanied him thus far. The orders were, to make war upon all who ſhould declare for the elector Palatine. This was all Edmonds could know of Spinola's deſigns. The reſt was eaſy to be gueſſed, conſidering which way he was marching. He arrived in the Palatinate, before the Engliſh had joyned the confederate army, and took ſeveral ſmall places. The two armies tried one an other for ſome time, and were once in ſight of each other, ready to engage, but no action of moment enſued. The ſeaſon, which daily grew worſe, obliging them, at laſt, to retire to winter quarters, the confederate princes led home their troops, leaving the Engliſh in garriſon at Heidelbergh, Manheim, and Frankendal.

James ſends an ambaſſy to Gemany, Annals.

In April this year, the king of France ſent to the emperor and ſeveral German princes, the duke of Angouleſme, the duke of Bethune, and Mr. Des Preaux, to endeavour to appeaſe the Bohemian and Hungarian troubles. At the ſame time James diſpatched Sir Henry Wotton*, on the ſame errand, and to exhort to peace all the princes engaged in the quarrel between the emperor and the Palſgrave. If, whilſt he ſent his ambaſſador, he had armed by land and ſea, and put himſelf in a condition to ſtrike terror, his remonſtrances, doubtleſs, would have been hearkened to, and his mediation, perhaps, accepted †. But Wotton having traverſed moſt part of Germany, and talked with ſeveral princes of both parties, brought back only general expreſſions, which ſhewed how little the king, his maſter, was regarded. At laſt, he came to Vienna ‡, where he found the French ambaſſadors. In the audience he had of the emperor, he made two propoſitions, each divided into three articles, according to the king's uſual cuſtom, who was very fond of diviſions and ſubdiviſions. It muſt be obſerved, the emperor had now publiſhed a ban againſt the elector Palatine **, wherein he had fully ſet forth the reaſons moving him to ſuch extremities; that Spinola was marching to the Palatinate; that the duke of Bavaria was leading his troops to Bohemia to join the emperor's forces ††, and the elector of Saxony going to invade Luſatia ‡‡. In this juncture Wotton made his two propoſitions to the emperor.

The firſt general propoſition was, that the emperor might truſt the king, as it appeared by the three following reaſons.

1. The king was never concerned in the acceptance of the crown of Bohemia.

2. The elector Palatine did not impart the affair to him before his election, and he had diſapproved of it. This was evident from the king's never ſuffering him to be ſtiled king of Bohemia, or to be prayed for as ſuch in the churches.

3. The king never aſſiſted the elector with men or money.

The ſecond propoſition was concerning the means of procuring a peace, and contained theſe three articles.

1. He deſired the emperor to let him know, whether he was content to treat of an accommodation by his maſter's and the French king's mediation; adding, if his imperial majeſty expected the affairs of Bohemia ſhould be reſtored to their former ſtate, he conceived that his ſtay at Vienna, and the king his maſter's mediation would be fruitleſs.

2. He prayed the emperor to inform him of the ſtate of affairs in Bohemia.

3. And that he would be pleaſed to grant a ceſſation of arms, and let the roads be open between Vienna and Prague during the negotiation.

The emperor ſurpriſed to hear ſuch propoſitions in the preſent ſtate of affairs, told the ambaſſador, he did not fully underſtand his diſcourſe, and deſired a clearer and more circumſtantial memorial, that he might be able to give him a ſuitable anſwer. Whether the ambaſſador could explain the king's mind concerning the firſt article of the ſecond propoſition, or for ſome other reaſon unknown, the memorial was never preſented, at which the emperor was much diſpleaſed. Thus ended this ambaſſy.

The duke of Savoy conquers Luſatia. Annals.

The elector of Saxony, the duke of Bavaria, and the marqueſs of Spinola, commiſſioned to execute the imperial ban, began all three to act in September. I have already ſpoken of what Spinola, did in the Palatinate, during this firſt campaign. The elector of Saxony, at the head of 20,000 men, entered Luſatia, and by the end of October conquered the whole country, which he kept for himſelf, according to his agreement with the dmperor.

The duke of Bavaria joins Bucquoy. Wilſon.

Whilſt the elector of Saxony was in Luſatia, the duke of Bavaria having ſubdued Upper Auſtria, the beginning of September, joined count Bucquoy, who commanded the imperial army in Bohemia. As Frederick had all his forces there, the emperor's two generals were obliged to take ſome places, before they could advance to Prague. At length, having opened a paſſage, they came in the beginning of November within ſight of that metropolis, and of the enemy's army poſted

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* Rapin by miſtake ſays, Sir Edward. See Annals.

† Had he, as Weldon rightly obſerves, ſpent half the money in ſwords inſtead of words, for which he was but ſcorned, it had kept his ſon-in-law in his own inheritance, and ſaved much Chriſtian blood ſince ſhed.

‡ The 1ſt of September. Rapin.

** Ever ſince April the 30th, 1620. Ibid.

†† Count Bacquoy joined the duke of Bavaria the 6th, or 7th of September. Rapin.

‡‡ He began the ſiege of Baudien, September the 8th. Rapin.

between

Novem. 7. The battle of Prague, wherein Fredrick is defeated: He flies to Holland. Wilſon.

between them and the city. A few days after, was fought the famous battle of Prague, wherein Frederick's army was entirely routed. This prince, who ſtayed at Prague during the battle, haſtily retired with his wife and children, leaving all his baggage and money in the city, which on the morrow opened her gates to the Imperialiſts and Bavarians. Weſton and Conway, the Engliſh ambaſſadors, followed the king in his flight. But finding he intended to withdraw into Holland, they obtained a paſs-port to return to Prague, where they remained not long, their ſtay being entirely needleſs.

He is deſerted by his allies. Wilſon.

The victory lately gained by the emperor's arms produced great effects; the firſt whereof was, that the Palſgrave was forſaken by moſt of the princes his confederates. The prince of Anhalt himſelf, who commanded his army, entered into the emperor's ſervice, count Mansfeldt alone remained faithful, and was ſtill ſerviceable to him.

James ſollicits Lewis XIII. in behalf of the Huguenots, Coke. but obtains nothing.

This ſame year the Huguenots of France being vigorouſly puſhed by Lewis XIII, James ſent Sir Edward Herbert to ſollicit him in their behalf; nay, he had orders to uſe menaces, if the court of France refuſed to regard his remonſtrances. Herbert diſcharged his commiſſion ſo bluntly, that the conſtable Luynes being offended at it, cauſed him to be recalled. Herbert would have afterwards ſent a challenge to the conſtable for miſrepreſenting his words, but the king would not ſuffer it. The viſcount Doncaſter, lately made earl of Carliſle, was ſent to France in Herbert's room. He ſpent immenſe ſums, without effecting any thing for the Huguenots. This is not ſurpriſing, ſince the French court knew king James was neither able nor willing to aſſiſt them.

He takes falſe meaſures to ſave the Palatinate. Wilſon.

The campaign of the Palatinate was no ſooner ended, than the earl of Eſſex poſted away, to repreſent to the king the impoſſibility of ſaving that country, without a ſpeedy and powerful aid. But it was not by way of arms that James meant to ſupport his ſon-in-law's intereſt. Count Gondemar ruled him as he pleaſed, by feeding him with continual hopes of the good ſucceſs of the marriage, provided he would not diſturb the negotiation by proceedings offenſive to the king of Spain; nay he told him, that ſhould the emperor become maſter of the Palatinate, it would only be a ſurer means to put an end to the war, becauſe then it would be given to the Infanta, for a preſent to the prince, her ſpouſe, who might reſtore it to the count Palatine. All this paſſed current with the king. He was ſo poſſeſſed with the project of ending the war by means of this match, that nothing was capable of altering his belief. Count Gondemar had bribed with preſents and penſions all thoſe that had the king's ear, and who took care to cheriſh him in this vain project*. The reſt of the world were aſtoniſhed to ſee the king take ſuch wrong meaſures; but no man durſt preſs him upon that head, knowing he did not care any but his miniſters ſhould ſpeak to him of ſtate affairs. He verily believed there was no other way to ſave the Palatinate, than to preſerve a good underſtanding with the king of Spain and the emperor by ſtanding neuter. This he declared himſelf to the council; adding, however, if his inſtances were rejected he would have recourſe to arms at laſt. Not that he had any intent to go to war with the houſe of Auſtria let what would happen, but hoped, this would be a good pretence to get money, which he wanted very much. To this end likewiſe it was debated in council, how to make preparations for the defence of the Palatinate, in caſe the king's mediation was rejected. Gondemar having notice of what had paſſed at the board, wrote to the marqueſs of Buckingham, deſiring to know what was the king's intention. Here is the favourite's anſwer, which plainly diſcovers the king's thoughts.

Buckingham's letter to Gondemar, wherein he explains the king's thoughts upon the Palatinate. Hiſt. of the Rebel. of Bohemia.

SIR,

‘I Shewed your letter to the king, who thinks your requeſt reaſonable. He has ordered me to tell you, that the ſpeech he lately made to the council, contained two principal points; firſt, whereas the world talked ſo variouſly of him, he declared, the was ſo far from adviſing the elector of Palatine to accept the crown of Bohemia, that he uſed his utmoſt endeavours to diſſuade him from it. For the particulars of what he ſaid upon this ſubject, he refers to the lord Digby, who being preſent, can inform your excellency. His majeſty declared moreover he was reſolved to continue neuter for three reaſons. Firſt, becauſe his conſcience obliged him to it. Secondly, becauſe his honour was concerned. Thirdly, not to give an ill example. Upon the firſt reaſon he ſaid, he was ſure the religion he profeſſed did not allow that crowns ſhould be removed from one head to another on account of religion; that our church very juſtly oppoſed the principle of the Jeſuits, who take upon them to inthrone and dethrone kings according to their fancy; that our religion enjoins us to obey our princes and our ſovereigns, tho' they ſhould be Turks or Infidels; that the world was inclined to turn this to a religious war, to which his majeſty is entirely averſe. As to the point of honour, the king ſaid, that being ſollicited by the king of Spain to uſe all his intereſt to procure a peace between the emperor and the Bohemian ſtates, and this accident, of accepting the crown of Bohemia, happening whilſt his ambaſſador was in Germany mediating an accommodation, he was obliged to make known his innocence, in order to

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* Wilſon ſays, he bribed the very ladies, eſpecially thoſe who talked much, and to whom much company reſorted, that they might allay ſuch as were too ſower in their expreſſions, and ſtop them if they run on to faſt. But it ſeems he had neglected the lady Jacobs, who upon his paſſing by her window in his chair, inſtead of anſwering his ſalutation as uſual, only gaped with her mouth, which repeating again next day, he ſent to know the reaſon; ſhe replied, “ that ſhe had a mouth to be ſtopt as well as other ladies.”

‘ ſave his honour; that if now he aſſiſted his ſon-in-law in this affair his actions would be directly contrary to his proteſtation, which would be very diſhonourable. Upon the third reaſon, his majeſty declared, it was a very dangerous precedent againſt all Chriſtian princes, to allow of the tranſlation of a crown by the people's authority; that tho' he was king by hereditary right, yet it could not be ſufficiently conſidered, how far this miſchief might reach, if once it took root, and that this example might very ſenſibly effect the king of Denmark, his brother-in-law, whoſe crown was elective; that as for the privileges the Bohemians might have, in this caſe, by the antient and fundamental laws of the kingdom, it would be neceſſary to turn over many volumes, read abundance of Hiſtories, and carefully examine what their rights are, before this point could be determined, with which he has nothing to do, not being made judge of the diſpute. The ſecond thing, concerning which the king declared himſelf, was the affair of the Palatinate. Upon this point he firſt informed the council, that he had omitted nothing, as well by means of his ambaſſadors, as by his own mouth, in ſpeaking to your excellency; that moreover, he had ſent an ambaſſador to the German princes, who were concerned in the affair, to remonſtrate to them, that ſince he had with ſo much ſincerity and candor continued neuter, he had great reaſon, on the other hand, to repreſent to them how much he was concerned in the invaſion of the Palatinate, ſince he had given his daughter to the elector Palatine, bona fide, whilſt that prince was in poſſeſſion of his dominions, and long before theſe troubles could be foreſeen; that at preſent, his grand-children were lawful heirs to it, and it was neither juſt nor reaſonable to deprive them of their inheritance, ſince they are not guilty, conſidering the ſincerity of the king, their grand-father; that, indeed, it cannot be denied, there was notice given from Spain, that the emperor would be forced to make this diverſion, to free himſelf from the oppreſſion he endured in Bohemia and Auſtria; that your excellency ſaid the ſame thing, which was confirmed by his ambaſſadors; that the invaſion being really made, nature obliged him to provide for the defence of his grand-children by all poſſible and lawful ways; that the approaching winter allowed him to make two ſorts of preparations; firſt, to endeavour, that a peace may be concluded before ſummer; and if, as he hoped, the elector, his ſon-in-law, would be guided by him, and the emperor be willing to hearken to the overtures which would be made him, he did not queſtion but a peace would enſue, and the calamities Chriſtendom was threatened with, both by a Turkiſh invaſion and an inteſtine war, would be happily prevented. But if the elector would be willing to yield to reaſonable terms, and the emperor refuſe to comply, in that caſe he would not loſe the opportunity of the winter, to prepare for the defence of the Palatinate; and if, on the contrary, the elector remained obſtinate, he would then leave him to his own counſels.

‘ After the king had thus ſpoken, it was debated in council, concerning the means of defending the Palatinate, as the lord Digby could have informed your excellency. To conclude this letter, his majeſty commands me to aſſure you, upon the honour of a Chriſtian king, that this is all that has paſſed in this affair either in publick or private. He is perſuaded, not only your excellency but the king of Spain alſo will believe it, ſooner than all the informations which thro' ignorance or malice may be given you from any other place.”

The king demands a benevolence for the defence of the Palatinate. Annals.

The king's whole conduct, whether at the time this letter was wrote, or afterwards, agrees ſo exactly with the ſentiments therein expreſſed, that it would be in vain to queſtion its being genuine. It is certain, the king never intended to defend the Palatinate by arms, whilſt he had any hopes of concluding the prince his ſon's marriage with the Infanta. He uſed however this pretence to draw money from his ſubjects, and to ſend a letter ſigned by the council to all the nobility, and to the lord mayor of London, for a benevolence; but, probably, this method was unſucceſsful, ſo much were the people diſſatisfied with the government. At the very time he ſeemed deſirous to defend the Palatinate, invaded by the Spaniards, count Gondemar, properly governed England by his influence over the king. All who had any expectations from the court, were extremely careful not to offend him in any thing whatever, knowing how much it was in his power to prejudice ſuch as he was diſpleaſed with. Secretary Naunton failing, on ſome occaſion, to make uſe of this policy, loſt his place, which was given to Conway.

Conway is made ſecretary of ſtate.

Buckingham's mother is in great power. Wilſon.

On the other hand, the marqueſs of Buckingham ruled in the king's name, without bearing the leaſt contradiction. He abſolutely diſpoſed of all offices, or rather his mother, ſince he could not deny her any thing *. As ſhe was extremely greedy of money, and a great bigot to the Romiſh religion, none were preferred but ſuch as could make great preſents to the favourite's mother, and were well inclined to Rome, or, at leaſt, indifferent in point of religion; nay, places were frequently taken from thoſe who had paid dear for them, in order to diſpoſe of them to new purchaſers. Montague having given 20,000 l. for the office of lord-treaſurer, was removed before the year expired, and Sir Lionel Cranfield put in his place, and created ſoon after earl of Middleſex. Cranfield had been a merchant in London, and afterwards a

Cranfield is made lord-treaſurer. Weldon.

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* Gondemar perceiving moſt addreſſes were made to her firſt, and by her conveyed to her ſon, among other his witty pranks, wrote merrily in his diſpatches to Spain: “ That never was there more hope of England's converſion “ to Rome than now; for there are more prayers offered here to the mother than to the ſon. Wilſon.

cuſtom-houſe officer, from whence he was introduced into court as a projector; a name given to ſuch as ſuggeſted to the miniſters expedients to bring money into the king's Exchequer, when there was no parliament.

Buckingham's marriage. Wilſon.

The marqueſs of Buckingham, about the end of the year married the earl of Rutland's only daughter, the richeſt heireſs in the kingdom. Some ſay, he debauched her before marriage, and the earl of Rutland ſent him word, if he did not eſpouſe her, the king's favour ſhould not ſcreen him from his revenge. Buckingham readily complied, ſince it was a very advantageous match for him; but as the young lady was bred a Papiſt by her mother, ſhe muſt, for form ſake, be inſtructed by Dr. White, who, as it is pretended, made her a good Proteſtant. However, ſhe was brought by her mother-in-law into the old way again.

The king feigns to take at heart the defence of the Palatinate. Ruſhw.

The affairs of the Proteſtant religion in Germany and France, were in a very ill ſituation. On the other hand, the king of Bohemia being driven out of his kingdom, ſaw himſelf upon the point of loſing alſo the Palatinate. All the world murmured to behold the king's extreme indolence with reſpect to theſe two affairs, wherein he was particularly concerned as a father, as a king of England, and as a Proteſtant. Theſe murmurs produced, at length, a parliament. Not that the court's intent was to ſatisfy the people; but it was judged, ſince they were ſo deſirous, that proper meaſures ſhould be taken for the defence of religion and the Palatinate, the houſe of commons would be ready to grant the king an aid anſwerable to ſo important a deſign. A parliament was, therefore, ſummoned to meet on the 20th of January, 1621. But the better to perſuade the publick, the king was really bent upon a war, the council nominated, a few days before the parliament met, a certain number of the moſt noted lords and officers, who had orders to meet and give their opinion concerning the means of vigorouſly carrying on the war. In the interim, as the people talked too freely of the king's and his miniſtry's conduct, they were forbid by proclamation to diſcourſe of ſtate-affairs. But this prohibion produced a quite contrary effect, it being hardly poſſible to ſtop people's tongues by ſuch means.

1621. The reaſon of the king's taking wrong meaſures to ſave the Palatinate.

The king, no doubt, wiſhed to preſerve the Palatinate for his ſon-in-law. All he could be blamed for was, his taking a wrong courſe to that end. Amuſed, or as it were bewitched by Gondemar's charm, he believed the prince's marriage with the Infanta was the moſt proper means, not perceiving that this marriage was only a decoy to deceive and hinder him from taking better meaſures. It will, doubtleſs, be thought ſtrange, that James ſhould ſuffer himſelf to be thus managed by a Spaniſh ambaſſador, in an affair, which ſo much concerned the houſe of Auſtria; but it will be the leſs ſurpriſing, if his ſituation be conſidered. Firſt, he had an averſion to war, and tho' he would have made believe, it was out of reaſon and choice, it is certain however, this averſion was ſo natural, that it was almoſt impoſſible for him to overcome it. In the next place, his opinion concerning the extent of the royal power, made him dread all occaſions of cauſing his prerogative to be queſtioned. If he engaged in a war, he muſt call a parliament, and the parliament had already convinced him, they were not of his ſentiment concerning the extent of the prerogative royal, of which he was ſo jealous. It is, therefore, no wonder, that of the two ways which offered to preſerve the Palatinate, viz. war, and the prince's marriage, he ſhould chuſe that which was moſt agreeable to his temper and inclination. What is more ſtrange, is, that in comparing theſe two ways, he ſhould be ſo blind as to think the marriage the eaſieſt and moſt proper, and would not ſee that it was only a ſnare to deceive him. On the other hand, he was not ſatisfied with reſolving to take this method rather than the other, but even affected to intimate to the houſe of Auſtria, that he ſhould not, till the laſt extremity, think of having recourſe to arms, and thereby marred all his affairs. The emperor and the king of Spain knew how to improve theſe wrong proceedings. Gondemar having eaſily diſcovered the king's ſcheme, failed not to encourage him to purſue it ſteddily, by putting him in hopes of ſucceſs. There was another and very ſtrong reaſon for Gondemar's keeping the king in this ſituation. The truce between Spain and Holland being like to end quickly, if the king ſhould reſolve to ſupport his ſon-in-law by arms, he would be able to make ſuch a diverſion in the Low-Countries, as would render the conqueſt of the Palatinate dear to the houſe of Auſtria. For this reaſon cheifly the courts of Vienna and Madrid flattered him with the hopes of obtaining an honourable peace for the prince Palatine. But theſe were only words, which James, to credulous, took for deeds.

Tho' the king did not intend to declare war with Spain, he was very glad, however, that the people were inclined to ſupport by arms the elector's intereſt. He hoped the parliament would grant him large ſums to enable him to make himſelf feared, and then he fancied, it would be eaſy for him to determine his ſon-in-law's affairs, without drawing the ſword, and conſequently without employing the money which ſhould be given him by parliament. Herein he meant to imitate his great grand-father Henry VIII, who often uſed this expedient to fill his coffers. But he ſhould alſo have imitated his addreſs in concealing his deſigns, whereas on the contrary, James's intentions were known to all.

The parliament meets. Jan. 30. 1620-1.

The Parliament being aſſembled, the king made a ſpeech to both houſes, which he divided into three heads. In the firſt, he told them what a parliament was, under colour of reminding them of ſo neceſſary and fundamental a point. The ſecond contained the reaſons of their meeting. In the third, he ſpoke of the grievances which the people thought to have cauſe to complain of, and endeavoured to juſtify his conduct. As this ſpeech is very long, I ſhall only cite ſome paſſages as may ſerve to diſcover both the king's principles and deſigns. He begins thus:

My Lords Spiritual and Temporal, and You the Commons.

The king's ſpeech. Wilſon. 'IN multiloquio non deeſt peccatum, ſaith the wiſeſt man that ever was; and this experience I have found in my own perſon, for it is true, there have been many ſeſſions of parliament before this, wherein I have made many diſcourſes to the gentlemen of the lower houſe, and in them delivered a true mirror of my heart; but as no man's actions are free from cenſure, in regard of the excellency of perfection, ſo, it may be, it pleaſed God, ſeeing ſome vanity in me, to ſend back my words as wine ſpit into my own face, ſo as I may truly ſay, "I have piped unto you, and you have not danced; I have mourned, and you have not lamented.

Concerning the conſtitution of a parliament.

'What is a parliament? It is an aſſembly compoſed of a head and a body; the monarch is the head, and the three eſtates * the body, which are called in a monarchy a parliament, "which was uſed and created by monarchs; for kings were before parliaments, who as ſoon as they had ſettled a form of government, and were willing that the people ſhould be governed by laws, called their parliaments, &c." ------- Only this I would have you to obſerve, that it is a vain thing for a parliament to preſs to be popular; there is in no ſtate a parliament without a monarchy. ------- This I put you in mind of that you ſerve under a monarchy, and that we muſt ſtand and fall with it; now conſider, firſt, who called you? Your king. Secondly, whom he calls? The peers, who in reſpect of the eminency of their places, and highneſs, have an intereſt therein by birth and inheritance, becauſe they are to aſſiſt the king in his great affairs. In the next, the church, the clergy, not all, but the principal heads thereof, the biſhops. ---- The knights ſtand for the ſhires, and the other gentlemen for the burroughs: Of theſe is the whole body compact.

'Thirdly, why ye are called? To give the king your advice in ſuch errands as he ſhall aſk of you, or you ſhall think fit to aſk his advice in.

'The king makes laws, and ye are to adviſe him to make ſuch as will be beſt for the common-wealth. There is another cauſe for which the houſe of commons is called, for that they beſt know the particular eſtate of their country; and if the king ſhall aſk their advice, they can beſt tell what is amiſs, as being moſt ſenſible. And alſo petition him to redreſs and amend it; they are the authors of ſuſtenance alſo to him, to ſupply his neceſſities, and that is the proper uſe of a parliament. Here they are to offer what they think fit to ſupply his wants, and he is in lieu thereof to afford them mercy and juſtice.

'And this I dare boldly ſay, and I am not aſhamed to ſpeak it, that all people owe a kind of tribute to their king, as a thankfulneſs, for his love to them; and where there is this ſympathy between a king and his people, it breeds a happy parliament.------

Concerning religion.

'As for religion there are laws enough, ſo as the true intent and execution follow.----

'As touching the rumour which is ſpread, that I ſhould tolerate religion in reſpect to the match which hath been long in treaty with Spain for my ſon; I profeſs I will do nothing therein which ſhall not be honourable and for the good of religion, elſe am I not worthy to be your king; and if any thing break off this match, it ſhall be the cauſe of religion. The tryal which you have had of my words and writings, wherein I have been a martyr, tortured in the mouths of many idle fellows, may give you ample teſtimony of my integrity, in ſuch ſort, as I hope you will truſt the wiſdom of your king ſo far, as I will never do one thing in private and another in publick; "but if after this my declaration any ſhall tranſgreſs, blame me not if I ſee them ſeverely puniſhed.

Concerning the reaſons of calling the parliament.

'Now the major errand (I ſpeak truth) for which I have called you, is for a ſupply of my urgent neceſſities in urgent cauſes; ye can all bear me witneſs, that I have reigned above 18 years among you; if it hath been a fault in me that you have been in peace all this time, I pray you pardon it; for I took it for an honour unto me, that you ſhould live quietly under your vines and fig-trees, reaping the fruits of your own labours, and myſelf to be a juſt and merciful king among you. You have not been troubled with preſſing of men, nor with other inconveniencies which the diſaſters of war produce, and yet in theſe 18 years have I had leſs ſupplies than any king before me. The late queen of famous memory, was ſo far ſupplied in her time, that it grew to an annual contribution of 135,000 l. a year. I had never above four ſubſidies, and ſix fifteenths. I challenge not more of deſert than ſhe; but ſure I am, I have governed as peaceably.

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* As in the following reign there was great diſputes, whether the biſhops were a ſtate or a body apart by themſelves in the parliament, each ſide grounded their aſſertion upon theſe words of this ſpeech, the one affirming the king ſaid, the Three Eſtates, and the other maintaining, he mentioned only Two Eſtates. This is the reaſon of the difference which occurs in the ſeveral copies. Ruſhworth and Wilſon have Two Eſtates. Franklyn, Nalſon, &c. Three Eſtates.

1621.

'The time ſince my ſupply hath been as the time of women with child, " Quæ decem tulerint faſtidia menſes," who after 10 months longings, are delivered of their burthens; but I have traveled 10 years, and therefore full time to be delivered of my wants.

'Now you have ſeen a trial of my late care in divers years laſt paſt, in looking into the particulars of my eſtate, wherein I muſt confeſs I have found my revenue (as Job's friends) forſaking me. In my houſhold expences I have abated 10,000 l. per annum, in my navy I have abated 25,000 l. and ſhortly I hope to abate 10,000 l. more. In my ordinary I have brought the expence from 34,000 to 14,000 l. and yet I was loth to believe, at firſt, that theſe were ſo much out of order; but, at laſt, by the information of ſome private gentlemen, I was induced to enter into a particular ſurvey; and herein was the love of my young admiral to me, as he took the envy of all upon himſelf for my ſake; and tho' he be but young, yet I find him true in faith, and an honeſt man, and hath had the beſt ſucceſs in all he hath taken in hand; he appointed under himſelf divers commiſſioners, as a young commander ſhould do, the better to preſerve himſelf from errors, and yet ſought no reward but my good and ſervice, nevertheleſs went through with great diligence and good ſucceſs; and, therefore, I hope the kingdom ſhall ſay I have now a true care of my eſtate, not taking from others by violence, houſe or land, but governing my own with good husbandry.

Concerning the affair of Bohemia, he ſaid much the ſame things as the marqueſs of Buckingham wrote in his letter to count Gondemar, after which he added:

'I am now to take for a worſe danger againſt next ſummer, albeit I will leave no travel untried to obtain a happy peace; but I thought good to be armed againſt the worſe time, it being beſt to treat of peace with the ſword in my hand; now I ſhall labour to preſerve the reſt of the Palatinate, wherein I declare, that if by fair means I cannot get it, my crown, my blood, and all ſhall be ſpent, with my ſon's blood alſo, but I will get it for him; and this is the cauſe of all, that the cauſe of religion is involved in it, for they will alter religion where they conquer, and ſo, perhaps, my grandchild may ſuffer who hath committed no fault at all. But this is nothing without a ſpeedy ſupply, " Bis dat qui cito dat.

'Conſider who it is that moves you? Your king; and the care of the reformation, and the charges which he hath disburſed, beſides 40,000 l. upon the pyratical wars; and conſider if I deſerve not your reſpects?

'It is ſtrange that my mint hath not gone this eight or nine year, but I think the fault of the want of money is in the uneven balancing of trade; for other things I confeſs I have been liberal, but the main cauſe of my wants, has been the ill government of thoſe whom I have truſted under me, for I will not make every day a Chriſtmaſs; and yet it may be in ſome grants I have hurt myſelf, and in others my ſubjects; but if I be truly informed, I will rightly reform them.

" But for you to hunt after grievances to the prejudice of the king and yourſelves, is not the errand: Deal with me as I ſhall deſerve it at your hands: I will not leave any thing undone that becomes a juſt king, if you deal accordingly.

'I know this parliament hath been of great expectation, and ſo was that at my firſt coming: You I knew, but not the laws and cuſtoms of this land. I was led by the old counſellors I found, which the old queen left, and it may be there was a miſtaking and miſunderſtanding between us which bred an abruption. And at the laſt parliament there came up a ſtrange kind of beaſt called undertakers, a name, which in my nature I abhor, which cauſed a diſſolution.

'Now you have that advantage that I call you out of my own free motion, and my truſt is in your good offices; for my good ſtates, even all and every one ſhall find an honeſt king of me.

'How happy a fame will that be, that he is reverenced and loved of all his people, and he reciprocally loves them. So ſhall I then be honoured by my neighbour princes, and peradventure my government be made an example for poſterity to follow*.'

Remarks on this ſpeech.

Many remarks and reflections might be made upon this ſpeech; but as that would lead me too far, I ſhall content myſelf with making one ſingle obſervation. This ſpeech contained ſome maxims concerning the regal power, which certainly the Engliſh, in general, did not then admit, as they do not even at this day. If ſince king James's acceſſion, the parliament, or the commons in particular, had endeavoured to encroach upon his prerogative, it might not be thought ſtrange that he ſhould let them know his reſolution to maintain it, and mark out the bounds they were not to exceed. But if we conſidered what paſſed in the two firſt parliaments of this reign, the commons did not begin to attack the king, but the king himſelf gave the parliament cauſe to complain. And ſuppoſing the grievances complained of by the lower houſe were groundleſs, to repreſent them to the king was no attempt upon the prerogative-royal; and yet this was the only reaſon of diſſolving the two firſt parliaments. It appears moreover, not only in this to the preſent parliament, but alſo in his former ſpeeches, that he made his prerogative to conſiſt in an unlimited power, ſince he ſaid in expreſs terms,

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* This ſpeech is taken out of the Annals of king James I; for the author pretends, that in Wilſon is not the true one. Rapin.

"That as to diſpute what God may do, is "blaſphemy; ſo is it ſedition in ſubjects to "diſpute what a king may do in the height "of his power." Hence it was eaſy to infer, he ſet no bounds to the prerogative-royal.

The parliament grants the king money. Coke.

The occaſion of calling the parliament was ſo plauſible, that the commons eaſily perceived, if they began, according to cuſtom, with the conſideration of the grievances, before they gave the king money, he would not fail to ſay, that a delay in ſo important a juncture was the ſame as a denial. The people were extremely incenſed againſt Spain for invading the Palatinate. They dreaded the prince's marriage with the Infanta, and the deſtruction of the Proteſtant religion abroad. So to deny the king money on this occaſion, would be juſtifying his indolence. Some members, however, believing the king had no deſign to make war, were deſirous to ſpare the people's purſes. But the reſt demonſtrated to them, the neceſſity of ſacrificing a ſum of money, whether the king employed it in defence of the Palatinate, or put it to other uſes. In the firſt caſe, the publick would have what they wiſhed, and the money given the king, would be only a ſmall part of what was farther to be expended in ſupport of the war. In the ſecond caſe, the king's intentions would be manifeſtly known, and that would afford a juſt motive to refuſe him money hereafter for imaginary undertakings. So, without any ſollicitation, the commons granted the king two entire ſubſidies, with which he was ſatisfied, in expectation of obtaining much more hereafter on the ſame account.

Digby is ſent to Vienna. Wilſon.

Not long after, the king ſent the lord Digby to Vienna, to endeavour to adjuſt the elector Palatine's affair, or, at leaſt, to obtain a truce, which ſhould ſecure the Palatinate from the danger it was threatened with in the next campaign. I ſhall ſpeak of this negotiation, after the recital of what paſſed in the parliament.

Complaints to the parliament againſt monopolies. Ibid.

The ſubſidy act was no ſooner paſſed, but many petitions were received by the houſe of commons, as well againſt the increaſe of popery, and impunity of recuſants, as againſt monopolies, informers, or projectors. Of the monopolies, three were chiefly complained of. The firſt was concerning inns, which no man could keep without a licenſe from certain perſons, to whom the king had granted a patent. The ſecond was of the ſame nature with reſpect to ale-houſes. The third was the moſt enormous. It was a patent granted by the king to Sir Giles Monpeſſon, and Sir Francis Michel, for the ſole making and ſelling of gold and ſilver lace. By this means, they ſold great quantities of counterfeit gold lace inſtead of real, and if any perſon preſumed to make or ſell any other, he was thrown into goal, and fined ſeverely. The two patentees being informed againſt in the houſe of commons, were immediately committed to priſon; but Monpeſſon, Buckingham's creature, found means to make his eſcape. As ſoon as he was ſafe, the king publiſhed a proclamation, promiſing a reward to any perſon that ſhould take him.

Wilſon.

The king's ſpeech to the lords. Ruſhw.

In the interim, the two houſes applied themſelves cloſely to the affair of monopolies. The commons would know how theſe two perſons obtained their patent, whilſt the lords were diligently forming their proceſs. In the mean time, the king was very uneaſy. He ſaw, this affair was examining in ſuch a manner, that the odium could not but fall upon himſelf or favourite; wherefore, to prevent the conſequences, he came to the houſe of lords, and made a ſpeech full of tender and affectionate expreſſions. He affirmed, he was ignorant of the ill effects his patent had cauſed, and charged them to bring the offenders to ſpeedy and ſevere juſtice; adding, his intention was to revoke all his patents which had been ſo injurious to the people, and particularly that of gold and ſilver lace, which was a kind of falſe coin. He exhorted them, moreover, to diſpatch the bill they were preparing againſt informers and projectors, ſaying, he had, before in the ſtar-chamber, ſhewn his diſlike of ſuch people, and to be rid of them, would be the greateſt eaſe to himſelf, and all thoſe about him. "For, continued "he, Buckingham told me he never found "ſuch quiet and reſt as in this time of parlia- "ment from projectors and informers, who at "other times miſerably vexed him at all "hours." In ſhort, he told them, he thought till then the people had never been ſo happy as in his reign; but now he was aſhamed to conſider how his people had been vexed and polled, by the vile execution of projects, patents, bills of conformity, and the like, which have more exhauſted their purſes than ſubſidies would have done. Having thus obviated the complaints which could be made againſt him, by condemning firſt the occaſion of them, he taught the lords how they were to proceed in equitably judging the matters before them, viz. not to ſuffer themſelves to be carried away with an inconſiderate zeal for juſtice, in hearkening to thoſe who accuſed the innocent as well as the guilty.

He tries to ſcreen Buckingham. Wilſon.

Every one knew that he meant to hinder the marqueſs of Buckingham from being attacked, who was reckoned the chief author of the monopolies. He had, indeed, the ſatiſfaction to ſee that the parliament did not carry this affair very far; but, tho' he had ordered his ſpeech to be printed, and diſperſed, he could not hinder reflections to his diſadvantage. For inſtance, he ſaid in his ſpeech, that "he aſſured them in the heart of an ho- "neſt man, and by the faith of a Chriſtian "king, if theſe grievances had been com- "plained of to him before the parliament, "he would have puniſhed them more ſevere- "ly than, perhaps, the parliament intended "to do;" and yet he was contented with abandoning Monpeſſon and Michel, whilſt he deſired the perſon who procured them their patent ſhould be left unmoleſted.

Monpeſſon's and Michel's ſentence. Wilſon.

However this be, the lords were ſatisfied with puniſhing Monpeſſon and Michel. They confiſcated Monpeſſon's eſtate, who had made his eſcape, and degraded him of his knighthood. Michel was likewiſe degraded, fined

1000 pounds, impriſoned for life, and carried on horſeback with his face to the tail, thro' the publick ſtreets in London.

Chancellor Bacon is accuſed.

Soon after, the king hearing, complaints were brought before the peers againſt chancellor Bacon, came to the houſe of lords, and ſending for the commons, made a ſpeech, wherein he chiefly inſiſted upon the neceſſity of puniſhing corruption and bribery in judges. Then he thanked the commons for the two ſubſidies, but ſaid, the money had been employed before-hand for the defence of the Palatinate, and maintenance of his children, who were fled to Holland for refuge; that he had procured a ſhort truce, and hoped ſoon to obtain a general peace; but the great charges of ſending ambaſſadors over all Europe, or an army into the Palatinate in caſe his negotiations became fruitleſs, required a much larger ſum than what had been granted him. He concluded, with proteſting before God, he would not diſſolve the parliament till the affairs in agitation were finiſhed.

The commons deſire Bacon may be tried. Wilſon.

In the interim, the houſe of commons having demanded a conference of the lords, repreſented to them, that the chancellor being accuſed of ſeveral crimes, it was not fit he ſhould continue any longer in ſo eminent a poſt if he was guilty, or be expoſed to calumny if innocent. Whereupon the lords ſent the chancellor to the tower, and prepared for his tryal. He uſed all poſſible endeavours to avoid the ſhame of a particular and full confeſſion. To that end, he preſented an humble ſubmiſſion to the houſe, confeſſing himſelf guilty in general, and imploring pardon, or, at leaſt, that his puniſhment might not extend farther than the taking from him the great ſeal. But the lords were inexorable. They required him to confeſs the particulars of the charge, which conſiſted in the enumeration of ſeveral bribes he had taken. He was ſo very expreſs, that he confeſſed, one of his ſervants took a dozen of buttons as a gift, in a cauſe depending before him. But this confeſſion, however full and plain it was, did not hinder him from being declared unworthy, not only of the office of chancellor, but even of having a place for the future in the houſe of peers, tho' he had been created baron of Verulam, and viſcount of St. Albans; nay, he was like to have been deprived of this dignity. He was a very great genius, and one of the moſt learned men in Europe, but a ſervile flatterer, extremely haughty whilſt fortune ſmiled upon him, and cringing when ſhe frowned. After his diſgrace, he compoſed ſeveral works, and amongſt others, the Hiſtory of king Henry VII, to whom certainly he has not given a juſt character. This is not ſurpriſing; for as his eſtate was forfeited by the ſentence paſſed upon him, and as he lived only on a penſion from the king, who always ſpoke of Henry VII, his great-grandfather, with high commendations, he made his court to the king, by repreſenting that prince as a pattern of wiſdom and virtue.

Remarks on the hiſtory of Henry VII.

It was properly in this third parliament that two parties were formed, the one for the court, the other for the people, who began from this time to oppoſe one another on all occaſions. The people had the ſtrongeſt party among the commons, and the king in the houſe of lords. Not but that the kings had always their adherents in both houſes, and the miniſters and favourites their enemies and enviers. But till this parliament, there were not properly any formed parties, or, if any, they were not long-lived. But thoſe that began to be formed this year, continually increaſed. Theſe are the ſame parties which ſtill ſubſiſt, under the names of Tories and Whigs; the firſt of which labours inceſſantly to ſtretch the prerogative royal as high as poſſible, when favoured by the king; and the other is always inſiſting on the rights and privileges of the people. The mutual animoſity of theſe two parties, when firſt they were formed, was nothing in compariſon of what it is at this day. When all parliamentary affairs came to be tranſacted with a ſpirit of party, every thing tended by degrees to confuſion. As one of the parties was always ready to increaſe the king's power, the others uſed their utmoſt endeavours, not only to keep it within due bounds, but alſo to leſſen it, for fear the king's prerogatives might ſerve him for ſteps to mount higher. Thus both went too far. James I. gave birth to theſe two parties, (who occaſioned ſo many calamities to England and his own family) by haughtily eſtabliſhing prerogatives, which, perhaps, would never have been queſtioned, had he not founded them upon principles that opened a door to arbitrary power. He met however, with great oppoſition, not only in the houſe of commons, but among the peers themſelves, ſeveral of whom did not ſcruple to contradict him openly. Of this number were the earls of Eſſex, Oxford, Southampton, and Warwick, the lord Say and Seal, the lord Spenſer, and ſome others. It was then become cuſtomary, that when one lord had ſpoken for or againſt the government, he was anſwered by another of the oppoſite party, and very often with a heat and paſſion unbecoming the dignity of the houſe. One day, as the lord Spenſer was ſpeaking about the government, and alledging ſeveral examples of their great anceſtors, Arundel ſuddenly interrupted him, ſaying, "My lord, when theſe "things you ſpeak of were doing, your ance- "ſtors were keeping ſheep." Spenſer inſtantly replied, "When my anceſtors (as you ſay) "were keeping ſheep, yours were plotting "treaſon." Whereupon the houſe ordering them both to withdraw, it was reſolved, in ſpite of the moſt zealous courtiers, that the earl of Arundel, as aggreſſor, ſhould give the lord Spenſer ſatiſfaction, which he refuſing, was ſent to the tower, and not releaſed till he had ſubmitted to the commands of the houſe.

Origin of the two parties, known now by the names of Tories and Whigs.

The commons delay granting the king money. Wilſon.

In the interim, the commons finding the king made no preparations for war, but only ſent Digby to the emperor, were not forward to give him a freſh ſupply, eſpecially as they knew the two ſubſidies already granted had been put to other uſes. They were not ignorant, moreover, that the king built all his hopes upon the Spaniſh match, and conſequently would not eaſily reſolve to take arms againſt the houſe of Auſtria, and the more, becauſe Gondemar had ſtill a great influence over him. The truth is, had the king really intended to wreſt from the Spaniard what was taken from the Palatinate, it was not natural for the Spaniſh ambaſſador to have ſo much power at court. The people were extremely diſpleaſed with it, and looked upon the Spaniſh marriage as a very great misfortune to the nation, and the Proteſtant religion. Of this they gave Gondemar himſelf a ſenſible proof, who was reviled and inſulted by the populace in London ſtreets. The king hearing of it, ordered one of the inſolent mob to be publickly whipt by the hangman.

The king orders the parliament to be adjourned. Annals.

The king perceiving the commons would never think of granting him a freſh aid, before it was more certainly known, whether there would be peace or war, ordered the lord-treaſurer to go in his name, on June 4, and adjourn the parliament to the 14th of November. The ſpirit of jealouſy, which then reigned among the commons, cauſed them to conſider this adjournment as an incroachment upon their privileges. They pretended, the king had, indeed, power to prorogue and diſſolve the parliament, but that adjournment was the peculiar privilege of each houſe. So they deſired a conference with the lords, to perſuade them to concur with them, in preſenting a petition to the king upon this occaſion; but the king acquainting the lords, that ſuch a petition would be very diſpleaſing to him, and that he would not ſuffer his power to call, adjourn, prorogue, and diſſolve the parliament, to be diſputed, the lords refuſed to join with the commons. Whereupon the commons declared, that they were extremely concerned at the king's reſolution, becauſe it deprived them of the means of finiſhing what was begun for the publick good.

The king gives them leave to ſit a fortnight longer.

This declaration brought the king to the houſe of peers, and after thanking their lordſhips for acknowledging his prerogative, and refuſing to join with the commons, he told them, if they deſired it, he would grant them a delay of eight or ten days; but would not do it at the requeſt of the commons. Upon this offer, the lords, after a conference with the commons, moved the king to continue their ſitting for 14 days, which was granted. Some days after, a committee of both houſes attending the king, he took occaſion to tell them, how ill he took it that the commons ſhould diſpute his undoubted right to adjourn the parliament. Probably, this power was not confirmed by cuſtom, ſince the commons conſidered it as an invaſion of their privileges, whereas they never thought of queſtioning his right to prorogue and diſſolve the parliament. Be this as it will, the commons, ſeeing the lords, who were equally concerned in the affair, refuſe their concurrence, proceeded no farther. Nevertheleſs, on the day they were to break up, they drew the following declaration, "That taking into moſt ſerious conſideration the preſent ſtate of the king's children abroad, and the generally afflicted eſtate of the true profeſſors of the ſame Chriſtian religion, profeſſed by the church of England in foreign parts, and being touched with a true ſenſe and fellow-feeling of their diſtreſſes, as members of the ſame body, they do with unanimous conſent declare--- they ſhall be ready to the utmoſt of their power, both with their lives and fortunes, to aſſiſt his majeſty ſo, as that he may be able to do that with his ſword, which by a peaceable courſe ſhall not be effected."

A proclamation to revoke divers monopolies. Ruſhw.

Preſently after, the king publiſhed a proclamation, wherein he ſet forth, that as many great affairs debated in parliament, could not be brought to perfection in ſo ſhort a time, "the commons thought it convenient to continue the ſame ſeſſion in courſe of adjournment." That as for the grievances, they were ſuch as he needed not the aſſiſtance of parliament to reform the ſame, and would have redreſſed them himſelf, had they been ſooner made known to him; adding, that by his own regal authority, he annulled and revoked the patent for gold and ſilver thread, and ſome others mentioned in the proclamation. At the ſame time a ſecond proclamation was publiſhed againſt ſuch as were ſo bold as to talk of ſtate-affairs, notwithſtanding his majeſty's former command, with menaces of ſevere puniſhment, as well againſt the concealers of ſuch diſcourſes, as againſt audacious tongues and pens.

Williams made lord keeper. Hacket.

On the 20th of July, John Williams, dean of Weſtminſter, was ſworn lord-keeper of the great-ſeal of England, the chancellorſhip having been vacant ever ſince Bacon's condemnation.

I muſt now briefly relate what paſſed in Bohemia and the Palatinate, after the battle of Prague. This knowledge is abſolutely neceſſary for the clear underſtanding of the affairs of England.

The affairs of Bohemia. Hiſt. of the Reb. of Bohemia.

The day after the battle, the city of Prague ſurrendered at diſcretion, and the duke of Bavaria returned to Munich, leaving his army in Bohemia, under the command of count Tilly, his general. On the other hand, count Bucquoy departed the 12th of December for Moravia, which voluntarily ſubmitted, as deſpairing of aſſiſtance. After Bucquoy had ſpent part of the winter in Moravia and at Vienna, he went and commanded the imperial army in Hungary, where he was ſlain, after ſome progreſs. A little before, Sileſia had likewiſe ſubmitted to the emperor.

Mansfeldt marches into the Upper Palatinate.

In the interim, count Mansfeldt had fortified himſelf in Bohemia, from whence the Imperialiſts would have found it difficult to drive him. But the king of Bohemia, who was ſtill in Holland, hearing the duke of Bavaria was preparing to invade the Upper Palatinate, cauſed Mansfeldt to march his army thither, having obtained of the Hollanders 150,000 florins to pay his troops. Mansfeldt was not, however, in a condition to withſtand Tilly, who being entered the Upper Palatinate with 25,000 men, had taken Bamburgh and ſome other places. In the mean while, as Mansfeldt had intrenched himſelf behind a moraſs, where it was impracticable to attack him, count Tilly, to make him quit the country, concluded a treaty with him, by which he promiſed to ſupply him with 200,000 florins. This treaty was concluded the 27th of September, 1621, but ſome difficulty ariſing, it was not executed; ſo Mansfeldt kept his poſt till the lord Digby's arrival, who paſſing that way in his return from Vienna, prevailed with him to march into the Lower-Palatinate, which was in extreme danger. By this means the Upper-Palatinate was really loſt and ſubdued by the duke of Bavaria.

The affairs of the Lower-Palatinate.

In the year 1620, Spinola, as I ſaid, began his conqueſts in the Lower-Palatinate. Since the ſubmiſſion of the king of Bohemia's allies to the emperor, after the battle of Prague, Spinola had continued his conqueſts with rapidity, for there was no army to ſtop him, and the Engliſh were too weak to oppoſe his progreſs. However, on the 2d of Auguſt, 1620, a five weeks truce was concluded at Haguenau, which was the truce mentioned by king James in his ſpeech to the parliament. The archduke had made him believe he agreed to this truce purely on his account; but in reality it was only to give the emperor time to ſend forces into the Lower-Palatinate in the room of thoſe, Spinola was leading back to the Netherlands, becauſe of the expiration of the 12 years truce between Spain and Holland. Spinola leaving but few troops with Don Gonſales de Cordova, who was to command in the Palatinate, the truce was as much for the Spaniard's advantage as for the king of Bohemia's. Soon after, the Spaniſh army being grown 10,000 ſtrong, Vere was forced to retire to Worms. In the interim, the Spaniſh general became maſter of Stein, Landenburg, and Keiſers-Lautarn, and in October beſieged Frankendal, where Vere had retired. There was no other way to ſave this important place, than, as I ſaid, by cauſing Manſfeldt to come from the Palatinate. Upon Manſfeldt's approach, Gonſales raiſed the ſiege of Frankendal. But preſently after, Tilly arrived in the Lower-Palatinate with the Bavarian army, and ſome troops of Mentz and Wirtzburg, Manſfeldt was forced to retire into Alſatia. This campaign ended with the loſs of the towns in the Lower-Palatinate, except Manheim, Heidelbergh, and Frankendal, which were the moſt important. Vere continued at Frankendal, Herbert commanded in Manheim, and Burroughs in Heidelbergh.

Philip III. dies. Cabala.

Philip III, king of Spain, died the 31ſt of March this year, and was ſucceeded by his ſon Philip IV.

The ſiege of Montauban.

In France, Lewis XIII. vigorouſly preſſed the Huguenots, and inveſted Montauban, but the long reſiſtance of the beſieged, compelled him to deſiſt.

James is amuſed by the archduke.

The 12 years truce between Spain and the United Provinces being about to expire the archduke was afraid, James would ſend a ſtrong aid to the ſtates, in order to oblige the Spaniards to reſtore what was taken in the Palatinate. To divert him from ſuch a thought, he intimated to him, that a peace between the elector Palatine and the emperor was not ſo difficult as was imagined, and the emperor, doubtleſs, would agree to it upon reaſonable terms; nay, he ſent the emperor in the elector's behalf a very preſſing letter, which was ſhewn to the king. This was attacking him on his weak ſide; for he was ever of opinion, that juſtice, honeſty, and the regard the world had for him, were ſufficient to determine this affair. To inſnare him the more eaſily, the emperor wrote to the archduke, that at his inſtances, and out of his great reſpect to the king of England, he was ready to embrace all proper methods for a peace with the elector Palatine. On the other hand, the king of Spain told the emperor, that if he gave the Upper-Palatinate to the duke of Bavaria, as was reported, he muſt expect no farther aſſiſtance from Spain. All theſe letters communicated to the king, or his ambaſſador's which confirmed him in his opinion, that there would be no occaſion for war, and to ſhew the leaſt miſtruſt would ſpoil all. Thus the princes of the houſe of Auſtria amuſed the king, to induce him to remain in his fatal neutrality. Upon theſe hopes therefore, without queſtioning in the leaſt their ſincerity, he diſpatched the lord Digby to Vienna, the ſucceſs of whoſe negotiation I muſt now relate.

The ſucceſs of Digby's ambaſſy. DuCheſne.

This ambaſſador having an audience of the emperor the 15th of July, confined his demands to theſe two heads. Firſt, that the elector Palatine ſhould be reſtored to the ſame ſtate he was in before he was choſen king of Bohemia. Secondly, that the imperial ban ſhould be revoked, or, at leaſt, ſuſpended; for which the king his father-in-law would undertake to oblige him to give the emperor due ſatisfaction.

The emperor, who only ſought to gain time, anſwered in writing, that at the requeſt of the king of England, and ſome other princes who had wrote to him in the Palſgrave's behalf, he was ready to pardon him. That the difficulty of this affair conſiſted in two principal points, the firſt whereof was, that the Palſgrave ſhould pay him the obedience due to the head of the empire; the ſecond, that he ſhould give him a reaſonable ſatisfaction. As this was exactly James's ſcheme for an accommodation, a peace ſeemed not to be very remote. But the term, ſatisfaction, being capable of a more or leſs extenſive meaning, it was eaſy for the emperor to prolong the negotiation, as he pleaſed. However, for fear he ſhould be taken at his word, he added in his anſwer, that, as he had undertaken the war with the advice and aſſiſtance of divers princes, he could do nothing without their conſent; but had called a diet at Ratisbon, the reſolutions whereof ſhould be communicated to the king of England. It muſt be obſerved, this diet did not meet till January, 1623.

The death of the archduke.

A few days after the emperor had delivered this anſwer to the ambaſſador, he received a letter from the Infanta Iſabella, notifying the death of her huſband the archduke, at Bruſſels the 13th of July, and repeating withal her inſtances in the elector's behalf. Whereupon Digby preſented a freſh memorial, demanding a truce for the Lower-Palatinate on three conditions. 1. That count Mansfeldt ſhould obſerve the truce, otherwiſe the elector Palatine ſhould revoke his commiſſion. 2. That the commiſſion of John-George de Brandenburgh, marqueſs of Jagerndorf, who ſerved the elector, ſhould be likewiſe revoked. 3. That as ſoon as the truce was publiſhed, the elector ſhould deliver to the emperor, Tabor and Witigaw, the only places he ſtill held in Bohemia.

The emperor receiving theſe propoſals, communicated them to the elector of Saxony and duke of Bavaria, who returned both the ſame anſwer, as if they had given each other the word, viz. they adviſed him to omit nothing to reſtore peace to Germany; looſe expreſſions without any meaning, but which, however, gave occaſion to believe they were inclined to peace. After this the emperor wrote a letter to the Infanta, which was imparted to Digby, telling her, that at her requeſt, and out of his great regard for the king of England, who had ſhewn ſo much prudence, ſincerity, and moderation, he was reſolved to treat of a truce, on the conditions propoſed by the Engliſh ambaſſador himſelf; adding, that during the truce, conferences might be held, to try to come to a peace, Thus James was obliged either to ſit ſtill and expect the event of theſe conferences, or to break with the emperor and Spain, when the peace ſeemed to be upon the point of concluſion, to which it was well known he would not eaſily be determined.

Ruſhw.

Some time after, the emperor, whether to gain time, or, to be freed from Digby's importunities, told him, he intended to grant a truce for the Palatinate, if the duke of Bavaria would conſent to it; nay, he adviſed him to go and negotiate the truce with the duke. Digby leaving Vienna the 11th of September, came into the Upper-Palatinate, where the duke of Bavaria then was, at the time Mansfeldt was concluding the forementioned truce with Tilly. When Digby talked of a truce, the duke told him, "there was no need to labour for a truce, for the wars were at an end, in that he had agreed with count Mansfeldt; nor did he doubt of keeping both Palatinates in peace, till the emperor and Palſgrave were agreed." The emperor hearing by Digby this anſwer, wrote him word, that the face of affairs being altered in the Upper-Palatinate, by Mansfeldt's fault, who had entered that country with his troops, the duke of Bavaria was under a neceſſity of raiſing an army to drive him thence, and it was not reaſonable he ſhould be at that charge to no purpoſe. Then it was that Digby, having informed the king of the ſtate of affairs in Germany, brought Mansfeldt into the Lower-Palatinate, where his coming ſaved Frankendal. After that, he borrowed, upon his own credit, 10,000 pounds ſterling, to pay the Engliſh troops, who had for a long time received nothing.

Satisfaction offered to the emperor by the king in the Palſgrave's name. DuCheſne.

The king being informed, by his ambaſſador's letter, of the duke of Bavaria's anſwer, wrote to the emperor, to complain of the invaſion of the Palatinate, and to tell him, in what manner he conceived the elector Palatine was to give him ſatisfaction, in order to fix the ſenſe of the word. 1. That he ſhould renounce the crown of Bohemia. 2. That as prince of the empire he ſhould ſubmit to his imperial majeſty. 3. That he ſhould aſk pardon on his knees. 4. That for the future, he ſhould remain quiet, and raiſe no diſturbance in the empire. 5. That he ſhould be reconciled to all the princes. 6. That if this was not ſufficient, he would undertake to procure what other terms ſhould be deemed reaſonable. Laſtly, he told him, that if he could not obtain his ſon-in-law's pardon by fair means, he was reſolved to have recourſe to arms. The emperor, without being frighted at this menace, ſtill continued to amuſe him, and the better to perſuade him he was inclined to peace, he diſpatched count Schwatzenburgh to ſettle with him the conditions of a truce. The count was very magnificently received at London. But before I ſpeak of the ſucceſs of his ambaſſy, I muſt relate what paſſed in England till the end of the year.

The king reaſſembles the parliament, at Digby's return. Ruſhw.

The king had farther adjourned the two houſes from the 14th of November to the 8th of February, 1622. But Digby's return occaſioned his ordering them to meet the 20th of November. As he was a little indiſpoſed, he commanded the lord keeper, the lord treaſurer, and the lord Digby, to acquaint the parliament with his intentions. The lord keeper ſaid, that ſince the laſt adjournment the king had taken great care of the nation, reforming by his proclamations 37 ſeveral grievances complained of by the people, without demanding any thing in return for theſe favours, as was uſual in former times. That he had reaſſembled the parliament, upon the declaration of the commons to aſſiſt him powerfully in the recovery of the Palatinate. That he had uſed his endeavours to procure a good peace, but with little ſucceſs, as the lord Digby would inform them. Then, he put them in mind, that the king had advanced 40,000 pounds to keep together an army in the Lower-Palatinate; but, continued he, "unleſs the parliament take farther reſolution, and imitate rather antient than modern principles, and be more expeditious in what they do, his majeſty's endeavours will fall to the ground." He concluded with ſaying, the king had reſolved to continue the ſeſſion till ſeven or eight days before Chriſtmaſs, and renew it the 8th of February.

Digby's ſpeech. Wilſon.

The lord Digby, ſpeaking next, gave a brief account of his ambaſſy to Vienna, and ſaid, he plainly diſcovered, it was the emperor's intent to give the Upper-Palatinate to the duke of Bavaria; adding, that a good ſum of money was abſolutely neceſſary, both to keep count Manſfeldt's army together, end ſend a ſtrong ſupply of Engliſh troops to the Palatinate.

The trea-ſurer's ſpeech.

The lord-treaſurer ſaid, the king's coffers were empty, his treaſure being exhauſted by the ſums employed in the defence of the Palatinate. Nevertheleſs, tho' the king declared for war, he was reſolved to conclude the Spaniſh marriage, hoping by that means to heal the breach.

The king's deſign. Ruſhw.

It is certain, the king had no deſign to go to war, ſince it could be only with the Spaniard, whom he conſidered as his beſt friend, and with whom he was going to be allied by his ſon's marriage with the Infanta; but he made as if he intended to take arms, in caſe he was obliged to it. To that end, it was neceſſary, in his opinion, to prepare betimes, and begin with ſending money to Manſfeldt, to pay his troops and continue the war in the Palatinate, till the ſucceſs of the negotiations at Vienna and Madrid ſhould be known. The king would therefore have it ſuppoſed, as a thing certain, that in caſe theſe negotiations were fruitleſs, he was bent to begin the war, and vigorouſly ſupport it. Conſequently, he demanded money to enable him to make the neceſſary preparations, and, in a word, required, that the affair ſhould be left entirely to his management. Indeed, parliaments are wont to act thus, when they think the king is undertaking a juſt and neceſſary war. So James proceeded upon the uſual cuſtom and method of the parliament. There was only one objection to be made, on which however no man durſt ſpeak his mind freely, viz. that the conduct of former parliaments was grounded upon their good opinion of their kings, and their confidence in them. But the commons had no confidence in James I. He demanded money for a war, to which they were perſuaded, he had no inclination; and, therefore, they could not help fearing, that the money which ſhould be granted him, would be employed otherways than in a war with Spain. On the other hand, the commons were taken in their own nets. To ſhew the delay of a war, deemed neceſſary by all the world, did not proceed from them, they had promiſed to put the king in condition to begin and purſue it vigorouſly; but when this promiſe came to be performed, their little confidence in the king, made them very reſerved. It was neceſſary, however, to ſatisfy the publick, and ſhew, they meant to keep their promiſe, provided they could be certain, it would be for the advantage of the ſtate. To this end, they reſolved to make a remonſtrance to the king, and repreſent to him what they thought requiſite in the preſent juncture. Not that they expected the king would grant their requeſts, but to leave him without excuſe, in caſe he refuſed them, which was ſcarce to be doubted. Such were the effects, the diſtruſt between the king and parliament began to produce. Inſtead of uſing their joint endeavours for the publick good, each ſtrove to take advantage of the other. For the better underſtanding the events of this reign, which were the origin and ſpring of the troubles of the next, it will not be improper to inſert the wole remonſtrance, notwithſtanding its length.

Moſt gracious and dread ſovereign,

The commons remonſtrance. Wilſon.

'WE your majeſty's moſt humble and loyal ſubjects, the knights, citizens, and burgeſſes aſſembled in parliament, who repreſent the commons of your realm, full of hearty ſorrow to be deprived of the comfort of your royal preſence, or the rather, for that it proceeds from the want of your health, wherein we all unfeignedly do ſuffer; in all humble manner, calling to mind your gracious anſwer to our former petition concerning religion, which notwithſtanding your majeſty's pious and princely intentions, hath not produced that good effect, which the danger of theſe times doth ſeem to us to require; and finding how ill your majeſty's goodneſs hath been requited by princes of different religion, who, even in time of treaty, have taken opportunity to advance their own ends, tending to the ſubverſion of religion, and diſadvantage of your affairs, and the eſtate of your children; by reaſon whereof, your ill-affected ſubjects at home, the Popiſh recuſants, have taken too much encouragement, and are dangerouſly increaſed in their number, and in their inſolencies. We cannot but be ſenſible thereof, and, therefore, humbly repreſent what we conceive to be the cauſes of ſo great and growing miſchiefs, and what be the remedies.

'I. The vigilancy and ambition of the pope of Rome, and his deareſt ſon, the one aiming at as large a temporal monarchy, as the other at a ſpiritual ſupremacy.

'II. The deviliſh poſitions and doctrines, whereon Popery is built, and taught with authority to their followers, for advancement of their temporal ends.

'III. The diſtreſſed and miſerable eſtate of the profeſſors of true religion in foreign parts.

'IV. The diſaſtrous accidents to your majeſty's children abroad, expreſſed with rejoicing, and even with contempt of their perſons.

'V. The ſtrange confederacy of the princes of the Popiſh religion, aiming mainly at the advancement of theirs, and ſubverting of ours, and taking the advantages conducing to that end upon all occaſions.

'VI. The great and many armies raiſed, and maintained at the charge of the king of Spain, the chief of that league.

'VII. The expectation of the Popiſh recuſants of the match with Spain, and feeding themſelves with great hopes of the conſequences thereof.

'VIII. The interpoſing of foreign princes, and their agents, in the behalf of Popiſh recuſants, for connivance and favour unto them.

'IX. The open and uſual reſort to the houſes, and, which is worſe, to the chapels of foreign ambaſſadors.

‘X. Their more than uſual concourſe to the city, and their frequent conventicles and conferences there.

‘XI. The education of their children in many ſeveral ſeminaries and houſes of their religion in foreign parts, appropriated to the Engliſh fugitives.

‘XII. The grants of their juſt forfeitures intended by your majeſty, as a reward of ſervice to the grantees; but, beyond your majeſty's intention, transferred or compounded for, at ſuch mean rates, as will amount to leſs than a toleration.

‘XIII. The licentious printing and diſperſing of Popiſh and ſeditious books, even in the time of parliament.

‘XIV. The ſwarms of prieſts and Jeſuits, the common incendiaries of all Chriſtendom, diſperſt in all parts of your kingdom.

‘And from theſe cauſes, as bitter roots, we humbly offer to your majeſty, that we foreſee and fear there will neceſſarily follow very dangourous effects both to church and ſtate. For,

‘I. The Popiſh religion is incompatible with ours in reſpect of their poſitions.

‘II. It draweth with it an inviolable dependency on foreign princes.

‘III. It openeth too wide a gap for popularity, to any who ſhall draw too great a party.

‘IV. It hath a reſtleſs ſpirit, and will ſtrive by theſe gradations; if it once get but a connivance, it will preſs for a toleration; if that ſhould be obtained, they muſt have an equality; from thence they will aſpire to ſuperiority, and will never reſt till they get a ſubverſion of the true religion.

‘The remedies againſt theſe growing evils, which, in all humility we offer unto your moſt excellent majeſty, are theſe,

‘I. That ſeeing this inevitable neceſſity is fallen upon your majeſty, which no wiſdom or providence of a peaceful and pious king can avoid, your majeſty would not omit this juſt occaſion, ſpeedily and effectually to take your ſword into your hand.

‘II. That once undertaken upon ſo honourable and juſt grounds, your majeſty would reſolve to purſue, and more publickly avow the aiding of thoſe of our religion in foreign parts, which, doubtleſs, would re-unite the princes and ſtates of the union, by theſe diſaſters diſheartened and diſbanded.

‘III. That your majeſty would propoſe to your ſelf to manage this war with the beſt advantage, by a diverſion or otherwiſe, as in your judgment ſhall be found fitteſt, and not to reſt upon a war in theſe parts only, which will conſume your treaſure, and diſcourage your people.

‘IV. That the bent of this war, and point of your ſword, may be againſt that prince, (whatſoever opinion of potency he hath) whoſe arms and treaſures, have firſt diverted, and ſince maintained the war in the Palatinate.

‘V. That for ſecuring of our peace at home, your majeſty would be pleaſed to review the parts of our petition, formerly delivered unto your Majeſty, and hereunto annexed, and to put in execution, by the care of choice commiſſioners to be thereunto eſpecially appointed, the laws already, and hereafter to be made, for preventing of dangers by Popiſh recuſants, and their wonted evaſions.

‘VI. That to fruſtrate their hopes for a future age, our moſt noble prince may be timely and happily married to one of our own religion.

‘VII. That the children of the nobility and gentry of this kingdom, and of others ill-affected and ſuſpected in their religion now beyond the ſeas, may be forthwith called home by your means, and at the charge of their parents or governors.

‘VIII. That the children of Popiſh recuſants, or ſuch whoſe wives are Popiſh recuſants, be brought up during their minority, with Proteſtant ſchool-maſters and teachers, who may ſow, in their tender years, the ſeeds of true religion.

‘IX. That your majeſty will be pleaſed ſpeedily to revoke all former licenſes for ſuch children and youth to travel beyond the ſeas, and not grant any ſuch licenſe hereafter.

‘X. That your majeſty's learned council may receive commandment from your highneſs, carefully to look into former grants of recuſants lands, and to avoid them, if by law they can; and that your majeſty will ſtay your hand from paſſing any ſuch grants hereafter.

‘This is the ſum and effect of our humble declaration, which we (no ways intending to preſs upon your majeſty's undoubted and regal prerogative) do, with the fulneſs of our duty and obedience, humbly ſubmit to your moſt princely conſideration: The glory of God, whoſe cauſe it is; the zeal of our true religion, in which we have been born, and wherein (by God's grace) we are reſolved to die; the ſafety of your majeſty's perſon, who is the very life of your people; the happineſs of your children and poſterity; the honour and good of the church and ſtate, dearer unto us than our own lives, having kindled theſe affections, truly devoted to your majeſty.

‘And ſeeing, out of our duty to your majeſty, we have already reſolved to give, at the end of the ſeſſion, one entire ſubſidy for the preſent relief of the Palatine only, to be paid in the end of February next, which cannot well be effected, but by paſſing a bill in a parliamentary courſe before Chriſtmaſs; we moſt humby beſeech your majeſty, (as our aſſured hope is) that you will then alſo vouchſafe to give life by your royal aſſent, to ſuch bills, as before that time ſhall be prepared for your majeſty's honour, and the general good of your people: And that ſuch bills may be alſo accompanied (as hath been accuſtomed) with your majeſty's gracious pardon, which pro-

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'ceeding from your own mere grace, may, by your highneſs's direction, be drawn to that latitude and extent, as may beſt ſort with your majeſty's bounty and goodneſs. And that not only felons and criminal offenders may take benefit thereof, but that your good ſubjects may receive eaſe thereby. And if it ſhall ſo ſtand with your good pleaſure, that it may extend to the relief of the old debts and duties to the crown, before the firſt year of your majeſty's reign, to the diſcharge of alienations without licenſe, and miſuſing of liveries, and Ouſtre le Maine, before the firſt ſummons of this parliament, and of concealed wardſhips, and not ſuing of liveries, and Ouſtre le Maines, before the 12th year of your majeſty's reign: Which gracious favour would much comfort your good ſubjects, and eaſe them from vexation, with little loſs or prejudice to your own profit.

'And we by our daily and devout prayers to the Almighty, the great King of Kings, ſhall contend for a bleſſing upon our endeavours; and for your majeſty's long and happy reign over us; and for your children's children after you, for many and many generations.'

The different principles of the king and commons.

The king had taken great care, at the opening of this parliament, to mark out the bounds which the commons were not to exceed. Above all things, he intimated to them, that they ought not to give him advice without being asked. They neglected this charge very much in their remonſtrance, and plainly ſhewed, they did not believe it belonged to the king to determine, how far the duty of the people's repreſentatives in parliament reached. The king's principles were ſo different from thoſe of the commons, that it is no wonder their inferences were directly contrary. The king did not expect, the commons ſhould adviſe him; and the commons pretended, it was their indiſpenſable duty to repreſent to him the dangers of the church or ſtate, with the propereſt remedies. The king reſted upon the prerogative, royal, but the commons did not agree to the extent, he gave this prerogative, by vertue whereof he pretended to hinder them from taking care of the church and ſtate when they were in danger, or their concerns neglected. It is very difficult, not to ſay impoſſible, to mark out the bounds of the royal prerogative, as well as the privilege and duty of the nation's repreſentatives, in all caſes which may occur. So, without undertaking to decide this point I ſhall only ſay, the commons diſtruſt made them take an extraordinary courſe, which, doubtleſs, they would not have followed, had they been to deal with a prince more eſteemed. On the other hand, it cannot be denied, the king gave great occaſions of ſuſpicion and jealouſy, in affecting to eſtabliſh his prerogative upon general principles, which will never be received in England, without the proper reſtrictions to the nature of the Engliſh conſtitution.

The king is offended at the manner of the remonſtrance.

But the attempt upon the royal prerogative was not the only thing that offended the king. The remonſtrance contained, what could not but be very diſagreeable to him, ſince, in obſcure terms, he was taxed with neglecting the welfare of religion and the nation with tolerating recuſants; with having no deſign to engage in a war for the recovery of the Palatinate, tho' he deſired money for that purpoſe; with granting licenſes prejudical to the kingdom; and laſtly, with having little or no concern for the intereſt of religion, in marrying the prince, his ſon, with a Spaniſh princeſs. The commons not daring to ſpeak their thoughts freely on this occaſion, were contented with giving intimations. The king perceived it, but forbore, in his own vindication, to enter into particulars, which would not have been for his advantage. It was much more agreeable to his intereſt and dignity, to hinder ſo ungrateful a remonſtrance from being preſented to him. And that was the courſe he took. As ſoon as he heard the remonſtrance was ready, he ſent the following letter to the ſpeaker.

To our truſty and well-beloved Sir Thomas Richardſon, knight, ſpeaker of the houſe of COMMONS.

The king's letter to the ſpeaker of the houſe of commons. Wilſon.

Mr. Speaker,

'WE have heard by divers reports, to our great grief, that our diſtance from the houſes of parliament, cauſed by our indiſpoſition of health, hath emboldened ſome fiery and popular ſpirits of ſome of the houſe of commons, to argue and debate publickly of the matters far above their reach and capacity, tending to our high diſhonour, and breach of prerogative royal. Theſe are therefore to command you, to make known, in our name, unto the houſe, that none therein ſhall preſume henceforth to meddle with any thing concerning our government, or deep matters of ſtate; and namely, not to deal with our deareſt ſon's match with the daughter of Spain, nor to touch the honour of that king, or any other our friends and confederates; and alſo not to meddle with any man's particulars, which have their due motion in our ordinary courts of juſtice. And whereas, we here they have ſent a meſſage to Sir Edward Sandys, to know the reaſons of his late reſtraint, you ſhall in our name reſolve them, that it was not for any miſdemeanor of his in parliament; but to put them out of doubt of any queſtion of that nature that may ariſe among them hereafter, you ſhall reſolve them in our name, that we think our ſelf very free and able to puniſh any man's miſdemeanors in parliament, as well during their ſitting, as after; which we main not to ſpare hereafter, upon any occaſion of any man's inſolent behaviour there that ſhall be miniſtred unto us; and if they have already touched any of theſe points, which we have forbidden, in any petition of theirs, which is to be ſent unto us, it is our pleaſure that you ſhall tell them, that except they reform it before it come to our hands, we will not deign the hearing, nor anſwering of it."

Dated at New-market, Dec. 3. 1621.

This letter being read and examined in the houſe, the commons did not think proper to keep ſilence, but to let the king ſee, his menaces ſhould not deter them from doing their duty, as they pretended. They drew, therefore, a petition, which was preſented to the king with the foregoing remonſtrance. The petition ran thus:

Moſt dread and gracious ſovereign.

The commons remonſtrance. Ruſhw.

'WE your moſt humble and loyal ſubjects, the knights, citizens, and burgeſſes aſſembled in the commons houſe of parliament, full of grief and unſpeakable ſorrow, through the true ſenſe of your majeſty's diſpleaſure, expreſſed by your letter lately ſent to our ſpeaker, and by him related and read unto us: Yet comforted again with the aſſurance of your grace and goodneſs, and of the ſincerity of our own intentions and proceedings, whereon with confidence we can rely, in all humbleneſs beſeech your moſt excellent majeſty, that the loyalty and dutifulneſs of us as faithful loving ſubjects as ever ſerved, or lived under a gracious ſovereign, may not undeſervedly ſuffer by the miſ-information of partial and uncertain reports, which are ever unfaithful intelligencers: But that your majeſty would, in the clearneſs of your own judgment, firſt to vouchſafe to underſtand from ourſelves, and not from others, what our humble declaration and petition (reſolved upon by the univerſal voice of the houſe, and propoſed with your gracious favour to be preſented unto your ſacred majeſty) doth contain. Upon what occaſion we entered into conſideration of thoſe things which are therein contained, with what dutiful reſpect to your majeſty, and your ſervice, we did conſider thereof, and what was our true intention thereby. And that when your majeſty ſhall thereby truly diſcern our dutiful affections, you will, in your royal judgment, free us from thoſe heavy charges, wherewith ſome of our members are burthened, and wherein the whole houſe is involved.

'And we humbly beſeech your majeſty, that you would not hereafter give credit to private reports, againſt all or any of the members of our houſe, whom the whole have not cenſured, until your majeſty have been truly informed thereof from ourſelves; and that in the mean time, and ever, we may ſtand upright in your majeſty's grace and good opinion, than which no worldly conſideration is or can be dearer unto us.

'When your majeſty had reaſſembled us in parliament by your royal commandment, ſooner than we expected, and did vouchſafe, by the mouths of three honourable lords, to impart unto us the weighty occaſions moving your majeſty thereunto, and from them we did underſtand theſe particulars.

'That notwithſtanding your princely and pious endeavours to procure peace, the time is now come, that Janus's temple muſt be opened.

'That the voice of Bellona muſt be heard, and not the voice of a turtle.

'That there was no hope of peace, nor any truce to be obtained, no not for a few days.

'That your majeſty muſt either abandon your own children, or engage yourſelf in a war, wherein conſideration is to be had, what foot, what horſe, what money will be ſufficient.

'That the Lower-Palatinate was ſeiſed upon by the army of the king of Spain as executor of the band there in quality of duke of Burgundy, as the Upper-Palatinate was by the duke of Bavaria.

'That the king of Spain, at his own charge, had now, at leaſt, five armies on foot.

'That the princes of the union were diſbanded, but the Catholick league remained firm, whereby thoſe princes ſo diſſevered, were in danger, one by one, to be ruined.

'That the eſtate of thoſe of the religion in foreign parts was miſerable; and that out of theſe conſiderations we were called to a war, and forthwith to adviſe for a ſupply of keeping the forces in the Palatinate from diſbanding, and to foreſee the means for raiſing and maintaining the body of an army, for the war againſt the ſpring. We, therefore, out of our zeal to your majeſty and your poſterity, with more alacrity and celerity than ever was precedented in parliament, did addreſs ourſelves to the ſervice commended unto us. And altho' we cannot conceive that the honour and ſafety of your majeſty and your poſterity, the patrimony of your children invaded, and poſſeſſed by their enemies, the welfare of religion and ſtate of your kingdoms, are matters at any time unfit for the deepeſt conſideration, in time of parliament; and altho' before this time we were in ſome of theſe points ſilent, and yet being now invited thereunto, and led on by ſo juſt an occaſion, we thought it our duties to provide for the preſent ſupply thereof, and not only to turn our eyes on a war abroad, but to take care for the ſecuring of our peace at home, which the dangerous increaſe and inſolency of Popiſh recuſants, apparently, viſibly, and ſenſibly did lead us unto. The conſideration whereof did neceſſarily draw us truly to repreſent unto your majeſty, what we conceive to be the cauſes, what we feared would be the effects, and what we hoped might be the remedies of theſe growing evils; among which, as incident and unavoidable, we fell upon ſome things which ſeem to touch upon the king of Spain, as they have relation to Popiſh recuſants at home, to the wars by him maintained in the Palatinate againſt your majeſty's children, and to his ſeveral armies now on foot; yet, as we conceived, witohut touch of diſhonour to that king, or any other prince your majeſty's confederate.

'In the diſcourſe whereof, we did not aſſume to ourſelves any power, to determine of any part thereof, nor intend to encroach or intrude upon the ſacred bounds of your royal authority, to whom, and to whom only we acknowledge it doth belong to reſolve of peace and war, and of the marriage of the moſt noble prince your ſon; but as your moſt loyal and humble ſubjects and ſervants, repreſenting the whole commons of your kingdom (who have a large intereſt in the happy and proſperous eſtate of your majeſty, and your royal poſterity, and of the flouriſhing eſtate of our church and common-wealth) did reſolve, out of our cares and fears, truly and plainly to demonſtrate theſe things to your majeſty, which we were not aſſured could otherwiſe come ſo fully and clearly to your knowledge; and that being done, to lay the ſame down at your majeſty's feet, without expectation of any other anſwer of your majeſty, touching theſe higher points, than what at your good pleaſure, and in your own time ſhould be held fit.

‘This being the effect of that we had formerly reſolved upon, and theſe the occaſions and reaſons inducing the ſame, our humble ſuit to your majeſty and confidence is, that your majeſty will be graciouſly pleaſed to receive, at the hands of theſe our meſſengers, our former humble declaration and petition, and vouchſafe to read, and favourably to interpret the ſame; and that to ſo much thereof as containeth our humble petition concerning Jeſuits, prieſts, and Popiſh recuſants, the paſſage of bills, and granting your royal pardon, you will vouchſafe an anſwer unto us.

‘And whereas your majeſty, by the general words of your letter, ſeemeth to reſtrain us from intermeddling with matters of government, or particulars which have their motion in the courts of juſtice, the generality of which words, in the largeneſs of the extent thereof (as we hope beyond your majeſty's intention) might involve thoſe things, which are the proper ſubject of parliamentary occaſions and diſcourſes.

‘And whereas your majeſty doth ſeem to abridge us of the antient liberty of parliament, for freedom of ſpeech, juriſdiction, and juſt cenſure of the houſe, and other proceedings there, (wherein, we truſt in God, we ſhall never tranſgreſs the bounds of loyal and dutiful ſubjects) a liberty which we aſſure ourſelves, ſo wiſe and ſo juſt a king will not infringe, the ſame being our antient and undoubted right and inheritance received from our anceſtors; without which we cannot freely debate, nor clearly diſcern of things in queſtion before us, nor truly inform your majeſty; in which we have been confirmed by your majeſty's moſt gracious former ſpeeches and meſſages. We are therefore now again inforced in all humbleneſs to pray your majeſty to allow the ſame, and thereby to take away the doubts and ſcruples, your majeſty's late letter to our ſpeaker hath wrought upon us.

‘So ſhall we your loyal and loving ſubjects ever acknowledge your majeſty's juſtice, grace and goodneſs, and be ready to perform that ſervice to your majeſty, which in the true affection of our hearts we profeſs, and pour out our daily and devout prayers to the Almighty for your majeſty's long life, happy and religious reign, and proſperous eſtate, and for your royal poſterity after you for ever.’

This petition, with the remonſtrance annexed, was ſent to the king by 12 members, at the head of whom the houſe affected to ſet Sir Richard Weſton, a privy-counſellor, a known Papiſt, and thought to be the perſon that moſt incenſed the king againſt the commons. Then the houſe reſolved to proceed to no other affair, till they had an anſwer to their petition. The king received the 12 members very roughly. Some ſay, he called for 12 chairs for them, ſaying, “Here are “12 kings come to me.” He received from them the laſt petition, but rejected the remonſtrance, with the copy of the petition already preſented to him againſt the recuſants. Some days after he ſent the commons an anſwer in writing. As nothing can better diſcover that prince's deſigns and character than his ſpeeches, tho' generally very long, the reader, perhaps, will be glad to ſee the anſwer at length.

The king's anſwer to the latter petition. Ruſhw.

‘WE muſt here begin in the ſame faſhion that we would have done, if your firſt petition had come to our hands, before we had made a ſtay thereof; which is to repeat the firſt words of the late queen of famous memory, uſed by her, in an anſwer to an inſolent propoſition made by a Polonian ambaſſador unto her; that is, “Legatum ex“pectabamus, heraldum accipimus.” For we had great reaſon to expect, that the firſt meſſage from your houſe ſhould have been a meſſage of thankſgiving, for our continued gracious behaviour towards our people, ſince your laſt receſs, not only by our proclamation of grace, wherein were contained ſix or ſeven and thirty articles, all of ſeveral points of grace to the people, but alſo by the labour we took for the ſatisfaction of both houſes, in thoſe three articles recommended unto us in both their names, by the right reverend father in God, the archbiſhop of Canterbury; and likewiſe for the good government of Ireland, we are now in hand with at your requeſt; but not only have we heard no news of all this, but contrary, great complaints of the danger of religion within this kingdom, tacitly implying our ill-government in this point. And we leave you to judge, whether it be your duties, that are the repreſentative body of our people, ſo to diſtaſte them with our government; whereas by the contrary it is your duty, with all your endeavours, to kindle more and more a dutiful and thankful love in the people's hearts towards us, for our juſt and gracious government.

‘Now whereas, in the very beginning of this your apology, you tax us in fair terms of truſting uncertain reports, and partial informations concerning your proceedings, we

‘with

wiſh you to remember, that we are an old and experienced king, needing no ſuch leſſons, being in our conſcience freeſt of any king alive, from hearing or truſting idle reports, which ſo many of your houſe as are neareſt us can bear witneſs unto you, if you would give as good ear to them, as you do to ſome tribunitial orators among you; and for proof in this particular, we have made your own meſſengers confer your other petitions ſent by you, with the copy thereof, which was ſent us before; between which there is no difference at all; but that ſince our receiving the firſt copy, you added a concluſion unto it, which could not come to our hands till it was done by you, and your meſſenger ſent, which was all at one time. And if we had no copy of it beforehand, we muſt have received your firſt petition, to our great diſhonour, before we had known what it contained, which would have enforced us to return you a far worſe anſwer than now we do; for then your meſſengers had returned with nothing, but that we have judged your petition unlawful and unworthy of an anſwer: For as to your concluſion thereof, it is nothing but Proteſtatio contraria facto; for in the body of your petition, you uſurp upon our prerogative royal, and meddled with things far above your reach; and then in the concluſion you proteſt the contrary; as if a robber would take a man's purſe and then proteſt he meant not to rob him. For firſt, you preſume to give us your advice, concerning the match of our deareſt ſon with ſome Proteſtant (we cannot ſay princeſs, for we know none of theſe fit for him) and diſſuade us from his match with Spain; urging us to preſent war with that king; and yet in the concluſion, forſooth, ye proteſt ye intend not to preſs upon our moſt undoubted and regal prerogative; as if the petitioning of us in matters that yourſelves confeſs you ought not meddle with, were not a meddling with them.

‘And whereas ye pretend, that ye were invited to this courſe by the ſpeeches of three honourable lords; yet by ſo much as yourſelves repeat of the ſpeeches, nothing can be concluded, but that we were reſolved by war to regain the Palatinate, if otherwiſe we could not attain unto it. And you are invited to adviſe forthwith upon a ſupply, for keeping the forces in the Palatinate from diſbanding, and to foreſee the means for the raiſing, and maintenance of the body of an army for that war againſt the ſpring. Now, what inference can be made upon this, that therefore we muſt preſently denounce war againſt the king of Spain, break our deareſt ſon's match, and match him to one of our religion, let the world judge. The difference is no greater, than if we would tell a merchant, that we had great need to borrow money from him for raiſing an army; that thereupon it would follow, that we were bound to follow his advice in the direction of the war, and all things depending thereupon; but yet not contenting yourſelves with this excuſe of yours, which indeed cannot hold water, ye come after to a direct contradiction to the concluſion of your former petition, ſaying, that the honour and ſafety of us and our poſterity, and the patrimony of our children, invaded and poſſeſſed by their enemies, the welfare of religion, and ſtate of our kingdome, are matters at any time not unfit for your deepeſt conſiderations in parliament. To this generality, we anſwere with the logicians, that where all things are contained, nothing is omitted. So as this plenipotencie of yours, inveſts you in all power upon earth, lacking nothing but the pope's to have the keys alſo both of heaven and purgatory: And to this vaſte generality of yours, we can give no other anſwer; for it will trouble all the beſt lawyers in the houſe to make a good commentary upon it: For ſo did the Puritan miniſters in Scotland bring all kinde of cauſes within the compaſſe of their juriſdiction, ſaying, that it was the church's office to judge of ſlander, and there could no kinde of crime or fault be committed, but there was a ſlander in it, either againſt God, the king, or their neighbour; and by theſe meanes they hooked in to themſelves the cognizance of all cauſes; or like Bellarmine's diſtinction of the pope's power over all kings, In ordine ad ſpiritualia, whereby he gives them all temporal juriſdiction over them.

‘But to give you a direct anſwere to the matter of war for which you are ſo earneſt. We confeſs, we rather expect you ſhould have given us great and heartie thankes, for the ſo long maintaining a ſettled peace in all our dominions, when as all our neighbours about are in a miſerable combuſtion of war; but, Dulce bellum inexpertis. And we, indeed, find by experience, that a number of our ſubjects are ſo pampered with peace, as they are deſirous of change, tho' they know not what.

‘It is true, that we have ever profeſſed, and in that minde with God's grace, we will live and die, that we will labour by all meanes poſſible, either by treaty or by force to reſtore our children to their antient dignity and inheritance; and whatſoever Chriſtian princes or potentates will ſet themſelves againſt it, we will not ſpare any lawful means to bring our ſo juſt and honourable purpoſe to a good end; neither ſhall the match of our ſon, or any other worldly reſpect, be preferred to this our reſolution. For by our credit and intervention with the king of Spain, and the arch-ducheſs and her huſband, now with God, we preſerved the Lower-Palatinate one whole year from any farther conquering in it, which in eight days ſpace, in that time might have eaſily been ſwallowed up by Spinola's army without any reſiſtance. And in no better caſe was it now at our ambaſſador the lord Digby's coming thro' Heidelburgh, if he had not extraordinarily ſuccoured it.

‘But becauſe we conceive that ye couple this war of the Palatinate with the cauſe of religion, we muſt a little unfold your eyes herein.

‘The beginning of this miſerable war, which hath ſet all Chriſtendom on fire, was not for religion, but only cauſed by our ſon-in-law his haſty and harſh reſolution, following evil counſel, to take to himſelf the crown of Bohemia.

‘And that this is true, himſelf wrote letters unto us at that time, deſiring to give aſſurance both to the French king, and ſtate of Venice, that his accepting of the crown of Bohemia had no reference to the cauſe of religion, but only by reaſon of his right of election, (as he called it.) And we would be ſorry that that aſperſion ſhould come upon our religion, as to make it a good pretext for dethroning of kings, and uſurping their crowns; and we would be loth that our people here ſhould be taught that ſtrange doctrine; no, let us not ſo far wrong the Jeſuits, as to rob them of their ſweet poſitions and practice in that very point.

‘And upon the other part, we aſſure ourſelf ſo far of your charitable thoughts of us, that we would never have conſtantly denied our ſon-in-law both the title and aſſiſtance in that point, if we had been well perſuaded of the juſtice of his quarrel. But to conclude; this unjuſt uſurpation of the crowns of Bohemia and Hungaria from the emperor, hath given the pope and all that party too fair a ground, and opened them too wide a gate for curbing and oppreſſing of many thouſand of our religion, in divers parts of Chriſtendom.

‘And whereas you excuſe your touching upon the king of Spain, upon occaſion of the incidents by you repeated in that place, and yet affirm, that it is without any touch to his honour; we cannot wonder enough that you are ſo forgetful both of your words and writs; for in your former petition ye plainly affirm, that he affects the temporal monarchy of the whole earth; than which there can be no more malice uttered againſt any great king, to make all other princes and potentates both envy and hate him; but if ye liſt it may eaſily be tried, whether that ſpeech touched him in honour or not, if ye ſhall aſk him the queſtion, whether he means to aſſume to himſelf that title or no, for every king can beſt judge of his own honour. We omit the particular ejaculations of ſome foul-mouthed orators in your houſe, againſt the honour of that king's crown and ſtate.

‘And touching your excuſe of not determining any thing concerning the match of our deareſt ſon, but only to tell your opinion, and lay it down at our feet. Firſt, we deſire to know, how you could have preſumed to determine in that point, without committing of high-treaſon. And next you cannot deny but your talking of his match after that manner, was a direct breach of our commandment, and declaration out of our own mouth, at the firſt ſitting down of this parliament, where we plainly profeſſed that we were in treaty with this match with Spain; and wiſhed you to have that confidence in our religion and wiſdom, that we would ſo manage it, as our religion ſhould receive no prejudice by it; and the ſame we now repeat unto you, profeſſing that we are ſo far engaged in that match, as we cannot in honour go back, except the king of Spain perform not ſuch things as we expect at his hands. And, therefore, we are ſorry, that ye ſhould ſhew to have ſo great diſtruſt in us, as to conceive that we ſhould be cold in our religion, otherwiſe we cannot imagine how our former publick declaration ſhould not have ſtopped your mouths in this point.

‘And as to your requeſt, that we would now receive your former petition; we wonder what could make you preſume that we would receive it, whereas in our former letter we plainly declared the contrary unto you.

‘And, therefore, we have juſtly rejected that ſuit of yours; for what have you left unattempted in the higheſt points of ſovereignty, in that petition of yours, except the ſtriking of coin? for it contains the violation of leagues, the particular way how to govern a war, and the marriage of our deareſt ſon, both negative with Spain, nay, with any other Popiſh princeſs; and alſo affirmitively, as to the matching with one of our religion; which we confeſs is a ſtrain beyond any providence or wiſdom God hath given us, as things now ſtand.

‘Theſe are unfit things to be handled in parliament, except your king ſhould require it of you; for who can have wiſdom to judge of things of that nature, but ſuch as are daily acquainted with the particulars of treaties, and of the variable and fixed connexion of affairs of ſtate, together with the knowledge of the ſecret ways, ends, and intentions of princes in their ſeveral negotiations? Otherwiſe, a ſmall miſtaking of matters of this nature may produce more effects than can be imagined; and, therefore, Ne ſutor ultra crepidam. And beſides, the intermeddling in parliament with matters of peace or war, and marriage of our deareſt ſon, would be ſuch a diminution to us, to our crown in foreign countries, as would make any prince neglect to treat with us, either in matters of peace or marriage, excepting they might be aſſured by the aſſent of the parliament. And ſo it proved long ago with the king of France*, who upon a trick procuring his ſtate to diſſent from ſome treaty which before he had made, was after refuſed treating with any other princes, to his great reproach, unleſs he would firſt procure the aſſent of his eſtates to their propoſition. And will you caſt your eyes upon the late times, you ſhall find that the late queen of famous memory, was humbly petitioned by a parliament to be pleaſed to marry; but her anſwer was, that ſhe liked their petition well, becauſe it was ſimple, not limiting her to place or perſon, as not befitting her liking to their fancies; and if they had done otherwiſe, ſhe would have thought it a high preſumption in them.

* Francis I.

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‘ judge then what we may do in ſuch a caſe, having made our publick declaration already (as we ſaid before) directly contrary to that which you have now petitioned.

‘ Now to the points in your petition, whereof you deſire an anſwer, as properly belonging to the parliament; the firſt and greateſt point is that of religion; concerning which, at this time, we can give you no other anſwer than in general; which is, that you may reſt ſecure, that we will never be weary to do all we can for the propagation of our religion, and repreſſing of Popery; but the manner and form you muſt remit to our care and providence, who can beſt conſider of times and ſeaſons, not by undertaking a publick war of religion thro' all the world at once, (which how hard and dangerous a taſk it may prove, you may judge). But this puts us in mind, how all the world complained the laſt year of plenty of corn; and God ſent a cooling-card this year for that heat; and ſo we pray God, that this deſire among you of kindling wars (ſhewing your wearineſs of peace and plenty) may not make God permit us to fall into the miſeries of both. But as we already ſaid, our care of religion muſt be ſuch, as on the one part we muſt not, by the hot perſecution of our recuſants at home, irritate foreign princes of contrary religion, and teach them the way to plague the Proteſtants in their dominions, with whom we daily intercede, and and at this time principally, for eaſe to them of our profeſſion that live under them; yet upon the other part, we never mean to ſpare from due and ſevere puniſhment any Papiſt that will grow inſolent for living under our ſo mild goverment. And you may alſo be aſſured, we will leave no care untaken, as well for the education of the youth at home, eſpecially the children of Papiſts, as alſo for preſerving at all times hereafter the youth that are or ſhall be abroad, from being bred in dangerous places, and ſo poiſoned in Popiſh ſeminaries. And as in this point, viz. the good education of Popiſh youth at home, we have already given ſome good proofs, both in this kingdom and in Ireland, ſo will we be well pleaſed to paſs any good laws that ſhall be made, either now, or at any time hereafter to that purpoſe.

‘ And as to your requeſt of making this a ſeſſion, and granting a general pardon; it ſhall be in your defaults, if we make not this a ſeſſion before Chriſtmaſs.

‘ But for the pardon, ye crave ſuch particulars in it, as we muſt be well adviſed upon, leſt otherwiſe we give you back the double or treble of that we are to receive by your entire ſubſidy, without fifteens. But the ordinary courſe we hold fitteſt to be uſed ſtill in this caſe, is, that we ſhould of our free grace ſend you down a pardon from the higher-houſe, containing ſuch points as we ſhall think fitteſt, wherein we hope, ye ſhall receive good ſatisfaction.

‘ But we cannot omit to ſhew you, how ſtrange we think it, that ye ſhould make ſo bad and unjuſt a commentary upon ſome words of our former letter, as if we meant to reſtrain you thereby of your antaient privileges and liberties in parliament. Truly, a ſcholar would be aſhamed ſo to miſplace and miſjudge any ſentences in another man's book; for, whereas in the end of our former letter, we diſcharge you to meddle with matters of government, and myſteries of ſtate, viz. matters of war or peace, or our deareſt ſon's match with Spain; by which particular nominations we interpret and reſtrain our former words: And then, after we forbid you to meddle with ſuch things as have their ordinary courſe in courts of juſtice; ye couple together thoſe two diſtinct ſentences, and plainly leave out thoſe words, Of myſteries of ſtate; ſo as ye err, a bene diviſis ad male conjuncta; for of the former part concerning myſteries of ſtate, we plainly reſtrain our meaning to the particulars that were after mentioned; and in the latter, we confeſs we meant it by Sir Edward Coke's fooliſh buſineſs. And, therefore, it had well become him, eſpecially being our ſervant, and one of our council, to have complained unto us, which he never did, tho' he was ordinarily at court ſince, and never had acceſs refuſed unto him.

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‘ And altho' we cannot allow of the ſtile, calling it “ Your antient and undoubted right and inheritance;” but could rather have wiſhed, that ye had ſaid, “ That your privileges were derived from the grace and permiſſion of our anceſtors and us; (for moſt of them grow from precedents, which rather ſhew a toleration than inheritance:) Yet we are pleaſed to give you our royal aſſurance, that as long as you contain yourſelves within the limits of your duty, we will be as careful to maintain and preſerve your lawful liberties and privileges, as ever any of our predeceſſors were; nay, as to preſerve our own royal prerogative, ſo as your houſe ſhall only have need to beware to trench upon the prerogative of the crown; which would enforce us, or any juſt king, to retrench them of their privileges, that would pare his prerogative, and flowers of the crown; but of this, we hope, there ſhall never be cauſe given.”

Dated at New-market the 11th day of December, 1621.

The laſt part of the king's anſwer was ſo clear, as to want no explication. He had contented himſelf hitherto with inſinuating certain principles, the conſequences whereof he had carefully concealed, and thereby ſeemed to reſerve to himſelf the power either of admitting theſe conſequences, in their utmoſt extent, or with reſtrictions, or of denying them according as occaſion ſhould require. But now, whether he gave way to his paſſion, or was glad at laſt to ſpeak his thoughts clearly, not to be conſtrained any longer to uſe doubtful expreſſions, which very often were pretended not to be underſtood, he put the commons under a neceſſity either of granting his pretenſions, or oppoſing them openly. But, if I may venture to ſay it, he committed an inexcuſable error, in not diſſolving the parliament, before the commons had time to debate upon his anſwer. He would thereby have eſtabliſhed his pretenſions without incurring the vexation of an open and publick oppoſition, which he muſt have expected, unleſs he was wilfully blind. The commons having read the anſwer, the conſequences whereof they plainly perceived, and knowing the parliament was going to be diſſolved or prorogued, drew up the following proteſtation.

The commons proteſtation. Ruſhw.

‘THE commons now aſſembled in parliament, being juſtly occaſioned thereunto, concerning ſundry liberties, franchiſes, and privileges of parliament, amongſt others here mentioned, do make this proteſtation following, that the liberties, franchiſes, privileges, and juriſdiction of parliament, are the antient and undoubted birth-right and inheritance of the ſubjects of England; and that the arduous and urgent affairs concerning the king, ſtate, and defence of the realm, and of the church of England, and the maintenance and making of laws, and redreſs of miſchiefs and grievances which daily happen within this realm, are proper ſubjects and matters of counſel and debates in parliament; and that in the handling and proceedings of thoſe buſineſſes, every member of the houſe of parliament hath, and, of right, ought to have, freedom of ſpeech, to propound, treat, reaſon, and bring to concluſion the ſame; and that the commons in parliament have like liberty and freedom to treat of theſe matters in ſuch order, as in their judgments ſhall ſeem fitteſt; and that every member of the ſaid houſe hath like freedom from all impeachment, impriſonment, and moleſtation (other than by cenſure of the houſe itſelf) for, or concerning, any ſpeaking, reaſoning, or declaring of any matter or matters touching the parliament or parliament-buſineſs; and that if any of the ſaid members be complained of, and queſtioned for any thing done or ſaid in parliament, the ſame is to be ſhewed to the king by the advice and aſſent of all the commons aſſembled in parliament, before the king give credence to any private information.’

The king takes the proteſtation out of the Journal-Book. Wilſon.

The king being informed of this proteſtation, called a council, and came in perſon, to cauſe what is contained in the following memorial, to be ordered.

Whitehall, Dec. 30, 1621.

‘HIS moſt excellent majeſty coming this day to the council, the prince his highneſs, and all the lords, and others of his majeſty's privy-council ſitting about him, and all the judges then in London, which were ſix in number, then attending upon his majeſty; the clerk of the commons houſe of parliament was called for, and commanded to produce his Journal-Book, wherein was noted, and entries made of moſt paſſages that were in the commons houſe of parliament; and amongſt other things, there was written down, the form of a proteſtation, concerning ſundry liberties, privileges, and franchiſes of parliament; with which form of proteſtation his majeſty was juſtly offended. Nevertheleſs, his majeſty, in a moſt gracious manner, there expreſſed, that he never meant to deny that houſe of commons any lawful privileges that ever they had enjoyed; but whatſoever privileges or liberties they had by any law or ſtatute, the ſame ſhould be inviolably preſerved unto them; and whatſoever privileges they enjoyed by cuſtom, or uncontrouled and lawful precedent, his majeſty would be careful to preſerve. But this proteſtation of the commons houſe, ſo contrived and carried as it was, his majeſty thought fit to be razed out of all memorials, and utterly to be annihilated, both in reſpect of the manner by which it was gained, and the matter therein contained. For the manner of getting it, firſt in reſpect of the time; for, after ſuch time as his majeſty, out of his princely grace, and to take away all miſtakings, had directed his letters to ſecretary Calvert, dated at Royſton, 16 Decembris, and therein had ſo explained himſelf in the point of maintaining the privileges of the houſe of commons, as that moſt of the ſaid houſe reſted fully ſatisfied, and freed from any ſcruple of having their liberties impeached; and after that, by his majeſty's letters, directed to the ſpeaker, dated 18th December, being Tueſday, his majeſty, at the humble ſuit of the houſe of commons, condeſcended to make this meeting a ſeſſion before Chriſtmaſs, and for that purpoſe had aſſigned Saturday following. Now upon this very Tueſday, and while the meſſengers from the houſe of commons were with his majeſty at Theobalds, to return thanks unto his majeſty, and therewith an excuſe from them not to make it a ſeſſion, in reſpect of the ſtrait of time whereunto they were driven; which determent his majeſty admitted of at their deſires, and thereupon gave orders for the adjournment of the parliament until the 8th of February next, which was the firſt day formerly appointed by his majeſty for the meeting together of the parliament; and whilſt their meſſengers were with his majeſty, and had received a gracious anſwer to return unto their houſes; even that afternoon, a committee was procured to be made for taking their liberties into conſideration; and this afternoon a proteſtation was made (to whom, appears not) concerning their liberties; and at ſix a clock at night, by candle-light, the ſame proteſtation was brought into the houſe by the committee, and at that time of night it was called upon to be put to the queſtion, there not being the third part of the houſe then preſent; whereas in all matters of weight, their uſual cuſtom is, to put nothing of importance to the queſtion, till the houſe be full: And at

‘ this time many of them that were preſent, expected the queſtion would have been deferred to another day, and a fuller houſe; and ſome then preſent ſtood up to have ſpoken to it, but could not be ſeen or heard in that darkneſs and confuſion. Now for the matter of the proteſtation, it is penned in ſuch ambiguous and general words, as may ſerve for future times to invade moſt of the rights and prerogatives annexed to the imperial crown; the claim of ſome privileges being grounded upon the words of the writ for aſſembling the parliament, wherein ſome words, viz. Arduis regni, are cunningly mentioned; but the word quibuſdam, which reſtraineth the generality to ſuch particular caſes, as his majeſty pleaſeth to conſult with them upon, is purpoſely omitted *.

‘ Theſe things conſidered, his majeſty did, this preſent day, in full aſſembly of his council, and in the preſence of the judges, declare, the ſaid proteſtation, to be invalid, annulled, void, and of no effect, and did farther, Manu ſua propria, take the ſaid proteſtation out of the Journal-Book of the clerk of the commons houſe of parliament, and commanded an act of council to be made thereupon, and this act to be entered into the regiſter of council cauſes.

The parliament is diſſolved. Ruſhw.

Six day after, the king diſſolved the parliament by proclamation, declaring, he was not obliged to give an account thereof to any, ſince the diſſolving the parliament, when he pleaſed, was confeſſedly in his power. That, however, he was willing to inform the publick it was becauſe the commons took the liberty, not only to treat of his high prerogatives which belonged not to them, but alſo to ſpeak diſreſpectfully of foreign princes; that they ſpent their time in diſputing about their privileges, without regarding their publick wants; that ſome ill-tempered ſpirits ſowed tares among the corn, and by their cunning devices, had impoſed upon him a neceſſity of diſcontinuing the preſent parliament, without putting it to the name or period of a ſeſſion. Then, he declared, that tho' the parliament was broken off, he intended to govern well, and ſhould gladly embrace the firſt occaſion to call another, at a proper ſeaſon.

Proclamation forbidding to ſpeak of ſtate-affairs. Wilſon.

This proclamation was followed by another, forbidding under ſevere penalties, to talk of ſtate-affairs, and charging the judges in their circuits, to put the laws in force againſt licentious tongues.

Several members are impriſoned. Annals.

But the king's reſentment did not end here; for ſome of the commons, who, appeared moſt zealous to maintain the privileges of the houſe, as Sir Edward Coke, Sir Robert Phillips, Mr. Selden, Mr. Pym, Mr. Mallery, were committed to priſon. Likewiſe Sir Dudley Diggs, Sir Thomas Crew, Sir Nathaniel Rich, and Sir James Perrot, were ordered into Ireland, to execute a certain commiſſion, the king intending thereby to remove them from their homes, and puniſh them with a ſort of baniſhment. On the other hand, the earls of Oxford and Southampton were ſent to the tower on ſome ſtudied pretence; but it was eaſy to ſee, it was for ſpeaking too freely in the houſe of peers, of the king's conduct.

Cauſe of the difference between the king and commons.

Till the laſt parliament, the king and commons had only mutually tried each other, the one to enlarge his prerogative, and the other to preſerve privileges, which they looked upon as inconteſtable. But on the preſent occaſion, there was a neceſſity of declaring and acting openly. The king pretended, as appears by his anſwer to the petition of the commons, that their privileges having no other foundation than the conceſſion of the kings, his predeceſſors, it was in his power to revoke them if they gave juſt occaſion. The commons on their ſide, pretended, they enjoyed theſe privileges by antient and undoubted right, had received them by inheritance from their anceſtors, and the king had no power to take them away. I paſs over in ſilence the conſequences which may be drawn from both theſe principles, if carried as far as the general terms will allow; they are obvious to the meaneſt capacity. I beg leave not to determine ſo difficult a point, but only to make ſome remarks, which, I hope, will be of uſe for the ſequel of the Hiſtory.

Remarks on this difference.

Firſt, it it very difficult, in my opinion, and, perhaps, impoſſible, to eſtabliſh upon fixt principles, as well the royal prerogatives of the kings of England, as the privileges of the parliament and the houſe of commons in particular. We muſt except ſuch as are allowed on both ſides, ſince this mutual conſent is of no leſs focre than a law. Cuſtom therefore and precedent are the only foundation on which to eſtabliſh their reſpective rights.

The Anglo-Saxons, who conquered Britain, had no kings in thoſe parts of Germany, where they inhabited before their coming into England. Their government was ariſtocratical. Seven of their chiefs, by whom Britain was conquered, aſſumed the title of kings, which was never before in uſe among them.

It muſt be obſerved, as a very neceſſary point, that the dominion of theſe new kings did not properly extend over the conquered people, viz. the Britons, who were almoſt all driven into Wales and Cornwall, but over the conquerors themſelves, among whom the ſubdued country was divided. Hence it is evident, that the right of conqueſt which might be alledged in favour of theſe firſt kings and their ſucceſſors, is wholly excluded.

It is very likely, not to ſay certain, that the parliament of England, is as antient as the monarchy, tho' ſome diſpute it, but, in my opinion, without any foundation †; at leaſt, the time cannot be aſcertained, when the parliament firſt began. But it is very difficult to

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* Formerly, parliaments ſat but a few days, and took into conſideration ſuch affairs only as the king had before ſet forth in the writs of ſummons. But this method being altered, parliaments were called without the occaſion of their meeting being known, and were not limited to the affairs mentioned by the kings in their firſt ſpeeches; and this made their ſeſſions hold ſo long. Rapin.

† See the Diſſertation, Vol. I. p. 174, &c. of this Hiſtory. Ibid.

prove, the commons were ſummoned to parliament and voted there.

On the other hand, it cannot be doubted, theſe firſt kings had great prerogatives, which were much increaſed by their ſucceſſors. But I believe it may be taken for granted, that in general, neither the king's prerogatives, nor the people's privileges, owe their original to the laws. Conſequently, they can neither be limited nor enlarged, but as warranted by examples and precedents. Now, theſe precedents are ſo contrary one to another, that there is no forming any fixed and certain rules; and what cauſes moſt difficulty in this matter, is the ambiguity of the terms, and firſt, in the word parliament.

If the parliament is conſidered as compoſed of the king and of the two houſes, an unlimited power with reſpect to the affairs of the kingdom, may, without fear be aſcribed to it; but if the parliament is ſuppoſed to conſiſt wholly of the two houſes without the king, it cannot be denied, that its rights are limited. The two houſes are properly the whole nation, excluſive of the king; they have their privileges; but it belongs not to them to extend them as they pleaſe; the king's conſent is neceſſary to that end. This is ſtill more true, when one of the houſes acts alone, without the concurrence of the other; for when it repreſents but part of the nation, who can lawfully claim any other rights than thoſe which are granted either by ſome law, or by the tacit conſent of the king and the other houſe. It is very certain, that to each of the two houſes belongs ſeparate rights and privileges, and that the two houſes together, tho' parted from the king, have alſo their privileges. But the queſtion is to know how far they reach, and whether the king alone ought to be judge.

The term prerogative-royal is liable to no leſs ambiguity than the word parliament. It is a looſe and general term, which gives only a very confuſed idea of the thing ſignified. If it is a right common to all that bear the title of king, the prerogative-royal muſt be the ſame every where, and the kings of England and Poland will be as abſolute as the king of Perſia. If it has bounds, by whom were they ſet? Or, what are the bounds which it cannot exceed? I believe it is no leſs difficult to reſolve theſe queſtions, than thoſe concerning the privileges of the parliament. But as the prerogative-royal includes many particular rights, let us examine, for inſtance, the power challenged by James of revoking the privileges of the houſe of commons. From whence had he this particular prerogative? Was it a right common to all kings? But there are in the world kingdoms without parliaments or a houſe of commons. Was this prerogative as antient as the Engliſh monarchy? But he himſelf would not grant the houſe of commons to be ſo antient. Was it from ſome law? But he produced none. Was it by a tacit conſent, or by uſurpation? But the thing had never happened before. Was it, in fine, upon this general maxim, that whatever is granted by one king, may be revoked by another? But, beſides that this is no undeniable principle, eſpecially after an uninterrupted poſſeſſion for many ages, the king would have been very much puzzled to name the kings who had granted the commons their privileges. Thus king James ſuppoſed, that the prerogative was a thing fixed, inconteſtable, known to all the world, tho' nothing was more indeterminate, or of leſs known extent and limits.

Let us conſider now what were thoſe rights, liberties, privileges, claimed by the commons as their antient and undoubted birth-right and inheritance. Theſe are all uncertain and general terms, of which we cannot have a clear and diſtinct idea, without applying them to particular caſes. But what was ſaid concerning the royal prerogative, may be applied here. How came the commons by theſe rights? How far did they reach? Where were their bounds? This would be very difficult to fix. James perhaps went too far, when he would have entirely deprived the commons of the right of repreſenting to him the nation's grievances, and of the liberty to debate, reaſon, and ſay in the houſe what was thought proper. But if, under colour of theſe rights, the commons would take upon them to adviſe the king upon all occaſions, and ſpeak injuriouſly of his majeſty in their houſe, upon what would they ground ſuch privileges?

Since therefore it is ſo difficult to decide the queſtions concerning the prerogative-royal, and the privileges of both houſes, or of each in particular, prudence and good policy require, that kings and parliaments avoid as a rock the engaging in ſuch diſputes. Accordingly, we may have obſerved in the peruſal of this Hiſtory, that the wiſeſt, the moſt illuſtrious kings, thoſe whoſe merit is moſt univerſally acknowledged, as Edward I, Edward III, Henry V, Edward IV, Henry VIII, Elizabeth, never had any conteſts of this nature with their parliaments. On the contrary, thoſe that were leaſt eminent for their prudence and capacity, ſuch as Henry III, Edward II, Richard II, were ruined, for raiſing ſuch ſort of diſputes. James is the firſt, who in thoſe latter days engaged in this quarrel. He was followed by his ſon and grandſons, and theſe princes inſtead of ſucceeding in their projects, only rendered themſelves moſt unhappy. A wiſe and prudent king of England, who knows his own intereſt, will never quarrel with his parliament; and a parliament, whoſe ſole view is the kingdom's welfare, will take care never to queſtion the king's juſt prerogative; nay, they will rather chuſe to ſee it ſtretched a little too far, than run the hazard of breaking an union, which is the ſole foundation of the publick happineſs. I hope I ſhall be forgiven this digreſſion, which to me ſeems of uſe to inform the reader, and help him to judge impartially of the difference, which aroſe in this, and produced ſo many calamities in the following reign.

1622. Ill conſequences of diſſolving the parliament.

The diſſolution of the parliament, and the little likelihood of the king's ever calling another, could not but be attended with ill-conſequences. The king forfeited, by this proceeding,

ceeding, not only the love and eſteem of great part of his ſubjects, but alſo the regard of foreigners. When he was thus embroiled with his people, it was univerſally concluded he could be no longer either a friend to be relied on, or an enemy to be feared. On the other hand, the nation could not reflect without terror, that they were going to be expoſed to an arbitrary power, ſince there were to be no more parliaments to keep the prerogative-royal within due bounds. But the worſt effect produced by the rupture between the king and parliament, was the diviſion among the ſubjects, who continually joined with the two oppoſite parties, which ſubſiſt to this day, with ſome difference, under the names of Tories and Whigs.

Reaſons alledged for and againſt the king.

Theſe two parties, which began to be formed, were contented at firſt with mutual diſputes, in defence of the king's or the people's rights, in reſpect of what had cauſed the diſſolution of the parliament. The royaliſts ſaid, the commons meant to make the Engliſh monarchy a republick. That in meddling with ſtate-affairs, and adviſing the king concerning the management of the kingdom and his own family, they ſhewed they aſpired to no leſs than governing the ſtate, ſince they would never want pretences to give the king counſel; which if he refuſed to comply with, he would, by that very thing, be deprived of the neceſſary aids for defence of the realm, and conſtrained to receive law from foreign princes. That England was originally a monarchy, and had ever continued upon the ſame foot; but the foundations were going to be undermined, by making the king ſubject to the parliament. That, at firſt, remonſtrances only were made to the king; afterwards counſels were added; but theſe counſels would ſoon be converted into inſtructions, and the inſtructions into orders and commands; in a word, if the commons were ſuffered to proceed, the king would quickly become a mere doge. That the commons had the leſs right to pretend to the government of the ſtate, as the ſtate had ſubſiſted 500 years without them, ſince it was about the end of Henry III's reign, and during the earl of Leiceſter's uſurpation, that the repreſentatives of the people were firſt admitted into the parliament. In ſhort, that it was a ſtrange thing, that under a monarchical government, the people, or their repreſentatives, ſhould tell the king how he was to govern his kingdom; that ſuppoſing the people had ſuch a right, it would be neceſſary to impart to them all the ſecrets of the ſtate, and conſult them about alliances and treaties, peace and war. But as this had never been practiſed, it followed of courſe that the ſuppoſition was falſe, and the people were called to parliament only to ſupply the king's wants, and to ſettle the taxes and impoſitions in a manner the leaſt burthenſome to the ſubjects. That, indeed, as to the laws concerning the internal government of the ſtate, it was thought proper to enact them with the conſent of the people who were to be ſubject to them, that they might be the better executed; But no conſequence could thence be drawn, either for foreign affairs, or for the execution of theſe laws which was left to the king alone, or for the general government of the realm.

The favourers of the people ſaid in their turn, that the king was not ſatisfied with England's being a monarchy, but would make it an abſolute monarchy. That he affected to confound the ſeveral kinds of monarchies, whereof ſome were more, others leſs abſolute, in order to acknowledge but one ſort, to which he aſcribed an unlimited power. That the Engliſh monarchy was not of this kind, but began with the parliament, which being as antient as the royalty, formed, together with the ſovereign, the abſolute power, the king would aſſume to himſelf alone. That the parliament had their privileges, as the king had his, nor could be deprived of them, without deſtroying the nature and conſtitution of the Engliſh government. That the parliament repreſented the whole nation, who were as much or more concerned in the welfare of the ſtate than the king himſelf. That, indeed, the king had his undoubted prerogatives; but they were intended for the welfare and preſervation, and not for the ruin, of the ſtate. That, whilſt he kept within theſe bounds, and acted only for the benefit of the kingdom, he anſwered the end and intent of his prerogatives; but it was deſtroying the conſtitution, to pretend that his prerogative royal gave him power to ſubvert the laws, to make alliances repugnant to the good of the realm, to render the nation contemptible in the eyes of foreigners, to expoſe religion to the danger of being ruined, thro' an extreme careleſſneſs and condeſcenſion for its enemies. That in ſuch a caſe, as he ſwerved from the end and deſign of his prerogative, it was the people's or their repreſentatives buſineſs, to ſhew him the inconveniences of his conduct, propound means to prevent them, and give him proper advice for their cure. That if this were not ſo, it would follow the king would be abſolute and arbitrary; might ruin and deſtroy the kingdom at his pleaſure, trample upon the eſtabliſhed laws, oppreſs the ſubjects, take away their lives and fortunes, which was directly contrary to the conſtitution of England. That as to the reſt, it evidently appeared, the king was labouring to reduce the privileges of the parliament to little or nothing. Does the parliament repreſent to him the people's grievances? It may, ſays he, from thence be inferred, that the king governs ill, and this tends to alienate from him the love of his ſubjects. Is he deſired to put the laws againſt recuſants in execution? He anſwers, that affair muſt be left to his care, he knows what is proper to be done; he is an old experienced king, who has no need to be taught, and yet he is not ſeen to do the leaſt thing towards redreſſing the grievances complained of. Do the commons repreſent to him that the prince his ſon's marriage with the Spaniſh Infanta may be of very ill conſequence to religion? He replies, they have no buſineſs to meddle with his family concerns. Do they ſtrive to make him ſenſible that the Proteſtant religion is in danger of being deſtroyed thro'-out all Europe, for want of aſſiſtance, and that the king of Spain amuſes him with fair promiſes, whilſt he is over-running the Palatinate? He anſwers, theſe are matters of ſtate too high for the people's repreſentatives, who have neither wiſdom nor capacity enough to comprehend the myſteries of government: Ne ſutor ultra crepidam. In a word, he reduces the privileges of the commons to adviſing the king, when he ſhall do them the honour to aſk it, and to ſupplying him with money when he demands it on any pretence, tho' the pretence be evidently falſe, ſince he will not ſuffer his reaſons to be examined. But this is not all. He plainly tells the commons, their privileges are only conceſſions of himſelf and predeceſſors, and intimates that they ſhall keep them no longer than their ſubmiſſion makes them worthy of them. Is it poſſible, ſay they, to give plainer marks of a ſettled deſign to uſurp an arbitrary power? Suppoſing the commons were not called to parliament till the reign of Henry III, which, however, cannot be proved, have they not been, ever ſince, an eſſential part of parliament, and conſequently have they not an undoubted right to all parliamentary privileges?

The Puritans are for the people.

This is part of what was then ſaid on both ſides, and is what ſerved to cheriſh diviſion between the two parties, who have not ever ſince ceaſed to revile one another. It is eaſy to gueſs which of the two parties the Puritans joined with. They loved not the king, who, on his part, diſcovered on all occaſions that he was their mortal enemy. But, as I ſaid, there were two ſorts of Puritans, viz. State-Puritans and Church-Puritans. Before the king declared himſelf ſo openly with reſpect to his prerogative royal, the State-Puritans were few, becauſe the king having gone no great lengths, his intention was yet only ſuſpected. But after the diſſolution of the third parliament, their number greatly increaſed, and the king, thro' a policy very deſtructive of his intereſts, always affected to confound theſe two ſorts of Puritans. He thereby forced them to make but one party, tho' they were united only in a ſingle point, viz. in oppoſing the maxims of the court. The Church-Puritans, who before made but a little figure in the kingdom, ſuddenly formed a very conſiderable party, by the junction of the State-Puritans. This party grew in the end ſo powerful, that they overthrew the eccleſiaſtical hierarchy, and the monarchy itſelf; but this happened not till the following reign.

The Arminians are for the king. Wilſon.

On the other hand, the king's party was ſtrengthened by the junction of the Arminians, who were very numerous. Arminius's doctrine had bred diſputes in England, tho' with leſs noiſe than in Holland. Many clergymen had embraced this doctrine, tho' condemned by the ſynod of Dort, whoſe authority they did not acknowledge, and notwithſtanding the king's open profeſſion to reject Arminius's tenets. Theſe men improving the opportunity ariſing from the diſcord between the two parties, readily joined with the royaliſts, and from that time were as much careſſed at court as they were hated before. By this means William Laud, a clergyman of great parts and learning, was qualified, tho' Arminian, to be promoted to the ſee of St. David's, by the marqueſs of Buckingham's intereſt, who deſired the biſhop of Lincoln to recommend him to the king. It was, however, with ſome difficulty that the king agreed to his preferment, being prejudiced againſt him on account of his proud and turbulent ſpirit *. After the Arminians had liſted themſelves in the king's party, they were in the height of proſperity, favoured by the courtiers, who were labouring to hinder the growth of Puritaniſm. On the other hand, the Papiſts alſo declared openly for the king, becauſe it was by an abſolute power alone that they could obtain their deſires, whereas the parliament was their profeſſed enemy. In fine, moſt of the clergy eſpouſed likewiſe the king's ſide, looking upon him as the only perſon capable of ſupporting them againſt the attempts of the Puritans, whoſe number continually increaſed.

Mutual reproaches of the two parties. Clarendon

The two parties being thus compoſed of men of different kinds and ſentiments, mutually upbraided one another with what was moſt odious in each party. The royaliſts confounded, under the name of Puritans, all who oppoſed the king, and the Puritans taxed all the royaliſts with being Papiſts or Arminians.

The king is lightly eſteemed abroad. Wilſon.

This diviſion, which began to be remarkable in England, did not ſerve to eſtabliſh the king's reputation abroad. It was now two years ſince his ſon-in law's dominions were invaded by the Spaniard and duke of Bavaria, and he was not ſeen to take any effectual courſe for their recovery. Ambaſſies and ſollicitations were the only arms he employed for that end. The king of Spain had amuſed him four or five years with the hopes of a marriage which advanced not, and by that means tied up his hands, whilſt he ſeiſed the Palatinate. In ſhort, when all Europe expected he would ſee the intereſts of his kingdom, his family and his own, and take ſome vigorous reſolution, it was heard that he was irreconcileably fallen out with his parliament. Whereupon he was deſpiſed abroad, and inſults quickly followed contempt. In the Netherlands he was publickly ridiculed on their ſtages. Comedies were acted with meſſengers haſtily bringing news that the Palatinate was going to be loſt, conſidering the numerous forces that were ſending thither by the king of Spain's enemies; the king of Denmark was to find 100,000 pickled-herrings; the Hollanders 100,000 butter-boxes; and the king of England 100,000 ambaſſadors. In one place, king James was pictured with a ſcabbard without a ſword, in another with a ſword which could

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* The king told the lord keeper, " I keep Laud back from all place of rule and authority, becauſe I find he " hath a reſtleſs ſpirit, and cannot ſee when matters are well, but loves to toſs and change, and to bring things to " a pitch of reformation floating in his own brain, &c." See Hacket.

not be drawn, tho' divers perſons ſtood pulling at it *. In England itſelf the almoſt-forgotten ſtory of David Rizzo was revived. But what moſt troubled the contrary party to the king, was to ſee Buckingham govern ſo abſolutely, that the king ſeemed to have made his favourite his maſter. None were admitted to places but Papiſts, Arminians, or ſuch as were reckoned to have little or no religion. In ſhort, ſuch only paſſed for Proteſtants with the court, as were for the royal prerogative in its utmoſt extent, let their religion be what it would. All the reſt were Puritans. Abbot himſelf, archbiſhop of Canterbury, was reckoned among the Puritans, becauſe he approved not of the court-maxims. He had the misfortune in the year 1622, to kill a man with an arrow as he was ſhooting at a buck, and this accident occaſioned his being deemed uncapable of performing any longer the functions of a biſhop. Wherefore he reſolved alſo to ſave himſelf the trouble of going to the council, where his advice was little regarded, as coming from a perſon of Puritan-principles.

Whilſt the people were in this ſort of fermentation, the king wanted money. He had a mind to ſend Digby to Spain, and Weſton to Bruſſels, to finiſh at once the marriage and the affair of the Palatinate. Beſides, Buckingham and his relations were a gulph which could not be filled. There was no likelihood of a new parliament after the king's late proceedings. Tho' a parliament could have been perſuaded to give the king money, it would not have been till after their privileges were ſecured at the expence of the prerogative-royal, and the king thought the remedy worſe than the diſeaſe. Recourſe, therefore, was to be had to extraordinary methods. The ſpeedieſt and moſt ſure ſeemed to be the exacting from the people a contribution under the name of benevolence. As the court knew, if ſome conſtraint were not uſed, the people's liberality would not go far, the judges were ordered in their circuits to demand a benevolence, and to intimate withal, that the king would not be ſatisfied with what ſhould be voluntarily offered, if it was not proportionable to the giver's abilities. To that purpoſe the council directed a circular letter to the judges, concluding with theſe words: "Nevertheleſs, if any perſon ſhall, out of obſtinacy or diſaffection, refuſe to contribute herein, proportionably to their eſtates and means, you are to certify their names unto this board. And ſo recommending this ſervice to your beſt care and endeavour, and praying you to return unto us notes of the names of ſuch as ſhall contribute, and of the ſums offered by them." The excuſe for this levy of money was the king's pretended reſolution to recover the Palatinate by arms, after having in vain tried gentle means. It will hereafter appear how this reſolution was executed.

The king's project.

The king's project was to conclude the prince his ſon's marriage, and receive the dowry of 2,000,000, before he demanded the reſtitution of the Palatinate, for fear the Spaniard ſhould pretend that this reſtitution was to be in compenſation of the dowry. After that, he hoped the king of Spain, out of friendſhip, and in conſideration of their alliance, would ſurrender the Lower-Palatinate to his ſon-in-law, and oblige the emperor and the duke of Bavaria to reſtore him the Upper. This was all he intended to do for his daughter and ſon-in-law. That this was his deſign, manifeſtly appears in his inſtructions to the lord Digby, before his departure from Spain, wherein he was expreſly ordered, "not to make the affair of the Palatinate one of the marriage articles." The king however would have the publick believe, that his chief view in the Spaniſh match was to procure his ſon-in-law the reſtitution of the Palatinate. This, doubtleſs, was one of thoſe myſteries of ſtate which could not be comprehended by the commons. Perhaps, he really hoped, the reſtitution would immediately follow upon the marriage; but this hope was built on a very weak foundation. In all apperance, Gondemar inſpired him with ſo chimerical an expectation.

Digby is ſent into Spain. Act. Pub.

However this be, James, being intirely bent upon this project, ſent Digby ambaſſador extraordinary to Spain, to conclude the mariage-treaty jointly with Sir Walter Aſhton, who had been ſome time at the court of Philip IV. The articles concerning religion were already ſettled, but the reſt were not to be talked of, till the pope's diſpenſation was obtained, for fear of labouring in vain. This was an artifice of the Spaniſh court, to prolong the affair, to have time to finiſh the conqueſt of the Palatinate, whilſt the diſpenſation was expected, which to haſten or delay was, probably, in the king of Spain's breſt. In the interim, the hopes of a ſpeedy concluſion of the marriage, of the dowry of 2,000,000, and of the reſtitution of the Palatinate, ſo tied up the king's hands, that he durſt not take the leaſt ſtep to offend the Spaniard, for fear of defeating ſo noble a project. Therefore, whenever he talked of engaging in a war for the recovery of the Palatinate, it was always with this reſtriction, if he could not obtain it by fair means, becauſe he thought himſelf ſure of the ſucceſs of his negotiations. It is, therefore, certain, that when he demanded money of the parliament, or exacted the benevolence on the people, it was not with deſign to prepare for war, tho' that was the pretence, ſince a breach with the houſe of Auſtria was inconſiſtent with his project.

Digby made earl of Briſtol. Wilſon.

When Digby, who was this year created earl of Briſtol, ſet out for Spain, the king ſent Gage to Rome, to ſollicit the diſpatch of the diſpenſation, without which the new ambaſſador could not proceed at Madrid. But to render Gage's inſtances more effectual, it was ne-

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* In Bruſſals they painted him with his pockets hanging out, and not one penny in them; and his purſe turned upſide down. In Antwerp they painted the queen of Bohemia like a poor Iriſh mantler, with her hair hanging about her ears, her child at her back, and king James carrying the cradle after her; and every one of theſe pictures had ſeveral motto's expreſſing their malice. Coke.

ceſſary

1622.

ceſſary to ſhew the pope, the king was not a perſecutor of the Catholicks. Not but that he had already given very convincing proofs; however he thought he ſhould on this occaſion give a ſtill ſtronger one, by releaſing all the impriſoned recuſants. This was done publickly and openly, by writs under the great-ſeal to the juſtices of aſſize, with a letter from the lord-keeper Williams, exhorting them punctually to obey the king's orders. Theſe writs, contrary to the law, to the commons remonſtrance, and to the king's own anſwer to their petition, occaſioned many ſevere cenſures upon the king's conduct. As this affair made a noiſe among the people, the lord keeper was ordered to vindicate the king by a publick writing. This vindication begins with this noble compariſon: "As the ſun in the firmament appears to us no bigger than a platter, and the ſtars but as ſo many nails in the pummel of a ſaddle, becauſe of the enlargement and diſproportion between our eye and the object; ſo is there ſuch an unmeaſurable diſtance between the deep reſolution of a prince, and the ſhallow apprehenſions of common and ordinary people, that as they will ever be judging and cenſuring, ſo they muſt needs be obnoxious to error and miſtaking." Then he gives two reaſons, both very falſe, of this conduct. The firſt is, that as the king was now ſolliciting very zealouſly for ſome eaſe to all the Proteſtants in Europe, it would be unreaſonable to execute at the ſame time the laws againſt the Roman Catholicks. The ſecond, that the Engliſh Jeſuits had publiſhed a book to excite the French king to execute in his kingdom againſt the Huguenots, the ſame laws as thoſe enacted in England againſt the Papiſts. "But, added the biſhop, to conclude, from the favour done to the Engliſh Papiſts, that the king favours the Romiſh religion, is a compoſition of folly and malice, little deſerved by a gracious prince, who by word, writing, exerciſe of religion, and acts of parliament hath demonſtrated himſelf ſo reſolved a Proteſtant."

Iſſue of count Schwartzemburg's negotiation. DuCheſne.

I obſerved that about the latter end of the laſt year, the emperor ſent count Schwartzemburg to the king, to treat of the affair of the Palatinate. This ambaſſador being pompouſly received at London, as witneſſing the emperor's regard for the king, could produce no powers when he came to talk of affairs. It was the archducheſs Iſabella that was impowered by the emperor to conclude the truce deſired by the king. There was a neceſſity therefore of going to negotiate at Bruſſels with the archducheſs and envoys of ſome Proteſtant princes. The king choſe for this employ, Sir Richard Weſton, chancellor of the exchequer, probably, becauſe he thought his religion would advance the negotiation. But, to gain the Infanta's favour, he made uſe of another means alſo. He permitted the lord Vaux, a Papiſt, to raiſe 2000 men in England, to ſerve the Infanta againſt the United-Provinces, and the Proteſtant princes their allies. By ſuch means as theſe the king hoped to ſucceed in his negotiations. We ſhall ſee preſently the event, but it will be neceſſary firſt to mention what paſſed in Germany during the year 1622.

The affairs of Bohemia. Hiſt. of the Rebel. of Bohem.

The king of Bohemia, plainly perceiving the king, his father-in-law, made uſe of very ineffectual methods to reſtore him to his dominions, believed it adviſeable to proceed ſome other way. He was ſtill maſter of Manheim, Heidelberg, and Frankendal, and count Mansfeldt, tho' withdrawn into Alſatia, had it ſtill in his power to re-enter the Lower-Palatinate. In order to improve this laſt remedy, he agreed with prince Chriſtian of Brunſwick, adminiſtrator of the biſhoprick of Halberſtadt, who had accompanied him to the Hague, to raiſe an army in Weſtphalia, and join Mansfeldt. At the ſame time he made the like agreement with the prince of Baden-Durlach, who promiſed alſo to levy an army for the ſame purpoſe. It is likely, the Hollanders ſupplied the money for theſe levies, on account of the advantage they ſhould reap from this powerful diverſion. Theſe two princes kept promiſe with the king of Bohemia, and each headed 10 or 12000 men. The difficulty was how to enter the Lower-Palatinate, where the Spaniards were very ſtrong. However, the thing not appearing impracticable, the prince of Brunſwick took the field in Weſtphalia, and ſeiſed ſome places in the county of Marck. This drew upon him a detachment of the Spaniſh army from the Low-Countries, commanded by count Henry de Bergh, who was joined by the count of Anhalt with another detachment of the army of Bavaria, commanded by count Tilly in the Palatinate. By this means, prince Chriſtian ſaw himſelf detained ſome time in Weſtphalia. But at length, the count of Bergh being recalled, he was at liberty to advance. On the other hand, it was not eaſy for the prince of Baden to enter the Palatinate, all the paſſages being ſtopped up by count Tilly and Gonſales of Cordova.

In the interim, the king of Bohemia departing privately from the Hague, on board a ſmall veſſel, and landed at Calais, travels through France and ſafely arrived at Mansfeldt's army, who were advanced to Germerſheim. Here they impatiently expected the approach of the two armies coming to his aſſiſtance. It would be needleſs to give a particular account of theſe two armies, and the obſtacles they met with from the Spaniards and Bavarians. It will ſuffice to ſay, the prince of Baden was defeated the 6th of May; that afterwards the king of Bohemia and Mansfeldt marching to prince Chriſtian, met count Tilly, who put them to rout, and forced them to retire to Manheim. This battle was fought the 12th of June. Eight days after, Tilly alſo attacked prince Chriſtian, who was advanced to the borders of the Palatinate, and tho' he gained ſome advantage over him, could not however prevent his paſſing to Manheim with good part of his troops.

Some time after, the Spaniards and Bavarians were ſo ſtrongly recruited, that their army conſiſted of above 50,000 men, with which they almoſt ſurrounded their enemies, who were encamped between Manheim and Heidelberg. Wherefore the king of Bohemia deſpairing ever to recover what he had loſt, returned to Holland. After his departure, the prince of Brunſwick and count Mansfeldt, reſolved to join prince Maurice in the Low-Countries, and marched through Lorrain. As they were obliged to take a compaſs, Gonſales de Cordova parting from Tilly, went and expected them at Brabant, to hinder their paſſage. The two armies meeting between Namur and Bruſſels, fought with equal ſucceſs; but the prince of Brunſwick loſt an arm by a cannon ball. After the battle, Mansfeldt continued his march towards Holland.

Heidelberg and Manheim taken, and Frankendal beſieged.

In the interim, count Tilly having no enemy to oppoſe him in the Lower-Palatinate, carried Heidelberg by ſtorm, took Manheim by a long blockade, and then beſieged Frankendal.

The negotiation at Bruſſels. DuCheſne.

Whilſt the king of Bohemia was in the Palatinate, conferences were held at Bruſſels, to procure a truce for that unfortunate country, according to the king of England's deſire, tho' he was not impowered by the king, his ſon-in-law, for whom, at this juncture, a truce was not convenient. In this negotiation two difficulties immediately occurred, which ſerved to prolong it. The firſt was, the Engliſh ambaſſador had not ſufficient powers from the king of Bohemia and his allies. James had, doubtleſs, imagined, that ſince this truce was negotiating on his account, it ſufficed to treat with him. But the Spaniards gave to underſtand, they could treat only with the principal parties. There was occaſion, therefore, to ſend to the Palatinate for full powers from the king of Bohemia, who was not in haſte to diſpatch them, whilſt he had any hopes of ſucceeding in his enterpriſe. But, at laſt, ſending theſe powers when he ſaw his affairs declining, another difficulty of the ſame nature occurred at Bruſſels. The archducheſs had no other power than the emperor's bare letter, deſiring her to conſult with the Engliſh ambaſſador concerning a truce for the Lower-Palatinate. From that time the king of Bohemia's affairs daily growing worſe, the archducheſs and count Schwartzemburgh prolonged the affair on divers pretences, till Heidelberg was taken and Manheim cloſely blocked up. Then James wrote to the king of Spain, to deſire him to order that the affairs of the Palatinate might remain in their preſent ſtate, till the concluſion of the truce, and the blockade of Manheim was raiſed. Philip feigned to have this condeſcenſion for him, but before his letter to the archducheſs was received, Manheim was taken; nay, it did not hinder count Tilly from beſieging Frankendal, which he would have alſo taken without ſcruple, had not the overflowing of the rivers forced him to raiſe the ſiege. Thus was the king amuſed with vain hopes, whilſt the conqueſt of the Palatinate was compleating. He perceiving it, at laſt, but at the ſame time was told, the prince his ſon's marriage was ſo near a concluſion, that he could not think of riſquing a miſcarriage in that affair, by inſiſting too ſtrenuouſly on the reſtitution of the elector's dominions. This may be clearly ſeen in his Letter to the earl of Briſtol, his ambaſſador in Spain, of which I ſhall here give ſome extracts.

Sept. 9. 1622.

The king's letter to the earl of Briſtol. Wilſon.

Right truſty, and well-beloved.

‘YOUR diſpatch of the 9th of Auguſt, gave us ſo much contentment, and ſo great hopes of ſatisfaction in all thoſe buſineſſes, which you have there to treat with that king, as we could not expect any farther difficulties; notwithſtanding by that which has come to our hands immediately after, as well by George Gage from Rome, as by our ambaſſador Sir Richard Weſton at Bruſſels, and our miniſters in the Palatinate; we find that neither the diſpenſation is granted for the match, nor the treaty of ceſſation ſo near a concluſion, as we conceived it would have been, now that the auxiliaries, and all other obſtacles are removed. But on the contrary ſide, that new delays and excuſes are invented, our garriſons in the Palatinate in the mean time blocked up, Heidelberg itſelf actually beſieged---

‘Therefore our pleaſure is, that you ſhall immediately, and with as much ſpeed as you may, crave audience of that king, and repreſent unto him the merit which we may juſtly challenge unto ourſelf, for our ſincere proceedings with the emperor and him in all the courſe of this buſineſs, notwithſtanding the many invitations and temptations which we have had, to engage ourſelf on our ſon-in-law's part. That we have had both from the emperor and him hopes given us from time to time of extraordinary reſpect, howſoever our ſon-in-law had deſerved, which we have attended and expected even to the very laſt, with much patience, and in deſpight (as it were) of all the oppoſition that hath been made to ſhake our reſolution in that behalf. If now when all impediments are removed, and that the way is ſo prepared, as that the emperor may give an end unto the war, and make ſome preſent demonſtration of his reſpects towards us, in leaving us the honour of holding thoſe poor places which yet remain, quietly and peaceably until the general accommodation, the ſame ſhall nevertheleſs be violently taken from us, what can we look for, when the whole ſhall be in his hands and poſſeſſion? Who amuſing us with a treaty of ceſſation, and protracting it induſtriouſly, (as we have reaſon to believe) doth in the mean time ſeiſe himſelf of the whole country; which being done, our ambaſſador ſhall return with ſcorn, and we remain with diſhonour.

‘I ſhall not need to furniſh you with arguments for the unfolding and laying open this unfriendly dealing more plainly unto them; your own reaſon and obſervation will find enough out of the diſpatches, whereof copies 'are ſent unto you; as namely, the withdrawing of the Spaniſh forces, and leaving the buſineſs wholly in the hands of the emperor and the duke of Bavaria; the ſtile of the Infanta, in anſwering our ambaſſador with recriminations, which was not her manner heretofore; the ſlight and frivolous anſwer given by the marqueſs of Bedmar unto our ambaſſador, when he acquainted him with the ſiege of Heidelberg; the quarrellous occaſion taken by the emperor for calling the diet at Ratiſbon, contrary to his own promiſe, which, in his diſpatch to us, he confeſſeth to have broken, as you will ſee by the copy; all which, and many more, which your own judgment (in the peruſal of the diſpatches) will ſuggeſt unto you, do miniſter unto us cauſe ſufficient of jealouſy on the emperor's part as you ſhall plainly tell that king; altho' we will not do him that wrong, as to miſtruſt that he gives the leaſt conſent to it. In this confidence, with much earneſtneſs, we ſhall ſtill ſollicit him, that for the affection he bears us, and the deſire which we ſuppoſe he hath, that there may continue for ever a perfect amity between us and the whole houſe of Auſtria, he will not ceaſe to do all good offices herein; letting him know directly, that in theſe terms we cannot ſtand with the emperor; but that if Heidelberg be won, or the ſiege continue, or the ceſſation be long unneceſſarily delayed, we muſt recall our ambaſſador from Bruſſels, and treat no more, as we have already given order; hoping, that whatſoever unkindneſs we ſhall conceive againſt the emperor upon theſe occaſions, it ſhall not be interpreted to reflect in any ſort upon the entire affection that is at this preſent, and as we hope ſhall always continue, between us and the crown of Spain. And, therefore, as we have heretofore ſundry times promiſed, in teſtimony of the ſincerity of our proceedings, and of our great deſire to preſerve the amity inviolable between us and the whole houſe of Auſtria, that in caſe our ſon-in-law would not be governed by us, that then we would not only forſake him, but take part, and join our forces with the emperor againſt him; ſo you may fairly repreſent unto that king, that in like manner we have reaſon to expect the ſame meaſure from him, that (upon the emperor's averſneſs to a ceſſation and accommodation) he will likewiſe actually aſſiſt us for the recovery of the Palatinate, and electoral dignity, unto our ſon-in-law, as it hath been oftentimes intimated from Spain*.

'To conclude, we ſhall not need to ſay any more unto you touching this point, but to let you ſee that our meaning is, to carry all things fair with that king, and not to give him any cauſe of diſtruſt or jealouſy, if you perceive that they intend to go really and roundly on with the match'.

Notwithſtanding all this, Heidelberg and Manheim were taken by the emperor's forces, and Frankendal beſieged.

Wilſon.

In another letter to the ſame ambaſſador, dated October 3, the king ſaid, 'that while he was amuſed with treaties at Madrid and Bruſſels, Heidelberg had been taken by force, the Engliſh garriſons put to the ſword, and Manheim beſieged; that the Infanta, (having an abſolute commiſſion to conclude a ceſſation and ſuſpenſion of arms) when all objections were anſwered, did not only delay the concluſion of the treaty, but refuſe to lay her command upon the emperor's generals to abſtain from the ſiege of his garriſons during the treaty, upon a pretext of want of authority. And, therefore, for avoiding of farther diſhonour, he had been forced to recall both his ambaſſadors, as alſo the lord Chicheſter, whom he intended to have ſent unto the emperor to the diet at Ratiſbon.' After which he added;

"Seeing therefore, that merely out of our extraordinary reſpect to the king of Spain, and the firm confidence we ever put in the hopes and promiſes which he did give us, (deſiring nothing more than for his cauſe principally to avoid all occaſions that might put us in ill underſtanding with any of the houſe of Auſtria) we have hitherto proceeded with a ſtedfaſt patience; truſting to the treaties, and neglecting all other means, which probably might have ſecured the remainder of our childrens inheritance, and by this confidence and ſecurity of ours, are now expoſed to diſhonour and reproach. You ſhall tell that king, that ſeeing all thoſe endeavours and good offices which he hath uſed towards the emperor in this buſineſs, on the behalf of our ſon-in-law, have not ſorted to any other iſſue, than to a plain abuſe, both of his truſt and ours; we hope and deſire, that he will faithfully promiſe and undertake upon his honour, (confirming the ſame alſo under his hand and ſeal) either that the town and caſtle of Heidelberg ſhall, within 70 days after your audience, and demand made, be rendered into our hands, with all things therein belonging; and the like for Manheim and Frankendal, if both or either of them ſhall be taken by the enemy while theſe things are in treaty. As alſo, that there ſhall be within the ſaid term of 70 days, a ceſſation and ſuſpenſion of arms in the Palatinate for the future, upon the ſeveral articles and conditions laſt propounded by our ambaſſador Sir Richard Weſton; and that the general treaty ſhall be ſet a foot again: Or elſe, in caſe all theſe particulars be not yielded unto, and performed by the emperor, that the king of Spain do join his forces with ours. Or if ſo be his forces be otherwiſe employed, yet that at the leaſt he will permit us a free and friendly paſſage through his territories and dominions, for ſuch forces as we ſhall ſend and employ in Germany for his

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* It was count Gondemar that intimated it to him, but without giving him a poſitive promiſe, and yet the king looked upon it as an engagement. Rapin.

“ſervice. Of all which, if you receive not from the king of Spain (within 10 dayes at the fartheſt after your audience) a direct aſſurance under his hand and ſeal without delay, that then you take your leave, and return to our preſence, without farther ſtay; otherwiſe to proceed in the negotiation for the marriage of our ſon, according to the inſtructions we have given you.”

This letter plainly ſhews, the king was convinced, he had hitherto been only amuſed. And yet he wrote the next day, to the earl of Briſtol, to this effect. “Tho' you have order to come away without farther delay, in caſe you receive not ſatisfaction to your demands from the king of Spain; yet we would not have you inſtantly come away upon it, but advertiſe us firſt, letting us know privately (if you find ſuch cauſe) that there is no good to be done, nor ſatisfaction, as you judge, intended us, (tho' publickly and outwardly you give out to the contrary) that me may make uſe thereof with our people in parliament, as we ſhall hold beſt for our ſervice.”

The king's falſe meaſures.

It is evident by theſe letters how much the king was miſtaken, in expecting to adjuſt his ſon-in-law's affairs,by the method he had followed, and how he had been trifled with in his ſeveral negotiations: That he himſelf knew it, and all the vengeance he took was to recall his ambaſſador from Bruſſels. It is true, he ſeemed to intend to be revenged by arms; but he would have the king of Spain join with him, to oblige the emperor and duke of Bavaria to reſtore a country which he had himſelf delivered to them. At leaſt, he hoped, the king of Spain would grant him a paſſage through his territories, projects as chimerical as that of recovering the Palatinate by fair means and ſollicitations alone. In ſhort, it is viſible in theſe letters, that the king made the reſtitution of the Palatinate and concluſion of the marriage two diſtinct affairs, and did not conſider the laſt as dependent of the other. Indeed, tho' there was manifeſtly a colluſion between the emperor, Philip IV, and the Infanta, James ordered his ambaſſador to do nothing offenſive to the king of Spain, for fear of prejudicing the marriage which he was always made to regard as upon the point of concluſion.

In fine, after a long expectation, Gage was ſent back from Rome, where he had been ſolliciting the diſpenſation, with 19 articles, to each of which the pope had put a ſhort poſtil or ſhort note, after the manner practiſed in the capitulations of places. Probably, the ſenſe of the three material articles which were agreed on, was explained, and the 19 following ones were formed by common conſent.

The marriage articles, with the pope's anſwer. DuCheſne.

I. That the pope's diſpenſation ſhall be firſt obtained at the ſole inſtance of his Catholick majeſty.

Note. “The two parties are agreed on this point.”

II. That the marriage ſhall be celebrated in Spain according to the rites practiſed in the church of Rome; and afterwards in England, with ſuch ceremonies as ſhall tend moſt to the advantage of the king of Great-Britain; yet ſo, as that nothing be done contrary to the religion profeſſed by the moſt excellent Infanta. But as to this point, they ſhall agree about the ceremonies to be performed in both kingdoms.

Note. “The marriage ought to be celebrated but once in Spain, and if any ceremony is to be performed in England, notice muſt be given beforehand, and let this ceremony be agreed on.”

III. That the moſt gracious Infanta ſhall have free exerciſe of the Roman Catholick religion.

Note. “This article is granted.”

IV. That all the domeſticks and ſervants belonging to the moſt gracious Infanta, ſhall be appointed by his Catholick majeſty, ſo as the king of England ſhall not have the liberty of nominating any one.

Note. “Granted.”

V. That the moſt gracious Infanta ſhall have an oratory, where divine ſervice ſhall be celebrated in ſuch manner as ſhe ſhall appoint.

Note. “This article is granted.”

VI. That this oratory ſhall be in her palace, and there maſſes to be celebrated at the pleaſure of the Infanta.

Note. “A church ſhall be built in London, beſides that in the palace, and divine ſervice ſhall be celebrated in each, and the word of God preached, and the ſacraments adminiſtred.”

VII. That all the officers and domeſticks belonging to the Infanta of what ſort ſoever, as alſo her ſervants and family, may be freely and publickly Catholicks; which is ſo to be underſtood, as that each of them in particular ſhall be obliged to profeſs the Roman Catholick religion.

Note. “The men and women ſervants of the moſt ſerene Infanta, their children and poſterity, with their whole families, what office ſoever they bear, ſhall have the free exerciſe of the Catholick religion.”

VIII. That the exerciſe of the Roman Catholick religion ſhall be in form following: The moſt gracious Infanta ſhall have in her palace a chapel ſo ſpacious, that her ſervants and family may enter and ſtay therein; in which there ſhall be an ordinary and publick door for them, and another inward door, by which the Infanta may have a paſſage into the chapel, where ſhe and others may be preſent at divine offices.

Note. “All the ſervants muſt conform to this.”

IX. That the chapel may be butified with decent ornaments, and other things neceſſary for divine ſervice, according to the cuſtom of the holy Roman church; and that it ſhall be lawful for the ſervants and others to go to the ſaid chapel at all hours.

Note. “Granted.”

X. That the keeper and guardians of the

1622. chapel ſhall be appointed by the lady Infanta, and they ſhall take care no body may enter into it to do any undecent thing.

Note. "The keeper and guardians of the "chapel and church ſhall be Spaniards."

XI. That to ſerve in the chapel, there ſhall be a convenient number of prieſts as to the Infanta ſhall ſeem fit. And if any of them be natives of Great-Britain, they ſhall not be admitted to ſerve, without her conſent firſt obtained.

Note. "His holineſs wills and means that "this be a true church."

XII. That among the prieſts, there ſhall be one ſuperior miniſter or rector, with authority to decide the caſes of religion and conſcience.

Note. "His holineſs will have this ſuperi-"or to be a biſhop."

XIII. That this ſuperior miniſter may exerciſe eccleſiaſtical juriſdiction upon all who ſhall offend in the Infanta's family; and moreover, the lady Infanta ſhall have power to turn them out of her ſervice, whenſoever it ſhall ſeem expedient to her.

Note. "He muſt be a biſhop."

XIV. That it may be lawful for the lady Infanta to procure from Rome indulgences and jubilees, and all graces, as ſhall ſeem fit to her religion and conſcience.

Note. "This article is granted."

XV. That the ſervants and family of the lady Infanta ſhall take the oath of allegiance to the king of Great-Britain; provided there be no clauſe therein contrary to their conſciences and the Roman Catholick religion, and that the form of the oath be firſt approved of.

Note. "The men and women ſervants ſhall "be Spaniards."

XVI. That the laws made againſt the Roman Catholick religion in England, ſhall not extend to the ſervants of the moſt gracious Infanta; but they ſhall be exempted from the ſaid laws, and the penalties annexed, and of this a declaration ſhall be made.

Note. "The laws already made or to be "made in England concerning religion ſhall "not extend to the ſervants, who ſhall be "exempted from them as well as from the "penalties, &c. and for this reaſon the eccle-"ſiaſticks ſhall not be liable to any but their "eccleſiaſtical laws."

XVII. That the children of the moſt illuſtrious prince, and the moſt gracious Infanta, ſhall not be conſtrained in point of conſcience, and in that caſe, the laws made againſt Catholicks in England ſhall not extend to them; and tho' any of them be Catholicks, they ſhall not loſe the right of ſucceſſion to the kingdom and dominions of Great-Britain.

Note. "This article is granted by his ho-"lineſs."

XVIII. That the nurſes which ſhall give ſuck to the children of the lady Infanta, ſhall be choſen by the lady Infanta, and accounted part of her family.

Note. "The nurſes ſhall be Catholicks, "choſen by the moſt ſerene Infanta, and "reckoned among her domeſticks."

XIX. That the rector or ſuperior miniſter, and other eccleſiaſtical and religious perſons of the family of the lady Infanta ſhall wear their uſual veſtments and habits. 1622.

Note. "Granted."

At the end of theſe articles, which were long debated and canvaſſed by the congregation of the propagation of faith, the congregation ſubjoined their opinion in the following terms.

Du Cheſn's Hiſt. of England.

"As to the terms offered by the moſt ſerene king of England, it ſeems to us they "are deſigned only to ſecure the moſt ſerene "Infanta's religion; but to the end his ho-"lineſs may grant the diſpenſation, there are "other things neceſſary to the privilege, in-"creaſe and welfare of the Roman Catholick "religion. Theſe things are to be propoſed "by the moſt ſerene king, that his holineſs "may conſider whether, upon ſuch offers, he "can grant the diſpenſation."

A remark on this ſubject.

It is eaſy to ſee, the pope's poſtils tended not only to the benefit of the Roman Catholick religion, but alſo to cauſe the affair to be prolonged, purſuant to the court of Spain's intentions. Beſides, that James was not expected to agree to the contents of the notes, another expedient was ready to ſtop the concluſion of the marriage, viz. to oblige the king to make offers for the advancement of the Roman religion, with which the pope, if he pleaſed might never be ſatisfied. Thus, after a ſix years expectation, James was no farther advanced than when the affair was begun, except that he was willing to grant whatever the pope did or might demand. And, indeed, this was the courſe he took. He found now of what conſequence the firſt article was, which he had been made to ſign, that the diſpenſation ſhould be firſt procured by the endeavours of the king of Spain; for by this means, the Spaniard could advance or entirely break off the negotiation as he pleaſed, by cauſing the pope to delay or refuſe the diſpenſation. It is certain, as I ſaid, the court of Spain's intent, at firſt, was only to make uſe of the project of this marriage, to allure James into their ſnare, for fear he ſhould join with the German Proteſtants, and afterwards, for fear he ſhould ſend a powerful aid to the king of Bohemia.

The king is at a loſs. Wilſon.

When Gage came from Rome with the articles, the king was terribly embarraſſed. The Palatinate was almoſt quite loſt. The negotiation at Bruſſels did not advance, and he could not but perceive, he was impoſed upon by the emperor and king of Spain; ſo that he ſaw no other way to procure the elector's reſtoration, but the prince's marriage with the Infanta. It is true, England was ſufficiently powerful to moleſt the houſe of Auſtria; but a parliament muſt have been called, which the king could not think of. On the other hand, the pope annexed to the marriage ſuch terms as the king could not grant, without giving occaſion to his domeſtick enemies, to repreſent him as a prince regardleſs of the intereſts of the Proteſtant religion, to which imputation he was already but too liable. In this perplexity, rather than break with Spain, and ſo loſe the deſired dowry of 2,000,000, with the hopes of recovering the Palatinate, he choſe to be expoſed to the reproaches of his ſubjects, which he did not ſeem much to regard. He drew, therefore, a memorial which he ſigned with his own hand, containing his offers in favour of the Catholick religion, and ſent it to the earl of Briſtol, with the letter of the 9th of September, of which I have already given an extract. The concluſion of the letter, which I reſerved for this occaſion, becauſe the marriage is there mentioned, was as follows:

The king's letter to the earl of Briſtol, with a memorial containing his offers. Wilſon.

'Nevertheleſs we muſt tell you, that we 'have no great cauſe to be well pleaſed with 'the diligences uſed on that part, when we 'obſerve, that after ſo long an expectance of 'the diſpenſation, upon which the whole buſineſs (as they will have it) depends, there 'is nothing yet returned but queries and objections. Yet becauſe we will not give over 'our patience a while longer, until we underſtand more certainly what the effect thereof is like to be, wherein we require you to 'be very wary and watchful, conſidering how 'our honour is therein engaged; we have 'thought fit to let you know, how far we 'are pleaſed to enlarge ourſelf, concerning 'thoſe points demanded by the pope, and 'ſet down by way of poſtil unto the articles 'agreed upon between Spain and us, as you 'ſhall ſee by the power which Gage brought 'us from Rome, whereof we have ſent you a 'copy, and our reſolutions thereupon ſigned 'with our own hand, for your warrant and 'inſtruction. And farther than that, ſince 'we cannot go without much prejudice, inconveniency, and diſhonour to ourſelf and 'our ſon, we hope and expect the king of 'Spain will bring it inſtantly to an iſſue, without farther delay, which you are to preſs 'with all diligence and earneſtneſs, that you 'may preſently know their final reſolution, 'and what we may expect thereupon. But if 'any reſpite of time be earneſtly demanded, 'and that you perceive it not poſſible for 'them to reſolve until an anſwer come from 'Rome, we then think it fit that you give 'them two months time after your audience, 'that we may underſtand that king's final reſolution before Chriſtmaſs next at the fartheſt.'

The king reſolves at laſt to conclude the marriage. Ruſhw.

Tho' the king affirmed he could go no farther, yet means were found to perſuade him to a greater compliance, as will hereafter appear.

Hitherto the Spaniard had fed the king's hopes concerning the marriage, only to amuſe him; but ſince he plainly ſaw, by the articles and offers ſigned with his own hand, that James was reſolved to conclude at any rate, he thought, ſo fair an opportunity ſhould not be miſſed to reſtore the Catholick religion in England, which very probably might be accompliſhed by means of this match. So Philip ſuddenly altering his mind, appeared as eager to conclude, as he had ſeemed unwilling before. From that time, that is, from the end of the year 1622, the marriage was reſolved at the court of Madrid. The buſineſs was only to extort from the king ſuch terms as ſhould lead to what was intended. All the king of Spain's proceedings, from the time I am ſpeaking of, evidently ſhew, that he was inclined to the marriage, in caſe he could obtain what he promiſed himſelf for the advancement of the Roman religion in England, and which James's impatience gave him room to expect. But it is no leſs certain, that before this, he was entirely averſe to it. This manifeſtly appears in king Philip IV's letter to the Conde d' Olivarez, and from that miniſter's anſwer. The letters were as follows:

The king of SPAIN's letter to the Conde d' Olivarez.

Nov. 5, 1622.

Wilſon.

'THE king, my father, declared at his 'death, that his intent was never to 'marry my ſiſter, the Infanta Donna Maria, 'with the prince of Wales, which your uncle 'Don Balthazar underſtood, and ſo treated 'this match ever with intention to delay it; 'notwithſtanding, it is now ſo far advanced, 'that conſidering all the averſeneſs of the Infanta unto it, it is time to take ſome means 'to divert the treaty, which I would have 'you find out, and I will make it good whatſoever it be. But in all other things, procure the ſatisfactian of the king of Great-Britain, (who hath deſerved much) and it 'ſhall content me, ſo it be not in the match.'

The Conde's anſwer to the king. Annals.

The Conde d'Olivarez, in his anſwer agreed, that the late king never intended to conclude this marriage, but only to amuſe the king of England, by reaſon of the ſituation of affairs in the Palatinate and Netherlands. He ſaid moreover, the Infanta was determined to retire to a convent, as ſoon as ſhe ſhould be preſſed upon that head.

After that, he repreſented to his majeſty, 'That the king of England found himſelf equally engaged in two buſineſſes at that time, 'viz. the marriage, and the reſtitution of the 'Palatinate. Suppoſing then, added the Conde, that the marriage be made, we muſt 'come to the other affair, and then your 'majeſty will find yourſelf engaged with the 'king of England in a war againſt the emperor, and the Catholick league; a thing, 'which to hear, will offend your ears; or if 'you declare yourſelf for the emperor, then 'you will find yourſelf engaged in a war againſt the king of England, and your ſiſter married with his ſon. If your majeſty 'ſhould ſhew yourſelf neutral, what a great 'ſcandal will it be, for Spain to ſtand neuter, 'in a buſineſs wherein religion is ſo much concerned?

'On the other hand, ſaid the Conde, ſuppoſing we could ſatisfy the king of England, 'by having the Palatinate reſtored to his ſon-in-law, yet we muſt conſider whether it is 'in our power to have it reſtored; ſince the ‘duke of Bavaria is poſſeſſed of all thoſe dominions, and the emperor, who hath promiſed to transfer to him the Upper-Palatinate, with the electoral dignity, is now in the diet, where that tranſlation is to be made. Beſides, the emperor hath given us to underſtand, how difficult it will be to wreſt the Palatinate out of the duke of Bavaria's hands, ſince it appears by the memorial, which was yeſterday preſented to your majeſty by the emperor's ambaſſador, that the duke of Bavaria alone can maintain more troops, than all the reſt of the allies joined together.’

Upon theſe difficulties, the Conde propoſed in the ſame letter, ‘to ſet on foot two other marriages, viz. between the emperor's eldeſt daughter, and the prince of Wales, and between the prince Palatine's ſon, and the emperor's ſecond daughter; by which means the buſineſs (ſays he) may be accommodated, and afterwards, I would reduce the prince elector to the obedience of the church, by breeding his ſons in the emperor's court with Catholick doctrine.’

If it be conſidered, that the king of Spain's letter is dated the 5th of November, and that probably the anſwer was made within a few days, it will be eaſy to perceive, that till then the Spaniard never intended to conclude the marriage; but preſently after, as I have obſerved, he came to another reſolution.

1623.
A truce for 15 months concluded at London.
Act. Pub.

The late alteration in the projects of the Spaniſh court, procured the earl of Briſtol a letter from Philip IV, to the Infanta Iſabella, to deſire her to raiſe the ſiege of Frankendal, and renew at London the conferences for a truce, which were broken off at Bruſſels. This requeſt was a real order which the Infanta obeyed, and the negotiation of the truce was begun at London, where it ended the 27th of March, 1623. The ſole point was to hinder, by means of this truce, Frankendal, the only place in the Palatinate where was an Engliſh garriſon, from falling into the emperor's hands. But on the other ſide, the emperor had reaſon to fear, if James remained maſter of this place, he would make uſe of it to carry war into the Palatinate, and the more, as he had ſometimes threatened to have recourſe in the end to arms. To adjuſt the different intereſts of the emperor and the king, this rare expedient was deviſed. Frankendal was to be delivered to the Infanta Iſabella, and a truce made for 15 or 18 months, after which, the Infanta was to reſtore the place to the Engliſh; but withal, the elector was to break his alliance with the prince of Brunſwick and count Mansfeldt.

The council of England's overſight in this treaty.

This treaty gives no great idea of the capacity of king James and his council. Not only was Frankendal delivered to the Infanta, as if ſhe had been a third perſon entirely diſintereſted, tho' ſhe had ſhewn the contrary in this very treaty; but the elector was alſo deprived of all hopes of re-entering his country. Moreover, the emperor and duke of Bavaria were at liberty either to diſmiſs their troops, or to aſſiſt the king of Spain in the Low-Countries, ſince there was no farther danger of a war in the Palatinate. But what advantage accrued to James by this treaty? Indeed, he hindered the emperor from taking Frankendal, but at the ſame time, the place was delivered to Spain. On the other hand, the truce, which would have been for his advantage, had he kept Frankendal, turned to his prejudice, ſince it deprived him of the power to carry the war into the Palatinate, in favour of his ſon-in-law. It is true, upon ſuppoſition of the Infanta's ſincerity, he was to have the place again when the truce was expired; but this was a very doubtful ſuppoſition, ſince the Infanta was entirely guided by the directions of the courts of Vienna and Madrid.

The duke of Bavaria is made elector.
Wilſon.

Before the truce was concluded at London, the emperor going to the diet of Ratisbon, inveſted the duke of Bavaria with the electoral dignity and the Upper-Palatinate, notwithſtanding the oppoſition of ſeveral princes who were poſſeſſed of hereditary dominions, and to whom ſuch a precedent was a juſt occaſion of fear. Such was the effect of king James's three years negotiations, in favour of his ſon-in-law, who was, at length, ſtript of his dominions and dignities. But the Spaniſh match was to recover all. We muſt ſee now the ſucceſs of that tedious negotiation, the only remarkable event of the year 1623.

A ſequel of the negotiation about the marriage.

The only obſtacle of the marriage, were the articles concerning religion. The earl of Briſtol had been diſputing the ground inch by inch, ever ſince his arrival in Spain, and Philip IV. was not diſpleaſed with it, becauſe it gave him an opportunity to gain time. In Auguſt, 1622, the Spaniard demanded certain articles in favour of the Engliſh Catholicks, to which the ambaſſador only anſwered, he would acquaint the king, his maſter, therewith. At the ſame time, the pope put his poſtils or notes to the articles that were agreed on. Hence, it is eaſy to perceive, that the courts of Rome and Spain acted in concert, both tending to the ſame end. The king received, about the ſame time, the pope's poſtils, and the court of Madrid's demands in favour of the Catholicks. He kept theſe laſt, out of ceremony, ſome months, without giving an anſwer, but, at length, ſigned all the 5th of January, 1623, and having made the prince ſign them alſo, ſent the ſame articles to the earl of Briſtol, who received them the 25th of the ſame month. I believe the full and entire reſolution of the Spaniſh court to conclude the marriage, may be fixed to this time. From the year 1616, to November 1622, the Spaniard's ſole intent was to amuſe king James. From thence, to the 25th of January, 1623, he ſeems to have reſolved upon the marriage, provided certain advantages could be obtained for the Roman religion. In fine, after the articles, ſigned by the king and prince, had ſecured him what he deſired, his reſolution was fixed. Theſe three epocha's are to be carefully obſerved and diſtinguiſhed, for want of which, moſt hiſtorians are very obſcure in their recital of this affair.

The time of ſolemnizing the marriage is fixed.

The Spaniard being ſatisfied with the articles ſent from England, which were much more advantageous to the Catholicks than thoſe agreed upon with the earl of Briſtol, demanded time to ſend them to Rome, and obtain the pope's diſpenſation. It was thought, the diſpenſation might come in March or April at fartheſt, and it was agreed, the nuptials ſhould be ſolemniſed four days after its arrival; that the Infanta ſhould ſet out within 20 days after the celebration of the marriage, and whilſt the diſpenſation was expected, the other articles which were called temporal, to diſtinguiſh them from thoſe concerning religion, ſhould be ſettled. Purſuant to this agreement, the earl of Briſtol and Sir Walter Aſton jointly with the Spaniſh miniſters prepared theſe articles by the beginning of March, to the mutual ſatisfaction of both parties. The 22d of March, the Conde d' Olivarez and Gondemar came to the Engliſh ambaſſadors, and ſhewed them a writing with the king of Spain's hand to it, whereby he approved of the temporal articles, and ordered them to finiſh the affair. Theſe articles concerned only the portion and dowry, without any mention of the Palatinate. Beſides that he had commanded the earl of Briſtol, in his inſtructions not to make the reſtitution of the Palatinate one of the marriage-articles, this command was repeated in the king's letter to him of the 30th of December, 1622, that is, two or three months before. Moreover, at this very time, the truce and ſequeſtration of Frankendal were negotiating at London.

The prince of Wales reſolves to go to Spain. Wilſon. Clarendon

The affair of the marriage being in this ſituation, and very probably, near a concluſion, the end of April was to be expected with patience, to ſee whether any new difficulty would occur, for thus far every thing ſeemed to be ſettled to the king's ſatisfaction. But the face of this affair was ſuddenly changed by a very odd and moſt extraordinary adventure. The marqueſs of Buckingham perſuaded the prince of Wales, to go to Spain and fetch home his miſtreſs the Infanta himſelf. He told him, 'the more uncommon ſuch a gallantry was among princes, the more it would 'redound to his honour; the Infanta herſelf 'would be charmed with it; his preſence 'would immediately put an end to all formalities, and remove whatever difficulties might 'yet occur; as after the marriage, there was 'an affair of moment to be negotiated, viz. 'the reſtitution of the Palatinate, an interceſſor like him, would do more in three 'days than ambaſſadors could do in as many 'months.' In a word, he ſo artfully repreſented this project, that the prince, tranſported with the thoughts of ſo noble an adventure, never reſted till he had accompliſhed it. The difficulty was to obtain the king's conſent. The prince asked it before Buckingham, and expreſſed ſo earneſt a deſire to make the journey, that the king granted his requeſt without much heſitation, and put off till next day to conſider of means to effect it. But after he had more ſeriouſly reflected on this affair, his mind was quite changed on the morrow, when the prince and Buckingham came to him. He repreſented to them, how fruitleſs ſuch a journey would be in the preſent ſituation of the marriage-affair, and the inconveniences it might be attended with. But inſtead of anſwering his reaſons, Buckingham rudely told him, he had given his word, and if he broke it, would be never more credited. The reader may ſee in the lord Clarendon's Hiſtory this converſation at large, which ended with the king's permiſſion, extorted by the prince and Buckingham, for this ſtrange, raſh, and very dangerous journey. It was reſolved, that Buckingham ſhould accompany the prince, with two more, viz. Sir Francis Cottington, who had been the king's agent in Spain, and came from thence in September, and Edymion Porter, gentleman of the bed-chamber to the prince, who had been bred at Madrid; that they ſhould go poſt thro' France, and the ſecret be kept, that they might be at a diſtance before their departure was known. This reſolution being taken, the prince and Buckingham deſired only two days to prepare.

The motives of this journey are variouſly related, according to the intereſt and prejudices of the ſeveral writers. Some ſay, the court of England ſtill doubting the Spaniſh court's ſincerity, thought proper, the prince and Buckingham ſhould be ſatisfied with their own eyes in order to know what could be depended upon. But ſuppoſing this doubt, was it not extremely imprudent to put the king's only ſon into the hands of a prince, whoſe ſincerity was believed to be juſtly ſuſpected? The king, prince, and favourite, muſt have been all three void of underſtanding, to be guilty of ſuch an error. This, therefore, ſeems to be altogether improbable.

The lord Clarendon ſays, Buckingham, out of envy that the earl of Briſtol ſhould have the ſole management of ſo great an affair, had a mind to have the glory of ending it. But he ſhould have thought of it ſooner, ſince every thing was now concluded in Spain, at or about the time of the prince's departure for Madrid. So the marqueſs could not acquire much honour. Beſides, the event ſhewed, this was not his motive, ſince inſtead of promoting, he was the ſole cauſe of the unexpected difficulties, and final breach, of the marriage.

Others pretend, Buckingham's view was inſenſibly to induce the prince to change his religion, by expoſing him to all the temptations which of courſe, he would meet at the court of Madrid. Of this he was afterwards accuſed before the parliament, by the earl of Briſtol, who ſaid, the project was formed ſeveral months before the prince's departure, between Buckingham and Gondemar, by means of Endymion Porter, who had been ſent to Spain for that purpoſe. But the proofs on which the earl of Briſtol grounded his accuſation, were but preſumptions at moſt, and as he was a profeſſed enemy to the marqueſs of Buckingham, I do not know whether his teſtimony may be relied on.

But whatever were the favourite's real motives

tives with reſpect to this journey, it can hardly be denied, that it was a ſign of great levity in the prince, and of no leſs weakneſs and imprudence in the king. The affair of the marriage was in ſuch a ſituation, that it was entirely needleſs to ſollicit a-freſh the court of Spain, with whom every thing was agreed. Two months patience would have ſhewn the king, whether he could rely on them, without expoſing his only ſon and heir apparent to ſo imminent danger, by ſuffering him to execute a romantick project, which could procure no advantage. But the king's condeſcenſion for the prince and Buckingham prevailed above all theſe conſiderations. They ſet out poſt the 17th of February, and came to Paris, where they ventured, to appear at court, and be preſent at a ball, where, tho' diſguiſed, they were in ſome danger of being diſcovered. However, they arrived ſafely at Madrid the 7th of March, and alighted at the earl of Briſtol's, who was not a little ſurpriſed to ſee the prince. I ſhall not ſtay to deſcribe the magnificent reception of the prince by the court of Spain, when he made himſelf known. I ſhall only ſay, he met with all the reſpect due to his birth, and all poſſible careſſes to teſtify the ſatisfaction at his gallantry to the Infanta, and his candor in confiding in the king's generoſity. The only thing in which great ceremony was uſed, was his not being permitted to viſit the Infanta in private. The Spaniſh way did not admit of ſuch a familiarity, and the more, becauſe the diſpenſation not being yet come, he could not in ſtrictneſs be conſidered as the Infanta's future ſpouſe.

The prince ſets out with Buckingham. Ruſhw. He is well received in Spain. Wilſon.

But not ſuffered to ſee the Infanta in private. Annals.

Wilſon.

No ſooner was the prince arrived in Spain, but all the Spaniards thought he was come to change his religion before he eſpouſed the Infanta, no one imagining there could be any other motive of his journey; nay, count Gondemar very ſeriouſly deſired the earl of Briſtol, not to oppoſe ſo pious a deſign, and if the earl is to be credited, the count intimated to him, that the marqueſs of Buckingham was not againſt it. The earl of Briſtol perceiving if the court of Spain had any ſuch hopes, it would be apt to retard the marriage, ſpoke of it to the prince, and conjured him to impart the ſecret to him, if there was really any thing in it; but the prince firmly denied it, and expoſtulated with the ambaſſador for having ſo ill an opinion of him. Whereupon the earl of Briſtol intreated him, neither to do nor ſay any thing whatever that might feed the hopes of the Spaniſh court in that reſpect, for fear of obſtructing the marriage. Nevertheleſs he was attacked ſeveral times, one while by eccleſiaſticks, who took all occaſions to diſpute with him about religion, another while by courtiers, who repreſented to him how powerful England would grow, if ſhe would return to the obedience of the pope. He even received a long letter from Gregory XV, exhorting him to come into the boſom of the church, and imitate his glorious anceſtors, who had done ſo great things for the defence of religion. The prince anſwered this letter the 20th of June. But becauſe two printed copies of this anſwer are very different, it will not be amiſs to inſert them both.

Prince Charles to Pope Gregory XV.

Moſt Holy Father,

The prince's anſwer to the pope. Wilſon.

“I Received the diſpatch from your holineſs with great content, and with that reſpect which the piety and care wherewith your holineſs writes doth require. It was an unſpeakable pleaſure to me to read the generous exploits of the kings my predeceſſors, to whoſe memory poſterity hath not given thoſe praiſes and elogies, of honour that were due to them. I do believe that your holineſs has ſet their example before my eyes, to the end that I might imitate them in all my actions; for in truth they have often expoſed their eſtates and lives for the exhaltation of the holy chair. And the courage with which they aſſaulted the enemies of the croſs of Jeſus Chriſt, hath not been leſs than the care and thought which I have, to the end that the peace and intelligence, which hath hitherto be wanting in Chriſtendom might be bound with a bond of true concord: For like as the common enemy of peace watcheth always to put hatred and diſſention between Chriſtian princes, ſo I believe that the glory of God requires that we ſhould endeavour to unite them. And I do not eſteem it a greater honour to be deſcended from ſo great princes, than to imitate them in the zeal of their piety: In which it helps me very much to have known the mind and will of our thrice honoured lord and father, and the holy intentions of his Catholick majeſty, to give a happy concurrence to ſo laudable a deſign; for it grieves him extremely to ſee the great evil that grows from the diviſion of Chriſtian princes, which the wiſdom of your holineſs foreſaw, when it judged the marriage, which you pleaſed to deſign between the Infanta of Spain and myſelf, to be neceſſary to procure ſo great a good: For it is very certain, that I ſhall never be ſo extremely affectionate to any thing in the world, as to endeavour alliance with a prince that hath the ſame apprehenſions of the true religion with myſelf. Therefore I entreat your holineſs to believe, that I have been always far from encouraging novelties, or to be a partiſan of any faction againſt the Catholick, Apoſtolick, Roman religion; but on the contrary, I have ſought all occaſions to take away the ſuſpicion that might reſt upon me; and that I will employ myſelf for the time to come to have but one religion, and one faith, ſeeing that we all believe in one Jeſus Chriſt: Having reſolved in myſelf to ſpare nothing that I may have in the world, and to ſuffer all manner of diſcommodities, even to the hazarding of my eſtate and life, for a thing ſo pleaſing unto God. It reſts only, that I thank your holineſs for the permiſſion which you have been pleaſed to afford me, and that I may pray God to give you a bleſſed health here, and his glory, after ſo

“ much travel which your holineſs takes within his church.”

Madrid, June
20, 1623.
CHARLES STUART.

The other copy of the ſame letter, is as follows:

Prince Charles to pope Gregory XV.

Moſt Holy Father,

Annals. Ruſhw.

‘WE have received your letter with no leſs thankfulneſs and reſpect than is due to the ſingular good will and godly affection wherewith we know it was written. It was moſt acceptable unto us, that the never-enough-renowned examples of our anceſtors were propoſed to us by your holineſs for our inſpection and imitation; who, tho' they often hazarded their lives and fortune to propagate the Chriſtian faith, yet did they never more chearfully diſplay the banners of the croſs of Chriſt againſt his moſt bitter enemies, than we will endeavour to the utmoſt, that the peace and union which ſo long triumphed, may be reduced into the Chriſtian world, after a kind of elimination or exile. For ſince the malice of the father of diſcords, hath ſowed ſuch unhappy diviſions amongſt thoſe who profeſs the Chriſtian religion, we account this moſt neceſſary, thereby to promote with better ſucceſs the glory of God, and Chriſt our Saviour; nor ſhall we eſteem it leſs honour to tread in their footſteps, and to have been their rivals and imitators in holy undertakings, than to have been deſcended of them. And we are very much encouraged to this as well by the known inclination of our lord and father, and his ardent deſire to lend a helping hand to ſo pious a work, as by the anguiſh that gnaws his royal breaſt, when he conſiders what cruel deſtructions, what deplorable calamities ariſe out of the diſſentions of Chriſtian princes. Your holineſs's conjecture of our deſire to contract an alliance and marriage with a Catholick family and princeſs, is agreeable both to your wiſdom and charity; for we would never deſire ſo vehemently to be joined in a ſtrict and indiſſoluble bond with any mortal whatſoever, whoſe religion we hated. Therefore your holineſs may be aſſured, that we are, and always will be of that moderation, as to abſtain from ſuch actions, which may teſtify our hatred againſt the Roman Catholick religion; we will rather embrace all occaſions, whereby thro' a gentle and fair procedure, all ſiniſter ſuſpicions may be taken away; that as we all confeſs one individual Trinity, and one Chriſt crucified, we may unanimouſly grow up into one faith. Which that we may compaſs, we little value all labour and watchings, yea, the very hazard of our lives. It remains that we render thanks to your holineſs for your letter, which we eſteem as a ſingular preſent, and wiſh your holineſs all proſperity and eternal happineſs.’

Dated at Madrid, 20 Junij, 1623.

It muſt be obſerved of theſe two letters, which are very different, that as they did not appear till after the civil wars, it is equally probable that one of the parties qualified, whilſt the other aggravated, the expreſſions; and, therefore, it is needleſs to make any reflection upon them.

The pope adds new conditions to the diſpenſation.

In the interim, ſince the prince's arrival in Spain, the ſtate of the marriage-treaty was ſomewhat altered. The diſpenſation arrived about ſix weeks after, that is, about the beginning of May; but the pope had annexed certain conditions, without which it was to be of no force. Very probably, had not the prince been in Spain, the diſpenſation would have come ſooner, and without any reſtriction; but it is not very ſurpriſing, that the pope knowing, the prince was in Spain, ſhould deſire to make an advantage of that imprudence. He ſent, therefore, the diſpenſation, but it was to be delivered only on theſe terms, that the Infanta ſhould have a church in London; that the children by this marriage ſhould be left to their mother's care till they were 10 years old; that the nurſes ſhould be Catholicks, and appointed by the mother; that the king of England ſhould give ſecurity for the performance of the articles agreed upon concerning religion.

The article about the education of the children is agreed upon. Wilſon.

The article relating to the education of the children had been debated in November, and the pope and king of Spain had inſiſted that the children ſhould be educated by their mother till marriageable. The king, at firſt, offered ſeven years, and the courts of Rome and Spain came to 12. Then the king allowed nine, and the pope 10. At laſt, the earl of Briſtol received the king's orders, not to diſpute for a year more or leſs.

Philip is ſecurity for king James. DuCheſne.

After the prince and marqueſs of Buckingham came to Madrid, they managed the affair of the marriage excluſive of the earl of Briſtol. There was ſome debate upon the articles annexed to the pope's diſpenſation. The prince of Wales ſaid, he had no power to make the leaſt addition to the articles ſigned by the king, his father, and the Spaniſh miniſters maintained, his Catholick majeſty could not reject the conditions on which the pope had granted the diſpenſation; that it lay in the pope's breaſt to grant his favours on what terms he pleaſed, and that the diſpenſation was void without theſe conditions. In ſhort, it was thought proper to conſult the king of England by letter, and to aſk withal, what ſecurity he would give for the performance of the articles. James made no ſcruple concerning the time of the education of the children, or about the nurſes, becauſe theſe things were now ſettled. As to the ſecurity, he replied, he could give no other than his own, and the prince's royal words and oaths, confirmed by his council of ſtate, and exemplified under the great ſeal of England. All this not ſatisfying the pope's nuncio, who pretended to have particular orders upon that point, the king of Spain offered to become ſecurity himſelf; but it was firſt to be determined by a committee of eccleſiaſticks, that Philip might lawfully ſwear for the king of England. Some believe this to be a Spaniſh device, to make the king of Spain guarantee of the articles granted to the Catholicks. This difficulty being removed, the prince ſent Cottington to England with the articles concerning religion, newly drawn according to the pope's intentions, and with ſome other ſecret articles which were not to be publiſhed ſo ſoon.

Nothing is ſtipulated about the dowry or Palatinate. Wilſon.

It muſt be remarked, that hitherto there was no other writing concerning the Infanta's dowry, than a rough draught, approved, indeed, by the king of Spain in a forementioned letter directed to his miniſters, but which remained in the hands of Olivarez. Much leſs had there been any care taken about the reſtitution of the Palatinate, James being unwilling to make this one of the marriage-articles, for fear it ſhould be in recompence of the 2,000,000 promiſed him for the Infanta's dowry. But he was very willing to receive the Palatinate from the king of Spain's bounty, when the marriage ſhould be conſummated. This, at leaſt, was his project, and, no doubt, at the time the court of Spain ſought only to amuſe him, he was made to expect the reſtitution of the Palatinate, tho' without any written engagement. In the interim, James depended upon this verbal promiſe, as if it had been a treaty ſigned with the Spaniard's own hand.

The king debates in council about tolerating the Papiſts. Wilſon.

Cottington being come to England with the articles both publick and private, it was rumoured, that the pope and king of Spain demanded a toleration for the Engliſh Papiſts. The king himſelf occaſioned this rumour, by aſking his council, whether it would be convenient to grant ſuch a toleration? Whereupon, Abbot, archbiſhop of Canterbury, who had withdrawn to his own houſe ever ſince the fatal accident of killing the park-keeper, and came no more to the council, thought it his duty to write the following letter to the king.

May it pleaſe your majeſty,

The archbiſhop's letter to the king againſt toleration of Popery. Wilſon.

‘I Have been too long ſilent, and I am afraid by my ſilence I have neglected the duty of the place it hath pleaſed God to call me unto, and your majeſty to place me in: But now I humbly crave leave I may diſcharge my conſcience towards God, and my duty to your majeſty; and therefore I beſeech you freely to give me leave to deliver myſelf, and then let your majeſty do with me what you pleaſe. Your majeſty hath propounded a toleration of religion; I beſeech you take it into your conſideration what your act is, what the conſequence may be. By your act you labour to ſet up the moſt damnable and heretical doctrine of the church of Rome, the whore of Babylon: How hateful it will be to God, and grievous to your good ſubjects, the profeſſors of the goſpel, that your majeſty who hath often diſputed, and learnedly written againſt thoſe hereſies, ſhould now ſhew yourſelf a patron of thoſe wicked doctrines, which your pen hath told the world, and your conſcience tells yourſelf, are ſuperſtitious, idolatrous, and deteſtable. And hereunto I add what you have done in ſending the prince into Spain without conſent of your council, the privity and approbation of your people: And altho' you have a charge and intereſt in the prince, as ſon of your fleſh; yet have the people a greater, as ſon of the kingdom, upon whom next after your majeſty are their eyes fixed, and welfare depends; and ſo tenderly is his going apprehended, as (believe it) however his return may be ſafe, yet the drawers of him into this action, ſo dangerous to himſelf, ſo deſperate to the kingdom, will not paſs away unqueſtioned, unpuniſhed. Beſides, this toleration which you endeavour to ſet up by your proclamation, cannot be done without a parliament, unleſs your majeſty will let your ſubjects ſee that you will take unto yourſelf ability to throw down the laws of your land at your pleaſure. What dread conſequence theſe things may draw afterwards, I beſeech your majeſty to conſider; and above all, leſt by this toleration and diſcountenancing of the true profeſſion of the goſpel, wherewith God hath bleſſed us, and this kingdom hath ſo long flouriſhed under it, your majeſty do not draw upon this kingdom in general, and yourſelf in particular, God's heavy wrath and indignation.

‘Thus in diſcharge of my duty towards God, to your majeſty, and the place of my calling, I have taken humble leave to deliver my conſcience. Now, Sir, do what you pleaſe with me.”

It may be ſeen by this letter, it was not without reaſon that the archbiſhop paſſed for a Puritan, at leaſt, according to the notions of the court, where all were conſidered as Puritans, who refuſed to aſcribe to the king an unlimited power. Wherefore, his counſels were not regarded.

The king ſigns the articles ſent from Spain. Wilſon.

The king did not long detain Cottington in England. As it was not now time to diſpute, and he was required to ſign the articles as brought by Cottington, without any alterations, he choſe to do it rather than hazard a breach of the marriage, when the prince, his ſon, was in the hands of the Spaniard. He ſigned them, therefore, and ſolemnly ſwore to them. As theſe articles were new drawn, explained and increaſed to 23, beſides four ſecret articles, the reader, perhaps, will be glad to view them here in their new form, and ſee withal how far the king carried his compliance.

Articles ſworn by the king. Wilſon. Annals.

I. That the marriage be made by diſpenſation of the pope, but that to be procured by the endeavour of the king of Spain.

II. That the marriage be once only celebrated in Spain, and ratified in England, in form following: In the morning, after the moſt gracious Infanta hath ended her devotions in the chapel, ſhe, and the moſt excellent prince Charles, ſhall meet in the king's chapel, or in ſome other room of the palace, where it ſhall ſeem moſt expedient; and there ſhall be read all the procurations, by vertue whereof the marriage was celebrated in Spain; and as well the moſt excellent prince, as the moſt excellent Infanta, ſhall ratify the ſaid marriage celebrated in Spain, with all ſolemnity neceſſary for ſuch an act; ſo as no ceremony, or other thing intervene, which ſhall be contrary to the Roman Catholick Apoſtolick religion.

III. That the moſt gracious Infanta ſhall take with her ſuch ſervants and family as are convenient for her ſervice; which family, and all perſons to her belonging, ſhall be choſen and nominated by the Catholick king; ſo as he nominate no ſervant which is vaſſal to the king of Great Britain, without his will and conſent.

IV. That as well the moſt gracious Infanta, as all her ſervants and family, ſhall have free uſe and publick exerciſe of the Roman Catholike religion, in manner and form as is beneath capitulated.

V. That ſhe ſhall have an oratory and decent chapel in her palace, where, at the pleaſure of the moſt gracious Infanta, maſſes may be celebrated; and in like manner, ſhe ſhall have in London, or whereſoever ſhe ſhall make her abode, a publick and capacious church near her palace, wherein all duties may be ſolemnly celebrated, and all other things neceſſary for the publick preaching of God's word, the celebration and adminiſtration of all the ſacraments of the Catholick Roman church, and for burial of the dead, and baptizing of children. That the ſaid oratory, chapel, and church, ſhall be adorned with ſuch decency, as ſhall ſeem convenient to the moſt gracious Infanta.

VI. That the men-ſervants and maid-ſervants of the moſt gracious Infanta, and their ſervants, children, and deſcendants, and all their families, of what ſort ſoever, ſerving her highneſs, may be freely and publickly Catholicks.

VII. That the moſt gracious Infanta, her ſervants and family, may live as Catholicks in form following: That the moſt gracious Infanta ſhall have in her palace, her oratory and chapel ſo ſpacious, that her ſaid ſervants and family may enter and ſtay therein; in which there ſhall be an ordinary and publick door for them, and another inward door, by which the Infanta may have a paſſage into the ſaid chapel, where ſhe and others, as aboveſaid, may be preſent at divine offices.

VIII. That the chapel, church, and oratory, may be beautified with decent ornaments of alters, and other things neceſſary for divine ſervice, which is to be celebrated in them, according to the cuſtom of the holy Roman church; and that it ſhould be lawful for the ſaid ſervants and others, to go to the ſaid chapel and church at all hours, as to them ſhall ſeem expedient.

IX. That the care and cuſtody of the ſaid chapel and church, ſhall be committed to ſuch as the lady Infanta ſhall appoint, to whom it ſhall be lawful to appoint keepers, that no body may enter into them to do any undecent thing.

X. That to the adminiſtration of the ſacraments, and to ſerve in chapel and church aforeſaid, there ſhall be 24 prieſts and aſſiſtants, who ſhall ſerve weekly or monthly, as to the Infanta ſhall ſeem fit; and the election of them ſhall belong to the lady Infanta, and the Catholick king, provided that they be none of the vaſſals of the king of Great Britain; and if they be, his will and conſent is to be firſt obtained.

XI. That there be one ſuperior miniſter or biſhop, with neceſſary authority upon all occaſions which ſhall happen belonging to religion; and for want of a biſhop, that his vicar may have his authority and juriſdiction.

XII. That this biſhop or ſuperior miniſter may correct and chaſtiſe all Roman Catholicks who ſhall offend, and ſhall exerciſe upon them all juriſdiction eccleſiaſtical: And moreover alſo, the lady Infanta ſhall have power to put them out of her ſervice, whenſoever it ſhall ſeem expedient to her.

XIII. That it may be lawful for the lady Infanta and her ſervants to procure from Rome diſpenſations, indulgences, jubilees, and all graces, as ſhall ſeem fit to their religion and conſciences, and to get and make uſe of any manner of Catholick books whatſoever.

XIV. That the ſervants and family of the lady Infanta, who ſhall come into England, ſhall take the oath of allegiance to the king of Great Britain: Provided, that there be no clauſe therein which ſhall be contrary to their conſciences, and the Roman Catholick religion; and if they happen to be vaſſals to the king of Great Britain, they ſhall take the ſame oath that the Spaniards do.

XV. That the laws which are or ſhall be in England againſt religion, ſhall not take hold of the ſaid ſervants; and only the foreſaid ſuperior eccleſiaſtical Catholick may proceed againſt eccleſiaſtical perſons, as hath been accuſtomed by Catholicks: And if any ſecular judge ſhall apprehend any eccleſiaſtical perſon for any offence, he ſhall forthwith cauſe him to be delivered to the aforeſaid ſuperior eccleſiaſtick, who ſhall proceed againſt him according to the canon law.

XVI. That the laws made againſt Catholiks in England, or in any other kingdom of the king of Great Britain, ſhall not extend to the children of this marriage; and tho' they be Catholicks, they ſhall not loſe the right of ſucceſſion to the kingdom and dominions of Great Britain.

XVII. That the nurſes which ſhall give ſuck to the children of the lady Infanta, whether they be of the kingdom of Great Britain, or of any other nation whatſoever) ſhall be choſen by the lady Infanta, as ſhe pleaſeth, and ſhall be accounted of her family, and enjoy the privileges thereof.

XVIII. That the biſhop, eccleſiaſtical and religious perſons of the family of the lady Infanta, ſhall wear the veſtments and habit of their dignity, profeſſion, and religion, after the cuſtom of Rome.

XIX. For ſecurity that the ſaid matrimony be not diſſolved for any cauſe whatſoever, the king and prince are equal to paſs the word and honour of a king; and moreover, that they will perform whatſoever ſhall be propounded by the Catholick king for farther confirmation, if it may be done decently and fitly.

XX. That the ſons and daughters which ſhall be born of this marriage, ſhall be brought up in the company of the moſt excellent Infanta, at the leaſt, until the age of 10 years, and ſhall freely enjoy the right of ſucceſſion to the kingdoms, as aforeſaid.

XXI. That whenſoever any place of either man-ſervant or maid-ſervant, which the lady Infanta ſhall bring with her, (nominated by the Catholick king, her brother) ſhall happen to be void, whether by death, or by other cauſe or accident, all the ſaid ſervants of her family are to be ſupplied by the Catholick king, as aforeſaid.

XXII. For ſecurity that whatſoever is capitulated may be fulfilled, the king of Great-Britain and prince Charles are to be bound by oath; and all the king's council ſhall confirm the ſaid treaty under their hands; moreover, the ſaid king and prince are to give their faiths in the word of a king, to endeavour, if poſſible, that whatſoever is capitulated may be eſtabliſhed by parliament.

XXIII. That conformable to this treaty, all theſe things propoſed, are to be allowed and approved of by the pope, that he may give an apoſtolical benediction, and a diſpenſation neceſſary to effect the marriage.

Difficulty concerning the pope's title.

The king ratified theſe articles in the uſual form, and ſwore to obſerve them, before the two Spaniſh ambaſſadors and 20 privy-counſellors, who alſo ſigned the treaty. When the king came to take the oath, he had ſome diſpute with the ambaſſadors. His majeſty would not give the pope the title of holy father, or his holineſs, ſaying, he had wrote againſt this title, and it was unreaſonable to make him retract; but the ambaſſadors inſiſting upon it, the king yielded at laſt, not thinking he ought, for ſuch a trifle, retard a treaty, which had now been ſeven years on foot.

After publick taking of this oath, he withdrew into his cloſet, where, in preſence of the ſame ambaſſadors, and ſome privy-counſellors, he ratified and ſwore to theſe four ſecret articles.

Private articles. Ruſhw.

I. That particular laws made againſt Roman Catholicks, under which other vaſſals of our realms are not comprehended, and to whoſe obſervation all generally are not obliged; as likewiſe general laws, under which all are equally compriſed, if ſo be they are ſuch which are repugnant to the Romiſh religion, ſhall not at any time hereafter, by any means or chance whatſoever, directly or indirectly, be commanded to be put in execution againſt the ſaid Roman Catholicks; and we will cauſe that our council ſhall take the ſame oath, as far as it partains to them, and belongs to the execution, which by the hands of them and their miniſters, is to be exerciſed.

II. That no other laws ſhall hereafter be made anew againſt the ſaid Roman Catholicks, but that there ſhall be a perpetual toleration of the Roman Catholick religion, within private houſes throughout all our realms and dominions, which we will have to be underſtood as well of our kingdoms of Scotland and Ireland, as in England; which ſhall be granted to them in manner and form, as is capitulated, decreed, and granted in the article of the treaty concerning the marriage.

III. That neither by us nor any other interpoſed perſon whatſoever, directly or indirectly, privately or publickly, will we treat (or attempt) any thing with the moſt renowned lady Infanta Donna Maria, which ſhall be repugnant to the Roman Catholick religion; neither will we by any means perſuade her, that ſhe ſhould ever renounce or relinquiſh the ſame in ſubſtance or form, or that ſhe ſhould do any thing repugnant or contrary to thoſe things which are contained in the treaty of matrimony.

IV. That we and the prince of Wales will interpoſe our authority, and will do as much as in us ſhall lie, that the parliament ſhall approve, confirm, and ratify all and ſingular articles in favour of the Roman Catholicks, capitulated between the moſt renowned kings by reaſon of this marriage; and that the ſaid parliament ſhall revoke and abrogate particular laws made againſt the ſaid Roman Catholicks, to whoſe obſervance alſo the reſt of our ſubjects and vaſſals are not obliged; as likewiſe the general laws under which all are equally comprehended, to wit, as to the Roman Catholicks, if they be ſuch as is aforeſaid, which are repugnant to the Roman Catholick religion: And that hereafter, we will not conſent that the ſaid parliament ſhould ever, at any time, enact or write any other new laws againſt the Roman Catholicks *.

Theſe are the four articles which ſerved for foundation to the pope's diſpenſation; for, as the Congregation de propaganda ſaid, "The other articles are only to ſecure the "Infanta's religion; but there muſt be ſome-"thing more for the Catholicks in general, "before the diſpenſation can be granted." Nalſon and others pretend, theſe four ſecret articles are fictitious, groundleſs, and even improbable. But, beſides that they follow very naturally from what was demanded by the Congregation de propaganda, and are manifeſtly alluded to in the archbiſhop's letter to the king, we ſhall ſee preſently a paper which leaves no room to doubt, that the king had engaged to perform the contents of the four articles.

It is pretended, all theſe articles, as well publick as private, ſigned by the king and privy-council, with the great ſeal annexed, being brought to Spain, the prince of Wales made the following additions. But I confeſs,

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* The author of the Annals ſay, theſe four articles muſt be taken entirely upon Ruſhworth's credit. Rapin.

I do not find ſo ſtrong proofs of theſe additions, as of the foregoing articles. This depends upon the degree of credit, which the reader is willing to give the firſt publiſhers.

Articles ſworn to by the prince of Wales. Wilſon. Annals.

“Moreover, I Charles, prince of Wales, engage myſelf, (and promiſe, that the moſt illuſtrious king of Great Britain, my moſt honoured lord and father, ſhall do the ſame both by word and writing) that all thoſe things which are contained in the foregoing articles, and concern as well the ſuſpenſion as the abrogation of all laws made againſt the Roman Catholicks, ſhall within three years infallibly take effect, and ſooner, if it be poſſible, which we will have to lie upon our conſcience and royal honour: That I will intercede with the moſt illuſtrious king of Great-Britain, my father, that the 10 years of the education of the children which ſhall be born of this marriage, with the moſt illuſtrious lady Infanta, their mother, accorded in the 23d Art. (which term the pope of Rome deſires to have prorogued to 12 years) may be lengthened to the ſaid term: And I promiſe freely and of my own accord, and ſwear, that if it ſo happen, that the entire power of diſpoſing of this matter be devolved to me, I will alſo grant and approve the ſaid term. Furthermore, I prince of Wales oblige myſelf, upon my faith to the Catholick king, that as often as the moſt illuſtrious lady Infanta ſhall require, that I ſhould give ear to divines or others, whom her highneſs ſhall be pleaſed to employ in matter of the Roman Catholick religion, I will hearken to them willingly without all difficulty, and laying aſide all excuſe. And for farther caution in point of the free exerciſe of the Catholick religion, and the ſuſpenſion of the law above-named, I Charles, prince of Wales, promiſe and take upon me in the word of a king, that the things above promiſed and treated concerning thoſe matters, ſhall take effect, and be put in execution, as well in the kingdoms of Scotland and Ireland, as of England.”

This is what occaſioned the prince's and Buckingham's journey to Spain, a journey not only needleſs, but even pernicious, as may eaſily be ſeen by all the additions made to the articles ſettled by the earl of Briſtol. The king was ſo glad he had finiſhed the affair of the marriage, that he defied all the devils in hell to break it *. As a grateful acknowleidgment for his favourite's great ſervices, he ſent him a patent creating him duke of Buckingham. There was no other duke at that time in England.

Buckingham is created a duke. Act Pub.

Freſh difficulty in Spain.

The king's compliance in every thing he had ſigned and ratified was ſo great, that the Spaniards could hardly believe it ſincere. Some who knew the Engliſh conſtitution maintained, it was not in the king's power to perform his promiſes, or in caſe he attempted it, a rebellion would infallibly follow. Wherefore the king of Spain appointed a committee to take this matter into conſideration. The reſult of the debate was, that it was not proper to ſend the Infanta to England before the next ſpring that in this interval the performance of the articles granted to the Catholicks, and their effects might be aſſured. Upon this the Spaniſh ambaſſadors in England had orders to deſire the king to begin to execute his engagements in favour of the Catholicks. This demand embarraſſed him. What he had promiſed was ſecret, and not to be performed till after the marriage, and he was preſſed to make it publick by the execution, whilſt the prince was ſtill in Spain. This was a ſort of threat that the marriage ſhould not be ſolemniſed, before he had given publick marks of his ſincerity. He knew, a proclamation for granting the Papiſts a toleration might be attended with ill conſequences; that theſe conſequences might break off the marriage, and the prince, his ſon, would be in danger of being detained in Spain. To free himſelf from this perplexity, he reſolved to give the ambaſſadors ſome ſatisfaction, by putting into their hands a declaration of his council, containing his intention concerning this affair. In all appearance, the ambaſſadors were prevailed with to conſent, that the performance of it ſhould be deferred, by reaſon of the accidents that might follow. The declaration was thus:

Salisbury, Aug. 7, 1623.

A DECLARATION touching the pardons, ſuſpenſions, and diſpenſations of the Roman Catholicks.

A declaration in behalf of the Roman Catholicks. DuCheſne. The earl of Briſtol's defence.

‘FOR the ſatisfaction of their excellencies, the marqueſs Ynojoſa and Don Carolus de Colonia, the lords ambaſſadors for the king of Spain; and to the end it may appear that his majeſty of Great-Britain will preſently and really put in execution the grace promiſed and intended to the Roman Catholicks, his majeſty's ſubjects, and of his own grace more than he is tied to by the articles of treay of marriage †.

‘We do declare in his majeſty's name, that his majeſty's will and pleaſure is, that a legal and authentical pardon ſhall be paſſed under the great-ſeal, wherein ſhall be freely pardoned all thoſe penalties, forfeitures and ſeiſures, indictments, convictments and incumbrances whatſoever, whereunto the Roman Catholicks are liable, or have been proceeded againſt, or might be, as well prieſts, as others, for matters of conſcience only, and to which the reſt of his majeſty's ſubjects are not liable. And to the end his majeſty may make himſelf clearly underſtood, where it ſhall happen that any of thoſe forfeitures and pecuniary mulcts have been given away under his majeſty's

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* One that heard king James ſay this, told the ſtanders-by, that there was never a devil now left in hell, for they were all gone to Spain to make up the match. Wilſon.

† The treaty of the 23 articles contained no grant at all in favour of the Catholicks in general. Conſequently this muſt relate to the ſecret articles of the ſame treaty. Rapin.

great-ſeal; his majeſty will not hide that it is not in his power ſo to make void thoſe letters patents, except they be voidable by law; and then his majeſty is well pleaſed that all Roman Catholicks may in thoſe caſes plead in law, if they find it good, and ſhall have equal and legal tryal. And his majeſty is likewiſe pleaſed, that his general pardon ſhall remain in being five years, to the end all that will may in that time take it out; and his majeſty will give order for the comfort of the poorer ſort, that the pardon ſhall not be coſtly, but ſuch like courſe ſhall be taken as was in a like occaſion at his majeſty's coming into England; and that it ſhall be lawful to put as many as can be poſſible into one pardon.

‘And we do farther declare, that his majeſty's will and pleaſure is to the end the Roman Catholicks, his majeſty's ſubjects, may have a preſent and a free fruition of as much as is intended them by the articles of treaty of marriage, to cauſe a preſent ſuſpenſion under his majeſty's ſeal of all thoſe penal laws, charges, and forfeitures, whereunto the Roman Catholick ſubjects of his majeſty have heretofore been ſubject, and to which the reſt of his majeſty's ſubjects have not been liable; and in the ſame grant, and under the ſame ſeal, to give a diſpenſation and toleration to all the Roman Catholicks, his majeſty's ſubjects, as well prieſts, as temporal perſons and others, of and from all the penalties, forfeitures, troubles, and incumbrances, which they have been or may be ſubject to, by reaſon of any ſtatute or law whatſoever, to the obſervation whereof the reſt of his majeſty's ſubjects are not bound. We do likewiſe declare, that his majeſty hath promiſed his royal word, that the execution ſhall be no ways burthenſome or penal to the Roman Catholicks, but that for the manner of privileging and freeing them from that, he muſt confer with biſhops and advocates, into which he will preſently enter and expediate by all means.

‘And we do farther declare; that his majeſty's intention, is, preſently to purſue his former directions (which had been before executed if their excellencies had ſo thought good) to put under his ſeal ſeverally the ſaid pardon, and ſuſpenſion, and diſpenſation; and that his majeſty's attorney, and learned council ſhall have referred to them the charge to pen them with all thoſe effectual words, clauſes, expreſſions, and reſervations, which may preſently give fruition to the Roman Catholicks, his majeſty's ſubjects, and make them inviolable in the fruition of all that is intended and promiſed by his majeſty in the articles of marriage, and his majeſty's farther grace.

‘And we do declare, that his majeſty's farther will and pleaſure is, for the better ſatiſfaction and diſcharge of the care and endeavour of their execellencies the ambaſſadors, that it ſhall be lawful to them to aſſign a diſcreet perſon to entertain ſuch ſufficient lawyers as ſhall be thought fit to take care to the ſtrength, validity, and ſecurity of the ſaid grants: And his majeſty's attorney ſhall have charge to receive and admit the ſaid lawyers to the ſight and judgment of the ſaid draughts, and in any doubts to give them ſatiſfaction, or to uſe ſuch legal, neceſſary and pertinent words and phraſes, as he the ſaid lawyer ſhall propound for the ſecurity of the Roman Catholicks, and ſure making of the ſaid grants.

‘And we do farther declare, that his majeſty's pleaſure is, to make a diſpatch into Ireland unto his deputy there, by the hands of the lord treaſurer and ſecretary of ſtate Sir Gorge Calvert, for the preſent confirming and ſealing the things concerning the Roman Catholicks, anſwerable to the articles of treaty, his royal promiſe and proceedings here: And for Scotland, that his majeſty according to the conſtitution of his affairs there, and regard to the publick good, and peace of that kingdom, and as ſoon as poſſible, will do all that ſhall be convenient for the accompliſhment of his promiſe in grace and favour of the Roman Catholicks, his ſubjects, conformable to the articles of treaty of marriage.’

Ruſhw.

This declaration, ſigned by ſecretary Conway and ſome privy-counſellors, who were moſt truſted by the king, was very probably ſent to Spain as a pledge of the king's intention to perform his engagements. There it was that the earl of Briſtol found means to have either the original itſelf, or a copy, which he produced before the parliament in *1626*, to ſhew what the duke of Buckingham had negotiated in Spain without his privity. It is manifeſt, firſt, that this delaration ſuppoſes the ſecret articles; ſecondly, that the earl of Briſtol would not have ventured to produce it before the parliament, had he not been able to prove it no forgery.

The death of Gregory XV, which renders the diſpenſation null. Wilſon.

Whilſt theſe things paſſed in England, news came to Madrid of pope Gregory XV's death, which was a freſh obſtacle to the concluſion of the marriage. When Cottington arrived from England with the ratification of the articles, the nuncio refuſed to deliver the diſpenſation, affirming, as the marriage was not yet celebrated, the dead pope's diſpenſation was of no force, and, therefore, it was neceſſary to ſtay till there was a new pope, who might grant a valid diſpenſation. By this accident the prince of Wales ſaw himſelf detained in Spain till the election of a new pope. The *29*th of Auguſt, however, was appointed for the celebration of the marriage, in a ſuppoſition, that before that time there would be a pope and a new diſpenſation.

In the interim, the reſtitution of the Palatinate was not talked of, or if mentioned, it was only by way of converſation, without any poſitive demand on the king of Spain, or his miniſters. I have already ſhewn the reaſon. As to the temporal articles, they were in the ſame ſtate as when the prince came to Madrid, and nothing ſigned on either ſide; ſo that if the diſpenſation arrived before the 29th of Auguſt, the marriage muſt have been either deferred, or ſolemnized before theſe articles were ſettled.

A project to perſuade the prince to turn Papiſt. Ruſhw.

But the court of Spain was intent upon a project of greater conſequence, viz. to endeavour to perſuade the prince of Wales to turn Catholick; and it is not very ſtrange, they ſhould hope to ſucceed, after what paſſed. Beſides, if we may believe the earl of Briſtol in the impeachment he brought before the parliament againſt Buckingham, that duke gave the Spaniards too much reaſon to expect this pretended converſion. And to this alone is to be aſcribed the delay of the diſpenſation. Urban VIII, who was choſen the 6th of Auguſt, would not have failed to ſend it, had he not waited for this happy event, which he ſtrove to advance by his letters to the prince and duke of Buckingham. This occaſioned, at laſt, the breach of the marriage, after having been ſo long deferred.

Probable cauſes of the breach of the mariage.

Ruſhw. Clarend.

Annals.

DuCheſne.

I have very carefully ſearched after the real cauſe of this breach, but could never meet with any thing ſatisfactory. All agree, it was the duke of Buckingham that firſt inſpired the prince, and afterwards the king with the thought, but it is difficult to gueſs his motive, and what cauſed him to break his firſt meaſures, and purſue a contrary courſe, ſo obſcurely is this point explained by the hiſtorians. Some ſay, the duke rendered himſelf contemptible and odious to the court of Spain, by effecting to follow the French faſhions in almoſt every thing oppoſite to the Spaniſh; that for this reaſon, foreſeeing the Infanta and the Spaniards would have great power at the court of England, he thought they might in the end do him ſome ill turn, and therefore reſolved to break off the match. Others ſay, Olivarez, favourite of Philip IV, reminding the duke of his promiſe that the prince ſhould turn Catholick, the duke gave him the lye to his face, and from that time ſought means to retire from the Spaniſh court, for fear of the Conde's revenge. Some ſay, the queen of Bohemia, perceiving there was no likelihood of recovering the Palatinate by this marriage, and having much more reaſon to expect great advantages from a rupture between England and Spain, ſent a truſty meſſenger to the duke, with certain offers, in caſe he would procure a breach. This is not improbable, and the Hollanders, to whom the union between Spain and England muſt have been prejudicial, might well be concerned in the project. In fine, the duke of Buckingham's greateſt favourers pretend, the duke having ſounded the king of Spain's intentions concerning the reſtitution of the Palatinate, found there was nothing to be expected, and therefore reſolved to break off a marriage, which was intended for no other purpoſe. It is certain, at leaſt, the king, prince, and duke made uſe of this pretence to juſtify the breach.

The prince reſolves to depart from Spain.

However this be, the duke of Buckingham having taken this reſolution, ſoon prevailed with the prince to agree to it, over whom he had now a very great aſcendant. There were two difficulties to be ſurmounted in the execution of this deſign. The firſt was to obtain the king's conſent. The ſecond, to get the prince out of Spain. The duke muſt have been fully perſuaded of his power over the king, to hope to incline him at once to deſiſt from a deſign, he had ſo conſtantly purſued for ſeven years, at the very time all was concluded, and nothing wanting but the nuptial ceremonies. He deſpaired not, however, of ſucceeding, and, therefore, ſent him word, he had, at laſt, diſcovered the king of Spain's inſincerity; that not only, he had no inclination to cauſe the Palatinate to be reſtored, but alſo was far from having the leaſt thought of accompliſhing the marriage, and the prince was in danger of being detained in Spain all his life. To ſupport what the duke ſaid, the prince himſelf wrote to the king, his father, telling him, "He now muſt look upon his "ſiſter and her children, never thinking more "of him, and forgetting he ever had ſuch a "ſon." The king fell, or rather, threw himſelf into this ſnare, without the leaſt reflection, and, immediately wrote to Buckingham, to bring away the prince by all means. At the ſame time, he ſent ſome ſhips to St. Andero, in Biſcay, to take them on board.

Means uſed by the prince to leave Madrid, without cauſing any ſuſpicion in the court. Ruſhw.

The firſt difficulty being overcome, means were to be deviſed to quit Spain, and not give the court any ſuſpicion, which could not be done without wounding the prince's honour and conſcience. Happily for them, Urban VIII. had not yet ſent the diſpenſation, nor even fixed any time for it. So Buckingham notified to his Catholick majeſty the order he had received to bring back the prince to England, his return being abſolutely neceſſary to remove the nation's jealouſy of his ſo-long ſtay in Spain; adding, his departure would cauſe no conſiderable alteration, ſince he would leave a proxy in the hands of any perſon, his majeſty ſhould pleaſe to appoint, to eſpouſe the Infanta in his name, as ſoon as the diſpenſation ſhould come. The king of Spain was a little ſurpriſed at the prince's deſign. However, as he did not deſire the Infanta, his ſiſter, ſhould go before ſpring, he imagined, that after the eſpouſals, it would be more eaſy to detain her, than if the prince of Wales was actually in Spain, and, therefore, he very readily conſented to the prince's departure *.

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* It has by ſome been wondered at, that the king of Spain ſhould be ſo willing to let the prince go, when it was in his power to have kept him as long as he pleaſed, and make what advantage of it he had a mind to. But this point is cleared by the remark with which Spanhemius ſums up what relates to the Spaniſh affair, "That never "prince was more obliged to a ſiſter, than king Charles the firſt was to the queen of Bohemia; ſince it was only the "conſideration of her and her children, who were then the next heirs after him to the crown of England, that pre-"vailed with the court of Spain to permit him to ſee England again. Welwood.

He leaves a proxy to celebrate the marriage. Wilſon. Annals.

The only point, therefore, was to be aſſured of the celebration of the marriage, and the king himſelf deſired to be the prince's proxy, jointly with prince Edward of Portugal. The proxy was drawn by the king's ſecretary, and the prince of Wales ſigning it in the preſence of ſeveral witneſſes, left it in the hands of the earl of Briſtol, with orders to deliver it to the king of Spain, 10 days after the diſpenſation ſhould be received. This done, the duke of Buckingham departed firſt, under pretence of preparing for the prince's reception on board the Engliſh fleet, at St. Andero. The court ſaw him depart without any concern, or rather with a ſatisfaction equal to his impatience to be in a place of ſecurity. After his departure all imaginable honours were paid to the prince. The king himſelf conducted him to the Eſcurial, where he received and feaſted him as a prince that was to be very ſoon his brother-in-law. I ſhall not give a particular account of all the civilities that were ſhewn to him, it will ſuffice to ſay, that on the very day of his departure, he ſolemnly ſwore again to the articles of the marriage, and then left the proxy with the earl of Briſtol, of which one of the ſecretaries of ſtate made an authentick act, which was ſigned by ſeveral witneſſes.

The prince departs.

The prince went a way, loaded with honours, careſſes, preſents, and attended by ſeveral lords of the court, who waited upon him to the fleet. He was no ſooner come there, but he diſpatched to the earl of Briſtol, Mr. Edward Clarke, one of Buckingham's creatures, with poſitive orders not to deliver the proxy till ſecurity was given him that the Infanta, after the eſpouſals, would not betake herſelf to a cloiſter, and to ſend him word before the delivery of the proxy what ſecurity was offered, that he might be judge himſelf, whether it was proper to accept it. This was the firſt artifice uſed by the prince to gain time, in the fear that the diſpenſation would come and the marriage be ſolemniſed before the king, his father, was determined to break it. The earl of Briſtol not yet perceiving the intent of the order he had received, was afraid if he ſhould ſtay till the laſt, it might be an obſtacle to the conſummation of the marriage. He thought proper, therefore, to take care before the diſpenſation ſhould arrive, to know what ſecurity the court of Spain would give concerning the prince's ſcruple. He received as ſatisfactory an anſwer as he could wiſh, which he conveyed to the king and prince by a letter.

He arrives in England. Wilſon.

The prince and duke arrived on the 5th of October at Portſmouth, and from thence poſted to Royſton, where the king was. It ſeems they durſt not immediately diſcover their deſign to the king about the breach of the marriage, but thought fit to take ſome precautions, to render it leſs ſtrange to him. What makes me think this, is, that the earl of Briſtol's letter coming ſoon after, the king wrote to him the 8th of October, that he was ſatisfied with the ſecurity offered by the court of Spain. The prince, who, probably, had not yet prepared all his batteries, concealing his deſign, wrote likewiſe to the earl of Briſtol the following letter, which no doubt was to be ſeen by the king, his father.

Ruſhw.

"Your letter to the king and me, concerning that doubt I made after I came from St. Laurence, hath ſo ſatisfied us both, that we think it fit no longer to ſtick upon it, but leave it to your diſcretion to take what ſecurity you ſhall think fitting."

The prince, however, was in danger of the diſpenſation's arriving at Madrid, before the earl of Briſtol ſhould have received a poſitive order not to deliver the proxy, ſince in that caſe, he would have been forced to execute what was enjoined him by the prince himſelf when he left the Eſcurial; but this riſque was to be run, there being no avoiding it, before the king was determined to a breach. It is true, himſelf and the duke had now begun to fill the king with doubts concerning the reſtitution of the Palatinate; wherefore the king in his letter of the 8th of October, wrote to the earl of Briſtol, that he hoped to receive before Chriſtmaſs the agreeable news both of his ſon's marriage, and ſon-in-law's reſtoration. Tho' this was not an expreſs order to demand the Palatinate before the eſpouſals, the earl of Briſtol thought proper, however, to take ſome care of an affair, ſo much neglected during the prince's ſtay in Spain, and even ſince the marriage-articles were ſettled. He mentioned it, therefore, to Olivarez, and made him engage, the proxy ſhould not be demanded, till a written promiſe was put into his hands that the Palatinate ſhould be reſtored. Of this he informed the king in a letter of the 23d of November, wherein he told him, he hoped by Chriſtmaſs, he ſhould congratulate the prince, his ſon, and the princeſs, his daughter, the one upon his marriage, the other upon the end of her ſufferings.

The artifice of the prince of Wales. Wilſon.

It muſt be obſerved, the prince of Wales, before he left Spain, had uſed an artifice to gain time, knowing he could not break off the marriage without the king's conſent. He had cauſed it to be inſerted in the proxy, that it ſhould remain in force only till Chriſtmaſs. He hoped the diſpenſation would not arrrive before that time, or if it came but a few days before, the proxy would be uſeleſs. And, indeed, as the earl of Briſtol was not to deliver it till 10 days after the arrival of the diſpenſation at Madrid, if the 10 days was after Chriſtmaſs-day, the proxy would be of no force, by vertue of the inſerted clauſe. But this precaution was not ſufficient, becauſe the diſpenſation might happen to be at Madrid above 10 days before Chriſtmaſs. This obliged the prince and duke, at length, to diſcover their minds to the king. Whether James yielded to their reaſons, or, out of an exceſſive condeſcenſion for his ſon and favourite, would not grieve them by a denial, he wrote to the earl of Briſtol the 13th of November, expreſly ordering him not to deliver the proxy till after Chriſtmaſs; that is, when it was no longer valid. Moreover, he enjoined him not to diſcover this order to the

1623. court of Spain till the very laſt. This letter was ſent to the earl by three ſeveral meſſengers, two by land, and one by ſea, for fear of accidents. It came in a critical time, for the diſpenſation arrived at Madrid the beginning of December, new ſtile, and the king's letter the 13th of November, old ſtile. Upon the receit of the diſpenſation, Philip immediately ordered all the neceſſary preparations for the eſpouſals to be made. But when the ten days were expired, and the marriage was expected to be ſolemniſed, the earl of Briſtol notified to him the king his maſter's orders, not to deliver the proxy till after Chriſtmaſs. He eaſily perceived the king of England's intention, ſince the proxy would then be invalid. That very day he ſent to the earl of Briſtol to demand no more audience, and gave command that the Infanta ſhould be no longer called the princeſs of Wales, as ſhe had been ever ſince the arrival of the diſpenſation, and cauſed all preparations for the marriage to ceaſe. In the interim, to caſt all the blame on the king of England, he ſent the earl of Briſtol on the 8th of January, 1624, a written promiſe, ſigned with his own hand, whereby he engaged to cauſe the Palatinate to be reſtored to the elector Palatine. This the earl of Briſtol, in the following reign, affirmed before the parliament in his defence.

Wilſon. There is ſcarce an Engliſh hiſtorian but what aſſures, the want of this reſtitution was the cauſe of the breach of the marriage, and that the earl of Briſtol having demanded it of his Catholick majeſty, as a condition without which the marriage could not be accompliſhed, Philip coldly anſwered, "The Palatinate was "none of his to give, and the emperor might "be applied to." But this is directly contrary to the earl of Briſtol's own account, who, doubtleſs, knew more of this affair than any other. The earl of Clarendon took care not to ſpeak like the reſt. He contents himſelf with aſcribing the breach to ſome ſecret deſign of Buckingham.

Thus ended the affair of the Spaniſh marriage, which had wholly employed king James for ſeven years. During all that time, he moſt earneſtly ſollicited the concluſion of it, and, to ſucceed, ſcrupled not to ſacrifice the intereſts of his ſon-in-law, his own reputation, the religion he profeſſed, the good of his people, and the laws of his realm. But when, at laſt, it was juſt going to be concluded, he ſuddenly broke it off, for reaſons which were never yet clearly known. It can only be aſcribed to his weakneſs for his favourite. The earl of Clarendon ſays poſitively, the king was compelled to it by the earl of Buckingham, "who, in breaking the marriage, reſumed the "ſame impetuoſity, he had indulged to him"ſelf in debate of the journey into Spain." He adds, "the king plainly found the prince "and duke were reſolved upon a breach, with "or without his approbation, and that he "never forgave the duke what he had done, "but retained as ſharp a memory of it as his "nature could contain." It is to be preſumed, the earl of Clarendon was well acquainted with this affair, and the more, as he is not the only writer that intimates, the king had neither the power nor the courage to withſtand the prince and duke, who were ſtrictly united, ſince their journey to Spain. 1623.

1624. Annals. Clarendon. In the interim, for fear the earl of Briſtol ſhould by ſome means renew a treaty broken with ſo little reaſon, they cauſed him to be recalled. The king conſented the more readily to his return, as he ſaw no perſon in his court able to give him good counſels, to free himſelf from the ſlavery he was under, but the earl of Briſtol, who never yielded to Buckingham's haughtineſs. This had drawn upon him the favourite's enmity to ſuch a degree, that ever after he was continually expoſed to his perſecutions, and the prince's indignation, who following Buckingham's ſuggeſtions, forgot nothing to ruin him, even when he had mounted the throne, tho' without being able to ſucceed.

Clarendon. Since the return of the prince and duke, the king no longer ruled, all his affairs were managed by them, and he only executed their counſels. The king ſaw about him none he could truſt. All his officers, all his courtiers, were the duke's creatures, and the more attached to him, as they ſaw him ſtrictly united with the prince. In this ſituation, the king ſaw no other remedy, than to ſurrender himſelf entirely to them, and do whatever they pleaſed, whether he feared an increaſe of their boldneſs by reſiſtance, or waited for ſome favourable opportunity to throw off their yoke. Not only the breach of the marriage had been reſolved between them, but alſo a war with Spain, and the king durſt not contradict them, notwithſtanding his averſion to arms. Their firſt project, was to demand for this war a benevolence of every ſubject; nay, they made the king ſign an order to levy it. Baker ſays, in his Chronicle, he himſelf paid 50 l. on this occaſion; but on a ſudden, the king, by advice of the prince and Buckingham, gave over this project, and reſolved to call a parliament. That was indeed the moſt proper way to juſtfy the breach of the treaty with Spain, and to procure money, which he wanted extremely.

There was not one good Engliſhman but what had ever conſidered the Spaniſh match as very prejudicial to the kingdom. It was known in general, that the king, in favour of this marriage, had made large conceſſions with reſpect to religion, tho' the particulars, and eſpecially the ſecret articles, were known to very few. But the king's condeſcenſion to the Roman Catholicks, was a plain indication, the court of Spain had greatly prevailed with him. The duke of Buckingham not being ignorant of the people's averſion to the marriage, the breach whereof was not yet well known, doubted not to gain their affection, by cauſing a parliament to be called, and declaring himſelf the author of this happy breach, ſo paſſionately deſired by all true Engliſhmen. To compaſs his ends, he rendered himſelf popular, and affected to careſs both the Church and State-Puritans; nay, he conſulted with Dr. John Preſton, head of the

1624.

Puritan party, how the king might ſeiſe the dean and chapter lands. Nothing could be more proper to procure him the love of the people, moſt of the clergy having rendered themſelves odious, by their zeal in maintaining the prerogative royal; ſo, the juncture being very favourable, the duke cauſed the king to call a parliament, notwithſtanding his reſolution never to ſummon another; nay, ſuch was his power over the king, that he made him ſpeak to the parliament in a manner the moſt repugnant to his opinions and principles.

Project of a match between the prince and Henrietta Maria of France. Annals.

In the interim, the prince and duke had contrived another project, viz. the prince's marriage with Henrietta Maria, the king of France's ſiſter, to which his majeſty readily conſented. He was ſo proud of his grandeur, that he could not think of marrying his ſon to any but a princeſs of royal extraction, and the third daughter of Henry IV. was the only princeſs then in Europe of that character. It is very probable, the perſon ſent by the queen of Bohemia to Buckingham in Spain, made him the firſt overture of this match, and that the duke thereupon reſolved to break the marriage, the prince was going to conſummate with the Infanta. However this be, the king approving the project, Henry Rich, baron of Kenſington, was, on ſome pretence, ſent to France, in order to ſound the court concerning this marriage; and before his departure, he was created earl of Holland. I ſhall ſpeak preſently of the ſucceſs of this negotiation; but muſt firſt ſee what paſſed in the parliament which met the 19th of February. The king made a ſpeech to both houſes ſo different from thoſe to the two former parliaments, that ſuch oppoſite expreſſions could hardly be thought to come from the mouth of the ſame prince, if it was not known how great an aſcendant Buckingham had over him, and how neceſſary it was to the favourite's deſigns, that the king ſhould talk in this manner. As the ſpeech is not ſo long as the others, the reader, perhaps, will be glad to ſee it.

My lords and Gentlemen,

The king's ſpeech to the parliament. Annals of James I.

‘I Have aſſembled you at this time, to impart to you a ſecret, and matter of as great importance, as can be to my ſtate, and the ſtate of my children; wherein I crave your beſt and ſafeſt advice and counſel, according as the writ whereby you are aſſembled, imports, “That the king would adviſe with you in matters concerning his eſtate and dignity.” And as I have ever endeavoured, by this and the like ways, to procure and cheriſh the love of my people towards me, ſo I do hope, and my hope is exceeded by faith; for I fully now believe, that never any king was more beloved of his people; whom as you, my lords and gentlemen, do here repreſent, ſo would I have you truly to repreſent all their loves to me; that in you, as in a true mirror or glaſs, I may perfectly behold it, and not as in a falſe glaſs that repreſents it not at all, or otherwiſe than it is indeed. Give me your free and faithful counſels in the matter I propoſe, of which you have often heard, the match of my ſon; wherein, as you may know, I have ſpent much time with great coſt in long treaties, deſiring always therein (and not without reaſon hoping to have effected my deſires) the advancement of my ſtate and children, and the general peace of Chriſtendom, wherein I have always conſtantly laboured, depending upon fair hopes and promiſes. At the earneſt inſtance of my ſon, I was contented (altho' it was of an extraordinary nature) to ſend him to proſecute his deſires in Spain; and for his more ſafety, ſent Buckingham (in whom I ever repoſed moſt truſt of my perſon) with him, with this command, “continually to be preſent with him, and never to leave him, till he had returned again ſafely unto me.” Which he performed, tho' not with that effect in the buſineſs that I expected, yet not altogether without profit; for it taught me this point of wiſdom, Qui verſatur in generalibus, is eaſily deceived, and that generality brings nothing to good iſſue; but that before any matter can be fully finiſhed, it muſt be brought to particulars; for, when, as I thought, the affair had been, before their going, produced to a narrow point, relying upon their general propoſitions, I found, when they came there, the matter proved to be ſo raw, as if it had never been treated off; the generals giving them eaſy way to invade, and affording them means to avoid the effecting of any thing *.

‘The particulars that paſſed in the treaty, I mean not now to diſcover to you, the time being too ſhort; I refer you to Charles and Buckingham, and the ſecretaries reports, who ſhall relate unto you all the particulars. And after that, Super totam materiam, I deſire your beſt aſſiſtance to adviſe me what is beſt and fitteſt for me to do, for the good of the common-wealth, and the advancement of religion, and the good of my ſon, and my grandchildren of the Palatinate. And of our eſtate, I know you cannot be but ſenſible, conſidering that your welfare conſiſts in ours, and you ſhall be ſure to have your ſhare in what miſery ſhall befal us; and, therefore, I need to urge no other argument to you in this behalf, in offering me your wiſeſt and ſureſt counſel and furtherance. And I aſſure you in the faith of a Chriſtian king, that it is res integra, preſented unto you, and that I ſtand not bound, nor either way engaged, but remain free to follow what ſhall be beſt adviſed.

‘To plant is not ſufficient, unleſs like good gardeners, you pluck up the weeds that will choak your labours: And the greateſt weeds among you are jealouſies, root them out. For my actions, I dare avow them before God; but jealouſies are of a ſtrange depth. I am the huſband, and you the wife, and it is ſubject to the wife to be jealous of her

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* All this can relate only to the Palatinate, for the treaty of marriage was really concluded before the prince's voyage to Spain. Rapin.

‘ husband: Let this be far from you. I can truly ſay, and will avouch it before the ſeat of God and angels, that never king governed with a purer, ſincerer, and more uncorrupt heart, than I have done, far from all will and meaning of the leaſt error or imperfection of my reign.

‘ It hath been talked of my remiſſneſs in maintenance of religion, and ſuſpicion of a toleration; but as God ſhall judge me, I never thought nor meant, nor ever in word expreſſed any thing that ſavoured of it *. It is true, that at times, for reaſons beſt known to myſelf, I did not ſo fully put thoſe laws in execution, but did wink and connive at ſome things, which might have hindered more weighty affairs; but I never in all my treaties ever agreed to any thing to the overthrow and diſagreeing of thoſe laws, but had in all a chief preſervation of that truth which I have ever profeſſed: And as in that reſpect I have a charitable conceit of you, I would have you have the like of me alſo, in which I did not tranſgreſs: For it is a good horſeman's part, not always to uſe his ſpurs, and keep ſtrait the reins, but ſometime to uſe the ſpurs, and ſuffer the reins more remiſs; ſo it is the part of a wiſe king, and my age and experience in government hath informed me, ſometime to quicken the laws with ſtreight executions, and at other times, upon juſt occaſions, to be more remiſs. And I would alſo remove from your thoughts all jealouſies, that I might or ever did queſtion or infringe any of your lawful liberties or privileges; but I proteſt before God, I ever intended you ſhould enjoy the fulneſs of all thoſe that former times give good warrant and teſtimony of, which, if need be, I will enlarge and amplify.

‘ Therefore I would have you, as I have in this place heretofore told you, as St. Paul did Timothy, avoid genealogies and curious queſtions, and nice querks and jerks of law, and idle innovations; and if you miniſter me no juſt occaſion, I never yet was, nor ever ſhall be curious or captious to quarrel with you; but I deſire you to avoid all doubts and hindrances, and to compoſe yourſelves ſpeedily and quietly to this weighty affair I have propoſed; for that I have found already, delays have proved dangerous, and have bred diſtraction of this buſineſs; and I would not have you by other occaſions to neglect or protract it. God is my judge, I ſpeak it as a Chriſtian king, never any wayfaring man, that was in the deſerts of Arabia, and in danger of death for want of water to quench his thirſt, more deſired water, than I thirſt and deſire the good and comfortable ſucceſs of this parliament, and bleſſing of your councils, that the good iſſue of this may expiate and acquit the fruitleſs iſſue of the former. And I pray God, your counſels may advance religion, and the publick weal, and the good of me and my children.’

His ſpeech is cenſured. Coke.

This ſpeech like the reſt made by the king to his parliament, was liable to many cenſures which reflected on his ſincerity. It could not be conceived that he really believed he was more beloved by his people than any of his predeceſſors, ſince no king hath ſo frequently quarrelled with his parliament, which ſurely is no proper way to gain the people's affection. Thoſe who were acquainted with the ſtate of affairs, thought it very ſtrange, the king ſhould tell the parliament, that at the prince's arrival in Spain, the affair was ſo raw as if it had been never treated of, ſince he had already ſigned the marriage-articles, and as to the Palatinate, would not have it mentioned before the marriage was accompliſhed. The ſame perſons could not forbear wondering, he ſhould take God to witneſs, he never ſo much as thought or intended to grant a toleration to the Papiſts, ſince it was one of the ſecret articles of the marriage, and ſince without being informed of ſuch an article, it was eaſy to perceive, Philip gave his ſiſter to the prince of Wales, ſolely with that view. In fine, ſome malicious perſons obſerved, that when the king ſaid, he never intended to invade the people's liberties, the ſimile might very juſtly be applied to him, which himſelf had uſed on another occaſion, of the perſon who took a man's purſe, aſſuring him he had no deſign to rob him.

Buckingham explains the pretended reaſons of the breach of the marriage. Act. Pub. Annals.

A few days after the king had delivered his ſpeech, the two houſes reſolving upon a conference, to examine the affair recommended by the king, the prince and Buckingham came and informed them of all particulars. After the prince had ſaid a few words, the duke of Buckingham began and made a long ſpeech, which he divided into ſix heads, under colour of more clearly explaining the affair, but in reality to confound it, and conceal the mutual coherence of the particulars he was to relate. Under the firſt head, he ſet forth the motives of the prince's journey to Spain. In the ſecond, he ſpoke of the treaty of the marriage apart by itſelf. In the third, he joined together the two affairs of the marriage and the Palatinate. In the fourth, he declared the reaſons of the prince's return. In the fifth, he informed the parliament of his majeſty's ſubſequent proceedings in the affairs of the marriage and Palatinate ſince the prince's return. In the ſixth and laſt, he ſtated the queſtion, wherein both houſes were to offer to his majeſty their advice and council. Whilſt he was ſpeaking, he turned, at the end of every point, to the prince, asking him whether what he was ſaying was not true, to which the prince did not fail to anſwer, “Yes, it is true,” or to the like effect. The intent of this whole ſpeech was to ſhew, the king had been unadviſedly engaged in the treaty of the

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* The archbiſhop's letter to the king, and the council's declaration to the Spaniſh ambaſſadors, not to mention the marriage articles, publick and private, evidently ſhew the contrary. But the king had this hole to creep out at here, that he conſidered what he had done, and what he intended to do for the Catholicks, only as a ſuſpenſion of the penalties, and not as a real toleration. Rapin.

marriage, by the falſe hopes given him by the earl of Briſtol; that the court of Spain never intended this marriage, much leſs the reſtitution of the Palatinate, tho' the earl of Briſtol aſſured the contrary; that the prince had been ill uſed in Spain, and much preſſed to turn Catholick; in a word, he intimated that the earl of Briſtol was only to blame, who had abuſed his majeſty's confidence. Nothing is more eaſy than to accuſe an abſent perſon. It is only concealing what makes for him, giving an ill turn to his moſt innocent actions, aggravating the faults he may have committed, and loading him with crimes he is not guilty of. This is preciſely what the duke of Buckingham did in reſpect of the earl of Briſtol, with the prince's approbation and aid *. This is ſo true, that two years after, the prince being in the throne, and having himſelf accuſed the earl of high treaſon, the earl in his defence to the parliament, gave a quite different narrative of the Spaniſh negotiation from that of the duke of Buckingham. He proved what he ſaid by unexceptionable papers, and defied the duke to anſwer them. He not only affirmed, that the duke's whole narration was falſe, but alſo impeached him in form, and gave in his impeachment to the houſe of lords, which remained unanſwered. This is ſufficient to ſhew the falſeneſs of the duke of Buckingham's narrative. So, I think it needleſs to enlarge any more upon this ſubject.

The parliament applaud the duke. Wilſon. Annals.

The duke of Buckingham's ſpeech was received however with applauſe, for ſeveral reaſons. Firſt, he had made a party in the two houſes. Secondly, he had prevented the conſummation of the marriage in Spain, which was very grateful to the nation and parliament. In the third place, he had brought home the prince, contrary to all expectation, and ſo removed the juſt fears of the Engliſh. Finally, the duke of Buckingham's narrative being atteſted by the prince himſelf, it could not be thought falſe. As the publick was not informed of the ſecret circumſtances of the negotiation, it is no wonder the parliament ſhould believe what they were told by the king, prince and duke; but afterwards, when all was diſcovered, people were of another ſentiment.

The Spaniſh ambaſſador complains of the duke. Annals.

The Spaniſh ambaſſador being informed of what paſſed at the conference between the two houſes, demanded an audience of the king, and boldly complained, that the duke had reflected on the king of Spain's honour; adding, if a ſubject of his maſter had ſpoken thus of the king of England, it would coſt him his head. Probably, the ambaſſador hath been miſ-informed, ſince the duke had not uſed any offenſive expreſſions againſt the king of Spain. He had only inſinuated, that Philip's intention was always to amuſe the king and prince. As the duke of Buckingham was now the parliament's favourite, as well as the king's and prince's, both houſes openly took his part, and preſented an addreſs to his majeſty, declaring, the duke had ſaid nothing which could give offence to the king of Spain, and thanked the duke for his faithful relation atteſted by the prince. The king was ſo pleaſed with this addreſs, that he went and thanked the two houſes in a ſpeech, where he forgot not to proclaim the praiſes of his favourite. He ſaid, he could not doubt the truth of his narrative, becauſe he made the ſame to himſelf at his return from Spain. But the king muſt have been wilfully blind not to ſee the falſeneſs of the duke's relation, or been ſtrangely kept under by the favourite, if he was made to atteſt before the parliament what he knew to be falſe.

The parliament adviſes the king to break the Spaniſh match. Wilſon. Annals.

The parliament was extremely pleaſed to ſee the king diſpoſed to break the Spaniſh match, not knowing, or feigning not to know, it was really broken, by the affront put upon the king of Spain. But the king having affirmed, it was yet res integra, the two houſes could not ſay otherwiſe. So forgetting all former occaſions of diſcontent, and applying themſelves wholly to the affair propoſed by the king, they jointly preſented an addreſs to his majeſty, to adviſe him to diſcontinue the treaty, begun with Spain, as well for the reſtitution of the Palatinate as for the marriage. They grounded their advice upon four principal reaſons; the firſt was, that in the beginning of the treaty, the Spaniards inſiſted only upon liberty of conſcience to the Infanta and her family, with the free exerciſe of their religion; but that afterwards, taking advantage of the prince's being in their power, they importuned a general toleration, contrary to the uſage of other Catholick princes in the like treaties. That beſides, the Popiſh faction had increaſed to ſuch a degree, during the negotiation, that there was no way to ſuppreſs them as long as the treaty continued.

The ſecond reaſon was, that, during the treaty, the Proteſtant party in Germany was oppreſſed, and the Palatinate invaded; that the Spaniards had deluded the king, and offered indignity to the prince, by importuning him to change his religion, contrary to the law of hoſpitality and the privilege of princes.

The third was grounded upon the inſincerity of the Spaniards, as well in the former overture of marriage for the late prince Henry as in this; upon the ſcornful propoſition made to the king, of the prince's turning Catholick; and upon the deceit uſed in the treaty of Bruſſels, the ſole end whereof was to cauſe Heidelberg to be taken.

Laſtly, the parliament added as a fourth reaſon, the tranſlation of the electorate to the duke of Bavaria; the king of Spain's letter to Conde Olivarez, with the Conde's anſwer, which plainly imported, that the Spaniards never intended to accompliſh the marriage; the ſhift deviſed by a junto of divines, to ſend home the prince without the lady.

The king conſents to the breach, and demands money. Annals.

All theſe reaſons were ſo many indirect reproaches to the king for ſuffering himſelf to be ſo long amuſed; but his majeſty, feigning not to perceive it, came to the parliament, and made a ſpeech to ſhew he could not break off the treaties, without knowing how to maintain the war which would unavoidably follow, ſince the Palatinate was to be recovered by arms. He declared therefore, if they thought proper to engage in a war with Spain, he would readily conſent, the ſupply to be granted ſhould be managed by commiſſioners appointed by the parliament. Moreover, he promiſed the two houſes, he would not make a peace without their advice. He concluded with ſaying; “I am ſo deſirous to forget all “rents in former parliaments, that it ſhall not “be my default, if I am not in love with parliaments, and call them often, and deſire to “end my life in that entercourſe between me “and my people, for the making of good “laws, reforming of ſuch abuſes as I cannot “be well informed of but in parliament, and “maintaining the good government of the “common-wealth.”

How different is this ſpeech from thoſe the king made to former parliaments! But the king's thoughts are not ſo viſible in theſe expreſſions as the duke of Buckingham's policy, who, after breaking the prince's marriage, had a mind to puſh his point, and proclaim war with Spain. To ſucceed, a parliament muſt be called, and to gain their affection, the king muſt talk after this manner.

The commons offer the king money. Wilſon.

Some days after, the commons preſented an addreſs to the king, offering to grant him three entire ſubſidies, and three fifteenths, upon his publick declaration for diſſolving the treaties of the marriage and the Palatinate. But they took him at his word, concerning his offer that the money ſhould be diſpoſed of by commiſſioners of their own chuſing. The king thanked them for their affectionate expreſſions, and told them, he was reſolved for the future ſolely to confide in his parliament; after which, he diſpatched a meſſenger to the court of Spain, with his laſt reſolution to break off the treaty. But upon notice that a ſharp petition againſt the Popiſh recuſants framed by the commons, was going to be preſented to him, he wrote the following letter with his own hand to ſecretary Conway.

Annals.

‘I Doubt not but you have heard what a ‘ſtinging petition againſt the Papiſts the ‘lower-houſe have ſent to the higher-houſe ‘this day, that they may jointly preſent it ‘unto me. You know my firm reſolution, not ‘to make this a war of religion; and ſeeing I ‘would be loth to be cony-catched by my ‘people, I pray you ſtay the poſt that is going ‘to Spain, till I meet with my ſon, who will ‘be here to morrow morning. Do it upon ‘pretext of ſome more letters ye are to ſend ‘by him; and if he ſhould be gone, haſten ‘after him to ſtay him upon ſome ſuch ‘pretext; and let none living know of this, ‘as you love me; and before two in the afternoon to morrow, you ſhall without fail hear ‘from me. Farewel.’

Probably, the king imagined, the parliament in this petition would have demanded things he had no intention to grant; and, therefore, for fear of being forced to diſſolve the parliament, he would not haſten the rupture with Spain. But afterwards, being told the petition contained nothing of what he dreaded, he ſuffered the meſſenger to depart. As ſoon as the people knew the breach with Spain was reſolved, the whole city of London ſhone with bonfires, which denoted the publick diſlike of the Spaniſh match, and the danger to which religion had been expoſed. It was not yet known, that another and no leſs dangerous marriage was now treating in France.

The people expreſs great joy at the breach of the match. Coke.

The petition, preſented to his majeſty by both houſes, contained the ſeven following articles:

The petition of both houſes to the king. Annals.

‘I. That all Jeſuits and ſeminary prieſts ‘may be commanded forthwith to depart out ‘of the realm, and not to return or come hither again, upon peril of the ſevereſt penalty ‘of the laws now in force againſt them.

‘II. That his majeſty would be pleaſed to ‘give charge to the juſtices of the peace, that ‘they take from all Popiſh recuſants all ſuch ‘armour, gun-powder and munition of any ‘kind, as any of them have.

‘III. That all Popiſh recuſants be commanded forthwith to retire themſelves from ‘or about London, to their ſeveral dwellings, ‘or places by the laws appointed, and there ‘to remain confined within five miles of their ‘dwelling places; and for that purpoſe to diſcharge all by-paſt licenſes granted unto them; ‘and that they preſume not any time thereafter to repair to London, or within 10 miles ‘of London, or to the king's court, or to the ‘princes court wheresoever.

‘IV. That his majeſty would forbid and reſtrain the great reſort of his own ſubjects, ‘for the hearing of maſs, to the houſes of foreign ambaſſadors.

‘V. That his majeſty would be pleaſed to ‘diſcharge Popiſh recuſants from thoſe places ‘of truſt, as lords lieutenants, juſtices of ‘peace, &c. by which they have that power in ‘the country where they live as is not fit to be ‘put into the hands of perſons ſo affected.

‘VI. That his majeſty would be pleaſed generally to put the laws in due execution againſt Popiſh recuſants; and that all his ‘judges, juſtices, &c. may be commanded to ‘to do their duty therein.

‘VII. That ſeeing they were happily delivered from that danger which the treaties ‘with Spain would certainly have drawn upon ‘England, his majeſty would be pleaſed to ‘engage his royal word, that upon no occaſion of marriage or treaty, or other requeſt in ‘that behalf from any foreign prince or ſtate ‘whatſoever, he will take off, or ſlaken the execution of the laws againſt the Popiſh recuſants.

To which petition his majeſty returned this anſwer.

The king's anſwer. Wilſon.

My lords and gentlemen of both houſes,

‘I Cannot but commend your zeal in offering this petition to me; yet on the other ‘ſide, I cannot but hold myſelf unfortunate, 'that I ſhould be thought to need a ſpur to do that which my conſcience and duty binds me unto. What religion I am of, my books do declare, my profeſſion and behaviour doth ſhew; and I hope in God I ſhall never live to be thought otherwiſe; ſurely I ſhall never deſerve it; and for my part, I wiſh it may be wtitten in marble, and remain to poſterity as a mark upon me, when I ſhall ſwerve from my religion; for he that doth diſſemble with God, is not to be truſted with men.

'My lords, for my part I proteſt before God, that my heart hath bled when I have heard of the encreaſe of Popery; God is my judge, it hath been ſuch a great grief to me, that it hath been as thorns in my eyes, and pricks in my ſides; and ſo far have I been, and ſhall be from turning another way. And, my lords and gentlemen, you ſhall be my confeſſors, that one way or other it hath been my deſire to hinder the growth of Popery; and I could not be an honeſt man if I ſhould have done otherwiſe. And this I may ſay farther, that if I be not a martyr, I am ſure I am a confeſſor; and in ſome ſenſe I may be called a martyr, as in the ſcripture Iſaac was perſecuted by Iſhmael by mocking words; for never king ſuffered more ill tongues than I have done, and I am ſure for no cauſe; yet I have been far from perſecution; for I have ever thought that no way more encreaſed any religion than perſecution; according to that ſaying, Sanguis martyrum eſt ſemen eccleſiæ.

'Now, my lords and gentlemen, for your petition, I will not only grant the ſubſtance of what you crave, but add ſomewhat more of my own; for the two treaties being already annulled, (as I have declared them to be) it neceſſarily follows of itſelf, that which you deſire, and therefore it needs no more; but that I do declare by proclamation, (which I am ready to do) that all Jeſuits and prieſts do depart by a day; but it cannot be as you deſire by our proclamation, to be out of all my dominions; for a proclamation here extends but to this kingdom.

'This I will do and more, I will command all my judges when they go their circuits to keep the ſame courſes, for putting all the laws in execution againſt recuſants, as they were wont to do before theſe treaties, for the laws are ſtill in force, and were never diſpenſed with by me: God is my judge, they were never intended by me; but as I told you in the beginning of the parliament, you muſt give me leave, as a good horſeman, ſometimes to uſe the reins, and not always to uſe the ſpurs: So now there needs nothing but my decleration for the diſarming of them; that is ready done by the laws, and ſhall be done as you deſired; and more, I will take order for the ſhameful diſorder of the reſorting of my ſubjects to all foreign ambaſſadors; for this I will adviſe with my council how it may be beſt reformed. It is true that the houſes of ambaſſadors are privileged places; and tho' they cannot take them out of their houſes, yet the lord mayor, and Mr. Recorder of London, may take ſome of them as they come from thence, and make them examples: Another point I will add concerning the education of their children, of which I have had a principal care, as the lord of Canterbury, and the biſhop of Wincheſter, and other lords of my council can bear me witneſs, with whom I have adviſed about this buſineſs; for in good faith it is a ſhame, their children ſhould be bred here as if they were at Rome. So I do grant not only your deſire, but more. I am ſorry I was not the firſt mover of it to you, but had you not done it, I would have done it myſelf.

'Now for the ſecond part of your petition, you have here given me the beſt advice in the world; for it is againſt the rule of wiſdom, that a king ſhould ſuffer any of his ſubjects to tranſgreſs the laws, by the interceſſion of other princes; and, therefore, aſſure yourſelves, that (by the grace of God) I will be careful that no ſuch conditions be foiſted in upon any other treaty whatſoever; for it is fit my ſubjects ſhould ſtand and fall to their own laws.'

What a happy harmony is here between the the king and his parliament! Nothing can be more affable, more obliging than this anſwer, and the free and eaſy manner wherewith he came into the meaſures of the two houſes. To render their happineſs complete, nothing was wanting, but the performance of the king's promiſes, which, how carefully he obſerved, will preſently appear.

The parliament preſents to the king a liſt of the Papiſts in poſts. Wilſon.

The king had artfully avoided to anſwer the two principal articles of the petition, viz. the IIId and Vth, where the parliament required, that all Papiſts ſhould be removed from London and the court, and diſcharged from all places of truſt. Had he conſented to theſe two requeſts, the face of the court would have been entirely changed. The duke of Buckingham's mother, who, by her ſon's means, diſpoſed of all the offices, muſt have been removed. His ducheſs would alſo have been of this number, as well as one of the ſecretaries of ſtate, with many others who had conſiderable places at court, and in the country *. The king's ſilence on this head, cauſed the parliament to draw a liſt of 57 Popiſh lords and knights, who were in publick offices, and preſent it to the king; but it does not appear that he took much notice of it. As it nearly concerned the duke of Buckingham, very probably, he hindered the king from giving the parliament any ſatisfaction in this point, and the houſes did not much inſiſt upon it, that they might not too openly offend a lord, whoſe credit was ſo great both with the king and prince.

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* This obſervation is built upon our author's miſtake, in imagining the petition containing the ſeven articles, was preſented to the king; whereas it was new modelled, and the IIId and Vth articles left out. So it is no wonder the king ſhould not take notice of them in his ſpeech. The petition, as it was preſented to the king, is to be ſeen in Wilſon.

The Spaniſh ambaſſador privately informs againſt Buckingham to the king. Ruſhw.

But tho' no Engliſhman dared to attack the favourite directly, a foreigner, however, undertook to ruin him in the king's favour, viz. the marqueſs of Inoioſa, the Spaniſh ambaſſador, who being enraged at the unworthy manner of the duke's breaking off the marriage, burned with deſire to revenge the king his maſter and the Infanta. One day, as the king had few about him, he took an opportunity to give him a paper, with a wink to conceal it. The king put it into his pocket, and withdrew to his cloſet to read it. He was exceedingly ſurpriſed to ſee the following particulars.

Hacket.

'I. That he was kept from all faithful ſervants, that would inform him, by the miſters of the prince and duke, and was a priſoner as much as king John of France in England, or king Francis at Madrid, and could not be ſpoken with, but before ſuch as watched him.

'II. That there was a ſtrong and violent machination in hand, which had turned the prince, a moſt obedient ſon, to a quite contrary courſe to his majeſty's intentions.

'III. That the counſel began laſt ſummer at Madrid, but was lately reſolved on in England, to reſtrain his majeſty from the exerciſe of the government of his kingdoms; and that the prince and duke had deſigned ſuch commiſſioners under themſelves, as ſhould intend great affairs, and the publick good.

'IV. That this ſhould be effected by beginning of a war, and keeping ſome companies on foot in this land, whereby to conſtrain his majeſty to yield to any thing, chiefly being brought into ſtraits for want of monies to pay the ſoldiers.

'V. That the prince and duke's encloſing his majeſty from the ſaid ambaſſadors, and others of his own loyal people, that they might not come near him in private, did argue in them a fear and diſtruſt of a good conſcience.

'VI. That the emiſſaries of the duke had brought his majeſty into contempt with the potent men of this realm, traducing him for ſlothful and unactive, for addiction to an inglorious peace, while the inheritance of his daughter and her children is in the hands of his foes; and this appeared by a letter which the duke had wrote into Holland and they had intercepted.

'VII. That his majeſty's honour, nay, his crown and ſafety, did depend upon a ſudden diſſolution of the parliament.

'VIII. They loaded the duke with ſundry miſdemeanors in Spain, and his violent oppoſition to the match.

'IX. That the duke had divulged the king's ſecrets, and the cloſe deſigns between his majeſty and their maſter, king Philip, about the ſtates of Holland, and their provinces, and laboured to put his majeſty out of the good opinion of the Hollanders.

'X. That the duke was guilty of moſt corrupt dealing with the ambaſſadors of divers princes.

'XI. That all theſe things were carried on in the parliament with an head-ſtrong violence, and that the duke was the cauſe of it, who courted them only that were of troubled humours.

'XII. That ſuch bitterneſs and ignominies were vented in parliament againſt the king of Spain, as were againſt all good manners and honour of the Engliſh nation.

'XIII. That the Puritans (of whom the duke was head) did wiſh they could bring it about, that the ſucceſſion of the kingdom might come to the prince Palatine and his children, in right of the lady Elizabeth.'

In a poſtſcript, the paper prayed the king, that the ſecretary to the marqueſs Inoioſa, might be brought to the king, when the prince and duke were ſitting in the lords houſe, to ſatisfy ſuch doubts as the king might raiſe.

The king entertains ſtrong ſuſpicions againſt the prince and duke.

The king talked with the ſecretary, and diſcourſed likewiſe in private with Padre Maeſtro, a Spaniſh Jeſuit. It is not known what theſe men told him; but the king was perceived, after theſe converſations, to grow very melancholy, and his temper to be entirely altered. He affected, in ſpeaking to the prince and duke, to uſe broken and myſterious expreſſions, which ſhewed that ſomething lay heavy upon his mind; at laſt, the king going one day to Windſor, and taking coach at St. James's, ordered the duke on ſome ſlight pretence, to ſtay behind. Then the duke no longer doubting his diſgrace, beſought him for God's ſake, to tell him what was laid to his charge. The king only anſwered, he was the unhappieſt man a live, to be forſaken of thoſe who were moſt dear to him, and taking the prince his ſon with him, left Buckingham at London. The duke retired to his own houſe, overwhelmed with grief, and thinking himſelf irrecoverably ruined; but by the advice of the lord-keeper Williams, he went immediately to Windſor, where he found means to remove the king's ſuſpicions; at leaſt, the king feigned to be cured of them. But the earl of Clarendon confirms in his Hiſtory, what is aſſured by others, that the duke had entirely loſt the king's favour. In the interim, James was naturally ſo timorous, that, inſtead of freeing himſelf from a favourite, whom he might eaſily have diſcarded, he gave himſelf up more and more to him, ſo apprehenſive was he of his union with the prince. He impatiently expected the earl of Briſtol's arrival, to uſe his advice; but means were found to prevent him from declaring his mind to him, and even of ſpeaking to him.

The prince and duke cauſe the treaſurer to be condemned in ſpite of the king. Clarendon.

Before the parliament broke up, the king received a freſh mortification from the prince and duke. Whilſt they were in Spain, Lionel Cranfield, lord-treaſurer, lately created earl of Middleſex, having the courage to refuſe them ſometimes the exorbitant ſums they demanded, they reſolved to ruin him at their return. They made uſe for that purpoſe of their credit with the parliament, and cauſed him to be accuſed by their creature, of miſmanagement in the diſcharge of his office. The king knowing this came from them, deſired them for God's ſake, to uſe their intereſt with the two houſes to drop the impeachment; but they remained inflexible and unmoved at all the king's intreaties. So the lord-treaſurer was condemned in a fine of 50,000 pounds, and declared uncapable of ever ſitting in the houſe of peers. All the hiſtorians agree, he did not deſerve ſo rigorous a treatment; but the duke, who had raiſed him from the duſt, had a mind to ſhew he was powerful enough to reduce him to his primitive ſtate, for an example to all who ſhould dare to reſiſt him. After this, it muſt not be thought ſtrange, if the king, when he ſpoke to this parliament, appeared ſo different from what he was with reſpect to the two former. Not that he had changed his ſentiments and maxims, but durſt not do any thing without the direction of the prince and duke, who had formed projects to which a parliament was neceſſary. The earl of Clarendon affirms, the king was extremely ſurpriſed in the beginning of this parliament, when he was informed of the contents of the duke of Buckingham's narration, concerning the treaty of marriage; a narration, ſays that famous hiſtorian, which, for the moſt part, the king himſelf knew to be untrue. In the interim, he had the weakneſs, as I ſaid, to atteſt the truth of it, and to aſſure, the duke had ſaid the ſame things to him. There cannot be a clearer evidence of his ſubjection to the prince and favourite.

He is forced to turn the earl of Briſtol out of favour. Clarendon.

Here is alſo another remarkable proof of the king's weakneſs or fears. He ſaw no remedy but in the earl of Briſtol's councils, whoſe return he impatiently expected; and yet, no ſooner was this lord arrived in England, but the king was conſtrained to ſend him expreſs orders at Dover, not to come to court, but remain at his own houſe till he had anſwered certain queſtions, which ſhould be put to him by ſome of the council. The parliament being prorogued ſoon after, the earl frequently wrote to the king, to deſire he might be examined. The king wiſhed it; but it was not the prince's or Buckingham's intereſt, who ſtill found freſh excuſes to defer the examination. The earl was, however, examined, at laſt, after much ſollicitation, and returned ſuch anſwers, that his examiners could not help declaring, his conduct was unblameable. But this could not procure him his liberty or admittance into the king's preſence. Some time after, the duke ſent him word, he was much miſtaken, if he imagined his anſwers were ſatisfactory to the king, the prince, or to him the duke; but his only way to come into favour again, was to make the confeſſion he had ſent him. The earl refuſed it, and the king told Buckingham, it was horrible tyranny to make an innocent perſon confeſs faults, of which he was not guilty. Notwithſtanding all this, it was not in his power to ſpeak with the earl, becauſe the prince and duke did not think it proper.

The king ſends 6000 men into Holland. Wilſon.

The parliament being prorogued, it was neceſſary to think of the war. The aid granted the king was very conſiderable. It was computed that with this money he might ſend 25000 men into the Palatinate, under the command of an Engliſh general. But the court had already taken other meaſures. Six thouſand men only were, therefore, ſent into Holland, to ſerve in the army of the ſtates, under the command of the prince of Orange, and other troops were levied for count Mansfeldt, who was, during the winter, to open himſelf a paſſage into the Palatinate.

Treaty of the prince's marriage with Henrietta of France. DuCheſne.

In the interim, Henry Rich, earl of Holland, who had been diſpatched into France, having ſent word that Lewis XIII. was inclined to liſten to the overture of a marriage between the prince of Wales and his ſiſter, the princeſs Henrietta Maria, the king appointed James Hay, earl of Carliſle, to go and negotiate the affair jointly with him. The two ambaſſadors repairing to Compiegne, where the court of France was, commiſſioners were nominated to treat with them, of whom the marqueſs de la Vieuville, ſuper-intendent of the Finances, was the firſt. The conferences began a few days after the prorogation of the parliament, when the king, according to his promiſe, was putting the laws in execution againſt Popiſh recuſants, particularly againſt friers and prieſts, ſome of whom were thrown into priſon.

The Catholicks complain to the king.

This ſeverity cauſed the Catholicks to exclaim, who expected a very different treatment a few months before. They could not forbear complaining, that whereas the negotiation of the Spaniſh match had procured them great eaſe, this with France ſeemed on the contrary to ſerve only to encreaſe their miſeries. Several wrote to France in that ſtrain, intimating they had nothing to truſt to but the piety, zeal, and protection of Lewis. Among others, a Scotch Franciſcan wrote upon this ſubject to Hugo, Archbiſhop of Ambrun, who had been general of the Order, and to whom he was known. The archbiſhop ſhewed the letter to the king, and aggravated the ſufferings of the Engliſh Catholicks, who expected relief only from his interceſſion. The king of France had already done his utmoſt to pacify the Engliſh Catholicks, aſſuring them by Tilliers, his ambaſſador at London, that he would not forget them; but their repeated complaints obliged him, at length, to take ſome ſteps in their favour, and the rather, as he was afraid, they would obſtruct the pope's diſpenſation, which would ſoon be wanted. He reſolved, therefore, to ſend to James a ſecret agent to intercede for the Catholicks, and choſe for that purpoſe the archbiſhop of Ambrun, who came to London in diſguiſe, and paſſed for a counſellor of the parliament of Grenoble. At his arrival, he waited upon Buckingham, who ſeemed very much inclined to countenance his negotiation. The counteſs of Buckingham, the duke's mother, the earl of Rutland, and ſome other Catholicks, did the archbiſhop great ſervices, and acquainted him with many things neceſſary to be known, in order to ſucceed in his deſigns. The king being informed that the archbiſhop deſired to ſpeak with him, ſent for him to Royſton, where he then was, confined to his bed with the gout. The archbiſhop's firſt conference with the king was followed by the releaſe of ſeveral Popiſh recuſants, impriſoned ſince the parliament's petition. Moreover, the king gave the archbiſhop leave to adminiſter confirmation in the French ambaſſador's houſe, to all that ſhould apply for it. This was done in ſo publick a manner, that not only the houſe, but the ſtreet itſelf, was crowded with people. If the archbiſhop's own Narrative may be credited, he confirmed above 10,000 perſons, which ſeems to me a little exaggerated. However this be, the number muſt have been great, ſince the magiſtrates of London complained of it to the king, who owned it was done with his leave; and yet he had very lately told the parliament, it was a ſhame to ſuffer ſuch crowds of Papiſts at ambaſſadors houſes.

Conferences between the king and the archbiſhop of Ambrun. Deageant's Mem.

From that time, the king had ſeveral conferences with this prelate, and one day as he was expreſſing his earneſt deſire to live in ſtrict union with the king of France, the archbiſhop took occaſion to tell him, that one of the beſt means to that end, was to grant a full toleration to the Catholicks. Whereupon the king ſqueezing him by the hand, ſaid theſe words to him; "I perceive you are the man ſent me from God, to whom I may freely open my mind;" adding, "he had always a good opinion of the Catholick religion, and for it had often been in danger of aſſaſſination during his minority. He intended to grant a full toleration to the Catholicks; and in order to ſucceed, meant to cauſe an aſſembly of divines, as well foreign as Engliſh, to be held, and therein to be decided, that it was neceſſary to grant an univerſal liberty of conſcience; and he had already caſt his eyes on the Engliſh divines to be ſent thither. If the aſſembly could not be held at Dover, he would agree it ſhould be at Boulogne, as ſoon as his ſon's marriage ſecured him the aſſiſtance of France. He thought proper that the archbiſhop ſhould now return to France, under colour of waiting on the princeſs, and he would ſend him two letters under his own hand, one for the pope, the other for the king of France, wherein his project ſhould be more fully explained. He would alſo give him a memorial on the ſame ſubject, that being armed with theſe two papers, he might go and negotiate at Rome with the pope, for whom he had a very great reſpect, being obliged to him for a copy of verſes he had formerly [when cardinal] made upon the queen, his mother, and the houſe of Stuart." At the ſame time he ſhewed the verſes to the archbiſhop, and then ſaid, "If he returned from Rome with the pope's approbation, concerning the aſſembly, it ſhould be immediately held, and he did not queſtion, it would be very advantageous to the Catholick religion. In the mean time, he intended to negotiate with the Proteſtant princes of Germany, and endeavour to gain ſome of the chief Puritan lords in England and Scotland."

Deageant's Mem.

On ſuppoſition of the truth of this extract from the archbiſhop of Ambrun's Narrative, at the end of Deageant's Memoirs, all that can be inferred from it, is, that James had formed a chimerical project of a mutual toleration throughout Chriſtendom, and thought himſelf qualified to effect it, with the aſſiſtance of France. But Deageant ſays ſomething more. He affirms, James wrote a letter to the pope, and ſent it by an Engliſh Roman Catholick gentleman. In this letter, according to that author, 'He owns the pope for Chriſt's vicar upon earth, and head of the church univerſal. He aſſures him, he intends to declare himſelf a Catholick, as ſoon as he has provided againſt ſome inconveniences which he foreſees his declaration may cauſe. He promiſes, the prieſts ſhall not be diſturbed who are ſent into England by his holineſs or the king of France, unleſs they are Jeſuits. Moreover, deſires the pope not to think of cauſing to be reſtored to the church, the abbey-lands granted or ſold to the principal families in the kingdom, for fear of ruining the whole project. He ſays farther, nothing hinders him from openly profeſſing the Catholick religion, but his hopes of gaining firſt his brother-in-law, the king of Denmark, to whom he had ſent to deſire him, on ſome other pretence, to come to England; and when they two ſhall be cloſely united in the ſame deſign, he does not doubt but they ſhall prevail upon moſt of the other Proteſtant princes.'

Deageant aſſures, no-body knew of this letter but Buckingham and the bearer; however he does not ſay how he himſelf came to know the contents. To ſpeak the truth, I can hardly believe, James really intended to declare himſelf a Catholick; or if he did intend it, would write ſuch a letter to the pope, in his preſent circumſtances. In ſhort, I think it very unlikely this letter ſhould fall into Deageant's hands. So, I ſuſpect, this author's relation was only communicated to him by ſome Engliſh Catholick, on whoſe teſtimony whether we may rely, cannot be known.

A remark on this ſubject.

The archbiſhop of Ambrun's Narrative is much more probable; firſt, becauſe that prelate relates only what he had himſelf from the king's own mouth. Secondly, becauſe he ſays nothing but what is agreeable to that prince's conduct thro' the whole courſe of his life. His religious notions were very particular, and not embraced by the Proteſtants. He believed that difference of opinion, with reſpect to the doctrines of tranſubſtantiation, invocation of ſaints, and the other tenets which diſtinguiſhed the two religions, and were by him conſidered as ſchool-queſtions, was not ſufficient to juſtify a ſchiſm. Conſequently the Roman and Proteſtant churches were one and the ſame church, from whence he inferred, it was incumbant upon all Chriſtians mutually to ſupport one another, and live like brethren. It followed equally from this principle, that the Proteſtants ought not to perſecute or moleſt the Catholicks, nor the Catholicks the Proteſtants.

1624. ſtants. He obſerved this rule himſelf very punctually, but without any juſt foundation that the Catholick princes would follow the ſame maxim. So the ſcheme of an univerſal toleration, which he meant to eſtabliſh among all Chriſtians, was properly but a chimera, ſince he had not ſufficient authority to make all the world come into his meaſures. In the interim, as his maxims obliged him to look upon the Catholicks with a different eye from what other Proteſtants did, it is no wonder that he paſſed, with the Proteſtants and the Papiſts themſelves, for a prince well-affected to the Catholick religion. And, indeed, ſo far was he from having any averſion to that religion, that he conſidered the church of Rome as the mother-church, from whence the Proteſtant-church was ſprung, and doubtleſs, had it been in his power to unite them, he would have given the preference to the firſt, leaving every one free to believe what he pleaſed concerning the doctrines. There was but one thing that embarraſſed him, viz. the exorbitant power aſcribed to the pope, and the damnable maxim of the lawfulneſs of murdering kings on account of religion. To free himſelf from this embarraſſment, he endeavoured to deceive himſelf, by imagining, there were but very few Catholicks, who were poſſeſſed with the pope's unlimited power, and that the king-killing doctrine was peculiar to the Jeſuits. On the other hand, Puritaniſm in the Proteſtant religion was ſo odious to him, that, probably, he would, if he could, have excluded the Puritans from the general toleration he was willing to grant to all other Chriſtians. King James had the misfortune to govern himſelf by general maxims, without conſidering, ſuch maxims could not be always adapted to particular caſes. His notions concerning religion were of the ſame nature with his opinions about monarchy, the general principles whereof he applied to the government of England, contrary to the particular conſtitution of that kingdom.

The treaty of the prince's marriage is carried on in France.

Whilſt the archbiſhop of Ambrun was in England, the negotiation of the marriage was continued in France, between the Engliſh ambaſſadors and the French commiſſioners. The Engliſh propoſed, at firſt, the continuation of the treaty, formerly begun for prince Henry's marriage with the princeſs Chriſtina, who eſpouſed the duke of Savoy; but this motion was rejected by the French commiſſioners; firſt, becauſe that negotiation was properly but juſt ſet on foot; ſecondly, becauſe France would not be contented with leſs than was offered by the king of England, for the prince of Wales's marriage with the Infanta of Spain. So the French commiſſioners demanded in their turn, that the articles concerning religion granted to Spain, ſhould ſerve for foundation to the preſent treaty. The ambaſſadors expected this demand, and by their private inſtructions knew how to proceed, but pretended, they could not grant what was demanded, without freſh orders. They ſent, therefore, a courier to London, but the court of France knew it was not upon that account, ſo, they were preſſed the more earneſtly, to declare what they would grant with reſpect to religion. At laſt, after ſome ſollicitation, they offered the articles agreed upon with Spain, except four, viz. liberty of conſcience to the Catholicks; a church in London; the education of the children by the queen till 10 years old; a biſhop with eccleſiaſtical authority over the princeſs's family. Theſe four articles were much debated, and, at length, the ambaſſadors yielded the two laſt. But for the two firſt, they ſaid, they could not abſolutely grant them, becauſe of the king's ſolemn promiſe to the parliament. This reaſon appeared ſo ſtrong to the French commiſſioners, that they thought it fruitleſs to inſiſt any more upon theſe two articles. The portion was ſettled without much trouble. The king of France offered 800,000 crowns, on condition the prince aſſigned a jointure of 60,000 crowns a year; which offer with the condition was accepted. So, in all appearance, this affair was to be ended in a very ſhort ſpace, but two things retarded the concluſion.

In the firſt place, the pope did not approve of this marriage, becauſe, hearing that the Engliſh ambaſſadors had propoſed a league to the king of France, he was afraid, the deſign of it might be to diſpoſſeſs the duke of Bavaria of the Palatinate and electoral dignity. For which reaſon he endeavoured, at firſt, to diſſuade Lewis XIII. from giving his ſiſter to an heretical prince; but finding Lewis did not much regard his arguments, he declared he would not grant a diſpenſation, unleſs the marriage was made upon the ſame terms as were granted to Spain. Whereupon the king of France reſolved to ſend father Berulle, general of the fathers of the oratory, to ſollicit the diſpenſation. His inſtructions ſigned the 31ſt of July, imported among other things, "that by "the articles already agreed on, the princeſs, "as well as all her domeſticks were very ſecure as to religion; ſhe had a biſhop with "28 prieſts or monks; and a chappel in every place where ſhe ſhall reſide, ſhe was to "educate her children till the age of 13 years, "whereas in the Spaniſh articles, the time was "fixed to 10 years. In fine, ſhe was well inſtructed and very firm in the faith; and inſtead of having any thing to fear for her, it "was to be hoped, conſidering how well inclined the king of England was to be a Catholick, ſhe would convert him as well as the "prince, her ſpouſe, after the example of "Bertha of France, who made a convert of "king Ethelbert." Coke.

Life of cardinal Richelieu.

The marqueſs de la Vieuville's diſgrace which happened at this time, was the other cauſe of the delay of this affair, and ſtopped father Berulle who was about to depart. Cardinal Richelieu, who was commiſſioned to treat with the Engliſh ambaſſadors, in the room of the diſgraced ſuperintendent, pretended, that la Vieuville had acted without orders, or, at leaſt, without the approbation of the king or council. James being informed of this new obſtacle, believed, the court of France uſed this pretence to break off the treaty, ty, and made great complaints to the marqueſs d' Effiat, who was lately come to his court in the place of Tilliers; but cardinal Richelieu was far from breaking off a negotiation ſo advantageous to France upon many accounts. So, contenting himſelf with diſparaging la Vieuville by this accuſation, he renewed the treaty.

The late change in the miniſtry inſpired the nuncio with freſh hopes. He repreſented to the cardinal, that his own and the pope's honour obliged him not to abate any thing of the Spaniſh articles, and that aſſuredly the diſpenſation would not be granted upon any other terms. The cardinal told him, the king of England and prince of Wales had complied with whatever they really intended to grant the king of Spain, tho' not with what was extorted from them, whilſt the prince was as a priſoner at Madrid, and what was not in their power. Moreover, he intimated to him, that there was no abſolute occaſion for a diſpenſation, and tho' it was deſired, it was not ſo much out of neceſſity as reſpect for the pope's perſon. So, father Berulle departed with his inſtructions, notwithſtanding the nuncio's oppoſition.

If the court of France had ſhewn leſs reſolution, this affair would never have been accompliſhed. The pope's behaviour on this occaſion plainly ſhewed, he only wanted a pretence to refuſe the diſpenſation, or, at leaſt, to delay it as long as poſſible. He retarded the affair by laying it before a congregation, where freſh difficulties were continually ſtarted. They were not ſatisfied that the king of England and prince of Wales ſhould ſwear to the articles, they would have alſo the king of France to be guarantee, like the king of Spain, and Lewis was forced, at laſt, to promiſe it. They inſiſted particularly upon demanding a publick church in London for the Catholicks, tho' they were told, it was not in the king of England's power to perform ſuch an article, if it was granted. In a word, there was no delay, no artifice, but what was practiſed by the pope, to gain time, till, at laſt, the French ambaſſador had orders to declare, if the diſpenſation was much longer deferred, the affair might be tranſacted without it. This menace making the pope apprehenſive that he might very unſeaſonably expoſe his authority, he promiſed the diſpenſation, after a tedious ſollicitation which would have held longer, had it been the court of France's intereſt to prolong it; but cardinal Richelieu was afraid a farther delay would bring with it alterations that might cauſe a breach of the marriage, as happened in Spain. So the treaty was ſigned at Paris the 10th of November. It contained 30 publick, with three ſecret, articles, wherein much the ſame advantages were ſtipulated for the Catholicks, as in thoſe of Madrid. The articles of the treaty were,

The articles of the marriage. DuCheſne. Act Pub.

I. His moſt Chriſtian majeſty, to diſcharge what his dignity and piety oblige him to, and that he may treat of this marriage with a ſafe conſcience, undertakes to procure the pope's diſpenſation, within two months at fartheſt.

II. The articles and conditions of the marriage being ſigned, the king of Great-Britain ſhall appoint ſuch perſons of quality as he ſhall think proper, to eſpouſe Madame in the prince his ſon's name, according to the uſual form in the Roman Catholick-apoſtolick-church.

III. The nuptials ſhall be celebrated in France, after the manner obſerved in the marriage of the late king with queen Margaret, and in that of the ducheſs of Bar.

IV. After the celebration of the marriage, Madame ſhall be conducted at his moſt Chriſtian majeſty's charge, as far as Calais, where ſhe ſhall be delivered to the perſon commiſſioned by the king of Great-Britain, to receive her.

V. From Calais to England, her expences ſhall be born by the king of Great-Britain, and every thing ſhall be done on both ſides, as is ſuitable to a princeſs of the royal family of France, joined in marriage to the heir of Great-Britain.

VI. The marriage being celebrated in France, and Madame arrived in England, a day ſhall be fixed, on which the king of Great-Britain, the prince his ſon, and Madame, his wife, being in ſome convenient room of the palace, dreſſed in their royal robes, the contract and authentick inſtrument of the celebration of the marriage, ſhall be publickly read, together with the procurations, by vertue whereof the marriage was celebrated. Which done, the ſaid contract ſhall be ratified anew by the king and the prince, his ſon, in the preſence of ſuch as the moſt Chriſtian king ſhall commiſſion to that end, and of the lords of Great-Britain who ſhall be preſent on this occaſion, without the intervention of any church-ceremoy.

VII. The free exerciſe of the Roman Catholick-apoſtolick-religion ſhall be granted to Madame, as likewiſe to all the children that ſhall be born of this marriage.

VIII. To that end, Madame ſhall have a chapel in all the royal palaces, and in every place of the king of Great-Britian's dominions where ſhe ſhall be, or reſide.

IX. The ſaid chapel ſhall be beautified with decent ornaments, and the care and cuſtody thereof ſhall be committed to ſuch as Madame ſhall appoint. The preaching of God's word, and the adminiſtration of the ſacraments ſhall be entirely free, and the maſs, and the other parts of divine ſervice, ſhall be celebrated according to the cuſtom of the holy Roman church, with all jubilees and indulgences which Madame ſhall procure from Rome. There ſhall be alſo a church-yard allowed in the city of London, where, according to the cuſtom of the Roman church, ſuch of Madame's attendants ſhall be buried, as ſhall happen to die, which ſhall be done in a modeſt manner. The ſaid church-yard ſhall be encloſed, that it may not be profaned.

X. Madame ſhall have a biſhop for her almoner, who ſhall have all neceſſary authority and juriſdiction in all things belonging to religion, and ſhall have power to proceed according to the canons againſt ſuch as ſhall be under his charge. And in caſe the civil-court ſhall lay hold on any the ſaid eccleſiaſticks, for ſome ſtate-crime, and information be made againſt him, he ſhall be ſent to the ſaid biſhop, with the informations and proeedings, and the ſaid biſhop, after degrading him, ſhall put him again into the hands of the ſecular court. For any other crimes the civil-court ſhall ſend back the ſaid eccleſiaſtick to the biſhop, who ſhall proceed againſt him according to the canons. And in caſe of abſence or ſickneſs, the biſhop's vicar ſhall have the ſame authority.

XI. Madame ſhall have in her houſe 28 prieſts or eccleſiaſticks, almoners and chaplains included, to ſerve in her chapel, and if there are any regulars, they ſhall wear the habit of their order.

XII. The king and prince ſhall oblige themſelves by oath not to attempt by any means whatever, to perſuade Madame to change her religion, or to engage her in any thing repugnant to it.

XIII. Madame's houſhold ſhall be ſettled with as much dignity, and conſiſt of as many officers as any princeſs of Wales ever had, and in the ſame manner as was agreed upon for the marriage of the moſt ſerene prince with the Infanta of Spain.

XIV. All the domeſticks Madame ſhall bring into England ſhall be French Catholicks, choſen by the moſt Chriſtian king, and in the room of thoſe that ſhall die, ſhe ſhall take other French Catholicks, with the conſent however of the king of Great-Britain.

XV. Madame's domeſticks ſhall take the following oath to the king, prince and Madame.

"I promiſe and ſwear to be faithful to the "king of Great-Britain, to the moſt ſerene "prince Charles, and to Madame Henrietta-"Maria, daughter of France, and to keep "truly and inviolably this my promiſe. And "if I know of any thing to be attempted "againſt the perſons of the ſaid king, prince, "and Madame, or againſt the ſtate, or pub-"lick good of the ſaid king's realms; I "will diſcover the ſame to the ſaid king, "prince, and Madame, or to thoſe who ſhall "have charge thereof."

XVI. Madame's portion ſhall be 800,000, French crowns, one half to be paid in London by his moſt Chriſtian majeſty on the day before the eſpouſals, and the other half within a year after the firſt payment.

XVII. If the prince die before Madame, without iſſue, the whole portion ſhall be reſtored to Madame, to be diſpoſed of as ſhe pleaſes, whether ſhe ſtays in England, or returns to France, in which laſt caſe, it ſhall be in her power to bring the money with her.

XVIII. But in caſe there are children, only two thirds of the portion ſhall be reſtored, the other third remaining for the children, whether Madame goes back to France, or ſtays in England: But in this caſe, ſhe ſhall be paid the intereſt at five per cent.

XIX. The children which ſhall be born of this marriage, ſhall be brought up by Madame, their mother, till the age of 13 years.

XX. The children ſhall inherit alſo the two thirds reſtored to their mother, unleſs ſhe marries again; and then, the children of the ſecond bed, ſhall have an equal ſhare with thoſe of the firſt.

XXI. If Madame die firſt without children, his moſt Chriſtian majeſty grants, that in ſuch caſe, only half of the portion ſhall be paid back to him, but if there are children, the whole ſhall go to them.

XXII. Madame's jointer ſhall be 60,000 French crowns, which ſhall be aſigned her by the king of Great-Britain.

XXIII. The king of Great-Britain ſhall preſent Madame on account of the marriage, with 50,000 crowns worth of jewels and diamonds, which ſhall be Madame's own property, as well as thoſe ſhe has now, or which ſhall be given her hereafter.

XXIV. The king of Great-Britain ſhall be obliged to maintain Madame and her houſhold; and in caſe ſhe becomes a widow, ſhe ſhall enjoy her portion and jointure with all other things to her granted.

XXV. In caſe the prince die firſt without iſſue, Madame ſhall freely enjoy, wherever ſhe pleaſes to live, her jointure which ſhall be aſſigned her in lands, caſtles, or houſes, whereof one ſhall be fit for her to reſide in, and furniſhed ſuitably to a princeſs of her quality.

XXVI. Madame ſhall have the free diſpoſal of the offices and benefices of the ſaid lands, part of which ſhall have the title of dutchy or earldom.

XXVII. Madame ſhall be at liberty, whether ſhe have children or not, to return to France with her houſhold-goods, jewels, diamonds, and portion, as ſpecified in the articles above. And in this caſe, the king of England ſhall be obliged to conduct her at his charge to Calais, in a manner ſuitable to her quality.

XXVIII. Madame ſhall renounce all paternal, maternal, and collateral inheritance, as to lands of the royal domain ſubject to reverſion, by appennage, or otherwiſe.

XXIX. The contract of marriage ſhall be enrolled in the court of the parliament at Paris, and ratified by the parliament of England, and regiſtred in the uſual courts. And the ſaid king and prince ſhall promiſe not to act contrary to any clauſe or condition of the ſame.

XXX. Moreover, it is agreed that he of the two kings which ſhall refuſe to accompliſh the preſent treaty, ſhall be obliged to pay the ſum of 400,000 crowns, as a penalty for the ſaid refuſal.

Private or ſecret articles.

1. That the Catholick, as well eccleſiaſticks as temporal, impriſoned ſince the laſt procla-

mation, which followed the breach with Spain, ſhould all be ſet at liberty.

2. That the Engliſh Catholicks ſhould be no more ſearched after, nor moleſted for their religion.

3. That the goods of the Catholicks, as well eccleſiaſtical as temporal, that were ſeiſed ſince the fore-mentioned proclamation, ſhould be reſtored to them.

In this, as well as the Madrid treaty, we ſee the great care of the French and Spaniſh courts for the intereſt of the Catholick religion, and the little zeal of king James, the prince, and the duke of Buckingham for the Proteſtant. The XIXth article concerning the education of the children was of very ill conſequence to England. It almoſt proved the ruin of church and ſtate.

If it is asked what could induce the king to purchaſe this marriage with ſuch hard terms to the religion profeſſed by himſelf, and almoſt the whole kingdom, there can be, in my opinion, but too motives aſſigned. The firſt was, to give the prince his ſon, a wife of royal extraction, thinking any other princeſs beneath him. The ſecond was, the portion of 800,000 crowns, which might excite his deſire. As to the prejudice this treaty might bring to the Proteſtant religion, it troubled him not, for he never had the intereſt of that religion much at heart.

The recuſants are no longer proſecuted.

The treaty being ſigned at Paris, Mr. de Lomenie, ſecretary of ſtate, was ſent to London to ſee it ſworn by the king and prince. Immediately after, all the proſecutions againſt the Catholicks ceaſed, and the king promiſed all the priſoners ſhould be releaſed, as ſoon as the marriage was conſummated.

Contempt of the king and council.

When the earl of Carliſle was ſent to France to haſten the treaty of marriage, he had orders to propoſe to that court a league againſt the houſe of Auſtria. This was the prince's and the duke of Buckingham's grand view. There was then a diſpute about the Valteline, between the kings of France and Spain, which made the court of England imagine Lewis would readily liſten to ſuch a propoſal. And, indeed, he did ſo; but it was only to frighten the pope and the Spaniard, and not with deſign to conclude the league. The duke of Bavaria had friends in the French court, who cauſed him to be much more regarded than the elector Palatine, expelled his dominions, and ſheltered in Holland. So Lewis's miniſters told the Engliſh ambaſſadors, that the league and marriage were two diſtinct affairs, which could not be negotiated together; but after the concluſion of the marriage, the league ſhould be treated of. By this anſwer, they kept the Engliſh in hope, and the Spaniards in fear. On the other hand, the count of Mansfeldt ſtayed at or near Paris, and the Spaniards knew he had frequent conferences with the miniſters.

The king ſends Mansfeldt with an army to the Palatinate. Wilſon.

Some time after, Mansfeldt came to England, where he was received with extraordinary careſſes, and lodged by the prince in his palace at St. James's. Here, after ſome conferences, he agreed with the king, the prince, and the duke, that he ſhould have 12,000 men, to carry the war into the Lower-Palatinate. This project being formed, the king preſſed the court of France with reſpect to the league; but his propoſal was artfully evaded on divers pretences, tho' without an abſolute denial. He was forced, therefore, to be contented, till the league was concluded, with demanding of the French king, a paſſage through his dominions for Mansfeldt's army. Lewis in general or ambiguous terms, made him hope, not only that he would grant a paſſage, but alſo ſtrengthen this army with a body of his own troops. The event ſhewed, he meant after the concluſion of the league, whereas the Engliſh took it for a poſitive promiſe, whether the league ſhould be concluded or not. Purſuant to this project, the forces to be commanded by Mansfeldt were levied in England.

He demands Frankendal of the Infanta. Ruſhw.

Whilſt this army was preparing to march, James cauſed a memorial to be preſented to the Infanta Iſabella, demandtng the city of Frankendal, which ſhe held in ſequeſtration, and, by the treaty of London, was to keep but till the end of the truce, which was to expire the 26th of October. Moreover, he demanded in the ſame memorial, a free paſſage for the garriſon he was to ſend to Frankendal, not only through the Infanta's, and his Catholick majeſty's dominions, but alſo through the territories of their friends and allies. The Infanta anſwered, ſhe would order the governor of Frankendal to ſurrender the place on the day appointed, to ſuch as ſhould produce a power from the king of England; that ſhe would grant a paſſage through her own, and the king of Span's dominions, to the 1500 foot, and 200 horſe, which according to the treaty of London, were to take poſſeſſion of Frankendal, and, in general, would punctually execute the treaty. But as to the king's farther demand, to procure him a paſſage for his troops through the empire, ſhe declared, it was not in her power, neither was ſhe obliged to it. Thus the court of England found by experience their error, in not inſerting in the treaty of London, what they were afterwards forced to demand, and what the Infanta might juſtly deny. It is very true, in withdrawing the Engliſh garriſon from Frankendal, James met with no obſtacle; but he could not expect the ſame thing when he ſhould come to ſend them back. Some ſay, that on the 25th of October, the governor of Frankendal marched out of the city with his garriſon, but finding none of the king of England's forces ready to take poſſeſſion, inſtantly re-entered.

Mansfeldt is denied a paſſage through France. Wilſon.

This was not the only error of the court of England, the moſt impolitick then in Europe. The 12,000 men to be conducted by Mansfeldt to the Palatinate, were embarqued in December, in extreme cold weather, without the leaſt doubt of their paſſage thro' France. Neverthleſs, when the army came before Calais, the French would not ſuffer them to land. Much time was ſpent in going from Calais to the court, and from the court to Calais, even ſeveral times, and all to no purpoſe. The king of France conſtantly aſſerted, he had never poſitively promiſed to grant theſe troops a paſſage. The Engliſh authors call this a real breach of faith. I do not know whether they are in the right, and whether the court of England is not rather to be blamed, for not taking better meaſures, and ſecuring a paſſage thro' France, before the embarquation of the army. However this be, the army ſuffering greatly on board the ſhips where the ſoldiers were cloſely pent up, Mansfeldt was forced to ſail for Zealand, where he met with the ſame difficulties. The Zealanders ſaid, they had not proviſions for ſuch a number of troops, having had no notice of their coming. Much time was employed in negotiating. Meſſengers were ſent to the Hague, and afterwards to London. In the interim, the peſtilence raging among the ſoldiers, above three thirds periſhed before they were ſuffered to land. Moſt of thoſe that eſcaped, either deſerted, or liſted among the 6000 Engliſh which were in the ſervice of the ſtates. Thus, by the court's wrong meaſures, this army became uſeleſs, and the money ſpent in raiſing it, was loſt.

1625. Difficulties about the diſpenſation.

It was February, 1625, before pope Urban's diſpenſation arrived. When it came to Paris, two new conditions, not mentioned in the treaty, were ſeen in it with ſurpriſe, viz. 1. That the domeſticks of the children, born of this marriage, ſhould be Catholicks. 2. That the princeſs ſhould appoint them, and the pope abſolutely required the king of England, and the prince, his ſon, to ſwear to theſe two articles, otherwiſe the diſpenſation was invalid. The king of France was very angry with father Berulle for accepting ſuch a diſpenſation; but the father was ſo far from thinking it a fault, that he himſelf, as it is ſaid, inſinuated to the pope, that it would be proper to add theſe two articles, as having been forgotten in the treaty. The court of France, therefore, was under a freſh concern, fearing king James would reject theſe new conditions. But he was far from breaking for ſuch a trifle. He accepted them without being much importuned, and only refuſed to ſwear again, ſaying, his word was ſufficient. But without the oath, the diſpenſation was not valid. To ſatisfy the pope, therefore, the king of France, and the princeſs, his ſiſter, were forced to write to him, that they would warrant the performance of the two laſt articles. Notwithſtanding this, a new diſpenſation was to be ſollicited, which was ſome months in coming, and in this interval, died king James, without having the pleaſure of ſeeing the marriage conſummated.

The death of king James. Wilſon.

About the middle of March he was ſeiſed with a Tertian ague, of which he had ſome fits; but tho' commonly ſuch agues are not dangerous in the ſpring, this brought him to his grave. He died at Theobalds, the 27th of March, in the 59th year of his age, after a reign of 22 years in England.

Suſpicion againſt Buckingham. Wilſon.

His death happening, as I may ſay, ſuddenly, and unexpectedly, cauſed many ſuſpicions, which fell on the duke of Buckingham. When one of the king's fits was going off, the duke cauſed certain plaiſters to be applied to his ſide and wriſts, and gave him twice with his own hands a medicine to drink, in the abſence of the phyſicians; nay, he would have given it a third time, but could not perſuade him to take it. The king finding himſelf much worſe, ſent for the phyſicians, who ſaid poſitivly, they would not preſcribe, if the plaiſters were not immediately removed. However, the king died within a few days. The duke was afterwards impeached by the commons, not directly for poiſoning the king, but for daring to apply remedies without the advice of his phyſicians *.

James left only a ſon and a daughter. His daughter was married to a prince who had now loſt his dominions, and was fled for refuge to Reenen, in the province of Utrecht, where he kept his little court very poorly. King James, who was ſo liberal, is accuſed of having but moderately contributed to the maintenance of this diſconſolate family. I do not know whether there be any ground for this accuſation. Charles, prince of Wales, who ſucceeded his father, was ſtill more unfortunate than his ſiſter.

Wilſon. Annals. Coke. Weldon. Sanderſon.

James I, as I have elſewhere obſerved, has had for hiſtorians, men very much prepoſſeſſed in his favour, or extremely prejudiced againſt him. This naturally followed from the diviſions to which he himſelf had given birth. Some repreſent him as a perfect pattern of a good king. Others blacken his reputation as much as poſſible, by aggravating his failings. The reaſon of this diverſity proceeds from the Hiſtory of his reign, being penned at a time when the animoſity of the two parties was at the height, whence both have happened to leave in their writings evident marks of their paſſion. Therefore the character of this prince muſt not be formed, either upon the praiſes of the one, or the invectives of the other, but upon his manner of governing, upon his ſpeeches and actions. This might be done by recollecting the principal circumſtances of his reign. But to ſave the reader the pains, I ſhall briefly relate, what is ſaid on both ſides, of which he will be able to judge.

The principal ingredients in king James's panegyrick is, the conſtant peace he cauſed

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* Wilſon ſays, one of Buckingham's chief motives was thought to be his fear the king would ſet up Briſtol his deadly enemy againſt him, to pull him down. And if what Burnet ſays be true, he had reaſon likewiſe to fear the king's old favourite Somerſet. He ſays, the king being reſolved to bring the earl of Somerſet into favour again, met him in the night in the gardens at Theobalds: Two bed chamber men were only in the ſecret: The king embraced him tenderly, and with many tears: The earl of Somerſet believed the ſecret was not well kept, for ſoon after, the king was taken ill with an ague, and died at Theobalds. Burnet ſays, he had this from ſome who were told it by the earl himſelf. Dr. Craig, the king's phyſician was diſgraced, for ſaying he believed the king was poiſoned. Burnet.

his ſubjects to enjoy. This cannot be ſaid to be the effect of chance, ſince it clearly appears to have been his ſole, or, at leaſt, chief view in his adminiſtration. Nothing, ſay his friends, is more noble or more worthy a great king than ſuch a deſign. But this deſign loſes all its merit, if the prince is diſcovered by his conduct, to preſerve peace only out of fear, ſupineſs, exceſſive love of eaſe and repoſe, and king James's whole behaviour ſhews he acted by theſe motives, tho' he coloured it with the pretence of affection for his people.

Bacon. Coke.

If ſome take care to extol his knowledge in philoſophy, divinity, hiſtory, polite learning, others affirm, it was but real pedantry, and that from all his acquired knowledge he learnt only to talk very impertinently on every ſubject, inſtead of framing ſolid and ſure rules for the government of his dominions.

Coke.

His liberality, which ſome praiſe, is exclaimed againſt by others as prodigality. Theſe pretend, he gave without meaſure and diſcretion, without any regard to his own wants, or the merits of thoſe on whom he heaped his favours.

Williams. Coke.

The ſame contrariety occurs between king James's hiſtorians with reſpect to his capacity. Some call him for his wiſdom, the Solomon of the age. Others endeavour to diſplay all his errors, particularly in the two ſole important affairs of his reign, wherein he came off very ill, viz. the prince his ſon's marriage, and his ſon-in-law's election to the kingdom of Bohemia.

Some extol him for maintaining the prerogative royal in its full luſtre, in ſpite of the efforts of thoſe who were continually attacking it. Others pretend, he had conceived very wrong ideas of the Engliſh conſtitution, and by aiming to carry the regal authority too high, and inſtilling the ſame principles into his ſucceſſor, he was the firſt cauſe of his family's ruin.

Echard. Weldon. Coke. Burnet.

As to his manners, writers are no leſs divided. Some deſcribe him as a very wiſe and virtuous prince, whilſt others ſpeak of him as a prince of a diſſolute life, given to drinking, and ſwearing in common converſation, eſpecially when he was in a paſſion. He is likewiſe reproached for diſſolving the earl of Eſſex's marriage, pardoning the earl and counteſs of Somerſet, for the death of Sir Walter Raleigh, and for confidently calling God to witneſs, in full parliament, that he never had any thoughts of granting the Papiſts a toleration, which he could affirm but by means of ſome mental reſervation.

Coke. Burnet.

In fine, whilſt ſome praiſe his moderation and equity to the Catholicks, others pretend to demonſtrate he was a Papiſt in his heart, and only profeſſed the Proteſtant religion out of fear of what might follow, in caſe he openly declared for the Catholick. If ſome ſay, in proof of his being a good Proteſtant, that he made conſtant profeſſion of the eſtabliſhed religion, perſevered in it to his death, and when dying, charged the prince, his ſon, to protect the church and clergy; others anſwer, this is far from a demonſtration. They pretend, the point is not to know what he would appear to be, but what he was in reality, and that his actions belied his outward profeſſion; that the ſame thing had happened to him in Scotland, where till the age of 36 years, he had profeſſed a religion which he mortally hated, as plainly appeared afterwards *. That when he came to England, he declared himſelf openly the protector of the Papiſts; took their part on all occaſions; promoted them to honours; dignities, publick offices. That in his reign the laws againſt them were never duly executed, of which he boaſted to the Catholick princes in his apology concerning the oath of allegiance; that in all his ſpeeches, whether in the parliament or the ſtar-chamber, his conſtant view was to move his ſubjects to conſent to a full toleration for the Catholicks; but not finding the parliament inclined as he wiſhed, he granted, by his ſole authority, a toleration in effect, by hindering the execution of the laws, and diſcharging the condemned recuſants from fines, and other penalties. That in his conventions with Spain and France, he poſitively promiſed to cauſe no more laws to be enacted againſt the Papiſts, and thoſe already in force not to be executed; that on all occaſions, he affected to ſhew he found nothing amiſs in the Roman religion, but the pope's exorbitant power over princes; that by giving the pope the titles of holy father, his holineſs, and by conſenting that his ſon's children ſhould be educated in the Roman religion, till the age of 13 years, he plainly diſcovered he ſhould not be ſorry for their continuance in that religion; and, laſtly, his engagements with the archbiſhop of Ambrun is a freſh and manifeſt proof of his being a true Papiſt. To this the others reply, it is not poſſible to conceive, that if king James had been a Papiſt in his heart, he would have ſpent a conſiderable part of his time in writing books againſt the Popiſh religion, and combating the arguments of Bellarmine and Du Perron †.

Having related what is ſaid for and againſt king James, with reſpect to his religion, I ſhall take the liberty to offer my opinion or conjecture, which is, that this prince was truly neither a ſound Proteſtant, nor a good Catho-

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* Of king James's diſſimulation in point of religion, there is a clear evidence in a ſpeech of his to the kirk of Scotland, which he is ſaid to ſpeak ſtanding, with his bonnet off, and his hands lifted up to heaven, wherein, among other things, " He bleſſed God that had honoured him to be king over ſuch a kirk, the ſincereſt kirk in the world. " The church of Geneva, What are they? They keep Paſche and Yule, (i. e. Eaſter and Chriſtmaſs.) What authority have they in God's word, and where is their inſtitution? As for our neighbour church in England, their " ſervice is an evil maſs, ſaid in Engliſh; they want nothing of the maſs but the liftings, &c." Calderwood's Hiſt. of the Ch. of Scotland.

† As to this king's perſon, tho' his father and mother were eſteemed the handſomeſt couple of the age they lived in, yet he was himſelf but homely, nor in any of his features was to be found the leaſt reſemblance of the beautiful Mary Stuart, or lord Darnly. Welwood.

lick. One can hardly help owning, that he had never much at heart the intereſt of the Proteſtant religion, as on the other hand, it cannot be denied, he made publick and conſtant profeſſion of the ſame to his dying day. This induces me to think he had formed a ſcheme of religion different from that of others, according to which he counted of no moment, what the Proteſtants and Catholicks looked upon as eſſential. The difference between the two religions, with reſpect to tenets, was not what affected him moſt. He believed, probably, that every religion was good, provided it taught obedience to ſovereigns, and preſerved the hierarchy, which he conſidered as a fundamental article. It is, therefore, no wonder, that, agreeably to this ſcheme, he ſhould refuſe to enter into the meaſures of the Engliſh Proteſtants, to hinder the growth of the Romiſh religion in England, or not ſcruple to continue in the religion he profeſſed, ſince, according to his notions, the two religions were equally good, provided the pope's deſpotick power was aboliſhed. I ſcarce doubt that in his conferences with the archbiſhop of Ambrun, he had in view the chimerical project of reconciling the two religions, without troubling himſelf about the tenets which divided them, and which, in one of his ſpeeches, he called ſcholaſtick queſtions; but, probably, if he could have executed this project, according to his ideas, all the advantage would have been on the ſide of the Roman religion. This, in my opinion, is the only way to excuſe his condeſcenſion to the Catholicks, and his zeal to protect them. Otherwiſe, I do not ſee how his doubtful behaviour, with regard to religion, can well be accounted for. This may alſo ſerve to diſcover the reaſon of his rejecting with ſo much animoſity, the religion of the Puritans, whoſe principles he believed directly contrary to the ſcheme he had formed.

But whatever may be ſaid for and againſt king James's perſon, it is certain, England never flouriſhed leſs than in his reign, and the Engliſh ſaw themſelves expoſed to the inſults and railleries of other nations, whilſt the blame was generally caſt on the king. The following epigram made in made in France in his time, is a clear evidence in what eſteem he was with his neighbours.

Tandis qu' Elizabeth fut roy,
L' Anglois fut d' Eſpagne l' effroy
Maintenant, deviſe et caquette,
Regi par la reine Jaquette.

That is literally in Engliſh.

Whilſt Elizabeth was king,
The Engliſh were of Spain the terror.
But now, governed by queen Jaquet,
They only talk and prattle.

THE HISTORY OF ENGLAND.

BOOK XIX.

Containing the firſt 15 years of the reign of CHARLES I.

25. CHARLES I.

1625.

CHARLES I. Ruſhw.

Reaſons of king James's diſpleaſure againſt Buckingham. Clarendon.

CHARLES I, ſon and ſucceſſor of James I, was tinctured from his infancy with the principles concerning the regal authority, and prerogative royal, which were ſo much improved by the deceaſed king, during his life. He had the ſame favourite, the ſame council, the ſame miniſters, and all the places at court, and in the kingdom, continued in the hands of the duke of Buckingham's creatures; ſo, there was nothing new but the king's perſon. Charles's journey to Spain had ſo endeared the duke of Buckingham to him, that king James's affection for that favourite was nothing, as I may ſay, in compariſon of the new king's. It was thought, and it is not unlikely, if James had lived, he would have diſcarded the duke, with whom he was diſpleaſed for ſeveral reaſons. 1. Becauſe of the journey to Spain, of which he was the ſole adviſer, and which had expoſed the king to the cenſure of all Europe. 2. On account of the breach of the Spaniſh match without any juſt cauſe. 3. For the duke's engaging him, as it were againſt his will, to break with Spain. 4. For cauſing, by the prince's credit, and his intereſt with the parliament, the lord-treaſurer Middleſex to be condemned, in ſpite of the king himſelf, who did his utmoſt to ſave him, and even ſued to the prince and duke for his pardon, without being able to obtain it. Thus James died very ſeaſonably for the favourite, who, probably, to ſupport himſelf, muſt have ſet the prince at variance with his father, which might have had terrible conſequences. This raiſed ſtrong ſuſpicions of the duke, which were farther confirmed by his preſuming to apply a plaiſter to the king's ſide, and given him, with his own hand, a portion to drink, without the advice of his phyſicians. Indeed, the duke could not be directly accuſed of haſtening the king, his benefactor's death, by the remedies he gave him; but when the time and circumſtances of this unexpected death, cauſed by a Tertian ague, not uſually very dangerous in the ſpring, were jointly conſidered, with the embarraſſments it delivered the favourite from, and the advantages it procured him, it was difficult not to ſuſpect him. And yet, on the other hand, when the new king was ſeen to have an entire affection for the duke, it could not be imagined that he doubted his innocence in that reſpect. However this be, the duke of Buckingham was the ſon's favourite, as he had been the father's, with ſtill greater power and credit than he had enjoyed in the foregoing reign.

1625.

The duke is ſuſpected of king James's death.

Charles's projects concerning arbitrary power and the Palatinate.

Charles I, at his acceſſion to the crown, formed two projects equally difficult to be executed. The firſt was, to wreſt from the emperor, and the duke of Bavaria, both the Palatinates which had been taken from his brother-in-law, the elector Palatine. The ſecond, to carry the regal authority much higher than the king, his father, or any of his predeceſſors had done. Theſe two projects, which ſeparately would, in all appearance, meet with great obſtacles, became almoſt impracticable,

practicable, when joined together. Nevertheleſs, Charles believed they mutually ſupported each other; that under colour of the Palatinate war, he ſhould put the parliament upon a foot not to refuſe him any thing; that in time, he ſhould have both houſes at command, and after rendering himſelf independent, diſpoſe as he pleaſed of the riches of the kingdom, in executing his deſigns in favour of the king of Bohemia. As theſe two projects are the ſubject of the firſt 15 years of this reign, it will be neceſſary to ſet them in a clear light, that the ſequel may be the better underſtood.

Concerning the Palatinate.

As to the firſt, I mean that of wreſting the two Palatinates from the emperor and the duke of Bavaria, I think it needleſs to repeat what has been ſaid in the reign of James I. It will be ſufficient to put the reader in mind, that it was by the intrigues of the prince and the duke of Buckingham, and by the duke's wrong information of what paſſed in Spain, that the parliament was induced to adviſe the king to break the treaties, which were in effect broken already, and promiſe to ſupport the war, which this breach would probably cauſe. This was the prince's and duke's real view in diſguiſing the truth. Afterwards, the prince, when king, miſſed no opportunity to take advantage of the parliament's haſty advice and promiſe, as if the parliament had really been the ſole author of the breach, and prime cauſe of the war for the recovery of the Palatinate. King James was the firſt victim of theſe artifices. He was made to break a treaty which he had been labouring ſeven years, and to loſe the portion he had reaſon to expect for the prince's marriage with the Infanta. He was engaged, againſt his will and inclination, in a war with the houſe of Auſtria*, and, what he deemed the greateſt misfortune, compelled to have recourſe to a parliament, he that was ſo diſſatisfied with the two former, that, probably, he would never have called another, had it not been for this breach. The duke of Buckingham was the ſecond victim. As ſoon as the truth was known, he became the object of the publick hatred, tho', before his contrivances were diſcovered, he had been conſidered as a guardian-angel, for breaking the intended match. Finally, the prince having mounted the throne, reſolved to ſupport the war, in which the parliament had unadviſedly engaged. But becauſe he found not in the houſe of commons, that readineſs to aſſiſt him which he expected, he diſſolved ſeveral parliaments merely for that very reaſon. This bred in the minds of his ſubjects jealouſy and diſcontent, which being inflamed by other cauſes, brought him in the end to the greateſt misfortune that can befal a king. Hitherto the prince's and duke's real motive in breaking the treaty with Spain is unknown. It is not conceived how, after the loſs of the Palatinate, they could imagine it more eaſy to recover that country from the emperor and duke of Bavaria, by force of arms, than by managing the king of Spain's friendſhip, by means of the marriage already concluded. But the uſe the prince, now become king, intended to make of this war, adviſed by the parliament, can be no ſecret, viz. to accuſtom the houſe of commons, under colour of the urgent neceſſity of the war, to ſupply him in a few days, with the money he demanded, without conſidering any other affair. This will evidently appear in the ſequel. But before I deſcend to the particulars of this ſecond project, it is neceſſary to premiſe ſome remarks on this ſubject.

The ſecond project, with reſpect to arbitrary power.

I have ſhewn in the reign of James I, that this firſt monarch of Great-Britain, laboured, as long as his monarchy laſted, that is, while he was king of England, to extend the prerogative-royal. This was not only in ſome points, and on certain occaſions, but by general principles, which being once admitted, would, by neceſſary conſequences, cloath the ſovereign with an unlimited authority. Whatever had been ſaid by the moſt furious ſticklers for the abſolute power of ſovereigns, he readily applied to the kings of England, without ever examining whether the power of a monarch admitted of degrees, according to the ſeveral ſtates, or the conſtitution of the government, whereof he was head. And yet this was the point in queſtion. Otherwiſe, it followed from his principles, that the regal power was the ſame every were, and a king of Poland, for inſtance, ought to be as abſolute as a king of Perſia. This was in effect, what he always ſuppoſed in the affair of Bohemia; and what hindered him to eſpouſe his ſon-in-law's quarrel. So long as he was ſatisfied with inſinuating ſuch maxims, by certain expreſſions in his publick ſpeeches, the people, and even the parliament, took no great notice of them. But when he meant to practiſe the various conſequences which might thence be naturally drawn, he met with ſtrong oppoſition, which obliged him to diſſolve ſeveral parliaments, becauſe they were not ſo apt as he wiſhed to imbibe his inſtructions. This oppoſition provoked him; nay, he began to ſpeak plainer, and aſſert, that parliaments owed their being to the royal conceſſion, and that this conceſſion might be revoked when they became unworthy of it, juſt as a charter granted to a corporation on certain expreſs terms, might be taken away, if the terms were not complied with. But the parliament would never allow of ſuch a principle. It was readily agreed, that the king had power to call, prorogue, and diſſolve the parliament; nay, that he might forbear ſummoning it for ſome time. But that England might, or ought to be governed without parliaments, if the king thought proper, is what could not be allowed, much leſs that the king could diſpenſe with, or act contrary to the laws. And yet to this height would James I. have carried his prerogative, an ambiguous term, by which he meant an abſolute power, or ſomething very near it. But the Engliſh, for the moſt part, underſtood by that word, only a power in the perſon of the ſovereign, to command or act in matters not repugnant to the law, or for which the law had not provided, and certain acts of grace and favour, which the king might exerciſe with regard to ſome private perſons, provided theſe acts were not very prejudicial to the reſt of the nation. This was the conſtant occaſion of the quarrels between James I. and the parliament. It could not be ſaid exactly, wherein conſiſted the king's prerogatives, and the people's privileges, becauſe there had never been an expreſs determination on that ſubject. Thoſe kings, who were reckoned the wiſeſt and moſt prudent, avoided as rocks, ſuch ſort of diſputes, which can only breed hatred and animoſity between the king and people. On the other hand, former parliaments choſe rather, to ſee the prerogative-royal ſtretched ſometimes beyond its due bounds, than debate ſuch difficult points, which in caſe of obſtinacy on both ſides, muſt have been decided by arms, ſince there was no higher tribunial to appeal to. Beſides, ſince Richard II, whoſe attempt coſt him his crown and life, there had been no king who had endeavoured to carry the prerogative-royal ſo far as to claim a power to act directly contrary to the laws. If there were any who, on ſome occaſions, attempted to go beyond bounds, the parliaments were under no concern, for one of theſe three reaſons: 1. Becauſe it was in things of little importance. 2. Becauſe, having a perfect confidence in their ſovereign, they believed he would not make an ill uſe of their indulgence. 3. Becauſe they ſaw the king's view and motive were advantageous, or, at leaſt, not very prejudicial, to the nation.

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* King James, upon his death-bed, exhorted his ſon the prince, to take ſpecial care of the elector Palatin's children, and to endeavour to reſtore them to the eſtate and dignities of their father. Ruſhworth.

But James I. was no ſooner on the throne of England, but queſtions about the prerogative-royal became frequent and abſolutely neceſſary. This monarch was continually endeavouring to eſtabliſh principles, the conſequences whereof tended to no leſs than to ſubvert the conſtitution of the government. I ſhall relate ſome that have already appeared in the Hiſtory of his reign, but which it is the more neceſſary to repeat here, as Charles I. exactly followed his father's ſteps, and as it is not poſſible to have too clear an idea of theſe things, ſince they are the chief ſubject of this reign.

From the principle that the parliament owed its being to the conceſſion of the kings, and that this conceſſion might be revoked, it followed of courſe; that the king might govern without a parliament, and conſequently, tax the people as he thought proper, for the ſupport of the government. From the principle, that the king was above the laws, it neceſſarily followed, that there was no ſecurity for the ſubjects, and their honour, fortunes, liberty, and life itſelf were at the king's diſpoſal. From the principle, that the parliament had no right to concern themſelves with the king's affairs when their advice was not asked, it could not but be inferred, that the king was to be ſuffered to do whatever he pleaſed, even things moſt deſtructive to the nation. From the principle, that to complain of the adminiſtration, was want of reſpect to the king, it neceſſarily followed, that the parliament could take no grievances into conſideration, nor make any complaints, ſince grievances are generally acts of injuſtice committed, by the king or his miniſters. From the principle, that the parliament had at moſt but a right to repreſent the grievances to the king, after which, the redreſs was patiently to be expected from the king himſelf, it followed, that the king might plague his ſubjects at his pleaſure, without being obliged to redreſs their ſufferings, any farther than he thought convenient. From the principle, that to diſpute the extent of his prerogative was wounding the king in the moſt ſenſible part, the conſequence muſt have been, that the prerogative was without bounds, or that it could be limitted only by the king's wiſdom and goodneſs. All theſe principles, as it is eaſy to perceive, tended to eſtabliſh a deſpotick power. Had the king been ſatisfied with granting now an then ſome favour, founded upon any of theſe principles, it might have been thought of no conſequence; but he was ſeen, upon all occaſions, to endeavour to inſtil theſe principles into the minds of his ſubjects, and to eſtabliſh them upon inſtances taken here and there, of the conduct of his predeceſſors. He himſelf was ſeen to draw from thence, by his actions, the moſt extenſive conſequences, to fill the kingdom with monopolies, to compel his ſubjects to lend or give him money, to diſſolve the parliaments for not allowing his principles, to impriſon ſuch members as ventured to ſpeak freely, and even to declare publickly, he would call no more parliaments. There was, therefore, no medium; his pretenſions were either to be complied with, or oppoſed with open force.

James I. had the happineſs to die before this diviſion was carried any farther. The breach of the Spaniſh match ſerved to reconcile the king and parliament to each other. The king perceived, he could not proceed without parliaments, and the people judged, that while the king was engaged in a war with the houſe of Auſtria, he would be forced to have a regard to the liberties of the nation and the privileges of the parliament. Thus both ſides ſeemed inclined to a reconciliation, and to forget all occaſions of complaint.

James being dead, Charles I, his ſon and ſucceſſor, who had greatly improved by his inſtructions, mounted the throne, poſſeſſed with the ſame principles; but as he was young, and his paſſions ſtrong, he could put no conſtraint upon himſelf, nor think of managing the affection of the parliament. He ſoon diſcovered by what maxims he meant to proceed in the government of his dominions. He not only refuſed to redreſs the grievances introduced during his father's reign, but alſo added others more intolerable. He affected to let his ſubjects ſee, not only that their grievances touched him not, but that it was an offence to petition a redreſs. In a word, he very plainly intimated,

mated, both in his ſpeeches and conduct, that he looked upon parliaments, only as aſſemblies ſolely deſigned to ſupply him with money, and in caſe of refuſal, he could proceed without their aſſiſtance. Accordingly, he diſſolved ſeveral parliaments, becauſe they did not readily grant the ſums he demanded; offered violence to many members; and extorted from his ſubjects what money he wanted, by forced loans, or taxes impoſed by his own authority. This ought not to ſeem ſtrange, ſince beſides the leſſons taught him by his father, he had the ſame favourite, the ſame miniſters, and the ſame council.

It is my deſign to ſhew all theſe things clearly and diſtinctly, not by reaſonings and conſequences, but by undeniable facts, by authentick vouchers of what I ſhall advance, and laſtly, by the king's own conduct, which his moſt zealous friends have no otherwiſe undertaken to juſtify, than by an affected ſilence, or, at leaſt, by a very ſlight account of the firſt 15 years of his reign. My ſole view in thus enlarging on theſe things is, to enable the reader to underſtand the true cauſes of the war which afterwards afflicted the kingdom.

James's funeral. Ruſhw.

As ſoon as the deceaſed king's funeral was ſolemniſed, Charles ſpeedily ſent 8000 men to Plymouth, to be embarqued for an expedition to Spain. As he had but little money in his coffers, the charge of coat and conduct was ordered to be diſburſed by the country, and the country to be repaid out of the exchequer at a more convenient ſeaſon. This was done after the precedent of former times, tho' the cuſtom had now been long diſuſed. Theſe troops having committed great diſorders in their march, the king granted a commiſſion for martial-law, to puniſh the offenders. This was looked upon as an innovation, which took from the uſual judges the cognizance of crimes committed by the ſoldiery, and yet, in general, it was not much conſidered.

The king's marriage. Ruſhw.

The king's marriage having been concluded in his father's life-time, was ſolemniſed at Paris with great magnificence, on a theatre erected before the church of Notre-Dame, the duke of Chevreuſe performing the office of proxy for the king of England. Preſently after, the duke of Buckingham was ſent into France to conduct the queen to the king, her ſpouſe. She arrived June 12, at Dover, where the king met her the next morning, and that evening the marriage was conſummated at Canterbury. The 16th of the ſame month the king and queen made their entry into London, and two days after the parliament met. The king made the following ſpeech to both houſes at the opening of this firſt parliament.

My lords and gentlemen,

The king's ſpeech to his firſt parliament. Ruſhw.

‘I Thank God, that the buſineſs to be treated on at this time, is of ſuch a nature, that it needs no eloquence to ſet it forth; for I am neither able to do it, neither doth it ſtand with my nature to ſpend much time in words. It is no new buſineſs, being already happily begun by my father, of bleſſed memory, who is with God; therefore, it needeth no narrative. I hope in God you will go on to maintain it, as freely as you adviſed my father to do it. It is true, he may ſeem to ſome to have been ſlack to begin ſo juſt and ſo glorious a work; but it was his wiſdom that made him loth to begin a work, until he might find a means to maintain it; but after that he ſaw how much he was abuſed in the confidence he had with other ſtates, and was confirmed by your advice to run the courſe we are in, with your engagement to maintain it, I need not preſs to prove how willingly he took your advice; for the preparations that are made are better able to declare it, than I to ſpeak it. The aſſiſtance of thoſe in Germany, the fleet that is ready for action, with the reſt of the preparations, which I have only followed my father in, do ſufficiently prove, that he entered into this action.

‘My lords and gentlemen, I hope that you do remember, that you were pleaſed to employ me to adviſe my father to break off thoſe two treaties that were on foot; ſo that I cannot ſay, that I came hither a free unengaged man. It is true, I came into this buſineſs willingly and freely, like a young man, and conſequently raſhly; but it was by your intereſt, your engagement; ſo that tho' it were done like a young man, yet I cannot repent me of it, and I think none can blame me for it, knowing the love and fidelity you have born to your king, having myſelf likewiſe ſome little experience of your affections. I pray you remember, that this being my firſt action, and begun by your advice and entreaty, what a great diſhonour it were to you and me, if this action, ſo begun, ſhould fail, for that aſſiſtance you are able to give me. Yet knowing the conſtancy of your love both to me and this buſineſs, I needed not to have ſaid this, but only to ſhew what care and ſenſe I have of your honours and mine own. I muſt entreat you likewiſe to conſider of the times we are in, how that I muſt adventure your lives *, (which I ſhould be loth to do) ſhould I continue you here long; and you muſt venture the buſineſs, if you be ſlow in your reſolutions. Wherefore I hope you will take ſuch grave counſel, as you will expedite what you have in hand to do; which will do me and yourſelves an infinite deal of honour; you, in ſhewing your love to me, and me, that I may perfect that work which my father hath ſo happily begun.

‘Laſt of all, becauſe ſome malicious men may, and as I hear, have given out, that I am not ſo true a keeper and maintainer of the true religion that I profeſs; I aſſure you, that I may with St. Paul ſay, that I have been trained up at Gamaliel's feet; and altho' I ſhall never be ſo arrogant as to aſſume unto myſelf the reſt, I ſhall ſo far ſhew

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* By reaſon of the plague: Rapin.

‘the end of it, that all the world may ſee, that none hath been, nor ever ſhall be more deſirous to maintain the religion I profeſs, than I ſhall be.

‘Now becauſe I am unfit for much ſpeaking, I mean to bring up the faſhion of my predeceſſors, to have my lord keeper ſpeak for me in moſt things; therefore, I have commanded him to ſpeak ſomething unto you at this time, which is more for formality, than any great matter he hath to ſay unto you.’

Ruſhw. Hacket.

Then the lord keeper Williams declared, ‘That the king's main reaſon of calling the parliament, beſides the beholding of his ſubjects faces, was to mind them of the great engagements for the recovery of the Palatinate, impoſed on his majeſty by the late king, his father, and by themſelves, who broke off the two treaties with Spain. Alſo to let them underſtand, that the ſucceeding treaties and alliances, the armies ſent into the Low-Countries, the repairing of the forts, and the fortifying of Ireland, do all meet in one centre, the Palatinate; and that the ſubſidies granted in the laſt parliament are herein already ſpent, whereof the account is ready, together with as much more of the king's own revenue.’ His lordſhip farther commended three circumſtances.

‘Firſt, the time; all Europe being at this day at the pool of Betheſda, the firſt ſtirring of the waters muſt be laid hold on; wherefore his majeſty deſires them to beſtow this meeting on him, or rather on their actions; and the next ſhall be theirs, as ſoon, and as long as they pleaſe, for domeſtick buſineſs.

‘Secondly, ſupply, if ſubſidies be thought too long and backward, his majeſty deſires to hear, and not to propound the way.

‘Thirdly, the iſſue of action; which being the firſt, doth highly concern his majeſty's honour and reputation, for which he relies upon their loves, with the greateſt confidence that ever king had in his ſubjects; witneſs his royal poeſy, Amor civium regis munimentum; and he doubts not, but as ſoon as he ſhall be known in Europe to be their king, ſo ſoon ſhall they be known to be a loving and loyal nation to him.’

The parliament petition the king againſt recuſants. The king's general anſwer. Ruſhw.

Tho' the king affirmed in his ſpeech, that no prince was ever more deſirous to maintain the religion he profeſſed, the parliament does not ſeem to have fully believed it, ſince, at the very firſt, both houſes joined in preſenting to him a petition againſt recuſants. The king returned a very gracious anſwer, ſaying, he was very glad to ſee their zeal for religion, and was ready to concur with them in whatever they ſhould propoſe on that head. He deferred, however, anſwering each particular article of the petition, till he had examined it.

Montague is cited on account of his book. Ruſhw. Annals.

Mr. Richard Montague, a clergyman, had lately printed a book, entitled, An appeal to Cæſar, wherein were ſeveral propoſitions tending to the diſturbance of church and ſtate. It was complained of to the commons, who bringing the author to the bar of their houſe, and examining him, thought proper to refer him to the archbiſhop of Canterbury. The archbiſhop, who was looked upon with no good eye at court, becauſe he was ſuſpected of being a friend to the Puritans, contented himſelf with exhorting him to write no more upon ſuch ſubjects. The proceedings of the commons diſpleaſed the king, for Montague being one of his chaplains, he pretended the bringing him to their bar was an incroachment upon his prerogative. He expreſſed his diſpleaſure with the commons, and took occaſion to bring the cauſe before the council. Every one ſuſpected, that as Montague's book contained an Arminian doctrine, Laud, biſhop of St. David's, the king's moſt intimate counſellor for religious affairs, had done this, to ſtop the proſecution. Laud was conſidered by many as the head and protector of the Arminians, who were now very numerous in the kingdom. He had inſinuated himſelf into Buckingham's favour, and by that means into the king's, who readily followed his counſels, in the affairs of religion.

The commons grant two ſubſidies. Ruſhw.

The diſpleaſure expreſſed by the king againſt the commons, hindered not the houſe from granting him two ſubſidies. The king accepted them graciouſly, but withal intimated, this ſupply was far ſhort of what was neceſſary for the war, to which his father was adviſed by the parliament. The act for the two ſubſidies was no ſooner paſſed, than the king adjourned the parliament to Oxford, to meet again the 1ſt of Auguſt following, by reaſon of the plague which raged in London.

Six ſhips lent the French king to ſerve againſt Rochel. Annals. Coke.

King James, a little before his death, promiſed to lend the king of France five or ſix ſhips to be employed againſt the Genoeſe; at leaſt, they were borrowed on that pretence; but afterwards, Lewis XIII. wanting theſe ſhips for the ſiege of Rochel, prevailed with Charles I, by Buckingham's means, that he might employ them where he pleaſed, and accordingly they were ſent to Dieppe, under the command of vice-admiral Pennington. The maſters or commanders of theſe ſhips, diſcovering they were to go againſt Rochel, weighed anchor, and ſailed back to England. Pennington informing the duke of Buckingham of it, received an expreſs order, confirmed by another from the king himſelf, to return to Dieppe with the ſhips, and put them into the hands of the French, which was done accordingly. But the mariners all deſerted, utterly refuſing to ſerve againſt Rochel.

Complaints againſt Buckingham, Ruſhw.

This affair made great noiſe at Oxford, where the parliament was re-aſſembled. Buckingham's ill conduct in this and other reſpects, was loudly complained of in the houſe of commons. It was ſaid, the money granted by the parliament to the late king, had been miſapplied, and put to uſes very different from thoſe it was intended for. That the ſeas were ſo neglected, that the Corſairs had done great damage to the Engliſh merchants. That Popery and Arminianiſm were countenanced by a ſtrong party in the kingdom. Neile, biſhop of Wincheſter, and Laud,

and the biſhops Neile and Laud.

1625.

Laud, biſhop of St. David's, were chiefly looked upon as the heads and protectors of the Arminians *, nay as favourers of Popery, by reaſon of their rigid and paſſionate zeal for all the ceremonies of the church of England, even for ſuch as ſeemed the leaſt neceſſary. This zeal appeared to many as myſterious as uncommon, and cauſed them to ſuſpect, that the two prelates, under colour of maintaining religion, had formed a project to reſtore Popery. They could not imagine, that men ſhould have ſo ſtrong an attachment to things in themſelves of ſo little moment, without ſome hidden deſign; wherefore Mr. Montague was ſummoned a ſecond time before the houſe of commons †, and ſeverely reprimanded.

The king ſends for both houſes.

In the interim, the king ſeeing the parliament had ſpent the three or four firſt days of their ſeſſion in talking of grievances, without any mention of the money he expected for ſupporting the war, ſent for both houſes, and in Chriſt-Church-Hall ſpoke to them in the following manner:

The king's ſpeech to both houſes. Annals.

My lords, and you of the commons,

'WE all remember, that from your deſires and advice, my father, now with God, break off thoſe two treaties with Spain that were then in hand: Well you then foreſaw, that as well for regaining my diſpoſſeſſed brother's inheritance, as home defence, a war was likely to ſucceed; and that as your counſels had led my father into it, ſo your aſſiſtance in a parliamentary way to purſue it, ſhould not be wanting. That aid you gave him by advice, was for ſuccour of his allies, the guarding of Ireland, and the home part, ſupply of munition, preparing and ſetting forth of his navy. A council you thought of, and appointed for the war, and treaſurers for iſſuing of the monies, and to begin this work of your advice, you gave three ſubſidies, and as many fifteens, which with ſpeed were levied, and by direction of that council of war (in which the preparation of this navy was not the leaſt) diſburſed.

'It pleaſed God at the entrance of this preparation (by your advice begun) to call my father to his mercy, whereby I entered as well to the care of your deſign, as his crown. I did not then, as princes do of cuſtom and formality, re-aſſemble you, but that by your farther advice and aid, I might be able to proceed in that which by your counſels my father was engaged in. Your love to me, and forwardneſs to farther thoſe affairs, you expreſſed by a grant of two ſubſides yet ungathered; altho' I muſt aſſure you, by myſelf and others upon credit taken up, and aforehand diſburſed, and as far ſhort, as yet to ſet forth that navy now preparing; as I have lately the eſtimate of thoſe of care, and who are ſtill employed about it, whoſe particular of all expences about this preparation ſhall be given you, when you pleaſe to take an account of it.'

1625.

The ſecretaries ſpeeches. Ruſhw.

When the king had done ſpeaking, the lord Conway and Sir John Coke, ſecretaries, of ſtate, made ſpeeches, the deſign whereof, like that of the king's, was to demonſtrate the abſolute neceſſity the commons were under, to grant his majeſty a large ſum for the war wherein he was engaged. They forgot not to repeat that the war was begun by the late king, by the advice of both houſes of parliament, for this was what the king conſidered as an unanſwerable reaſon; but the parliament being now better informed how the king and duke procured that advice from the former parliament, theſe two ſpeeches produced no great effect. The commons being returned to their houſe, proceeded to examine grievances, and in this examination divers complaints were made againſt the duke of Buckingham. It was alſo complained, that Popery was not only tolerated, but even countenanced, contrary to the king's expreſs promiſe; that pardons were granted to recuſants, ſigned by the lord Conway, ſecretary of ſtate, who pretended to be authoriſed by the king, and that theſe pardons ſtopped the courſe of juſtice, and the execution of the laws. Whereupon the king thought himſelf obliged to return poſitive anſwers to the petition preſented to him at London by the two houſes, to which he had hitherto only anſwered in general. It is abſolutely neceſſary to inſert here the petition, with the king's anſwers to each article, that the reader may the beter judge how the king's promiſes were afterwards performed.

Petition againſt recuſants, with the king's anſwers to each article.

The petition of both houſes againſt Popiſh recuſants preſented to the king at Weſtminſter, anſwered by him at Oxford. Ruſhw.

Moſt gracious ſovereign,

'IT being infallibly true, that nothing can more eſtabliſh the throne, an aſſure the peace and proſperity of the people, than the unity and ſincerity of religion; we your moſt humble and loyal ſubjects, the lords ſpiritual and temporal, and commons of this preſent parliament aſſembled, hold ourſelves bound in conſcience and duty to repreſent the ſame to your ſacred majeſty, together with the dangerous conſequences of the increaſe of Popery in this land, and

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* The Arminian doctrine, condemned by the ſynod of Dort, held in 1618, was in ſubſtance reduced to theſe five articles. I. God does not in an arbitrary manner predeſtinate any perſon to be ſaved or damned. II. Chriſt died for all men, that is, all are partakers of the benefits of Chriſt's paſſion, who ſincerely performed the goſpel-terms of faith and repentance. III. How neceſſary ſoever grace may be towards our good actions, yet, IV. It is not irreſiſtable, that is, we are ſtill free-agents; conſequently, V. The faithful may finally fall away, or depart from a ſtate of grace.

† According to the condition of his bond. Montague's cauſe was recommended to the duke of Buckingham, by Buckeridge, biſhop of Rochefter, Howſon, biſhop of Oxford, and Laud, biſhop of St. David's, who obſerved, that learned men ought to be left to abound in their own ſenſe, it being the great fault of the council of Trent, to require a ſubſcription to ſchool-opinions, &c. See Ruſhworth.

‘what we conceive to be the principal cauſes thereof, and what may be the remedies.

The dangers appear in theſe particulars.

‘I. In their deſperate ends, being, both the ſubverſion of the church and ſtate, and the reſtleſſneſs of their ſpirits to attain theſe ends; the doctrine of their teachers and leaders, peſuading them that therein they do God good ſervice.

‘II. Their evident and ſtrict dependency upon ſuch foreign princes, as no way affect the good of your majeſty and this ſtate.

‘III. The opening a way of popularity to the ambition of any who ſhall adventure to make himſelf head of ſo great a party.

The principal cauſe of the increaſe of Papiſts.

‘I. The want of the due execution of the laws againſt Jeſuits, ſeminary-prieſts, and Popiſh recuſants; occaſioned partly by the the connivency of the ſtate, partly by defects in the laws themſelves, and partly by the manifold abuſe of officers.

‘II. The interpoſing of foreign princes by their ambaſſadors and agents in favour of them.

‘III. Their great concourſe to the city, and frequent conferences and conventicles there.

‘IV. The open and uſual reſort to the houſes and chapels of foreign ambaſſadors.

‘V. The education of their children in ſeminaries, and houſes of their religion in foreign parts, which of late have been greatly multiplied and enlarged for the entertainment of the Engliſh.

‘VI. That in ſome places of your realm, your people be not ſufficiently inſtructed in the knowledge of true religion,

‘VII. The licentious printing and diſperſing of Popiſh and ſeditious books.

‘VIII. The employment of men ill-effected in religion in places of government, who do, ſhall, or may, countenance the Popiſh party.

The remedies againſt this outragious and dangerous diſeaſe we conceive to be theſe enſuing.

‘I. That the youth of this realm be carefully educated by able and religious ſchoolmaſters, and they to be enjoined to catechize and inſtruct their ſcholars in the grounds and principles of true religion. And whereas by many complaints from divers parts of the kingdom, it doth plainly appear, that ſundry Popiſh ſcholars, diſſembling their religion, have craftily crept in, and obtained the places of teaching in divers counties, and thereby infected and perverted their ſcholars, and ſo fitted them to be tranſported to the Popiſh ſeminaries beyond the ſeas; that, therefore, there be great care in choiſe and admitting ſchool-maſters, and that the ordinaries make diligent enquiries of their demeanors, and proceed to the removing of ſuch as ſhall be faulty, or juſtly ſuſpected.

His majeſty's anſwer.

“This is well allowed of; and for the better performance of what is deſired, letters ſhall be written to the two archbiſhops, and from them, letters to go to all the ordinaries of their ſeveral provinces to ſee this done; the ſeveral ordinaries to give account of their doings herein to the archbiſhops reſpectively, and they to give account to his majeſty of their proceedings herein.

‘II. That the antient diſcipline of the univerſities be reſtored, being the famous nurſeries of literature and virtue.

Anſwer. “This is approved by his majeſty, and the chancellor of each univerſity ſhall be required to cauſe due execution of it.

‘III. That ſpecial care be taken to enlarge the word of God, throughout all the parts of your majeſty's dominions, as being the moſt powerful means for planting of true religion, and rooting out of the contrary: To which end, among other things, let it pleaſe your majeſty to adviſe your biſhops, by fatherly intreaty and tender uſage, to reduce to the peaceable and orderly ſervice of the church, ſuch able miniſters as have been formerly ſilenced, that there may be a profitable uſe of their miniſtry in theſe needful and dangerous times; and that non-reſidency, pluralities, and commendams, may be moderated. Where we cannot forbear, moſt humbly to thank your majeſty for diminiſhing the number of your own chaplains; not doubting of the like princely care for the well-beſtowing of the reſt of your benefices, both to the comfort of the people, and the encouragement of the univerſities; being full of grave and able miniſters unfurniſhed of livings.

Anſwer. “This his majeſty likes well, ſo as it be applied to ſuch miniſters as are peaceable, orderly, and conformable to the church-government. For pluralities and non-reſidencies, they are now ſo moderated, that the archbiſhops affirm, there be now no diſpenſation for pluralities granted; nor no man now is allowed above two benefices, and thoſe not above 30 miles diſtant: And for avoiding non-reſidence, the canon in that caſe provided, ſhall be duly put in execution. For commendams, they ſhall be ſparingly granted, only in ſuch caſe where the exility and ſmallneſs of the biſhoprick requireth. Alſo his majeſty will cauſe that the benefices belonging to him ſhall be well beſtowed. And for the better propagating of religion, his majeſty recommendeth to the houſe of parliament, that care may be taken, and proviſion made, that every pariſh ſhall allow a competent “maintenance for an able miniſter; and that the owners of parſonages impropriate would allow to the vicars, curates, and miniſters in villages and places belonging to their parſonage, ſufficient ſtipend and allowance for preaching miniſters.

‘IV. That there may be ſtrict proviſion againſt tranſporting of Engliſh children to the ſeminaries beyond the ſeas, and for the recalling of them who are already there placed, and for the puniſhment of ſuch your ſubjects as are maintainers of thoſe ſeminaries, or of the ſcholars; conſidering, that beſides the ſeducing of your people, great ſums of money are yearly expended upon them, to the impoveriſhing of this kingdom.

Anſwer. “The law in this caſe ſhall be put in execution: And farther, there ſhall be letters written to the lord-treaſurer, and alſo to the lord-admiral, that all the ports of this realm, and the creeks and members thereof be ſtrictly kept, and ſtrait ſearches made to this end: A proclamation ſhall be, to recal both the children of noblemen, and the children of any other men, and they to return by a day; alſo maintainers of ſeminanaries of ſcholars there, ſhall be puniſhed according to law.

‘V. That no Popiſh recuſant be permitted to come within the court, unleſs your majeſty be pleaſed to call him upon ſpecial occaſion, agreeable to the ſtatute of 3 Jac. And whereas your majeſty for the preventing of apparent miſchiefs both to your majeſty and the ſtate, hath in your princely wiſdom taken order, that none of your natural-born ſubjects, not profeſſing the true religion, as by law eſtabliſhed, be admitted into the ſervice of your royal-conſort the queen. We give your majeſty moſt humble thanks, and deſire that your order herein may be obſerved.

Anſwer. “If his majeſty ſhall find, or be informed of any concourſe of recuſants to the court, the law ſhall be ſtrictly followed: And his majeſty is pleaſed, that by proclamation the Britiſh and Iriſh ſubjects ſhall be put in the ſame caſe. And as his majeſty hath provided in his treaty with France, ſo his purpoſe is to keep it, that none of his ſubjects ſhall be admitted into his ſervice, or into the ſervice of his royal conſort the queen, that are Popiſh recuſants.

‘VI. That all the laws now ſtanding in force againſt Jeſuits, ſeminary prieſts, and others, having taken orders by authority derived from the ſee of Rome, be put in due execution. And to the intent they may not pretend to be ſurpriſed, that a ſpeedy and certain day be prefixed by your majeſty's proclamation, for their departure out of this realm, and all other your dominions, and not to return upon the ſevereſt penalties of the laws now in force againſt them; and that all your majeſty's ſubjects may be thereby admoniſhed, not to receive, comfort, entertain, or conceal, any of them, upon the penalties which may be lawfully inflicted: And that all ſuch Papiſts, Jeſuits, and recuſants, who are and ſhall be impriſoned for recuſancy, or any other cauſe, may be ſo ſtrictly reſtrained, as that none ſhall have conference with them, thereby to avoid the contagion of their corrupt religion: And that no man that ſhall be ſuſpected of Popery, be ſuffered to be a keeper of any of his majeſty's priſons.

Anſwer. “The law in this caſe ſhall be put in execution, and a proclamation ſhall be to the effect deſired; and ſuch reſtraint ſhall be made, as is deſired, and no man that is juſtly ſuſpected of Popery, ſhall be ſuffered to be a keeper of any of his majeſty's priſons.

‘VII. That your majeſty be pleaſed to take ſuch order as to your princely wiſdom ſhall be expedient, that no natural born ſubject, or ſtrange biſhops, nor any other by authority from the ſee of Rome, confer any eccleſiaſtical orders, to exerciſe any eccleſiaſtical function whatſoever, toward or upon your majeſty's natural ſubjects within your dominions.

Anſwer. “This is fit to be ordered according as is provided, and it ſhall be ſo publiſhed by proclamation.

‘VIII. That your majeſty's learned council may receive order and commandment, to conſider of all former grants of recuſants lands, that ſuch of them may be avoided as are made to the recuſants uſe or intereſt, out of which the recuſant receiveth any benefit, which are either void, or voidable by the law.

Anſwer. “The king will give order to his learned council to conſider of the grants, and will do according as is deſired.

‘IX. That your majeſty will be likewiſe pleaſed ſtrictly to command all your judges and miniſters of juſtice, eccleſiaſtical and temporal, to ſee the laws of this realm againſt Popiſh recuſants, to be duly executed; and, namely, that the cenſure of excommunication be declared and certified againſt them; and that they be not abſolved upon publick ſatisfaction by yielding to conformity.

Anſwer. “His majeſty leaves the laws to their courſe, and will order in the point of excommunication as is deſired.

‘X. That your majeſty will be pleaſed to remove from places of authority and government, all ſuch perſons, as are either Popiſh recuſants, or according to direction of former acts of ſtate, to be juſtly ſuſpected.

Anſwer. “This his majeſty thinks fit, and will give orders for it.

‘XI. That preſent order be taken for diſarming all Popiſh recuſants, legally convicted, or juſtly ſuſpected, according to the laws in that behalf, and the orders taken by his late majeſty's privy-council upon reaſon of ſtate.

Anſwer. “The laws and acts in this caſe ſhall be followed, and put in due execution.

‘XII. That your majeſty be alſo pleaſed in reſpect to the great reſort of recuſants, to and about London, to command forthwith, upon pain of your indignation, and ſevere execution of the laws, that they retire themſelves to their ſeveral countries, there to remain confined within five miles of their places.

Anſwer. "For this the laws in force ſhall be forthwith executed.

'XIII. And whereas your majeſty hath ſtrictly commanded and taken order, that none of the natural born ſubjects repair to the hearing of maſſes, or other ſuperſtitious ſervices at the chapels, or houſes of foreign ambaſſadors, or in any other places whatſoever; we give your majeſty moſt humble thanks, and deſire that your order and commandment therein may be continued and obſerved, and that the offenders herein may be puniſhed according to the laws.

Anſwer. "The king gives aſſent thereto, and will ſee that obſerved which herein hath been commanded by him.

'XIV. That all ſuch inſolencies, as any that are Popiſhly affected, have lately committed, or ſhall hereafter commit, to the diſhonour of our religion, or to the wrong of the true profeſſors thereof, be exemplarily puniſhed.

Anſwer. "This ſhall be done as is deſired.

'XV. That the ſtatute of 1 Eliz. for the payment of 12 d. every Sunday, by ſuch as ſhall be abſent from divine ſervice in the church, without a lawful excuſe, may be put in due execution, the rather, for that the penalty by law is given to the poor, and therefore not to be diſpenſed withal.

Anſwer. "It is fit that this ſtatute be executed, and the penalties ſhall not be diſpenſed withal.

'XVI. Laſtly, That your majeſty would be pleaſed to extend your princely care alſo over the kingdom of Ireland, that the like courſes may be there taken for the reſtoring and eſtabliſhing of true religion.

Anſwer. "His majeſty's cares are, and ſhall be, extended over the kingdom of Ireland; and he will do all that a religious king ſhould do for the reſtoring and eſtabliſhing of true religion there.

'And thus (moſt gracious ſovereign) according to our duty and zeal to God and religion, to your majeſty and your ſafety, to the church and common-wealth, and their peace and proſperity, we have made a faithful declaration of the preſent eſtate, the cauſes and remedies of this increaſing diſeaſe of Popery; humbly offering the ſame to your princely care and wiſdom. The anſwer of your majeſty's father, our late ſovereign of famous memory upon the like petition, did give us great comfort of reformation; but your majeſty's moſt gracious promiſes made in that kind, do give us confidence and aſſurance of the continual performance thereof. In which comfort and confidence repoſing ourſelves, we moſt humbly pray for your majeſty's long continuance in all princely felicity.

The king's promiſes ill executed.

Theſe gracious anſwers of the king to the ſeveral articles of the petition of both houſes, wanted only the performance of the promiſes. But if it may be judged by the continual complaints of the parliaments throughout this whole reign, concerning theſe ſame articles, on which the king ſeems to have given entire ſatisfaction, it will eaſily be ſeen that Charles's promiſes were no better performed than his father's. The king expected, that his anſwers to the petition would gain him the affection of the commons. But theſe anſwers, tho' ſo gracious and poſitive, could not engage them to do what he deſired, that is, to lay aſide all other buſineſs, and think only of granting him money. He was engaged in a war, to which he pretended the parliament had induced his late majeſty, from whence he inferred, it was great injuſtice not to enable him ſpeedily to ſupport it. This was true in one ſenſe. The parliament adviſed king James to break off the treaties with Spain, and promiſed to aſſiſt him in caſe the breach ſhould occaſion a war, as it was very likely. But, on the other ſide, it was now no longer a ſecret in England, that the former parliament was moved to give ſuch advice to the king, by the duke of Buckingham's Narrative, a Narrative falſe in every particular, tho' atteſted by the late king and the prince. So the former parliament's advice being grounded on a wrong foundation, and as I may ſay, extorted by a mere artifice, the preſent parliament did not think themſelves obliged to perform very punctually a promiſe which the court had obtained rather by art, than fairly ſtating the caſe. Nevertheleſs, this promiſe ſtill ſubſiſted; and if the commons had ſhewn the publick they were not obliged to keep it, they could not have done it without grievouſly affronting the king, by the diſcovery of the artifices he had uſed to procure it. They were willing to avoid this extremity; and, therefore, letting the promiſe ſubſiſt without any diſobliging reflection on the king, their view was to excuſe themſelves from granting him freſh ſupplies for a war raſhly undertaken, and without any likelihood of ſucceſs; at leaſt, if they ſhould be forced to give any more money, rather than enter into a diſcuſſion of cauſes which had engaged the kingdom in this war, they intended the king ſhould purchaſe them, in ſome meaſure, with the redreſs of the grievances, the nation groaned under. Wherefore, inſtead of the money-bill, as the king deſired, they began with examining and even inquiring after the grievances of the nation, and the ſtate of religion. In this examination, the duke of Buckingham and the reſt of the miniſters were not ſpared.

Clarendon.

The king reſolves to diſſolve the parliament.

The king ſeeing what courſe the commons were taking, was extremely offended. Firſt, as by their ſlowneſs, they broke all his meaſures for the preſent campaign. Secondly, he deemed it a manifeſt affront and contempt of his perſon, to preſume openly to attack his favourite and miniſters, or rather himſelf under their name. So, perceiving no likelihood of a ſpeedy ſupply, which was the ſole end of calling the parliament, he was determined to diſſolve it. The commons having ſome notice of it, haſtily drew up the following declaration, in order to throw the blame of this diſſolution on the king, for fear he ſhould himſelf lay it on them, under colour that they were not very ready to perform their purpoſe.

The commons declaration.

Ruſhw.

'WE the knights, citizens and burgeſſes of the commons houſe of parliament, being the repreſentative body of the whole commons of this realm, abundantly comforted in his majeſty's late gracious anſwer touching religion, and his meſſage for the care of our health, do ſolemnly proteſt and vow before God and the world, with one heart and voice, that we are all reſolved, and do hereby declare, that we will ever continue moſt loyal and obedient ſubjects to our moſt gracious ſovereign lord king Charles; and that we will be ready in convenient time, and in a parliamentary way, freely and dutifully to do our utmoſt endeavours, to diſcover and reform the abuſes and grievances of the realm and ſtate, and in like ſort to afford all neceſſary ſupply to his moſt excellent majeſty, upon his preſent, and all other his juſt occaſions and deſigns; moſt humbly beſeeching our ſaid dear and dread ſovereign, in his princely wiſdom and goodneſs, to reſt aſſured of the true and hearty affections of his poor commons, and to eſteem the ſame to be (as we conceive it is indeed) the greateſt worldly reputation and ſecurity that a juſt king can have; and to account all ſuch as ſlanderers of the people's affections, and enemies to the commonwealth, that ſhall dare ſay to the contrary.'

It evidently appears in this declaration, that the commons view was to intimate to the people, that they intended not to deny the king money for his juſt occaſions; but believed to have a right to demand firſt the redreſs of grievances, as a condition, tho' they avoided uſing that term. This is the method conſtantly obſerved by the parliaments on the like occaſions, and which is ſo neceſſary, that otherwiſe they would never be ſure of procuring the people any ſatisfaction, with reſpect to their grievances. For, grievances being properly acts of injuſtice, and breaches of the laws committed by the king or his miniſters, the deſire of obtaining money from the parliament is commonly the only inducement to the court to deſiſt from injuring the people. Of this there are frequent examples in the Hiſtory of England. But James I. and Charles I. took a different courſe from that of their predeceſſors. They choſe to diſſolve the parliaments, rather than yield to redreſs their grievances. This gave occaſion to aſcribe to them a formal deſign to free themſelves from the yoke of the parliaments, or confine the uſe of them to the granting ſupplies, and aſſeſſing the people. They could not underſtand, that what flowed from the royal authority ſhould be counted a grievance. This firſt parliament was, therefore, diſſolved for this ſole reaſon, the 12th of Auguſt, not having ſat to do buſineſs above three weeks both at Weſtminſter and Oxford. The king pretended to diſſolve it on account of the ſpreading of the plague; but the true reaſon was, becauſe he found not in this parliament a compliance and diſpoſition fit for his purpoſe.

Negotiation at the Hague for a league againſt Spain.

The diſſolution of the parliament hindered not the king from purſuing his deſign of continuing, or rather of beginning the war with Spain. For tho' the late king had taken ſome meaſures tending to a war, there had been, however, no action ſince the breach of the treaty. The ſending of count Manſfeldt into the Low-Countries, in order to march into the Palatinate, was almoſt the only thing that could be conſidered as a declaration againſt Spain, tho' the project had miſcarried. Charles reſolving, therefore, to undertake this war, of which he was the principal author and promoter, ſent the duke of Buckingham and the earl of Holland to the Hague, to negotiate a league with the United-Provinces. In the interim, a fleet was equipping in England to act againſt Spain; but as he wanted money, he found no ſpeedier or better method to raiſe it, than by borrowing of perſons able to lend, to whom he directed letters under his privy-ſeal, requiring, by way of loan, ſuch ſums as each were taxed at. This was the firſt effect of the diſſolution of the parliament. Theſe forced loans, practiſed by ſome kings of England, have ever been conſidered as great grievances, and tending to render parliaments uſeleſs. It will hereafter appear, that the next parliament did not ſuffer theſe to paſs uncomplained of. However, to ſoften people's minds, and induce them to lend their money more freely, a proclamation was publiſhed, to call home all ſuch children as were now educating in foreign countries, as well as all the Engliſh, Scots and Iriſh, in the ſervice of the houſe of Auſtria. On the other hand, the privy-council iſſued out warrants to diſarm recuſants. I do not know whether theſe warrants were ſtrictly executed, but it is certain, however, that afterwards the houſe of commons frequently required the diſarming of the Papiſts.

Annals.

Fleet ſent againſt Spain. Annals.

The fleet deſigned againſt Spain was not ready to ſail till the beginning of October, commanded by Edward Cecil, lately made viſcount Wimbleton, who had the earl of Eſſex for vice-admiral. The fleet conſiſted of 80 ſail, with 10 regiments on board. The intent of this expedition was to wait in ſome convenient place for the Spaniſh plate-fleet, which was expected from the Indies in November. As the admiral had ſufficient time, he might have attacked a great number of ſhips in the bay of Cadiz, but the difficult of the enterpriſe, or ſome other reaſon cauſed him to neglect this advantage. He was contented with landing Sir John Burroughs with ſome troops, who meeting no oppoſition, only plundered ſome villages, and abuſed themſelves with wine, to their own, more than their enemies, prejudice. Whereupon they were forced to be re-imbarqued with all

ſpeed

1625.

ſpeed. After that, the contagion ſpreading among the troops, the fleet returned to England in November, without the king's reaping any benefit from this armament, which had been very chargeable to him. This ill ſucceſs did great injury to the king, as well as to Buckingham, who was looked upon as the contriver and director of the court projects.

A new parliament called. Ruſhw.

The king finding himſelf without money, and conſequently unable to continue the war, reſolved, at length, to call a new parliament. But to avoid the inconvenience of ſeeing in the lower-houſe ſuch members as had moſt oppoſed him, and exclaimed againſt the duke in the late parliament, the court invented this ſtratagem. All theſe perſons were made ſheriffs, and ſo could not be choſen members of parliament. Sir Edward Coke was of this number; but, however, he and ſome others were choſen, prefering the ſervice they owed their country in parliament to that which they could render it as ſheriffs. The parliament was, therefore, ſummoned to meet on the 6th of February, 1625-6, and on the 2d being Candlemas-day, the king was crowned by archbiſhop Abbot; William Laud, biſhop of Bath and Wells, the king's favourite biſhop officiating as dean of Weſtminſter, in the room of biſhop Williams, who, through the king's diſfavour, was ſequeſtred from this ſervice*. Before the coronation, the king ordered by proclamation all ſuch as had 40 l. a year or more, and were not yet knights, to come and receive the order of knighthood. This was conſidered as a new grievance, of which I ſhall ſpeak hereafter. It ſuffices to ſay at preſent, that when this cuſtom was firſt authoriſed by an act of parliament, with regard to ſuch as had 20 l. per annum in land, 20 l. then were equal to 300 at the time I am ſpeaking of. But the king thought it a favour to his ſubjects to include ſuch only in his order as had 40 l. a year.

1625-6. The king's coronation. Annals.

The coronation was performed with the uſual ceremonies; but when all was over, the king being ſeated on his throne ready to receive the homages of the lords, Laud approached him, and read an extraordinary paſſage, of which there appeared no inſtance in former coronations. It contained the following words:

> "Stand and hold faſt, from henceforth, the place to which you have been heir by the ſucceſſion of your foreſathers, being now delivered to you by the authority of almighty God, and by the hands of us, and all the biſhops and ſervants of God; and as you ſee the clergy to come nearer to the altar than others, ſo remember that (in all places convenient) you give them greater honour, that the mediator of God and man may eſtabliſh you in the kingly throne to be a mediator between the clergy and laity, and that you may reign for ever with Jeſus Chriſt, the king of kings, and lord of lords."

The parliament being aſſembled on the 6th of February, the lord keeper Coventry ſpoke thus to both houſes in the king's name.

1625-6. The lord keeper Coventry's ſpeech. Ruſhw.

My lords, and you the knights, citizens, and burgeſſes of the houſe of commons.

'YOU are here aſſembled by his majeſty's writs of royal authority to hold a new parliament, the general, antient and powerful council of this renowned kingdom; whereof if we conſider aright, and think of that incomparable diſtance between the ſupreme height and majeſty of a mighty monarch, and the ſubmiſſive awe and lowlineſs of a loyal ſubject, we cannot but receive exceeding comfort and contentment in the frame and conſtitution of this higheſt court; wherein not only the prelates, nobles, and grandees, but the commons of all degrees have their part, and wherein that high majeſty doth deſcend to admit, or rather to invite the humbleſt of his ſubjects to conference and council with him, of the great, weighty, and difficult affairs of the king and kingdom; a benefit and favour whereof we cannot be too ſenſible and thankful; for ſure I am, that all good hearts would be both ſenſible and ſorrowful, if we did want it; and, therefore, it behoveth all, with united hearts and minds free from diſtraction and diverſion, to fix their thoughts upon counſels and conſultations worthy of ſuch an aſſembly; remembering, that in it is preſented the majeſty and greatneſs, the authority and power, the wiſdom and knowledge of this great and famous nation; and it behoveth us to magnify and bleſs God, that hath put the power of aſſembling parliaments in the hands of him, the virtue of whoſe perſon doth ſtrive with the greatneſs of his princely lineage and deſcent, whether he ſhould be accounted major or melior, a greater king, or a better man; and of whom you have had ſo much trial and experience, that he doth as affectionately love, as he doth exactly know and underſtand the true uſe of parliaments; witneſs his daily and unwearied acceſs to this houſe, before his acceſs to the crown; his gracious readineſs to all conferences of importance; his frequent and effectual interceſſion to his bleſſed father of never-dying memory, for the good of the kingdom, with ſo happy ſucceſs, that both this and future generations ſhall feel it, and have cauſe to rejoice at the ſucceſs of his majeſty's interceſſion. And when the royal diadem deſcended upon himſelf, preſently, in the midſt of his tears and ſighs for the departure of his moſt dear and royal father, in the very firſt conſultation with his privy-council, was reſolved to meet his people in parliament: And no ſooner did the heavy hand of that deſtroying angel forbear thoſe deadly ſtrokes, which for ſome time did make this place inacceſſible, but his majeſty preſently reſolved to recal it, and hath now brought you together, and in a happy time I truſt, to treat and conſult, with uniform deſires and united affections, of thoſe things that concern the general good.

'And now being thus aſſembled, his majeſty hath commanded me to let you know, that his love and affection to the publick, moved him to call this parliament; and looking into the danger, and the ſpreading of that late mortality, and weighing the multitude of his majeſty's preſſing occaſions, and urging affairs of ſtate, both at home and abroad, much importing the ſafety and ſtate of this kingdom; the ſame affection that moved him to call it, doth forbid him to prolong the ſitting of this parliament; and, therefore, his majeſty reſolving to confine this meeting to a ſhort time, hath confined me to a ſhort errand; and that is, that as a thing moſt agreeable to the kingly office, to the example of the beſt times, and to the frame of modern affairs, his majeſty hath called you together to conſult and to adviſe of provident and good laws, profitable for the publick, and fitting for the preſent times and actions; for upon ſuch depends the aſſurance of religion, and of juſtice, which are the ſureſt pillars and buttereſſes of good government in a kingdom: For his majeſty doth conſider, that the royal throne, on which God out of his mercy to us hath ſet him, is the fountain of all juſtice, and that good laws are the ſtreams and quits by which the benefit and uſe of this fountain is diſperſed to his people; and it is his majeſty's care and ſtudy, that his people may ſee with comfort and joy of heart, that this fountain is not dry, but they and their poſterity may reſt aſſured and confident in his time, to receive as ample benefit from this fountain, by his majeſty's mercy and juſtice, as ever ſubjects did in the time of the moſt eminent princes amongſt his noble progenitors; wherein as his majeſty ſhews himſelf moſt ſenſible of the good of the publick, ſo were it an injury to this great and honourable aſſembly, if it ſhould be but doubted, that they ſhall not be as ſenſible of any thing that may add to his majeſty's honour; which cannot but receive a high degree of love and affection, if his majeſty ſucceeding ſo many religious, wiſe, and renowned princes, ſhould begin his reign with ſome additions unto thoſe good laws which their happy and glorious times have afforded. And this his majeſty hath cauſed me to deſire, at this time eſpecially above others; for his majeſty having at his royal coronation lately ſolemniſed the ſacred rights of that bleſſed marriage between his people and him; and therein by a moſt holy oath vowed the protection of the laws, and maintenance of peace, both to church and people, no time can be ſo fit for his majeſty to adviſe and conſult at large with his people, as at this preſent time, wherein ſo lately his majeſty hath vowed protection to his people, and they have proteſted their allegiance and ſervice to him.

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* Laud finding an old crucifix among the Regalia, took care to place it upon the altar. Collier's Eccl. Hiſt.

'This is the ſum of that charge which I have received from his majeſty to deliver unto you; wherein you ſee his majeſty's intent to the publick: And, therefore, his deſire is, that according to that conveniency of time which his affairs may afford, you may apply yourſelves to diſpatch the buſineſs of this parliament.'

The king is thanked for his anſwer to the petition againſt the recuſants. Ruſhw.

Tho' it did not appear in this ſpeech, that the king intended to aſk a ſupply of the commons, that was, however, as was afterwards ſeen, the real motive of calling the parliament. But the commons did not think themſelves obliged to gueſs the king's intention, or prevent his demand. So, after chuſing their ſpeaker, the firſt care was to thank the king for his gracious anſwer to the petition againſt recuſants, preſented to him at Oxford. Then they ſpent ſome days in examining the publick grievances, amongſt which were reckoned, the miſcarriage of the fleet to Cadiz, evil counſellors about the king, and the miſemployment of the three ſubſidies, and three fifteenths, granted to the late king, for the recovery of the Palatinate. To examine the grievances with more order and clearneſs, committees were appointed, one for ſecret affairs, another for grievances, and another for religion. This laſt, whereof Mr. Pym was chairman, called in queſtion again, Montague's books, intitled, An anſwer to the late gagg of Proteſtants, An appeal to Cæſar, and A treatiſe of the invocation of ſaints, and reported to the houſe, the falſe, erroneous, Papiſtical, Arminian opinions found therein, repugnant to the articles of the church of England. For inſtance, "That the church of Rome hath ever remained firm upon the ſame foundation of ſacraments and doctrines inſtituted by God. That the controverted points between the church of England and the church of Rome, are of a leſſer and inferior nature, of which a man may be ignorant without any danger of his ſoul at all. That images may be uſed for the inſtruction of the ignorant, and excitation of devotion. That there are tutelar ſaints as well as angels. That men juſtified may fall away and depart from the ſtate of grace", and ſome other Arminian tenets.

His letter to the judges to proceed againſt recuſants. Annals.

The king ſeeing the commons bent upon the examination of religious matters, ordered his attorney-general to acquaint the judges of the circuits, that it was his pleaſure they ſhould proceed with rigour againſt recuſants. He had promiſed this ſix months before, in his anſwer to the former parliament's petition; but, in all appearance, this article had been neglected, by the court, or by thoſe who were commiſſioned to execute the orders. It is certain, during this reign, ſuch kind of orders were never punctually executed.

The commons neglect the king's affairs and mind only grievances. Ruſhw.

The king had demanded a ſupply of money to carry on the war; but the commons were in no haſte to grant it. On the contrary, they ſtill proceeded in the examination of grievances, and, among others, of certain repriſals made upon France, with too much precipitation, to the great damage of the Engliſh merchants. The council of war, appointed by the parliament to manage the three ſubſidies granted to king James, were alſo obliged to give an account of their conduct.

The lords ſollicits them in vain.

The king bearing this delay very impatiently, preſſed the commons to conſider of the ſupply. The lords alſo endeavoured to perſuade them to it, in a conference which they deſire on this occaſion, but it was to no purpoſe. On the contrary, they heard the report of the committee concerning the nation's grievances, wherein they had always the duke of Buckingham in view, and even cauſed him to be informed of the articles on which the complaints againſt him were grounded. Whereupon the king ſent a letter to the ſpeaker, with a meſſage to the houſe by Sir Richard Weſton.

The king's letter to the ſpeaker. Ruſhw. Annals.

Truſty and well-beloved,

'HAving aſſembled the parliament early in the beginning of the year, for the more timely help and advice of our people in our great and important affairs; and having of late, not only by meſſage, but alſo of ourſelf, put our houſe of commons in mind of our preſſing occaſions, and of the preſent eſtate of Chriſtendom, wherein they have equal intereſt with us, as well in reſpect of their own former engagments, as of the common cauſe; we ſhall not need to tell them with what care and patience we have in the midſt of our neceſſities attended their reſolutions; but becauſe theit unſeaſonable ſlowneſs may produce at home as ill effect as a denial, and hazard the whole eſtate of things abroad; we have thought fit by you the ſpeaker, to let them know, that without more loſs of time, we look for a full and perfect anſwer of what they will give for our ſupply, according to our expectation, and their promiſes; wherein, as we preſs for nothing beyond the preſent ſtate and condition of our ſubjects, ſo we except no leſs than is proportionable to the greatneſs and goodneſs of the cauſe: Neither do we preſs them to a preſent reſolution in this, with a purpoſe to precipitate their counſels, much leſs to enter upon their privileges, but to ſhew that it is unfit to depend any longer upon uncertainties, whereby the whole weight of the affairs of Chriſtendom may break in upon us upon the ſudden, to our diſhonour, and the ſhame of this nation. And for the buſineſs at home, we command you to promiſe them in our name, that after they have ſatisfied us in this our reaſonable demand, we ſhall not only continue them together at this time, ſo long as the ſeaſon will permit, but call them ſhortly again to perfect thoſe neceſſary buſineſſes which ſhall be now left undone; and now we ſhall willingly apply fit and ſeaſonable remedies, to juſt ſuch grievances which they ſhall preſent unto us in a dutiful and mannerly way, without throwing an ill odour upon our preſent government, or upon the government of our late bleſſed father. And if there be yet who deſire to find fault, we ſhall think him the wiſeſt reprehender of errors paſt, who, without reflecting backward, can give us counſel how to ſettle the preſent eſtate of things, and, to provide for the future ſafety and honour of the kingdom.'

The meſſage brought at the ſame time, and delivered to the houſe by Weſton, contained five articles of expence to be provided for, viz.

Heads of the expence to be provided for. Ruſhw.

'1. That his majeſty's fleet being returned, and the victuals ſpent, the men muſt of neceſſity be diſcharged, and their wages paid, or elſe an aſſured mutiny will follow, which may be many ways dangerous at this time.

'2. That his majeſty hath made ready about 40 ſhips, to be ſet forth on a ſecond voyage, to hinder the enemy, which want only victuals and ſome men, which, without preſent ſupply of money, cannot be ſet forth and kept together.

'3. That the army which is appointed in every coaſt, muſt preſently be diſbanded, if they be not preſently ſupplied with victuals and clothes.

'4. That if the companies of Ireland, lately ſent thither, be not provided for, inſtead of defending that country, they will prove the authors of rebellion.

'5. That the ſeaſon of providing healthful victuals will be paſt, if this month be neglected.

"And, therefore, his majeſty commandeth me to tell you, that he deſired to know, without farther delaying of time, what ſupply you will give him for theſe his preſent occaſions, that he may accordingly frame his courſe and counſel."

The commons are diſguſted. Reaſons thereof.

The commons were not very well pleaſed with the letter or meſſage, wherein were ſeveral things they could not approve. 1. The manner of demanding the ſupply, which ſhewed it to be not ſo much a free-gift on their part as an obligation. 2. The king ſet them a time, by ordering it to be done without delay, and before all other things. 3. He would not accept of leſs than was neceſſary, and this could relate only to the five articles of expence, which was properly ſpecifying to them the ſum they were to give. 4. The king demanded money with an extraordinary and unprecedented haughtineſs. 5. The king grounded his demands upon king James's promiſe to the laſt parliament, a promiſe fraudulently obtained by the duke of Buckingham's falſe narration. 6. The war, for which ſo much money was to be given, had been raſhly undertaken, at a time when there was no proſpect of ſucceſs, and the king, and duke of Buckingham were known to be the authors of it, tho' the king perpetually inſiſted upon the parliament's advice to his father. Had it been undertaken, at the beginning of the quarrel between the king of Bohemia and the emperor, or even before the loſs of the Palatinate, when there was room to hope for the aſſiſtance of the Proteſtant princes, it might have been expected to be crowned with ſucceſs. But it was begun at a time, when all the princes of Germany were either ſubdued by, or united with the emperor, at a time when there was not a ſingle place left that might afford the Engliſh entrance into the Palatinate, or could poſſibly be approached by them. How then could it be expected to wreſt the two Palatinates from the emperor and duke of Bavaria? The whole, therefore, was reduced to the attacking of the Spaniard. Upon what account? It was either to oblige him to uſe his intereſt for the reſtitution of the Palatinate, in which caſe a war was needleſs, ſince he had promiſed his mediation, and even engaged to render it effectual, before the breach of the marriage. Or elſe, to conſtrain him to employ his arms in wreſting the Palatinate from the two princes in poſſeſſion, a project which appeared extravagant, and would have drained England of men and money to no purpoſe. Beſides, the late expedition of the fleet was no great encouragement to proſecute this undertaking. 7. Finally, tho' the commons did not care openly to enter into all theſe diſcuſſions, they were willing, however, to ſhew the king, they did not mean to be amuſed with a promiſe extorted by a mere artifice, and, if they granted him money, would reap, at leaſt, the advantage of procuring the redreſs of the national grievances. But the king took care to ſhut that door againſt them, by deferring the redreſs of the grievances to another time. As they perceived, and the king himſelf intimated to them, that the deſired ſupply would not be the laſt, they could not be ſure, but in the next ſeſſion of parliament the king would again expect the money-bill to paſs before the grievances, and ſo there would be no end. Theſe were the true reaſons of the tardineſs of the commons, and their little ardor for the king's affairs, tho' they would not openly declare then for fear of engaging in debates offenſive to his majeſty. Nevertheleſs they were willing to intimate them to him, and, very likely, he perceived them well enough, tho' it was thought proper on both ſides to conceal them from the publick. For this cauſe the commons reſolved to ſend an anſwer to the king's meſſage, full of reſpect, ſubmiſſion, expreſſions of their zeal for his ſervice, and even promiſes of aiding him in his wants, tho' in a general manner. But withal, they artfully intimated to him, that redreſs of grievances ought to precede the ſupply they intended to grant him. Their anſwer was as follows:

Moſt gracious ſovereign,

The commons anſwer to the king. Ruſhw.

‘YOur majeſty's dutiful and loyal ſubjects, the commons now aſſembled in parliament, in all humility, preſent unto your royal wiſdom, this their loyal anſwer to the meſſage, which your majeſty was pleaſed by the chancellor of your exchequer to ſend unto them, deſiring to know, without any farther deferring of time, what ſupply they would give to your majeſty, for your preſent and extraordinary occaſions, that you might accordingly frame your courſes and counſels. Firſt of all, they moſt humbly beſeech your majeſty, to know and reſt aſſured, that no king was ever dearer to his people than your majeſty; no people more zealous to maintain and advance the honour and greatneſs of their king than they; which, as upon all occaſions they ſhall be ready to expreſs, ſo eſpecially in the ſupport of that cauſe, wherein your majeſty and your allies are now juſtly engaged. And becauſe they cannot doubt, but your majeſty in your great wiſdom, even out of juſtice, and according to the example of your moſt famous predeceſſors, will be pleaſed graciouſly to accept the faithful and neceſſary information and advice of your parliament, which can have no end but the ſervice of your majeſty, and ſafety of your realm, in diſcovering the cauſes, and propoſing the remedies of theſe great evils, which have occaſioned your majeſty's wants, and your people's grief.

‘They, therefore, in confidence and full aſſurance of redreſs therein, do with one conſent propoſe (tho' in former time ſuch courſe hath been unuſed) that they really intend to aſſiſt and ſupply your majeſty in ſuch a way, and in ſo ample a meaſure, as may make you ſafe at home, and feared abroad; for the diſpatch whereof they will uſe ſuch diligence as your majeſty's preſſing and preſent occaſions ſhall require.'

The king fully perceived the intention of the houſe in ſending him this anſwer; but he had not the ſame reaſons as the commons to be reſerved in his expreſſions. It was rather his intereſt to ſpeak freely, for fear, by diſſembling his principles and pretenſions, he ſhould encourage the commons to attack the duke of Buckingham, who was counted the prime author of the grievances. His majeſty, therefore, makes this reply to the commons anſwer:

Mr. ſpeaker,

The king's reply. Ruſhw.

‘THE anſwer of the commons delivered by you, I like well of, and do take it for a full and ſatisfactory anſwer, and I thank them for it, and I hope you will with all expedition take a courſe for performance thereof, the which will turn to your own good as well as mine; but for your clauſe therein, of preſenting of grievances, I take that but for a parentheſis in your ſpeech, and not a condition; and yet, for anſwer to that part, I will tell you, I will be as willing to hear your grievances, as my predeceſſors have been, ſo that you will apply yourſelves to redreſs grievances, and not to enquire after grievances. I muſt let you know, that I will not allow any of my ſervants to be queſtioned amongſt you, much leſs ſuch as are of eminent place, and near unto me. The old queſtion was, What ſhall be done to the man whom the king will honour? But now it hath been the labour of ſome, to ſeek what may be done againſt him whom the king thinks fit to honour. I ſee you ſpecially aim at the duke of Buckingham; I wonder what hath ſo altered your affections towards him. I do well remember, that in the laſt parliament in my father's time, when he was the inſtrument to break the treaties, all of you (and yet I cannot ſay all, for I know ſome of you are changed, but yet the houſe of commons is always the ſame) did ſo much honour and reſpect him, that all the honour conferred on him was too little; and what he hath done ſince to alter and change your minds, I wot not; but can aſſure you, he hath not meddled, or done any

‘ thing concerning the publick or commonwealth, but by ſpecial directions and appointment, and as my ſervant; and is ſo far from gaining or improving his eſtate thereby, that I verily think he hath rather impaired the ſame. I would you would haſten for my ſupply, or elſe it will be worſe for yourſelves; for if any ill happen, I think I ſhall be the laſt ſhall feel it.’

Buckingham's conduct examined in the houſe.

This letter hindered not the commons from proceeding in the examination of the duke of Buckingham's conduct, it being reſolved to impeach him in form. The queſtion was moved by Dr. Turner, a phyſician, Whether common fame be a good ground of proceeding for the houſe? This queſtion was decided in the affirmative, after conſulting ſome lawyers, at which the king was extremely offended, and ſhewed his diſpleaſure to the commons, demanding withal, that Turner might be puniſhed for moving ſuch a queſtion. But this meſſage ſignified but little, and the houſe ſtill continuing to proceed againſt the duke, it was the general opinion of the members that, in granting the king money, the redreſs of the grievances was not to be neglected.

The commons vote a ſupply. Ruſhw. Annals.

Their intent.

In the interim, to take from the king the pretence, which all theſe delays might furniſh him with, the commons unanimouſly voted him three ſubſidies and three fifteenths, to which, a month after, was added a fourth ſubſidy. Moreover they fixed the payment of the firſt to the laſt day of June. Nothing is a clearer evidence of the deſign aſcribed by me to the commons, viz. that in granting money to the king, they meant to render their liberality ſubſervient to the redreſs of grievances. By this expedient they ſhewed the publick, how ready they were to aſſiſt the king in his neceſſities; but withal reſerved to themſelves the liberty of paſſing this vote into an act, (without which it was of no uſe to the king) when they ſhould think fit. Now, according to their intention, this act was not to paſs till grievances were preſented to, and anſwered by the king. Thus, he was deprived of the pretence to complain of their delays, tho', indeed, what they did for him could be advantageous to him, but on ſuppoſition he would regard their deſires. This greatly embarraſſed the king. He plainly ſaw the commons deſign, and was the more offended, as all their proceedings were levelled at the duke of Buckingham, or rather at the king himſelf, who had publickly declared, the duke had only followed his orders, without being able to prevail for his being left unmoleſted. As he found they acted with too little reſpect, he reſolved to let them know how much he was diſpleaſed with their proceedings, doubtleſs, to frighten them into another courſe. He ſent, therefore, for both houſes to Whitehall, where he made the following ſpeech:

My lords and gentlemen,

1626. The king's ſpeech. March 29. Ruſhw.

‘ I Have called you hither to day, I mean both houſes of parliament; but it is for ſeveral and diſtinct reaſons: My lords, you of the upper-houſe, to give you thanks for the care of the ſtate of the kingdom now; and not only for the care of your own proceedings, but enticing your fellow-houſe of the commons, to take that into their conſideration. Therefore, (my lords) I muſt not only give you thanks, but I muſt alſo avow, that if this parliament do not redound to the good of this kingdom, (which I pray God it may,) it is not your faults. And you, gentlemen of the houſe of commons, I am ſorry that I may not juſtly give the ſame thanks to you; but that I muſt tell you, that I am come here to ſhew you your errors, and, I may call it, unparliamentary proceedings in this parliament. But I do not deſpair, becauſe you ſhall ſee your faults ſo clearly by the lord keeper, that you may ſo amend your proceeding, that this parliament ſhall end comfortably and happily, tho' at the beginning it hath had ſome rubs.’

Then the lord keeper, by the king's command ſpoke next.

My lords, and you the knights, citizens, and burgeſſes of the houſe of commons.

The lord keeper's ſpeech.

‘ YOU are here aſſembled by his majeſty's commandment, to to receive a declaration of his royal pleaſure; which altho' it be intended only to the houſe of commons, yet his majeſty hath thought meet, the matter being of great weight and importance, it ſhould be dilivered in the preſence of both houſes, and both houſes make one general council: And his majeſty is willing, that the lords ſhould be witneſſes of the honour and juſtice of his reſolutions. And, therefore, the errand, which by his majeſty's direction I muſt deliver, hath relation to the houſe of commons. I muſt addreſs myſelf therefore to you, Mr. ſpeaker, and the reſt of that houſe.

‘ And firſt, his majeſty would have you to underſtand, that there was never any king more loving to his people, or better affectioned to the right uſe of parliaments, than his majeſty hath approved himſelf to be, not only by his long patience ſince the ſitting down of this parliament, but by thoſe mild and calm directions which from time to time that houſe hath received by meſſage and letter, and from his royal mouth; when the irregular humours of ſome particular perſons wrought diverſions and diſtractions there, to the diſturbance of thoſe great and weighty affairs, which the neceſſity of the times, the honour and ſafety of the king and kingdom, called upon. And, therefore, his majeſty doth aſſure you, that when theſe great affairs are ſettled, and that his majeſty hath received ſatisfaction of his reaſonable demands, he will, as a juſt king, hear and anſwer your juſt grievances, which in a dutiful way ſhall be preſented unto him; and this his majeſty doth avow.

‘ Next his majeſty would have you know of a ſurety, that as never any king was more loving to his people, nor better affectioned to the right uſe of parliaments, ſo never king more jealous of his honour, nor more ſenſible of the neglect and contempt of his royal rights, which his majeſty will by no means ſuffer to be violated by any pretended colour of parliamentary liberty; wherein his majeſty doth not forget, that the parliament is his council, and, therefore, ought to have the liberty of a council; but his majeſty underſtands the difference betwixt council and controlling, and between liberty, and the abuſe of liberty.

‘ This being ſet down in general, his majeſty hath commanded me to relate ſome particular paſſages and proceedings, whereat he finds himſelf aggrieved.

‘ Firſt, whereas a ſeditious ſpeech was uttered amongſt you by Mr. Coke, the houſe did not, as they ought to do, cenſure and correct him. And when his majeſty underſtanding it, did, by a meſſage by Mr. Chancellor of the exchequer, delivered to the houſe, require juſtice of you, his majeſty hath ſince found nothing but protracting and delays. This his majeſty holds not agreeable to the wiſdom and the duty which he expected from the houſe of commons.

‘ Secondly, whereas Doctor Turner, in a ſtrange unparliamentary way, without any ground of knowledge in himſelf, or offering any particular proof of the houſe, did take upon him to adviſe the houſe to enquire upon ſundry articles againſt the duke of Buckingham, as he pretended, but in truth, to wound the honour and government of his majeſty, and of his renouned father; and his majeſty, firſt by a meſſage, and after by his own royal mouth, did declare, that that courſe of enquiry was an example which by no way he could ſuffer, tho' it were againſt his meaneſt ſervant, much leſs againſt one ſo near him; and that his majeſty did much wonder at the fooliſh inſolency of any man, that can think that his majeſty ſhould be drawn out of any end to offer ſuch a ſacrifice, ſo unworthy of a king, or a good maſter; yet for all this, you have been ſo far from correcting the inſolency of Turner, that ever ſince that time your committees have walked in the ſteps of Turner, and proceeded in an unparliamentary inquiſition, running upon generals, and repeating that whereof you have made ſame the ground-work. Here his majeſty hath cauſe to be exceeding ſenſible, that upon every particular he finds the honour of his father ſtained and blemiſhed, and his own no leſs; and withal you have manifeſted a great forwardneſs, rather to pluck out of his boſom thoſe who are near about him, and whom his majeſty hath cauſe to affect than to truſt his majeſty with the future reformation of theſe things which you ſeem to aim at: And yet you cannot deny but his majeſty hath wrought a greater reformation in matters of religion, execution of the laws, and concerning things of great importance, than the ſhortneſs of his reign (in which he hath been hindered, partly through ſickneſs, and the diſtraction of things which we could have wiſhed had been otherwiſe) could produce.

‘ Concerning the duke of Buckingham, his majeſty hath commanded me to tell you, that himſelf doth better know than any man living, the ſincerity of the duke's proceedings; with what cautions of weight and diſcretion he hath been guided in his publick employments, from his majeſty and his bleſſed father; what enemies he hath procured at home and abroad; what peril of his perſon, and hazard of his eſtate, he ran into, for the ſervice of his majeſty, and his ever-bleſſed father; and how forward he hath been in the ſervice of this houſe, many times ſince his return from Spain. And therefore his majeſty cannot believe, that the aim is at the duke of Buckingham, but findeth that theſe proceedings do directly wound the honour and judgment of himſelf, and of his father. It is therefore his majeſty's expreſs and final commandment, that you yield obedience unto thoſe directions which you have formerly received, and ceaſe this unparliamentary inquiſition, and commit unto his majeſty's care, and wiſdom, and juſtice, the future reformation of theſe things which you ſuppoſe to be otherwiſe than they ſhould be: And his majeſty is reſolved, that before the end of this ſeſſion, he will ſet ſuch a courſe, both for the amending of any thing that may be found a miſs, and for the ſettling of his own eſtate, as he doubteth not but will give you ample ſatisfaction and comfort.

‘ Next to this, his majeſty takes notice, that you have ſuffered the greateſt council of ſtate to be cenſured and traduced in the houſe, by men whoſe years and education cannot attain to that depth: That foreign buſineſſes have been entertained in the houſe, to the hinderance and diſadvantage of his majeſty's negotiations: That the ſame year, yea, the firſt day of his majeſty's inauguration, you ſuffered his council, government, ſervants, to be parallelled with the times of moſt exception: That your committees have preſumed to examine the letters of ſecretaries of ſtate, nay, his own; and ſent a general warrant to his ſignet-office, and commanded his officers, not only to produce and ſhew the records, but their books and private notes, which they made for his majeſty's ſervice. This his majeſty holds as unſufferable, and it was in former times unuſual.

‘ Next I am to ſpeak concerning your ſupply of three ſubſides, and three fifteenths, which you have agreed to tender to his majeſty. You have been made acquainted with the greatneſs of his affairs, both at home and abroad, with the ſtrong preparation of the enemy, with the importance of upholding his allies, ſtrengthening and ſecuring both England and Ireland; beſides the encountering and annoying the enemy by a powerful fleet at ſea, and the charge of all: This having been calculated unto you, you have profeſſed unto his majeſty, by the mouth of your ſpeaker, your carefulneſs to ſupport the cauſe wherein his majeſty and his allies are juſtly engaged; your unanimous conſent and real intention to ſupply his majeſty in ſuch a meaſure as ſhould make him ſafe at home, and feared abroad; and that in the diſpatch hereof, you would uſe ſuch diligence as his majeſty's preſſing and preſent occaſions did require.

‘And now his majeſty having erected a proceeding ſuitable to this engagement, he doth obſerve, that in two days only of 12, this buſineſs was thought of, and not begun till his majeſty by a meſſage put you in mind of it, whilſt your inquiſition againſt his majeſty's direction proceeded day by day.

‘And for the meaſure of this ſupply, his majeſty findeth it ſo far from making himſelf ſafe at home, and feared abroad; as contrarywiſe it expoſeth him both to danger and diſeſteem; for his majeſty cannot expect, without better help, but that his allies muſt preſently diſband, and leave him alone to bear the fury of a provoked and powerful enemy: So as both he and you ſhall be unſafe at home, and aſhamed and deſpiſed abroad. And for the manner of the ſupply, it is in itſelf very diſhonourable, and full of diſtruſt; for altho' you have avoided the literal word of a condition, whereof his majeſty himſelf did warn you, when he told you of your parantheſis; yet you have put to it the effect of a condition, ſince the bill is not come into your houſe until your grievances be both preferred and anſwered. No ſuch thing was in that expreſſion and engagement delivered by your ſpeaker, for which his majeſty holdeth, that you have receded both in matter and manner, to his great diſadvantage and diſhonour. And therefore his majeſty commandeth, that you go together, and by Saturday next return your final anſwer, what farther ſupply you will add to this you have already agreed on, and that to be without condition, either directly or indirectly, for the ſupply of theſe great and important affairs of his majeſty; which for the reaſons formerly made known unto you, can endure no longer delay; and if you ſhall not by that time reſolve on a more ample ſupply, his majeſty cannot expect a ſupply this way, nor promiſe you to ſit longer together; otherwiſe, if you do it, his majeſty is well content that you ſhould ſit ſo long as the ſeaſon of the year will permit; and doth aſſure you, that the preſent addition to your ſupply to ſet forward the work, ſhall be no hinderance to your ſpeedy acceſs again.

‘His majeſty hath commanded me to add this, that therein he doth expect your chearful obedience, which will put a happy iſſue to this meeting, and will enable his majeſty, not only to a defenſive war, but to employ his ſubjects in foreign actions, whereby will be added to them both experience, ſafety, and honour.

‘Laſt of all, his majeſty hath commanded me, in explanation of the gracious goodneſs of his royal intention, to ſay unto you, that he doth well know, that there are among you many wiſe and well-tempered men, well affected to the publick, and to his majeſty's ſervice; and that thoſe that are willingly faulty are not many: And for the reſt his majeſty doubteth not, but after his gracious admonition, they will, in due time, obſerve and follow the better ſort; which if they ſhall do, his majeſty is moſt ready to forget whatſoever is paſt.’

Then his majeſty ſpoke again.

‘I muſt withal put you in mind a little of times paſt; you may remember, that in the time of my bleſſed father, you did with your counſel and perſuaſion perſuade both my father and me to break off the treaties. I confeſs I was your inſtrument, for two reaſons; one was, the fitneſs of the time; the other was becauſe I was ſeconded by ſo great and worthy a body, as the whole body of parliament: Then there was no body in ſo great favour with you as this man, whom you ſeem now to touch, but, indeed, my father's government and mine. Now that you have all things according to your wiſhes, and that I am ſo far engaged, that you think there is no retreat; now you begin to ſet the dice, and make your own game; but I pray you be not deceived, it is not a parliamentary way, nor it is not a way to deal with a king.

‘Mr. Coke told you, It was better to be eaten up by a foreign enemy, than to be deſtroyed at home. Indeed, I think it more honour for a king to be invaded, and almoſt deſtroyed by a foreign enemy, than to be deſpiſed by his own ſubjects.

‘Remember, that parliaments are altogether in my power for their calling, ſitting, and diſſolution; therefore as I find the fruits of them good or evil, they are to continue, or not to be: And remember, that if in this time, inſtead of mending your errors, by delay you perſiſt in your errors, you make them greater and irreconcileable: Whereas, on the other ſide, if you do go on chearfully to mend them, and look to the diſtreſſed ſtate of Chriſtendom, and the affairs of the kingdom, as it lieth now by this great engagement; you will do yourſelves honour, you ſhall encourage me to go on with parliaments, and, I hope, all Chriſtendom ſhall feel the good of it.’

The commons take offence at theſe ſpeeches.

The king's and keeper's ſpeeches were ſo plain, that they could not be miſunderſtood. The king's view, in general, was to intimate to the parliament, they were only his council, whoſe advice he might follow or reject, and he could either not aſſemble this council, or govern without it. The commons immediately turned the houſe into a grand committee, ordering the doors to be locked, and no member to depart till the houſe came to a reſolution concerning theſe ſpeeches. His majeſty having notice thereof, and perceiving this could not but retard his affairs, ordered a con-

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a conferrence between the two houſes, and commanded the duke of Buckingham to explain his intentions, and give his words a ſenſe leſs offenſive than what they obviouſly bore. The duke ſpoke in the manner following:

The duke of Buckingham's ſpeech, wherein he explains the king's. Ruſhw.

‘WHereas it is objected by ſome, who wiſh good correſpondency between the king and people, that to prefix a day to give or to break was an unuſual thing, and might expreſs an inclination to the king to break; to remove this, as his majeſty was free from ſuch thoughts, he hath deſcended to make this explanation.

‘That as his majeſty would not have you condition with him directly or indirectly, ſo he will not lie to a day, for giving farther ſupply; but it was the preſſing occaſion of Chriſtendom that made him to pitch upon a day.

‘His majeſty hath here a ſervant of the king of Denmark, and another from the duke of Weymer, and yeſterday received a letter from his ſiſter, the queen of Bohemia; who ſignified, that the king of Denmark hath ſent an ambaſſador, with power to perfect the contract which was made at the Hague; ſo it was not the king, but time, and the things themſelves that preſſed a time.

‘Therefore his majeſty is pleaſed to give longer time, hoping you will not give him cauſe to put you in mind of it again; ſo that you have a greater latitude, if the buſineſs require to think farther of it.

‘I am commanded farther to tell you, that if his majeſty ſhould accept of a leſs ſum than will ſuffice, it will deceive your expectations, diſappoint his allies, and conſume the treaſure of the kingdom: Whereas, if you give largely now, the buſineſs being at the criſis, it comes ſo ſeaſonably, it may give a turn to the affairs of Chriſtendom.

‘But while we delay and ſuffer the time to paſs, others abroad will take advantage of it, as the king of Spain hath done, by concluding a peace, as it is thought, in Italy, for the Valtoline, whereby our work is become the greater, becauſe there can be no diverſion that way.

‘As it was a good rule to fear all things and nothing, and to be liberal was ſometimes to be thrifty; ſo in this particular, if you give largely, you ſhall carry the war to the enemy's door, and keep that peace at home that hath been: Whereas, on the contrary, if you draw the war at home, it brings with it nothing but diſturbance and fear, all courſes of juſtice ſtopt, and each man's revenue leſſened, and nothing that can be profitable.

‘Another explanation I am commanded to make touching the grievances; wherein his majeſty means no way to interrupt your proceedings, but hopes you will proceed in the antient way of your predeceſſors; and not ſo much ſeek faults, as the means to redreſs them.

‘I am farther commanded to tell you, that his majeſty intends to elect a committee of both houſes, whom he will truſt, to take the view of his eſtate, the defects of which are not fit for the eyes of a multitude; and this committee will be for your eaſe, and may ſatisfy you, without caſting any ill odour on his government, or laying open any weakneſs that may bring ſhame upon us abroad. That which is propoſed is ſo little, that when the payment comes, it will bring him to a worſe eſtate than now he is in; therefore wiſhes you to enlarge it, but leaves the augmentation to yourſelves; but is ſorry, and touched in conſcience, that the burthen ſhould lie on the pooreſt, who want too much already; yet he will not preſcribe, but wiſh that you, who were the abettors and counſellors of this war, would take a greater part of the burthen to yourſelves; and any man that can find out that way, ſhall ſhew himſelf beſt affected, and do the beſt ſervice to the king and ſtate.’

Ruſhw.

After the duke had thus ſpoken for the king, he made his addreſs to them in his own behalf, taking this occaſion to vindicate his conduct, or rather to extol the ſervices he had done the ſtate. The lord Conway, ſecretary of ſtate, ſpoke next, and pretended, among other things, to ſhew, that the three ſubſidies and three fifteenths granted to the late king, had been employed according to the parliament's intention, becauſe nothing was disburſed but by the king's expreſs orders, a reaſon which muſt have appeared frivolous to the houſe of commons.

The explanation of the king's intentions ſeemed to pacify the commons a little. How great ſoever their diſcontent was, at what the king ſaid about parliaments, they did not think proper to cenſure it, whether they feared to enter into ſo dangerous a diſcuſſion, or expected that the lords would take the affair in hand, ſince they were no leſs concerned. The commons contented themſelves, therefore, with preſenting to the king a remonſtrance, to juſtify their proceedings. This remonſtrance was preceded by an addreſs on the ſame ſubject; but as the addreſs was only an abſtract of the remonſtrance they were preparing, I ſhall paſs it over in ſilence, and inſert only the remonſtrance, which was thus worded:

The commons remonſtrance to the king. Ruſhw.

Moſt gracious ſovereign,

‘WHereas your majeſty hath been pleaſed of late, at ſundry times, and by ſeveral means, to impart unto us your royal pleaſure, touching ſome paſſages and proceedings in this preſent parliament: We do firſt, with unſpeakable joy and comfort, acknowledge your majeſty's grace and favour, in that it hath pleaſed you to cauſe it to be delivered unto us by the lord keeper of your great ſeal, in your own royal preſence, and before both houſes of parliament, that never king was more loving to his people, nor better affected to the right uſe of parliaments; withal, profeſſing your moſt gracious reſolution, to hear and redreſs our juſt grievances. And with like comfort we acknowledge your majeſty's goodneſs ſhining at the very entrance of your glorious reign, in commanding the execution of the laws eſtabliſhed to preſerve the true religion of almighty God, in whoſe ſervice conſiſteth the happineſs of all kings and kingdoms.

‘Yet let it not diſpleaſe your majeſty, that we alſo expreſs ſome ſenſe of juſt grief, intermixed with that great joy, to ſee the careful proceedings of our ſincere intentions ſo miſreported, as to have wrought effects unexpected, and, we hope, undeſerved.

‘Firſt, touching the charge againſt us in the matter concerning Mr. Coke. We all ſincerely proteſt, that neither the words mentioned in your majeſty's meſſage, nor any other of ſeditious effect were ſpoken by him, as hath been reſolved by the houſe, without one negative voice. Howſoever, in a ſpeech occaſionally uttered, he let fall ſome few words, which might admit an ill conſtruction; whereat the houſe being diſpleaſed at the delivery of them, as was expreſſed by a general and inſtant check, he forthwith ſo explained himſelf and his intention, that, for the preſent, we did forbear to take them into conſideration, which ſince we have done: And the effect thereof had before this appeared, if by importunate buſineſs of your majeſty's ſervice we had not been interrupted.

‘The like interruption did alſo befal us in the caſe of Dr. Turner; wherein the queſtion being formerly ſtated, a reſolution was ordered to have been taken that very day, on which we received your majeſty's command to attend you.

‘But for our own proceedings, we humbly beſeech your majeſty to be truly informed, that before the overture from Dr. Turner, (out of great and neceſſary care for your honour, and welfare of your realm) we had taken into ſerious conſideration, the evils which now afflict your people, and the cauſes of them, that we might apply ourſelves unto the fitteſt remedies: In the purſuit whereof, our committees (whatſoever they might have done) have in no particular proceeded otherwiſe, than either upon ground of knowledge in themſelves, or proof by examination of witneſſes, or other evidence. In which courſe of ſervice for the publick good, as we have not ſwerved from the parliamentary way of our predeceſſors, ſo we conceive, that the diſcovery, and reforming of errors, is ſo far from laying an aſperſion upon the preſent time and government, that it is rather a great honour and happineſs to both, yielding matter to great princes, wherein to exerciſe and illuſtrate their nobleſt virtues.

‘And altho' the grievous complaints of the merchants from all parts, together with the common ſervice of the ſubjects well affected to thoſe who profeſs our religion, gave us occaſion to debate ſome buſineſſes that were partly foreign, and had no relation to affairs of ſtate; yet we beſeech your majeſty to reſt aſſured, it was exceeding far from our intention, either to traduce your counſellors, or diſadvantage your negotiations. And tho' ſome examples of great and potent miniſters of princes, heretofore queſtioned in parliament, have been alledged, yet was it without parallelling your majeſty's government or councils, to any times at all, much leſs to times of exception.

‘Touching the letter of your majeſty's ſecretary, it was firſt alledged by your advocate for his own juſtification, and after, by direction of the committee, produced to make good his allegation.

‘And for the ſearch at the ſignet-office, the copy of a letter being divulged, as in your majeſty's name, with pregnant cauſe of ſuſpicion, both in the body and direction thereof to be ſuppoſititious, the committee, out of deſire to be cleared therein, did by their order ſend ſome of themſelves to the ſignet-office, to ſearch whether there were any records of letters of that nature, without warrant to the officer for any, much leſs for a general ſearch.

‘But touching publick records, we have not forborn, as often as our buſineſs have required, to make ſearch into them, wherein we have done nothing unwarranted by the laws of your realm, and the conſtant uſage of parliaments. And if, for the eaſe of their labours, any of our committees have deſired the help of the officers repertories, or breviats of direction, we conceive it is no more than any ſubject in his own affairs might have obtained for ordinary fees.

‘Now concerning your majeſty's ſervants, and, namely, the duke of Buckingham, we humbly beſeech your majeſty to be informed by us your faithful commons; who can have no private end but your majeſty's ſervice, and the good of your country, that it hath been the antient, conſtant, and undoubted right and uſage of parliaments, to queſtion and complain of all perſons of what degree ſoever, found grievous to the common-wealth, in abuſing the power and truſt committed to them by their ſovereign. A courſe approved not only by the examples in your father's days, of famous memory, but by frequent precedents in the beſt and moſt glorious reigns of your noble progenitors, appearing both in records and hiſtories; without which liberty in parliament, no private man, no ſervant to a king, perhaps no counſellor, without expoſing himſelf to the hazard of great enmity and prejudice, can be a means to call great officers into queſtion for their miſdemeanors, but the commonwealth might languiſh under their preſſures without redreſs; and whatſoever we ſhall do accordingly in this parliament, we doubt not but it ſhall redound to the honour of the crown, and welfare of your ſubjects.

‘Laſtly, we moſt humbly beſeech your majeſty graciouſly to conceive, that tho' it hath been the long cuſtom of parliaments to handle the matter of ſupply with the laſt of their buſineſſes, yet at this time, out of extraordinary reſpect to your perſon, and care of 'your-affairs, we have taken the ſame into more ſpeedy conſideration, and moſt happily, on the very day of your majeſty's inauguration, with great alacrity and unanimous conſent: After a ſhort debate we grew to the reſolution for a preſent ſupply, well known to your majeſty.

'To which, if addition may be made of other great things for your ſervice, yet in conſultation amongſt us, we doubt not but it will appear, that we have not receded from the truth of our firſt intention, ſo to ſupply you, as to make you ſafe at home, and feared abroad, eſpecially if your majeſty ſhall be pleaſed to look upon the way intended in our promiſe, as well as to the meaſure of the gift agreed.

'With like humility we beſeech your majeſty, not to give ear to the officious reports of private perſons for their own ends, which hath occaſioned ſo much loſs of time, nor to judge our proceedings whilſt they are in agitation, but to be pleaſed to expect the iſſue and concluſion of our labours, which we are confident will manifeſt and juſtify to your majeſty the ſincerity and loyalty of our hearts, who ſhall ever place in a high degree of happineſs, the performing of that duty and ſervice in parliament, which may moſt tend to your majeſty's honour, and the good of your kingdom.'

The commons intention in the foregoing remonſtrance.

By this remonſtrance it appears, the commons did not look upon Coke's offences as a crime deſerving ſo ſevere a puniſhment as the king imagined, eſpecially as the king had been miſinformed. Moreover, in ſhewing reſentment againſt Coke, they were afraid of diſcouraging their members, and hindering them from freely ſpeaking their minds, beſides that they ſhould thereby authoriſe the king to make continual complaints on the like pretences. But on the other hand, if they declared Coke entirely innocent, they were apprehenſive of engaging in a diſcuſſion they were willing to avoid. As for Turner, they could not condemn him, ſince his motion was approved by the houſe. So, they only evaded the king's demand, for fear of offending him by a refuſal, imagining, the king would underſtand them. But as to the duke of Buckingham, the caſe was different. The king having eſtabliſhed for a principle, that the commons had not power to accuſe any of his ſervants without his permiſſion, they could not ſpeak too plainly, by reaſon of the importance of the king's pretenſions, which tended to deprive the houſe of one of their greateſt privileges. As to the ſupply, it is very viſible, the commons did not intend the king ſhould have it in his power to preſcribe them terms, but were reſolved to preſerve the right of granting what they thought proper, and when they ſaw fit. Indeed, it is of ſo great conſequence to the commons, not to loſe this right, that ſhould they ſuffer the leaſt incroachment upon it, they would aſſuredly become an empty name without authority.

The parliament adjourned. Ruſhw.

The king did not think proper to anſwer this remonſtrance, or, at leaſt, required time to examine it. In the interim, he deſired the commons to adjourn for a week, as the lords had done; and they did ſo accordingly.

The king conſents to the proſecution of his favourite.

The king was extremely embarraſſed. He wanted money, and the commons had voted him three ſubſidies and three fifteenths, to which they had lately added a fourth ſubſidy. But it evidently appeared they meant not to paſs the bill, till the duke of Buckingham's affairs was finiſhed. So, the king not being able to divert the charge againſt the duke, without hindering at the ſame time the ſubſidy-bill, conſented, at length, that the houſe ſhould proceed in the examination of his favourite's conduct, but it was with intention to put a ſtop to it, if the affair was carried too far.

The commons acquaint the duke with their deſign.

A few days after, the commons ſent word to the duke of Buckingham, that they were paſſing articles of accuſation againſt him, of which he might be informed by the clerk's book, and take a copy thereof, and that they expected his anſwer, if he pleaſed to ſend any. Whereupon, the duke applied to the lords for leave to anſwer. But the lords did not think it convenient to permit him, under colour, that he would thereby give the commons occaſion to defer the ſubſidy-bill, which they were preſently to take into conſideration. But the commons, without regarding the reaſon alledged by the lords, which was ſignified to them by the duke, continued their proceeding; nay, they reſolved to annex to the charge, an article concerning the plaiſter and potion applied and given by the duke to king James, in his ſickneſs, without the adviſe of the phyſicians. The king hearing of this, ſent a meſſage to the commons, "That he having conſented to their proceedings againſt the duke of Buckingham, and hearing there is new matter intended to be brought againſt him, nevertheleſs leaves the houſe to their own way to preſent the buſineſs to him, or to the lords, withal adviſing them to conſider of the ſeaſon of the year, and to avoid all loſs of time." He would probably have been glad, as he was chiefly concerned in the article relating to the king his father's life, the commons would have left it to his determination. But they feigned not to underſtand him, and only thanked him for his meſſage.

The earl of Briſtol's affair. Franklyn's Annals.

Some interruption was given to the duke of Buckingham's accuſation, and conſequently to the ſubſidy-bill, by a new affair which unexpectedly aroſe, and which it will be neceſſary briefly to mention, tho' I deſign not here to deſcend to particulars. The earl of Briſtol, who had been ambaſſador in Spain for the affair of the marriage, which he had, at length, almoſt brought to a concluſion, according to king James's deſire, had, however, the miſfortune to diſpleaſe the prince and duke. As their view was to hinder the earl from giving the parliament an exact account of what paſſed in Spain, they ſo managed, that at his return he was confined to his houſe, and afterwards ſent to the tower. King James was fully ſatisfied of the earl's innocence, but was ſo little maſter of his actions the two laſt years of his life, that he dared not openly protect him. So, the prince and duke conſtrained him, on divers pretences, to keep him in priſon, that he might not ſpeak with him. After king James's death, the earl's caſe became ſo much the worſe, as the new king and favourite, his profeſſed enemies, were no longer obliged to uſe any ceremony. He remained, therefore, in priſon, till this ſecond parliament, that is, about two years, without being brought to a trial, or even any charge entered againſt him. At laſt, knowing how the commons ſtood affected to the duke, he reſolved to embrace this opportunity, and try to recover his liberty. He wiſhed alſo to be in a condition to juſtify his conduct, which the duke had aſperſed, in order to caſt on him the whole blame of what had paſſed in the negotiation of the prince's marriage with the Infanta of Spain. He preſented, therefore, a petition to the houſe of lords, ſhewing, that being peer of the realm, he had received no ſummons to the parliament, deſiring them to intercede for him, that he might enjoy his privilege. Whereupon the lords prayed his majeſty, to ſend a writ of ſummons as well to the earl of Briſtol as to ſome other peers, whoſe writs were alſo ſtopped, which the king granted. A ſummons was, therefore, ſent to the earl, but withal, he received a letter from the lord keeper, acquainting him, that his majeſty would have him forbear his perſonal attendance. Upon this, the earl ſent a ſecond petition to the lords with the keeper's letter, telling them, it was done by the duke of Buckingham's credit, whoſe view was to prevent him from diſcovering his crimes. Moreover, he beſought the lords to permit him to bring an accuſation againſt the duke, wherein he would demonſtrate how much the duke had abuſed the late king, his preſent majeſty, the ſtate, and the parliament. The king was ſo offended with the earl of Briſtol's boldneſs, that he ſent a meſſage to the lords, declaring, he was determined to exhibit before them a charge of high-treaſon againſt the earl of Briſtol. After this declaration, the lords could not avoid putting the earl into the cuſtody of the black-rod. Some days after, the earl being brought to the bar of the houſe, the attorney-general read the charge againſt him in the king's name, who had corrected it in ſeveral places with his own hand. Nevertheleſs, the lords received alſo the accuſation entered by the earl of Briſtol againſt the duke of Buckingham, and the lord Conway, ſecretary of ſtate. The king's charge againſt the earl was divided into three heads; viz. his offences, before the prince's going to Spain; during the prince's being in Spain; and after the prince's return. But the earl made ſuch a defence, as covered his accuſers with confuſion. He plainly ſhewed, how much the duke of Buckingham had deceived the parliament in his Narrative of what paſſed in Spain. This reflected on the king himſelf, who had not only atteſted the relation, but perſiſted ſtill to atteſt it as true; wherefore he did not think fit to proſecute a ſentence againſt the earl. As the charge againſt the earl of Briſtol, his defence, and his accuſation againſt the duke of Buckingham and the lord Conway, relate rather to the reign of king James, than to that of king Charles, I think it unneceſſary to inſiſt any farther upon this affair, which would lead me too far. However, as this is a curious point; as in the earl's defence there is an exact account of what paſſed in Spain in the negotiation of the projected marriage; and as the characters of James I, Charles I, and the duke of Buckingham may be there clearly ſeen, I ſhall inſert at the end of this book ſeveral papers upon this ſubject, which to me ſeem worthy the curioſity of the publick.

Annals.

The commons charge againſt the duke of Buckingham. May 8. Annals.

Some days after the earl of Briſtol had given his anſwer, and preſented his charge againſt the duke and the lord Conway, the commons brought up to the lords their declaration and impeachment againſt the duke of Buckingham. It contained 13 articles, which were explained and aggravated by the managers appointed by the commons. It is cuſtomary for the commons on ſuch occaſions, to divide the taſk among ſeveral of their members, each of whom prepares to ſpeak to the article aſſigned him. Sir Dudley Diggs, who was appointed to explain and ſupport the beginning of the charge, after a ſhort prologue, read the following preamble:

The commons declaration and impeachment againſt the duke of Buckingham. May 8. Ruſhw.

"For the ſpeedy redreſs of great evils and " miſchiefs, and of the chief cauſe of theſe " evils and miſchiefs which this kingdom of " England now grievouſly ſuffereth, and of late " years hath ſuffered; and to the honour and " ſafety of our ſoveriegn lord the king, and " of his crown and dignity; and to the good " and welfare of his people, the commons in " this preſent parliament, by the authority " of our ſaid ſovereign lord the king, aſſembled, do, by this their bill, ſhew and declare againſt George, duke, marqueſs, and " earl of Buckingham, earl of Coventry, viſcount Villers, baron of Whaddon, great " admiral of the kingdoms of England and " Ireland, and of the principality of Wales, " and of the dominions and iſlands of the " ſame, of the town of Calais, and of the " marches of the ſame, and of Normandy, " Gaſcoign and Guienne, general-governor " of the ſeas and ſhips of the ſaid kingdom, " lieutenant general-admiral, captain-general and governor of his majeſty's royal fleet " and army lately ſet forth, maſter of the " horſe of our ſovereign lord the king, lord " warden, chancellor, and admiral of the " Cinque-ports, and of the members thereof, " conſtable of Dover-caſtle, juſtice in Eyre of " the foreſt and chaces on this ſide the river " Trent, conſtable of the caſtle of Windſor, " gentleman of his majeſty's bed-chamber, " one of his majeſty's moſt honourable privy-counſel in his realms, both in England, " Scotland, and Ireland, and knight of the " moſt honourable Order of the Garter: The " miſdemeanours, miſpriſons, offences, crimes, " and other matters, compriſed in the articles following; and him the ſaid duke do " accuſe and impeach of the ſaid miſdemeanors, miſpriſons, offences, and crimes."

Diggs explains and aggravates the preamble.

This preamble being read, Sir Dudley Diggs gave a general knowledge of the impeachment, without inſiſting upon any particular article. He only reduced the charge to four principal heads. In the firſt, he ſhewed the grievances which ſprung from ſo many offices conferred on a ſingle perſon, and pretended it was one of the chief cauſes of the evils which afflicted England, as decay of trade, loſs at ſea, and the contempt the nation was fallen into. In the ſecond, he ſpoke in general of honours being ſold or procured by the duke for undeſerving perſons. In the third, he ſaid, as the duke had raiſed all his poor kindred to honours, ſo he had exhauſted and miſ-employed his majeſty's lands and revenues. In the fourth, he ſpoke of the remedies applied and given to the late king in his laſt ſickneſs, but he only juſt mentioned them, becauſe that article was to be enlarged upon by another manager.

As this charge was never decided, I think it needleſs to relate the particulars, or give an account of what was ſaid by each of the managers on the ſeveral articles. But that the reader may ſee in general what the duke was accuſed of, I ſhall inſert an abſtract of each article.

Abſtract of the articles of impeachment. Annals.

I. He was accuſed of engroſſing into his hands a great number of offices, ſome whereof could hardly be executed by a ſingle perſon; and of procuring them by ill means.

II. Of purchaſing the office of high-admiral of the earl of Nottingham, for the ſum of 3000 l. and an annuity of 1000 l.

III. Of buying the office of lord warden of the Cinque-ports, of the late lord Zouch, for the ſum of 1000 l. and an annuity of 500 l.

IV. Of having neglected to guard the ſeas and protect the merchants.

V. Of confiſcating a French ſhip, called the St. Peter of Newhaven, worth 40,000 l. ſterling: Of detaining the ſaid ſhip, after the king's order to reſtore her to the owner, and of taking out ſeveral things for his uſe.

VI. Of oppreſſing the Eaſt-India company, by detaining under falſe pretences their ſhips which were ready to ſail, and of compelling them to give him 10,000 l. that they might not loſe their voyage.

VII, and VIII. Of delivering ſeveral merchant-ſhips and a man of war into the hands of the French king, againſt the will of the owners, to ſerve at the ſiege of Rochel.

IX. Of conſtraining ſeveral perſons to purchaſe titles of honour.

X. Of ſelling the office of high-treaſurer to Henry Montague, viſcount Mandeville, for 20,000 l. and the office of maſter of the wards and liveries, to Sir Lionel Cranfield, for 6000 l.

XI. Of procuring to his kindred and allies, titles of baron, viſcount, earl, without their having done the ſtate any ſervice.

XII. Of embezzling and engroſſing the king's money and lands.

XIII. Of applying a plaiſter to the late king's ſide in his laſt ſickneſs, and of giving him a portion with his own hand at ſeveral times, in the abſence, and without the order of the phyſicians.

Sir John Elliot makes the epilogue. Ruſhw.

Theſe articles were enlarged upon by the ſeveral managers, and Sir John Elliot was appointed to make the epilogue to the impeachment, wherein he ſummed up what had been ſaid againſt the duke, and ſpoke of him in very offenſive terms, but, however, mentioned not the plaiſter or portion.

Diggs and Elliot ſent to the tower. Annals.

The ſame or the next day, Diggs and Elliot were by the king's command ſent to the tower; and two days after the king went to the houſe of lords, and ſpoke to them after the following manner.

The king's ſpeech to the houſe of lords. May 11. Ruſhw.

My lords,

‘The cauſe and only cauſe of my coming to you this day, is to expreſs the ſenſe I have of all your honours; for he that toucheth any of you, toucheth me in a very great meaſure. I have thought fit to take order for the puniſhing of ſome inſolent ſpeeches lately ſpoken. I have been too remiſs heretofore in puniſhing ſuch ſpeeches as concern myſelf; not that I was greedy of their monies, but that Buckingham, thro' his importunity, would not ſuffer me to take notice of them, leſt he might be thought to have ſet me on, and that he might come the forwarder to his tryal. And to approve his innocency as touching the matters againſt him, I myſelf can be a witneſs to clear him in every one of them.

‘I ſpeak not this to take any thing out of your hands; but to ſhew the reaſon why I have not hitherto puniſhed thoſe inſolent ſpeeches againſt myſelf. And now I hope you will be as tender of my honour, when time ſhall ſerve, as I have been ſenſible of yours.’

The intent of this ſpeech.

The king's view in this ſpeech was, firſt, to perſuade the lords, they were all concerned in the diſreſpectful things ſpoken by the managers againſt the duke of Buckingham and ſome other members of their houſe, and that he had committed Diggs and Elliot to the tower on purpoſe to vindicate their injured honour. But he ſucceeded not in his deſign. Secondly, by offering to be a witneſs for the duke of Buckingham, and to clear his innocence in every article of his impeachment, he propoſed to the lords, a kind of dilemma, which he thought they would not be able to get clear of; for they were either to declare the duke innocent upon the king's evidence, or, by condemning him, openly reject his royal teſtimony, to which he imagined they would not eaſily be perſuaded. But they were not impoſed upon by this artifice, as will hereafter appear.

The commons deſire the duke may be committed.

The king was no ſooner departed from the houſe, but the commons ſent a meſſage to the lords, to deſire the duke of Buckingham might be taken into ſafe cuſtody; but the lords durſt not commit him for fear of offending the king.

In the interim, the impriſonment of Diggs and Elliot made a terrible impreſſion in the houſe

The commons make a great noiſe about the impriſonment of their members. Ruſhw.

houſe of commons, who conſidered it as an expreſs breach of their privileges. Sir Dudley Carleton, one of the court-party, obſerving the unuſual, and as he termed it, ſullen ſilence of the houſe, ſtood up and juſtified the king, ſaying 'His majeſty conceived that Diggs went beyond his commiſſion, when ſpeaking of the plaiſter and potion given to king James, he ſaid, that he did forbear to ſpeak farther in regard of the king's honour. And as for Sir John Elliot, he affected to ſpeak of the duke with great contempt, and in very injurious terms. What diſpleaſed the king moſt was, that Elliot, in ſpeaking of the plaiſter and potion, uſed expreſſions, intimating as if there was ſomething hidden, which it was not proper to reveal, and in ſo doing, exceeded the commiſſion he had received from the houſe.'

Unhappily, there was nothing of truth in what was aſcribed to theſe two members, except the little reſpect they had ſhewn for the duke of Buckingham; for Elliot had not mentioned the plaiſter or potion, and Diggs had ſaid nothing like what he was accuſed of. Wherefore, the houſe of commons taking advantage of theſe falſe charges, ordered that all the members there preſent ſhould ſign the following proteſtation.

Proteſtation of the commons. Ruſhw.

'I proteſt before almighty God, and this houſe of parliament, that I never gave conſent that Sir Dudley Diggs ſhould ſpeak theſe words that he is now charged withal, or any words to that effect; and I have not affirmed to any that he did ſpeak ſuch words, or any to that effect.'

Annals.

Beſides this, 36 lords who were preſent at the conference, where the impeachment of the duke was preſented, atteſted under their hands, that they did not hear Sir Dudley Diggs ſpeak any ſuch words. It followed, therefore, from the teſtimony of the lords, and the proteſtation of the commons, either that the king was falſely and maliciouſly informed, or that the charge againſt Diggs was invented, to have an opportunity of puniſhing him for ſpeaking of the duke in ſo diſreſpectful a manner.

A declaration of the ſame houſe. Ruſhw.

Elliot's crime was of the ſame nature, that is, he had ſpoken of the duke in uncivil terms, tho' he was falſely accuſed of mentioning the plaiſter in terms injurious to the king. But the commons took care to clear their two members by declaring publickly, that neither had exceeded his commiſſion. All this was not for the king's honour, who ſeeing no way to ſupport what he had done, cauſed the two impriſoned members to be releaſed. In all appearance, his deſign was to terrify the commons, but he was diſappointed.

The lords demand the earl of Arundel's liberty. Annals.

The king's condeſcenſion to the commons, drew upon him an affair of the like nature from the lords. He had ſent the earl of Arundel to the tower for much the ſame crime as that of Diggs and Elliot, and the lords had not complained of it; but when they ſaw the commons obtained the releaſe of their members, by inſiſting upon their privileges, they thought proper to take this occaſion to maintain their rights alſo. They preſented, therefore, a petition to the king, praying him to releaſe the earl of Arundel, according to the tenor of their privileges. The king perceived how prejudicial to him this petition was, the lords pretending by means of their privileges, to limit the prerogative royal. For which reaſon he long reſiſted before he granted the lords requeſt. There were ſeveral remonſtrances from the lords to the king, and ſeveral meſſages from the king to the lords; nay, the peers went ſo far, as to declare it was an expreſs breach of their privileges, to impriſon any of their members, the parliament ſitting, without ſentence or order of their houſe, and to reſolve to take no other buſineſs into conſideration till they had received ſatisfaction. At laſt the king was forced to releaſe the priſoner, tho' againſt his will. As by the cuſtom of England, members of parliament are not privileged from arreſt in caſes of treaſon and felony, the king pretended the houſe of lords ought not to take exception at his having committed one of their members. His reaſon was, becauſe the priſoner might poſſibly be guilty of felony or treaſon, and conſequently the houſe ought to wait till it ſhould pleaſe the king to declare the cauſe of his impriſonment; but as under colour of this poſſibility, the king had ſent the earl of Arundel to the tower, and had not yet declared the cauſe, the lords plainly ſaw the poſſibility alledged by the king, was but an artifice to evade their moſt undoubted privileges. So, the king affirmed, that as the untimely diſcovery of a treaſon might happen to be extremely prejudicial to the ſtate, he could not allow to this pretended privilege of the members of parliament, all the extent required by the lords, becauſe there were caſes, wherein for the good of the ſtate, it was abſolutely neceſſary to limit it. But the lords replied, if, on pretence of ſuch caſes which were very rare, the king could impriſon a peer without the conſent of the houſe, and declaration of the cauſe, it would follow, that in all ſorts of caſes, he might detain a peer in cuſtody as long as he pleaſed, and thereby abridge the lords of their privileges. If it is asked, why this diſpute was never raiſed in the former reigns, the queſtion is eaſily anſwered. For if a king happened to ſend a peer to the tower, the parliament ſitting, either the cauſe was known, or, if a ſecret, the houſe took no offence, becauſe the lords not miſtruſting the king, did not fear he would draw it into a precedent to aboliſh their privilege. But it was not the ſame in the reign of Charles I. Beſides, that the earl of Arundel was known to be ſent to the tower only for ſpeaking too freely in the houſe, what the king's principles were concerning the privileges of the people, was no ſecret, and it was manifeſt, that upon a bare poſſibility, he was endeavouring to eſtabliſh a principle which tended to render the privilege in queſtion, entirely uſeleſs. And, therefore, the lords being warranted by the example of the commons, would not omit this opportunity to maintain their privilege.

Buckingham is choſen chancellor of the univerſity of Cambridge. Ruſhw.

Before the duke of Buckingham had given in his anſwer to the commons impeachment, the chancellorſhip of the univerſity of Cambridge becoming void by the earl of Suffolk's death, the king cauſed the duke, his favourite, to be elected in the room of the late chancellor. The houſe of commons were extremely offended at this election, conſidering it as a manifeſt contempt, that the duke ſhould be choſen whilſt under an impeachment, and when one of the articles againſt him was plurality of offices. Beſides, they maintained, there was a ſort of contradiction in this choice, ſince the univerſity themſelves, by their repreſentatives in parliament, had given their conſent to the duke's impeachment. But the king openly ſupported the election in ſpite of the commons.

The duke gives in his anſwer. Ruſhw. Annals.

At length, on the 8th of June, the duke gave in his anſwer to the impeachment of the houſe of commons. As I have not given the particulars of the accuſation, it would be needleſs to inſert here the anſwers, which had a neceſſary reference to what was alledged againſt the duke. This affair having never been decided, it is eaſy to judge, that as the accuſation was very much aggravated, ſo the anſwers were palliated with great care. The proofs and evidences of the facts produced for or againſt, would be the only means to inform us of the truth; but the affair was not carried ſo far. It will ſuffice, therefore, to ſay, that the commons deſiring a copy of the anſwer, the next day the king wrote the following letter to the ſpeaker.

The king's letter to the ſpeaker of the houſe of commons. Ruſhw.

Truſty and well-beloved, &c.

‘OUR houſe of commons cannot forget, how often and how earneſtly we have called upon them for the ſpeeding of that aid which they intended us for our great and weighty affairs, concerning the ſafety and honour of us and our kingdoms; and now the time being ſo far ſpent, that unleſs it be preſently concluded, it can neither bring us money nor credit by the time which themſelves have fixed, which is the laſt of this month, and being farther deferred would be of little uſe, we being daily advertiſed from all parts, of the great preparations of the enemy ready to aſſail us; we hold it neceſſary by theſe our letters, to give them our laſt and final admonition, and to let them know, that we ſhall account all farther delays and excuſes to be expreſs denials. And, therefore, we will and require you to ſignify unto them, that we do expect that they forthwith bring in their bill of ſubſidy to be paſſed without delay or condition, ſo as it may fully paſs the houſe by the end of the next week at the fartheſt; which if they do not, it will force us to take other reſolutions. But let them know, if they finiſh this according to our deſire, that we are reſolved to let them ſit together for the diſpatch of their other affairs ſo long as the ſeaſon will permit, and after their receſs, to bring them together again the next winter. And if by their denial or delay, any thing of ill conſequence ſhall fall out either at home or abroad, we call God and man to witneſs, that we have done our part to prevent it, by calling our people together to adviſe with us, by opening the weight of our occaſions unto them, and by requiring their timely help and aſſiſtance in theſe actions wherein we ſtand engaged by their own counſels. And we will and command you that this letter be read publickly in the houſe.’

The king's intent in this letter.

It was manifeſt, this letter, written at the time the duke of Buckingham was going to be tried, was but an artifice to evade it; for it was not poſſible, that if the ſubſidy-bill was paſſed by the time fixed by the king, the duke's affair could be diſpatched by the ſame time. It is true, the king promiſed to let the parliament ſit, ſo long as the ſeaſon would permit; but by that very thing he reſerved to himſelf the liberty of proroguing it when he pleaſed, on pretence the ſeaſon was too far advanced to ſit any longer, eſpecially as he feigned to preſs the ſubſidy-bill, purely out of fear of a pretended invaſion, which, he ſaid, the kingdom was threatened with. It was, therefore, to be expected, that the duke of Buckingham's affair would be dropped, and be forced to be revived in the next ſeſſion, ſince a prorogation puts an end to all affairs.

The commons not thinking fit to comply with the king's will, preſented a freſh petition to him againſt Popiſh recuſants. This was to ſhew the publick, the king's anſwer to the petition of the Oxford parliament, contained only empty promiſes, without being followed by any effects. They had a mind alſo to ſhew, that the duke of Buckingham's ill adminiſtration was not the only grievance they deſired to be redreſſed. The petition was as follows:

The commons petition to the king concerning recuſants. Ruſhw. Annals.

To the king's moſt excellent majeſty,

‘YOUR majeſty's moſt obedient and loyal ſubjects the commons, in this preſent parliament aſſembled, do with great comfort remember the many teſtimonies which your majeſty hath given of your ſincerity and zeal of the true religion eſtabliſhed in this kingdom, and in particular your gracious anſwer to both houſes of parliament at Oxford, upon their petiton concerning the cauſes and remedies of the increaſe of Popery; that your majeſty thought fit, and would give order to remove from all places of authority and government, all ſuch perſons as are either Popiſh recuſants, or, according to direction of former acts of ſtate, juſtly to be ſuſpected; which was then preſented as a great and principal cauſe of that miſchief. But not having received ſo full redreſs herein as may conduce to the peace of this church, and ſafety of this regal ſtate, they hold it their duty, once more to reſort to your ſacred majeſty, humbly to inform you, that upon examination, they find the perſons under-written, to be either recuſants, Papiſts, or juſtly ſuſpected according to the former acts of ſtate, who now do, or, ſince the ſit-

'ting of the parliament, did remain in places of government and authority, and truſt, in your ſeveral counties of this your realm of England, and dominion of Wales.

"Then followed a liſt of 59 recuſants, and ſuſpected Papiſts, who were in places of truſt and authority in ſeveral counties."

'Wherefore they humbly beſeech your majeſty, not to ſuffer your loving ſubjects to continue any longer diſcouraged, by the apparent ſenſe of that increaſe both in number and power, which by the favour and countenance of ſuch like ill-affected governors accrueth to the Popiſh party; but that, according to your own wiſdom, goodneſs, and piety, (whereof they reſt aſſured) you will be graciouſly pleaſed to command that anſwer of your majeſty's to be effectually obſerved, and the parties above-named, and all ſuch others, to be put out of ſuch commiſſions and places of authority wherein they are now in your majeſty's realm of England; contrary to the acts and laws of ſtates in that behalf.'

It was not for the king's honour to be preſſed ſo often to perform what he had ſo poſitively promiſed; but it muſt be conſidered, it was not eaſy for him to withſtand the ſollicitations and intrigues of the queen, of the duke of Buckingham, whoſe mother was a profeſſed Papiſt, of Sir Richard Weſton, his chief counſellor, and of the lord Conway, ſecretary of ſtate, both likewiſe Papiſts, ſince theſe were the men that were neareſt his perſon, and by whom he was in a manner beſet.

A few days after, the commons reſolved to wait upon the king, and preſent to him, by their ſpeaker, a declaration of their conduct, ſerving for anſwer to his letter, and a petition to remove the duke of Buckingham from his perſon. The audience they had deſired being granted, the ſpeaker, before he preſented the anſwer, made the following ſpeech to him.

The ſpeaker's ſpeech to the king, upon his preſenting to him the petition and declarations. Ruſhw. Annals.

Moſt gracious and dread ſovereign,

'According to that liberty of acceſs, and liberty of ſpeech which your majeſty and your royal progenitors have ever vouchſafed to your houſe of commons, your majeſty's moſt humbly and loyal ſubjects, the commons now aſſembled in parliament, have been ſuitors for this acceſs to your royal throne.

'And out of their conſideration of the nature, and of the weight and importance of the buſineſs, they have thought the attendance of the whole houſe, with their ſpeaker, not too ſolemn; and yet they have not thought fit barely to commit thoſe words which expreſs their thoughts, to the truſt of any man's ſpeech, but are bold to preſent them in writing to your gracious hands, that they may not vaniſh, but be more laſting than the moſt powerful words of a more able ſpeaker like to be.

'I have much to read, and ſhall, therefore, as little as I can, weary your majeſty with ſpeeches.

'This parchment contains two things, the one by way of declaration, to give your majeſty an account, and humble ſatisfaction of their clear and ſincere endeavours and intentions in your majeſty's ſervice; and the other an humble petition to your majeſty, for the removal of that great perſon the duke of Buckingham, from acceſs to your royal preſence.

'For the firſt, they beſeech your moſt excellent majeſty to believe that no earthly thing is ſo dear and precious to them, as that your majeſty ſhould retain them in your grace and good opinion; and it is grief to them, beyond my expreſſion, that any miſinformation or miſinterpretation, ſhould at any time render their words or proceedings offenſive to your majeſty.

'It is not proper for any one to hear the eccho of a voice, that hears not the voice; and if eccho's be ſometimes heard to double and redouble, the eccho of the eccho is ſtill fainter, and ſounds not louder.

'I need not make the application, words miſreported, tho' by an eccho, or but an eccho of an eccho, at a third or fourth hand, have oft a louder ſound than the voice itſelf, and may ſound diſloyalty, tho' the voice had nothing undutiful or illoyal in it.

'Such miſinformations, they fear, have begot thoſe interruptions and diverſions which have delayed the ripening and expediting of thoſe great counſels, which concern your majeſty's important ſervice, and have enforced this declaration.

'I paſs from that to the petition, in which my purpoſe is not to urge thoſe reaſons, which your majeſty may hear expreſſed in their own words in the language of the people.

'I am only directed to offer to your great wiſdom, and deep judgment, that this petition of theirs is ſuch, as may ſtand with your majeſty's honour and juſtice to grant.

'Your majeſty hath been pleaſed to give many royal teſtimonies and arguments to the world, how good and gracious a maſter you are; and that which the queen of Sheba once ſaid to the wiſeſt king, may without flattery be ſaid to your majeſty, "Happy are thoſe ſervants which ſtand continually before you."

'But the relations by which your majeſty ſtands in a gracious aſpect towards your people, do far tranſcend, and are more prevalent and binding, than any relation of a maſter towards a ſervant; and to hear and ſatisfy the juſt and neceſſary deſires of your people, is more honourable than any expreſſion of grace to a ſervant.

'To be a maſter to a ſervant is communicable to many of your ſubjects; to be a king of people, is regal and incommunicable to ſubjects.

'Your majeſty is truly ſtiled with that name, which the greateſt emperors, tho' they borrowed names and titles from thoſe countries, which they gained by conqueſt, moſt delighted in, Pater Patriæ. And deſires

'ſires of children are preferred before thoſe of ſervants, and the ſervant abideth not in the houſe for ever, but the ſon abideth ever.

'The government of a king was truly termed by your royal father, a politick marriage between him and his people; and I may ſafely ſay, there was never a better union between a married pair, than is between your majeſty and your people.'

The king reſolves to diſſolve the parliament.

Having ended his ſpeech, the ſpeaker put into the king's hands the declaration and petition, which his majeſty was ſo diſpleaſed with, that he determined to diſſolve the parliament. The commons having intimation of it, reſolved to preſent a remonſtrance to him, of which every member was ordered to have a copy. Whilſt this remonſtrance was preparing, the lords being informed by the king himſelf of his reſolution, preſented a petition to him, to divert him from his purpoſe; but he would hearken to nothing, and, on the 15th of June, cauſed the parliament to be diſſolved by a commiſſion under the great-ſeal.

The parliament is diſſolved. June 15.

It was not doubted that the duke of Buckingham's intereſt was the ſole cauſe of this diſſolution. The commons were ſo perſuaded of it, that they chiefly inſiſted upon the great prejudice the duke's credit occaſioned to the kingdom, in the remonſtrance they had prepared, but were hindered from preſenting by the diſſolution of the parliament. It will not be amiſs, however, to inſert here this remonſtrance.

Moſt gracious ſovereign,

A remonſtrance drawn by the commons. Ruſhw. Annals.

'WE your loyal and faithful ſubjects, the commons aſſembled by your majeſty's moſt royal authority in this preſent parliament, having with all dutiful affection, from the time of our firſt meeting, earneſtly endeavoured to proceed ſpeedily in thoſe affairs, that might beſt and ſooneſt conduce to our diſpatch of the intended ſupply, of your majeſty's great deſigns, to the enlargement of your ſupport, and to the enabling of ourſelves, and them whom we repreſent, to the full and timely performance of the ſame; have, notwithſtanding, by reaſon of divers informations, interruptions, and other preventions, been hitherto ſo retarded in the proſecution of theſe affairs, that we now thought it a neceſſary part of our moſt humble duties, thus to declare, both thoſe interruptions and preventions, with the true original and continual cauſe of them; as alſo our moſt earneſt devotion of the parliamentary ſervice of your moſt excellent majeſty, and of the careful ſafety and defence of your dominions, crown and dignity: And we moſt humbly, therefore, beſeech your moſt excellent majeſty, to be graciouſly pleaſed here to caſt your eye on ſome particulars, that have relation as well to your firſt parliament as to this; out of which we cannot doubt, but that your great goodneſs may receive an ample ſatiſfaction, touching our moſt loyal and faithful intentions.

'In the firſt parliament of the firſt year of your majeſty's moſt happy reign over us, the commons then aſſembled, after they had chearfully preſented to your majeſty, as the firſt-fruits of their affections, two entire ſubſidies, were exceedingly preſſed by the means of the duke of Buckingham, and for his own ends, as he conceive, to enlarge that ſupply; which when he conceived would not be there effected, he procured, for the ſame ends, from your majeſty, an adjournment of the parliament to the city of Oxford; where the commons then taking into juſt conſideration the great miſchiefs which this kingdom variouſly hath ſuffered, and that chiefly by reaſon of the exorbitant power and frequent miſdoings of the ſaid duke, were entering into a parliamentary courſe of examination of thoſe miſchiefs, power, and miſdoings; but no ſooner was there any mention made of his name to this purpoſe, but that he, fearing leſt his actions might ſo have been too much laid open to the view of your moſt excellent majeſty, and to the juſt cenſure that might then have followed, preſently, thro' his miſinformations to your majeſty, of the intentions of your ſaid commons, (as we have juſt cauſe to believe) procured a diſſolution of the ſaid parliament: And afterwards alſo in the ſame year, thro' divers miſreports made to your majeſty in his behalf, touching ſome members of the ſaid commons, who had more particularly drawn his name into juſt queſtion, and juſtly profeſſed themſelves averſe to his ends there, procured (as we cannot but conceive) the ſaid members to be made the ſheriffs of ſeveral counties for this year that followed, to the end that they might have all been precluded from being choſen members of the preſent parliament, leſt they ſhould again have there queſtioned him; and by the like practice alſo (as we are perſuaded) he procured, ſoon after the ſaid diſſolution, another member of the ſaid houſe, becauſe he had juſtly profeſſed himſelf againſt his ends, to be ſent as ſecretary of your majeſty's laſt fleet, hereby, indeed, to puniſh him, by ſuch drawing him from his practice of the law, which was his profeſſion, under colour of an honourable employment.

'It pleaſed your majeſty afterwards, in February laſt, to call this preſent parliament, wherein tho' none of thoſe whom the ſaid duke had ſo procured to be made high-ſheriffs have ſat as members; yet we finding in ourſelves the like affection, firſt to the ſervice of your majeſty, and next to the good of the common-wealth, we took into ſerious conſideration ſeveral propoſitions, how for the ſafety and happineſs of your majeſty's kingdoms and allies, we might enlarge your ſupports, and add to the military ſtrength without charge to the poorer ſort of your ſubjects, and give a large ſupply to your majeſty for your inſtant and preſſing occaſions, than hath ever yet but once been given in parliament: Whereupon, for the enabling of ourſelves, and thoſe whom we repreſent, we conceive it firſt neceſſary to ſearch into the ‘cauſes of thoſe miſchiefs which this your kingdom ſuffereth, and divers of the grievances that overburden your ſubjects; without doing of which, we could neither be faithful to your majeſty, nor to the country that doth truſt and employ us, as your royal father alſo, of bleſſed memory, admoniſhed the houſe of commons in the fourth ſeſſions of his firſt parliament. In this conſideration we found, that the moſt preſſing and comprehenſive miſchief and grievance that he ſuffered, was fundamentally ſettled in the vaſt power and enormous actions of the ſaid duke, being ſuch, that by reaſon of his plurality of offices, all gotten by ambition, and ſome for money, expreſly againſt the laws of your realm; his breach of truſt in not guarding the ſeas; his high injuſtice in the admiralty; his extortion; his delivering over the ſhips of this kingdom into the hands of a foreign prince; his procuring of the compulſory buying of honour for his own gain; his unexampled exhauſting of the treaſures and revenues of the kingdom; his tranſcendent preſumption of that unhappy applying of phyſick to your royal father of bleſſed memory, few days before his death; and ſome other his offences carefully and maturely examined by us, we made a parliamentary charge of the ſame matters and offences againſt him, to the lords, by your majeſty aſſembled in parliament, there expecting ſome remedy by a ſpeedy proceeding againſt him: But, may it pleaſe your moſt excellent majeſty, not only during the time of our examination of the matters and offences of the ſame charge, we were diverſly interrupted and diverted by meſſages procured through miſinformation from your majeſty, which with moſt humble duty and reverence we did ever receive; whence it firſt fell out, that ſo not only much time was ſpent amongſt us, before the ſame charge was perfected; but alſo within two days next after the ſame charge was tranſmitted by us to the lords, upon untrue and malicious miſinformations, privately and againſt the privilege of parliaments, given to your majeſty of certain words ſuppoſed to have been ſpoken by Sir Dudley Diggs and Sir John Elliot, knights, two of the members of our houſe, in their ſervice of the tranſmitting of the ſaid charge, both of them having been eſpecially employed in the chairs of committees with us, about the examination of the ſaid matters and offences, they were both by your majeſty's command committed to cloſe impriſonment in the tower of London, and their lodgings preſently ſearched, and their papers there found, preſently taken away; by reaſon whereof, not only our known privleges of parliament were infringed, but we ourſelves, that, upon full hope of ſpeedy courſe of juſtice againſt the ſaid duke, were preparing with all dutiful affection to proceed to the diſpatch of the ſupply, and other ſervices to your majeſty, were wholly, as the courſe and privilege of parliament binds us, diverted for divers days, to the taking only into conſideration ſome courſes for the ratifying and preſervation of the privileges ſo infringed; and we think it our duties, moſt gracious ſovereign, moſt rightly to inform hereby your moſt excellent majeſty, of the courſe held in the commitment of the two members: For, whereas by your majeſty's warrant to your meſſengers for the arreſting of them, you were pleaſed to command, that they ſhould repair to their lodgings, and there take them; your majeſty's principal ſecretary, the lord Conway, gave the ſaid meſſenger (as they affirmed) an expreſs command, contrary to the ſaid warrants, that they ſhould not go to their lodgings, but to the houſe of commons, and there take them; and if they found them not there, they ſhould ſtay until they were come into the houſe, and apprehend them whereſoever elſe they ſhould find them. Which, beſides that it is contrary to your majeſty's command, is an apparent teſtimony of ſome miſchievous intention there had againſt the whole houſe of commons, and againſt the ſervice intended to your majeſty. All which, with the ſeveral interruptions that preceded it, and the miſinformation that hath cauſed all of them, we cannot doubt but that they were wrought and procured by the duke, to his own behoof, and for his advantage, eſpecially becauſe the ſaid interruptions have, through miſinformation, come among us, only at ſuch times wherein we have had the matters and offences charged againſt him in agitation; but your majeſty, out of your great goodneſs and juſtice, being afterwards informed truly of our privilege, and the demerit of the cauſe that concerned our two members, graciouſly commanded the delivery of them out of the tower, for which we render unto your majeſty moſt humble thanks; and were then again, by reaſon of our hopes of the diſpatch of proceedings with the lords, upon our charge againſt him the ſaid duke, in a chearful purpoſe to go on with the matter of ſupply, and other ſervices to your majeſty, when again theſe hopes failed in us, by reaſon of ſome new exorbitancies now lately ſhewed in the exerciſe of his ſo great power and ambition; for by ſuch his power and ambition, notwithſtanding our declaration againſt him for his ſo great plurality of offices, he alſo procured to himſelf, by the ſollicitation of his agents, and of ſuch as depended upon him, the office of chancellor of the univerſity of Cambridge; whereas the ſame univerſity having two burgeſſes in parliament, did, by the ſame burgeſſes, a few weeks before, conſent with us in the charge againſt him for his ambition, for procuring ſuch a plurality of offices; ſuch was his ambition to ſue for it, ſuch was his power to make them give it him, contrary to what themſelves had agreed in parliament with all the commons of England. And he procured alſo the ſame office, by the ſpecial labours and endeavours (as we are informed) of a factious party, who adhereth to that dangerous innovation of religion, publiſhed in the ſeditious writings of one Richard Montague, clerk; of whom it is thence alſo, and heretofore upon other reaſons it hath been conceived, that the ſaid duke is, and long hath been an abettor and protector.

‘Theſe actions of the ſaid duke have thus among us, hindered the ſervice of your majeſty, by reaſon both of the interruptions that have ſo neceſſarily accompanied them, and of the prevention of our chearfulneſs, which otherwiſe had long ſince been moſt effectually ſhewed in us, that having nothing elſe in our cares, next to our duty to God, but the loyal ſervice of your majeſty, the ſafety of your kingdom, and the ſubſiſtance of ourſelves, and thoſe whom we repreſent, for the continuance of that ſervice and ſafety which we cannot hope for: And we beſeech your moſt excellent majeſty, graciouſly to receive this our humble and free proteſtation, that we cannot hope for it, ſo long as we thus ſuffer under the preſſures of the power and ambition of the ſaid duke, and the divers and falſe informations ſo given to your majeſty on his behalf, and for his advantage; eſpecially when we obſerve alſo, that in ſuch his greatneſs, he preventeth the given of true information to your majeſty, in all things that may any ways reflect to his own miſdoings, to ſhew unto your majeſty, the true ſtate of your ſubjects and kingdoms, otherways than as it may be repreſented for his own ends. And to that purpoſe alſo hath he procured ſo many perſons depending on him, either by alliance or advancement, to places of eminency near your ſacred perſon. Through his miſinformations of that kind alſo, and power, we have ſeen, to our great grief, both in the time of your majeſty's royal father of bleſſed memory, and of your majeſty, divers officers of the kingdom, ſo often by him diſplaced and altered, that within theſe few years paſt, ſince the beginning of his greatneſs, more ſuch diſplacings and alterations have by his means happened, than in many years before them: Neither was there in the time of your royal father of bleſſed memory, any ſuch courſe held, before it was by the practice of the ſaid duke thus induced. And ſince that time, divers officers of the crown, not only in this your kingdom of England, but alſo in Ireland, as they have been made friends, or adverſe to the ſaid duke, have been either ſo commended, or miſrepreſented by him to his ſovereign, and by his procurement ſo placed or diſplaced, that he hath always herein, as much as in him lay, made his own ends and advantage the meaſure of the good or ill of your majeſty's kingdoms.

‘But now at length, may it pleaſe your moſt excellent majeſty, we have received from the lords, a copy of the ſaid duke's anſwer to our charge tranſmitted againſt him; whereunto we ſhall preſently in ſuch ſort reply, according to the laws of parliament, that unleſs his power and practiſe again undermine our proceedings, we do not doubt, but we ſhall upon the ſame have judgment againſt him.

‘In the times alſo (moſt gracious ſovereign) of theſe interruptions which came amongſt us, by reaſon of the procurement of two of our members committed, a gracious meſſage was formerly received from your majeſty, wherein you had been pleaſed to let us know, that if you had not a timely ſupply, your majeſty would betake yourſelf to new counſels which we cannot doubt were intended by your moſt excellent majeſty to be ſuch as ſtood with juſtice and the laws of this realm. But theſe words, New Counſels, were remembered in a ſpeech made amongſt us, by one of your majeſty's privy-council, and lately a member of us, who in the ſame ſpeech told us, he had often thought of thoſe words, New Counſels; that in his conſideration of them, he remembered, that there were ſuch kinds of parliaments antiently among other nations, as are now in England; that in England he ſaw the country-people live in happineſs and plenty, but in theſe other nations he ſaw them poor both in perſons and habit, or to that effect; which ſtate and condition happened (as he ſaid) to them, where ſuch New Counſels were taken, as that the uſe of their parliaments ended.

‘This intimation, may it pleaſe your majeſty, was ſuch, as alſo gave juſt cauſe to fear, there were ſome ill miniſters near your majeſty, that in behalf of the ſaid duke, and together with him, who is ſo ſtrangely powerful, were ſo much againſt the parliamentary courſe of this kingdom, as they might, perhaps, adviſe your moſt excellent majeſty ſuch new counſels as theſe, that fell under the memory and conſideration of that privy-counſellor. And one eſpecial reaſon among others had increaſed that fear among us, for that whereas the ſubſidies of tonnage and poundage, which determined upon the death of your moſt royal father, our late ſovereign, and were never payable to any of your majeſty's anceſtors, but only by a ſpecial act of parliament, and ought not to be levied without ſuch an act; yet ever ſince the beginning of your majeſty's happy reign over us, the ſaid ſubſidies have been levied by ſome of your majeſty's miniſters, as if they were ſtill due; altho' alſo one parliament hath been ſince then begun, and diſſolved by procurement of the ſaid duke, as is before ſhewed, wherein no act paſſed for the ſame ſubſidies. Which example is ſo much againſt the conſtant uſe of former times, and the known right and liberty of your ſubjects, that it is an apparent effect of ſome new counſels given againſt the antient ſettled courſe of government of this your majeſty's kingdom, and chiefly againſt the right of your commons; as if there might be any ſubſidy, tax, or aid, levied upon them, without their conſent in parliament, or contrary to the ſettled laws of this kingdom. But if any ſuch do ſo ill an office, as by the miſrepreſentation of the ſtate, and right of your

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majeſty's loyal ſubjects, adviſe any ſuch new counſels, as the levying any aid, tax, or ſubſidy, among your people, contrary to the ſettled laws of your kingdom, we cannot, moſt gracious ſovereign, but eſteem them that ſhall ſo adviſe, not only as vipers, but peſts to their king and common-wealth, (as all ſuch were to both houſes of parliament expreſly ſtiled by your moſt royal father) but alſo capital enemies, as well to your crown and dignity, as to the common-wealth. And we ſhall for our parts in parliament ſhew, as occaſion ſhall require, and be ready to declare their offences of this kind, ſuch as that may be rewarded with the higheſt puniſhment, as your laws inflict on any offenders.

‘Theſe and ſome of theſe things, amongſt many other, (moſt gracious ſovereign,) are theſe which have ſo much prevented a right underſtanding between your majeſty and us, and which have poſſeſſed the hearts of your people and loyal commons with unſpeakable ſorrow and grief, finding apparently all humble and hearty endeavours miſinterpreted, hindered, and now, at laſt, almoſt fruſtrated utterly, by the interpoſition of the exceſſive and abuſſive power of one man; againſt whom we have juſt cauſe to proteſt, not only in regard of the particulars wherewith he hath been charged, which parliamentary way we are enforced to inſiſt upon, as matters which lie in our notice and proof, but alſo becauſe we apprehend him of ſo unbridled ambition, and ſo averſe to the good and tranquillity of the church and ſtate, that we verily believe him to be an enemy to both: And, therefore, unleſs we would betray our own duties to your majeſty, and thoſe from whom we are truſted, we cannot but expreſs our infinite grief, that he ſhould have ſo great power and intereſt in your princely affections, and under your majeſty, wholly in a manner to engroſs to himſelf the adminiſtration of your affairs of the kingdom, which by that means is drawn into a condition moſt miſerable and hazardous.

‘Give us then leave, moſt dear ſovereign, in the name of all the commons of this your kingdom, proſtrate at the feet of your ſacred majeſty, moſt humbly to beſeech you, even for the honour of almighty God, whoſe religion is directly undermined by the practice of that party whom this duke ſupports; for your honour, which will be much advanced in the relieving of your people, in this their great and general grievance; for the honour, ſafety, and welfare of your kingdom, which by this means is threatened with almoſt unavoidable dangers, and for the love which your majeſty, as a good and loving father, bears unto your good people, to whom we profeſs, in the preſence of almighty God, (the ſearcher of all hearts,) you are as highly eſteemed and beloved as ever any of your predeceſſors were, that you would be graciouſly pleaſed to remove this perſon from acceſs to your ſacred preſence, and that you would not balance this one man with all theſe things, and with the affairs of the Chriſtian world, which do all ſuffer ſo far as they have relation to this kingdom, chiefly by his means. For we proteſt to your majeſty, and to the whole world, that until this great perſon be removed from intermedling with the great affairs of ſtate, we are out of hope of any good ſucceſs; and do fear that any money we ſhall or can give, will through his miſ-employment, be turned rather to the hurt and prejudice of this your kingdom, than otherwiſe, as by lamentable experience we have found, in thoſe large ſupplies we have formerly and lately given.

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‘But no ſooner ſhall we receive redreſs and relief in this, (which of all others, is our moſt inſupportable grievance,) but we ſhall forthwith proceed to accompliſh your majeſty's own deſire, for ſupply, and likewiſe with all cheerfulneſs apply ourſelves to the perfecting of divers other great things, ſuch as we think no one parliament in one age can parallel, tending to the ſtability, wealth, and ſtrength, and honour of this your kingdom, and the ſupport of your friends and allies abroad: And we doubt not but through God's bleſſing, as you are the beſt, ſo ſhall you ever be the beſt beloved, and greateſt monarch that ever ſat on the royal throne of this famous kingdom.’

Having thus ſeen the complaints of the houſe of commons againſt the duke of Buckingham, or rather againſt the king himſelf, who was governed by his favourite, and had ſeveral times declared, that the duke did nothing without his orders, it is but juſt, we ſhould now ſee the king's complaints againſt the commons, and the grounds and cauſes of his diſſolving this, and the former parliament. Tho' his declaration publiſhed on this occaſion be very long, as well as the foregoing remonſtrance, I believed it neceſſary to inſert the whole, that the reader by comparing them together, may be able to form a clearer idea of the cauſes and origin of the diviſions between the king and the parliament, through the whole courſe of this reign.

The king's declaration, notifying the cauſes of aſſembling and diſſolving the two laſt parliaments.

‘THE king's moſt excellent majeſty, ſince his happy acceſs to the imperial crown of this realm, having by his royal authority ſummoned and aſſembled two ſeveral parliaments; the firſt whereof was in Auguſt laſt, by adjournment held at Oxford, and there diſſolved; and the other begun in February laſt, and continued until the 15th day of this preſent month of June, and then, to the unſpeakable grief of himſelf, and (as he believeth) of all his good and well affected ſubjects, diſſolved alſo: Although he well knoweth that the calling, adjourning, proroguing, and diſſolving of parliaments, being his great council of the kingdom, do peculiarly belong unto himſelf by an undoubted prerogative inſeparably united to Ruſhw. Annals.

his imperial crown; of which, as of his other royal actions, he is not bound to give an account to any but to God only, whoſe immediate lieutenant and vicegerent he is in theſe realms and dominions, by the divine providence committed to his charge and government; yet foraſmuch as by the aſſiſtance of the Almighty, his purpoſe is ſo to order himſelf and all his actions, eſpecially in the great and publick actions of ſtate, concerning the weal of his kingdoms, as may juſtify themſelves, not only to his own conſcience, and to his own people, but to the whole world; his majeſty hath thought it fit and neceſſary, as the affairs now ſtand both at home and abroad, to make a true, plain, and clear declaration of the cauſes which moved his majeſty to aſſemble, and after enforced him to diſſolve theſe parliaments, that ſo the mouth of malice itſelf may be ſtopped, and the doubts and fears of his own good ſubjects at home, and of his friends and allies abroad may be ſatisfied, and the deſerved blame of ſo unhappy accidents may juſtly light upon the authors thereof.

‘When his majeſty, by the death of his dear and royal father, of ever bleſſed memory, firſt came to the crown, he found himſelf engaged in a war with a potent enemy; not undertaken raſhly, nor without juſt and honourable grounds, but enforced for the neceſſary defence of himſelf and his dominions, for the ſupport of his friends and allies, for the redeeming of the antient honour of this nation, for the recovery of the patrimony of his dear ſiſter, her conſort, and their children, injuriouſly, and, under colour of treaties and friendſhip, taken from them, and for the maintenance of the true religion, and invited thereunto, and encouraged therein by the humble advice of both the houſes of parliament, and by the large promiſes and proteſtations to his late majeſty, to give him full and real aſſiſtance in thoſe enterpriſes, which were of ſo great importance to this realm, and to the general peace and ſafety of all his friends and allies; but when his majeſty entered into a view of his treaſure, he found how ill provided he was to proceed effectually with ſo great an action, unleſs he might be aſſured to receive ſuch ſupplies from his loving ſubjects, as might enable him to manage the ſame.

‘Hereupon his majeſty, being willing to tread in the ſteps of his royal progenitors, for the making of good and wholeſome laws, for the better government of his people, for the right underſtanding of their true grievances, and for the ſupply of monies to be employed for thoſe publick ſervices, he did reſolve to ſummon a parliament with all convenient ſpeed he might, and finding a former parliament already called in the life of his father, he was deſirous, for the ſpeedier diſpatch of his weighty affairs, and gaining time, to have continued the ſame without any alteration of the members thereof, had he not been adviſed to the contrary by his judges and council at law, which he deſired to avoid. But as ſoon as poſſible he could, he ſummoned a new parliament, which he did with much confidence and aſſurance of the love of his people, that thoſe (who had not long before, with ſome importunity won his father to break off his former treaties with Spain, and to effect it, had uſed mediation of his now majeſty, being then prince, and a member of the parliament, and had promiſed in parliament their utmoſt aſſiſtance, for the enabling of his late majeſty to undergo the war, which they then foreſaw might follow,) would aſſuredly have performed it to his now majeſty, and would not have ſuffered him, in his firſt enterpriſe of ſo great an expectation, to have run the leaſt hazard thro' their defaults.

‘This parliament (after ſome adjournment, by reaſon of his majeſty's unavoidable occaſions interpoſing) being aſſembled on the 18th day of June, it is true, that his commons in parliament taking into their due and ſerious conſideration the manifold occaſions, which at his firſt entry did preſs his majeſty, and his moſt important affairs, which both at home and abroad were then in action, did with great readineſs and alacrity, as a pledge of their moſt bounden duty and thankfulneſs, and as the firſt-fruits of the moſt dutiful affections of his loving and loyal ſubjects, devoted to his ſervice, preſent his majeſty with the free and chearful gift of two entire ſubſidies; which their gift, and much more the freeneſs and heartineſs expreſſed in the giving thereof, his majeſty did thankfully and lovingly accept; but when he had more narrowly entered into the conſideration of his great affairs, wherein he was embarqued, and from which he could not, without much diſhonour and diſadvantage, withdraw his hand, he found that this ſum of money was much ſhort of that which of neceſſity muſt be preſently expended, for the ſetting forward of thoſe great actions, which by advice of his council, he had undertaken, and were that ſummer to be purſued. This his majeſty imparted to his commons houſe of parliament; but before the ſame could receive that debate and due conſideration which was fit, the fearful viſitation of the plague in and about the cities of London and Weſtminſter, where the lords and the principal gentlemen of quality of his whole kingdom were, for the time of this their ſervice, lodged and abiding, did ſo much increaſe, that his majeſty, without extreme peril to the lives of his good ſubjects, which were dear unto him, could not continue the parliament any longer in that place.

‘His majeſty, therefore, on the 11th day of July then following, adjourned the parliament from Weſtminſter, until the firſt day of Auguſt then following, at the city of Oxford. And his highneſs was ſo careful to accommodate his lords and commons there, that as he made choice of that place, being then the freeſt of all others from the danger of that grievous ſickneſs, ſo he there fitted the parliament-men with all things convenient for their entertainment; and his majeſty himſelf being in his own heart ſincere and free from all ends upon his people, which the Searcher of hearts beſt knoweth, he little expected that any miſconſtruction of his actions would have been made as he there found. But when the parliament had been a while aſſembled, and his majeſty's affairs opened unto them, and a farther ſupply deſired as neceſſity required, he found them ſo ſlow, and ſo full of delays and diverſions in their reſolutions, that before any thing could be determined, the fearful contagion daily increaſed, and was diſperſed into all parts of this kingdom, and came home even to their doors where they aſſembled. His majeſty, therefore, rather preferred the ſafety of his people from that preſent and viſible danger, than the providing for that which was more remote, but no leſs dangerous to the ſtate of this kingdom, and of the affairs of that part of Chriſtendom which then were, and yet are in friendſhip and alliance with his majeſty. And thereupon his majeſty, not being then able to diſcern when it might pleaſe God to ſtay his hand of viſitation, nor what place might be more ſecure than other, at a time convenient for their reaſſembling, his majeſty diſſolved that parliament.

‘That parliament being now ended, his majeſty did not therewith caſt off his royal care of his great and important affairs; but by the advice of his privy-council and of his council of war, he continued his preparations and former reſolutions; and therein not only expended thoſe monies, which by the two ſubſidies aforeſaid were given unto him for his own private uſe, whereof he had too much occaſion, as he found the ſtate of his exchequer at his firſt entrance, but added much more of his own, as by his credit, and the credit of ſome of his ſervants, he was able to compaſs the ſame. At laſt, by much diſadvantage, by the retarding of proviſions, and uncertainty of the means, his navy was prepared and ſet to ſea, and the deſigns unto which they were ſent, and eſpecially directed, were ſo probable, and ſo well adviſed, that had they not miſcarried in the execution, his majeſty is well aſſured, they would have given good ſatisfaction, not only to his own people, but to all the world, that they were not lightly or unadviſedly undertaken and purſued. But it pleaſed God, who is the Lord of hoſts, and unto whoſe providence and good pleaſure his majeſty doth, and ſhall ſubmit himſelf, and all his endeavours, not to give that ſucceſs which was deſired: And yet were thoſe attempts not altogether ſo fruitleſs, as the envy of the times hath apprehended, the enemy receiving thereby no ſmall loſs, nor our party no little advantage. And it would much avail to farther his majeſty's great affairs, and the peace of Chriſtendom, which ought to be the true end of all hoſtility, were theſe firſt beginnings, which are moſt ſubject to miſcarry, well ſeconded and purſued, as his majeſty intended, and as in the judgment of all men, converſant in his actions of this nature, were fit not to have been neglected.

‘Theſe things being thus acted, and God of his infinite goodneſs, beyond expectation, aſſwaging the rage of the peſtilence, and, in a manner, of a ſudden reſtoring health and ſafety to the cities of London and Weſtminſter, which are the fitteſt places for the reſort of his majeſty, his lords and commons to meet in parliament; his majeſty, in the depth of winter, no ſooner deſcried the probability of a ſafe aſſembling of his people, and in his princely wiſdom and providence foreſaw, that if the opportunity of ſeaſon ſhould be omitted, preparations both defenſive and offenſive could not be made in ſuch ſort, as was requiſite for their common ſafety, but he adviſed and reſolved of the ſummoning of a new parliament, where he might freely communicate the neceſſities of the ſtate, and the counſel and advice of the lords and commons in parliament, who were the repreſentative body of the whole kingdom, and the great counſel of the realm, might proceed in theſe enterpriſes, and be enabled thereunto, which concern the common good, ſafety and honour both of prince and people; and accordingly, the 6th of February laſt, a new parliament was begun. At the firſt meeting, his majeſty did forbear to preſs them with any thing which might have the leaſt appearance of his own intereſt, but recommended unto them the care of making good laws, which are the ordinary ſubject for a parliament.

‘His majeſty believing, that they could not have ſuffered many days, much leſs many weeks, to have paſſed by, before the apprehenſion and care of the common ſafety of this kingdom, and the true religion profeſſed and maintained therein, and of our friends and allies, who muſt proſper, or ſuffer with us, would have led them to a due and timely conſideration of all the means which might beſt conduce to thoſe ends; which the lords of the higher houſe, by a committee of that houſe, did timely and ſeaſonably conſider of, and invited the commons to a conference concerning that great buſineſs: At which conference, there were opened unto them the great occaſions which preſſed his majeſty, which making no impreſſion with them, his majeſty did, firſt by meſſage, and after by letters, put the houſe of commons in mind of that which was moſt neceſſary, the defence of the kingdom, and due and timely preparations for the ſame.

‘The commons houſe after this, upon the 27th of March laſt, with one unanimous conſent at firſt, agreed to give unto his majeſty three entire ſubſidies, and three fifteens, for a preſent ſupply unto him; and upon the 26th of April after, upon ſecond cogitations, they added a fourth ſubſidy, and ordered the days of payment for them all, whereof the firſt ſhould have been on the laſt day of this preſent June. Upon this, the king of Denmark, and other princes and ſtates, being engaged with his majeſty in this common cauſe, his majeſty fitted his occaſions according to the times which were appointed for the payment of thoſe ſubſidies and fifteens, and haſted on the lords committees, and his council of war, to perfect their reſolutions for the ordering and ſettling of his deſigns; which they accordingly did, and brought them to that maturity, that they found no impediment to a final concluſion of their counſels, but want of money to put things into action. His majeſty hereupon, who had with much patience expected the real performance of that which the commons had promiſed, finding the time of the year poſting away, and having intelligence not only from his own miniſters and ſubjects in foreign parts, but from all parts of Chriſtendom, and of the great and powerful preparations of the king of Spain, and that his deſign was upon this kingdom, or the kingdom of Ireland, or both, (and it is hard to determine which of them would be of worſe conſequence) he acquainted the houſe of commons therewith, and laid open unto them truly and clearly, how the ſtate of things then ſtood, and yet ſtand, and at ſeveral times, and upon ſeveral occaſions reiterated the ſame; but that houſe being abuſed by the violent and ill-adviſed paſſions of a few members of the houſe, for private and perſonal ends, ill-beſeeming publick perſons, truſted by their country, as then they were, not only neglected, but wilfully refuſed to hearken to all the gentle admonitions which his majeſty could give them, and neither did nor would intend any thing, but the proſecution of one of the peers of this realm, and that in ſuch a diſordered manner, as being ſet at their own inſtance into a legal way, wherein the proofs on either part would have ruled the cauſe, which his majeſty allowed, they were not therewith content, but in their intemperate paſſions and deſires to ſeek for errors in another, fell into a greater error themſelves, and not only neglected to give juſt ſatisfaction to his majeſty for the publick defence of the realm: Whereupon his majeſty wrote the forementioned letter to the ſpeaker, dated the 9th day of June, 1626.

‘Notwithſtanding which letter read in the houſe, being a clear and gracious manifeſt of his majeſty's reſolutions, they never ſo much as admitted one reading to the bill of ſubſidies, but inſtead thereof, they prepared and voted a remonſtrance or declaration, which they intended to prefer to his majeſty, containing (tho' palliated with gloſſing terms) as well diſhonourable aſperſions upon his majeſty, and upon the ſacred memory of his deceaſed father, as alſo dilatory excuſes for their not proceeding with the ſubſidies, adding thereto alſo coloured conditions, croſſing thereby his majeſty's direction; which his majeſty underſtanding, and eſteeming (as he had cauſe) to be a denial of the promiſed ſupply, and finding that no admonitions could move, no reaſons or perſuaſions could prevail, when the time was ſo far ſpent, that they had put an impoſſibility upon themſelves to perform their promiſes, which they eſteemed all gracious meſſages unto them to be but interruptions: His majeſty, upon mature adviſement, diſcerning that all farther patience would prove fruitleſs, on the 15th day of this preſent month he hath diſſolved this unhappy parliament: The acting whereof, as it was to his majeſty an unexpreſſible grief, ſo the memory thereof doth renew the hearty ſorrow, which all his good and well-affected ſubjects will compaſſionate with him.

‘Theſe paſſages his majeſty hath at the more length, and with the true circumſtances thereof, expreſſed and publiſhed to the world, leſt that which hath been unfortunate in itſelf, through the malice of the author of ſo great a miſchief, and the malevolent report of ſuch as are ill-affected to this ſtate, or the true religion here profeſſed, or the fears or jealouſies of friends and dutiful ſubjects, might be made more unfortunate in the conſequences of it, which may be of worſt effect than at the firſt can be well apprehended; and his majeſty being beſt privy to the integrity of his own heart, for the conſtant maintaining of the ſincerity and unity of the true religion profeſſed in the church of England, and to free it from the open contagion of Popery, and ſecret infection of ſchiſm, of both which, by his publick acts and actions, he hath given good teſtimony, and with a ſingle heart, as in the preſence of God, who can beſt judge thereof, propoſeth reſolutely and conſtantly to proceed in the due execution of either; and obſerving the ſubtilty of the adverſe party, he cannot but believe, that the hand of Joab hath been in this diſaſter, that the common incendiaries of Chriſtedom have ſubtilly and ſecretly inſinuated thoſe things, which unhappily (and, as his majeſty hopeth, beyond the intentions of the actors) have cauſed theſe diverſions and diſtractions: And yet notwithſtanding, his moſt excellent majeſty, for the comfort of his good and well-affected ſubjects, in whoſe loves he doth repoſe himſelf with confidence, and eſteemeth it as his greateſt riches; for the aſſuring of his friends and allies, with whom, by God's aſſiſtance, he will not break in the ſubſtance of what he hath undertaken; for the diſcouraging of his adverſaries, and the adverſaries of his cauſe, and of his dominions, and religion, hath put on this reſolution, which he doth hereby publiſh to all the world, that as God hath made him king of this great people, and large dominions, famous in former ages both by land and ſea, and truſted him to be a father and protector both of their perſons and fortunes, and a defender of the faith and true religion; ſo he will go on chearfully and conſtantly in the defence thereof, and (notwithſtanding ſo many difficulties and diſcouragements) will 'take his ſceptre and ſword into his hand, and 'not expoſe the perſons of the people committed to his charge, to the unſatiable deſires of the king of Spain, who hath long 'thirſted after the univerſal monarchy, nor 'their conſciences to the yoke of the pope of 'Rome: And that at home he will take that 'care to redreſs the juſt grievances of his good 'ſubjects, as ſhall be every way fit for a good 'king.

'And in the mean time his majeſty doth 'publiſh this to all his loving ſubjects, that 'they may know what to think with truth, 'and ſpeak with duty of his majeſty's actions 'and proceedings in theſe two laſt diſſolved 'parliaments.'

Given at his majeſty's palace at Whitehall, this 13th day of June, in the 2d year of his majeſty's reign of Great Britain, France and Ireland.

Remarks on the declaration.

This declaration, which ſeems to be in the ſame ſtile with the lord-keeper Coventry's ſpeeches, full of long periods, and parentheſis's, contained, under a vaſt heap of words, but two things to the purpoſe, viz. the two reaſons which obliged the king to diſſolve the two laſt parliaments. It is ſaid there, the plague which approached Oxford, accaſioned the diſſolution of the firſt; but this reaſon, which ſeems plauſible, proves at moſt but a neceſſity to diſcontinue the parliament, which might have been done by prorogation, as eaſily as by an entire diſſolution. In the ſecond place, when this declaration was publiſhed, every one knew what the commons had ſaid in their remonſtrance, that the end of diſſolving the firſt, was to preclude from the following parliament ſuch members as had been againſt the duke of Buckingham, by cauſing them to be made ſheriffs of their ſeveral counties. As to the diſſolution of the ſecond, it is wholly grounded in the declaration, upon the king's being pleaſed to conſider as an abſolute denial the commons delay to ſupply him with money, tho' they affirmed the contrary; but none were ſo blind as not to ſee that the commons demand, that the king would be pleaſed to remove the duke of Buckingham from his preſence, and the fear of ill ſucceſs of the impeachment againſt the duke, were the true cauſes of this diſſolution. So, the declaration had no great effect among the people, who, beſides, were not apprehenſive of the pretended invaſion of England or Ireland by the Spaniards, tho' the king did his utmoſt to inſpire them with ſuch a dread. It was ſomething extraordinary, that within little more than a year, the war which was undertaken for the recovery of the Palatinate, ſhould be changed into a defenſive war, for the preſervation of the king's dominions, and ſupport of the church of England, tho' the Engliſh had not yet received any check.

Proclamation to ſuppreſs the remonſtrance. Act. Pub.

A few days after the declaration was publiſhed, two proclamations appeared, which afforded ample matter of diſcourſe to ſuch as were not of the court-party. By the firſt, the king commanded all perſons who had any copies of the commons remonſtrance to burn the ſame, on pain of his higheſt diſpleaſure. But ſuch precautions ſerve generally only to cauſe the prohibited writings to be more carefully preſerved. The king's injunction could not hinder this remonſtrance from being tranſmitted to poſterity.

Another proclamation not to diſpute for or againſt Arminianiſm. Annals.

The ſecond proclamation contained very expreſs commands, not to preach or diſpute upon the controverted points of Arminianiſm, either for or againſt them, under colour that ſuch ſort of diſputes ſerved only to breed contention. But many were of opinion, that Laud, biſhop of London, and Neil, biſhop of Wincheſter, had procured this injunction, to oppreſs the orthodox miniſters, who ſhould take the liberty to break it, whilſt the diſobedience of the contrary party ſhould be connived at. It is certain, the next parliament complained to the king, that the orthodox miniſters were ſilenced for diſobeying the proclamation, and the Arminians tolerated and countenanced. Theſe matters belonged to the high-commiſſion, almoſt wholly compoſed of Laud's and Neil's creatures, the heads and protectors of the Arminians, or, at leaſt, they were reputed as ſuch.

The king prevents the duke from being accuſed in the ſtar-chamber.

In the interim, an information was preferred by the king's ſpecial command in the ſtar-chamber, againſt the duke of Buckingham, for applying the plaiſter to the late king; but withal, it was ſo ordered, that the cauſe came not to a hearing.

Means uſed by the king to raiſe money. Annals.

The king receiving no aid from the parliament, becauſe he was unwilling to purchaſe it at the rate ſet by the commons, was in great ſtraits. He was to maintain a war againſt the houſe of Auſtria, to ſupply his allies with the promiſed ſuccours, and to put his kingdom in a poſture of defence. As all this could not be done by his ordinary revenues, recourſe was to be had to expedients to raiſe money. I ſhall mention ſome of them here, tho' they were not all uſed at the ſame time.

Ruſhw.

The firſt was a proclamation forbidding all perſons for two years, to preſent or ſollicit any ſuit for any thing, tending to the diminution of the king's revenues.

Annals.

The ſecond was a commiſſion directed to the archbiſhop of York and others, to compound with Popiſh recuſants, not only for all forfeitures, due ſince the tenth year of king James, but alſo for ſuch as ſhall become due hereafter. This commiſſion was directly contrary to his promiſe to the parliament at Oxford; but, as he could not obtain money of the late parliament, only upon ſuch conditions as he did not think fit to comply with, he thought himſelf authoriſed to ſupply his occaſions ſome other way.

Act. Pub.

The third was a proclamation, declaring the king's reſolution to make his revenue certain, by granting his lands, as well holden in copy as otherwiſe, to be holden in fee-farm.

Ruſhw.

The fourth was a loan from every peer of a certain ſum for the defence of the kingdom; but his attempt to borrow 100,000 l. of the city of London did not ſucceed, the city deſiring to be excuſed.

Clarendon.

The fifth was an impoſition upon the ſeveral

1626. ral ports and maritime counties, to furniſh and ſet out a certain number of ſhips to protect the trade. The city of London having refuſed to lend the king money, was appointed to equip 20 ſhips, or, at leaſt, to find a ſum ſufficient for that purpoſe. As this tax was peculiar to the maritime towns, many of the inhabitants of ſuch places retired elſewhere; but they were commanded by proclamation to return to their reſpective towns.

Act. Pub. Laſtly, the council ordered very ſtrictly that the payment of tonnage and poundage ſhould be continued, tho' the king had yet no grant from the parliament, tho' he had never demanded any ſuch thing, and tho' the commons had complained of the levying theſe impoſts as a grievance, in the remonſtrance they had prepared.

A faſt enjoined. Act. Pub. But to let the people ſee, it was purely out of neceſſity that the king made uſe of theſe extraordinary methods to raiſe money, his majeſty ordered a general faſt to be held on the 5th of July, to divert the judgments of God ready to fall on the kingdom, by the pretended invaſion it was threatened with. Annals. This afforded him alſo a pretence to require the lords-lieutenants of the ſeveral counties to muſter and arm the militia, and put them in condition to withſtand the invaſions of enemies from abroad, and quell the rebellions of ſubjects at home, if any ſhould happen; for the court was under ſome fears of commotions.

Defeat of the king of Denmark, Charles's uncle. Annals. The means hitherto uſed by the king to raiſe money, were not ſufficient to free him from a freſh incumbrance cauſed by an unexpected event. The king of Denmark, his uncle, whom he had engaged in a war with the emperor, was defeated the 27th of Auguſt by count Tilly, with the loſs of all his baggage and train of artillery. This accident obliged Charles to find money to ſupport his uncle, who was in a very ill ſituation, and could not avoid making a peace with the emperor, unleſs ſpeedily relieved. Annals. The way which was thought moſt proper to raiſe money on this urgent occaſion, was by a general loan from the ſubject, according as every man was aſſeſſed in the rolls of the laſt ſubſidy. It is true the king gave his royal word, that all the money ſhould be repaid without fee or charge; but the performance of his promiſe, as afterwards appeared, was not relied on. The king himſelf as well as council expected to meet with many obſtacles in executing this project, ſuch forced loans not being agreeable to the nation. It was feared beſides, that this way of raiſing money upon the ſubject, would in the end render parliaments uſeleſs. For this reaſon the council judged it proper to make uſe of three methods to ſucceed in their deſign. 1. Of ſome artifice to oblige the people as much as poſſible to lend freely. 2. Of fear, to terrify the irreſolute. 3. Of rigour to compel the moſt obſtinate. Theſe were the grounds of the inſtructions the council gave the commiſſioners, who were appointed in the ſeveral counties to levy the loan. The inſtructions were to this effect.

1626. Inſtructions to the commiſſioners for the loan. Ruſhw.

'I. That they ſhould themſelves, for a good example to others, lend unto his majeſty the ſeveral ſums of money required of them, teſtifying it by their names, with their own hands, that when they ſhall in his majeſty's name require others to lend, they may diſcern the ſaid commiſſioners forwardneſs.

'II. To take for their guide thoſe rates, at which men were aſſeſſed in the book of the laſt ſubſidy, and to require the loan of ſo much money, as the entire rate and value comes to, at which they are rated and ſet; as, viz. he that is ſet an 100 pounds in goods, to lend 100 marks; and he that is ſet an 100 pounds in land, to lend 100 pounds in money; and ſo per rata for a greater or leſſer ſum.

'III. To uſe all poſſible endeavours to cauſe every man willingly and chearfully to to lend, opening unto them, the neceſſity and unavoidableneſs of this courſe; the honour and reputation of the nation; the true religion, and common ſafety of prince and people, of our friends and allies engaged in the common cauſe; that there is no time now of diſputing but of acting.

'IV. That they appoint the days of payment to be within 14 days, and perſuade ſuch as ſhall be able to pay it, at one entire payment, the better to accommodate his majeſty's occaſion; otherwiſe to accept of the one half at 14 days, and the other to be paid before the 20th of December now next coming.

'V. That they treat apart with every one of thoſe that are to lend, and not in the preſence or hearing of any other, unleſs they ſee cauſe to the contrary. And if any ſhall refuſe to lend, and ſhall make delays or excuſes, and perſiſt in their obſtinacy, that they examine ſuch perſons upon oath, whether they have been dealt withal to deny or refuſe to lend, or make an excuſe for not lending? Who hath dealt ſo with him, and what ſpeeches or perſuaſions he or they have uſed to him, tending to that purpoſe? And that they ſhall alſo charge every ſuch perſon in his majeſty's name, upon his allegiance, not to diſcloſe to any other, what his anſwer was,

'VI. That they ſhew their diſcretion and affections, by making choice of ſuch to begin with, who are likely to give the beſt examples; and when they have a competent number of hands to the roll or liſt of the leaders, that they ſhew the ſame to others to lead them in like manner.

'VII. That they endeavour to diſcover, whether any, publickly or underhand, be workers or perſuaders of others to diſſent from, or diſlike of this courſe, or hinder the good diſpoſition of others. And that as much as they may, they hinder all diſcourſe about it, and certify to the privy-council in writing, the names, qualities, and dwelling-places, of all ſuch refractory perſons, with all ſpeed, and eſpecially if they ſhall diſcover any combination or confederacy againſt theſe proceedings.

'VIII. That

1626.

'VIII. That they let all men know whom it may concern, that his majeſty is well pleaſed upon lending theſe ſums required, to remit all that which by letters, in his name, was deſired upon the late benevolence for free-grant; and whatever hath been already paid upon that account, ſhall be accepted for part of this loan; and if it exceed the ſum deſired, that the overplus ſhall be repaid without fee or charge; ſo likewiſe for privy-ſeals, if any have been already paid; but if not, that the agreeing of the loan of the ſum required, be excuſed of the payment of the privy-ſeal.

'IX. That they admit of no ſuit to be made, or reaſons to be given, for the abating of any ſum, the time and inſtant occaſion not admitting any ſuch diſpute, which would but diſturb and protract the ſheriff.

'Laſtly, the commiſſioners were required and commanded, upon their faith and allegiance to his majeſty, to keep ſecret to themſelves, and not impart or diſcloſe theſe inſtructions to others.'

Act. Pub.

For the advancement of the loan, care was taken to publiſh a liſt of ſuch as had freely ſubſcribed, for a good example to others, and all the peers and gentlemen were ordered to repair to their country-ſeats, that their abſence might cauſe no delay or obſtacle to the ſubſcriptions. Sir Randolph Crew, lord chief juſtice, ſhewing no zeal for advancing the loan, was removed from his place, which was given to Sir Nicholas Hide. The king believed it neceſſary to ſhew by this example, that he would admit of no excuſe.

Soldiers are quartered upon private houſes. Ruſhw.

Beſides this example, the court uſed, to promote the loan, ſome other ways, which, probably, would not be leſs effectual. The firſt was, the billeting of ſoldiers upon private houſes, contrary to the conſtant cuſtom of England, where all, but ſuch as keep publick houſes, have privilege of not being obliged to lodge ſoldiers againſt their wills. It is eaſy to perceive, that thoſe who ſhewed any reluctance to lend the king money, were not ſpared on this occaſion, and that the ſoldiers quartered upon them took care to let them ſee, what they expoſed themſelves to by diſobeying the king. Moreover, ſuch as were ſufferers by theſe troubleſome gueſts, could not ſummon them before the uſual judges; but by the king's expreſs orders they were obliged to apply to a council of war, ſo that the officers were the ſole judges of their ſoldiers. This is never practiſed in England, where councils of war have no juriſdiction but what the parliament allows them by an act on purpoſe, limiting both the time and the occaſions. In ſhort, it evidently appeared, that the king would not be contradicted, and was reſolved to raiſe money upon the ſubject as he pleaſed. It is true, he grounded his proceedings upon former precedents; but that ſome of his predeceſſors had, many ages, before, practiſed theſe methods, whether out of neceſſity or otherwiſe, was ſufficient for him to conſider ſuch a precedent as the foundation of his right, and a prerogative of the crown. Notwithſtanding all this, the people in general were ſo averſe to the loan, that the money flowed but ſlowly into the king's exchequer. The court, therefore, was obliged to uſe a more violent remedy to force the moſt obſtinate; and that was, to order ſuch of the common ſort as refuſed to ſubſcribe to the loan, to be enrolled as ſoldiers to ſerve in his majeſty's troops. As for perſons of birth and rank, they were ſummoned to appear before the council, and upon a ſecond refuſal to lend money, were confined to places at a great diſtance from their habitations and ſuch as refuſed to be thus confined, were committed to the ſeveral priſons in London. Sir Thomas Wentworth, afterwards earl of Strafford, and a zealous adherent of the king, was among the impriſoned.

1626.

1627. Such as refuſed to ſubſcribe are enrolled among the king's troops, or ſent away, or impriſoned. Ruſhw.

The doctrine of paſſive obedience publickly preached by Sibthorp and Manwaring. Annals.

Beſides theſe means, the court practiſed another, from whence they expected great advantages, but which proved more detrimental than beneficial to the king. And that was, to cauſe miniſters, gained for that purpoſe, to preach as a ſcripture-doctrine, that ſubjects were obliged to obey the king's commands, without examination. Two of theſe miniſters diſtinguiſhed themſelves by their ſermons on this ſubject. Dr. Sibthorp, who was one, ſays, among other things, in a ſermon preached at Northampton, at lent aſſizes:

"That the prince, who is the head, and makes his court and council, it is his duty to direct and make laws, Eccleſ. viii. 3, 4. He doth whatſoever pleaſes him. Where the word of a king is, there is power, and who may ſay unto him, what doſt thou? ----- If princes command any thing which ſubjects may not perform, becauſe it is againſt the laws of God, or of nature, or impoſſible, yet ſubjects are bound to undergo the puniſhment, without either reſiſting, or railing, or reviling, and ſo to yield a paſſive obedience where they cannot exhibit an active one ------ I know no other cauſe, but one of thoſe three, wherein a ſubject may excuſe himſelf with paſſive obedience; but in all other he is bound to active obedience."

But Dr. Manwaring ſpoke ſtill more plainly in one of his ſermons. He ſaid, "That the king is not bound to obſerve the laws of the realm concerning the ſubjects rights and liberties, but that his royal will and command in impoſing loans and taxes, without common conſent in parliament, doth oblige the ſubjects conſcience upon pain of eternal damnation. That thoſe who refuſed to pay this loan, offended againſt the law of God, and the king's ſupreme authority, and became guilty of impiety, diſloyalty, and rebellion. And that the authority of parliament is not neceſſary for the raiſing of aids and ſubſidies; and that the ſlow proceedings of ſuch great aſſemblies, were not fitted for the ſupply of the ſtates urgent neceſſities, but would rather produce ſundry impediments to the juſt deſigns of princes."

It can hardly be thought, that ſuch a doctrine was publickly preached in England, or, at leaſt, it is apt to be imagined, that theſe preachers were men of no name, who ſought to pleaſe the court, and were not openly approved. But this belief muſt be changed, when it is conſidered, that archbiſhop Abbot was ſuſpended from all his archiepiſcopal functions, and confined to one of his country houſes, for refuſing to licenſe Sibthorp's ſermon; that Manwaring, after having been ſentenced by the lords in the next parliament, to pay 1000 l. fine, to make a publick ſubmiſſion at the bars of the two houſes, and to be impriſoned during the pleaſure of the lords, after having been ſuſpended for three years, and declared incapable of holding any eccleſiaſtical dignity, or ſecular office, obtained nevertheleſs the king's pardon, with a good benefice, and afterwards a biſhoprick. One cannot, therefore, help thinking, that the doctrine preached by theſe miniſters, was approved, favoured, and countenanced by the court. Indeed, the king's, and his miniſter's conduct plainly ſhewed, it was their intention to eſtabliſh an arbitrary power, and ſet the king above the laws. Of this we ſhall ſee farther proofs in the ſequel.

The ſtate of the king's affairs at home and abroad.

Notwithſtanding the king's hopes to ſucceed, at length, in his project, he was not eaſy; the war he had undertaken for the recovery of the Palatinate, was ſo ſlowly and unſucceſsfully carried on, that it was evident he would never compaſs his ends by continuing it in ſuch a manner. Hitherto, every thing had miſcarried. The 12,000 men intended for the Palatinate, under the command of count Mansfeldt, were loſt for want of proper meaſures for their paſſage, as was ſhewn in the reign of king James. The projected expedition againſt Cadiz and the Spaniſh Weſt-India fleet, had met with no better ſucceſs. The king of Denmark beginning a war with the emperor, at the inſtance of his nephew, the king of England, was entirely defeated. The United Provinces of the Low-Countries in alliance with England, were rather in want of aſſiſtance, than able to give any. Lewis XIII. had flattered the king of England with hopes of a league againſt the houſe of Auſtria, only to obtain the better terms from the Spaniards in Italy, and ſince he had concluded a peace in that country, did not ſhew the leaſt inclination to join with England for the recovery of the Palatinate. Thus Charles ſaw himſelf farther than ever from the execution of his grand projects. To this may be added, that the diſſolution of his two firſt parliaments, without obtaining the expected ſupplies, rendered him contemptible to his neighbours. There was no ſtate deſirous to enter into a ſtrict alliance with a prince who had imprudently quarrelled with his ſubjects, when he moſt wanted their aſſiſtance. In ſhort, tho' he had intended to free himſelf from the yoke of parliaments, and put himſelf in a condition to raiſe what money he pleaſed upon his ſubjects, by the methods he had deviſed, he daily perceived he had taken wrong meaſures. The loan-money came in but very ſlowly. To raiſe it, he was obliged continually to uſe rigour and violence, the Engliſh for the moſt part refuſing voluntarily to ſubmit to a power, they believed contrary to their liberties and laws. The court, therefore, was forced to be cautious in the examples of rigour againſt the diſobedient, that it might not cauſe an open rebellion, for fear if a flame broke out in any part, it would ſpread over the whole kingdom.

The reaſon of the king's conduct.

The king in his preſent ſituation, ſeems to have had but one of theſe two courſes to take, either to agree with his people, or make peace with Spain. By the firſt courſe, he would have been enabled to puſh the war he had undertaken more vigorouſly. By the ſecond, he would have been freed from the trouble of demanding extraordinary ſupplies of his parliament, or of raiſing money by unuſual methods, which gained him the hatred of his people. But both theſe courſes were contrary to his temper, his character, his projects, the intereſts of his favourite and miniſters. As to the firſt, I believe I may affirm, he formed the project of eſtabliſhing in England a deſpotick power. I ſhall not loſe time in proving it. I had rather the reader would judge for himſelf, by the king's own ſpeeches, by his meſſages to the houſe of commons, by his conduct, and by that of his miniſters and council. What has been hitherto ſeen may ſerve to give ſome idea of it, but what will appear hereafter, will, as I think, afford undeniable proofs. This being ſuppoſed, Charles could not diveſt himſelf of the principles imbibed from his infancy, and deeply rooted in him by his father's inſtructions and examples, without relinquiſhing his projects, and forming a new plan of government, directly contrary to his temper and inclination. In a reconciliation with his people, he muſt have ſubmitted to the maxims of the parliament, who were continually urging the laws of the land, and the liberties of the people, and been obliged to become, if I may ſo ſay, leſs a king than he had hitherto been, and than he thought he had right to be. The ſuffering the extent of the prerogative royal to be queſtioned on all occaſions, was a thing too oppoſite to his temper. This was a point of which he was no leſs, or rather more, tender than his father. Beſides, the duke of Buckingham, who had a great influence over him, plainly ſaw, that an agreement between the king and people, would infallibly be followed with his own ruin. The reſt of the miniſters, who were all his creatures, perceived likewiſe, that their welfare depended on the favourite's, and, that the favourite's credit could not ſubſiſt with a good underſtanding between the king and his parliament. It was neceſſary, therefore, that the king, to extricate himſelf out of this labyrinth, ſhould become, as I may ſay, quite another man, ſhould alter his principles, ſhould have ſtrength of mind ſufficient to diſcern clearly his true intereſts, from thoſe of his favourites and miniſters, and reſolution to proceed without their aſſiſtance, and follow counſels more agreeable to his ſubjects. But this was a thing impoſſible, conſidering the king's character, who ſeemed then of an inflexible temper. He perceived in the end, he had taken a wrong courſe, but not till it was too late to forſake it.

As to the other courſe, which was to make peace with Spain, beſides, that the king thought himſelf bound in honour to ſupport a war of which he was the ſole author, tho' he always affected to impute it to the parliament, this peace was entirely contrary to his private intereſt. How little ſucceſs ſoever he had reaſon to expect from the continuance of the war, in his preſent circumſtances, it ſerved him for pretence to levy money upon his people, and afforded him means to put in practice his projects to eſtabliſh an abſolute power. On the other hand, it being the intereſt of his favourite and miniſters to keep him at variance with his people, to whom they were all very odious, they could not do it better than by putting him under an indiſpenſable neceſſity of raiſing money upon the ſubject, without conſent of parliament.

The king reſolves to go to war with France. Ruſhw.

The effect of this policy evidently appeared at the very time I am ſpeaking of; for, inſtead of perſuading the king to make peace with Spain, they engaged him, by degrees, to proclaim war with France, at a time when he knew not how to continue the war he had begun with the houſe of Auſtria. To engage France to afford ſome pretence for the rupture which was meditating in England, the king upon ſome diſguſt concerning the queen's French chaplains and domeſticks, diſmiſſed them all, having firſt paid what was due for wages or ſalaries. The king of France highly reſented this manifeſt breach of the marriage-treaty; but, however, did nothing that ſhewed a deſign to be revenged by way of arms. So the diſguſt received from the queen's domeſticks, who were ſufficiently puniſhed, could not ſerve for pretence of a rupture on the ſide of England, ſince on the contrary, France had reaſon to complain of the breach of the treaty. Nevertheleſs, it was intended to make war upon France, under colour of ſupporting the Huguenots who were oppreſſed, and threatened with utter deſtruction. But when the character of the king, of the favourite, and of the miniſtry is conſidered, it can hardly be thought, that the deſire of maintaining the Proteſtant religion, ſuch as it was in France, was the real motive of this war. The king and his whole court mortally hated the Preſbyterians; the duke of Buckingham had properly no religion at all; Weſton and Conway were Catholicks; and, Laud and Neile thought it impoſſible to be ſaved out of the church of England. How then can it be imagined that all theſe men who were the king's moſt intimate counſellors, ſhould combine to ſupport, in France, a religion for which they had the utmoſt contempt? It is much more probable, that the king's miniſters ſeeing little likelihood of recovering the Palatinate by arms, and fearing the king would, at length, be tired of a fruitleſs war with Spain, induced him to carry his arms into France, in order ſtill to keep him under a neceſſity of raiſing money by extraordinary methods, and thereby perpetuating his miſunderſtanding with his ſubjects, on which the continuance of their credit entirely depended. But I own this is only conjecture. Another cauſe is alledged of this war with France, viz. the duke of Buckingham's pride, who being ſent to Paris to conduct the queen into England, became amorous of Ann of Auſtria, wife to Lewis XIII, and had the confidence to diſcloſe his paſſion. It is ſaid, the court of France threatened him with a puniſhment ſuitable to his inſolence, and refuſed to let him ſee the queen any more, but that he ſwore, he would ſee her in ſpite of them all. To this oath is aſcribed the reſolution inſtilled into the king, his maſter, to make war upon France, in hopes it would give him an opportunity to perform his oath. His oath. I own, I ſee very little probability in this pretended project, which, however, the lord Clarendon has thought fit to mention.

The pretence of the war with France.

The king declares the cauſe of it to his council.

The war with France being reſolved, the king declared the grounds of it to his council, viz.

1. Cauſe. Ruſhw.

I. That the houſe of Auſtria had ſuch an influence upon the council of France, as to prevail with them to obſtruct the landing of count Mansfeldt's army, contrary to promiſe, with whom the French ſhould have joined forces, for the relief of the Palatinate, and the German princes; which failure of performance in them, proved the ruin of that army.

Obſervation.

I have ſpoken of this affair in the reign of king James I, and ſhewed that it was an error of the council of England to depend upon a general promiſe as upon a treaty. Beſides, it was too late for the king to think of revenging this pretended affront, which had not prevented his eſpouſing the French king's ſiſter.

2. Cauſe.

II. That having by his mediation prevailed for a peace between the French king and his Proteſtant ſubjects, and engaged his word, that the Proteſtants ſhould obſerve the articles of agreement: Nevertheleſs the king of France, contrary to the ſaid articles, blocked up their towns, garriſons and forts, and had committed many ſpoils upon them when they had done nothing in violation of the edict of peace.

Obſervation.

It is very true, it was the intereſt of England to ſupport the Huguenots, who were unjuſtly oppreſſed; but by what law is a prince, who procures a peace between two enemies, but is not guarantee for performance of articles, empowered to go to war with one of the parties that breaks it? Had the king been ſatisfied with ſaying, the intereſt of England would not ſuffer the Huguenots to be oppreſſed, this political reaſon might have been allowed; but in ſuch caſes there is a wide difference between intereſt and right.

3. Cauſe.

III. That the king of France had committed an example of great injuſtice in full peace, to ſeiſe upon 120 Engliſh ſhips, with all their merchandiſe and artillery.

Obſervation.

The king paſſes over in ſilence, that the French acted only by way of repriſal, and that the Engliſh were the aggreſſors, as the parliament had complained to the king himſelf. It is evident, therefore, that the grounds of this war could not be more frivolous.

The deſign of putting the Engliſh in poſſeſſion of Rochel. Ruſhw.

The king's deſign was to ſend a fleet to Rochel, under colour of relieving that place, which was threatened with a ſiege. This affair had been managed at the court of England by the duke of Soubize, and Monſieur St. Blancard, a gentleman of Languedoc, without the knowledge of the Rochellers. This gives occaſion to ſuſpect, that their intention was to deliver the town to the Engliſh, on pretence of relieving it. However this be, the affair was kept very private, and ever ſince April a fleet had been equipping with all expedition, without any poſſibility of gueſſing for what it was intended. When it was ready, the king gave the duke of Buckingham a commiſſion, which plainly ſhewed, the affair was to be a ſecret. By this commiſſion, the duke was made admiral of the fleet, and commander in chief of the land-forces, which ſhould be embarqued for the recovery of the Palatinate, according to ſuch private inſtructions as he ſhould receive from his majeſty.

The Rochellers refuſe to admit the Engliſh. Annals.

This fleet conſiſting of 100 ſhips, having on board 7000 ſoldiers, ſailed from Portſmouth the 7th of June, and on the 20th of July appeared before Rochel. At the duke's approach, the Rochellers ſhut their gates for fear of a ſurpriſe, as having no notice that an Engliſh fleet was to come ſo near them. Preſently after were ſeen to arrive the duke of Soubize, with Sir William Beecher, who told them from the duke of Buckingham, that the king of England, out of compaſſion to their ſufferings, had ſent a fleet and army to their aſſiſtance, and if they refuſed his aid, he declared he was fully quit of his engagement of honour and conſcience for their relief. The mayor replied in the name of the inhabitants, that they moſt humbly thanked his majeſty for the care he had of them; but that being in ſtrict union with all the reſt of the Proteſtants in the kingdom, they could not receive into the city the offered ſuccours, without conſulting their friends, and without the previous conſent of the whole body of the Huguenots. The duke of Buckingham finding by this anſwer, it would not be eaſy to get his troops into Rochel, directed his courſe to the iſle of Rhee, where Toiras commanded. Toiras endeavoured, at firſt, to hinder the landing of the Engliſh; but as his forces were few, he was obliged to retreat to his citadel at St. Martin's, which was in a good ſtate of defence. Had the duke underſtood the art of war, he would, without loſing a moment, have marched to the fort, and thereby hindered Toiras from getting in proviſions; but he ſpent ſo much time in landing, and in preparing to march, that Toiras had leiſure to ſtore the place with ammunition. At laſt, he marched to St. Martin's, and beſieged it in form, but with little ſucceſs. He had to deal with one more expert than himſelf, and who found means to keep him employed in the ſiege till November, tho' he had ſent the king word he ſhould be maſter of the place in eight days. In the interim, Lewis, who had not expected this invaſion, ordered his troops to march with all ſpeed towards the ſea, and came in perſon to haſten the relief of the iſle of Rhee. When every thing was ready, count Schomberg paſſed into the iſle with 6 or 7000 men, without any oppoſition from the Engliſh fleet. Then he marched to St. Martin's, the ſiege whereof the duke of Buckingham raiſed with precipitation, being vigorouſly puſhed by the French to the very ſea-ſide, ſo that it was with great difficulty that he re-imbarqued his remaining troops. It is ſaid, of the 7000 men he brought from England, near 5000 periſhed in this unfortunate expedition. It was rumoured, however, in England, that not above 1500 were loſt, and ſome even ſay, the king was made to believe it.

Petition of Sir John Elliot, who was impriſoned concerning the Loan. Ruſhw.

Whilſt the duke of Buckingham was employed in this expedition, Sir John Elliot, impriſoned for refuſing to lend the king money, preſented to his majeſty a petition for his liberty, which he did not aſk as a favour, but as juſtice. He grounded his requeſt upon ſeveral ſtatutes which he cited, and by which he pretended to ſhew, that the king could not exact money from the ſubject by way of loan, nor were the ſubjects bound to ſubmit to it. As the king then ſtood diſpoſed, this petition could be of no ſervice to the perſon that preſented it. In November following, ſome other gentlemen, committed for the ſame reaſon, brought their Habeas Corpus, that is, deſired to be diſcharged upon bail, a privilege enjoyed by all Engliſhmen. This cauſe was pleaded very ſolemnly before all the judges of the realm. There were two points to be decided. The firſt, whether the priſoners were committed by the ſpecial command of the king, ſince the warden ſaid only, "that the priſoners were detained by command of the king, ſignified to him by warrant of ſeveral of the privy-council." Now the priſoners pleaded, that, according to law, the king's order ſhould be produced, not barely for detaining them, but for committing them; and that beſides, the ſignifying of the order by the lords of the council, ſhewed, it was not by ſpecial command of his majeſty. The ſecond point was, whether the king could impriſon any ſubject without declaring the cauſe of the commitment, and whether in ſuch caſe, the priſoners ought not to have the benefit of a Habeas Corpus, that is, to be diſcharged upon bail. The counſel for the priſoners repreſented the terrible conſequences of ſuch a power in the king, ſince thereby the liberty of every ſubject would be at the king's mercy, who could detain them in priſon as long as he pleaſed, and there would be no remedy by law. But the judges unanimouſly decided againſt the priſoners, who were all remanded to their ſeveral priſons.

Complaints againſt the government and duke of Buckingham. Clarend.

The ill ſucceſs of the iſle of Rhee expedition raiſed numberleſs complaints and murmurs againſt the duke of Buckingham, who had many enemies. Multitudes were loſt in that unfortunate undertaking, and among the reſt, major-general Burroughs, one of the beſt officers in England; and theſe misfortunes were imputed to the duke of Buckingham's incapacity, who had never been in the wars, and knew nothing of the ſea-ſervice, tho' the king had made him both admiral and captain-general. To theſe complaints were added others upon other accounts. The mariners complained, they had received no wages for three years paſt, and deſerted in great numbers, not to be forced to ſerve any longer without pay. The merchants made bitter complaints, that the ſeas were neglected, that within three years they had loſt a great number of ſhips, and that the fiſhermen were taken almoſt in the very harbours. In a word, no one ventured to build any new ſhips, becauſe as ſoon as they were ready the king ſeiſed them for his ſervice, againſt the will of the owners.

The Rochellers deſire aſſiſtance. Ruſhw. Annals.

Tho' the king did not much regard all theſe complaints, which, perhaps, reached him not; he was, however, very attentive to the petition which the Rochellers, upon the point of being beſieged, ſent him by their deputies, for relief. He had engaged in a war with France, upon his good opinion of his fleet, and of his favourite's ability, and tho' experience ſhewed him this opinion was ill-grounded, he would proceed, let what would be the conſequence. In the interim, he ſaw himſelf without money, and the oppoſition he met with in the affair of the loan, made him ſenſible how difficult it would be to raiſe it by ſuch methods. For this reaſon he conſulted Sir Robert Cotton, upon the preſent ſituation of his affairs. Cotton adviſed him to call a parliament, as the beſt means to free himſelf from all difficulties. But as Sir Robert foreſaw the houſe of commons would attack the duke of Buckingham, he adviſed withal, that the duke might be the firſt, who, in full council, ſhould move the calling of a parliament. This advice was followed, and the duke having acted his part, the parliament was ſummoned by the unanimous reſolution of the council, to meet the 17th of March, 1628. Immediately after, warrants were ſent to all parts to releaſe the impriſoned and confined gentlemen for the affair of the loan money, and the king had the mortification to ſee almoſt all of them, to the number of 27, choſen to ſerve for repreſentatives in the enſuing parliament. He ſent writs of ſummons alſo to the archbiſhop of Canterbury, who was confined to one of his houſes, to the biſhop of Lincoln, priſoner in the tower, and to the earl of Briſtol. At the ſame time, the council ordered the lord-mayor of London to uſe moderation in demanding the loan money. This ſhews that there were ſtill ſome people who ſtood out, and that violence was hitherto uſed to compel them.

Cotton adviſes the king to call a parliament. Ruſhw.

1627-8. The parliament being aſſembled the 17th of March, the king made the following ſpeech to both houſes.

The king's ſpeech to both houſes of parliament. Ruſhw.

My lords and gentlemen,

‘THESE times are for action; wherefore, for example ſake, I mean not to ſpend much time in words; expecting, accordingly, that your (as I hope) good reſolutions will be ſpeedy, not ſpending time unneceſſarily, or (that I may better ſay) dangerouſly; for tedious conſultations at this conjuncture of time are as hurtful as ill reſolutions.

‘I am ſure you now expect from me, both to know the cauſe of your meeting, and what to reſolve on; yet I think that there is none here but knows, that common danger is the cauſe of this parliament, and that ſupply at this time is the chief end of it; ſo that I need but point to you what to do. I will uſe but few perſuaſions; for if to maintain your own advices, and as now the caſe ſtands for the following thereof, the true religion, laws and liberties of this ſtate, and the juſt defence of our true friends and allies, be not ſufficient, then no eloquence of men or angels will prevail.

‘Only let me remember you, that my duty moſt of all, and every one of yours according to his degree, is to ſeek the maintenance of this church and common-wealth; and certainly, there never was a time in which this duty was more neceſſarily required than now.

‘I, therefore, judging a parliament to be the antient, ſpeedieſt, and beſt way in this time of common danger, to give ſuch ſupply as to ſecure ourſelves, and to ſave our friends from imminent ruin, have called you together. Every man now muſt do according to his conſcience; wherefore if you (as God forbid) ſhould not do your duties, in contributing what the ſtate at this time needs, I muſt, in diſcharge of my conſcience, uſe thoſe other means which God hath put into my hands, to ſave that, which the follies of particular men may otherwiſe hazard to loſe.

‘Take not this as a threatening, for I ſcorn to threaten any but my equals, but an admonition from him, that both out of nature and duty, hath moſt care of your preſervations and proſperities; and (tho' I thus ſpeak) I hope that your demeanours at this time will be ſuch, as ſhall not only make me approve your former counſels, but lay on me ſuch obligations, as ſhall tie me by way of thankfulneſs to meet often with you; for be aſſured, that nothing can be more pleaſing unto me, than to keep a good correſpondence with you.

‘I will only add one thing more, and then leave my lord keeper to make a ſhort paraphraſe upon the text I have delivered you, which is, “To remember a thing, to the end we may forget it.” You may imagine that I came here with a doubt of ſucceſs of what I deſire, remembering the diſtractions of the laſt meeting; but I aſſure you, that I ſhall very eaſily and gladly forget and forgive what is paſt, ſo that you will at this preſent time leave the former ways of diſtractions, and follow the counſel late given you, “To maintain the unity of the ſpirit in the bond of peace.”

The lord keeper ſeconded his majeſty in this manner.

The lord keeper's ſpeech.

My lords and gentlemen,

‘YE are here in parliament by his majeſty's writ and royal command, to conſult and conclude of the weighty and urgent buſineſs of this kingdom. Weighty it is and great, as great as the honour, ſafety, and protection of religion, king, and country; and what can be greater? Urgent it is; it is little pleaſure to tell or think how urgent; and to tell it with circumſtances, were a long work; I will but touch the ſum of it in few words.

‘The pope and houſe of Auſtria have long affected, the one a ſpiritual, the other a temporal monarchy; and to effect their ends, to ſerve each other's turn, the houſe of Auſtria, beſides the rich and vaſt territories of both the Indies, and in Africa, joined together, are become maſters of Spain and Italy, and the great country of Germany. And altho' France be not under their ſubjection, yet they have environed all about it; the very bowels of the kingdom ſwayed by the Popiſh faction; they have gotten ſuch a part, and ſuch interceſſion in the government, that under pretence of religion, to root out the Proteſtants and our religion, they have drawn the king to their adherence, ſo far, that albeit upon his majeſty's interpoſition by his ambaſſadors, and his engagement of his royal word, there was between the king and his ſubjects articles of agreement, and the ſubjects were quiet; whereof his majeſty, intereſted in that great treaty, was bound to ſee a true accompliſhment; yet againſt that ſtrict alliance, that treaty hath been broken, and thoſe of the religion have been put to all extremity, and undoubtedly will be ruined without preſent help. So as that king is not only diverted from aſſiſting the common cauſe, but hath been miſled to engage himſelf in hoſtile acts againſt our king and other princes, making way thereby for the houſe of Auſtria, to the ruin of his own and other kingdoms.

‘Other potentates, that in former time did balance and interrupt the growing greatneſs of the houſe of Auſtria, are now removed and diverted. The Turk hath made peace with the emperor, and turned himſelf wholly into wars with Aſia: The king of Sweden is embroiled in a war with Poland, which is invented by Spaniſh practices, to keep that king from ſuccouring our part; the king of Denmark is chaced out of his kingdom, on this and on that ſide the Sound; ſo as the houſe of Auſtria is on the point to command all the ſea-coaſts, from Dantzick to Embden, and all the rivers falling into the ſea in that great extent; ſo, as beſides the power by land, they begin to threaten our part by ſea, to the ſubverſion of all our ſtate.

‘In the Baltick-ſea, they are providing and arming all the ſhips they can build or hire; and have at this time their ambaſſadors treating at Lubeck, to draw into their ſervice the Hanſe towns, whereby taking from us and our neighbours the eaſt-land trade, by which our ſhipping is ſupplied, they expect, without any blow given, to make themſelves maſters of that ſea. In theſe weſtern parts, by the Dunkirkers, and by the now French and Spaniſh admiral, to the ruin of fiſhing (of infinite conſequence both to us and the Low-Countries) they infeſt all our coaſt, ſo as we paſs not ſafely from port to port. And that fleet which lately aſſiſted the French at the iſle of Rhee, is now preparing at St. Andrews, with other ſhips built in the coaſt of Biſcay to re-inforce it, and a great fleet is making ready at Liſbon; where, beſides their own, they do ſerve themſelves upon all ſtrangers bottoms coming to that coaſt for trade; and theſe great preparations are, no doubt, to aſſault us in England or Ireland, as they ſhall find advantage, and a place fit for their turn.

‘Our friends of the Netherlands, beſides the fear that juſtly troubles them, leſt the whole force of the emperor may fall down upon them, are diſtracted by their voyages into the eaſt, which hath carried both men and money into another world, and much weakened them at home.

‘Thus are we even ready on all ſides to be ſwallowed up; the emperor, France, and Spain, being in open war againſt us; Germany over-run; the king of Denmark diſtreſſed; the king of Sweden diverted; and the Low-Country men diſabled to give us aſſiſtance.

‘I ſpeak not this to increaſe fear, unworthy of Engliſh courages, but to preſs to proviſion worthy the wiſdom of a parliament: And for that cauſe his majeſty hath called you hither, that by a timely proviſion againſt thoſe great imminent dangers, ourſelves may be ſtrengthened at home, our friends and allies encouraged abroad, and thoſe great cauſes of fear ſcattered and diſpelled.

‘And becauſe, in all warlike preparations, treaſure bears the name, and holds the ſemblance of the nerves and ſinews; and if a ſinew be too ſhort or too weak, if it be either ſhrunk or ſtrained, the part becomes unuſeful: It is needful, that you make a good and timely ſupply of treaſure, without which all counſels will prove fruitleſs. I might preſs many reaſons to this end, but I will name but few.

‘Firſt, for his majeſty's ſake, who requires it. Great is the duty which we owe him by the law of God; great by the law of nature, and our own allegiance; great for his own merit, and the memory of his ever bleſſed father. I do but point at them; but methinks our thoughts cannot but recoil on one conſideration touched by his majeſty, which to me ſeems ſo ſound, like a parliamentary pact or covenant.

‘A war was deviſed here, aſſiſtance profeſſed, yea, and proteſted here: I do but touch it, I know you will deeply think on it; and the more, for the example the king hath ſet you; his lands, his plate, his jewels, he hath ‘not ſpared, to ſupply the war: What the people hath proteſted, the king, for his part, hath willingly performed.

‘Secondly, for the cauſe ſake. It concerns us in Chriſtian charity, to tender the diſtreſſes of our friends abroad; it concerns us in honour not to abandon them, who have ſtood for us. And if this come not cloſe enough, you ſhall find our intereſt ſo woven and involved with theirs, that the cauſe is more ours than theirs. If religion be in peril, we have the moſt flouriſhing and orthodox church: If honour be in queſtion, the ſtories and monuments in former ages will ſhew, that our anceſtors have left us as much as any nation: If trade and commerce be in danger, we are iſlanders, it is our life. All theſe at once lie at ſtake, and ſo doth our ſafety and being.

‘Laſtly, in reſpect of the manner of his majeſty's demand, which is in parliament, the way that hath ever beſt pleaſed the ſubjects of England. And good cauſe for it; for, aids granted in parliament work good effects for the people; they be commonly accompanied with wholſome laws, gracious pardons, and the like. Beſides, juſt and good kings finding the love of their people, and the readineſs of their ſupplies, may the better forbear the uſe of their prerogatives, and moderate the rigour of the laws towards their ſubjects.

‘This way, as his majeſty hath told you, he hath choſen; not as the only way, but as the fitteſt; not as deſtitute of others, but as moſt agreeable to the goodneſs of his own moſt gracious diſpoſition, and to the deſire and weal of his people. If this be deferred, neceſſity and the ſword of the enemy make way to the others. Remember his majeſty's admonition, I ſay, remember it.

‘Let me but add, and obſerve God's mercy towards this land above all others. The torrent of war hath overwhelmed other churches and countries; but God hath hitherto reſtrained it from us, and ſtill gives us warning of every approaching danger, to ſave us from ſurpriſe. And our gracious ſovereign, in a true ſenſe of it, calls together his high court of parliament, the lively repreſentation of the wiſdom, wealth and power of the whole kingdom, to join together to repel thoſe hoſtile attempts, which diſtreſſed our friends and allies, and threatened ourſelves.

‘And therefore it behoves all to apply their thoughts unto counſel and conſultations, worthy the greatneſs and wiſdom of this aſſembly; to avoid diſcontents and diviſions, which may either diſtemper or delay; and to attend that Unum neceſſarium, the common cauſe; propounding for the ſcope and work of all the debates, the general good of the king and kingdom, whom God hath joined together with an indiſſoluble knot, which none muſt attempt to cut or untie. And let all, by unity and good accord, endeavour to pattern this parliament by the beſt that have been, that it may be a pattern to future parliaments, and may infuſe into parliaments a kind of multiplying power and faculty, whereby they may be more frequent, and the king our ſovereign may delight to ſit on his throne, and from thence to diſtribute his graces and favours amongſt his people.

‘His majeſty hath given you cauſe to be confident of this, you have heard from his royal mouth; which nevertheleſs he hath given me expreſs command to redouble: If this parliament, by their dutiful and wiſe proceedings, ſhall but give this occaſion, his majeſty will be ready, not only to manifeſt his gracious acceptation, but to put out all memory of thoſe diſtaſtes that have troubled former parliaments.

‘I have but one thing more to add, and that is, as your conſultations be ſerious, ſo let them be ſpeedy. The enemy is beforehand with us, and flies on the wings of ſucceſs. We may dally and play with the hour-glaſs that is in our power, but the hour will not ſtay for us; and an opportunity once loſt, cannot be regained.

‘And therefore reſolve of your ſupplies, that they may be timely and ſufficient, ſerving the occaſion; your counſel, your aid, all is but loſt, if your aid be either too little, or too late: And his majeſty is reſolved, that his affairs cannot permit him to expect it over long.’

The king's intent in theſe two ſpeeches, and remarks thereon.

Theſe two ſpeeches need no comment, ſince they plainly ſpeak both the king's principles concerning the uſe of parliaments, and his intention, in caſe he received not from the preſent parliament the ſatisfaction he expected. The king does not ſeem to have made uſe of a proper means to gain the good-will of the commons. But it muſt be obſerved, that nothing was more oppoſite to his temper, than to ſtoop to court his parliament. He thought it great condeſcenſion to declare, that tho' he had other ways of raiſing money, he was very willing to follow the old method of demanding a ſupply from the parliament. But for fear the commons ſhould think he was forced to it by a kind of neceſſity, he took care to intimate, that in caſe the money he demanded was not granted, he could raiſe it other ways. This was the ſole view of theſe two ſpeeches.

As to the arguments alledged by the lord-keeper to excite the commons to give a plentiful ſupply to the king, they were too much exaggerated to produce a great effect. The pretended preparations of the Spaniards to invade England were a groundleſs chimera. Indeed, during this whole war, the Spaniards made no attempt upon Great-Britain or Ireland; nay, it was in the king's power to make peace with the Spaniards, who had no demands upon him, and yet, he would make believe that England was in imminent danger. As to the argument ſo often repeated, that the parliament adviſed the war, it was ſo worn out, that it could not make the leaſt impreſſion. There was not then a man in England, but what was perfectly informed, that the king and duke of Buckingham were the real authors of the Spaniſh war, and had fraudulently obtained from the parliament the advice continually inſiſted upon by the king.

A letter called the ſpeech without doors, publiſhed in the beginning of the parliament. Annals.

Before the commons had entered into any debates, there was a long letter communicated to them, directed, "To my noble friends of the lower houſe of parliament," and diſperſed under the title of "A ſpeech without doors." The author who was unknown, pretended to have been formerly a member of the lower houſe, tho' he was not choſen to ſerve in the preſent parliament. His view was to adviſe the commons how they were to proceed, and to lay before them the ſundry grievances complained of by the people. This writing made a great noiſe at that time, but I do not think it neceſſary to inſert the contents, ſince they were only the ſentiments of a private perſon.

Divers ſpeeches in the houſe concerning grievances. Mar. 20, 22. Annals.

After the two houſes had preſented a petition to the king for a faſt, the commons began to examine the grievances of the nation, and ſeemed determined to grant no ſupply till theſe grievances were redreſſed. The firſt they took into conſideration were, billetting of ſoldiers, loans by benevolence and privy-ſeals, impriſonment of gentlemen refuſing to lend, denial of releaſe upon a Habeas Corpus; and ſeveral ſpeeches were made upon theſe occaſions. Sir Francis Seymour among other things ſaid ------- "How can we think of giving of ſubſidies, till we know whether we have any thing to give or no? For if his majeſty be perſuaded by any to take from his ſubjects what he will, and where it pleaſeth him; I would gladly know what we have to give? ------- Hath it not been preached in our pulpits, that all we have is the king's JURE DIVINO?"------ Sir Thomas Wentworth, afterwards ſo well known by the name of earl of Strafford, diſtinguiſhed himſelf by a ſpeech againſt the government. He ſaid truly, theſe things were not to be imputed to the king but to the projectors, that is, to the miniſters or others who had formed the deſign of ſtretching the prerogative beyond its due bounds, of whom he ſpoke in this manner: "They have brought the crown into greater want than ever, by anticipating the revenues: And can the ſhepherd be thus ſmitten, and the ſheep not ſcattered? They have introduced a privy-counſel, raviſhing at once the ſpheres of all antient government, impriſoning us without either bail or bond; they have taken from us, what? What ſhall I ſay indeed, what have they left us? All means of ſupplying the king and ingratiating ourſelves with him, taking up the root of all property."--- Sir Edward Coke, a great lawyer, ſpoke chiefly to the grievance of the loans, and ſaid among other things: "Who will give ſubſidies, if the king may impoſe what he will? And if after parliament, the king may inhance what he pleaſeth? ----- The king cannot tax any by way of loans."---- Thereupon he quoted the ſtatute of 25 Edward III, wherein it is ſaid, that "loans againſt the will of the ſubject, are againſt reaſon, and the franchiſes of the land;" ----- and concluded with this paragraph out of Magna Charta ---- "Nullus liber homo capiatur vel impriſonetur aut diſſeiſietur de libero tenemento ſuo, &c. niſi per legale judicium parium ſuorum, vel per legem terræ." Another ſpeaking of the impriſonment of thoſe who had refuſed to lend the king money, ſaid, ------- "O improvident anceſtors! O unwiſe fore-fathers! to be ſo curious in providing for the quiet poſſeſſion of our lands, and liberties of parliament, and to neglect our perſons and bodies, and to let them die in priſon, and that durante beneplacito, remedileſs: If this be law, what do we talk of our liberties? Why do we trouble ourſelves with the diſpute of law, franchiſes, properties of goods? What may man call his, if not liberty?"

I intend not to enlarge any farther upon what was ſaid in the houſe of commons upon theſe points. This ſuffices to ſhew how the majority were diſpoſed. All their arguments tended to demonſtrate, that if the king had power to take the goods of his ſubjects by a bare act of his will, whether by way of loan or otherwiſe, and to impriſon ſuch as refuſed to obey his orders without being admitted to bail, they were either to be entirely ſubject to the king's pleaſure, or to begin with firmly eſtabliſhing the rights of the people, to the prevention of tyranny. The court-party durſt not directly oppoſe this general ſentiment, but endeavoured by ſeveral arguments, to intimate, that to gain his majeſty's good will, ſupplies were in the firſt place to be granted. Then, they gave hopes, that the king, moved with ſuch a mark of affection for his perſon, would not be againſt redreſſing the grievances. But this made little impreſſion upon the reſt, who were by far the majority, and who verily believed, that to begin with the ſubſidies was the ready way to have the grievances unredreſſed. In the interim, to make a diverſion, ſecretary Coke preſented to the houſe certain propoſitions from the king, concerning ſupply; but it was reſolved, that the reading thereof ſhall be deferred till the houſe had taken ſome reſolution with reſpect to the grievances, eſpecially the impriſonment of the ſubjects, and denial of bail. There were very great debates upon theſe points, and the judges themſelves were heard. At laſt, the houſe came to the following reſolutions, directly contrary to the king's pretenſions, and the judges determinations; that is, they eſtabliſhed maxims oppoſite to thoſe of the king; viz.

The commons reſolutions.

'I. That no freeman ought to be detained or kept in priſon, or otherwiſe reſtrained by the command of the king or privy-council, or any other, unleſs ſome cauſe of the commitment, detainer, or reſtraint be expreſſed, for which by law he ought to be committed, detained, or reſtrained.

'II. That the writ of Habeas Corpus may not be denied, but ought to be granted to every man that is committed or detained in priſon, or otherwiſe reſtrained, tho' it be by 'the command of the king, the privy-council, or any other, he praying the ſame.

'III. That if a freeman be committed or detained in priſon, or otherwiſe reſtrained by the command of the king, the privy-council, or any other, no cauſe of ſuch commitment, detainer, or reſtraint being expreſſed, for which by law he ought to be committed, detained, or reſtrained, and the ſame be returned upon a Habeas Corpus, granted for the ſaid party, then he ought to be delivered or bailed.

'IV. That it is the antient and undubitable right of every freeman, that he hath a full and abſolute property in his goods and eſtate; that no tax, tallage, loan, benevolence, or other like charge ought to be commanded or levied by the king, or any of his miniſters, without common conſent by act of parliament.'

1628. The king's demands. March 26. Annals.

The propoſitions tendered the day before by ſecretary Coke from his majeſty, were now received and read, but the debate thereof was referred to another day. The propoſitions were theſe:

'1. To furniſh with men and victuals 30 ſhips to guard the narrow ſeas, and along the coaſts.

'2. To ſet out 10 other ſhips for relief of the town of Rochel.

'3. To ſet out 10 other ſhips for the preſervation of the Elbe, the Sound, and the Baltick ſea.

'4. To levy arms, cloth, victual, pay, and tranſport an army of 10,000 horſe, and 10,000 foot, for foreign ſervice.

'5. To pay and ſupply 6000 more for the ſervice of Denmark.

'6. To ſupply the forts of the office of ordnance.

'7. To ſupply the ſtores of the navy.

'8. To build 20 ſhips yearly for the increaſe of the navy.

'9. To repair the forts within the land.

'10. To pay the arrears of the office of ordnance.

'11. To pay the arrears of the victuallers office.

'12. To pay the arrears of the treaſure of the navy.

'13. To pay the arrears due for the freight of divers merchant-ſhips employed in his majeſty's ſervice.

'14. To provide a magazine for victuals for land and ſea-ſervice.'

The houſe eaſily perceived by the reading of theſe articles, that it would be a work of infinite labour, to examine the neceſſity and juſtice of each, and as there were no eſtimates made, they plainly ſaw, if they ſhould take the particulars into conſideration, the court would mount the expence very high; wherefore, without entering into any diſcuſſion, they reſolved, in general, to grant the king a large ſupply.

The council's conduct examined. April 2. Annals.

After that, they returned to the examination of this particular grievance, that the king's council, by their bare authority, had confined to their houſes, ſome that refuſed to lend money; had ſent away others to diſtant places from their homes; and conſtrained ſome on the ſame account, to go and ſerve the king in foreign countries. Upon this point, Sir Thomas Wentworth ſaid, "If any man owes a man a diſpleaſure, and ſhall procure him to be put into foreign employment, it will be a matter of high concernment to the ſubject: We know the honour and juſtice of the king, but we know not what his miniſters, or the mediation of ambaſſadors may do, to work their own wrath upon any man." Theſe debates produced this reſolution.

Reſolution of the houſe.

"That no freeman ought to be confined by any command from the king, or privy-council, or any other, unleſs it be by act of parliament, or by other due courſe, or warrant of law."

Meſſage from the king about the duke of Buckingham. April 3. Ruſhw.

All theſe determinations promiſed the king no good with reſpect to his prerogative; and as he feared the commons would again attack the duke of Buckingham, he tried to divert them from it by a meſſage delivered to the houſe by ſecretary Coke. It was upon a rumour, that the duke had ſpoken ill of the parliament at the council-board. The king aſſured, it was not true, and the ſecretary added, if the duke had ſo ſpoken, he would have contradicted himſelf, for the whole council could bear him witneſs, he was the firſt mover of calling the parliament. But he took care not to tell them, it was merely out of policy, purſuant to Cotton's advice.

Another meſſage from the king to the commons.

The next day the king ſent another meſſage to the commons, deſiring them to take the affair of ſupply into conſideration. He told them likewiſe, that as to the freedom of perſons, and propriety of goods, he was willing to come into any expedients which ſhould be judged convenient, by way of bill, or otherwiſe; and that the more confidence they ſhould ſhew in their grace and goodneſs, the more they ſhould prevail to obtain their deſires.

Five ſubſidies voted.

Upon this meſſage, the houſe unanimouſly voted five ſubſidies to the king, but returned immediately to the examination of grievances, and held a conference with the lords upon that ſubject.

The king hinders the houſe from adjourning at Eaſter. April 10.

Eaſter holidays approaching, the king ſent and deſired the commons not to adjourn, that affairs might be the more ſpeedily diſpatched. This meſſage occaſioned a debate, ſome members fearing ſuch a precedent might be a prejudice to the privileges of the houſe, and the king for the future think he had power to hinder an adjournment when he pleaſed; but, at length, it was reſolved to do as the king deſired.

He preſſes the commons about ſupply.

The 11th of April, ſecretary Coke moved the diſpatch of the ſubſidies, ſaying, the votes to grant the king money were nothing till turned into a bill; but being oppoſed by ſeveral, it was reſolved, that grievances and ſupply ſhould go hand in hand.

A threatening meſſage from the king. Annals.

The day following, Coke brought another meſſage from the king to the houſe, to this effect: "That his majeſty had long ſince expected ſome fruit of that which was ſo happily begun; but finding a ſtop beyond all expectation, his command was, that without any farther delay, they ſhould proceed in the affair of ſupply; for notwithſtanding his conſenting that ſupply and grievances ſhould go together, his meaning was not, that the one ſhould give interruption to the other, nor the time be ſpun out on any pretence. And, therefore, bid them take heed, that they did not force him to make an unpleaſing end of what was ſo well begun.”

It does the king great injury.

This meſſage did the king great injury. 1. Becauſe of the menacing. 2. By reaſon of his inſtances, that the affair of ſupply ſhould be diſpatched before that of grievances; for it was not doubted, that if the firſt were finiſhed, the parliament would be immediately prorogued. 3. Laſtly, the king's unwillingneſs to redreſs the grievances, was a clear evidence, he would never be brought to it of his own accord, and conſequently it was neceſſary to conſtrain him thereto. This was the more probable, as Coke, when he delivered the meſſage, added, “That the king would willingly hear any thing concerning the abuſes of power, but not about power itſelf.” Theſe expreſſions were liable to many cavils, and plain intimations, that the king reſerved to himſelf, by this reſtriction, a means to evade the grievances. And, indeed, Coke being moved to explain what he meant by the word Power, refuſed it.

Another meſſage from the king upon the ſame account. Annals.

Two days after, the ſecretary delivered another meſſage from the king, to haſten the affair of ſupply. Theſe meſſages, which came thus one upon another, gave frequent occaſions to the court-party to preſs the houſe to content his majeſty. All their ſpeeches upon this head, met in one point, viz. to inſpire the houſe with a dread, that a quarrel between them and the king, would be fatal to parliaments, and give the king occaſion to proceed without them for the future. As the king himſelf, and the lord-keeper (by his order), had frequently made uſe of the ſame means to frighten the commons, it could not be doubted, that theſe men ſpoke purſuant to the intentions, and, perhaps, by the order, of the court. A privy-counſellor's ſpeech in the lower-houſe laſt parliament was not yet forgot, and of which the commons had thought fit to take notice, in the remonſtrance they would have preſented to the king. The deſign of that ſpeech was to intimate to the commons, that if they did not content the king, they would run the hazard of being the cauſe of no more parliaments in England. This menace ſo often inſinuated by the king himſelf, by the lord-keeper, by members of the houſe, known to be devoted to the court, ſometimes in dark, ſometimes in plain terms, had a quite contrary effect to what the king expected; for inſtead of terrifying the commons, it convinced them, how watchful they ought to be of the king's proceedings, leſt their condeſcenſion, or even their ſilence, ſhould authoriſe ſome things very prejudicial to the liberties of the nation, whom they repreſented. “What! ſaid moſt of the members among themſelves, we are threatened, that if we do not grant the king whatever he requires, and when he pleaſes, if we oppoſe his pleaſure, even when contrary to the laws, he will govern without a parliament, that is, with an unlimited power; he will impriſon our perſons, ſeiſe our eſtates, and conſider the whole kingdom as his property! But he does not only threaten us, he has put his threats in execution already. Which then is beſt, either for him to uſurp an abſolute power againſt our will, or for us to ſuffer it, nay, approve it by our ſilence, and ſervile fears? Of the two, certainly, the firſt is leaſt dangerous. A time may come, when the king ſhall have occaſion for parliaments, and then we ſhall be able to recover the ground we ſhall have loſt; but if we betray the intereſt of our country, by tamely yielding to the king the power he would aſſume, our liberty will be irrecoverably loſt. We ſhall lay upon ourſelves and poſterity, a yoke which our forefathers could never bear, and be held in abhorrence by the whole nation. And after all, what ſhall we gain by our condeſcenſion? Why, the king will continue the uſe of parliaments, provided he ſhall be abſolute maſter; order them to give him ſuch a ſum, and by ſuch a time; forbid them to examine grievances; in a word, manage them intirely as he pleaſes. Thus we ſhall prevent the king's governing without a parliament, but ſhall eſtabliſh a precedent which will render parliaments for ever ſlaves to the king and his miniſters.”

Such were the reaſonings of the greateſt part of the commons, and tho' they did not openly ſay theſe very words, the houſe ſhewed by their whole conduct, that theſe conſiderations were the real foundation of all their proceedings. For this reaſon it was, they reſolved to deſire an audience, in order to anſwer all his majeſty's meſſages, and to preſent to him withal a petition concerning billeting of ſoldiers upon the ſubject. Their repreſentation to the king by the mouth of their ſpeaker, was as follows:

Moſt gracious and dread ſovereign,

The ſpeaker's ſpeech to the king, at the delivery of the petition for billeting ſoldiers. Ruſhw.

‘YOUR dutiful and loyal commons here aſſembled, were lately humble ſuitors to your majeſty for acceſs to your royal preſence; the occaſion that moved their deſires herein, was a particular of importance, worthy your princely conſideration; which, as it well deſerves, ſhould have been the only ſubject of my ſpeech at this time.

‘But ſince your gracious anſwer for this acceſs, obtained by a meſſage from your majeſty, they have had ſome cauſe to doubt, that your majeſty is not ſo well ſatisfied with the manner of their proceedings, as their hearty deſire is you ſhould be, eſpecially in that part which concerns your majeſty's preſent ſupply, as if in the proſecution thereof, they had of late uſed ſome ſlackneſs or delay.

‘ And becauſe no unhappineſs of theirs can parallel with that which may proceed from a miſunderſtanding in your majeſty, of their clear and loyal intentions, they have commanded me to attend your majeſty, with an humble and ſummary declaration of their proceedings, ſince this ſhort time of their ſitting, which they hope will give your majeſty abundant ſatisfaction, that never people did more truely deſire to be endeared in the favour and gracious opinion of their ſovereign; and withal to let you ſee, that as you can have no where more faithful council, ſo your great deſigns and occaſions can no way be ſo ſpeedily or heartily ſupported, as in this old and antient way of parliament.

‘ For this purpoſe they humbly beſeech your majeſty to take into your royal conſideration, that altho’ by antient right of parliament, the matters there debated are to be diſpoſed in their true method and order, and that their conſtant cuſtom hath been to take into their conſiderations the common grievances of the kingdom, before they enter upon the matter of ſupply; yet to make a full expreſſion of that zeal and affection which they bear to your royal majeſty, equalling, at leaſt, if not exceeding the beſt affections of their predeceſſors, to the beſt of your progenitors; they have in this aſſembly, contrary to the ordinary proceedings of parliament, given your majeſty's ſupply precedence, before the common grievance of the ſubject, how preſſing ſoever, joining with it only thoſe fundamental and vital liberties of of the kingdom, which give ſubſiſtance and ability to your ſubjects.

‘ This was their original order and reſolution, and was grounded upon a true diſcerning, that theſe two conſiderations could not be ſevered, but did both of them entirely concern your majeſty's ſervice, conſiſting no leſs in enabling and encouraging the ſubject, than in proportioning a preſent ſuiting to your majeſty's occaſions, and their abilities; nay, ſo far have they been from uſing any unneceſſary delays, as though, of the two, that of ſupply were the latter propoſition amongſt them, the grand committee to which both were referred, hath made that of your majeſty's ſupply firſt ready for concluſion.

‘ And, to be ſure your majeſty's ſupply might receive no interruption by the other, differing from uſage and cuſtom (in caſes of this nature) ſent up of thoſe that concern the ſubjects by parcels, ſome to your majeſty, and ſome to the lords, to the end your majeſty might receive ſuch ſpeedy content, as ſuited with the largeſt and beſt extent of the firſt order.

‘ Sir, you are the breath of our noſtrils, and the light of our eyes, and beſides thoſe many comforts, which under you and your royal progenitors, in this frame of government, this nation hath enjoyed, the religion we profeſs hath taught us whoſe image you are; and we do all moſt humbly beſeech your majeſty to believe, that nothing is or can be more dear unto us, than the ſacred rights and prerogatives of your crown; no perſon or council can be greater lovers of you, nor be more truely careful to maintain them; and the preſerving of thoſe fundamental liberties which concern the freedom of our perſons, and propriety of goods and eſtates, is an eſſential means to eſtabliſh the true glory of a monarchy.

‘ For rich and free ſubjects, as they are beſt governed, ſo they are moſt able to do your majeſty ſervice either in peace or war, which next under God hath been the cauſe of the happy and famous victories of this nation, beyond other kingdoms of larger territories and greater number of people.

‘ What information ſoever contrary to this ſhall be brought unto your majeſty, can come from no other than ſuch, as for their own ends, under colour of advancing the prerogative, do, indeed, undermine and weaken royal power by impoveriſhing the ſubjects, render this monarchy leſs glorious, and the people leſs able to ſerve your majeſty.

‘ Having (by this that hath been ſaid) cleared our hearts and proceedings to your majſty, our truſt is, that in your royal judgment we ſhall be free from the leaſt opinion of giving any neceſſary ſtop to our proceedings in the matter of your ſupply, and that your majeſty will be pleaſed to entertain belief of our alacrity, and chearfulneſs in your ſervice, and that hereafter no ſuch miſfortune ſhall befal us, to be miſunderſtood by your majeſty in any thing.

‘ We all moſt humbly beſeech your majeſty, to receive no information in this or any other buſineſs from private relations, but to weigh and judge of our proceedings by thoſe reſolutions of the houſe that ſhall be repreſented from ourſelves.

‘ This, rightly and graciouſly underſtood, we are confident from the knowledge of your goodneſs and our own hearts, that the ending of this parliament ſhall be much more happy than the beginning, and be to all ages ſtiled the bleſſed parliament, for making perfect union between the beſt king and the beſt people, that your majeſty may ever delight in calling us together, and we in the comforts of your gracious favour towards us.

‘ In this hope I return to my firſt errand, which will beſt appear by that which I ſhall humbly deſire you to hear, and being an humble petition from the houſe of commons, for redreſſing of thoſe many inconveniences and diſtractions that have befallen your ſubjects by the billeting of ſoldiers in private mens houſes againſt their wills.

‘ Your royal progenitors have ever held your ſubjects hearts the beſt garriſon of this kingdom, and our humble ſuit to your majeſty is, that our faith and loyalty may have ſuch place in your royal thoughts, as to reſt aſſured, that all your ſubjects will be ready to lay down their lives for the defence of your ſacred perſon, and this kingdom.

‘ Not going ourſelves into our countries 'this Eaſter, we ſhould think it a great happineſs to us, as we know it would be a ſingular comfort and encouragement to them that ſent us hither, if we might but ſend them the news of a gracious anſwer from your majeſty in this particular, which the reaſons of the petition we hope will move your moſt excellent majeſty graciouſly to vouchſafe us.'

The petition concerning the billeting of ſoldiers, preſented to the king's moſt excellent majeſty.

A petition concerning the billeting of ſoldiers. Ruſhw.

'IN all humility complaining, ſheweth unto your moſt excellent majeſty your loyal and dutiful commons now in parliament aſſembled, that whereas by the fundamental laws of this realm, every freeman hath, and of right ought to have, a full and abſolute propriety in his goods and eſtate, and that, therefore, the billeting and placing the ſoldiers in the houſe of any ſuch freeman againſt his will, is directly contrary to the ſaid laws, under which we and our anceſtors have been ſo long and happily governed; yet in apparent violation of the ſaid antient and undoubted right of all your majeſty's loyal ſubjects of this your kingdom in general, and to the grievous and inſupportable vexation and detriment of many counties and perſons in particular, a new and almoſt unheard of way hath been invented and put in practice, to lay ſoldiers upon them, ſcattered in companies here and there, even in the heart and bowels of this kingdom; and to compel many of your majeſty's ſubjects to receive and lodge them in their own houſes, and both themſelves and others to contribute towards the maintenance of them, to the exceeding great diſſervice of your majeſty, the general terror of all, and utter undoing of many of your people, inſomuch as we cannot ſufficiently recount, nor in any way proportionable to the lively ſenſe that we have of our miſeries herein, are we able to repreſent unto your majeſty, the innumerous miſchiefs and moſt grievous vexations that by this means alone we do now ſuffer, whereof we will not preſume to trouble your ſacred ears with particular inſtances; only, moſt gracious ſovereign, we beg leave to offer to your moſt gracious view, a compaſſionate conſideration of a view of them in particular.

'1. The ſervice of almighty God is hereby greatly hindered, the people in many places not daring to repair to the church, leaſt in the mean time the ſoldiers ſhould rifle their houſes.

'2. The antient and good government of the country is hereby neglected, and almoſt contemned.

'3. Your officers of juſtice in performance of their duties have been reſiſted and endangered.

'4. The rents and revenues of your gentry greatly and generally diminiſhed; farmers to ſecure themſelves from the ſoldiers inſolence, being by the clamour of ſollicitation of their fearful and injured wives and children, enforced to give up their wonted dwellings, and to retire themſelves into places of more ſecure habitation.

'5. Huſbandmen, that are as it were the hands of the country, corrupted by ill example of the ſoldiers, and encouraged to idle life, give over work, and rather ſeek to live idly at another man's charges, than by their own labours.

'6. Tradeſmen and artificers almoſt diſcouraged, and being inforced to leave their trades, and to employ their time in preſerving themſelves and their families from cruelty.

'7. Markets unfrequented, and our ways grown ſo dangerous, that the people dare not paſs to and fro upon their uſual occaſions.

'8. Frequent robberies, aſſaults, batteries, burglaries, rapes, rapines, murders, barbarous cruelties, and other moſt abominable vices and outrages, are generally complained of from all parts, where theſe companies have been and had their abode, few of which inſolences have been ſo much as queſtioned, and fewer according to their demerit puniſhed.

'Theſe, and many other lamentable effects (moſt dread and dear ſovereign) have by the billeting of ſoldiers already fallen upon us your loyal ſubjects, tending no leſs to the diſſervice of your majeſty, than to their impoveriſhing and deſtruction, ſo that thereby they are exceedingly diſabled to yield to your majeſty thoſe ſupplies for your urgent occaſions, which they heartily deſire; and yet they are farther perplexed with apprehenſion of more approaching danger, one in regard of your ſubjects at home, the other of enemies from abroad, in both which reſpects it ſeems to threaten no ſmall calamity to the meaner ſort of your people, being exceeding poor, whereof in many places are great multitudes, and, therefore, in times of more ſettled and moſt conſtant adminiſtration of juſtice, not eaſily ruled, are moſt apt upon this occaſion to caſt off the reins of government, and by joining themſelves with thoſe diſordered ſoldiers, are very like to fall into mutiny and rebellion; which in faithful diſcharge of our duties we cannot forbear moſt humbly to preſent to your high and excellent wiſdom, being preſſed with probable fears that ſome ſuch miſchief will ſhortly enſue, if an effectual and ſpeedy courſe be not taken to remove out of the land, or otherwiſe to diſband, thoſe unruly companies.

'For the ſecond, we do moſt humbly beſeech your majeſty to take into your princely conſideration, that many of thoſe companies, beſides their diſſolute diſpoſitions and carriages, are ſuch as do openly profeſs themſelves Papiſts, and therefore to be ſuſpected, that if occaſion ſerve, they will rather adhere to a foreign enemy of that religion, than to your majeſty, their liege lord and ſovereign,

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ſovereign, eſpecially ſome of their captains and commanders, being as Popiſhly affected as themſelves, and having ſerved in the wars on the part of the king of Spain, and archducheſs againſt your majeſty's allies; which of what pernicious conſequence it may prove, and how prejudicial to the ſafety of your kingdom, we leave to your majeſty's high and princely wiſdom.

'And now upon theſe, and many more which might be alledged, moſt weighty and important reaſons, grounded on the maintenance of the worſhip and ſervice of almighty God, the continuance and advancement of your majeſty's high honour and profit, the preſervation of the antient and undoubted liberties of your people, and therein of juſtice, induſtry, valour, which nearly concern the glory and happineſs of your majeſty and all your ſubjects, and the preventing of calamity and ruin both of church and common-wealth.

> 'We your majeſty's moſt humble and loyal ſubjects, the knights, citizens, and burgeſſes of your houſe of commons, in the name of all the commonality of your kingdom, who are upon this occaſion moſt miſerably diſconſolate and afflicted, proſtrate at the throne of your grace and juſtice, do moſt ardently beg a preſent remove of this inſupportable burden, and that your majeſty would be graciouſly pleaſed to ſecure us from the like preſſure in the time to come.'

A remark on the behaviour of the king and commons.

The manner in which the king and commons tranſacted together, is very pleaſant. There was nothing but evaſion and artifice on both ſides. They expreſſed not their real thoughts, when they ſpoke to each other, and yet, underſtood one another perfectly, tho' they made as if they did not. The commons knew, that the reaſons to juſtify the delay of ſupply, alledged in their repreſentation, were not valid, and that the king was perſuaded of the ſame; but they thought he would ſeem to be ſatisfied with them, in order not to oblige them to tell him to his face they could not rely on his promiſes, and conſidered this delay as the only way to have their grievances redreſſed. The king feigned to be ignorant of this motive, and took advantage of the commons uſing obſcure inſinuations, inſtead of ſpeaking plainly. On the other hand, tho' the king had no deſign to redreſs grievances, he would, however, have it thought, he intended it as ſoon as the affair of ſupply was diſpatched. The commons on their part, feigning not to know his intention, had a mind to make believe, that the delay of ſupply proceeded from quite another cauſe, tho' they were ſure, the king could not miſtake. But as the king did not think himſelf obliged to uſe the ſame ceremony with the commons, as they ought to uſe with him, he talked to them in a higher tone, knowing, they would not without neceſſity, be induced to ſpeak more clearly. To their repreſentation, therefore, he made this reply.

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The king's reply. Ruſhw.

Mr. Speaker, and gentlemen,

'WHEN I ſent you my laſt meſſage, I did not expect a reply, for I intended it to haſten you: I told you at your firſt meeting, this time was not to be ſpent in words, and I am ſure it is leſs fit for diſputes, which if I had a deſire to entertain, Mr. Speaker's preamble might have given me ground enough: The queſtion is not now what liberty you have in diſpoſing of matters handled in your houſe, but rather at this time what is fit to be done.

'Wherefore I hope you will follow my example, in eſchewing diſputations, and fall to your important buſineſs. You make a proteſtation of your affection and zeal to my prerogative, grounded upon ſuch good and juſt reaſons, that I muſt believe you; but I look that you uſe me with the like charity, to believe what I have declared more than once, ſince your meeting with us, that I am as forward as you for the neceſſary preſervation of your true liberties. Let us not ſpend ſo much time in this, that may hazard both my prerogative and your liberties to our enemies.

'To be ſhort, go on ſpeedily with your buſineſs, without any more apologies, for time calls faſt on you, which will neither ſtay for you nor me: Wherefore it is my duty to haſten, as knowing the neceſſity of it, and yours to give credit to what I ſay, as to him that ſits at the helm.

'For what concerns your petition, I ſhall make anſwer in a convenient time.'

A project of the petition of right to be preſented to the king by both houſes. Ruſhw.

The commons, as I ſaid, meant to reap ſome advantage by the five ſubſidies, they were willing to grant the king; and this was a neceſſary condition, which they continually inſinuated, tho' they avoided uſing that expreſſion. To this end, they had prepared a petition to be preſented to the king in the name of both houſes, to which they deſired the concurrence of the lords. This petition was termed the petition of right, becauſe it was pretended not to deſire of the king any grace or favour, but only the maintenance of the liberties of the ſubject; and, for this reaſon it was to be ſolemnly preſented to the king on his throne, by way of bill, and the king was to reply to it in a parliamentary manner. A draught of it had been ſent to the lords for their concurrence. The king was alarmed at it. He was deſirous to avoid receiving ſuch a petition, which too plainly eſtabliſhed the rights of the people, becauſe he ſaw, if he rejected it, he ſhould loſe the five ſubſidies, the bill not being yet paſſed. On the other hand, in granting the contents of the petition, he himſelf tied up his hands for the future, and confeſſed withal, that the acts of authority he had hitherto exerciſed, were contrary to law. Into this ſtreight preciſely it was that the commons meant to draw him by the petition of right; wherefore he omitted nothing in his power to divert this blow. As he had a great influence in the upper houſe, he ſo managed, that the lords, by pretending to agree with the commons upon the ſubſtance

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of the petition, moved the praying his majeſty to make the following declarations.

Propoſitions made by the lords, touching the petition of right. Ruſhw. Annals.

'1. That the good old law called Magna Charta, and the ſix ſtatutes, conceived to be declarations and explanations of that law, do ſtill ſtand in force to all intents and purpoſes.

'2. That his majeſty would be pleaſed graciouſly to declare, that according to Magna Charta, and the ſtatutes afore-named, as alſo according to the moſt antient cuſtoms and laws of this land, every free ſubject of this realm hath a fundamental propriety in his goods, and a fundamental liberty of his perſon.

'3. That his majeſty would be graciouſly pleaſed to declare, that it is his royal pleaſure to ratify and confirm unto all and every his loyal and faithful ſubjects, all their antient, ſeveral, juſt liberties, privileges, and rights, in as ample and beneficial manner, to all intents and purpoſes, as their anceſtors did enjoy the ſame under the beſt of his moſt noble progenitors.

'4. That his majeſty would be farther pleaſed graciouſly to declare, for the good content of his loyal ſubjects, and for the ſecuring them from future fear, that in all caſes within the cognizances of the common law, concerning the liberties of the ſubject, his majeſty would proceed according to the common law of this land, and according to the laws eſtabliſhed in the kingdom, and in no other manner or wiſe.

'5. As touching his majeſty's royal prerogative, intrinſical to his ſovereignty, and betruſted him withal from God, Ad communem totius populi ſalutem, & non ad deſtructionem, that his majeſty would reſolve, not to uſe or divert the ſame, to the prejudice of any his loyal people in the propriety of their goods, or liberty of their perſons; and in caſe for the ſecurity of his majeſty's royal perſon, the common ſafety of his people, or the peaceable government of this kingdom, his majeſty ſhall find juſt cauſe, for reaſon of ſtate, to impriſon or reſtrain any man's perſon, his majeſty would graciouſly declare, that within a convenient time he ſhall, and will expreſs the cauſe of the commitment or reſtraint, either general or ſpecial; and upon a cauſe ſo expreſſed, will leave him immediately to be tried according to the common juſtice of the kingdom.

Rejected by the commons. Ruſhw. Annals.

But the commons avoided this ſnare, plainly perceiving it was only an artifice to evade the petition of right, which would become as uſeleſs, after theſe declarations. Indeed, there was a great difference, as we ſhall ſee preſently, between theſe declarations, and what was required in the petition. The declarations were all expreſſed in general terms, which gave the king room to cavil upon the performance of each article, as he had done in the affair of the loans, and the impriſonment of thoſe that refuſed to comply. In thoſe caſes, the king did not pretend to act contrary to the laws, but rather thought himſelf authoriſed by the law; and the judges of the realm had countenanced his pretenſions; but the petition of right was more full and expreſs, and left but little room for cavils. On the other hand the difference was no leſs, between the direct and parliamentary reply demanded by the commons, and the bare and general declarations which were not capable of contenting the people; ſo, the commons entirely rejected the propoſition of the lords.

The king ſends for both houſes to Whitehall. April 28.

The king not ſucceeding in his deſign, by means of the upper-houſe, tried to ſatisfy the commons, by making them, of his own accord, the ſame offers the lords had ſeemed only to deſire of him. To that purpoſe, having ſent for both houſes to Whitehall, the lord-keeper, in his preſence, ſpoke to them in the following manner:

My lords, and ye the knights, citizens and burgeſſes of the houſe of commons,

The lord keeper's ſpeech to both houſes. Ruſhw. Annals.

'YE cannot but remember the great and important affairs, concerning the ſafety both of ſtate and religion, declared firſt from his majeſty's own mouth, to be the cauſes of the aſſembling of this parliament; the ſenſe whereof, as it doth daily increaſe with his majeſty, ſo it ought to do, and his majeſty doubts not but it doth ſo with you, ſince the danger increaſeth every day, both by effluxion of time, and preparations of the enemy.

'Yet his majeſty doth well weigh, that this expence of time hath been occaſioned by the debate which hath ariſen in both houſes, touching the liberty of the ſubject; in which, as his majeſty takes in good part the purpoſe and intent of the houſes, ſo clearly and frequently profeſſed, that they would not diminiſh or blemiſh his juſt prerogative; ſo he preſumes that ye will all confeſs it a point of extraordinary grace and juſtice in him, to ſuffer it to reſt ſo long in diſpute without interruption; but now his majeſty conſidering the length of time which it hath taken, and fearing nothing ſo much as any future loſs of that, whereof every hour and minute is ſo precious; and foreſeeing that the ordinary way of debate, tho' never ſo carefully huſbanded, in regard of the form of both houſes, neceſſarily takes more time than the affairs of Chriſtendom can permit; his majeſty out of great princely care, hath thought of this expedient to ſhorten the buſineſs, by declaring the clearneſs of his own heart and intention: And, therefore, hath commanded me to let you know, "That he holdeth the ſtatute of Magna Charta, and the other ſix ſtatutes inſiſted upon for the ſubjects liberty, to be all in force, and aſſures you, that he will maintain all his ſubjects in the juſt freedom of their perſons, and ſafety of their eſtates; and that he will govern according to the laws and ſtatutes of this realm; and that ye ſhall find as much ſecurity in his majeſty's royal word and promiſe, as in the ſtrength of any law ye can make; ſo that hereafter ye ſhall never have cauſe to complain" The concluſion is, that his majeſty prayeth God, who

‘ hath hitherto bleſſed this kingdom, and put ‘ into his heart to come to you this day, to ‘ make the ſucceſs thereof happy both to ‘ king and people; and, therefore, he deſires ‘ that no doubt or diſtruſt may poſſeſs any ‘ man, but that ye will all proceed unanimouſly to the buſineſs.’

The king's meſſage to the commons. Ruſhw. Annals.

The commons avoided this ſnare, as the former, and firmly adhered to the petition of right. A few days after ſecretary Coke brings them a freſh meſſage from the king, to know whether the houſe will reſt on his royal word, declared to them by the lord-keeper; which if they do, he aſſures them, it ſhall be royally performed.

This meſſage occaſioned great debates, becauſe Coke and the reſt of the court-party uſed their utmoſt endeavours, to perſuade the houſe to what the king propoſed, that is, to lay aſide the petition of right, and reſt upon his majeſty's promiſe. Sir Thomas Wentworth concluded the debate, ſaying, “ That “ never houſe of parliament truſted more in “ the goodneſs of their king, for their own “ private, than the preſent, but we are ambitious that his majeſty's goodneſs may re“ main to poſterity, and we are accountable “ to a publick truſt; and, therefore, ſeeing “ there hath been a publick violation of the “ laws by his miniſters, nothing will ſatisfy “ him but a publick amends; and our deſire “ to vindicate the ſubjects right by bill, are “ no more than are laid down in former laws “ with ſome modeſt proviſion for inſtruction, “ performance and execution.” This ſo well agreed with the ſenſe of the houſe, that they made it the ſubject of a meſſage to be delivered by the ſpeaker, to his majeſty.

Another meſſage from the king. Ruſhw. Annals.

Amidſt thoſe deliberations, another meſſage was delivered from his majeſty by ſecretary Coke, to this effect: ‘ That howſoever we ‘ proceed in this buſineſs we have in hand, ‘ which his majeſty will not doubt, but to be ‘ according to our conſtant profeſſion, and ſo ‘ as he may have cauſe to give us thanks; ‘ yet his reſolution is, that both his royal care, ‘ and hearty and tender affection towards all ‘ his loving ſubjects, ſhall appear to the whole ‘ kingdom, and all the world, that he will ‘ govern us according to the laws and cuſtoms ‘ of this realm; that he will maintain us in ‘ the liberties of our perſons, and properties ‘ of our goods, ſo as we may enjoy as much ‘ happineſs as our forefathers in their beſt ‘ times; and that he will rectify what hath ‘ been, or may be found amiſs amongſt us, ‘ ſo that hereafter there may be no juſt cauſe ‘ to complain. Wherein, as his majeſty will ‘ rank himſelf amongſt the beſt of kings, and ‘ ſhew he hath no intention to invade or im‘ peach our lawful liberties, or right; ſo he ‘ will have us to match ourſelves with the beſt ‘ ſubjects, not by incroaching upon that ſove‘ reignty or prerogative, which God hath put ‘ into his hands for our good, but by contain‘ ing ourſelves within the bounds and laws of ‘ our forefathers, without reſtraining them, or ‘ enlarging them by new explanations, inter‘ pretations, expoſitions, or additions in any ‘ ſort, which, he telleth us, he will not give ‘ way unto.

‘ That the weight of the affairs of the king‘ dom and Chriſtendom do preſs him more ‘ and more, and that the time is now grown ‘ to that point of maturity, that it cannot en‘ dure long debate or delay; ſo as this ſeſſion ‘ of parliament muſt continue no longer than ‘ Tueſday come ſeven-night at the fartheſt; ‘ in which time his majeſty, for his part, will ‘ be ready to perform what he promiſed; and ‘ if the houſe be not as ready to do that is fit ‘ for themſelves, it ſhall be their own faults.

‘ And upon aſſurance of our good diſpatch ‘ and correſpondence, his majeſty declareth, ‘ that his royal intention is to have another ‘ ſeſſion of parliament at Michaelmaſs next, ‘ for the perfecting of ſuch things as cannot ‘ now be done.’

The commons ſtand to their reſolution of preſenting the petition of right. Ruſhw.

All this was not able to divert the commons from their purpoſe of turning the petition of right into an act of parliament. The menace of putting an end to the ſeſſion frightened them not, the king having gone too far to recede. The only point was to know, whether he would grant by bill, what he was willing to grant any other way; and he could not break with the parliament on that account, without forfeiting entirely the love of his people, and loſing the five ſubſidies. So the commons would not miſs this opportunity of firmly eſtabliſhing the rights of the ſubjects. Here follows what the ſpeaker ſaid to the king, in the name of the commons, having firſt thanked him for his gracious aſſurance, that he would govern according to the laws, and told him, that the commons greateſt confidence was in his goodneſs.

The ſpeaker's ſpeech to the king. Annals.

‘ ---- True it is, they cannot but remem‘ ber the publick truſt, for which they are ac‘ countable to preſent and future times; and ‘ their deſires are, that your majeſty's good‘ neſs might, in fruit and memory, be the ‘ bleſſing and joy of poſterity.

‘ They ſay alſo, that of late there hath been ‘ publick violation of the laws, and the ſub‘ jects liberties, by ſome of your majeſty's ‘ miniſters, and thence conceive, that no leſs ‘ than a publick remedy will raiſe the deject‘ ed hearts of your loving ſubjects, to a chear‘ ful ſupply of your majeſty, or make them ‘ receive content in the proceedings of this ‘ houſe.

‘ From thoſe conſiderations, they moſt hum‘ bly beg your majeſty's leave, to lay hold of ‘ that gracious offer of yours, which gave them ‘ aſſurance, that if they thought fit to ſecure ‘ themſelves in their rights and liberties, by ‘ way of bill, or otherwiſe, ſo it might be ‘ provided with due reſpect to God's honour, ‘ and the publick good, you would be graci‘ ouſly pleaſed to give way unto it. Far from ‘ their intentions it is, any way to incroach ‘ upon your ſovereignty or prerogative; nor ‘ have they the leaſt thought of ſtretching or ‘ enlarging the former laws in any ſort, by a‘ ny new interpretations or additions; the ‘ bounds of their deſires extend no farther, ‘ than to ſome neceſſary explanation of that 'which is truly comprehended within the juſt ſenſe and meaning of thoſe laws, with ſome moderate proviſion for execution and performance, as in times paſt upon like occaſion hath been uſed.

'The way how to accompliſh theſe their humble deſires, is now in ſerious conſideration with them, wherein they humbly aſſure your majeſty, they will neither loſe time, nor ſeek any thing of your majeſty, but that they hope may be fit for dutiful and loyal ſubjects to aſk, and for a gracious and juſt king to grant.'

His majeſty's anſwer was delivered by the lord keeper as follows:

Mr. Speaker, and you gentlemen of the houſe of commons,

Ruſhw. Annals.

'HIS majeſty hath commanded me to tell you, that he expected an anſwer by your actions, and not delay by your diſcourſe: Ye acknowledge this truſt and confidence in your proceedings, but his majeſty ſees not how you requite him, by your confidence of his word and actions; for what need explanations, if ye doubted not the performance of the true meaning? For explanations will hazard an incroachment upon his prerogative. And it may well be ſaid, what need a new law to confirm an old, if you repoſe confidence in the declaration his majeſty made by me to both houſes? And ourſelves acknowledge, that your greateſt truſt and confidence muſt be in his majeſty's grace and goodneſs, without which nothing ye can frame will be of ſafety, or avail to you: Yet, to ſhew clearly the ſincerity of his majeſty's intentions, he is content that a bill be drawn for a confirmation of Magna Charta, and the other ſix ſtatutes, inſiſted upon for the ſubjects liberties, if ye ſhall chuſe that as the beſt way, but ſo as it may be without additions, paraphraſes, or explanations.

'Thus if you pleaſe you may be ſecured from your needleſs fears, and this parliament may have a happy wiſhed for end; whereas by the contrary, if you ſeek to tie your king by new, and indeed impoſſible, bonds, you muſt be accountable to God and the country for the ill ſucceſs of this meeting. His majeſty hath given his royal word, that ye ſhall have no cauſe to complain hereafter; leſs than which hath been enough to reconcile great princes, and, therefore, ought much more to prevail between a king and his ſubjects.

'Laſtly, I am commanded to tell you, that his majeſty's pleaſure is, that without farther replies or meſſages, or other unneceſſary delays, ye do what ye mean to do ſpeedily, remembering the laſt meſſage that ſecretary Coke brought you in point of time; his majeſty always intending to perform his promiſe to his power.'

A meſſage from the king. Ruſhw.

To this anſwer the king preſently after adds the following meſſage, brought by ſecretary Coke, to preſs the houſe to rely on the king's word notwithſtanding the intimation of his good pleaſure for a bill. 'That he had rather follow others, than begin to enter into this buſineſs; loſs of time hath been the greateſt complaint; the matter fallen now into conſideration, is what way to take, whether to rely on his majeſty's word or on a bill. If we will conſider the advantage we have in taking his majeſty's word, it will be of the largeſt extent, and we ſhall chuſe that, that hath moſt aſſurance; an act of parliament is by the conſent of the king and parliament; but this aſſurance by word, is that he will govern us by the laws; the king promiſes that, and alſo, that they ſhall be ſo executed, that we ſhall enjoy as much freedom as ever. This contains many laws, and a grant of all good laws nay, it contains a confirmation of thoſe very laws, aſſurance, which binds the king farther than the law can. Firſt, it binds his affection, which is the greateſt bond between king and ſubject, and that binds his judgment alſo; nay, his honour, and that not at home, but abroad; the royal word of a king, is the ground of all treaty; nay, it binds his conſcience. This confirmation between both houſes, is in nature of a vow; for my part, I think it is the greateſt advantage to rely on his majeſty's word. He farther added, this debate was fitter to be done before the houſe, and not before the committee, and that it was a new courſe to go to a committee of the whole houſe.

Remarks on the king's anſwer.

This anſwer and meſſage clearly ſhew how much the king dreaded the petition of right, which was preparing for him. He juſtly ſuppoſed, it would contain not only the ſubſtance of Magna Charta, and the ſix ſtatutes, but alſo explanations which would prevent all cavils concerning the true meaning of theſe laws, which was what he would have avoided to approve, for fear of tying up his hands. The great charter and the ſix ſtatutes had long been in force; but that had not prevented his exacting money from his ſubjects by way of loan, and impriſoned ſuch as refuſed to comply. He was ſo far from owning, he had acted contrary to the laws, that he had cauſed his proceedings to be approved by the judges of the realm. In offering therefore to confirm Magna Charta by a bill, he left things in their preſent ſtate, and the people would have reaped no benefit from the new bill. This is what the lord keeper could not forbear intimating, when he ſaid, he did not ſee any occaſion for a new law to confirm an old. By that he would have inſinuated, that the old law was not infringed, and, therefore, the king was very willing to confirm it, provided there were no additions, explanations, and interpretations. But nothing was more apt to ſhew the commons the neceſſity of theſe explanations, than the king's endeavours to avoid them. His extreme deſire, that his word ſhould be relied on, was a very ſtrong reaſon to ſecure the liberties of the ſubject, by ſomething more binding. It is true, indeed, the words of princes are capable of reconciling them, when at variance; but this ſuppoſes a mutual confidence, without which the bare word cannot beget a perfect reconciliation. Now the point was to know, whether the king's word might ſafely be taken, which the commons did not believe, tho' they durſt not openly declare it. Beſides, their having been told, that the king's promiſe to govern according to law, was a greater ſecurity than the laws themſelves, was a plain indication, that the king did not think it impracticable to evade the law. Hence, therefore, they drew a freſh argument for binding the king by a more expreſs and poſitive law than thoſe hitherto enacted.

We may farther obſerve, that it is very ſurpriſing, the ſecretary, in the concluſion of the meſſage, ſhould teach the commons how this matter ought to be debated in the houſe, inſinuating, that to go to a committee of the whole houſe was a new courſe. For the better underſtanding the deſign of this inſinuation, the reader muſt know, that before the houſe a member cannot ſpeak but once upon the ſame point; and having aſſerted his opinion, is not allowed to anſwer or reply; but when the houſe is turned into a committee, there is greater freedom. Every one may argue, anſwer, reply, as he thinks fit. By this means the points in debate are fully cleared, ſo that it is eaſy for each to form his opinion upon the arguments, anſwers, and replies he has heard. It ſeems, therefore, by what the ſecretary inſinuated to the commons, the king feared all explanations that might ariſe from this way of debating; but they did not think proper to receive his inſtructions, or alter their uſual method. The houſe, therefore, was turned into a committee, to take into conſideration, all that could be ſaid for or againſt what the king deſired. The general ſenſe of the houſe was expreſſed as follows by one of the members, with whom the majority agreed.

Sir Edward Coke's ſpeech. Ruſhw. Annals.

"Was it ever known (ſaid he) that general words were a ſufficient ſatisfaction to particular grievances? Was ever a verbal declaration of the king, Verbum regni? When grievances be, the parliament is to redreſs them. Did ever parliament rely on meſſages? They put up petitions of their grievances, and the king never anſwered them. The king's anſwer is very gracious; but what is the law of the realm? that is the queſtion. I put no diffidence in his majeſty, the king muſt ſpeak by a record, and in particulars, and not in general. Did you ever know the king's meſſage come into a bill of ſubſidies? All ſucceeding kings will ſay, ye muſt truſt me as well as ye did my predeceſſors, and truſt my meſſages; but meſſages of love never came into a parliament. Let us put up a petition of right; not that I diſtruſt the king, but that I cannot take his truſt, but in a parliamentary way."

The commons fix the time of the payments of the ſubſidies before the bill paſſed. Ruſhw.

As the commons had reſolved, that ſupply and grievances ſhould go hand in hand, the petition of right was no ſooner ready, but they made a farther progreſes in the affair of the ſubſidies, ordering that the two firſt ſhould be paid the 10th of July, one more the 12th of October, another the 20th of December, and the laſt the 1ſt of March. This was done to take from the king all pretence of complaining, that the affair of ſupply was neglected; but this did not ſatisfy him. He wiſhed the ſubſidy-bill to be drawn and paſſed, before the petition of right was preſented to him, which the commons were fully reſolved not to do, being perſuaded, that as ſoon as the ſubſidy-bill ſhould be paſſed, the parliament would be prorogued or diſſolved. So, that ſame day, they ſent the petition of right to the lords for their concurrence. But before it was obtained, the commons, ſaw themſelves obliged to ſuſtain two freſh attacks, one from the king, the other from the houſe of lords, where the court-party was very ſtrong.

May 12. Ruſhw. Annals.

The lords being employed in examining the petition of right, deſired a conferrence with the commons, where the lord-keeper ſaid, he had propoſed to the houſe ſome alterations in the petition, to render it leſs harſh, and more agreeable to his majeſty, to the end, what was deſired might be the more readily obtained. That whilſt the lords were debating upon the commitments, they received a letter from his majeſty, which they deſired to communicate to the commons; and it was read to them accordingly.

To the right truſty and right well-beloved, the lords ſpiritual and temporal, of the higher-houſe of parliament.

Carolus Rex,

The king's letter to the lords, communicated to the commons. Ruſhw. Annals.

'WE being deſirous of nothing more than the advancement of the peace and proſperity of our people, have given leave to free debate upon the higheſt points of our prerogative royal, which in the time of our predeceſſors, kings and queens of this realm, were ever reſtrained as matters that that they would not have diſcuſſed; and in other things we have been willing ſo far to deſcend to the deſires of our good-ſubjects, as might fully ſatisfy all moderate minds, and free them from all juſt fears and jealouſies, which thoſe meſſages we have hitherto ſent into the commons houſe, will well demonſtrate unto the world; yet we find it ſtill inſiſted upon, that in no caſe whatſoever, ſhould it never ſo nearly concern matters of ſtate or government, we, or our privy-council, have no power to commit any man without the cauſe ſhewed; whereas it often happens, that ſhould the cauſe be ſhewed the ſervice itſelf would thereby be deſtroyed and defeated, and the cauſe alledged muſt be ſuch as may be determined by our judges of our courts of Weſtminſter, in a legal and ordinary way of juſtice; whereas the cauſes may be ſuch, as thoſe judges have not capacity of judicature, nor rules of law to direct and guide their judgment in caſes of that tranſcendent nature; which happening ſo often, the very encroaching on that conſtant rule of government, for ſo many ages within this kingdom practiſed, would ſoon

' diſſolve

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'diſſolve the very foundation and frame of our monarchy. Wherefore as to our commons, we made fair propoſitions, which might equally preſerve the juſt liberty of the ſubject. So, my lords, we have thought good to let you know, that without the overthrow of ſovereignty, we cannot ſuffer this power to be impeached; notwithſtanding, to clear our conſcience and juſt intentions, this we publiſh, that it is not in our heart, nor will we ever extend our royal power, lent unto us from God, beyond the juſt rule of moderation, in any thing which ſhall be contrary to our laws and cuſtoms, wherein the ſafety of our people ſhall be our only aim. And we do hereby declare our royal pleaſure and reſolution to be, which, God willing, we ſhall ever conſtantly continue and maintain, that neither we nor our privy-council ſhall, or will, at any time hereafter, commit, or command to priſon, or otherwiſe reſtrain the perſon of any, for not lending money to us, nor for any juſt cauſe, which in our conſcience doth not concern the publick good and ſafety of us and our people, we will not be drawn to pretend any cauſe, wherein our judgment and conſcience is not ſatisfied with; baſe thoughts, we hope, no man can imagine will fall into our royal breaſt; and that in all caſes of this nature, which ſhall hereafter happen, we ſhall, upon the humble petition of the party, or addreſs of our judges unto us, readily and really expreſs the true cauſe of their commitment or reſtraint, ſo ſoon as with conveniency and ſafety the ſame is fit to be diſcloſed and expreſſed; and that in all cauſes criminal, of ordinary juriſdiction, our judges ſhall proceed to the deliverance or bailment of the priſoner, according to the known and ordinary rules of the laws of this land, and according to the ſtatutes of Magna Charta, and and thoſe other ſix ſtatutes inſiſted upon, which we do take knowledge, ſtand in full force, and which we intend not to abrogate and weaken againſt the true intention thereof. This we have thought fit to ſignify, the rather to ſhorten any long debate upon this great queſtion, the ſeaſon of the year being ſo far advanced, and our great occaſions of ſtate, not lending any more days for longer continuance of this ſeſſion of parliament.'

Given under our ſignet, at our palace at Weſtminſter, 20 Maii, the fourth year of our reign.

The commons remains unſhaken. Ruſhw.

The commons took no notice of this letter, or rather, diſſembled their vexation at the king's artifices, who by obſcure and doubtful expreſſions, and by ſundry reſtrictions, was preparing means to evade his promiſes, at the very time he would have them to be received as ſolemn, authentick, and ſatisfactory. This may be plainly ſeen, if the terms of this letter be carefully conſidered, as well as the king's intent in writing it, which was to evade the petition of right, and be left at liberty to uſe his prerogative as he had hitherto done.

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The lords propound the adding a clauſe to the petition of right. May 17.

The ſecond attack the commons had to ſuſtain, came from the lords. They moved, at a conference, the adding to the petition of right, a clauſe which would have rendered it uſeleſs, at leaſt, according to the court's intention, by whom, very probably, the houſe of lords was directed. The additional clauſe was as follows:

The clauſe Ruſhw. Annals.

"We preſent this our humble petition to your majeſty, with the care not only of preſerving our own liberties, but with due regard to leave entire that ſovereign power wherewith your majeſty is truſted for the protection, ſafety, and happineſs of the people."

Ruſhw. Annals.

This addition was examined and debated with great exactneſs in the houſe of commons, and the general opinion was, that it ought to be rejected, chiefly for three reaſons. The firſt, becauſe of the ambiguity of the word ſovereign power, which the parliaments had never uſed in ſpeaking of the king's prerogatives. The ſecond, becauſe this addition was in the nature of a ſaving of the king's ſovereignty, which rendered the petition of no force. It was alledged, that in the reign of Edward I, the parliament having preſented the like petition to the king, he would have added theſe words, "Saving the king's right and ſovereignty," but the parliament would not conſent to it, becauſe ſuch ſavings render uſeleſs whatever they are annexed to. It was ſaid likewiſe, that for the ſame reaſon the king's would never ſuffer the clergy to inſert in any of their acts, "Saving the honour of God and the church." The third reaſon was, that if this addition was general, and had no reference to the petition, there was no need of admitting it; but if, on the contrary, it did refer to the petition, it evidently rendered the petition of no effect.

This clauſe being thus rejected by the commons, the lords durſt not throw out the petition, on account of this addition, which, in truth, was not abſolutely neceſſary. So being ſatisfied with giving the king this teſtimony of their affection for his ſervice, they inſiſted no longer upon the additional clauſe. Then the two houſes reſolved to preſent the petition to the king, and to pray his majeſty to give his anſwer in full parliament, that it might be enrolled and ſerve hereafter for rule to the courts of juſtice, as an act of parliament. The 2d of June the king came to the parliament to give the royal aſſent to the petition of right, and ſpoke thus to both houſes.

The king's ſpeech before the reading of the petition.

'Gentlemen,

'I Am come hither to perform my duty. I think no man can think it long, ſince I have not taken ſo many days in anſwering the petition, as ye ſpent weeks in framing it; and I am come hither to ſhew you, that as well in formal things as in eſſential, I deſire to give you as much content as in me lies.'

Act. Pub. Ruſhw. Annals.

The lord-keeper added ſomething farther; but, as there is nothing very material in his ſpeech, I do not think it neceſſary to inſert it. After he had done ſpeaking, the petition was read aloud, being expreſſed in theſe words:

To the king's moſt excellent majeſty,

Act. Pub. Ruſhw. Annals.

‘HUmbly ſhew unto our ſovereign lord the king, the lords ſpiritual and temporal, and commons in parliament aſſembled, that, whereas it is declared and enacted by a ſtatute, made in the time of the raigne of king Edward the firſt, commonly called Statutum de tallagio non concedendo, that no tallage or aide ſhould be laid or levied, by the king or his heires, in this realme; without the good-will and aſſent of the archbiſhopps, biſhopps, earles, barons, knights, burgeſſes, and other the freemen of the cominalty of this realme: And by authority of parliament houlden in the 25th yere of the raigne of king Edward the third, it is declared and enacted, that from thenceforth noe perſon ſhould be compelled to make any loanes to the king againſt his will, becauſe ſuch loanes were againſt reaſon, and the franchiſe of the land; and by other lawes of this realme it is provided, that none ſhould be charged by any charge or impoſition, called a benevolence, nor by ſuch like charge, by which the ſtatuts before-mentioned; and other the good lawes and ſtatuts of this realme, your ſubjects have inherited this freedom, that they ſhould not be compelled to contribute to any tax, tallage, aide, or other like charge, not ſett by common conſent in parliament.

‘Yet nevertheleſs of late divers commiſſions, directed to ſundrie commiſſioners in ſeverall counties, with inſtructions, have been iſſued, by means whereof your people have bene in divers places aſſembled, and required to lend certain ſommes of money unto your majeſtie, and many of them upon their refuſall ſoe to doe, have had an oath adminiſtred unto them, not warrantable by the lawes or ſtatuts of this realme, and have bene conſtrained to become bound to make appearance, and give attendance before your privie-councell, and in other places, and others of them have bene therefore impriſoned, confined, and ſundrie other wayes moleſted and diſquieted: And divers other charges have been laide and leavied upon your people in ſeverall counties, by lord-lieutenants, deputie-lieutenants, commiſſioners for muſters, juſtices of peace, and others, by commaunde or direction from your majeſtie, or your privie-councell, againſt the lawes and free cuſtomes of the realme.

9 Hen. 3. 29. ‘And where alſoe by the ſtatute called, The greate Charter of the Liberties of England, it is declared and ennacted, that noe freeman may be taken or impriſoned, or be diſſeized of his freehold or liberties, or his free cuſtomes, or be outlawed or exiled, or in any manner deſtroyed, but by the lawfull judgment of his peeres, or by the lawe of the land:

28Edw. 3. 3. ‘And in the 28th yere of the reigne of king Edward the third, it was declared and enacted by authoritie of parliament, that no man of what eſtate or condition that he be, ſhould be put out of his lands or tenements, nor taken, nor impriſoned, nor diſ-herited, nor putt to death, without being brought to anſwer by due proceſs of law.

27Edw. 3. 18. 38Edw. 3. 9. 42Edw. 3. 3. 17Rich. 2. 6. ‘Nevertheleſs againſt the tenor of the ſaid ſtatuts, and other the good lawes and ſtatuts of your realme, to that end provided, divers of your ſubjects have of late bene impriſoned, without any cauſe ſhewed; and when for their deliverance they were brought before your juſtices, by your majeſties writs of Habeas Corpus, there to undergoe and receive as the court ſhould order, and their keepers commaunded to certify the cauſes of their detayner; noe cauſe was certified, but that they were detayned by your majeſties ſpecial commaund, ſignified by the lords of your privie-council, and yett were retorned back to ſeverall priſons without being charged with any thinge to which they might make anſweare according to the law.

‘And whereas of late greate companies of ſouldiers and marriners have been diſperſed into divers counties of the realme, and the inhabitants againſt their wills have beene compelled to receive them into their houſes, and there to ſuffer them to ſojorne, againſt the lawes and cuſtomes of this realme, and to the great grievance and vexation of the people.

25Edw. 3. 9. 9 Hen. 3. 29. 25Edw. 3. 4. 28Edw. 3. 3. ‘And whereas alſoe by authority of parliament in the 25th yere of the raigne of king Edward III, it is declared and enacted, that noe man ſhould be fore-judged of life or lymbe, againſt the forme of the great charter, and the law of the land, and by the ſaid great charter, and other the lawes and ſtatuts of this your realme, no man ought to be adjudged to death, but by the lawes eſtabliſhed in this your realme, either by the cuſtomes of the ſame realme, or by acts of parliament: And whereas noe offender of what kind ſoever, is exempted from the proceedings to be uſed, and puniſhments to be inflicted by the lawes and ſtatuts of this your realme; nevertheleſs of late time, divers commiſſions under your majeſties greate-ſeale have iſſued forth, by which certaine perſons have been aſſigned and appointed commiſſioners, with power and authoritie to proceede within the land, according to the juſtice of martiall lawe againſt ſuch ſouldiers and marriners, or other diſſolute perſons joyninge with them, as ſhould commit any murder, robbery, felonie, mutiny, or other outrage or miſdemeanor whatſoever; and by ſuch ſummarie courſe and order as is agreeable to martiall lawe, and as is uſed in armies in tyme of war, to proceed to the tryall and condemnation of ſuch offenders, and them to cauſe to be executed and putt to death according to the lawe-martiall.

‘By pretext whereof, ſome of your majeſties ſubjects have bene by ſome of the ſaid commiſſioners put to death, when and where, if by the lawes and ſtatuts of the land they had deſerved death, by the ſame lawes and ſtatuts alſoe they might, and by noe other ought, to have been judged and executed.

‘And alſoe ſundrie grievous offendors by colour thereof, clayming an exemption, have eſcaped the puniſhments due to them by the lawes and ſtatuts of this your realme, by reaſon that divers of your officers and miniſters of juſtice have unjuſtly refuſed, or forborne to proceed againſt ſuch offenders according to the ſame lawes and ſtatuts, upon pretence that the ſaid offenders were puniſhable only by martiall lawe, and by authority of ſuch commiſſions as aforeſaid; which commiſſions, and all others of like nature, are wholely and directlie contrary to the ſaid lawes and ſtatuts of this your realm.

The petition.

‘They doe, therefore, humbly pray your moſt excellent majeſtie, that noe man hereafter be compelled to make or yeilde any guifte, loane, benevolence, tax, or ſuch like charge, without common conſent by act of parliament; and that none be called to make anſweare, or take ſuch oath, or to give attendance, or be confyned, or otherwiſe moleſted or diſquieted concerning the ſame, or for refuſall thereof: And that noe freeman, in any ſuch manner as is before-mentioned, be impriſoned or detayned: And that your majeſtie would be pleaſed to remove the ſaid ſouldiers and marriners, and that your people may not be ſo burthened in the tyme to come: And that the aforeſaid commiſſions for proceedinge by martiall law, may be revoaked and annulled; and that hereafter, noe commiſſions of like nature may iſſue forth to any perſon or perſons whatſoever, to be executed as aforeſaid, leaſt by colour of them, any of your majeſties ſubjects be deſtroyed or putt to death, contrary to the lawes and franchiſe of the land.

‘All which they moſt humbly pray of your moſt excellent majeſtie, as their rights and liberties, accordinge to the lawes and ſtatuts of this realme: And that your majeſtie would alſoe vouchſafe to declare, that the awardes, doeings, and proceedings, to the prejudice of your people in any of the premiſſes, ſhall not be drawne hereafter into conſequence or example: And that your majeſtie would be alſo graciouſly pleaſed, for the further comfort and ſafetie of your people, to declare your royal will and pleaſure, that in the things aforeſaid, all your officers and miniſters ſhall ſerve you, according to the lawes and ſtatuts of this realme, as they tender the honour of your majeſtie, and the proſperity of this kingdom.’

The king, as hath been ſeen, had uſed all poſſible endeavours to hinder this petition from being preſented, and to ſatisfy the commons with general promiſes, which properly bound him to nothing, and did not deſtroy his ſyſtem of government; ſo, tho' he feigned to come to the parliament on purpoſe to paſs the petition of right, and give a ſatisfactory anſwer, he purſued, however, his plan, and ſhewed by his anſwer, how much he dreaded to promiſe. Here follows his anſwer, wherein may be eaſily perceived the ſame general promiſes, and the ſame reſtrictions as in what he had offered already.

The king's anſwer to the petition of rights.

The king's anſwer. Ruſhw.

‘THE king willeth that right be done according to the laws and cuſtoms of the realm; and that the ſtatutes be put in due execution, that his ſubjects may have no cauſe to complain of any wrong or oppreſſions, contrary to their juſt rights and liberties, to the preſervation whereof, he holds himſelf in conſcience as well obliged, as of his prerogative.’

Remarks on this anſwer.

It would be needleſs to make any remarks on this anſwer, ſince the king's intention appears ſo very plainly. It ſuffices only to obſerve, the king had endeavoured to content the parliament with general promiſes, and the commons not thinking that ſufficient, had inſiſted upon the petition of right, where ſeveral particular caſes were ſpecified. Now the king inſtead of giving the parliament the ſatisfaction they deſired, kept in his anſwer to his general promiſes, without touching upon any of the particular caſes ſpecified in the petition.

The commons are not ſatisfied with it. Annals.

The commons not being ſatisfied with the king's anſwer, made no haſte to finiſh the affair of ſupply. On the contrary, they deſired a conference with the lords, where the point of commitments was thoroughly diſcuſſed. The thing in queſtion was, the power aſſumed by the king to impriſon the ſubjects, without declaring the cauſe, which the king had not leſſened by his anſwer, tho' it was one of the chief motives of the petition of right. Wherefore the commons willing to ſhew the king their diſſatisfaction, inſtead of proceeding with the ſubſidy-bill, returned to the conſideration of grievances. On this occaſion, and at the inſtance of the commons, the lords paſſed upon Dr. Manwaring, the ſentence I have mentioned in another place.

The king ſeeing the commons otherways employed than in the buſineſs of ſubſidies, ſent them the following meſſage by their own ſpeaker.

A meſſage from the king to the commons, wherein he notifies his deſign of ending that ſeſſion. Ruſhw.

‘That his majeſty having, upon the petition exhibited by both houſes, given an anſwer full of juſtice and grace, for which we and our poſterity have juſt cauſe to bleſs his majeſty, it is now time to grow to a concluſion of the ſeſſion; and, therefore, his majeſty thinks fit to let you know, that as he doth reſolve to abide by that anſwer, without farther change or alteration, ſo he will royally and really perform unto you what he hath thereby promiſed: And farther, that he reſolves to end this ſeſſion upon Wedneſday the 11th of this month; and therefore wiſheth, that the houſe will ſeriouſly attend thoſe buſineſſes which may beſt bring the ſeſſion to a happy concluſion, without entertaining new matters, and ſo huſband the time, that his majeſty may with the more comfort bring us ſpeedily together again: At which time, if there be any farther grievances not contained or expreſſed in the petition, they may be more maturely conſidered, than the time will now permit.’

Buckingham is complained of in the houſe.

This meſſage made the commons believe, the duke of Buckingham had done them ill offices with the king. This was mentioned in the houſe, and Sir John Elliot ſtanding up, and beginning to ſpeak in ſuch manner that it was thought he was going to fall upon the favourite and miniſtry, the ſpeaker ſtarted from the chair and ſaid, "There is a command laid upon me, that I muſt command you not to proceed." Whereupon Elliot ſat down; but others more bold propoſed to go and ſhew their danger to the lords, and then carry their complaints together to the king. Some of the court-party ſaying, that the ſpeech lately ſpoken by Sir John Elliot had given offence to his majeſty, the houſe declared: "That every member is free from any undutiful ſpeech, from the beginning of the parliament to that day; and ordered, that the houſe be turned into a committee, to conſider what is fit to be done for the ſafety of the kingdom; and that no man go out upon pain of going to the tower." But Sir John Finch, the ſpeaker, deſiring leave to go out, obtained it, and immediately informed the king of what was paſſing in the houſe. In his abſence it was debated, and going to be voted by a majority, to make a remonſtrance to the king, wherein it ſhould be ſaid that the duke of Buckingham was the chief cauſe of all the miſeries of the kingdom; but before the debate was ended, the ſpeaker returned with a meſſage from the king, commanding the houſe to adjourn till next day, and all committees to ceaſe in the mean time. The lords received the ſame order. On the morrow the ſpeaker brings the following meſſage from the king.

Another meſſage from the king to the commons, ſent by the ſpeaker. Annals.

"Whereas his majeſty underſtanding, that ye did conceive his laſt meſſage to reſtrain you in your juſt privileges, to complain of any of his miniſters; theſe are to declare his intentions, that he had no meaning of baring you from what hath been your right, but only to avoid all ſcandals on his council and actions paſt, and that his miniſters might not be, nor himſelf, under their names, taxed for their counſel under his majeſty, and that no ſuch particulars ſhould be taken in hand, as would aſk a longer time of conſideration than what he hath prefixed, and ſtill reſolves to hold, that ſo for this time all Chriſtendom might take notice of a ſweet parting between him and his people; which if it fall out, his majeſty will not be long from another meeting, when ſuch (if there be any) at their leiſure and convenience may be conſidered."

Remarks on this meſſage.

It may have been hitherto obſerved, in king Charles's whole conduct, that he was ſo firm in his principles concerning government, that he could not reſolve to recede from any thing, or if he ſeemed to make any conceſſion, he immediately rendered it uſeleſs by ſome reſtriction. This may be ſeen in his anſwer to the petition of right, but ſtill more particularly in this laſt meſſage to the commons. He would not (as he ſaid) bar them from the privilege to complain of his miniſters, but would not have them caſt any blame on their counſels; that is, properly ſpeaking, he would not have them attacked, or, at moſt, would only ſuffer them, to be proſecuted for private offences which they might be guilty of, like all the reſt of the ſubjects, but not for ſtate-affairs, as miniſters and counſellors. The commons not being more ſatisfied with this meſſage than the former, the houſe was again turned into a committee, and conſidered of ſome more heads to be inſerted in the remonſtrance, particularly the king's deſign to bring into the nation foreign forces. This complaint was grounded upon a diſcovery the houſe had made of a privy-ſeal, expreſſed in theſe words.

The king's order to bring foreign forces into the kingdom. Annals.

CHARLES by the grace of God, &c.

"To the treaſurer, and under-treaſurer for our exchequer for the time being, greeting: We do hereby will and command you, out of our treaſury, remaining in the receipt of the our ſaid exchequer, forthwith to pay, or cauſe to be paid unto Philip Burlemack of London, merchant, the ſum of 30,000 l. to be paid by him over by bill of exchange into the Low-Countries, and Germany, unto our truſty and well-beloved Sir William Balfour, knight, and John Dolbier, Eſq; or either of them, for levying and providing certain numbers of horſes, with arms for horſe and foot, to be brought over into this kingdom for our ſervice, viz. &c.

Ruſhw.

At the ſame time the commons ſent a meſſage to the lords, to deſire their concurrence in an humble petition to the king, that a clear and ſatisfactory anſwer be given by his majeſty in full parliament to the petition of right; to which the lords conſented. The king knew then, it was not poſſible for him to avoid giving ſuch an anſwer as the parliament deſired, and, therefore, reſolved at laſt to do it with a good grace, otherwiſe he ſaw plainly the affair of ſupply would be for ever delayed; ſo coming to the parliament the 7th of June, both houſes preſented the following petition to him:

The petition of both houſes.

'MAY it pleaſe your moſt excellent majeſty, the lords ſpiritual and temporal, and commons in parliament aſſembled, taking in conſideration, that the good intelligence between your majeſty and your people doth much depend upon your majeſty's anſwer upon their petition of right formerly preſented; with unanimous conſent do now become moſt humble ſuitors unto your majeſty, that you would be pleaſed to give a clear and ſatisfactory anſwer thereunto in full parliament."

To which the king replied. 'The anſwer I have already given you was made with ſo good deliberation, and approved by the judgments of ſo many wiſe men, that I could not have imagined but it ſhould have given you full ſatisfaction; but to avoid all ambiguous interpretations, and to ſhew you there is no doubleneſs in my meaning, I am willing to pleaſure you as well in words as in ſubſtance; read your petition, and you ſhall

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'have an anſwer that I am ſure will pleaſe you.'

Satisfactory anſwer to the petition.

Here the petition was read, and this anſwer was returned: "Soit droit fait comme il eſt deſire. C. R."

The king's ſpeech on that occaſion. Ruſhw.

Then ſaid his majeſty, 'This I am ſure is full, yet no more than I granted you in my firſt anſwer, for the meaning of that was to confirm your liberties, knowing, according to your own proteſtations, that you neither mean nor can hurt my prerogative. And I aſſure you my maxim is, that the people's liberties ſtrengthen the king's prerogative, and the king's prerogative is to defend the people's liberties.

'You ſee how ready I have ſhewed myſelf to ſatisfy your demands, ſo that I have done my part; wherefore if this parliament have not a happy concluſion, the ſin is yours, I am free from it.'

The commons examine other grievances Annals.

The commons being ſatisfied upon this point, began ſeriouſly to proceed with the bill of ſubſidies, but in ſuch a manner, however, that they made the conſideration of grievances go hand in hand with it, knowing, as ſoon as the money-bill was paſſed, the king would put an end to the ſeſſion. They began, therefore, with examining a commiſſion, whereby the king had authoriſed and required a certain number of lords and gentlemen to conſider of the beſt and ſpeedieſt means for raiſing money upon the people by way of impoſition or otherwiſe. This commiſſion had been granted after the ſummons to the parliament, but before the meeting. Probably, the king fearing he ſhould be obliged to diſſolve this parliament for the ſame reaſons he had diſſolved the former, was willing to be ſecured beforehand of means to raiſe money in caſe the parliament refuſed to grant a ſupply. Be this as it will, the commons, after a conference with the lords, voted that the commiſſion ſhould be inſerted in the remonſtrance they were to preſent to the king.

Reſolves of the houſe againſt Buckingham, Laud, and Neile. Ruſhw.

Then they entered upon the examination of Buckingham's conduct, examination by no means favourable to the duke. He was charged with being the cauſe of all the evils to the kingdom, of the loſſes at ſea, of the decay of trade, of the diſaſters to the armies, and of countenancing Arminianiſm and Popery. Upon this article, it was obſerved, that the duke's mother was a Papiſt, and had a great influence over her ſon, who had himſelf an abſolute ſway over the king, and that Dr. Montague, who was reckoned a zealous Arminian, made his court to him with great diligence. In ſhort, the houſe came to this reſolution, "that the exceſſive power of the duke of Buckingham is the cauſe of the evils and dangers to the king and kingdom, and that this be added to the remonſtrance;" and a few days after voted "that Dr. Neile, biſhop of Wincheſter, and Dr. Laud, biſhop of Bath and Wells, be named to be thoſe about the king, who are ſuſpected to be Arminians." As this remonſtrance clearly and diſtinctly diſcovers the occaſions of the commons complaint againſt the government, I think it neceſſary to inſert it.

Annals.

1628. The commons remonſtrance to the king. Annals.

Moſt dread ſovereign,

'AS with humble thankfulneſs we, your dutiful commons now aſſembled in parliament, do acknowledge the great comfort which we have in your majeſty's pious and gracious diſpoſition, ſo we think it a meet and moſt neceſſary duty, being called by your majeſty, to conſult and adviſe of the great and urgent affairs of this church and common-wealth, finding them at this time in apparent danger of ruin and deſtruction, faithfully and dutifully to inform your majeſty thereof, and with bleeding hearts and bended knees, to crave your ſpeedy redreſs therein, as to your own wiſdom (unto which we moſt humbly ſubmit ourſelves and our deſires) ſhall ſeem moſt meet and convenient. What the multitude and potency of your majeſty's enemies are abroad; what be their malicious and ambitious ends; and how vigilant and conſtantly induſtrious they are in purſuing the ſame, is well known to your majeſty; together with the dangers threatened thereby to your ſacred perſon and your kingdoms, and the calamities which have already fallen and do daily increaſe upon your friends and allies, of which we are well aſſured your majeſty is moſt ſenſible, and will accordingly, in your great wiſdom, and with the graveſt and moſt mature council, according to the exigency of the times and occaſions, provide to prevent and help the ſame.

'To which end we moſt humbly intreat your majeſty, firſt, and eſpecially, to caſt our eyes upon the miſerable condition of this your own kingdom, of late ſo ſtrangely weakened and dejected, that unleſs, through your majeſty's moſt gracious wiſdom, goodneſs, and juſtice, it be ſpeedily raiſed to a better condition, it is in no little danger to become a ſudden prey to the enemies thereof; and of the moſt happy and flouriſhing, to be the moſt miſerable and contemptible nation in the world. In the diſcoveries of which dangers, miſchiefs, and inconveniencies lying upon us, we do freely proteſt, that it is far from our thoughts to lay the leaſt aſperſion upon your ſacred perſon, or the leaſt ſcandal upon your government; for we do in all ſincerity of our hearts, not only for ourſelves, but in the name of all the commons of the realm, (whom we repreſent) aſcribe as much duty, as a moſt loyal and affectionate people can do unto the beſt king, (for ſo ye are, and ſo have been pleaſed abundantly to expreſs yourſelf this preſent parliament, by your majeſty's clear and ſatisfactory anſwer to our petition of right; for which, both ourſelves and our poſterity ſhall bleſs God for you, and ever preſerve a thankful memory for your great goodneſs and juſtice therein;) and we do verily believe, that all, or moſt of theſe things, which we ſhall now preſent unto your majeſty, are either unknown unto you, or elſe by ſome of your majeſty's miniſters offered under ſuch ſpecious pretences, as may hide their own ill intentions, and ill conſequences of them from your majeſty: But we aſſure ourſelves, according to the good example of your majeſty's predeceſſors, nothing can make your majeſty, (being a wiſe and judicious prince, and above all things deſirous of the welfare of your people) more in love with parliaments than this, which is one of the principal ends of calling them, that therein your majeſty may be truly informed of the ſtate of all the ſeveral parts of your kingdom, and how your officers and miniſters do behave themſelves in the truſt repoſed in them by your majeſty, which is ſcarce able to be made known unto you but in parliament, as was declared by your bleſſed father, when he was pleaſed to put the commons in parliament aſſembled, in mind, “That it would be the greateſt unfaithfulneſs and breach of duty to his majeſty, and of the truſt committed to them by the country that could be, if in ſetting forth the grievances of the people, and the condition of all the parts of this kingdom from whence they come, they did not deal clearly with him, without ſparing any, how near and dear ſoever they were unto him, if they were hurtful or dangerous to the common-wealth.”

‘In confidence, therefore, of your majeſty's gracious acceptation in a matter of ſo high importance, and in faithful diſcharge of our duties; we do firſt of all moſt humbly beſeech your majeſty to take notice, that howſoever we know your majeſty, doth with your ſoul abhor, that any ſuch thing ſhould be imagined or attempted; yet there is a general fear conceived in your people, of ſecret working and combination, to introduce into their kingdom, innovation, and change of our holy religion, more precious unto us than our lives, and whatever this world can afford. And our fears and jealouſies herein are not merely conjectural, but ariſing out of ſuch certain and viſible effects, as may demonſtrate a true and real cauſe; for notwithſtanding the many good and wholeſome laws, and the proviſions made to prevent the increaſe of Popery within this kingdom; and notwitſtanding your majeſty's moſt gracious and ſatisfactory anſwer to the petition of both houſes in that behalf, preſented to your majeſty at Oxford, we find there hath followed no good execution nor effect, but on the contrary, (at which your majeſty out of the quick ſenſe of your own religious heart, cannot but be in the higheſt meaſure diſpleaſed) thoſe of that religion do find extraordinary favours and reſpect in court from perſons of great quality and power, whom they continually reſort unto, and in particular to the counteſs of Buckingham, who herſelf openly profeſſing that religion, is a known favourer and ſupporter of them that do the ſame; which we well hoped, upon your majeſty's anſwer to the aforeſaid petition at Oxford, ſhould not have been permitted, nor that any of your majeſty's ſubjects of that religion juſtly to be ſuſpected, ſhould be entertained in the ſervice of your majeſty, or your royal conſort the queen. Some likewiſe of that religion have had honours, offices, and places of command and authority lately conferred upon them. But that which ſtriketh the greateſt terror into the hearts of your loyal ſubjects concerning this, is, that letters of ſtay of legal proceedings againſt them have been procured from your majeſty, (by what indirect means we know not;) and commiſſions under the great Seal, granted and executed for compoſition to be made with Popiſh recuſants, with inhibitions, and reſtraint, both to the eccleſiaſtical and temporal courts, and officers to intermeddle with them; which is conceived to amount to no leſs than a toleration, odious to God, full of diſhonour, and extreme diſprofit to your majeſty, of extreme ſcandal and grief to your good people, and of apparent danger to the preſent ſtate of your majeſty, and of this kingdom; their numbers, power, and inſolency, daily increaſing in all parts of your kingdom, and eſpecially about London, and the ſuburbs thereof, where exceeding many families do make their abode publickly, frequent maſs at Denmark-houſe, and other places; and by their often meetings and conferences, have opportunities of combining their counſels and ſtrength together, and to the hazard of your majeſty's ſafety and the ſtate, and moſt eſpecially in theſe doubtful and calamitous times. And as our fears concerning change or ſubverſion of religion, is grounded upon the daily increaſe of Papiſts, the open and profeſt enemies thereof, for the reaſons formerly mentioned; ſo are the hearts of your good ſubjects no leſs perplexed, when with ſorrow they behold a daily growth and ſpreading of the faction of the Arminians, that being, as your majeſty well knows, but a cunning way to bring in Popery, and the profeſſors of thoſe opinions, the common diſturbers of the Proteſtant churches, and incendiaries in thoſe ſtates, wherein they have gotten any head, being Proteſtants in ſhew, but Jeſuits in opinion; which cauſed your royal father, with ſo much pious wiſdom, and ardent zeal, to endeavour the ſuppreſſing of them, as well at home, as in the neighbouring countries. And your gracious majeſty, imitating his moſt worthy example, hath openly, and by your proclamation, declared your miſlike of thoſe perſons, and of their opinions; who, notwithſtanding, are much favoured and advanced, not wanting friends even of the clergy, near to your majeſty; namely, Dr. Neile, biſhop of Wincheſter, and Dr. Laud, biſhop of Bath and Wells, who are juſtly ſuſpected to be unſound in their opinions that way. And it being now generally held the way to preferment and promotion in the church, many ſcholars do bend the courſe of their ſtudies to maintain thoſe errors; their books and opinions are ſuffered to be printed and publiſhed; and on the other ſide, the imprinting of ſuch as are written againſt them, and in defence of the orthodox church, are hindered and prohibited; and (which is a boldneſs almoſt incredible) this reſtraint of

‘ orthodox books, is made under colour of your majeſty's formerly mentioned proclamation, the intent and meaning whereof, we know, was quite contrary. And farther, to increaſe our fears concerning innovation of religion, we find, that there hath been no ſmall labouring to remove that which is the moſt powerful means to ſtrengthen and encreaſe our own religion, and to oppoſe both thoſe, which is the diligent teaching and inſtruction of the people in the true knowledge and worſhip of almighty God. And, therefore, means hath been ſought out to depreſs and diſcountenance pious, and painful, and orthodox preachers; and how conformable ſoever, and peaceable in their diſpoſition and carriage they be, yet the preferment of ſuch is oppoſed, and inſtead of being encouraged, they are moleſted with vexatious courſes and purſuits, and hardly permitted to lecture. And in thoſe places where are no conſtant preaching miniſters, whereby many of your good people (whoſe ſouls, in this caſe, we beſeech your majeſty to commiſerate) are kept in ignorance, and are apt to be eaſily ſeduced to error and ſuperſtition. It doth not a little alſo increaſe our dangers and fears this way, to underſtand the miſerable condition of your kingdom of Ireland, where, without controul, the Popiſh religion is openly profeſſed, and practiſed in every part thereof, Popiſh juriſdiction being there generally exerciſed and avowed, monaſteries, nunneries, and other ſuperſtitious houſes newly erected, re-edified, and repleniſhed with men and women of ſeveral orders, and in a plentiful manner maintained at Dublin, and moſt of the great towns, and divers other places of the kingdom; which of what ill-conſequence it may prove, if not ſeaſonably repreſſed, we leave to your majeſty's wiſdom to judge: But moſt humbly beſeech you, (as we aſſure ourſelves you will) to lay the ſerious conſideration thereof to your royal and pious heart, and that ſome ſpeedy courſe may be taken for redreſs therein.

‘ And if now to all theſe your majeſty will be pleaſed to add the conſideration of the circumſtances of time, wherein theſe courſes, tending to the deſtruction of true religion, within theſe your kingdoms, have been taken here, even then when the ſame is with open force and violence proſecuted in other countries, and all the reformed churches in Chriſtendom, either depreſſed, or miſerably diſtreſſed: We do humbly appeal unto your majeſty's princely judgment, whether there be not juſt ground of fear, that there is ſome ſecret and ſtrong co-operating here with the enemies of our religion abroad, for the utter extirpation thereof? And whether, if thoſe courſes be not ſpeedily redreſſed, and the profeſſion of true religion more encouraged, we can expect any other but miſery and ruin ſpeedily to fall upon us? Eſpecially, if beſides the viſible and apparent dangers wherewith we are compaſſed about, you would be pleaſed to remember the diſpleaſure of almighty God, always bent againſt the neglect of his holy religion, the ſtrokes of whoſe divine juſtice we have already felt, and do ſtill feel with ſmart and ſorrow in great meaſure.

‘ And beſides this fear of innovation in religion, we do in like faithful diſcharge of our duties, moſt humbly declare to your majeſty, that the hearts of your people are full of fear of innovation and change of government, and accordingly poſſeſſed with extreme grief and ſorrow; yet in this point, by your majeſty's late anſwer to our petition of right touching our liberties, much comforted, and raiſed again out of that ſadneſs and diſcontent, which they generally had conceived throughout the whole kingdom, for the undue courſes which were the laſt year taken for raiſing of monies by loans, than which (whatever your majeſty hath been informed to the contrary) there were never any monies demanded nor paid with greater grief, and general diſlike of all your faithful ſubjects; tho' many, partly out of fear, partly out of other reſpects, (yet moſt unwillingly) were drawn to yield to what was required.

‘ The billeting of ſoldiers did much augment both their fears and grief, wherein likewiſe they find much comfort upon your gracious anſwer to our petition of right, and to that we preſented to your majeſty concerning this particular. Yet we moſt humbly beſeech your majeſty, that we may inform you, that the ſtill continuance and late re-inforcing of thoſe ſoldiers, the conditions of their perſons, (many of them not being natives of this kingdom, nor of the ſame, but of an oppoſite religion) the placing them upon the ſea-coaſt, where making head amongſt themſelves, they may unite with the Popiſh party at home, if occaſion ſerve, and join with an invading enemy to do extreme miſchief; and that they are not yet diſmiſſed, both ſtill miniſter cauſe of jealouſy in your loving ſubjects; for that the ſoldiers cannot be continued without exceeding great danger of the peace and ſafety of your kingdom.

‘ The report of the ſtrange and dangerous purpoſe of bringing in German horſe, and riders, would have turned our doubts into deſpair, and our fears into a certainty of confuſion, had not your majeſty's gracious meſſage (for which we humbly give you thanks) comforted us by the aſſurance of your royal word, that they neither are, nor were intended by your majeſty for any ſervice in England, but that they were deſigned for ſome other foreign employment. Yet the ſight of the privy-ſeal, by which, it ſeemeth, they were to be levied; the great ſum of money, which, upon examinations, we found to be paid for that purpoſe, gave us juſt cauſe of fear, that much about the ſame time there was a commiſſion under the great-ſeal granted unto the lords, and others of the privy-council, to conſider of other ways for raiſing of monies, ſo particularly by impoſitions, gave us juſt cauſe to ſuſpect, that whatſoever was your majeſty's gracious intention, yet there wanted not thoſe, that under ſome colourable pretence, might ſecretly by this, as by other ways, contrive to change the frame both of religion and government, and thereby undermine the ſafety of your majeſty and your kingdoms.

‘Theſe men could not be ignorant, that the bringing in of ſtrangers for aid, hath been pernicious to moſt ſtates, where they have been admitted, but to England fatal. We do bleſs God that hath given your majeſty a wiſe underſtanding heart to diſcern of thoſe courſes, and that ſuch power produceth nothing but weakneſs and calamity. And we beſeech your majeſty to pardon the vehemency of our expreſſion, if in the loyal and zealous affections we bear to your majeſty and your ſervice, we are bold to declare to your majeſty and the whole world, that we hold it far beneath the heart of any free Engliſhman to think, that this victorious nation ſhould now ſtand in need of German ſoldiers to defend their now king and kingdom.

‘But when we conſider the courſe formerly mentioned, and theſe things tending to an apparent change of government, the often breaches of parliament, whereby your majeſty hath been deprived of the faithful counſel, and free aids of your people, by taking of tunnage and poundage, without grant thereof by act of parliament, ever ſince the beginning of your majeſty's reign to this preſent, the ſtanding commiſſion granted to the duke of Buckingham to be general of an army in the land in the time of peace, the diſcharging of faithful and ſufficient officers and miniſters, ſome from judicial places, and others from the offices and authorities which they formerly held in the commonwealth; we cannot but at the ſight of ſuch an apparent deſolation as muſt neceſſarily follow theſe courſes, out of the depth of ſorrow, lift up our cries to heaven for help, and next, under God, apply ourſelves unto your ſacred majeſty, who, if you could hear ſo many thouſands ſpeaking together, do jointly implore ſpeedy help and reformation.

‘And if your majeſty would be pleaſed to take a farther view of the preſent ſtate of your realm, we do humbly pray you to conſider, whether the miſerable diſaſters and ill-ſucceſs that hath accompanied all your late deſigns and actions, particularly thoſe of Cales, and the iſle of Rhee, and the laſt expedition to Rochel, have not extremely waſted that ſtock of honour that was left unto this kingdom, ſometimes terrible to all other nations, and now declining to contempt beneath the meaneſt.

‘Together with our honours, we there loſt thoſe (and that not a few) who had they lived, we might have ſome better hope of recovering it again; our valiant and expert colonels, captains and commanders, and many thouſand common ſoldiers and mariners; tho' we have ſome cauſe to think, that your majeſty is not as yet rightly informed thereof; and that of 6 or 7000 of your ſubjects loſt at the iſle of Rhee, your majeſty received information but of a few hundreds. And this diſhonour and loſs hath been purchaſed with the conſumption of above a million of treaſure.

‘Many of the forts are exceeding weak and decayed, and want both men and munition. And here we cannot but with grief conſider and complain of a ſtrange improvidence, (we think your majeſty will rather call it treachery) that your ſtore of powder, which by order of your privy-council, dated the 10th of December, 1626, ſhould be conſtantly 300 laſt, beſides a continual ſupply of 20 laſt a month for ordinary expences, and were now fit (as we conceive) to be double the proportion, is at this time in the tower (the preſent warrants being ſerved) but nine laſts and 48 pounds in all; which we tremble to think of. And that, notwithſtanding the extreme ſcarcity of powder, great quantities have been permitted to be ſold out of your majeſty's ſtore to particular perſons for private gain; whereof we have ſeen a certificate, ſix laſt ſold ſithence the 14th of January laſt, and your majeſty's ſtore being unfurniſhed of powder, which by a contract made with Mr. Evelyn, by advice of your lords in parliament, ought to be ſupplied monthly with 20 laſt, at the rate of three pounds 10 ſhillings and 10 pence a barrel; your majeſty hath been forced to pay above ſeven pounds a barrel for powder, to be brought in from beyond ſeas; for which purpoſe, 12400 pounds was impreſſed to Mr. Burlemack the laſt year, and that powder not ſo good as that by contract your majeſty ſhould have by one third-part; all which are moſt fearful and dangerous abuſes. But what the poverty, weakneſs, and miſery of our kingdom is now grown unto by decay of trade, and deſtruction, and loſs of ſhips and mariners, within theſe three years, we are almoſt afraid to declare: And could we by any other means have been ſure, that your majeſty ſhould any other way have had a true information thereof, we ſhould have been doubtful to have made our weakneſs and extremity of misfortune in this kind to appear; but the importunate and moſt pitiful complaints from all parts of the kingdom near adjoining to the ſea in this kind, would rend, as we think, the ſtonieſt heart in the world with ſorrow; and the ſenſe we have of the miſerable condition your kingdom is in by reaſon thereof, eſpecially, for that we ſee no poſſible means (being now ſhortly to end this ſeſſion) how to help the ſame, adds ſuch a weight of grief unto our ſad thoughts, as we have not words to expreſs it: But for your majeſty's more exact information therein, we beſeech you be pleaſed to peruſe the kalendar of particulars, which with the remonſtrance, we moſt humbly preſent unto your majeſty.

‘One reaſon, amongſt many, of this decay of trade, and loſs of ſhips and mariners is, the not guarding of the narrow ſeas, the regality whereof your majeſty hath now in a manner wholly loſt, being that wherein a principal part of the honour and ſafety of this kingdom heretofore conſiſted; and now having abſolutely neglected it, the town of Dunkirk doth ſo continually rob and ſpoil your ſubjects, that we can aſſure your majeſty (if ſome preſent and effectual remedy be not forthwith provided) the whole trade of this kingdom, the ſhipping, mariners, and all belonging thereunto, will be utterly loſt and conſumed. The principal cauſe of which evils and dangers we conceive to be the exceſſive power of the duke of Buckingham, and the abuſe of that power: And we humbly ſubmit unto your majeſty's excellent wiſdom, whether it be ſafe for yourſelf, or your kingdoms, that ſo great power as reſts in him by ſea and land, ſhould be in the hands of any one ſubject whatſoever.

‘And as it is not ſafe, ſo ſure we are, it cannot be for your ſervice, it being impoſſible for one man to manage ſo many and weighty affairs of the kingdom as he hath undertaken, beſides the ordinary duties of thoſe offices which he holds, ſome of which well performed, would require the time and induſtry of the ableſt men both of counſel and action, that your whole kingdom will afford, eſpecially in theſe times of common danger.

‘And our humble deſire is farther, that your moſt excellent majeſty will be pleaſed to take into your moſt princely conſideration, whether, in reſpect the ſaid duke hath ſo abuſed his power, it be ſafe for your majeſty and your kingdoms to continue him, either in his great offices, or in his place of nearneſs and counſel about your ſacred perſon.

‘And this in all humility, aiming at nothing but the honour of almighty God, and the maintenance of his true religion, the ſafety and happineſs of your moſt excellent majeſty, and the preſervation and proſperity of this church and common-wealth; we have endeavoured with faithful hearts and intentions, and in diſcharge of the duty we owe to your majeſty and our country, to give your majeſty a true repreſentation of our preſent danger, and preſſing calamities, which we humbly beſeech your majeſty graciouſly to accept, and to take the ſame to heart, accounting the ſafety and proſperity of your people, your greateſt happineſs, and their love, your richeſt treaſure. A rueful and lamentable ſpectacle we confeſs it muſt needs be, to behold thoſe ruins in ſo fair an houſe, ſo many diſeaſes, and almoſt every one of them deadly, in ſo ſtrong and well-tempered a body as this kingdom lately was. But yet we will not doubt, but that God hath reſerved this honour for your majeſty, to reſtore the ſafety and happineſs thereof, as a work worthy ſo excellent a prince, for whoſe long life and true felicity we daily pray, and that your fame and never-dying glory may be continued to all ſucceeding generations.’

This remonſtrance, delivered by the ſpeaker, (who much deſired to be excuſed) made no great impreſſion upon the king; tho' it did upon the people. All the facts therein alledged were known and indiſputable truths. As to the right, the people readily believed, the king and his miniſters meant to eſtabliſh a deſpotick power, becauſe all their proceedings plainly ſhewed it; but they could not believe that the parliament had purpoſely formed a project to rob the king of his prerogatives. They were the more confirmed in this opinion, as after the diſſolution of this very parliament, the king, in the reaſons he gave for the diſſolution, complained not of the remonſtrance.

The commons prepare a remonſtrance upon tunnage and poundage. Ruſhw.

The ſame day the remonſtrance was preſented to the king, the commons ſent the ſubſidy-bill to the lords for their concurrence. Soon after the king acquaints them by meſſage, that he meant to end the ſeſſion the 26th of June; whereupon the commons began to prepare a particular remonſtrance of the undue taking of tunnage and poundage. This was an antient impoſt upon merchants goods exported and imported, which the parliament uſually granted to the kings, to enable them to guard the ſeas and protect the trade. This impoſt had long been granted to every king, and it happened ſometimes, that after the death of a king, his ſucceſſor had continued to levy it, till the parliament had given it by an act. As in the reign of Charles I, the court was much guided by precedents favourable to the prerogative-royal, and as they took advantage of ſuch precedents, as if they had been ſo many laws, it happened that ſince king James's death, Charles had levied tunnage and poundage, without deſiring an act of parliament for that purpoſe, under colour that ſome of his predeceſſors had practiſed it ſome time till an act was paſſed. This is what the commons found fault with, maintaining, the right was a pure grant of the people, and conſequently the king had not power to levy it without the conſent of parliament; and the more as the ſeas had never been well guarded, nor the trade leſs protected than in the firſt years of this reign. To maintain, therefore, the people's rights, and hinder the crown from uſurping by degrees the impoſt of tunnage and poundage, as a right independent of the parliament, the commons prepared a remonſtrance to the king upon that ſubject.

The king tells both houſes the commiſſion for raiſing money is cancelled. Ruſhw. Annals.

Whilſt the remonſtrance was drawing, the king acquainted the lords, that the commiſſion for finding means to raiſe money, was but a warrant of advice, agreeable to the time and occaſions; but that now having received a token of his people's love, by the ſubſidy-bill ready to be paſſed, the commiſſion was become uſeleſs, and, therefore, he had commanded it to be cancelled. As if he had ſaid, in caſe the parliament had not granted a ſupply, he ſhould have found ways to raiſe money. As to his ſaying the commiſſion was

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but a warrant of advice, it is ſtrange that in ſpeaking to men of ſenſe, ſuch wretched excuſes ſhould be uſed. The day following, the commons were informed alſo, that the commiſſion was cancelled. As the affair of tunnage and poundage made a great noiſe, it is neceſſary to inſert the commons remonſtrance on that ſubject.

The commons remonſtrance of tunnage and poundage. Ruſhw.

Moſt gracious ſovereign,

‘YOUR majeſty's moſt loyal and dutiful ſubjects, the commons in this preſent parliament aſſembled, being in nothing more careful, than of the honour and proſperity of your majeſty, and the kingdom, which they know do much depend upon that happy union and relation between your majeſty and your people, do with much ſorrow apprehend, that by reaſon of the uncertainty of their continuance together, the unexpected interruptions which have been caſt upon them, and the ſhortneſs of time in which your majeſty hath determined to end this ſeſſion, they cannot bring to maturity and perfection, divers buſineſſes of weight, which they have taken into their conſideration and reſolution, as moſt important for the common good: Amongſt other things, they have taken into eſpecial care the preparing of a bill, for the granting of your majeſty ſuch a ſubſidy of tunnage and poundage, as might uphold your profit and revenue in as ample a manner as their juſt care and reſpect of trade (wherein not only the proſperity, but even the life of the kingdom doth conſiſt) would permit; but being a work which will require much time and preparation by conference with your majeſty's officers, and with the merchants, not only of London, but of other remote parts, they find it not poſſible to be accompliſhed at this time: Wherefore conſidering it will be much more prejudicial to the right of the ſubject, if your majeſty ſhould continue to receive the ſame without authority of law, after the determination of a ſeſſion, than if there had been a receſs by adjournment only, in which caſe, that intended grant would have related to the firſt day of the parliament; and aſſuring themſelves, that your majeſty is reſolved to obſerve that your royal anſwer, which you have lately made to the petition of right of both houſes of parliament: Yet doubting leſt your majeſty may be miſinformed concerning this particular caſe, as if you might continue to take thoſe ſubſidies of tunnage and poundage, and other impoſitions upon merchants, without breaking that anſwer, they are forced by that duty which they owe to your majeſty, and to thoſe whom they repreſent, to declare, “That there ought not any impoſition to be laid upon the goods of merchants, exported or imported, without common conſent by act of parliament; which is the right and inheritance of your ſubjects, founded not only upon the moſt antient and original conſtitution of this kingdom, but often confirmed and declared in divers ſtatute-laws.

‘And for the better manifeſtation thereof, may it pleaſe your majeſty to underſtand, that although your royal predeceſſors, the kings of this realm, have often had ſuch ſubſidies and impoſitions granted unto them upon divers occaſions, eſpecially for the guarding of the ſeas and the ſafeguard of merchants: Yet the ſubjects have been ever careful to uſe ſuch cautions and limitations in thoſe grants, as might prevent any claim to be made, that ſuch ſubſidies do proceed from duty, and not from the free-gift of the ſubjects. And that they have heretofore uſed to limit a time in ſuch grants, and for the moſt part but ſhort, as for a year or two, and if it continued longer, they have ſometimes directed a certain ſpace of ceſſation or intermiſſion, that ſo the right of the ſubject might be more evident. At other times it hath been granted upon occaſion of war, for a certain number of years, with proviſo, that if the war were ended in the main time, then the grant ſhould ceaſe; and of courſe it hath been ſequeſtred into the hands of ſome ſubjects, to be employed for the guarding of the ſeas. And it is acknowledged by the ordinary anſwers of your majeſty's predeceſſors, in their aſſent to the bills of ſubſidies of tunnage and poundage, that it is of the nature of other ſubſidies, proceeding from the good will of the ſubject: Very few of your predeceſſors had it for life, until the reign of Henry VII, who was ſo far from conceiving he had any right thereunto, that although he granted commiſſions for collecting certain duties and cuſtoms due by law, yet he made no commiſſions for receiving the ſubſidy of tunnage and poundage, until the ſame was granted unto him in parliament. Since his time all the kings and queens of this realm have had the like grants for life, by the free love and good-will of the ſubjects. And whenſoever the people have been grieved, by laying any impoſitions, or other charges upon their goods and merchandiſes without authority of law (which hath been very ſeldom) yet upon complaint in parliament, they have forthwith relieved; ſaving in the time of your royal father, who, having through ill counſel, raiſed the rates and charges upon merchandiſes to that height at which they now are, yet he was pleaſed ſo far forth to yield to the complaint of his people, as to offer, that if the value of thoſe impoſitions which he had ſet might be made good unto him, he would bind himſelf and his heirs by act of parliament, never to lay any other: Which offer, the commons at that time, in regard of the great burden, did not think fit to yield unto. Nevertheleſs your loyal commons in this parliament, out of their eſpecial zeal to your ſervice, and eſpecial regard of your preſſing occaſions, have taken into their conſideration, ſo to frame a grant of ſubſidy of tunnage or poundage to your majeſty, that both you might have been the better enabled for the defence of your realm, and your ſubjects, by being ſecure from all undue charges, be the more encouraged chearfully to proceed

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in their courſe of trade; by the increaſe whereof, your majeſty's profit, and likewiſe the ſtrength of the kingdom, would be very much augmented.

‘ But not being now able to accompliſh this their deſire, there is no courſe left unto them, without manifeſt breach of their duty, both to your majeſty and their country, ſave only to make this humble declaration, that the receiving of tunnage and poundage, and other impoſitions, not granted by parliament, is a breach of the fundamental liberties of this kingdom, and contrary to your majeſty's royal anſwer to the ſaid petition of right. And therefore they do moſt humbly beſeech your majeſty to forbear any farther receiving of the ſame; and not to take it in ill part from thoſe of your majeſty's loving ſubjects, who ſhall refuſe to make payment of any ſuch charges, without warrant of law demanded.

‘ And as by this forbearance, your moſt excellent majeſty ſhall manifeſt unto the world your royal juſtice in the obſervation of your laws; ſo they doubt not but hereafter, at the time appointed for their coming again, they ſhall have occaſion to expreſs their great deſire to advance your majeſty's honour and profit.

The king being informed of the contents of this remonſtrance, on the 26th of June, ſent for the ſpeaker, who returned ſome time after to the houſe, whilſt the remonſtrance was reading. He was no ſooner come, but the king, who was now at the houſe of lords, for the commons, and thus ſpoke to both houſes.

The king's ſpeech to both houſes concerning tunnage and poundage. Ruſhw.

‘ IT may ſeem ſtrange that I come ſo ſuddenly to end this ſeſſion; before I give my aſſent to the bills, I will tell you the cauſe, tho' I muſt avow, that I owe the account of my actions to God alone. It is known to every one, that a while ago the houſe of commons gave me a remonſtrance, how acceptable every man may judge; and for the merit of it, I will not call that in queſtion, for I am ſure no wiſe man can juſtify it.

‘ Now ſince I am truly informed, that a ſecond remonſtrance, is preparing for me to take away the profit of my tunnage and poundage, one of the chief maintenances of my crown, by alledging, I have given away my right thereto by my anſwer to your petition:

‘ This is ſo prejudicial unto me, that I am forced to end this ſeſſion ſome few hours before I meant, being not willing to receive any more remonſtrances, to which I muſt give a harſh anſwer. And ſince I ſee, that even the houſe of commons begins already to make falſe conſtructions of what I granted in your petition, leſt it be worſe interpreted in the country, I will now make a declaration concerning the true intent thereof.

‘ The profeſſion of both houſes in the time of hammering this petition, was no way to trench upon my prerogative, ſaying, they had neither intention or power to hurt it. Therefore, it muſt needs be conceived, that I have granted no new, but only confirmed the antient liberties of my ſubjects. Yet to ſhew the clearneſs of my intentions, that I neither repent, nor mean to recede from any thing I have promiſed you, I do here declare myſelf, that thoſe things which have been done whereby many have had ſome cauſe to expect the liberties of the ſubjects to be trenched upon, which, indeed, was the firſt and true ground of the petition, ſhall not hereafter be drawn into example for your prejudice, and from time to time, in the word of a king, ye ſhall not have the like cauſe to complain. But as for tunnage and poundage, it is a thing I cannot want, and was never intended by you to ask, nor meant by me I am ſure, to grant.

‘ To conclude, I command you all that are here, to take notice of what I have ſpoken at this time, to be the true intent and meaning of what I granted you in your petition; but eſpecially you, my lords the judges, for to you only, under me, belongs the interpretation of laws; for none of the houſes of parliament, either joint or ſeparate, (what new doctrine ſoever may be raiſed) have any power either to make or declare a law without my conſent.’

Subſidy-bill is paſſed, and the parliament prorogued.

After this ſpeech, the ſubſidy-bill was paſſed, the lords having already given their conſent, and the parliament was prorogued to the 20th of October.

Remark on the king's ſpeech.

The king's ſpeech to the parliament before the prorogation, was ſo dark, that it was hard to conceive upon what grounds he complained of the remonſtrance the commons had prepared. He ſeems to have conſidered tunnage and poundage as a right annexed to his prerogative royal. Otherwiſe, there was no need to obſerve, that both houſes, whilſt they were preparing the petition of right, had declared, they meant not to encroach upon his prerogative. This argument, on ſuppoſition of that principle, would have been unanſwerable, and the reſt very ſuperfluous. But as the king knew he could never prove this right to belong to him independently of the parliament, he proceeded to other arguments, the weakneſs whereof is evident. He ſaid the two houſes by their petition of right, did not intend to take from him tunnage and poundage, from whence he inferred, that ſince they had no ſuch particular view, he could not with juſtice be deſired to deſiſt from it. But firſt, tho' the petition of right contained ſome particular articles, theſe articles did not exclude whatever was implied in the general article, founded upon the antient ſtatutes: “ That no tax, tallage, loan, benevolence, or “ other charge ought to be levied by the king, “ without the conſent of parliament.” Now tunnage and poundage being of this nature, it neceſſarily followed, that it was included in the general article, or elſe, it was to be proved to belong to the crown, independently of the common conſent of the people. In the ſecond place, the two houſes had no intention to deprive him of tunnage and poundage in particular, becauſe they deſigned to grant it by an act. He could not, therefore, conclude from thence, that he had a right to levy it without their conſent. He alledged as another

ther argument, that he never meant to grant them this article, making his anſwer to depend upon his intention. But his anſwer, "Soit fait "comme il eſt deſire," manifeſtly referred to the contents of the petition, and not to the king's intention in granting it. His third argument was taken from tunnage and poundage being one of the beſt revenues of the crown, and his chief ſupport. This was an excellent argument to demonſtrate to the parliament the neceſſity of granting him this right, and to induce him to continue the ſeſſion till the act was paſſed; but he could not thence infer, that he had power to levy it againſt the parliament's will, eſpecially as it was in his breaſt to have it in a legal way. Moreover, he continually inculcated, that his anſwer depended upon his intention, directly contrary to the clear and expreſs terms of the anſwer itſelf, which could refer only to the petition. Laſtly, in taking from the houſes the power of declaring what was or what was not, law, he aſcribed it ſolely to the judges who were under him; that is to ſay, as he could make or unmake the judges as he pleaſed, he put himſelf properly in poſſeſſion of this ſame power, independently of the two houſes. This intention appeared but too plainly afterwards.

This ſeſſion was worth to the king five ſubſidies, a very conſiderable aid, with which the parliament purchaſed the king's anſwer to the petition of right, that is, the confirmation of the laws, which till then had paſſed for inconteſtable. On the other ſide, the king thought he had no leſs dearly bought the five ſubſidies by his condeſcenſion to tie up his hands, in giving his conſent to the petition of right, contrary to his own principles, and the projects he had formed with reſpect to government. But he afterwards ſhewed, that in granting the petition of right, he had only amuſed the parliament, ſince he never regulated his conduct by what was contained in the petition. Preſently after the prorogation of the parliament, the king publiſhed ſeveral proclamations. The firſt was to ſuppreſs Dr. Manwaring's ſermons, entitled, Religion and Allegiance. But this ſuppreſſion conſiſted only in an order to ſuch as had any copies of theſe ſermons, to deliver them to the ſecretary of ſtate, or ſome other magiſtrate. The ſequel will ſhew whether the court was deſirous this order ſhould be punctually executed. But the king's appearing publick not to approve of theſe ſermons, was ſufficient to ſatisfy the people.

Manwaring's ſermons ſuppreſſed by proclamation. Annals. Act. Pub.

other againſt the biſhop of Chalcedon. Act. Pub.

By another proclamation, Richard Smith, titular biſhop of Chalcedon, was ordered to be apprehended, with all other prieſts and Jeſuits that had taken orders by authority from the ſee of Rome, and after conviction to be committed to the caſtle of Wiſbich. Some Jeſuits having been taken and ſent to Newgate, the king ordered, that if they were found guilty, they ſhould be carried to the ſame caſtle of Wiſbich in the Iſle of Ely. Theſe were all the proceedings of the court againſt the Papiſts.

Commiſſioners to compound with recuſants.

But on the other hand, the king took a courſe which gave a much worſe opinion of his own, or his miniſter's zeal for religion. Firſt, he appointed commiſſioners to compound with recuſants. Secondly, Sir Richard Weſton, a known Papiſt, was made lord treaſurer, and afterwards earl of Portland. Thirdly, Dr. Laud, who was conſidered as head of the Arminians, in the judgment of the houſe of commons, was tranſlated from Bath and Wells, to the biſhoprick of London. Fourthly, Dr. Montague, who had given ſo great offence by his book, entitled, Appeal to Cæſar, was promoted to the ſee of Chicheſter.

Buckingham is murdered by Felton. Aug. 23. Clarendon. Annals.

The town of Rochel being at this time cloſely beſieged by the king of France, the king had prepared a fleet to relieve it, and the duke of Buckingham, who was to have the command, was now at Portſmouth; but when he was going to imbarque, he was ſtabbed to the heart with a knife, and immediately died. The aſſaſſin was one John Felton, a lieutenant, who owned, that after the declaration of the commons againſt the duke, he had looked upon him as an enemy to his country, and been thereby induced to commit the deed. It appeared by his tryal, that he had no complice, and was led to this wicked action by an exceſs of zeal. The king being then at Sir Daniel Norton's near Portſmouth, ſeemed extremely concerned for the duke's death, and to give him, even after his death, continual marks of his affection, his creatures remained in the ſame favour and poſts they had enjoyed in the life-time of their protector.

The fleet departs, but cannot relieve Rochel. Ruſhw.

In the interim, as the relief of Rochel could not be delayed any longer, the king ſent away the fleet deſigned for that purpoſe; but cardinal Richelieu had uſed ſo great diligence, that the barricado he was making to hinder the approach of the Engliſh ſhips, was finiſhed, ſo that the fleet was forced to return without effecting any thing, after having ſeen Rochel taken.

The parliament is farther prorogued to the 10th of January.

The meeting of the parliament appointed to be the 20th of October, was by proclamation prorogued to the 10th of January. In this interval, certain caſes happened which ſupplied the parliament with a freſh occaſion of complaint, and in the end cauſed their diſſolution. Tho' the remonſtrance concerning tunnage and poundage was not preſented to the king, it, was, however, publick, and ſufficient to ſhew the people what was the ſenſe of the houſe of commons. Upon this foundation three merchants among others, refuſed to pay this duty to the king. Rolls, one of the three, merchant of London, and member of the houſe of commons, having refuſed it, as contrary to law, the cuſtomers ſeiſed his goods, and upon his alledging the authority of parliament, one of the officers inſolently told him, "If all the parliament were in you, "we would take your goods." Chambers and Vaſſal, the other two merchants of London, the firſt of whom was alderman, were condemned to pay tunnage and poundage by the barons of the exchequer, who ordered their goods to be detained.

The parliament meets. The king ſends for both houſes.

The parliament meeting the 10th of January 1628-9, Rolls's affair was immediately laid before the houſe, and referred to a committee. Whilſt the committee were in debate, the king ſent a meſſage to the houſe, willing them to deſiſt till next day in the afternoon, at which time he would ſpeak with them at Whitehall. The lords having alſo received orders to be preſent, the king made the following ſpeech to both houſes.

The king's ſpeech concerning tunnage and poundage. Ruſhw.

‘THE care I have to remove all obſtacles that may hinder the good correſpondency between me and this parliament, is the cauſe I have called you together at this time, the particular occaſion being a complaint made in the lower houſe. And for you, my lords, I am glad to take this, and all other occaſions, whereby you may clearly underſtand both my words and actions, for as you are neareſt in degree, ſo you are the fitteſt witneſſes unto kings.

‘The complaint I ſpeak of is, for ſtaying men's goods that deny tunnage and poundage; this may have an eaſy and ſhort concluſion, if my words and actions be rightly underſtood; for by paſſing the bill, as my anceſtors have had it, my by-paſt actions will be included, and my future proceedings authoriſed, which certainly would not have been ſtuck on, if men had not imagined that I had taken theſe duties as appertaining to my hereditary prerogative, in which they are much deceived, for it ever was and ſtill is my meaning, by the gift of my people to enjoy it, and my intention in my ſpeech at the ending of the laſt ſeſſion concerning this point, was not to challenge tunnage and poundage as of right, but de bene eſſe, ſhewing you the neceſſity, not the right by which I was to take it, until you had granted it to me, aſſuring myſelf, according to your general profeſſions, you wanted time, not will to give it me.

‘Wherefore now having opportunity, I expect that without loſs of time you make good your profeſſions, and ſo by paſſing of a bill, put an end to all the queſtions ariſing from this ſubject; eſpecially ſince I have cleared the only ſcruple that can trouble you in this buſineſs: To conclude, let us not be jealous one of the other's actions; for if I had been eaſily moved at every occaſion, the order you made on Wedneſday laſt might have made me ſtartle, there being ſome ſhew to to ſuſpect that you had given yourſelves the liberty to be the inquiſitors after complaints (the words of your order being ſomewhat too largely penned) but looking into your actions, I find you only hear complainers, not ſeeking complaints; for I am certain you neither pretend, nor deſire the liberty to be inquiſitors of mens actions before particular complaint be made.

‘This I have ſpoken to ſhew you how ſlow I am to believe harſhly of your proceedings, likewiſe to aſſure you, that the houſes reſolutions, not particular mens ſpeeches, ſhall make me judge well or ill, not doubting, but according to my example, you will be deaf to ill reports concerning me, till my words and actions ſpeak for themſelves, that ſo this ſeſſion beginning with confidence one towards another, it may end with a perfect good underſtanding between us: Which God grant.’

The commons conſider of matters of religion, notwithſtanding the king's inſtances to go upon tunnage and poundage. Annals.

Some days after the king ſent a meſſage to the commons, that the bill of tunnage and poundage might be ſpeedily taken into conſideration, and no time loſt; but the commons not thinking the king had power to preſcribe the time to them, fell upon matters of religion, particularly with regard to Arminianiſm; and finding that Laud, Montague, and Manwaring had been preferred ſince the laſt ſeſſion, ſeveral members made great complaints. Tho' the king preſſed them again by meſſage to proceed with the bill for tunnage and poundage, they pretended that religion ought to have the precedency of all other affairs. Wherefore they began to inquire how the execution of the laws againſt Papiſts came to ceaſe, and whence it was that Papiſts were employed and countenanced, and new ceremonies continually introduced, eſpecially at Durham, by Dr. Coſins, as angels, ſaints, crucifixes, altars, candles on Candlemaſs-day, and laſtly, from whence proceeded the increaſe of Arminianiſm.

The king forbids the commons to meddle with religious matters. Jan. 28. Ruſhw.

This inquiry was interrupted by a freſh meſſage from the king, requiring them to give the preference to the bill for tunnage and poundage. Nevertheleſs he declared, that he meant not to interrupt their debates upon matters of religion, provided the houſe would not meddle with what did not belong to them. By that, he took away with one hand what he gave with the other, ſince he believed, the commons had no right to meddle with religion. This meſſage hindered them not from continuing their debates. The proclamation forbidding all diſputes for and againſt Arminianiſm was complained of particularly, wherein it was ſaid, “If there be any difference of opinion concerning the ſeaſonable interpretation of the 39 articles, the biſhops have power to order which way they pleaſe.” But as ſome of the biſhops were ſuſpected, it was concluded, that by the terms of the proclamation, the kingdom would be obliged to receive Popery or Aminianiſm, by following the determinations of the biſhops. Theſe ſuſpicions fell chiefly upon Laud and Neile, who being the king's counſellors for matters of religion, governed almoſt all the other biſhops. Upon this account, the houſe, to prevent the dangers they feared, thought fit to enter into this vow:

The vow of the houſe of commons concerning religion. Ruſhw.

“We the commons in parliament aſſembled, do claim, proteſt, and avow for truth, the ſenſe of the articles of religion, which were eſtabliſhed by parliament in the 13th year of our late queen Elizabeth, which by the publick act of the church of England, and by the general and current expoſitions of the writers of our church, have been delivered unto us. And we reject the ſenſe of the Jeſuits and Arminians, and all others, wherein they differ from us.”

Both houſes petition for a faſt.

As the intention of the commons was to perſuade the people that religion was in danger, they deſired the concurrence of the lords to petition the king for a faſt, which they obtained with ſome difficulty. The king plainly perceived the deſign of this petition, and, tho' he did not think fit to reject it, anſwered, that the cuſtom of faſting every ſeſſion was but lately begun; that he granted it, however, for this time, tho' he did not ſee the neceſſity of it; but for the future would not grant a faſt, except on extraordinary occaſions; adding, that as for the defence of the reformed churches abroad, fighting would do them more good than faſting.

As the king had frequently preſſed the commons to proceed with the bill for tunnage and poundage, and give it the precedency of matters of religion, they thought themſelves obliged to preſent a declaration to the king to juſtify their conduct.

A declaration of the commons to the king. Ruſhw.

This declaration, which was a ſort of apology, containing nothing material, I do not think it neceſſary to inſert it at length. It ſuffices to ſay, the commons excuſed themſelves two ways, for not giving precedency to the bill for tunnage and poundage. The firſt was, becauſe matters of religion having been firſt propoſed, the conſtant order of the houſe required, they ſhould have the preference. The ſecond was, the weight and importance of the concerns of religion. They concluded with thanking the king for his promiſes, to maintain religion, thereby tacitly reproaching him for not performing them.

Annals.

The king anſwered this declaration, not particularly, but with ſome ſhort notes. He told them, “ he thought it ſtrange they ſhould “ have an ill opinion of him with reſpect to “ religion.” He aſſured them, “ that he “ would never ſtop his ears to the complaints “ that ſhould be brought to him upon that “ ſubject, provided that in form and matter “ the commons did not tranſgreſs their limits.” Concluding with theſe words: “ I muſt ſtill be “ inſtant with you, that you proceed with tunnage and poundage with diligence; (not “ looking to be denied in ſo juſt a deſire) that “ you muſt not think it ſtrange, if I, finding “ you ſlack, give you ſuch farther quickning “ as I ſhall find cauſe.”

Religious grievances. Ruſhw. Annals.

After this, the commons continued their debates upon matters of religion, and particularly on the proclamation, to prohibit diſputing for or againſt Arminianiſm. This was pretended to be a ſnare to ſuppreſs the Puritan-party, and give the Arminians more liberty, and that Laud and Montague had given the king this advice. It was alſo complained, that the enemies of religion had procured a royal pardon under the great ſeal for four eccleſiaſticks, the moſt ſuſpected in England, viz. Montague, Coſins, Sibthorp, and Manwaring, and that, in contempt of the parliament, they were even promoted to biſhopricks, or other good benefices. I confeſs I cannot conceive how it is poſſible to juſtify the king's condeſcenſion for thoſe, who adviſed him to protect ſo openly, nay, to prefer men ſo odious to the parliament, ſince he could not be ignorant how much he rendered himſelf ſuſpected by ſuch a conduct; at leaſt, it cannot be denied that he gave his enemies an advantage. But beſides that it was the genius of the king and court to look upon the parliament, and eſpecially the commons, with extreme contempt, the king could refuſe nothing to Dr. Laud, who was his prime counſellor in eccleſiaſtical affairs. To confirm the commons in their ſuſpicions of Laud, the printers and bookſellers of London preſented ſeveral petitions, complaining of the reſtraint of books written againſt Popery and Arminianiſm, whilſt a licenſe was never refuſed to ſuch as were compoſed in favour of Popiſh and Arminian doctrines. They even inſtanced in certain books againſt Popery, which were denied to be licenſed. They affirmed, this was done by the biſhop of London, or his chaplains, to whom the examination of the books was committed.

Laud's character.

As Dr. Laud, afterwards archbiſhop of Canterbury, made a very great figure in England during the firſt 15 years of this reign, I do not think it improper to relate here part of what is ſaid for and againſt him. Not that I pretend fully to make known his genius, his character, his religion: This to me ſeems impracticable, conſidering what oppoſite opinions there are concerning him, it being almoſt impoſſible to affirm any thing of him, good or bad, upon the teſtimony of ſome, but what is contradicted and rejected as falſe by others. This is the common effect of parties. Hardly can any thing be added to the encomiums which thoſe who profeſs what they call High-Church, that is, the rigid epiſcopalians, beſtow on this famous biſhop. The lord Clarendon, in his Hiſtory, expreſſes, on all occaſions, a great eſteem for Laud, and finds no other fault in him, but a little too much eagerneſs to accompliſh his undertakings. All the reſt of the ſame party extol him to the ſkies. They ſee no imperfection in him; and every where praiſe his wiſdom, his good ſenſe, his learning, his piety, and above all, his zeal for the church of England, for which he at laſt died a martyr. The Presbyterians, on the contrary, without denying his ſenſe and learning, affirm, he was a rank Arminian, and almoſt a Papiſt. They ſay, that under the colour of a great zeal for the ceremonies of the church, he carried them to the borders of Popery, and juſtly rendered himſelf ſuſpected of deſigning by degrees to reſtore the Romiſh religion in England. That to this end he made even the leaſt trifles, ſuch as the reformers had not meddled with, becauſe they thought them indifferent, to be conſidered as eſſential to religion. They inferred from thence, that it was impoſſible for a man of his ſenſe, to be attached to things of ſo little moment, had he not entertained ſome ill deſign againſt the reformed religion. That he was a mortal enemy of the Presbyterians and Puritans, becauſe from them he met with moſt oppoſition to the execution of his projects. For my part, I own, that in all that has been ſaid againſt him, I have found no convincing proof of his intention to re-eſtabliſh the Roman Catholick religion in England, unleſs we confound, as many did in thoſe days, Popery with High-Church, thro' a ſpirit of party. But it is very certain, he mortally hated the Presbyterians, and would have utterly extirpated Puritaniſm, had it been in his power. As for Arminianiſm, it is very probable, he was greatly inclined to it. See his character given by his predeceſſor archbiſhop Abbot, in the narrative which he drew in his own vindication, in the year 1627.

Archbiſhop Abbot's character of biſhop Laud. Ruſhw.

‘This man is the only inward counſellor with Buckingham, ſitting with him ſometimes privately whole hours, and feeding his humour with malice and ſpight.

‘His life in Oxford was to pick quarrels in the lectures of the publick readers, and to advertiſe them to the then biſhop of Durham, that he might fill the ears of king James with diſcontents, againſt the honeſt men that took pains in their places, and ſettled the truth (which he called Puritaniſm) in their auditors.

‘He made it his work to ſee what books were in the preſs, and to look over epiſtles dedicatory, and prefaces to the reader, to ſee what faults might be found.

‘It was an obſervation what a ſweet man this was like to be, that the firſt obſervable act that he did, was the marrying of the earl of D. to the lady R, when it was notorious to the world, that ſhe had another husband, and the ſame a nobleman, who had divers children then living by her. King James did for many years take this ſo ill, that he would never hear of any great preferment of him; inſomuch that the biſhop of Lincoln, Dr. Williams, who taketh upon him to be the firſt promoter of him, hath many times ſaid, that when he made mention of Laud to the king, his majeſty was ſo averſe from it, that he was conſtrained oftentimes to ſay, that he would never deſire to ſerve that maſter, which could not remit one fault unto his ſervant. Well, in the end he did conquer it, to get him to the biſhoprick of St. David's; which he had not long enjoyed, but he began to undermine his benefactor, as at this day it appeareth. The counteſs of Buckingham told Lincoln, that St. David's was the man that undermined him with her ſon: And verily, ſuch is his aſpiring nature, that he will underwork any man in the world, ſo that he may gain by it.’

This character is not to Laud's advantage; but it muſt be obſerved, that the archbiſhop aſcribed his own diſgrace to the ſecret counſels given by that prelate to the duke of Buckingham.

A freſh quarrel between the king and commons, about tunnage and poundage. Ruſhw. Annals.

Whilſt the commons were in debate concerning religion, the ware-houſe of Mr. Rolls, merchant and member of parliament, was locked up by a purſuivant, and himſelf called forth and ſerved with a Subpœna. This put the houſe in a flame, and occaſioned the ſending for the officers of the cuſtoms, to know upon what account they had ſeiſed the merchants effects, and carried them to the king's ſtore-houſe. They replied, it was for refuſing to pay tunnage and poundage, and other duties. But becauſe there was an information already preferred againſt the merchants in the exchequer and ſtar-chamber, the commons reſolved not to proceed with the bill of tunnage and poundage, till the goods were reſtored to the owners, and ordered that the barons of the exchequer ſhould be told, to make void their injunction concerning the detaining of the merchants effects. The barons returned anſwer, that they did not, by their injunctions, determine, or any way touch upon the right of tunnage and poundage; neither did they by their orders, bar the owners from ſuing for their goods in a lawful courſe; but whereas the merchants endeavoured to take their goods out of the king's poſſeſſion by writs of Replevin, which was no lawful courſe in the king's caſe, nor agreeable to his prerogative royal, therefore, the court of exchequer did ſtay thoſe ſuits, and declare, that the owners, if they conceived themſelves wronged, might take ſuch remedy as the law allows. This anſwer, which ſignified nothing, not being ſatisfactory to the commons, a motion was made to conſider, whether ever the court of exchequer held this courſe before, for ſtaying of Replevins; and whether this had been done by prerogative of the king in his court of exchequer.

Ruſhw. Annals.

This affair having been long debated in the houſe, the officers of the cuſtoms were ſent for again, and anſwered, that they acted by virtue of a commiſſion under the great ſeal. One of them ſaid, “He had ſeiſed the goods for duties that were due in the time of king James, and that his majeſty had ſent for him, and commanded him to make no other anſwer.” Whereupon the houſe being turned into a grand-committee, a motion was made and ſeconded, whether the officers of the cuſtom ſhould be proceeded againſt, by ſeparating their intereſt from that of the king. After ſeveral ſpeeches pro and con, a report was made from the grand-committee, that they had at laſt reſolved, that Mr. Rolls ought to have privilege of perſon and goods; which being voted, the ſpeaker was moved to put the queſtion, but he refuſed to do it, ſaying, the king had commanded the contrary. Such a command could not but ſurpriſe the houſe; they adjourned to the 25th of February, and then were farther adjourned by his majeſty's order till the 2d of March. On that day the commons being met, and requiring the ſpeaker to put the queſtion, he ſaid, “I have a command from the king to adjourn the houſe till the 10th of March;” and endeavouring to go out of the chair, he was held down by force, and the doors were locked, till Sir John Elliot had drawn the following proteſtation, which was approved by the majority, tho' not without great tumult and confuſion, and even ſome blows.

The commons proteſtation.

“1. Whoſoever ſhall bring in innovation

The commons proteſtation. Ruſhw.

“ of religion, or by favour or countenance ſeem to extend or introduce Popery or Arminianiſm, or other opinion diſagreeing from the truth and orthodox church, ſhall be reputed a capital enemy to this kingdom and common-wealth.

“ 2. Whoſoever ſhall counſel or adviſe the taking and levying of the ſubſidies of tunnage and poundage, not being granted by parliament, or ſhall be an actor or inſtrument therein, ſhall be likewiſe reputed an innovator in the government, and a capital enemy to the kingdom and common-wealth.

“ 3. If any merchant or perſon whatſoever, ſhall voluntarily yield or pay the ſaid ſubſidies of tunnage and poundage, not being granted by parliament, he ſhall likewiſe be reputed a betrayer of the liberties of England, and an enemy to the ſame.”

A proclamation to notify the diſſolution of the parliament. March 2. Annals.

As the king expected no money from this ſecond ſeſſion, he was very glad to have, as he thought, a plauſible pretence to diſſolve the parliament. So, that very day a proclamation was drawn up, to give notice of his deſign to diſſolve the parliament on the 10th of March, and that the members might depart about their own affairs.

Nine members cited before the council.

The next day, warrants were directed from the council to Denzil Hollis, Sir Miles Hobart, Sir John Elliot, Sir Peter Hayman, John Selden, William Coriton, Walter Long, William Stroud, Benjamin Valentine, Eſqrs; commanding their perſonal appearance on the morrow. Four of them, Hollis, Elliot, Coriton, and Valentine, appeared; and refuſing to anſwer out of parliament, for what was ſaid and done in the houſe, were committed cloſe priſoners to the tower. The council ordered at the ſame time, the ſtudies of Hollis, Elliot, and Selden to be ſealed up; and a proclamation was publiſhed to apprehend them. It muſt be obſerved that the parliament not being yet diſſolved, theſe men were ſtill actually members of parliament.

Four appear, and are ſent to the tower.

On the 10th of March the king coming to the parliament-houſe, made the following ſpeech, addreſſing himſelf only to the lords, there being but few commons preſent, the ſpeaker and houſe of commons not having been called.

My lords,

The king's ſpeech at the diſſolution of the parliament. Ruſhw. Annals.

‘I Never came here upon ſo unpleaſant an occaſion, it being the diſſolution of a parliament; therefore men may have ſome cauſe to wonder, why I ſhould not rather chuſe to do this by commiſſion, it being rather a general maxim of kings, to leave harſh commands to their miniſters, themſelves only executing pleaſing things; yet conſidering that juſtice as well conſiſts in reward and praiſe of virtue, as puniſhing of vice, I thought it neceſſary to come here to day, and to declare to you and all the world, that it was merely the undutiful and ſeditious carriage in the lower-houſe that hath made the diſſolution of this parliament; and you, my lords, are ſo far from being any cauſers of it, that I take as much comfort in your dutiful demeanour, as I am juſtly diſtaſted with their proceedings; yet to avoid their miſtakings, let me tell you, that it is ſo far from me to adjudge all the houſe alike guilty, that I know that there are many there as dutiful ſubjects as any in the world, it being but ſome few vipers among them that did caſt this miſt of undutifulneſs over moſt of their eyes: Yet, to ſay truth, there was a good number there, that could not be infected with this contagion; inſomuch that ſome did expreſs their duties in ſpeaking, which was the general fault of the houſe the laſt day. To conclude, as thoſe vipers muſt look for their reward of puniſhment, ſo you, my lords, muſt juſtly expect from me that favour and protection, that a good king oweth to his loving and faithful nobility. And now, my lord keeper, do what I have commanded you.’

Then the lord keeper ſaid, “My lords, and gentlemen of the houſe of commons, [tho' the commons were not called] the king's majeſty doth diſſolve this parliament.”

A remark on the diſſolution of the parliament.

The diſſolution of the parliament was cauſed by the inſolence of the houſe of commons, as the king had juſt told the lords; and this inſolence, this ſeditious carriage conſiſted only in keeping the ſpeaker in his chair by force, after he had notified that the houſe was adjourned by his majeſty's order, till a proteſtation of three very ſhort articles was ſet down in writing. This was the commons offence. And here it muſt be remarked, that there was a great difference between the adjourning and the proroguing or diſſolving of the parliament. The king's power to prorogue and diſſolve was never called in queſtion, before the time of James I. I believe no king had ever thought of adjourning the parliament. King James was the firſt that did it. The commons complained of it as a breach of their privileges; but not finding the lords inclined to diſpute this power with the king, they were forced to give way, tho' they foreſaw the ill conſequences. Theſe conſequences ſhewed themſelves in the preſent reign. Charles I. taking advantage of this only precedent eſtabliſhed by the king, his father, was not ſatiſfied with hindering the parliament from adjourning themſelves at Eaſter, as hath been ſeen, but even adjourned the houſes twice at a time when the commons were debating upon matters which were not agreeable to him, and alſo prevented the ſpeaker, by his ſole authority, to put the queſtion when required. It is eaſy to ſee the conſequences of this power, to adjourn the houſes. The king could put a ſtop to all the debates of either houſe, by adjourning them whenever they took into conſideration any matters diſpleaſing to him. On the other hand, upon ſuppoſition that the king's right was unqueſtionable, the houſe of commons had diſobeyed his orders, and violated his prerogative, which might be attended with no leſs ill conſequences. But the king, ſuppoſing his right as fully eſtabliſhed, 1628-9. without giving himſelf any farther trouble to prove it, reſolved to puniſh the houſe of commons, not only by the diſſolution of the parliament, a puniſhment which concerned the whole nation rather than their repreſentatives, but alſo in cauſing ſome of their moſt active and ſtirring members, to be condemned as rebellious and ſeditious.

1629. To that end, he commanded the judges of the realm to meet and give their opinions upon the queſtions he had to propoſe to them, in order to be guided by their determinations, leſt he ſhould be accuſed of proceeding too arbitrarily. The queſtions, with the judges anſwers, were as follows:

Queſtions propoſed by the king to the judges, concerning the impriſoned members. April 25. Ruſhw. Annals.

“ 1. Whether if any ſubject hath received probable information of any treaſon, or treacherous attempt, or intention againſt the king or ſtate, that ſubject ought not to make known to the king, or his majeſty's commiſſioners, when thereunto he ſhall be required, what information he hath received, and the grounds thereof; to the end, the king being truly informed, may prevent the danger? And if the ſaid ſubject, in ſuch caſe ſhall refuſe to be examined, or to anſwer the queſtions which ſhall be demanded of him for farther inquiry and diſcovery of the truth, whether it be not a high contempt in him, puniſhable in the ſtar-chamber, as an offence againſt the general juſtice and government of the kingdom.”

Sol. The reſolution and anſwer of all the juſtices was, ‘ that it is an offence puniſhable as aforeſaid, ſo that this do not concern himſelf, but another, nor draw him to danger of treaſon or contempt by his anſwer.’

“ 2. Whether it be a good anſwer, or excuſe, being thus interrogated, and refuſing to anſwer, to ſay that he was a parliament man when he received this information, and that he ſpake thereof in the parliament houſe; and, therefore, the parliament being now ended, he refuſed to anſwer to any ſuch queſtions but in the parliament houſe, and not in any other place?”

Sol. The judges did not venture to decide, publickly, this queſtion; but they gave this anſwer by advice privately to the attorney-general, ‘ That this excuſe being in nature of a plea, and an error in judgment, was not puniſhable, until he were over-ruled in an orderly manner, to make another anſwer; and whether the party were brought in Ore tenus or by information, for this plea he was not to be puniſhed.’

“ 3. Whether a parliament man, committing an offence againſt the king or council, not in a parliament way, might, after the parliament ended, be puniſhed or not?”

Sol. All the judges unanimouſly anſwered, ‘ He might, if he be not puniſhed for it in parliament; for the parliament ſhall not give privilege to any, contra morem parliamentarium, to exceed the bounds and limits of his place and duty. And all agreed, that regularly he cannot be compelled out of parliament to anſwer things done in parliament, in a parliamentary courſe; but it is otherwiſe where things are done exorbitantly, for thoſe are not the acts of a court.’ 1629.

“ 4. Whether, if one parliament man alone ſhall reſolve, or two or three ſhall covertly conſpire to raiſe falſe ſlanders and rumours againſt the lords of the council and judges not with intent to queſtion them in a legal courſe, or in a parliamentary way, but to blaſt them, and to bring them to hatred of the people, and the government in contempt, be puniſhable in the ſtar-chamber after the parliament is ended.

Sol. The judges reſolve, ‘ That the ſame was puniſhable out of parliament, as an offence exorbitant committed in parliament, beyond the office, and beſides the duty of a parliament man.’

The artifice of theſe queſtions conſiſted, 1. In the king's propoſing them in a general manner, as if they related not to any particular perſon. 2. In his aſcribing to one, two, or three members of the houſe, what was done by a great majority. 3. In ſuppoſing offences, outrages, treaſons againſt himſelf or council, and in deciding queſtions of law before the facts were ſtated.

The attorney-general informs againſt the impriſoned members. Ruſhw.

By vertue of theſe determinations, the attorney-general exhibited in the ſtar-chamber an information againſt the impriſoned members, wherein he greatly aggravated what had paſſed in the lower-houſe, when the ſpeaker was kept by force in the chair, but without the leaſt mention of the occaſion.

Chambers condemned for refuſing tunnage, &c. May 6. Annals.

At the ſame time alderman Chambers, one of thoſe that refuſed to pay tunnage and poundage, was alſo proſecuted in the ſtar-chamber, for ſaying, “ That the merchants were more ſcrewed up and wrung in England, than in Turkey.” He was condemned in an exorbitant fine of 2000 l. by which and ſome other oppreſſions, he was reduced to a very low condition.

I have already mentioned the artifice uſed by the court, to remove from the parliament ſuch gentlemen as they ſuſpected, by making them ſheriffs of their reſpective counties, which obliged them to ſwear to the due execution of their office. Walter Long, Eſq; of Wiltſhire, being made ſheriff of the county a little before the calling of the laſt parliament, was, however, elected for Bath, and he peferred this ſervice to that which his office obliged him to. During the ſitting of the parliament, Long was left undiſturbed, but after the diſſolution, the court entered an information againſt him in the ſtar-chamber for breaking his oath, by abſenting himſelf from his county and he was fined 2000 marks.

Long is fined. Ruſhw. Annals.

The impriſoned members are fined. Ruſhw. Annals.

The other members that were in ſeveral priſons, having petitioned the judges to be releaſed upon bail, by vertue of the Habeas Corpus, when the judges were met, and ready to deliver their opinions, the priſoners were not brought to the bar according to the rule of court. Whereupon, proclamation being

1629. made for the bringing them in, the court was informed, that they were removed to the tower by the king's own warrant. Then there came a letter to the judges from the king, ſignifying to the court, that the priſoners were not ſuffered to appear before them, by reaſon of their inſolent carriage towards him; that is, inſtead of applying themſelves to the king for pardon, they had addreſſed themſelves to the judges to be releaſed upon bail, according to law. Not to inſiſt too long upon this affair, I ſhall content myſelf with ſaying, that they were kept in priſon from March till October, without being tried, or obtaining the benefit of the Habeas Corpus. In fine, the court of king's-bench having agreed with one voice, "That the court, as this caſe is, ſhall have juriſdiction, tho' the offence were committed in parliament, and that the impriſoned members ought to plead," judgment was given againſt them upon a Nihil Dicit. They were to be impriſoned during the king's pleaſure, and, moreover, Elliot was fined 2000 pounds, Hollis 1000 marks, and Valentine 500 pounds.

The king's conduct, as well in diſſolving the parliamet, as in what was done afterwards, could not but breed diſcontent among the people. Murmurs were every where heard; libels were diſperſed about London againſt the king's counſellors, and particularly againſt biſhop Laud, and the lord treaſurer Weſton, who were accuſed of putting the king upon theſe violent proceedings. For this reaſon, the king, to prevent greater complaints, publiſhed a declaration to notify to the people the cauſes of the diſſolution of the laſt parliament. Tho' this declaration be very long, I think it neceſſary to inſert the whole in this place, leſt I ſhould be accuſed of having either paſſed over in ſilence, or too much abridged what may ſerve to juſtify the king. It muſt be obſerved that it was dated the 10th of March, the very day the parliament was diſſolved, tho' it was not publiſhed that day, but ſome time after.

The king's declaration, to all his ſubjects, notifying the cauſes which moved him to diſſolve the laſt parliament.

Ruſhw. ‘HOwſoever princes are not bound to give account of their actions, but to God alone; yet for the ſatisfaction of the minds and affections of our loving ſubjects, we have thought good to ſet down thus much by way of declaration, that we may appear to the world in the truth and ſincerity of our actions, and not in thoſe colours in which we know ſome turbulent and ill-affected ſpirits (to maſque and diſguiſe their wicked intentions, dangerous to the ſtate) would repreſent us to the publick view.

‘We aſſembled our parliament the 17th day of march, in the third year of our reign, for the ſafety of religion, for ſecuring our kingdoms and ſubjects at home, and our friends and allies abroad. And therefore at the firſt ſitting down of it, we declared the miſerable affected eſtate of thoſe of the reformed religion in Germany, France, and other parts of Chriſtendom; the diſtreſſed extremities of our deareſt uncle, the king of Denmark, chaſed out of a great part of his dominions; the ſtrength of that party which was united againſt us: That (beſides the pope and the houſe of Auſtria, and their antient confederates) the French king profeſſed the rooting out of the Proteſtant religion: That of the princes and ſtates on our party, ſome were over-run, others diverted, and ſome diſabled to give aſſiſtance. For which, and other important motives, we propounded a ſpeedy ſupply of treaſure, anſwerable to the neceſſity of the cauſe. 1629.

‘Theſe things in the beginning were well reſented by the houſe of commons, and with ſo much alacrity and readineſs, that they agreed to grant a liberal aid; but before it was brought to any perfection, they were diverted by a multitude of queſtions raiſed among them, touching their liberties and privileges, and by other long diſputes, that the bill did not paſs in a long time; and by that delay, our affairs were put into a far worſe caſe than at the firſt; our foreign actions then in hand, being thereby diſgraced and ruined for want of timely help.

‘In this, as we are not willing to derogate from the merit and good intentions of thoſe wiſe and moderate men of that houſe, (to whoſe forwardneſs we attribute it, that it was propounded and reſolved ſo ſoon) ſo we muſt needs ſay, that the delay of paſſing it when it was reſolved, occaſioned by cauſeleſs jealouſies, ſtirred up by men of another temper, did much leſſen both the reputation and reality of that ſupply. And their ſpirit, infuſed into many of the commiſſioners and aſſeſſors in the country, hath returned up the ſubſidies in ſuch a ſcanty proportion, as is infinitely ſhort, not only of our great occaſions, but of the precedents of former ſubſidies, and of the intentions of all well-affected men in that houſe.

‘In thoſe large diſputes, as we permitted many of our high prerogatives to be debated, which in the beſt times of our predeceſſors had never been queſtioned, without puniſhment or ſharp reproof; ſo we did endeavour to have ſhortned thoſe debates, for winning of time, which would have much advantaged our great affairs, both at home and abroad. And therefore both by ſpeeches and meſſages, we did often declare our gracious and clear reſolution to maintain, not only the parliament, but all our people, in their antient and juſt liberties, without either violation or diminution, and in the end, for their full ſatisfaction and ſecurity did by an anſwer, framed in the form by themſelves deſired to their parliamentary petition, confirm their antient and juſt liberties and rights, which we reſolve with all conſtancy and juſtice to maintain.

‘This parliament howſoever, beſides the ſettling our neceſſary ſupply, and their own liberties, they waſted much time in ſuch proceedings, (blaſting our government, as we are unwilling to remember) yet we ſuffered them to ſit, until themſelves deſired us to appoint a time for their receſs, not naming either adjournment or prorogation.

‘Whereupon by advice of our council, we reſolved to prorogue and make a ſeſſion; and to that end prefixed a day, by which they might (as was meet in ſo long a ſitting) finiſh ſome profitable and good laws; and withal gave order for a gracious pardon to all our ſubjects; which, according to the uſe of former parliaments, paſſed the higher houſe, and was ſent down to the commons. All which being graciouſly intended by us, was ill-entertained by ſome diſaffected perſons of that houſe, who by their artifices, in a ſhort time raiſed ſo much heat and diſtemper in the houſe, for no other viſible cauſe, but becauſe we had declared our reſolution to prorogue, as our council adviſed, and not to adjourn, as ſome of that houſe (after our reſolution declared, and not before) did manifeſt themſelves to affect; that ſeldom hath greater paſſion been ſeen in that houſe, upon the greateſt occaſions. And ſome glances in the houſe, but upon open rumours abroad were ſpread. That by the anſwer to the petition we had given away, not only our impoſitions upon goods exported and imported, but the tunnage and poundage, (whereas in the debate and hammering of that petition, there was no ſpeech or mention in either houſe concerning thoſe impoſitions, but concerning taxes and other charges within the land; much leſs was there any thought thereby to debar us of tunnage and poundage, which, both before and after the anſwer to that petition, the houſe of commons in all their ſpeeches and treaties, did profeſs they were willing to grant). And at the ſame time many other miſinterpretations were raiſed of that petition and anſwer, by men not well-diſtinguiſhing between well-ordered liberty and licentiouſneſs; as if by our anſwer to that petition, we had let looſe the reins of our government. And in this diſtemper the houſe of commons, laying aſide the pardon (a thing never done in any former parliament) and other buſineſs, fit to have been concluded in that ſeſſion, ſome of them went about to frame and contrive a remonſtrance againſt our receiving of tunnage and poundage, which was ſo far proceeded in, the night before the prefixed time, for concluding the ſeſſion, and ſo haſtened by the contrivers thereof, that they meant to have put it to the vote of the houſe the next morning, before we ſhould prorogue that ſeſſion. And therefore, finding our gracious favours in the ſeſſion, afforded to our people, ſo ill requited, and ſuch ſiniſter ſtrains made upon our anſwer to that petition, to the diminution of our profit, and (which was more) to the danger of our government: We reſolved to prevent the finiſhing of that remonſtance, and other dangerous intentions of ſome ill-affected perſons, by ending the ſeſſion the next morning, ſome few hours ſooner than was expected; and by our own mouth to declare to both houſes the cauſe thereof: And for hindering the ſpreading of thoſe ſiniſter interpretations of that petition and anſwer, to give ſome neceſſary directions, for ſettling and quieting our government; until another meeting; which we performed accordingly the 26th of June laſt.

‘The ſeſſion thus ended, and the parliament riſen, that intended remonſtrance gave us occaſion to look into the buſineſs of tunnage and poundage. And, therefore, tho' our neceſſities pleaded ſtrongly for us, yet we were not apt to ſtrain that point too far, but reſolved to guide ourſelf by the practice of former ages, and examples of our moſt noble predeceſſors, thinking thoſe counſels beſt warranted, which the wiſdom of former ages, concurring with the preſent occaſions, did approve; and, therefore, gave order for a diligent ſearch of records: Upon which it was found, that altho' in the parliament holden in the firſt year of the reign of king Edward IV, the ſubſidy of tunnage and poundage was not granted unto that king, but was firſt granted to him by parliament in the third year of his reign; yet the ſame was accounted and anſwered to that king, from the firſt day of his reign, all the firſt and ſecond years of his reign, and until it was granted by parliament. And that in the ſucceeding times of king Richard III, king Henry VII, king Henry VIII, king Edward VI, queen Mary and queen Elizabeth, the ſubſidy of tunnage and poundage was not only enjoyed by every of thoſe kings and queens, from the death of each of them deceaſing, untill it was granted by parliament unto the ſucceſſor; but in all thoſe times, being for the moſt part peaceable, and not burthened with like charges and neceſſities, as theſe modern times,) the parliament did moſt readily and chearfully, in the beginning of every of thoſe reigns, grant the ſame, as a thing moſt neceſſay for the guarding of the ſeas, ſafety and defence of the realm, and ſupportation of the royal dignity. And in the time of our royal father of bleſſed memery, he enjoyed the ſame a full year, wanting very few days, before his parliament began; and above a year before the act of parliament for the grant of it was paſſed; and yet when the parliament was aſſembled, it was granted without difficulty. And in our own time, we quietly received the ſame three years and more, expecting with patience in ſeveral parliaments the like grant thereof, as had been made to ſo many of our predeceſſors; the houſe of commons ſtill profeſſing, that multitude of other buſineſſes, and not want of willingneſs on their part, had cauſed the ſettling thereof to be ſo long deferred. And, therefore, finding ſo much reaſon and neceſſity for the receiving of the ordinary duties in the cuſtom-houſe, to concur with the practice of ſuch a ſucceſſion of kings and queens, famous for wiſdom, juſtice and government, and nothing to the contrary, but that intended remonſtrance, hatched out of the paſſionate brains of a few particular perſons; we thought it was ſo far from the wiſdom and duty of a houſe of parliament, as we could not think that any moderate and diſcreet man (upon compoſed thoughts, ſetting aſide paſſion and diſtemper) could be againſt receiving of tunnage and poundage; eſpecially ſince we do, and ſtill muſt purſue thoſe ends, and undergo that charge for which it was firſt granted to the crown; it having been ſo long and conſtantly continued to our predeceſſors, as that in four ſeveral acts of parliament, for the granting thereof to king Edward VI, queen Mary, queen Elizabeth, and our bleſſed father, it is in expreſs terms mentioned, to have been had and enjoyed by the ſeveral kings, named in thoſe acts, time out of mind, by authority of parliament. And therefore upon theſe reaſons we held it agreeable to our kingly honour, and neceſſary for the ſafety and good of our kingdom, to continue the receipt thereof, as ſo many of our predeceſſors had done. Wherefore when a few merchants (being at firſt but one or two) fomented, as it is well known, by thoſe evil ſpirits that would have hatched that undutiful remonſtrance, began to oppoſe the payment of our accuſtomed duties in the cuſtom-houſe, we gave order to the officers of our cuſtoms to go on, notwithſtanding that oppoſition, in the receiving of the uſual duties, and cauſed thoſe that refuſed to be warned to attend at the council-board, that by the wiſdom and authority of our council, they might be reduced to obedience and duty; where ſome of them, without reverence or reſpect to the honour and dignity of that preſence, behaved themſelves with ſuch boldneſs and inſolency of ſpeech, as was not to be endured by a far meaner aſſembly, much leſs to be countenanced by a houſe of parliament, againſt the body of our privy-council.

‘ And as in this we did, what in reaſon and honour was fit for the preſent, ſo our thoughts were daily intentive upon the reaſſembling of our parliament, with full intention on our part, to take away all ill-underſtanding between us, and our people; whoſe loves, as we deſire to continue and preſerve, ſo we uſed our beſt endeavours to prepare and faciliate the way to it. And to this end, having taken a ſtrict and exact ſurvey of our government, both in the church and common-wealth, and what things were moſt fit and neceſſary to be informed: We found in the firſt place, that much exception had been taken at a book, entitled, Appello Cæſarem, or, An Appeal to Cæſar; and publiſhed in the year 1625, by Richard Montague, then batchelor of divinity, and now biſhop of Chicheſter; and becauſe it did open the way to thoſe ſchiſms and diviſions, which have ſince enſued in the church, we did for remedy and redreſs thereof, and for the ſatisfaction of the conſciences of our good people, not only by our publick proclamation, call in that book, which miniſtred matter of offence; but to prevent the like danger for hereafter, re-printed the articles of religion, eſtabliſhed in the time of queen Elizabeth of famous memory; and by a declaration before thoſe articles, we did tie and reſtrain all opinions to the ſenſe of thoſe articles, that nothing might be left for private fancies and innovations. For we call God to record, before whom we ſtand, that it is, and always hath been our heart's deſire, to be found worthy of that title, which account the moſt glorious in all our crown, defender of the faith. Neither ſhall we ever give way to the authoriſing of any thing, whereby any innovation may ſteal or creep into the church; but to preſerve that unity of doctrine and diſcipline eſtabliſhed in the time of queen Elizabeth, whereby the church of England hath ſtood and flouriſhed ever ſince.

‘ And as we were careful to make up all breaches and rents in religion at home, ſo did we by our proclamation and commandment, for the execution of laws againſt prieſts and Popiſh recuſants, fortify all ways and approaches againſt that foreign enemy; which if it hath not ſucceeded according to our intention, we muſt lay the fault were it is, in the ſubordinate officers and miniſters in the country, by whoſe remiſſneſs, Jeſuits and prieſts eſcaped without apprehenſion; and recuſants, from thoſe convictions and penalties which the law and our commandment would have inflicted on them. For we do profeſs, that as it is our duty, ſo it ſhall be our care to command and direct well; but it is the part of others to perform the miniſterial office. And when we have done our office, we ſhall account ourſelves, and all charitable men will account us innocent, both to God and men. And thoſe that are negligent, we will eſteem as culpable both to God and us; and therefore will expect that hereafter they give us a better account.

‘ And as we have been careful for the ſetling of religion, and quieting the church; ſo were we not unmindful of the preſervation of the juſt and antient liberties of our ſubjects, which we ſecured to them by our gracious anſwer to the petition in parliament, having not ſince that time done any act whereby to infringe them. But our care is, and hereafter ſhall be, to keep them intire and inviolable, as we would do our own right and ſovereignty, having for that purpoſe enrolled the petition and anſwer in our courts of juſtice.

‘ Next to the care of religion, and of our ſubjects rights, we did our beſt for the provident and well-ordering of that aid and ſupply, which was granted us the laſt ſeſſion, whereof no part hath been waſtfully ſpent, nor put to any other uſe, than thoſe for which it was deſired and granted; as upon payment of our fleet and army; wherein our care hath been ſuch, as we choſe rather to diſcontent our deareſt friends and allies, and our neareſt ſervants, than to leave our ſoldiers and mariners unſatiſfied, whereby any vexation or diſquiet might ariſe to our people. We have alſo, with part of thoſe moneys, begun to ſupply our magazines, and ſtores of munition, and to put our navy into a conſtant form and order. Our fleet likewiſe is fitting, and almoſt in a readineſs, whereby the narrow ſeas may be guarded, commerce maintained, and our kingdom ſecured from all foreign attempts. Theſe acts of ours might have made this impreſſion in all good minds, that we were careful to direct our counſels, and diſpoſe our actions, as might moſt conduce to the maintenance of religion, honour of our government, and ſafety of our people. But with miſchievous men once ill-affected, Seu bene, ſeu male facta premunt; and whatſoever once ſeemed amiſs, is ever remembered; but good endeavours are never regarded.

‘Now all theſe things, that were the chief complaints the laſt ſeſſion, being by our princely care ſo ſeriouſly reformed, the parliament re-aſſembled the 20th of January laſt. We expected, according to the candour and ſincerity of our own thoughts, that men would have framed themſelves for the affecting of a right underſtanding between us and our people. But ſome few malevolent perſons, like empericks and leud artiſts, did ſtrive to make new work, and to have ſome diſeaſe on foot, to keep themſelves in requeſt, and to be employed and entertained in the cure. And yet to manifeſt how much offences have been diminiſhed, the committees for grievances, committees for courts of juſtice, and committees for trade, have, ſince the ſitting down of the parliament, received few complaints, and thoſe ſuch as they themſelves have not thought to be of that moment or importance, with which our ears ſhould be acquainted.

‘No ſooner, therefore, was the parliament ſet down, but theſe ill-affected men began to ſow and diſperſe their jealouſies, by caſting out ſome glances and doubtful ſpeeches, as if the ſubject had not been ſo clearly and well dealt with, touching their liberties, and touching the petition anſwered the laſt parliament. This being a plauſible theme, thought on for an ill purpoſe, eaſily took hold on the minds of many, that knew not the practice. And thereupon the ſecond day of the parliament, a committee was appointed to ſearch, whether the petition and our anſwer thereunto were inrolled in the parliament-roll, and in the courts at Weſtminſter, and in what manner the ſame was done. And a day alſo was then appointed, on which, the houſe being reſolved into a committee, ſhould take into conſideration thoſe things, wherein the liberty of the ſubject had been invaded, againſt the petition of right. This, tho' it produced no other effect of moment or importance, yet was ſufficient to raiſe a jealouſy againſt our proceedings, in ſuch as were not well acquainted with the ſincerity and clearneſs of them. There followed another of no leſs ſkill; for altho' our proceeding before the parliament, about matters of religion, might have ſatisfied any moderate men, of our zealous care thereof, (as we are ſure it did the moſt) yet, as bad ſtomachs turn the beſt things into their own nature, for want of good digeſtion; ſo theſe diſtempered perſons have done the like of our good intents, by a bad and ſiniſter interpretation; for, when they did obſerve, that many honeſt and religious minds in that houſe did complain of thoſe dangers that did threaten the church; they likewiſe took the ſame word in their mouth, and their cry likewiſe was, Templum Domini, Templum Domini, when the true care of the church never came into their hearts; and what the one did out of zeal unto religion, the other took up as a plauſible theme, to deprave our government, as if we, our clergy and council, were either ſenſeleſs or careleſs of religion; and this wicked practice hath been, to make us ſeem to walk before our people, as if we halted before God.

‘Having, by theſe artifices, made a jealous impreſſion in the hearts of many; and a day being appointed to treat of the grant of tunnage and poundage, at the time prefixed, all expreſs great willingneſs to grant it. But a new ſtrain is found out, that it could not be done without great peril to the right of the ſubject, unleſs we ſhould diſclaim any right therein, but by grant in parliament; and ſhould cauſe all thoſe goods to be reſtored, which, upon commandment from us, or our council, were ſtayed by our officers until thoſe duties were paid, and conſequently ſhould put ourſelves out of the poſſeſſion of the tunnage and poundage, before they were granted; for elſe, it was pretended, the ſubject ſtood not in fit caſe to grant it. A fancy and cavil raiſed of purpoſe to trouble the buſineſs; it being evident, that all the kings before named did receive that duty, and were in actual poſſeſſion of it, before, and at the very time when it was granted to them by parliament. And altho' we, to remove all difficulties, did from our own mouth, in thoſe clear and open terms, that might have ſatisfied any moderate and well-diſpoſed minds, declare, that it was our meaning, by the gift of our people, to enjoy it; and that we did not challenge it of right, but took it de bene eſſe, ſhewing thereby, not the right, but the neceſſity by which we were to take it, (wherein we deſcended, for their ſatisfaction, ſo far beneath ourſelf, as we are confident never any of our predeceſſors did the like, or was the like ever required or expected from them.) Yet for all this, the bill of tunnage and poundage was laid aſide, upon pretence, they muſt firſt clear the right of the ſubject therein; under colour whereof, they entertain the complaints, not only John Rolles, a member of their houſe, ‘but alſo of Richard Chambers, John Foukes, and Bartholomew Gilman, againſt the officers of our cuſtoms, for detaining their goods, upon refuſal to pay the ordinary duty, accuſtomed to be paid for the ſame. And upon theſe complaints, they ſend for the officers of the cuſtoms, enforcing them to attend day after day, by the ſpace of a month together; they cauſe them to produce their letters patents under our great ſeal, and the warrants made by our privy-council, for levying of thoſe duties. They examine the officers upon what queſtions they pleaſe, thereby to entrap them for doing our ſervice and commandment. In theſe and other their proceedings, becauſe we would not give the leaſt ſhew of interruption, we endured long with much patience, both theſe and ſundry other ſtrange and exorbitant incroachments and uſurpations, ſuch as were never before attempted in that houſe.

‘We are not ignorant how much that houſe hath of late years endeavoured to extend their privileges, by ſetting up general committees for religion, for courts of juſtice, for trade, and the like; a courſe never had until of late; ſo as, where in former times the knights and burgeſſes were wont to communicate to the houſe ſuch buſineſs as they brought from their countries; now there are ſo many chairs erected, to make enquiry upon all ſorts of men, where complaints of all ſorts are entertained, to the unſufferable diſturbance and ſcandal of juſtice and government, which having been tolerated a while by our father and ourſelf, hath daily grown to more and more height; inſomuch that young lawyers ſitting there, take upon them to decry the opinions of the judges; and ſome have not doubted to maintain, that the reſolutions of that houſe muſt bind the judges; a thing never heard of in ages paſt. But, in this laſt aſſembly of parliament, they have taken on them much more than ever before.

‘They ſent meſſengers to examine our attorney-general, (who is an officer of truſt and ſecrecy) touching the execution of ſome commandments of ours, of which, without our leave firſt obtained, he was not to give account to any but ourſelf. They ſent a captious and directory meſſage to the lord-treaſurer, chancellor, and barons of the exchequer, touching ſome judicial proceedings of theirs in our court of exchequer.

‘They ſent meſſengers to examine upon ſundry queſtions, our two chief-juſtices, and three other of our judges, touching their judicial proceedings at the goal-delivery at Newgate, of which they are not accountable to the houſe of commons.

‘And whereas ſuits were commenced in our court of ſtar-chamber, againſt Richard Chambers, John Foukes, Bartholomew Gilman, and Richard Philips, by our attorney-general, for great miſdemeanors; they reſolved that they were to have privilege of parliament againſt us for their perſons, for no other cauſe, but becauſe they had petitions depending in that houſe; and (which is more ſtrange) they reſolved that a ſignification ſhould be made from that houſe by a letter, to iſſue under the hand of their ſpeaker, unto the lord-keeper of our great-ſeal, that no attachment ſhould be granted out againſt the ſaid Chambers, Foukes, Gilman, or Philips, during the ſaid privilege of parliament. Whereas it is far above the power of that houſe, to give directions to any of our courts at Weſtminſter, to ſtop attachments againſt any man, tho' never ſo ſtrongly privileged; the breach of privilege being not in the court that grants, but in the party or miniſter that puts in execution ſuch attachments. And, therefore, if any ſuch letter had come to the lord-keeper, as it did not, he ſhould have highly offended us if he had obeyed it; nay, they went ſo far, as they ſpared not the honour of our council-board, but examined their proceedings in the caſe of our cuſtomers, interrogating what this or that man of our council ſaid, in direction of them in the buſineſs committed to their charge. And when one of the members of that houſe, ſpeaking of our counſellors, ſaid, we had wicked counſel; and another ſaid, that the council and judges ſought to trample under feet the liberty of the ſubject; and a third traduced our court of ſtar-chamber, for the ſentence given againſt Savage, they paſſed without check or cenſure by the houſe. By which may appear how far the members of that houſe have of late ſwollen beyond the rules of moderation, and the modeſty of former times; and this under pretence of privilege and freedom of ſpeech, whereby they take liberty to declare againſt all authority of council and courts at their pleaſure.

‘They ſent for our ſheriff of London, to examine him in a cauſe whereof they had no juriſdiction; their true and antient juriſdiction extending only to their own members, and to the conſervation of their privileges, and not to the cenſure of foreign perſons and cauſes, which have no relation to their privileges, the ſame being but a late innovation. And yet upon an enforced ſtrain of a contempt for not anſwering to their ſatisfaction, they commit him to the tower of London, uſing that outward pretext for a cauſe of committing him, the true and inward cauſe being, for that he had ſhewed himſelf dutiful to us and our commandments, in the matter concerning our cuſtoms.

‘In theſe innovations (which we will never permit again) they pretended indeed our ſervice; but their drift was, to break, by this means, thro' all reſpects and ligaments of government, and to erect an univerſal overſwaying power to themſelves, which belongs only to us, and not to them.

‘Laſtly, in their proceedings againſt our cuſtomers; they went about to cenſure them as delinquents, and to puniſh them, for ſtaying ſome goods of ſome factious merchants, in our ſtore-houſe, for not paying thoſe duties which themſelves had formerly paid, and which the cuſtomers, without interruption, had received of all other merchants, many years before, and to which they were authoriſed, both by our great-ſeal, and by ſeveral directions and commandments from us and our privy-council.

'To give ſome colour to their proceedings herein, they went about to create a new privilege, (which we will never admit) that a parliament-man hath privilege for his goods againſt the king; the conſequence whereof would be, that he may not be conſtrained to pay any duties to the king, during the time of privilege of parliament. It is true, they would have this caſe to have been between the merchants, and our farmers of our cuſtoms, and have ſevered them from our intereſt and commandment, thereby the rather to make them liable to the cenſure and puniſhment of that houſe. But on the other ſide, we holding it both unjuſt and diſhonourable, to withdraw ourſelf from our officers, in any thing they did by our commandment, or to diſavow any thing that we had enjoined to be done; upon Monday the 23d of February, ſent a meſſage unto them by ſecretary Coke, thanking him for the reſpect they had ſhewed, in ſevering the intereſt of our farmers from our own intereſt and commandment. Nevertheleſs, we were bound in honour to acknowledge a truth, that, what was done by them, was done by our expreſs commandment and direction; and if for doing thereof our farmers ſhould ſuffer, it would highly concern us in honour. Which meſſage was no ſooner delivered unto them, but in a tumultuous and diſcontented manner they called, adjourn, adjourn; and thereupon, without any cauſe given on our part, in a very unuſual manner, adjourned until the Wedneſday following.

'On which day, by the uniform wiſdom of our privy-council, we cauſed both houſes to be adjourned until the 2d day of March; hoping that in the mean time, a better and more right underſtanding might be begotten between us and the members of that houſe, whereby the parliament might come to an happy iſſue.

'But underſtanding by good advertiſement, that their diſcontent did not in that time digeſt and paſs away; we reſolved to make a ſecond adjournment until the 10th of March; which was done, as well to take time to ourſelf, to think of ſome means to accommodate thoſe difficulties, as to give them time to adviſe better; and accordingly, we gave commandment for a ſecond adjournment in both houſes, and for ceſſation of all buſineſs till the day appointed; which was very dutifully obeyed in the higher-houſe, no man contradicting or queſtioning it. But when the ſame commandment was delivered in the houſe of commons by their ſpeaker, it was ſtraitways contradicted, and altho' the ſpeaker declared unto them, it was an abſolute right and power in us to adjourn, as well as to prorogue or diſſolve; and declared and read unto them divers precedents of that houſe, to warrant the ſame; yet our commandment was moſt contemptuouſly diſobeyed; and ſome riſing up to ſpeak, ſaid, they had buſineſs to do before the houſe ſhould be adjourned.

Here the king inſerted a long account of what paſſed in the houſe, when the ſpeaker was kept by force in the chair, whilſt the remonſtrance was drawing. This account is much aggravated, being taken word for word from the attorney-general's information againſt Elliot. But it contains in ſubſtance no more than what hath been ſaid before.

'Whilſt the duke of Buckingham lived, he was entituled to all the diſtempers and ill-events of former parliaments; and, therefore, much endeavour was uſed to demoliſh him, as the only wall of ſeparation between us and our people. But now he is dead, no alteration was found among thoſe envenomed ſpirits, which troubled then the bleſſed harmony between us and our ſubjects, and continue ſtill to trouble it. For now, under the pretence of publick care of the common-wealth, they ſuggeſt new and cauſeleſs fears, which in their own hearts they know to be falſe; and deviſe new engines of miſchief, ſo to caſt a blindneſs upon the good affections of our people, that they may not ſee the truth and largeneſs of our heart towards them. So that now it is manifeſt, the duke was not alone the mark theſe men ſhot at, but was only as a near miniſter of ours, taken up, on the bye, and in their paſſage to their more ſecret deſigns; which were only to caſt our affairs into a deſperate condition, to abate the powers of our crown, and to bring our government into obloquy; that in the end all things may be overwhelmed with anarchy and confuſion.

'We do not impute theſe diſaſters to the whole houſe of commons, knowing that there were amongſt them many religious, grave, and well-minded men; but the ſincerer and better part of the houſe was overborn, by the practices and clamours of the other, who careleſs of their duties, and taking advantage of the times, and our neceſſities, have enforced us to break off this meeting; which had it been anſwered with like duty on their parts, as it was invited and begun with love on ours, might have proved happy and glorious, both to us and this whole nation.

'We have thus declared the manifold cauſes we had to diſſolve this parliament, whereby all the world may ſee how much they have forgotten their former engagements at the entry into the war, themſelves being perſuaders to it; promiſing to make us feared by our enemies, and eſteemed by our friends. And how they turned the neceſſities grown by that war, to enforce us to yield to conditions incompatible with monarchy.

‘And now that our people may diſcern that theſe provocations of evil men (whoſe puniſhments we reſerve to a due time) have not changed our good intentions to our ſubjects, we do here profeſs to maintain the true religion and doctrine eſtabliſhed in the church of England, without admitting or conniving at any back-ſliding, either to Popery or ſchiſm. We do alſo declare, that we will maintain the antient and juſt rights and liberties of our ſubjects, with ſo much conſtancy and juſtice, that they ſhall have cauſe to acknowledge, that under our government and gracious protection, they live in a more happy and free eſtate than any ſubjects in the Chriſtian world. Yet let no man hereby take the boldneſs to abuſe that liberty, turning it to licentiouſneſs, nor miſinterpret the petition, by perverting it to a lawleſs liberty, wantonly or frowardly, under that or any other colour, to reſiſt lawful and neceſſary authority. For, as we will maintain our ſubjects in their juſt liberties, ſo we do and will expect, that they yield as much ſubmiſſion and duty to our royal prerogatives, and as ready obedience to our authority and commandments, as hath been performed to the greateſt of our predeceſſors.

‘And for our miniſters, we will not that they be terrified by thoſe harſh proceedings, that have been ſtrained againſt ſome of them; for as we will not command any thing unjuſt or diſhonourable, but ſhall uſe our authority and prerogatives for the good of our people; ſo we will expect, that our miniſters obey us, and they ſhall aſſure themſelves we will protect them.

‘As for our merchants, we let them know, we ſhall always endeavour to cheriſh and enlarge the trade of ſuch as be dutiful, without burthening them beyond what is fitting; but the duty of five in the hundred, for guarding of the ſeas, and defence of the realm, to which we hold ourſelves ſtill obliged, (and which duty hath continued without interruption ſo many ſucceſſions of ages) we hold no good or dutiful ſubject will deny it, being ſo neceſſary for the good of the whole kingdom. And if any factious merchant will affront us, in a thing ſo reaſonable and wherein we require no more, nor in no other manner, than ſo many of our predeceſſors have done, and have been dutifully obeyed; let them not deceive themſelves, but be aſſured, that we ſhall find honourable and juſt means to ſupport our eſtate, vindicate our ſovereignty, and preſerve the authority which God hath put into our hands.

‘And now having laid down the truth and clearneſs of our proceedings, all wiſe and diſcreet men may eaſily judge of thoſe rumours, and jealous fears, that are maliciouſly and wickedly bruited abroad, and may diſcern by examination of their own hearts, whether (in reſpect of the free paſſage of the goſpel, indifferent and equal adminiſtration of juſtice, freedom from oppreſſion, and the great peace and quietneſs which every man enjoyeth under his own vine and fig-tree) the happineſs of this nation can be paralleled by any of our neighbour-countries; and if not, then to acknowledge their own bleſſedneſs, and for the ſame be thankful to God, the author of all goodneſs.’

A remark on this declaration.

This declaration, or rather apology, produced not the effect, the king expected. It was very difficult for the king to perſuade the people, that a dozen members of parliament had formed a project to ſubvert the government, to introduce anarchy, to uſurp the royal authority, without any appearance of the leaſt advantage to themſelves or others. It would have been ſtill more ſtrange, that ſuppoſing the king ſo juſt a prince, and ſo tender of his people, as he deſired to be thought, theſe men ſhould have had ſufficient credit, to bring over the majority of the commons to their ſentiments. On the other hand, the king defended himſelf very weakly, in his declaration, on the articles concerning recuſants, tunnage and poundage, and in general, on the cauſes of the diſſolution of the parliament. For in aggravating the commons fault, in not inſtantly obeying the adjournment, he not only ſuppoſed his power inconteſtable, tho' it was not ſo, but alſo omitted the immediate cauſe of their non-compliance; viz. the ſpeaker's refuſal, by his expreſs command, to put the queſtion, which was a manifeſt breach of the freedom of parliament. Complaints, therefore, and murmurs continued more than ever, notwithſtanding this apology. It was publickly ſaid, the king intended utterly to deſtroy the privileges of the parliament, and the liberties of the people; and what was done afterwards againſt the impriſoned members, helped not to undeceive the nation. It was added, that trade was ruined, and religion in danger, and that the kingdom was going to be inſlaved, if theſe miſchiefs were not redreſſed by a new parliament. The king being informed of theſe rumours, publiſhed a proclamation to this effect:

A proclamation againſt falſe rumours touching parliaments. Ruſhw. Act. Pub.

‘THAT, notwithſtanding his majeſty's late declaration, for ſatisfying the minds and affections of his loving ſubjects, ſome ill-diſpoſed perſons do ſpread falſe and pernicious rumours abroad, as if the ſcandalous and ſeditious propoſition in the houſe of commons, made by an outlawed man, deſperate in mind and fortune, and tumultuouſly taken up by ſome few, after that, by his majeſty's royal authority, he had commanded their adjournment, had been the vote of the whole houſe, whereas the contrary is the truth; for it was then decried by the wiſeſt and beſt affected, and ſince diſavowed, upon examination, by ſuch as were ſuſpected to have conſented thereunto, and affirmed, as well by them, as others who ſerved in the houſe that day, to be a thing of a moſt wicked and dangerous conſequence, to the good eſtate of this kingdom; and it appeareth to be ſo, by thoſe impreſſions which this falſe rumour hath made in mens minds, ‘whereby, out of cauſeleſs fears, the trade of the kingdom is diſturbed, and merchants diſcouraged to continue their wonted traffick. His majeſty hath thought it expedient, not only to manifeſt the truth thereof, but to make known his royal pleaſure; that thoſe who raiſe or nouriſh falſe reports, ſhall be ſeverely puniſhed; and ſuch as chearfully go on with their trade, have all good encouragement; not purpoſing to over-charge his ſubjects by any new burthens, but to ſatisfy himſelf with thoſe duties that were received by the king, his father, of bleſſed memory, which his now majeſty neither can, nor will diſpenſe withal; but ſhall eſteem them unworthy of his protection who ſhall deny the ſame, his majeſty intending to employ it for the defence of his kingdom, dominion of the ſeas, and ſafe-guard of the merchants, eſpecially by ſuch ſhipping as are now making ready, and ſuch farther preparations for aid of his friends and allies, as need ſhall require. And whereas for ſeveral ill ends, the calling again of a parliament is divulged, howſoever his majeſty hath ſhewed by his frequent meeting with his people, his love to the uſe of parliaments; yet the late abuſe having for the preſent driven his majeſty unwillingly out of that courſe, he ſhall account it preſumption for any to preſcribe any time to his majeſty for parliaments; the calling, continuing, and diſſolving of which, is always in the king's own power. And his majeſty ſhall be more inclinable to meet in parliament again, when his people ſhall ſee more clearly into his intents and actions; when ſuch as have bred this interruption ſhall receive their condign puniſhment, and thoſe who are miſled by them, and by ſuch ill reports as are raiſed upon this occaſion, ſhall come to a better underſtanding of his majeſty and themſelves.’

A writing publiſhed againſt the king. Ruſhw. Annals.

About this time appeared a writing, entitled, A propoſition for his majeſty's ſervice, to bridle the impertinency of parliaments. Very probably, if this writing had been preſented to the king, it would never have been publiſhed. Accordingly, it was afterwards declared in the ſtar-chamber to be a ſeditious libel. It ſerves, however, to ſhew, that many people thought, the king was taking meaſures to throw off the yoke of parliaments, ſince he evidently followed ſome of the maxims propoſed in this writing. There was even no likelihood of his intending to call another parliament, till he had found means of having the commons more at command, as he had plainly intimated in his laſt proclamation.

The king makes a peace with France. Ruſhw. Act. Pub. Annals.

Rochel being taken, the king did not think proper to continue a war with France, which could bring him no advantage, nor ſerve him for pretence to aſk money of the parliament, ſince he was determined not to call one. As France had no quarrel with him, but concerning the queen's domeſticks, which was not a ſufficient motive to continue the war, a peace was quickly concluded between the two crowns, by the mediation of the republick of Venice. It was ſigned the 14th of April, about a month after the diſſolution of the parliament. France ſo little cared for what had paſſed concerning the queen's domeſticks, that ſhe was ſatisfied with inſerting this article in the treaty of peace: “The articles and contract of the marriage of the queen of Great-Britain are to be confirmed faithfully. And as for the ſaid queen's houſhold, if there be any thing to be added or diminiſhed, it ſhall be done by a mutual conſent freely and willingly, as it may be judged fit and convenient for the ſervice of the ſaid queen.” This peace was ſworn in September following.

A remark on the riches of the kings of England.

The king had now freed himſelf from the yoke of the parliament, and intended not to reſume it; but withal, he had deprived himſelf of the ſupplies of money, which the parliaments were wont to grant to the kings, not only on urgent and extraordinary occaſions, but alſo as marks of affection and zeal, when the people were pleaſed with the government. One may venture to ſay, no prince in Europe equals in riches a king of England, who is beloved by his ſubjects. Not only his ordinary revenues, if well managed, are more than ſufficient to enable him to keep a ſplendid and magnificent court; but it is, properly, the ſovereign alone who has never any need to heap up money againſt any future extraordinary emergencies. He finds, at all times, in the purſes of his ſubjects, and by a free gift, whatever is neceſſary to ſupport the honour of his ſtate. There is no potentate in Europe that can, like him, be ſure of never wanting money. But what muſt he do to gain the love of his people? Why, a thing the moſt practicable and eaſy, the moſt juſt, the moſt adapted to the welfare of his kingdom, and to his own intereſt. In a word, he muſt obſerve the laws to which himſelf and predeceſſors have conſented, and which were deemed neceſſary for king and people. The pride, therefore, and inſatiable avarice of favourites and miniſters, are the only things that make him ſometimes loſe the advantages naturally flowing from the conſtitution of the government. Theſe men, impatient of any bounds to their unlawful ambition of governing with an abſolute ſway, ſeek all poſſible means to inſtill into their maſter a deſire to ſet himſelf above the laws, and to become like other monarchs; that is, they do all that lies in their power to change the king's true and ſolid happineſs into real miſery. For, tho' a king of England ſhould render himſelf abſolute, he could never, by oppreſſion and violence, obtain from his people what he may freely receive, by ſubmitting to the laws and conſtitution of the government. We have ſeen in the two late reigns of William III, and queen Anne, and we daily ſee in that of the prince on the throne, ſuch undeniable proofs of what I advance, that I think it needleſs to ſay any thing more. I ſhall only obſerve, that the kings of England, who were moſt famous and moſt eſteemed, as Edward I, Edward III, Henry V, Henry VIII, and Elizabeth, conſtantly followed the ſame maxim, and thereby rendered their reigns proſperous and happy. Whereas, James I, Charles I, Charles II, James II, who took a contrary courſe, became miſerable, and performed nothing either for their own or the nation's glory.

Cauſes of the people's diſcontent.

Charles I, like the king, his father, was very fond of arbitrary power, and had no favourites or miniſters, but what were of the ſame principles. His privy-council became, by degrees, an abſolute court, which thought itſelf above the laws. The ſtar-chamber was another court, the moſt rigorous that ever was, the ſeverity whereof fell chiefly upon thoſe who pretended to diſpute the prerogative-royal. The high-commiſſion perfectly ſeconded the council and ſtar-chamber, and under colour of putting a ſtop to ſchiſm, oppreſſed, as Puritans, thoſe that refuſed to ſubmit to a deſpotick power. In ſhort, the judges of the realm being all choſen by the court, and devoted to the king, omitted no opportunity to ſupport the prerogative-royal, and raiſe it as high as the king deſired. The parliament only could cure theſe diſorders, but the king was determined to call no more, the maxims of the parliament being diametrically oppoſite to his. He thought the parliament had much incroached upon the prerogative-royal, in the foregoing reigns, and the parliament could not help dreading the conſequences of the general maxims, which the king was endeavouring to introduce into the government; and the rather, as they ſaw plainly, theſe conſequences were not bare ſpeculations, but were put in practice. This dread induced them to deny the king ſome things readily granted by former parliaments to his predeceſſors, becauſe they were free from any ſuch fears; but as the nation, in general, was more inclined to be ruled by the parliament, than by the court, theſe contraſts bred in the minds of the people a diſtaſte to the court, the fatal effects whereof the king afterwards experienced.

The leſſening of the king's revenues.

By the diſſolution of the late parliament, and by his reſolution never to call another, which was univerſally known, the king had not only deprived himſelf of the extraordinary ſupplies he might have expected from the commons, but had alſo done himſelf great prejudice with reſpect to his treaſury. The five ſubſidies granted by the parliament fell very ſhort of what was expected. As every man's quota towards a ſubſidy is ſettled by commiſſioners in each county, and by aſſiſtants belonging to the towns and villages, in proportion to his poſſeſſions, either poverty, or decay of trade, or ſome ſuch excuſe was pleaded to leſſen the tax. On the other hand, the commiſſioners and aſſiſtants not being inclined to the court, allowed very readily theſe excuſes, and appeared much more apt to favour their countrymen than the king. This occaſioned a great diminution of the uſual value of the ſubſidies. Moreover, tunnage and poundage were not paid without force. There was continual occaſion to uſe violence, to ſeiſe the effects, and impriſon the merchants, to oblige them to pay what the houſe of commons had declared illegal. Beſides, they practiſed a thouſand artifices to defraud the king of a duty, which they thought was unjuſtly laid upon them. To cure theſe inconveniencies, the council was forced to give ſtrict orders, even to the impowering the officers of the cuſtoms to enter into any ſhip, veſſel, or houſe, and to ſearch in any trunk or cheſt, and break any bulk whatſoever, in default of the payment of cuſtoms. But beſides, that this had never been practiſed before, another inconvenience aroſe. Theſe officers, under colour of ſearching, uſed many oppreſſions and rogueries, which cauſed the people ſtill the more to exclaim. In a word, the king had not half the profit from tunnage and poundage that he received before his quarrel with the parliament, and the people were much more diſſatisfied than ever. But to hinder their diſcontent from turning into rebellion, the council gave ſtrict orders to have the militia, both horſe and foot, compleated, armed, and inſtructed in the exerciſe of arms. It was thereby intended to intimidate the people, and keep them in awe, whilſt on the other hand, they were amuſed with orders for the rigorous execution of the laws againſt recuſants. But theſe orders muſt have been neglected, ſince the people's complaints upon that ſubject never ceaſed during the whole courſe of this reign.

Several monopolies, which bring in money to the king. Ruſhw.

In the interim, as the king wanted money, and it was eaſy to foreſee, that his ordinary revenues would not be ſufficient to ſupply his expences, the miniſters found no better way to increaſe the king's revenue, than by granting monopolies. That is, the king, by his letters-patents, formed companies, to whom alone he gave the privilege of ſelling certain goods or wares, and who were to pay him for it ſuch a yearly revenue. This was directly contrary to the rights of the people, and very deſtructive to trade; but in thoſe days, the good of the nation was what the court had leaſt in view. This abuſe went ſo far, that in a manner all ſort of commodities were monopoliſed, and the ſale engroſſed by ſome company, even to old rags. I ſhall not here ſpecify theſe monopolies, becauſe, not having been all eſtabliſhed at once, they will, perhaps, be mentioned hereafter.

1630. A treaty about a peace with Spain. Act. Pub. Ruſhw.

Since the king had undertaken to make war upon France, the Spaniſh war was no more talked of, than if there had been no ſuch thing, tho' in all the ſpeeches to the foregoing parliaments, and in all the meſſages to the commons, he had endeavoured to ſhew how neceſſary this war was, for the welfare of all Europe, and eſpecially of England. He had frequently inſinuated, that England and Ireland were in ſo great danger of being invaded by the Spaniards, that it was not poſſible to be too ſpeedy in applying a remedy to ſo urgent an evil; and yet, the Spaniards never made any attempt that might confirm the fears, the king would have inſpired the parliament with. The king of Spain, contented with not being attacked, undertook nothing againſt England, knowing he was in no danger from that quarter. However, after the concluſion of the peace between France and England, he thought proper to end the war with the Engliſh, to which he met with no obſtacle, Charles not being in condition to continue it; ſo a peace between the two crowns, after ſome negotiations, was concluded in November, 1630.

The king's inſtructions to the biſhops againſt the Preſbyterians. Act. Pub. Ruſhw.

Preſbyterianiſm had lately gained ground in England, notwithſtanding the ſtrong oppoſition of the biſhops, and particularly of Laud, biſhop of London, ſworn enemy to the Puritans. This prelate ſeldom miſſed any opportunity to ſhew his hatred to them, and ſuch opportunities very frequently offered. Beſides that he was the king's moſt intimate counſellor, eſpecially for eccleſiaſtical matters, he had almoſt the ſole direction of the high-commiſſion, after the archbiſhop of Canterbury was excluded on account of Sibthorp's ſermon. He ſo managed, therefore, to prevent the growth of Preſbyterianiſm, that the king ſent certain inſtructions to the archbiſhops, with a command to impart them to the biſhops of their provinces, in order to their being obſerved. The chief end of theſe inſtructions was to hinder any Preſbyterian miniſter from creeping into the church of England, and to diſcover the careleſs obſervers of the rites preſcribed by the canons. Laud himſelf was the author of theſe inſtructions which were agreeable to ſome conſiderations, for the better ſettling of the church-government, preſented by him to the king ſome time before. As the Preſbyterians were not ignorant from whence the evil ſprung, they entertained an implacable enmity to this prelate, the effects whereof they made him feel afterwards, when they found an opportunity.

The birth of prince Charles.

This year the king had the ſatisfaction of having a ſon called Charles, of whom the queen was delivered the 29th of May.

A negotiation with the king of Sweden. Ruſhw.

Guſtavus Adolphus, king of Sweden, had expreſſed a great deſire to relieve Germany, oppreſſed by the emperor, but his wars with Poland had prevented the execution of that deſign. Upon this account the kings of France and England joined together to procure a peace between theſe two crowns, in which they ſucceeded at laſt. The French king's view was to humble the houſe of Auſtria by this diverſion, and Charles hoped, that by the king of Sweden's means, he ſhould recover the Palatinate for his brother-in-law. The peace, I have juſt mentioned, was no ſooner concluded, than the king of Sweden prepared to enter Germany at the head of a powerful army. At the ſame time, he made a private agreement with the king of England, whereby Charles engaged to furniſh him with 6000 men, in the marqueſs of Hamilton's name, as if that lord had raiſed theſe troops at his own charge. Theſe articles ſeldom deceive; but, however, they give the princes who uſe them, the aſſurance to ſay, it is done againſt their conſent. That I may not return to this affair, I ſhall ſay here in two words, Charles was the dupe of Guſtavus. When the Swede, after ſeveral victories over the Imperialiſts, was able in his turn to aſſiſt the king of Bohemia, he would have laid ſuch hard terms upon him, that he could not think of accepting them; ſo Charles withdrew his troops, which had done good ſervice in the war, and recalled Sir Henry Vane, who was with the king of Sweden, in quality of ambaſſador. Thus ended this ſort of league, the particulars whereof I think it needleſs to relate, ſince it cauſed no alteration in the affairs of this reign.

A commiſſion to compound with thoſe who had neglected to receive knighthood. Act. Pub. Ruſhw. Annals.

I return now to domeſtick affairs. The king's ordinary revenues not ſufficing for his expences, it was neceſſary to find means to raiſe a farther ſupply. One of theſe means was, to attack ſuch as had neglected to receive the order of knighthood at the king's coronation, tho' they had been ſummoned. It was an antient cuſtom from the conqueſt, that ſuch as had 15 pounds a year in land, were obliged to ſerve the king in his wars, and thoſe who were not capable of ſerving, compounded with the king, and for a certain ſum were releaſed from this ſervice. To this end, thoſe who were worth 15 pounds a year, were to be made knights, that is, fit to ſerve the king. In proceſs of time, the number of thoſe who were to take the order of knighthood was limited to ſuch as had 20 pounds a year. What was, at firſt, but a bare cuſtom, was turned into a law in the reign of Edward II, and after that ſome of the following kings took advantage of it, as may be ſeen in Rymer's Collection of the Publick Acts. But, in general, tho' this ſtatute was not aboliſhed, it had, however, been long diſuſed. Charles I. going upon the ſtatute's being ſtill in force, ſince it was never expreſly repealed, put it in practice at his coronation, and pretended to uſe great condeſcenſion, in ſummoning to take knighthood ſuch only as had 40 pounds a year, tho' at that time 40 pounds were much leſs than 20 pounds in the days of Edward II. He found but very few willing to obey theſe ſummons, the uſe whereof was entirely forgotten. The king himſelf overlooked this non-compliance, perhaps, for fear it might be ſome prejudice to him with regard to the ſupplies he was to aſk of the parliament; but after the diſſolution of the third parliament, he did not think himſelf obliged to the ſame caution. He appointed, therefore, commiſſioners to compound with thoſe who had neglected to appear, as well for their contempt, as for being excuſed from receiving the order of knighthood. The commiſſioners had this inſtruction, “To take no leſs than after the rate of thrice and half as much, as the perſons compounding were found rated in the ſubſidy.” Multitudes being ſummoned upon this occaſion, the compoſitions brought the king above 100,000 pounds, This was looked upon, afterwards, as a grievous oppreſſion, and the parliament repealed the ſtatute on which it was grounded.

Innovations in the divine ſervice.

I have already ſpoken of biſhop Laud's extraordinary zeal for the church of England. This church, at the reformation, thought fit to retain ſome ceremonies, not as abſolutely neceſſary, but rather as indifferent, and which conſequently ſhe believed it not proper to remove

move from the divine ſervice. Laud was not only ſcrupulouſly attached to theſe ceremonies, but alſo to every thing that ſerved to adorn the externals of religion, and ſeemed more inclined to increaſe the number than ſuppreſs any of thoſe that moſt offended the Puritans. He gave a proof of this inclination, when he conſecrated St. Catharine-Creed church, which had been lately repaired. On this occaſion he uſed ſome formalities which he might have forborn, as being too like what is practiſed in the church of Rome on ſuch ſolemnities. The manner of conſecration was thus:

1631. Ceremonies obſerved by biſhop Laud, at the conſecration of St. Catharine-Creed church. Ruſhw. Annals.

'At the biſhop's approach to the weſt-door of the church, ſome that were prepared for it, cried with a loud voice, "Open, open ye everlaſting doors, that the King of Glory may enter in!" And preſently the doors were opened; and the biſhop, with ſome doctors, and many other principal men went in, and immediately falling down upon his knees, with his eyes lifted up, and his arms ſpread abroad, uttered theſe words: "This place is holy, the ground is holy, In the name of the Father, Son, and Holy Ghoſt, I pronounce it holy."

'Then he took up ſome of the duſt, and threw it up into the air ſeveral times, in his going up towards the chancel. When they approached near to the rail and communion-table, the biſhop bowed towards it ſeveral times, and returning, they went round the church in proceſſion, ſaying the 100th Pſalm; after that the 19th Pſalm, and then ſaid a form of prayer, "Lord Jeſus Chriſt, &c." and concluding, "We conſecrate this church, and ſeparate it unto thee, as holy ground, not to be profaned any more to common uſe."

'After this the biſhop being near the communion-table, and taking a written book in his hand, pronounced curſes upon thoſe that ſhould afterwards prophane that holy place, by muſters of ſoldiers, or keeping prophane law-courts, or carrying burdens thro' it, and at the end of every curſe, he bowed towards the eaſt, and ſaid, "Let all the people ſay, Amen."

'When the curſes were ended, he pronounced a number of bleſſings upon all thoſe that had any hand in framing and building of that ſacred and beautiful church, and thoſe that had given, and ſhould hereafter give any chalices, plate, ornaments, or utenſils; and at the end of every bleſſing, he bowed towards the eaſt, ſaying, "Let all the people ſay, Amen."

'After this followed the ſermon; which being ended, the biſhop conſecrated and adminiſtered the ſacrament in manner following.

'As he approached the communion-table, he made many ſeveral lowly bowings, and coming up to the ſide of the table where the bread and wine were covered, he bowed ſeven times, and then, after the reading of many prayers, he came near the bread, and gently lifted up the corner of the napkin wherein the bread was laid, and when he beheld the bread, he laid it down again, flew back a ſtep or two, bowed three ſeveral times towards it, then he drew near again, and opened the napkin, and bowed as before.

'Then he laid his hand on the cup, which was full of wine, with a cover upon it, which he let go again, went back, and bowed thrice towards it; then he came near again, and lifting up the cover of the cup, looked into it, and ſeeing the wine, he let fall the cover again, retired back and bowed as before; then he received the ſacrament, and gave it to ſome principal men; after which many prayers being ſaid, the ſolemnity of the conſecration ended.'

If Laud had taken all theſe ceremonies, both in the conſecration of the church, and in the adminiſtration of the ſacrament, from a ritual of the church of England, made ſince the reformation, there would have been nothing to object; but ſome years after, the houſe of commons accuſed him in form, of having exactly copied the Roman pontifical, which was found in his ſtudy. He denied it, alledging two ſeemingly very frivolous reaſons. Firſt, that the pontifical preſcribes aſhes to be thrown up by the biſhop who conſecrates the church, whereas he threw up duſt in the air, which he found on the ground. Secondly, that he obſerved a form communicated to him by biſhop Andrews. But as there is ſo little difference between duſt and aſhes, and as biſhop Andrews's form agreed with that in the pontifical, this anſwer was not much approved. However this be, it cannot be denied, that it was affectation to uſe on this occaſion, both for conſecrating the church, and adminiſtring the ſacrament, a different form from that of the church of England, and to chuſe one ſo very like the Roman pontifical. This gave his enemies a great advantage, who took occaſion from it, to charge him with an intention to introduce Popery. But he little regarded what could be ſaid againſt him; the king's favour had raiſed him ſo high, that it was not in the power of his enemies to hurt him, but on the contrary, he had frequent opportunities to be revenged of them. Whilſt he was moſt exclaimed againſt, three doctors in divinity, of the univerſity of Oxford, having preached againſt Arminianiſm, were expelled the univerſity, and ſome others who had undertaken their defence, were turned out of their offices. This was under pretence of obſerving the king's proclamation, and it was not doubted but Laud was the author of theſe violent proceedings.

Monopolies.

In the interim, the king's miniſters were diligently ſeeking means to raiſe money, and new projects were every day offered, of which they choſe ſuch as they thought proper. Among theſe means, monopolies, as I ſaid, were at firſt moſt in vogue. At the beginning of the year 1632, the king by his patent under the great ſeal, incorporated the ſoap-makers. It is ſaid this patent alone was worth to him 10,000 pounds. There was another company ſettled for making of cards, of whom the king bought them at 18 ſhillings a groſs, and ſealing them, ſold them again. But I ſhould be too tedious was I to mention all the monopolies made in this reign, by the king's authority.

1632. Proclamation commanding all lords, gentlemen, &c. to reſide upon their eſtates. Act. Pub.

Monopolies were not, however, the only way practiſed to raiſe money. Several other methods were found. Soon after, the king by proclamation commanded all lords, gentlemen, clergymen, and others whoſe ſtay in London was not abſolutely neceſſary, to depart within 40 days, and reſide in their reſpective counties, and at their manſion-houſes. This injunction ſeemed to be grounded upon the king's deſire, to hinder the nobility and gentry from waſting their eſtates by a needleſs reſidence in London, where they were obliged to be at a great expence; but it was perceived afterwards, that the king had another end in it, when ſuch were ſummoned before the ſtar-chamber, as had neglected to obey the proclamation, and were condemned in grievous fines to the king's uſe. At the ſame time, the king appointed commiſſioners to puniſh thoſe that, contrary to former prohibitions, had enlarged the city of London by new buildings. From all this the king drew very conſiderable ſums, the fines in which the offenders were condemned being all to his uſe. The ſtar-chamber exerciſed great rigour on theſe occaſions.

The city of London fined. Annals.

About the ſame time, the city of London was fined 1500 marks, becauſe the mayor and aldermen had neglected to take inquiſition of the death of one doctor Lamb, who paſſed for a conjurer, and of whom the duke of Buckingham had made uſe, but for what purpoſe I know not. This man being 80 years of age, was purſued by the mob from ſtreet to ſtreet, and died within a few days, either of the fatigue he had endured, or of the bruiſes he had received.

Endeavours to deſtroy Puritaniſm, and remarks thereon.

I have already obſerved, that Presbyterianiſm, or, as it was then called, Puritaniſm, daily gained ground, notwithſtanding the endeavours uſed by the king, biſhops, high-commiſſion, ſtar-chamber, and courts of juſtice, to ſtop its progreſs. As theſe endeavours conſiſted not in better informing the Presbyterians, but only in the exceſſive ſeverity exerciſed upon them, when their zeal cauſed them to offend; they were the more exaſperated againſt the church of England, as they ſaw at the ſame time, that the Arminians and Papiſts were left unmoleſted, or if orders were ſometimes given againſt them, ſuch orders were never executed. This made them exclaim againſt the biſhops, and charged them with deſign to introduce Popery and Arminianiſm into the church. Unhappily, they imputed to the whole church of England, the violences which ought to have been aſcribed to the circumſtances of the times, and the particular character of ſome biſhops, who having credit at court, intimated to the king, that nothing was more oppoſite to regal authority, than Presbyterian church-government. All who were not very ſubmiſſive to the king, were conſidered as Puritans, and as ſuch frequently oppreſſed; ſo, by a fatal policy, men well-affected to the church of England, but enemies to arbitrary power, were forced, againſt their wills, to join with the Puritans, in order to ſtrengthen their party, and enable them to oppoſe the deſigns of the court. I am perſuaded, this conduct gave Puritaniſm many adherents, which otherwiſe it would never have had. What makes me of this opinion, is, that Presbyterianiſm never made ſo great a progreſs as during the firſt 15 years of this reign, tho' it had never been more perſecuted. After all, this conduct is not to be aſcribed to the church of England. We do not find in her principles and doctrines, any thing repugnant to charity, or tending to violence; but it was wholly owing to the character and deſigns of the court-prelates, of the king's miniſters and counſellors, who meant to carry the royal authority to the higheſt degree. They thought nothing would more conduce to that end, than the humbling, or rather the utter ruin of the Puritans, and unfortunately conſidered as ſuch, all that oppoſed their deſign, according to king James's maxim. Hence it happened, that by confounding thus the State-Puritans, with the Church-Puritans, they compelled, as I may ſay, the firſt to join with the laſt.

The deſign of ruining Presbyterianiſm deſtroyed all regard to the ſcruples of tender conſciences even in things of little moment, left by the reformers in the publick worſhip, rather as indifferent, than as abſolutely neceſſary. On the contrary, every thing that gave moſt offence to the Presbyterians, was not only induſtriouſly practiſed, but alſo repreſented as neceſſary, and ſeveral novelties added which were apt to widen the breach, and make an union impracticable. Of this the reader will hereafter be convinced. But before I leave this ſubject,I cannot forbear to relate a fact which clearly proves what I have advanced.

Proceſs againſt the recorder of Saliſbury. February. Ruſhw.

There was in the city of Saliſbury a collegiate church, called St. Edmonds, which with its revenues, like the reſt of that kind, came by act of parliament into the hands of Henry VIII, and remained in the crown till the reign of James I, who ſold it to a private perſon, and he to another, ſo that it paſſed ſucceſſively through ſeveral hands, till at length the laſt proprietor ſold the church to the pariſhioners of St. Edmonds, who repaired and made it the pariſh-church. The windows which had till then been preſerved, were painted after the old faſhion, and contained among other things the hiſtory of the creation, where the painter had repreſented God the Father in the form of an old man, creating the world during the firſt ſix days, but on the ſeventh had painted him ſitting, to denote the day of reſt. The ignorant painter had committed ſeveral blunders, having given to one day the work performed on another, and, in expreſſing the creation of the ſun and moon, had put into God's hand a pair of compaſſes, as if he was going to meaſure them. Henry Sherfield, recorder of Sarum, and pariſhioner

1632.

riſhioner of St. Edmonds, having called a veſtry, repreſented to the pariſhioners, that theſe pictures gave offence, and were apt to lead the people to ſuperſtition. That the painter had committed ſeveral errors, and beſides, the repreſentation of God the Father in the form of an old man, offended the eyes of good Chriſtians. Whereupon the veſtry thought it proper to take down the windows, and put up others, not painted, in their room. Armed with this order, the recorder ſends for a glazier, and ſhewing with his ſtick the glaſs which was to be changed, broke ſome of the panes, as little caring to preſerve them.

Feb. 6.

Upon this outrage, an information is exhibited againſt Sherfield in the ſtar-chamber by the attorney-general, ſhewing, that contrary to the canons, which forbid any private perſon to alter or innovate any thing in the fabrick or ornament of a church, without ſpecial licenſe from his majeſty or the biſhop of the dioceſe, Sherfield being ill-affected to the diſcipline of the church of England, and the government thereof by biſhops, did combine with ſome others of the ſame opinion, and undertake by a bare order of the veſtry, and in contempt of the king and the dioceſan, to break down the windows of St. Edmond's church, which contained excellent pictures of the creation, made hundreds of year ſince, and were a great ornament to the church. That he committed this prophane act contrary to the order of the biſhop, who by letter had injoined him to deſiſt from this deſign. That by this ill example, other wicked and ſchiſmatical perſons, ill-affected to the government of the church of England under his majeſty, might be encouraged to uſe the like violent courſes.

Sherfield anſwered, that the church of St. Edmonds was a lay-fee, and had ſo continued ever ſince it fell to the crown, and, therefore, it was legally exempted from the juriſdiction of the biſhop of the dioceſe. That conſequently thoſe who had purchaſed the church, had lawful power to alter the windows, as they had before made other alterations, in the ſteeple, walls, pulpit, and other parts, without any complaints from the biſhop. That after all, he had only taken down ſome ſmall quarries of glaſs to ſhew the glazier what was to be altered, and that the hiſtory of the creation might ſtill be plainly diſcovered. That the painting was ſo far from being fine, that when it was done, it did not coſt above 40 ſhillings. Then he ſet forth the groſs blunders of the painter, and proved by acts of parliament made in the reigns of Edward VI. and Elizabeth, that all pictures ſhall be removed out of the churches. Finally, he denied that he was ill-affected to the government of the church under biſhops, or had acted in contempt of the king, or ever received a letter from the biſhop of Salisbury upon this ſubject. Whereupon the biſhop of London ſaid, that he did not pretend to juſtify the errors of the painter, but only to obſerve to the court, that God being called in ſcripture, the Antient of Days, might be the occaſion of the painter's repreſenting God the Father like an old man *; but that Sherfield was much more to blame than the painter, for daring to make alterations without licenſe. In a word, Sherfield was fined 500 l. contrary to the opinion of ſome of his judges, who would have amounted his fine to 1000 l. and condemned to make a publick acknowledgment of his fault, before ſuch perſons as the biſhop ſhould pleaſe to name. I thought myſelf obliged to relate this inſtance, in order to ſhew what methods was taken to ruin Presbyterianiſm. It is eaſy to perceive, that ſuch ſeverities could not but produce very ill effects amongſt the people, and alienate them from, inſtead of reconciling them to, the church of England.

The king gains Sir Thomas Wentworth.

In the account I have given of the third parliament held in this reign, I had ſometimes occaſion to ſpeak of Sir Thomas Wentworth, knight of the ſhire for the county of York. This gentleman ſeveral times in the houſe of commons, gave proofs of his zeal for the maintenance of the liberties of the people, and the privileges of the parliament. By that he became formidable to the court, tho' he took care not to run into any exceſs with regard to the king and his miniſters. On the contrary, he always ſoftened his opinions with ſome honourable and reſpectful expreſſions, but, however, ſeldom failed to oppoſe the pretenſions of the court. As he was one of the greateſt geniuſes then in England, the king ſoon perceived that his parts and capacity might be very ſerviceable to him, if he could gain him to his intereſt. He endeavoured it, therefore, after, or, perhaps, before, the diſſolution of the parliament, and ſucceeded ſo well, that Wentworth became one of the moſt zealous promoters of the royal authority, or rather of the deſpotick power the king had a mind to eſtabliſh. Upon this account, the king thought him the fitteſt perſon to be intruſted with the preſidentſhip of the council in the north. As this is one of the greateſt grievances complained of by the Engliſh againſt Charles I, and one of the moſt noted occaſions wherein that prince diſcovered his deſign to ſet up an unlimitted power, it will be neceſſary briefly to ſhew what this council in the north was, and the uſe the king would have made of it to ſubject his people to a deſpotick power.

Remark on the council of York.

Upon the ſuppreſſion of the leſſer monaſteries in the 27th year of the reign of Henry VIII, there were, for two or three years together, ſeveral inſurrections in the north. In the interim, as Henry VIII. did not intend to ſtop there, but meant alſo to ſuppreſs all the reſt of the monaſteries, he thought proper to take ſome care to prevent the like

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* Upon which Edward, earl of Dorſet, obſerved, that by that text was meant, "The eternity of God, and not "God to be pictured as an old man creating the world with a pair of compaſſes; but I wiſh, added he, there were "no image of the father, neither in the church, nor out of the church; for at the beſt they are but vanities, and "teachers of lies. Ruſhworth.

1632.

inſurrections in thoſe parts. To that end he eſtabliſhed, at York, a court of juſtice, under the ſpecious pretence of eaſing his poor ſubjects, who had not wherewithal to proſecute their ſuits in the courts of Weſtminſter; but his real intent was, that this court ſhould have an eye upon the proceedings of the northern lords and gentlemen, who were ſuſpected, in order to puniſh them immediately, in caſe it was perceived they were endeavouring to raiſe any freſh inſurrections. A commiſſion therefore was granted to the biſhop of Landaff, the firſt preſident, and others, by vertue whereof was eſtabliſhed this new council in the north, otherwiſe called the court of York. The juriſdiction of this court extended over Yorkſhire, Northumberland, Cumberland, Weſtmoreland, the biſhoprick of Durham, the county of the cities of York, Kingſton upon Hull, and Newcaſtle upon Tyne. The king's commiſſion was no other than a commiſſion of Oyer and Terminer, with an additional clauſe, whereby the council was impowered to hear all cauſes, real and perſonal, when one or both of the parties, by reaſon of their poverty, could not proſecute their rights, according to the laws of the land. This clauſe, tho' illegal, produced no ill effect, nor any complaint, whether the new court exerciſed that part of the commiſſion at all, or only ſo ſparingly, that the poor found eaſe and benefit by it.

In the firſt year of the reign of king James I, a commiſſion was granted to the lord Sheffield, preſident of the court of York, which varied not from the former, only it had reference to inſtructions which the king was to ſend him. It is not known whether theſe inſtructions were ſent; but it is evident, that in making the power of the court to depend on the king's inſtructions, the intent was, that its deciſion ſhould not be made ſo much according to the laws, as according to his majeſty's private orders. And, indeed, king James in the ſeventh year of his reign granted a new commiſſion to the ſame lord Sheffield, omitting theſe two clauſes, which were in the firſt, That they ſhould enquire per ſacramentum bonorum et legalium hominum, and hear and determine, ſecundum leges Angliæ. Thus the power of the court was limited only by the particular inſtructions, which were the firſt that appear to have been ſent thither.

From that time, whenever the commiſſion was renewed, which was upon every change of preſident or counſellor, the king ſent new inſtructions, tending to render the court of York independent, not only of the courts of Weſtminſter, which are the courts of the whole kingdom, but even all ſorts of laws. Charles I, renewed this commiſſion, in favour of the lord Wentworth, with a more ample power than any of his predeceſſors had been inveſted with. In 1632, a clauſe was added, whereby, among other things, authority was committed to him to hear and determine all offences and miſdemeanours, ſuits, debates, controverſies and demands, cauſes, things and matters whatſoever contained in the inſtructions annexed to the commiſſion. But what were theſe inſtructions? In the parliament of 1640, Mr. Edward Hyde, then member of the houſe of commons, and afterwards earl of Clarendon, being ſent by the houſe to the lords concerning the court of York, ſaid in his ſpeech to them, that in the inſtructions of 1632 and 1637, containing fifty eight articles “there was ſcarce one that was not againſt or beſide the law.” From whence he took occaſion to aſk, “What have the good northern people done, that they only muſt be disfranchiſed of all their privileges, and be governed according to the diſcretion of the court of York? Nay, tho' this court might proceed according to its diſcretion, ſpecial proviſion was made in the king's inſtructions, that no fine, no puniſhment ſhould be leſs than by law appointed. This court was aboliſhed afterwards by the ſame parliament of 1640.

1632.

1633. The King's journey to Scotland. Ruſhw. Clarend. Guthry's Mem.

The king having governed three or four years without a parliament, was very much at eaſe. His will, by degrees, began to paſs for law; there was no houſe of commons to complain publickly, and he ſaw none about him but ſuch as were always ready to flatter him, and cheriſh his principles concerning government. On the other hand, he was freed from the incumbrance and expence of a war, which had created him great trouble, and rendered him too dependent on the parliament. In ſhort, tho' he was not ignorant that in general the people were diſcontented, he did not ſee any appearance of a rebellion, the great men of the kingdom and the neighbouring princes being ſo diſpoſed, as to give no encouragement to thoſe who ſhould attempt to diſturb the ſtate. His affairs being in this ſituation, he believed he could not take a properer time to go into Scotland, where three important affairs required his preſence. Firſt, he had a mind to be crowned. 2. He intended to hold a parliament for procuring of Money. 3. He deſigned to take ſome meaſures there for the execution of a project long ſince formed, to reduce the kirk of Scotland to a perfect conformity with the church of England, and entirely ruin Presbyterianiſm. To this end it was, that he took with him Laud, biſhop of London, and at his arrival in Scotland, made him privy-counſellor of that kingdom. He departed, therefore, from London the 13 of May, 1633, and being come to Edinburgh, was crowned with the uſual ſolemnities. After that he held a parliament, which gave him the largeſt ſubſidy that had ever been granted to any king of Scotland before him. The third point concerning religion, requires ſome explication. But as I intend to ſpeak more fully of it hereafter, I ſhall only ſay here what is abſolutely neceſſary to ſhew the king's deſign.

A remark concerning the eſtabliſhed religion in Scotland. Salmonet. Nalſon.

The reformation was eſtabliſhed in Scotland in the reign of queen Mary, mother to James I, upon the plan of the churches of Geneva and Switzerland. The hierarchy was entirely ſuppreſſed, and the government of the church committed to presbyters, and national ſynods, called in Scotland, general-aſſemblies. But however, the biſhops were ſtill continued, tho' diveſted of all eccleſiaſtical juriſdiction. They retained only their revenues, lands, houſes, ſeat in parliament, and all the temporal advantages in general, that were anexed to the epiſcopal dignity. From the beginning of the reformation, that is, from the year 1561, to the end of the ſixteenth century, the ſtate of the biſhops underwent ſeveral revolutions, of which I ſhall ſay nothing here, becauſe I deſign to ſpeak of them elſewhere. It ſuffices to ſay at preſent, that James I, becoming king of England, found means to cauſe the parliament of Scotland to reſtore epiſcopacy to its former luſtre, and give the biſhops their antient juriſdiction over the church. This was the firſt ſtep to lead the kirk of Scotland to the deſired point, that is, to a perfect conformity with the church of England. But the tedious treaty of the prince his ſon's marriage with the Spaniſh Infanta, and the affairs of Bohemia and the Palatinate, hindered him from fully executing his project. Charles I, had this work no leſs at heart, than the king his father; but as in the beginning of his reign he was engaged in a war with Spain, and afterwards with France, and moreover his diſputes with his parliaments affording him little leiſure to thing of other matters, he could not ſeriouſly ſet about this affair, till after the others were ended. In the parliament at Edinburgh in the year 1633, among other acts that were preſented to be paſſed, there were two, viz. the third and fourth, the one entitled, "An act anent [or concerning] his majeſty's royal prerogative and apparel of kirkmen." The other, "An act of ratification of the acts touching religion." Theſe were the only acts that met with any oppoſition, on account of the conſequences which ſome feared the king would hereafter draw from them. The firſt of theſe acts was properly but a confirmation of a like act paſſed in the reign of king James VI, impowering his majeſty to order the veſtments of the clergy as he pleaſed. Now as from that time, the deſign of alreting the diſcipline of the kirk of Scotland, had ſhewed itſelf more and more, ſome of the members of this parliament ſuſpected the king would make uſe of this act to introduce the ſurplice. And, indeed, being asked whether he intended it, he made no anſwer; but taking a liſt of the whole members out of his pocket, ſaid, "Gentlemen, I have all your names here, and I'll know who will do me ſervice, and who will not, this day." However about 13 noblemen, and as many barons and burgeſſes declared, that they agreed to the act for his majeſty's prerogative, but diſſented from that part of it, as to the apparel of kirkmen.

The other act which I mentioned, was expreſſed in the following manner: 'Our ſovereign lord, with the advice and conſent of the eſtates, ratifies and approves all and whatſoever acts and ſtatutes made before, anent the liberty and freedom of the true kirk of God, and religion preſently profeſſed within this realm, and ordains the ſame to ſtand in their full force and effect, as if they were ſpecially mentioned and ſet down herein.'

Oppoſition to theſe acts.

I have already ſaid, that in the reign of James VI, and eſpecially after his acceſſion to England, he made ſeveral innovations in the kirk of Scotland, particularly with reſpect to the epiſcopal juriſdiction which had been reſtored. The whole artifice of this act conſiſted, therefore, in theſe words, "The religion at preſent profeſſed;" for thereby were confirmed all the innovations in the diſcipline of the kirk of Scotland, to which the oppoſers of the act would not agree. They were very willing to ratifie the acts made in favour of religion, as eſtabliſhed by an act paſſed in the 6th year of James VI, when the biſhops had no power or juriſdiction; but would not admit theſe words, at "preſent profeſſed." During theſe conteſts, the king ſaid with ſome emotion, "I will have no diſtinction, but command you to ſay, I or No." Whereupon the diſſenting lords and gentlemen ſaid, No. However the two acts paſſed by a majority of votes. Some affirmed afterwards that fraud was uſed in gathering the votes. However that be, the king's eagerneſs to have theſe two acts paſſed, convinced the people of Scotland that the project of making greater innovations in the kirk ſtill ſubſiſted, and that the two acts were a ſort of preparative to accompliſh it. On the other hand, the oppoſition the king met with, ſhewed him, it was not yet time to act openly, and that it was neceſſary to take other meaſures to facilitate the ſucceſs of his deſigns.

The Puritans are perſecuted in England.

If it was endeavoured, in Scotland, to ruin Presbyterianiſm by indirect ways, it was thought proper to proceed in England with leſs caution. Accordingly, all poſſible efforts were uſed to deſtroy it utterly, by perſecuting the Puritans, for whom there was not the leaſt condeſcenſion. The court and the biſhops laid it down for a rule, not to depart on their account, from one tittle of what was practiſed in the church of England, for fear they ſhould grow too powerful, and the indulgence ſhewn them prove detrimental to the church. But there was a ſtronger reaſon, viz. the implacable hatred conceived of them by the king, his miniſters, and above all, by the biſhops of London and Wincheſter, which made them earneſtly ſeek all occaſions to oppreſs them. And theſe occaſions were eaſy to be found. They had only to preſs the obſervation of the canons without diſpenſing with one article, in order to cauſe the Presbyterians to commit offences, which expoſed them to the rigour of the eccleſiaſtical and civil laws. But as the biſhops could not be every where, and wanted people to inform them of what paſſed, Walter Curle, biſhop of Wincheſter, bethought himſelf, in his primary viſitation, to oblige, by oath, the church-wardens, and ſworn-men, to turn informers, that none might eſcape their inquiry. The oath was, as follows:

" You,

An oath appointed by the biſhop of Wincheſter. Ruſhw. Annals.

“ You ſhall ſwear, that you, and every of you, without all affection, favour, hatred, hope of reward and gain, or fear of diſpleaſure or malice of any perſon, ſhall preſent all and every ſuch perſon and perſons, of or within your pariſh, who hath committed any offence, fault or crime, or omitted any part of duty, which be enjoined to perform; wherein you ſhall deal uprightly, and according to truth; neither of malice preſenting any contrary to truth, nor of corrupt affection ſparing to preſent any, and to conceal the truth; having in this action God before your eyes, with an earneſt zeal to maintain truth, and ſuppreſs vice. So help you God, and the contents of this book.”

With this oath were delivered certain inſtructions, according to which they were to proceed.

‘ 1. As to the articles concerning the church, they are to enquire, whether they have the book of conſtitutions, or canons eccleſiaſtical, and a parchment regiſter-book, book of common-prayer, and book of homilies, &c? And whether the communion-table be placed in ſuch convenient ſort within the ſaid chancel or church, as that the miniſter may be beſt heard in his prayer and adminiſtration?

‘ 2. As to the articles concerning the clergy, whether doth the miniſter read the conſtitutions ſet forth by his majeſty once every year?

‘ 3. Whether the miniſter or preacher uſed to pray for the king's majeſty with his whole title, as king of Great-Britain? And doth he in like manner pray for the archbiſhops, and biſhops? And doth he obſerve all the orders, rites and ceremonies preſcribed in the common prayer, and adminiſtring the ſacrament? And whether doth the miniſter receive the ſacrament, kneeling at the ſame, and adminiſtreth to none but ſuch as do kneel, as by the 12th canon is directed?

‘ 4. Whether hath the miniſter admitted to the communion any notorious offenders or ſchiſmaticks? Contrary to the 26th and 27th conſtitution. And whether ſtrangers of any other pariſh do come often and commonly to your church, from their own pariſh-church? Contrary to the 28th canon. And whether doth the miniſter uſe to ſign the children with the ſign of the croſs, when they are baptiſed? And whether is your miniſter a licenſed miniſter? If yea, then by whom? And whether doth the miniſter wear the ſurplice whilſt he is ſaying the publick prayers, and adminiſtering the ſacraments? Whether doth the miniſter catechiſe and inſtruct the youth of ignorant perſons of your pariſh in the ten commandments, &c? And whether he doth ſolemniſe marriage, the banes not being three ſeveral Sundays and holidays firſt publiſhed in time of divine ſervice? And whether doth your miniſter in the Rogation-days uſe the perambulation of the circuit of the pariſh? Whether doth the miniſter every ſix months denounce in the pariſh all ſuch as do perſevere in the ſentence of excommunication, not ſeeking to be abſolved? Or hath he admitted any excommunicated perſon into the church, without certificate and abſolution? Whether is is your miniſter a favourer of recuſants, whereby he may be ſuſpected not to be ſincere in religion? Whether is your miniſter noted to be an incontinent perſon, a frequenter of taverns, ale-houſes, a common gameſter, or player of dice, &c?’ With divers other articles of enquiry.

The king ſupports wakes and revels, Ruſhw.

Hence may be ſeen, how very careful the biſhop of Wincheſter was to hinder any Preſbyterian miniſters from getting into the church of England. But tho' the oath injoined by this prelate, was a real outrage upon the laws, the parliament alone having power to preſcribe ſuch oaths, none dared to attack him directly. The Preſbyterians were ſure to meet with no encouragement from the court; on the contrary, their diſlike of a thing was a ſufficient reaſon with the court ſtrenuouſly to ſupport it. Of this I ſhall give two very remarkable proofs. The Preſbyterians were offended at the feaſts of the dedications of churches, commonly called Wakes or Ales, becauſe they were only occaſions of riot and debauchery, and becauſe theſe days ſeldom paſſed without ſome diſorders. In Somerſetſhire, where theſe revels abounded, the lord chief-juſtice Richardſon and baron Denham, in their circuits made an order, with the general conſent of the whole bench, that theſe revels ſhould be ſuppreſſed; but the chief-juſtice being commanded to attend the council-board was ſeverely reprimanded, and injoined to revoke the order made at the aſſizes. A ſecond proof of what I advanced is this.

and recreations on Sundays, after divine ſervice. Annals.

The Preſbyterians, notwithſtanding the late king's proclamation, affecting ſtill to forbid their ſervants to be preſent at theſe revels, or to uſe any recreations publickly on Sundays after divine ſervice, the king renewed and confirmed the proclamation publiſhed by his father, commanding that the people ſhould not be troubled or moleſted in their recreations. The court was afraid that by degrees a maxim deemed by them prejudicial to their intereſt would be eſtabliſhed, viz. that when a cuſtom, not ill in itſelf, occaſioned abuſes, it ought to be aboliſhed. This maxim ſeeming to them too general, becauſe it might be applied to things of great conſequence, they oppoſed it to the utmoſt of their power.

Abbot dies; Laud ſucceeds.

George Abbot, archbiſhop of Canterbury, dying this year 1633, William Laud, biſhop of London, ſucceeded him in that dignity.

James duke of York born. Octob. 13.

This ſame year the queen was delivered of a ſecond ſon, in October, who was called James, and created duke of York.

A deſign talked of to reſtore Popery.

The Preſbyterians were poſſeſſed, that a project was formed to re-eſtabliſh the Romiſh religion, in England. This notion, in general, ought not to ſeem ſtrange, ſince it is certain, that from the reformation, this project had never been interrupted; but the authors of it muſt be carefully diſtinguiſhed. Had the Preſbyterians been ſatisfied with believing that ſome private Roman Catholicks had formed ſuch a deſign, it may be affirmed, they would not have been miſtaken; but they went much farther. They imagined that the king's miniſters, the council, biſhops, and, particularly, the new archbiſhop of Canterbury, were the authors of this project. If they did not directly charge the king with it, at leaſt, they were perſuaded, either that he encouraged it, or ſuffered himſelf to be carried farther than he intended, by perſons who concealed their deſign from him. The Catholicks themſelves gave occaſion for theſe ſuſpicions, in ſhewing openly their hopes of quickly ſeeing a change in favour of their religion. We find in a diary kept by Laud, of what happened to him every day, that this very year 1633, he had the offer of a cardinal's cap, if he would help to reſtore the Roman religion. For my part, I verily believe, neither the king, nor the archbiſhop, nor the miniſters, for the moſt part, ever formed ſuch a deſign; at leaſt, in all that has been ſaid upon this ſubject, I have not met with any proof which appeared, I will not ſay, ſufficient to convince me, but even to have the leaſt probability. Nevertheleſs it is certain this opinion was ſpread among the people, and the Presbyterians uſed all their endeavours to gain it belief. I do not know whether they believed it themſelves, or only thought it for their advantage to caſt this reproach upon the church of England, in order to ſtrengthen their party, in which they ſucceeded, at laſt, beyond their expectations. But ſince this opinion produced in time ſurpriſing effects, I cannot forbear ſhewing upon what it was grounded.

Grounds and reaſons of this opinion.

1. Whilſt James I. was only king of Scotland, before the death of queen Elizabeth, he was ſuſpected to favour the Papiſts. Elizabeth herſelf was not free from ſuch a ſuſpicion, as appeared in the Hiſtory of her reign. After James's acceſſion to the throne of England, he always expreſſed great tenderneſs for the Catholicks. This he ſhewed on ſeveral occaſions, as in the gunpowder-plot; by his expreſſions in favour of the Catholicks in all his ſpeeches to the parliament; by the places of truſt, which he gave indifferently to Papiſts and Proteſtants, as he owned himſelf in his famous Apology; by his continual refuſal to execute the laws againſt recuſants; and, laſtly, by the little zeal and affection he expreſſed for the Proteſtant religion, in the two negotiations with Spain and France concerning his ſon's marriage. I ſay nothing here of his conferences with the archbiſhop of Ambrun, becauſe they were not known in his life-time, nor can be affirmed to be faithfully related. All this gave ſome cauſe to ſuſpect that king James had ſome ill deſign with regard to religion, and had left the execution to the care of his ſucceſſor.

2. Charles I, when prince, and at Madrid, ſent a letter to the pope, which might have rendered him ſuſpected. This ſuſpicion might be confirmed by the ſecret articles, he is ſaid to have ſigned on occaſion of his marriage with the Infanta.

3. After Charles was on the throne, he always ſhewed a very great condeſcenſion for the Catholicks, ſeveral whereof were raiſed to the higheſt poſts. Conway, ſecretary of ſtate, was a Papiſt; Weſton, who was made earl of Portland and lord treaſurer, was ſo likewiſe. Indeed the duke of Buckingham profeſſed the reformed religion, but it was generally believed, he would have made no difficulty to change it for the Roman. Beſides, his mother and his ducheſs were Papiſts. The parliament, as I have ſaid, preſented to the king a liſt of many recuſants, to whom were committed the places of truſt in their reſpective counties. In ſhort, tho' the king had poſitively promiſed to proceed with vigour againſt the recuſants, he ſeems not to have performed his promiſe, ſince the following parliaments were frequently obliged to renew their inſtances, and always in vain. If the king gave any orders upon that ſubject, they were never executed, and every one believed, the court connived at the neglect of thoſe who were charged with the execution, ſo that this was a perpetual cauſe of complaint during this whole reign.

4. The king had an exceſſive complaiſance for his queen, and the queen was not only a Papiſt, but alſo very zealous for her religion. This gave occaſion to fear, ſhe had formed the project of reſtoring it in England, and would, at laſt, draw the king into her ſentiments.

5. The Presbyterians, who were looked upon as the greateſt enemies to Popery, were furiouſly oppreſſed and perſecuted, whilſt the Arminians and Papiſts were ſuffered to live unmoleſted. Hence it was inferred, that the court acted with ſuch warmth againſt that ſect, only to make way by their deſtruction to the reſtoration of Popery.

6. Arminianiſm was ſo openly countenanced by the court, and ſome of the principal biſhops, that many believed, there was a deſign to make uſe of it as a means to effect the more eaſily a change of religion.

7. As this notion of a deſign to reſtore Popery, ſpread itſelf over the kingdom, the heads of the church of England were more attached to all the rites and ceremonies which gave moſt offence to tender conſciences. Kneeling at the ſacrament, wearing the ſurplice, confirmation, keeping of ſaints-days, proceſſions, bowing to the altar, and the like, which offended the Presbyterians, as being relicks of Popery; theſe things, I ſay, were preſſed by the biſhops with the ſame eagerneſs as if religion muſt have fallen with them, and as if they were abſolutely neceſſary to ſalvation. This cauſed many to ſuſpect, that the obſervance of all theſe points was preſſed, with deſign to pave the way for the more eaſy reception of the Popiſh tenets hereafter.

8. The heads of the church of England were not ſatisfied, with zealouſly maintaining the ceremonies and rites uſed in their church ſince the reformation, but made certain additions to them from time to time, which could not be juſtified by the canons. This occaſioned theſe things to be conſidered as innovations tending to Popery. What Laud had done in

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conſecrating St. Catharine-Creed church, and in adminiſtering the ſacrament, was of this kind. When ſome complained of theſe things, the biſhops that countenanced them, alledged a ſtatute, which impowered queen Elizabeth and her ſucceſſors, in caſe of any abuſes and indecencies in the divine ſervice, to preſcribe ſuch ceremonies as they ſhould judge proper for the glory of God, and the decency of his worſhip. Now as the king never failed to approve of what was injoined by the biſhops, many ſuſpected, that the king's authority was made uſe of to ſupport theſe ſeemingly inconſiderable innovations, with deſign to take advantage of the ſame authority to juſtify alterations of much greater conſequence.

9. Laſtly, the church's little regard to tender conſciences, and her obſtinacy in refuſing to relax in any the moſt inſignificant point, as for inſtance, the ſurplice, gave occaſion to believe, theſe things would not be ſo zealouſly adhered to, were there not ſome more hidden deſigns.

Theſe were the grounds, as far as I have been able to obſerve on which was founded the people's belief of a ſettled deſign to introduce Popery. However, theſe are only preſumptions, from whence, as I ſaid, it cannot be juſtly inferred, that this opinion was well-grounded. But on the other hand, it muſt be confeſſed, that the principal biſhops, who were not ignorant of the conſequences drawn from their conduct, were extremely careleſs in clearing themſelves, or in taking meaſures to remove, or, at leaſt, to weaken theſe ſuſpicions. They regarded the Preſbyterians with the utmoſt contempt, as a ſet of ſtubborn, obſtinate people, who ought to be humbled, inſtead of being indulged. But it was not with reſpect to religion only that the ruin of the Puritans was thought neceſſary; they were alſo conſidered as perſons, who by the principles of their religion, were inclined to oppoſe all authority in the ſtate, as well as in the church, and conſequently they could not be kept too low. This bred between the two parties, an implacable enmity, which is not yet extinguiſhed. The Preſbyterians, who were under oppreſſion at the time I am ſpeaking of, had their turn afterwards, and oppreſſed, nay utterly deſtroyed, the church of England. In the violent motions cauſed by this enmity, the biſhops ſuffered firſt. Laud loſt his head on the ſcaffold; the monarchy was overthrown, and in the fall the king himſelf came to a tragical end. The church of England diſappeared for ſome time, and was, as it were, buried in the ruins of the ſtate. And it was not without a wonderful providence that the monarchy and church were, at laſt, reſtored to their former ſplendor.

The king, as I ſaid, intended to introduce the rites of the church of England, into the kirk of Scotland. This project was formed by the king, his father, who had even ordered that divine ſervice ſhould be celebrated in his royal chapel, at Edinburgh, in the ſame manner as in his chapel at Whitehall; but whether this order was neglected, or the Scots would not frequent the chapel, Charles thought proper not only to renew it, but to add ſeveral things to hinder the chaple from being deſerted for the future. On the 8th of October, he ſent the following articles to the biſhop of Dunblane, dean of his chapel at Edinburgh.

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Articles for his majeſty's royal chapel in Edinburgh. Octob. 8. Ruſhw. Annals.

'OUR expreſs will and pleaſure is, that the dean of our chapel, that now is, and his ſucceſſors, ſhall be aſſiſtant to the right reverend father in God, the archbiſhop of St. Andrews, at the coronation, ſo often as it ſhall happen.

'2. That the book of the form of our coronation lately uſed, be put in a little box, and laid into a ſtandard, and committed to the care of the dean of the chapel ſucceſſively.

The coronation of king Charles I, it muſt be obſerved, had been performed according to the rites of the church of England.

'3. That there be prayers twice a day, with the choir, as well in our abſence, as otherwiſe, according to the Engliſh liturgy, till ſome courſe be taken for making one, that might fit the cuſtom and conſtitution of that church.

'4. That the dean of the chapel, look carefully, that all that receive the bleſſed ſacrament there, receive it kneeling; and that there be a communion held in that our chapel, the firſt Sunday of every month.

'5. That the dean of our chapel, that now is, and ſo ſucceſſively, come duly thither to prayers upon Sundays, and ſuch holy-days as that church obſerves, in his whites, and preach ſo, whenever he preacheth there. And that he be not abſent from thence, but upon neceſſary occaſion of his dioceſe, or otherwiſe, according to the courſe of his preferment.

'6. That theſe orders ſhall be our warrant to the dean of our chapel. That the lords of our privy-council, the lords of the ſeſſions, the advocate, clerks, writers to the ſignet, and members of our college of juſtice, be commanded to receive the holy communion once every year at leaſt, in that our chapel royal, and kneeling for example-ſake to the kingdom. And we likewiſe command the dean aforeſaid, to make report yearly to us, how we are obeyed therein, and by whom; as alſo if any man ſhall refuſe, in what manner he doth ſo, and why.

'7. That the copies which are conſecrated to our uſe, be delivered to the dean, to be kept upon inventory by him, and in a ſtandard provided for that purpoſe; and to be uſed at the celebration of the ſacrament in our chapel royal.'

Beſides theſe articles, the king wrote a letter to the dean, ordering him to certify to the lords of the privy-council, if any of thoſe appointed to communicate in his chapel royal, did not perform theſe articles, to the end, ſuch

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ſuch order might be taken, as his majeſty had appointed by his former letters.

Hence it is viſible, that not only the whole council of Scotland, but alſo thoſe who were in publick employments, and court-places, were prepared to conform to the church of England, otherwiſe they would not have been employed, or continued in their poſts. It was with them the king intended to begin, that, as he ſaid himſelf, they might ſerve for example to the reſt. We ſhall ſee preſently what happened when the king would have obliged the whole Scotch nation to the ſame condeſcenſion.

The placing the communion table altar-wiſe in St. Gregory's church. Ruſhw. Annals.

Whilſt the king was ſeeking means to engage the Scots to conform to the church of England, pains were taken on the contrary to alienate from her, the Presbyterians in England, by affecting ſuch uſages and cuſtoms as were moſt apt to offend them. At that time the heads of the church of England, inſtead of undeceiving thoſe who prepoſterouſly imagined ſhe was leaning to Popery, ſeem to have taken all poſſible care to confirm their ſuſpicions, by induſtriouſly conforming to the church of Rome, in matters of little moment, and without any neceſſity, as if it was done on purpoſe to brave them. In October, 1633, the dean and chapter of St. Paul's, as ordinaries of St. Gregory's church, which ſtood near the cathedral, removed the communion-table from the middle of the chancel, to the upper-end, placing it there altar-wiſe; for which they alledged two reaſons. The firſt, that in the king's chapel, and all cathedrals, the communion-tables were placed in that manner, and, therefore, it was fit other churches ſhould conform to the ſame cuſtom. The ſecond, that when the tables ſtood in the middle of the chancel, ſeveral ſcandalous indecencies were committed, people leaning thereon in ſermon-time, or putting their hats on it. This laſt reaſon, added to the great care that was taken about kneeling at the ſacrament, cauſed many to believe, that the endeavouring to inſpire ſuch an extraordinary reſpect for the communion-table, and the giving it always the name of altar, was not without deſign. And, therefore, ſome of the pariſhioners of St. Gregory's complained of this removal, by appeal to the court of the arches; but the council having notice of it, prevented the ſentence, by ordering the dean of the arches, to confirm by his authority, what had been done in St. Gregory's church. A few days after, the king being preſent in council, cauſed this affair to be debated, and approving the act of the dean and chapter of St. Paul's, gave commandment, that if thoſe pariſhioners did proceed in their appeal, the dean of the arches, who was then attending at the hearing of the cauſe, ſhould caſt them, and confirm the removal. This ſentence given by the king's ſovereign authority, without ſtaying for the judgment of the court, to whoſe cognizance this matter properly belonged, was a fountain of oppreſſions to many miniſters and congregations, who were not willing to comply with it. There was ſcarce a church in England, except the cathedrals, and the king's chapel, where the communion-table was placed altar-wiſe, at the uper-end of the chancel; but after the king had confirmed the removal in St. Gregory's church, the like diſputes aroſe in numberleſs places, and the high-commiſſion had frequent occaſions to puniſh the miniſters, who were ſuſpected of too little zeal for the church of England. As ſince the reformation, the altars were changed into communion-tables, and placed in the middle of the chancel, to avoid ſuperſtition, many imagined, the tables were again turned into altars, with intent to revive a ſuperſtitious worſhip.

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It becomes the occaſion of many ſuits.

England being then in profound peace, and almoſt wholly unconcerned in what paſſed abroad, I can ſpeak here only of domeſtick affairs. It is true, that each taken ſingly, may ſeem of little conſequence, but altogether may ſerve to ſhew the character of the king, the genius of the court, the conduct of the magiſtrates, and, in general, the courſes, of that terrible revolution, of which the lord Clarendon has given the Hiſtory.

Prynn informed againſt in the ſtar-chamber. Ruſhw. Annals.

In February, 1634, came to a ſolemn hearing in the ſtar-chamber, a cauſe which made a great noiſe, and which ſhewed the extreme ſeverity of that court againſt ſuch as were ſuſpected not to be ſubmiſſive enough to the government. The caſe was this; Mr. William Prynn, barreſter of Lincoln's-Inn, had compiled and printed a large volume in quarto, of above 1000 pages, entitled, Hiſtrio-Maſtix. The author's main deſign was to ſhew, that ſtage-plays, balls, maſques, were unlawful and antichriſtian; but in treating his ſubject, he had interſperſed ſundry reflections, applicable to the king, the queen, and the church, who approved or tolerated theſe abuſes. It was pretended, his view, in general, was to ſhew, there was a deſign to reduce religion to a kind of Paganiſm, in order to make way for Popery. This outrage was repreſented by the king's council in the blackeſt colours they could poſſibly give it. At laſt, after a ſolemn hearing of three days, the book was condemned to be burnt by the common hangman, a thing till then unuſual in England. As for the author, ſentence paſſed upon him, that he ſhould be expelled Lincoln's-Inn, diſabled to practiſe, degraded of his degree in the univerſity of Oxford, ſet on the pillory, have his ears cut off, impriſoned during life, and fined 5000 pounds. The publiſher, Michael Sparks, who was alſo the printer of the book, was fined 500 pounds, and Mr. Buckner, the chaplain who licenſed it, 50 pounds.

Wrong policy of the court in oppreſſing the Puritans.

This ſentence ſeemed too ſevere to diſintereſted perſons. It mortified the Presbyterians eſpecially, moſt of whom were of the ſame principles with Prynn. They could not help perceiving, in the ſeverity exerciſed upon this author, a malicious deſign to diſgrace their ſect, and oppreſs them on all occaſions. The truth is, the Presbyterian party, tho' very numerous, as plainly appeared afterwards, laboured then under oppreſſion; they had againſt them, the king, the miniſters, the council, the ſtar-chamber, the high-commiſſion, on, the principal heads of the church of England, the Arminians, the Papiſts, the lord-lieutenants of the counties, the judges of the realm, and all the magiſtrates in general. Notwithſtanding all this, they daily gained ground. This would ſeem incredible, if it was not conſidered, that the court themſelves were the chief cauſe of their increaſe. The court looked upon as Puritans, all who did not ſhew ſubmiſſion enough to the king, or would not allow ſufficient extent to the prerogative royal, and by oppreſſing them as ſuch, or by refuſing them all kinds of employments, engaged them unavoidably to turn to the Presbyterians. As the king's pretenſions, with regard to government, were not approved by the majority of the nation, it happened by degrees, that almoſt all England became Preſbyterian, according to the ſenſe given by the court to that term. For beſides, it is certain, there were in the Presbyterian party, multitudes who were very well-affected to the church of England, but could not allow of the king's principles concerning government. So, this party, tho' continually oppreſſed, grew daily more numerous, waiting with impatience for a parliament, where they were almoſt ſure of finding protectors. But at the time I am ſpeaking of, there was no appearance of the king's intention to call a parliament. As nothing forced him to it, he took care not to expoſe himſelf to the ill-humours of a houſe of commons, and run the hazard of ſeeing revived the complaints which had obliged him to diſſolve the three foregoing parliaments.

Ship-money ſet on foot.

It is very true, that in governing without a parliament, the king debarred himſelf of the extraordinary ſupplies which the ſovereigns uſually received from thence; but he did not believe, that the only way to have extraordinary ſupplies was to apply to the houſe of commons. He had expreſly told the parliament, by the lord-keeper, and frequently intimated himſelf, that he could find money without the aſſiſtance of parliaments; and yet, the petition of right having intervened ſince that time, and the king having bound himſelf, by his anſwer, not to raiſe any tax without the conſent of both houſes, he ſeemed to be deprived, by that anſwer, of all methods which he thought he might lawfully uſe before the petition was preſented. But expedients to evade the moſt ſolemn promiſes are ſeldom wanting to men in power. On theſe occaſions, there are miniſters and counſellors who inſinuate to their maſters, that promiſes made by ſovereigns bind them no farther than they think proper. William Noy, attorney-general, who was one of theſe bold counſellors, had, the laſt year, furniſhed the king with a way to raiſe an extraordinary ſupply without the concurrence of the parliament; viz. by the impoſition of a tax upon the people, under colour of maintaining a certain number of ſhips to guard the ſeas. But this bold counſellor died before he had ſeen the effects of his advice, after having, however, engaged his maſter in an affair which made him for ever loſe his people's confidence, and was one of the principal cauſes of his ruin.

The death of the attorney-general hindered not the king from putting his advice in practice. To that purpoſe he directed to the mayors and head-officers of the maritime towns, writs to much the ſame effect, with the following directed to the mayor of London.

The firſt writs for ſhip-money to the city of London. Ruſhw. Annals.

Carolus Rex, &c.

‘ TO the mayor, commonalty and citizens of our city of London, and to the ſheriffs of the ſame city, and good men in the ſaid city, and in the liberties and members of the ſame, greeting. Becauſe we are given to underſtand, that certain thieves, pirates and robbers of the ſea, as well Turks, enemies of the Chriſtian name, as others, being gathered together, wickedly taking by force, and ſpoiling the ſhips, and goods, and merchandizes, not only of our ſubjects, but alſo of the ſubjects of our friends in the ſea, which hath been accuſtomed antiently to be defended by the Engliſh nation; and the ſame, at their pleaſure, have carried away, delivering the men in the ſame into miſerable captivity: And foraſmuch as we ſee them daily preparing all manner of ſhipping, farther to moleſt our merchants, and to grieve the kingdom, unleſs remedy be not ſooner applied, and their endeavours be not more manly met withal; alſo the dangers conſidered, which on every ſide, in theſe times of war, do hang over our heads, that it behoveth us, and our ſubjects, to haſten the defence of the ſea and kingdom with all expedition or ſpeed that we can; we willing, by the help of God, chiefly to provide for the defence of the kingdom, ſafe-guard of the ſea, ſecurity of our ſubjects, ſafe-conduct of ſhips and merchandizes to our kingdom of England coming, and from the ſame kingdom to foreign parts paſſing; foraſmuch as we and our progenitors, kings of England, have been always heretofore maſters of the aforeſaid ſea, and it would be very irkſome unto us, if that princely honour in our times ſhould be loſt, or in any thing diminiſhed. And altho' that charge of defence, which concerneth all men, ought to be ſupported by all, as by the laws and cuſtoms of the kingdom of England hath been accuſtomed to be done: Notwithſtanding, we conſidering that you, conſtituted in the ſea-coaſts, to whom by ſea as well great dangers are imminent, and who by the ſame do get more plentiful gains for the defence of the ſea, and conſervation of our princely honour in that behalf, according to the duty of your allegiance againſt ſuch attempts, are chiefly bound to ſet to your helping hand; we command firmly, enjoining you the aforeſaid major, commonalty and citizens, and ſheriffs of the ſaid city, and the good men in the ſame city, and in the liberties and members of the ſame, in the faith and allegiance wherein ye are bound unto us, and as ye do love us, and our honour, and

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'under the forfeiture of all which ye can forfeit to us, that ye cauſe to be prepared and brought to the port of Portſmouth, before the firſt day of March now next enſuing, one ſhip of war of the burthen of 900 tuns, with 350 men at the leaſt, as well expert maſters, as very able and ſkilful mariners; one other ſhip of war of the burthen of 800 tuns, with 260 men at the leaſt, as well ſkilful maſters, as very able and expert mariners; four other ſhips of war, every of them of the burthen of 500 tuns, and every of them with 200 men at the leaſt, as well expert maſters, as very able and ſkilful mariners; and one other ſhip of war, of the burthen of 300 tuns, with 150 men, as well expert maſters, as very able and ſkilful mariners; and alſo every of the ſaid ſhips with ordnance, as well greater as leſſer, gunpowder, and ſpears, and weapons, and other neceſſary arms ſufficient for war, and with double tackling, and with victuals, until the ſaid firſt of March, competent for ſo many men; and from that time, for 26 weeks, at your charges, as well in victuals as mens wages, and other things neceſſary for war during that time, upon defence of the ſea in our ſervice, in command of the admiral of the ſea, to whom we ſhall commit the cuſtody of the ſea, before the aforeſaid firſt day of March, and as he, on our behalf, ſhall command them to continue; ſo that they may be there the ſame day, at the fartheſt, to go from thence with our ſhips, and the ſhips of other faithful ſubjects, for the ſafe-guard of the ſea, and defence of you and yours, and repulſe and vanquiſhing of whomſoever buſying themſelves to moleſt or trouble upon the ſea our merchants, and other ſubjects and faithful people coming into our dominions for cauſe of merchandize, or from thence returning to their own countries. Alſo we have aſſigned you, the aforeſaid mayor and aldermen of the city aforeſaid, or any 13, or more of you, within 30 days after the receipt of this writ, to aſſeſs all men in the ſaid city, and in the liberties, and members of the ſame, and the land-holders in the ſame, not having a ſhip, or any part of the aforeſaid ſhips, not ſerving in the ſame, to contribute to the expences, about the neceſſary proviſion of the premiſſes; and to aſſeſs and lay upon the aforeſaid city, with the liberties and members thereof, viz. upon every of them according to their eſtates and ſubſtances, and the portion aſſeſſed upon them; and to nominate and appoint collectors in this behalf. Alſo we have aſſigned you, the aforeſaid mayor, and alſo the ſheriffs of the city aforeſaid, to levy the portions ſo as aforeſaid aſſeſſed upon the aforeſaid men and land-holders, and every of them in the aforeſaid city, with the liberties and members of the ſame, by diſtreſs and other due means; and to commit to priſon all thoſe whom you ſhall find rebellious, and contrary in the premiſſes, there to remain until we ſhall give farther order for their delivery. And moreover, we command you, that about the premiſſes ye diligently attend, and execute thoſe things with effect, upon peril that ſhall fall thereon; but we will not that under colour of our aforeſaid command, more ſhould be levied of the ſaid men, than ſhall ſuffice for the neceſſary expences of the premiſſes; or that any, who have levied money for contribution, to raiſe the aforeſaid charges, ſhould by him detain the ſame, or any part thereof; or ſhould preſume, by any manner of colour, to appropriate the ſame to other uſes; willing, that if more than may be ſufficient ſhall be collected, the ſame may be paid out among the contributors, for the rate of the part to them belonging.'

Witneſs myſelf, at Weſtminſter the 20th day of October, in the 10th year of our reign.

The lord mayor of London having received this writ, aſſembled the common-council, who agreed to preſent the following petition to the king.

To the king's moſt excellent majeſty.

The humble petition of your faithful ſubjects, the mayor, and commonalty, and citizens of your city of London, moſt humbly ſhewing,

The city of London's petition to the king. Ruſhw. Annals.

'THAT where your majeſty by writ, bearing teſte 20 Octobris laſt, commanded your petitioners at their charge, to provide ſeven ſhips of war, furniſhed with men, victual, and all warlike proviſions, to be at Portſmouth by the firſt of March next, and to continue from thence by the ſpace of 26 weeks in your majeſty's ſervice, upon the defence of the ſeas and other cauſes in the ſaid writ contained:

'Your petitioners do, in all ſubmiſſive humbleneſs, and with acknowledgment of your ſacred majeſty's many favours unto your ſaid city, inform your majeſty, that they conceive, that by antient privileges, grants, and acts of parliament (which they are ready humbly to ſhew forth) they are exempt, and are to be freed from that charge, &c.'

But the pretenſions of the city of London were not capable of cauſing the king to deſiſt from his reſolution; we ſhall ſee on the contrary, that in time this tax, which was at firſt peculiar to the maritime towns, was impoſed upon the whole kingdom *.

1634-5. Laud's injunctions to the Walloon and French churches. Ruſhw. Annals. Clarend.

After Laud's promotion to the archbiſhoprick of Canterbury, his zeal for the church of England and againſt the Preſbyterians, ſeemed to be much increaſed. He kept by the king's order a private correſpondence with the biſhops of Scotland, concerning the liturgy and canons deſigned to be introduced into the kirk, and of which I ſhall ſpeak more fully preſently. It ſuffices to ſay here, that it was he that was charged with the conduct and execution of this project. But he did not confine his la-

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* This year, Sir Sanders Duncombe brought into England the uſe of chairs carried by two men. Rymer's Fœd.

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bours to the converſion of the Scots, nor even the Engliſh Presbyterians. The Dutch, the Walloon, the French, who had taken refuge in England, ſince the reign of Edward VI, had obtained ſundry privileges from the former kings, and particularly, the liberty of celebrating divine ſervice after their manner, that is, the Presbyterian; and formed ſeveral congregations, both in London and other parts of the kingdom. But Laud could not bear they ſhould enjoy this privilege any longer; and, therefore, ſent them theſe two injunctions, having firſt procured the king's approbation.

'1. That all the natives of the Dutch and 'Walloon congregations, in his grace's di'oceſe, ſhould repair to their ſeveral pariſh-'churches of thoſe ſeveral pariſhes where 'they inhabited, to hear divine ſervice and 'ſermons, and perform all duties and pay'ments required in that behalf.

'2. That the miniſters, and all other of 'the Dutch and Walloon congregations, 'which were not natives and born ſubjects 'to the king's majeſty, or any other ſtrangers 'that ſhould come over to them, while they 'remained ſtrangers, might have and uſe their 'own diſcipline, as formerly they have done; 'yet it was thought fit, that the Engliſh li'turgy ſhould be tranſlated into French and 'Dutch, for the better ſettling of their chil'dren to the Engliſh government."

Beſides that, by theſe injunctions, he impoſed upon theſe foreign churches a liturgy which they did not approve; he reduced theſe congregations almoſt to nothing, ſince he excluded all that were born in the kingdom, that is, all the deſcendants of ſuch as had fled hither in the reign of Edward VI, and conſequently there could be but very few left of thoſe born out of the kingdom.

Feb. 21. Ruſhw. Annals.

Upon this, the Dutch and Walloon churches, at Norwich, preſented a petition to the biſhop of that dioceſe, remonſtrating, that the archbiſhop's injunctions were contrary, not only to ſeveral orders of the council heretofore given in favour of their congregations, but alſo to the privileges granted them when they firſt ſettled in England, and continued to them during the reigns of Edward VI, queen Elizabeth, and James I, and confirmed alſo by his preſent majeſty's royal word. The biſhop of Norwich not returning a favourable anſwer to their petition, they applied to the archbiſhop himſelf, who anſwered them by letter. That his majeſty was reſolved, his inſtructions ſhould hold, and that obedience ſhould be yielded to them by all the natives, after the firſt deſcent; Concluding his letter with theſe words: "And thus I have given you anſwer "fairly in all your particulars, and do expect "all obedience and conformity to my inſtruc"tions, which if you ſhall perform, the ſtate "will have occaſion to ſee how ready you are "to practiſe the obedience which you teach: "And, for my part, I doubt not, but your"ſelves, or your poſterity, at leaſt, ſhall have "cauſe to thank both the ſtate and the "church for this care taken of you; but if "you refuſe, (as you have no cauſe to do, "and I hope you will not) I ſhall then pro"ceed againſt the natives, according to the "laws and canons eccleſiaſtical *.

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Thus the archbiſhop alledged, in vindication of the breach of the privileges granted to theſe congregations, and confirmed by four kings, of whom his preſent majeſty was one, the king's ſole will, or rather his own. It was evident, that the king's good pleaſure on which he laid ſo much ſtreſs, was rather an approbation of what the archbiſhop had undertaken, than a warrant to undertake it. The Preſbyterians having no other way to be revenged of the archbiſhop, publiſhed ſeveral libels againſt him, taking notice of all the innovations he had brought into the church, pretending they were ſo many ſteps towards Popery. They forgot not to upraid him with the pictures he had placed in the windows of his chapel at Lambeth, particularly that of God the Father in the form of a little old man. They obſerved ſeveral other things, of which the archbiſhop was afterwards accuſed by the houſe of commons; but this is not the proper place to ſpeak of this impeachment, or of the archbiſhop's defence.

Information againſt ſuch as reſide in London contrary to the king's proclamation. Ruſhw. Annals.

The king being always in want, his miniſters were continually employed in deviſing means to raiſe money. In the beginning of the year 1635. the attorney-general preſented an information in the ſtar-chamber, againſt ſeveral hnndreds of perſons, lords, knights, gentlemen, ladies, and others, for diſobeying his majeſty's proclamation, by which they were commanded not to reſide in London. I do not find the ſentence given upon this information, but, very probably, conſidering the ſtar-chamber's zeal to ſupport the king's authority, the parties accuſed were puniſhed by fine.

Ship-money is laid upon the whole kingdom. Ruſhw. Act. Pub.

The tax to provide and maintain a certain number of ſhips to guard the ſeas, was impoſed in 1634, for the year 1635, only upon the maritime towns; but in 1635, the king ſent his writs for ſhip-money all over the kingdom for the year 1636. The reaſon, or rather pretence of this general tax was, that the kingdom was in great danger, on account of the league lately concluded between France and the Low-Countries. Tho' it did not appear how this league, which was not againſt England, could put the kingdom in danger, the king however, inferred, that the two moſt powerful ſtates in naval forces being united, it was abſolutely neceſſary that England ſhould have a ſtrong fleet to preſerve the dominion of the ſea, otherwiſe ſhe might be inſulted, and her trade diſturbed. This tax being impoſed by vertue of the Prerogative royal, ſeveral private perſons refuſed to pay the ſums they were rated at; nay, ſome

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* About 140 families of theſe people went into Holland, where they were kindly received and exempted from exciſe, and paying of houſe-rent for 7 years: They taught the Dutch the way of managing the woollen manufacture, which has been of very bad conſequence to England. Thouſands of families retired alſo into New-England. Coke.

there were who ſued the magiſtrates and other officers appointed to levy the money, aſſerting, that the ſubject could be taxed only by act of parliament. This oppoſition was the reaſon, that in the year 1636 ſhip-money amounted to not above 200,000 l. tho' the king had expected a much larger ſum. In the interim, the king conſidering, that by means of this tax he ſhould have a ſettled revenue, beſides that it would be a precedent to make uſe of his prerogative on other occaſions, reſolved to ſupport his project at any rate. But to guard it againſt all objections of being illegal, and contrary to his anſwer to the petition of right, he had a mind to ſhew he was authoriſed on this occaſion to exert his prerogative. To that end he ſent to the judges of the realm, and required their opinion concerning his right to levy this tax. As the judges wholly depended upon the court, they very readily decided in favour of the king, and gave him their opinion in writing. But the king thought not proper to publiſh their determination, being ſatisfied with keeping it private till there ſhould be occaſion to uſe it. This will hereafter appear. But I muſt firſt ſpeak of ſome other things which paſſed in this interval.

Commiſſion to compound for defective titles. Act. Pub.

This year 1635, the king renewed a former commiſſion to confirm their defective titles, to ſuch as held lands of the crown. He pretended it was an act of grace, and that his only view was to ſecure the poſſeſſion of lands to thoſe who held them by diſputable titles. But notwithſtanding this, the commiſſion was looked upon as a manifeſt oppreſſion; for, under colour of examining defective titles, all the proprietors were obliged to produce their titles, to which, how valid ſoever they might be, the commiſſioners made objections; ſo, to avoid a law-ſuit with the king, wherein they were ſure to be caſt, conſidering the diſpoſition of the judges, the proprietors were forced to compound, and give money to ſecure their lands, which were otherwiſe in danger of being re-united to the crown.

Proclamation to forbid going out of the realm. Act. Pub.

Soon after, the king publiſhed a proclamation, commanding all perſons, except ſoldiers, mariners, merchants, and their factors, not to depart the kingdom without his licenſe. Several kings of England had ordered the ſame thing on ſome particular occaſions, but it was doubted whether ſuch a prohibition was neceſſary when the proclamation was publiſhed.

Abuſes of informers prevented. Ruſhw.

The abuſes of the informers, that is, perſons who watched people's actions, in order to accuſe them, in caſe they infringed the laws, were grown ſo exceſſive, that the king was forced, if not to aboliſh them intirely, at leaſt, to qualify them by certain directions which he ordered to be obſerved.

Juxton made lord-treaſurer. Laud's Diar.

The office of lord-treaſurer, which had been executed by commiſſioners, ſince the death of the earl of Portland, was conferred on doctor William Juxton, biſhop of London, who diſcharged it worthily. No churchman had enjoyed this poſt ſince Henry VIIth's time.

Parr 152 years old. Annals.

The ſame year was preſented to the king, by the earl of Arundel, an old man called Parr, who was 152 years of age, and in perfect health. He was born the laſt year of the reign of Edward IV.

The elector Palatine and prince Rupert, or Robert, his brother, arrived in England, about this time, and were lodged in the king, their uncle's palace.

1636. Divers ſuits about the altars. Ruſhw.

The Preſbyterians were ſtill moleſted upon every occaſion, or whenever they gave their enemies an advantage, through an exceſs of zeal which was not always well regulated. Samuel Ward, a miniſter in Ipſwich, boldly preached againſt the king's book of ſports, and alſo ſaid, "That the church of England "was ready to ring changes in religion." For which he was ſuſpended by the high-commiſſion, and afterwards committed to priſon for refuſing to make a publick recantation. The church-wardens of Beckington, in Somerſetſhire, refuſing to place the communion-table otherwiſe than it had been for 60 years, were excommunicated by the biſhop of Bath and Wells. They appealed to the arches, but their appeal was rejected. Then they petitioned the king, but with no better ſucceſs. So the church-wardens ſtood excommunicated a whole year, and were afterwards thrown into the common-goal, from whence, at length, they were releaſed by the biſhop, upon their publick ſubmiſſion and penance. It would be too tedious to relate all the actions which were entered in the high-commiſſion upon the two articles I have been ſpeaking of; it ſuffices to obſerve, that the number was very great, and the high-commiſſion always puniſhed very ſeverely ſuch as dared to ſwerve from what was preſcribed by the church.

The archbiſhop intends to viſit the univerſities. Ruſhw.

On the other hand, the archbiſhop of Canterbury, ever zealous for the church of England, conſidered as Puritans all who neglected the leaſt rite or ceremony of that church. This prelate being informed of ſome remiſſneſs in that reſpect in the two univerſities, could not ſuffer ſuch an abuſe. There were at Cambridge three chapels where divine ſervice was daily celebrated, tho' they had never been conſecrated. This neglect, which to him ſeemed ſo blameable, exciting his zeal, he reſolved to viſit the univerſities as metropolitan. He met with ſome oppoſition, the univerſities maintaining that he had not the right of viſiting as archbiſhop, tho' they did not deny he might viſit by the king's commiſſion, if his majeſty was pleaſed to appoint him. But not being ſatisfied with a borrowed power, he brought the caſe before the king, who decided it in his favour, after having himſelf ſupported the archbiſhop's reaſons with arguments, and anſwered the objections of the univerſities. The archbiſhop being ſo well ſupported, could not fail of obtaining the victory.

Proclamation to forbid foreigners to fiſh on the coaſt of Great Britain. Ruſhw.

The king being determined, as I ſaid, to continue the tax for the maintenance of the ſhips deſigned to guard the ſeas, and having the laſt year given orders for levying it this year 1636, was obliged to ſeek a pretence for a fleet. This tax, called by the Engliſh, ſhip-money, and which for ſhortneſs I ſhall term ſo for the future, was grounded upon the neceſſity of guarding the ſeas. But none could perceive the danger, which, according to the king, England was expoſed to by the alliance between France, and Holland. To this pretence, therefore, was to be added that of preſerving the dominion of the narrow ſeas. To this end he publiſhes a proclamation, declaring, “Whereas king James did, in the 7th year of his reign, ſet forth a proclamation touching fiſhing; whereby all perſons of what nation or quality ſoever (being not his natural-born ſubjects) were reſtrained from fiſhing upon any of the coaſts and ſeas of Great-Britain, Ireland, and the reſt of the iſles adjacent, until they had orderly obtained licenſes in that behalf. Since which time, neither the king, his father, nor himſelf have made any conſiderable execution of the ſaid proclamation, but have expected a voluntary conformity thereto. But now finding by experience, that all the inconveniencies which occaſioned that proclamation, are rather increaſed than abated; and his majeſty well knowing how far he is obliged in honour to maintain the rights of his crown, has thought it neceſſary to renew the aforeſaid reſtraint of fiſhing, and to declare, that his reſolution is to keep ſuch a competent ſtrength of ſhipping upon his ſeas, as may be ſufficient both to hinder farther encroachments upon his regalities, and to aſſiſt and protect thoſe his good friends and allies, who ſhall henceforth with licenſe endeavour to take benefit of fiſhing upon his coaſts.

The king's fleet attacks the Dutch fiſhermen, who compound with the king. Ruſhw. Annals.

Theſe friends were the Hollanders, who came every year and fiſhed for herrings on the coaſt of Scotland. It was, therefore, manifeſt, that after 30 years forbearance he ſought a quarrel with the Dutch, only to have occaſion to fit out a fleet, which ſerved for pretence to impoſe the tax of ſhip-money. This quarrel produced the two famous treatiſes, entitled, Mare Liberum, and Mare Clauſum, the former penned by Grotius, the latter by Selden. But the king regarded not arguments drawn from hiſtory, or antient treaties between the two nations; he made uſe of a more effectual method, viz. a fleet under the command of Algernoon, earl of Northumberland. This fleet attacking the diſperſed fiſhermen, who little expected it, and ſinking ſome, compelled the reſt to retire into the Engliſh harbours as the ſafeſt retreat, and, in ſhort, to give the king 30,000 florins, for permiſſion to continue their fiſhing that ſummer.

A commiſſion about depopulation. Ruſhw. Annals.

Soon after, the king raiſed 30,000l. by a commiſſion, to enquire concerning depopulations and converſions of arable lands to paſture, ſince the 10th year of queen Elizabeth. There were many offenders of this nature, and ſo heavy a fine was impoſed in the ſtar-chamber on Sir Anthony Roper, that the reſt, to avoid the ſame treatment, ſpeedily compounded with the king.

The king will not give up ſhip-money.

But ſhip-money was the moſt important thing, and as ſuch regarded by the court. The king neither would nor could depart from it, for three principal reaſons. Firſt, becauſe he ſhould be deprived of a very conſiderable aid, which he meant to render fixt and cuſtomary. Secondly, in deſiſting from this tax, after levying it two years ſucceſſively, he would have given cauſe to believe he had no power to impoſe it, and conſequently had acted contrary to law. Thirdly, having reſolved never more to call a parliament, it highly concerned him to eſtabliſh his prerogative in ſuch a manner, that none ſhould dare to conteſt it; ſo the city of London having petitioned the board, that the 20 ſhips they were rated at might be reduced to 10, received a very ſharp anſwer to this effect:

The petition of the city of London in vain. Ruſhw.

“That the tax of ſhip-money was neceſſary for the preſervation of the ſtate; and the charge was not immoderate: that his majeſty would admit of no excuſe, but expected a ready compliance; that the precedents alledged in favour of the city, ought to induce them to obey, rather than to contradict and direct the king.”

Several law-ſuits about ſhip-money.

The king publiſhes the judges opinion. Ruſhw.

Notwithſtanding all this, there were ſome that obſtinately refuſed to pay their ſhare of this tax, imagining, no court of juſtice would be ſo bold as to compel them. As theſe examples were of dangerous conſequence, the king thought proper to publiſh the opinions of the judges. To that end, the lord-keeper having aſſembled all the judges in the ſtar-chamber, told them, the king was very well pleaſed with their endeavours in their ſeveral circuits, to perſuade his ſubjects to pay ſhip-money; but, however, his majeſty hearing that ſome refuſed to pay this tax, had thought fit to have recourſe to their advice for his direction in this caſe, and had commanded him to publiſh their opinions for the ſatisfaction of his ſubjects. Then he cauſed the king's letter to the judges on this ſubject to be read as follows:

The king's letter to the judges. Ruſhw. Annals.

‘Truſty and well-beloved, we greet you well. Taking into our princely conſideration, that the honour and ſafety of this our realm of England, (the preſervation whereof is only entruſted in our care) was, and is now more nearly concerned than in former times, as well by divers counſels and attempts, to take from us the dominion of the ſea, of which we are the ſole lords, and rightful owners, the loſs whereof would be of great danger and peril to this kingdom, and other our dominions; we, for the avoiding of theſe and the like dangers, well weighing with our ſelves, that where the good and ſafety of the kingdom in general is concerned, and the whole kingdom in danger, there the charge and defence ought to be borne by all the realm in general; did, for prevention of ſo publick a miſchief, reſolve with ourſelves to have a royal navy provided, that might be of force and power, with almighty God's bleſſing and aſſiſtance, to protect and defend this our realm, and our ſubjects therein, from all ſuch perils and dangers; and for that purpoſe we iſſued forth writs under our great ſeal of

‘ England, directed to all our ſheriffs of all our ſeveral counties of England and Wales, commanding thereby all our ſaid ſubjects of every city, town, and village, to provide ſuch a number of ſhips well furniſhed, as might ſerve for this our royal purpoſe, and which might be done with the greateſt equality that could be, in performance whereof, tho' generally throughout all the counties of this our realm, we have found in our ſubjects great chearfulneſs and alacrity, which we graciouſly interpret, as a teſtimony as well of their dutiful affections to us and our ſervice, as of the reſpect they have to the publick, which well becometh every good ſubject. Nevertheleſs, finding that ſome few, haply out of ignorance what the laws and cuſtoms of this our realm are, or out of a deſire to be eaſed, and freed in their particulars, (how general ſoever the charge ought to be) have not yet paid and contributed the ſeveral rates and aſſeſſments that were ſet upon them, and foreſeeing in our princely wiſdom, that from hence divers ſuits and actions are not unlikely to be commenced and proſecuted in our ſeveral courts at Weſtminſter: We, deſirous to avoid ſuch inconvenience, and out of our princely love and affection to all our people, being willing to prevent ſuch errors as any of our loving ſubjects may happen to run into, have thought fit, in a caſe of this nature, to adviſe with you our judges, who, we doubt not, are all well ſtudied and informed in the right of our ſovereignty; and becauſe the trials of our ſeveral courts, by the formality of pleading, will require a long protraction, we have thought expedient by this our letter, directed to you all, to require your judgment in this caſe, as it is ſet down in the incloſed paper, which will not only gain time, but alſo be of more authority to overrule any prejudicate opinions of others in the point.

Given under our ſignet, at our court at Whitehall, the 2d day of February, in the 12th year of our reign, *1636*.

The king's letter being read, the lord-keeper commanded the caſe incloſed to be read, being as follows.

Carolus Rex,

Queſtions propoſed by the king to the judges. Ruſhw. Annals.

“ WHen the good and ſafety of the kingdom in general is concerned, and the whole kingdom in danger, whether may not the king, by writ under the great ſeal of England, command all the ſubjects of our kingdom, at their charge, to provide and furniſh ſuch a number of ſhips, with men, victuals, and munition, and for ſuch time as we ſhall think fit for the defence and ſafe-guard of the kingdom from ſuch danger and peril, and by law compel the doing thereof, in caſe of refuſal and refractorineſs? And whether, in ſuch a caſe, is not the king the ſold judge both of the danger, and when, and how the ſame is to be prevented and avoided?

The judges anſwer.

The judges anſwer.

May it pleaſe your moſt excellent majeſty,

‘ WE have, according to your majeſty's command, every man by himſelf, and all of us together, taken into ſerious conſideration, the caſe and queſtion ſigned by your majeſty, and incloſed in your royal letter; and we are of opinion, that when the good and ſafety of the kingdom in general is concerned, and the kingdom in danger, your majeſty may, by writ under the great ſeal of England, command all your ſubjects of this your kingdom, at their charge, to provide and furniſh ſuch a number of ſhips, with men, victuals, and munition, and for ſuch time as your majeſty ſhall think fit, for the defence and ſafeguard of this kingdom from ſuch danger and peril; and that by law your majeſty may compel the doing thereof, in caſe of refuſal or refractorineſs: and we are alſo of opinion, that in ſuch caſe your majeſty is the ſole judge, both of the danger, and when, and how the ſame is to be prevented and avoided.

John Bramſton,
John Finch,
Humphrey Davenport,
John Denham,
Richard Hutton,
William Jones,
George Crooke,
Thomas Trevor,
George Vernon,
Francis Crawley,
Robert Berkly,
Richard Weſton.

The judges anſwer entered in the courts of juſtice. Ruſhw.

After the reading of the caſe and anſwer, the lord-keeper ſaid, ‘The king had commanded him to publiſh the judges determination, and to give order that it ſhould be entered in all the courts of Weſtminſter. That moreover, his majeſty enjoined the judges to declare the ſame in their circuits throughout the kingdom, that no man might plead ignorance. That however, it was not his majeſty's purpoſe to ſtop the actions or ſuits which have been, or ſhould be brought concerning this matter, but only to prevent ſuch as ſhould bring their action, from being ſurpriſed.' He concluded with ſaying, ‘If any contrary opinion ſhould yet remain among men, it muſt proceed from thoſe that are ſons of the law, or from ſome not towards the law. Of the latter I will ſay, “Felices demum eſſent artes ſi de illis ſolum judicarent artifices.” And as to the former, you, the judges of the realm, are and ever have been accounted the fathers of the law, then will it ill-become the ſon to diſpute againſt, or take upon him to be wiſer than the father.'

Remarks on this matter.

It is eaſy to perceive, that the artifice of the queſtion propoſed to the judges, lay in the ſuppoſition of ſome imminent danger to the kingdom, for inſtance, a ſudden and unexpected invaſion, which moſt certainly was not the caſe then. And yet, upon the bare poſſibility of ſuch an extraordinary caſe, the king eſtabliſhed a principle, which gave him power to impoſe not only ſhip-money, but any other tax he ſhould pleaſe for the future. The prevarication of the judges conſiſted in that, feigning not to ſee the artifice of the queſtion, they admitted, without examination, the king's ſuppoſition, and decided the preſent caſe, upon the foundation of an extraordinary and unforeſeen emergency, which was not impoſſible. Two of the judges, however, viz. Hutton and Crooke, were not of the ſame opinion; but they were perſuaded to ſign, like the reſt, by the conſideration, that it was the opinion of the whole body. Let it be farther obſerved, that the order to enter the judges determination in the courts of juſtice, and to publiſh it thro' all parts of the kingdom, was very extraordinary, ſince thereby the king pretended to make it a ſort of law, by which the courts were to proceed in judging the ſuits, which might afterwards be brought upon this affair. This had never been practiſed, but with regard to acts of parliament.

Hampden's proſecution. Ruſhw. Annals.

After theſe precautions, the king thought himſelf ſufficiently authoriſed to order ſuch to be proſecuted, as refuſed to pay ſhip-money; imagining none would be ſo hardy and obſtinate as to maintain a refuſal before judges, that had already declared their opinion, and could not give a contrary judgment, without making themſelves ridiculous. Nevertheleſs, there was a gentleman, who being perſuaded, notwithſtanding the judges determination, that ſhip-money was illegal, and contrary to the petition of right, reſolved to ſtand the ſhock, and refuſe to pay the tax. Mr. Hampden of Buckinghamſhire was the man, who being rated at 20 ſhillings, choſe rather to be condemned than pay voluntarily. This caſe was argued in the exchequer chamber, before all the judges of England, who were ſent for to render the judgment more ſolemn and authentick. Tho' the point was only to decide, whether Mr. Hampden ſhould pay 20 ſhillings or not, it was, however, the moſt important caſe that had ever been argued in any court of juſtice. The thing in queſtion was, to determine, whether the king had power to tax the ſubject, without the concurrence of the parliament, and whether the people were obliged to pay taxes impoſed in that manner. Accordingly Mr. Hampden's and the king's counſel diſplayed on this occaſion, all that wit, learning, knowledge of the laws, ſolidity of reaſoning, ſubtlety, chicanry, are able to produce. There were ſome who pleaded four days together. I do not ſuppoſe it is expected, I ſhould inſert here all the arguments alledged on both ſides in this famous caſe; I ſhall content myſelf, therefore, with briefly giving a general idea of the thing.

A ſummary of the arguments on both ſides.

The king's counſel maintained, that the king was the head of the ſtate, and obliged to protect it when in danger; that this danger might be ſuch as required an immediate remedy. From whence they inferred, that what was alledged in favour of the laws was not to the purpoſe, ſince caſes might happen where it was impracticable to obſerve them; conſequently their execution was reſtrained by neceſſity, and in theſe caſes of neceſſity, the king had an abſolute power to impoſe taxes for the defence of the realm, for which they urged ſundry precedents in former reigns; adding, as the people were not called to the king's council to give their opinion, whether there was a neceſſity or not, to impoſe taxes for the defence of the kingdom, it followed, that the king, by the advice of his council, was the ſole judge; that his majeſty having deemed it neceſſary in the preſent caſe, he might lawfully impoſe ſhip-money, and his ſubjects could not refuſe to pay it, without incurring the guilt of diſobedience.

The counſel for Mr. Hampden owned the king was head of the ſtate, and that it was incumbent on him to defend it, but withal maintained, that the law had provided the means to put the kingdom in a ſtate of ſafety, by inveſting the perſon of his majeſty with ſeveral privileges which were intended for that purpoſe. For inſtance, the right of being aſſiſted by the poſſeſſors of the fees of the crown, of arming the Cinque-ports, fines, confiſcations, tunnage and poundage, and other cuſtoms of which he was actually in poſſeſſion, and which he had himſelf declared to be deſigned for the defence of the ſeas. Laſtly, ſuppoſing and allowing all theſe means to be exhauſted, the king had another infallible way, which was to call a parliament, and demand a ſupply for all extraordinary occaſions.

But the king's counſel chiefly inſiſted upon the poſſibility of ſuch ſudden and unforeſeen caſes as would not afford time to call a parliament. This was their main argument, and the ſole foundation of the advantages they pretended to draw from the precedents of former reigns. Tho' the principles they would have eſtabliſhed tended to put it in the king's power to impoſe taxes whenever he pleaſed, they durſt not, however, aſſert it in plain terms, but limitted his power to caſes of neceſſity, of which, however, they would have the king to be the ſole judge, which came to the ſame thing.

To this Mr. Hampden's council replied; 1. Theſe caſes were very rare, and granting the king had a power in ſuch caſes to impoſe extraordinary taxes, this neceſſity ought to be very evident. 2. The king, upon ſuch a ſuppoſition, having exacted loans from his ſubjects, the parliament had declared them void, and the king in his anſwer to the petition of right, acknowledged he had no power to demand them. 3. At this preſent time there was no reaſon to fear any ſudden invaſion, ſince his majeſty was in peace with all his neighbours. 4. The king himſelf did not think the danger to be imminent, ſince the writs ſent to the counties to fit out ſhips being dated the 7th of Auguſt, theſe ſhips were not to be at Portſmouth till the 1ſt of March following, and conſequently the king himſelf was of opinion, that there was ſeven months time to prevent the danger, in which ſpace a parliament might eaſily be called.

I ſhall inſiſt no longer upon this ſubject which would lead me too far, if I ſhould relate the objections, anſwers, and replies of both ſides. It ſuffices to make this general remark, that the counſel for Mr. Hampden pleaded expreſs laws, Magna Charta, the ſubſequent ſtatutes, and the petition of right. The king's counſel inſiſted chiefly upon precedents and inſtances taken from ſome of the former reigns, and upon the impoſſibility in certain caſes, of ſtrictly obſerving the laws, from whence they inferred, that the laws were not ſo general, but that they were limitted by extraordinary caſes, and the king being bound to defend the ſtate, ought to be the ſole judge of ſuch caſes. I do not find they endeavoured to prove that the kingdom was actually in one of theſe extraordinary caſes, or in imminent danger.

Hampden is caſt.

After the cauſe had been argued many days, from the beginning of November till Chriſtmaſs, and in the following terms, till May and June, judgment was given againſt Mr. Hampden, and he was condemned to pay the ſum he was taxed at. From thenceforth no one would have recourſe to the law, ſince it would have been in vain after ſo ſolemn a judgment.

The king's deſigns with reſpect to Scotland.

Whilſt endeavours were uſing in England to carry the prerogative-royal higher than ever, the king reſolved to execute, at laſt, the project he had formed with regard to Scotland, viz. to reduce the kirk to a perfect conformity with the church of England. This project was formed by king James at his acceſſion to the crown of England; nay, he had found means before he left Scotland to reſtore epiſcopacy, as will preſently appear. From that time, the biſhops were always protected and countenanced by James I, and Charles I, who gained the parliaments to their intereſt, and moreover exerted their prerogative in favour of the prelates; for with them the execution of their deſign was to begin. As the troubles this affair occaſioned in Scotland, were the principal cauſe of the misfortunes and ruin of Charles I, I think it indiſpenſably neceſſary to trace them to their origin, and the rather, as they had great influence upon the affairs of England. Beſides, tho' many foreign authors have ſpoken of the differences between Charles I, and his ſubjects of Scotland, I do not know any that has undertaken to explain this matter clearly, or ſpoken of it impartially.

The ſtate of epiſcopacy in Scotland from the reformation to 1637.

The reformation was received in Scotland by publick authority, in the reign of queen Mary, 1560, juſt before the death of Francis II, and whilſt the queen, his widow, was yet in France. The firſt that embraced the reformed religion in Scotland under the former reigns, were much perſecuted, even to the time I have been ſpeaking of, and yet, their number did not fail daily to increaſe. The biſhops thought themſelves bound in conſcience to perſecute the reformed. They were at once their adverſaries and judges, and, conſequently, it was almoſt impoſſible, but this conduct ſhould draw on them the enmity of the ſufferers. Accordingly, the decree of the ſtates to admit the reformation, was no ſooner made, than the biſhops loſt all their credit and authority. It is certain, the plan on which the government of the new church was at firſt ſettled, was not favourable to epiſcopacy, but it was reſolved to conform to the diſcipline of the churches of Switzerland. The reformed had too great an averſion for the biſhops, to remain under their yoke, eſpecially as there were but very few prelates that agreed to the late change in religion. All that was done in their favour was, that the council ordered, ſuch as would embrace the reformation ſhould enjoy their revenues, on condition they would maintain miniſters. This plainly ſhews, that tho' their revenues were left them, there was no intention to continue the government of the church in their hands. It was not the ſame in England, when the reformation was received in the reign of Edward VI. Far from being prejudiced againſt the biſhops, the Engliſh, on the contrary, could not but own it was by means of the principal prelates that the reformation was eſtabliſhed. There was, therefore, no motive either of hatred or policy to incline the Engliſh to throw off epiſcopal government, tho' they ſhould be ſuppoſed to conſider it as a thing indifferent. But in Scotland, paſſions, policy and reaſon itſelf required a deliverance from the yoke of the biſhops, who, for the moſt part, oppoſed the reformation to the utmoſt of their power. So presbyteries, national ſynods, or general aſſemblies, were eſtabliſhed, to whoſe care the ſettling of the diſcipline was committed.

Theſe general aſſemblies, at firſt, had, or, perhaps, uſurped, a very great authority. It was even neceſſary their power ſhould be great, to enable them to defend the reformation againſt the perpetual attacks of its enemies. Queen Mary, who arrived ſoon after in Scotland, was a zealous Catholick, and many of the principal lords were in the ſame ſentiments; ſo, the Popiſh-party was ſtill very ſtrong, and in condition to obſtruct the progreſs of the reformation. On the other hand, the general aſſembly, which then conſiſted wholly of miniſters, vigorouſly ſupported the new religion, notwithſtanding the efforts of the Catholick-party. In the interim, tho' they ardently laboured to aboliſh epiſcopacy by publick authority, they could not obtain of the parliament an expreſs act for that purpoſe. At laſt, in 1566, the general aſſembly ſolemnly approved of the diſcipline of the church of Switzerland, and of a parity among the miniſters. This was ſufficient to overthrow, at once, the ſpiritual power of the biſhops, but not to deprive them of their temporal privileges; ſo, from the year 1561, to the depoſing of queen Mary, in 1567, the ſtate of the biſhops was very uncertain. They enjoyed their revenues, ſat in parliaments, but their ſpiritual juriſdiction was acknowledged by few, tho' they ſtrove to preſerve it. The general aſſembly had declared for the Presbyterian government, but the parliament had not yet made any deciſion. In the interim, the biſhops were in a very melancholly ſituation, ſince the people, who had a great veneration for the general aſſembly, could not, after they had been condemned there, acknowledge them for paſtors; ſo, tho' their ſpiritual authority was not expreſly abrogated by the parliament, it was, as I may ſay, reduced to nothing, ſince they could not exerciſe it, the general aſſembly directing all the affairs of the church. This has occaſioned warm diſputes concerning epiſcopacy, ſome affirming, it was entirely aboliſhed in Scotland, and others, that it was always continued. One cannot but wonder at a diſpute about a fact of this nature, and it is no leſs ſurpriſing that the parliament of Scotland ſhould delay above 30 years to ſettle the government of the church by their authority. Wherefore it is abſolutely neceſſary to explain the reaſons; otherwiſe, it would be difficult to underſtand the cauſes of the troubles of Scotland, of which we muſt neceſſarily ſpeak; but before I deſcend to particulars, it will be requiſite to obſerve, that we muſt carefully diſtinguiſh the benefice from the office of a biſhop. By the benefice, I mean the revenues, lands, honours, privileges, in a word, all the temporalities annexed to the quality of biſhop. By the office, I underſtand the ſpiritual juriſdiction and functions of the biſhops. If this diſtinction is not continually remembered, it will be impoſſible to underſtand the diſputes concerning this matter.

It is certain that from the year 1560, when the reformation was eſtabliſhed in Scotland, to the year 1609, the church of that kingdom was governed by presbyteries, dioceſan and provincial ſynods, general aſſemblies, and that even ſuperintendants were appointed, who continued till the year 1575. It is no leſs certain, that the general aſſemblies condemned and rejected epiſcopal government above 30 years, and, during that time, conſtantly demanded and earneſtly ſollicited the abolition of epiſcopacy, with reſpect both to temporals and ſpirituals. Nevertheleſs, from the beginning of the reformation till 1592, no expreſs act of parliament could be obtained, whether for or againſt epiſcopacy, or to approve or reject the Presbyterian government, if we except the interval between the years 1571 and 1575, of which I ſhall ſpeak hereafter.

Had the general aſſemblies confined their demands to the aboliſhing of epiſcopacy as to the ſpiritual functions, very likely, they would have eaſily obtained it. But after the abolition of the epiſcopal office as far as in them lay, they were not contented with deſiring that their acts might be confirmed by the parliament, but demanded alſo that the name of biſhop might be aboliſhed, and the biſhops deprived of all ſorts of temporal honours and privileges, as the right of ſitting in parliament and the like. But the court always oppoſed it ſtrenuouſly, becauſe the biſhopricks and abbies being filled by the king, he could almoſt depend upon as many votes in parliament as there were biſhops and abbots. For the ſame reaſon, the court, by ſecret practices, hindered the parliament from paſſing any act to eſtabliſh presbytery, and to abrogate the ſpiritual juriſdiction of biſhops, becauſe it was perceived that this would tend to deprive them of their temporal honours. Not but that, in the actual practice of the church, epiſcopacy was really aboliſhed, and Presbytery eſtabliſhed; but, however, as long as there was no expreſs act to aboliſh epiſcopacy, the biſhops and abbots could not be prevented from voting in parliament, which was a great advantage to the court; ſo the name and title of biſhops and abbots ſtill ſubſiſted. They held the lands annexed to their benefices, and enjoyed the ſame temporal privileges with their predeceſſors, tho' the office was ceaſed. This is ſo true with reſpect to the abbots, as to admit of no diſpute. The abbies were in the poſſeſſion of laymen, who ſat in parliament by the name and title of abbots. As to the biſhops, the thing is not ſo clear, becauſe the title of biſhop was conferred on churchmen. Had the court beſtowed the biſhopricks upon laymen, it would have given the general aſſembly too great an advantage, who deſired nothing more than a plauſible pretence to preſs the abolition of the temporalities of the prelates. This demonſtrates that a man may juſtly ſay, there were, and there were not at the ſame time biſhops in Scotland. There were biſhops, if it is conſidered that there were perſons ſo called, who held the lands and revenues of the ſees, and who, as ſuch, had a ſeat in parliament. There were none, with reſpect to the ſpiritual functions, which were really aboliſhed by the decrees of the general aſſembly, and by actual practice, tho' the parliament had not expreſly repealed them. Upon the confuſion of the ſpiritual and temporal ſtates of the biſhops, all the objections and anſwers in this diſpute wholly turn. Some prove very plainly that epiſcopacy ſubſiſted in Scotland, provided they confine the meaning of that word to temporals; but their proofs are very defective with regard to ſpirituals. Others evidently ſhew, that epiſcopacy was aboliſhed as to the ſpiritual functions, by vertue of the acts of the general aſſembly; but they cannot prove, it was aboliſhed with reſpect to the temporal privileges, ſince the parliament had not yet made any deciſion. As neither can produce any expreſs act of parliament, at leaſt, till ſuch a time, they alledge ſome from whence they endeavour to draw inferences to their advantage. But this requires a farther explication. For the better underſtanding this matter we muſt neceſſarily diſtinguiſh the various circumſtances of Scotland, from the beginning of the reformation; viz. in the reign of Mary; in that of James VI, during his minority; under the ſame prince after aſſuming the government, according to the ſeveral miniſters or favourites, by whoſe advice he was directed; and laſtly, under the ſame prince after his acceſſion to England. The ſtate of the biſhops depended all this time on the intereſts of thoſe who were in the adminiſtration.

The reign of Mary laſted till the year 1567. This queen was a zealous Catholick, and yet, ſo long as the earl of Murray, her natural brother, had any credit with her, the reformation was not attacked; but towards the end of her reign, under Bothwel's adminiſtration, the general aſſembly loſt ground. However, in 1566, they made the forementioned decree, to approve of the diſcipline of the churches of Switzerland, and of a parity among the miniſters, which entirely deſtroyed epiſcopacy; but the queen regardleſs of this decree, openly reſtored the archbiſhoprick of St. Andrews, notwithſtanding the oppoſition of the aſſembly.

The interval from the depoſing of queen Mary in 1567 to 1573, was a time of troubles and diſcord, under the adminiſtration of ſeveral regents, whoſe authority was not firmly eſtabliſhed; ſo that it was very difficult for the parliament effectually to ſettle the diſcipline of the church. All that can be ſaid is, that they rejected not what was eſtabliſhed by the general aſſembly, tho' they gave not their actual conſent to it. On the other hand, in 1572 and 1573, the regent, for ſome private views, cauſed ſome acts to be paſſed in favour of epiſcopacy, but which were afterwards repealed. Theſe acts were as follows:

Nalſon.

By the firſt, which is the 46th of the parliament holden in 1572, it is declared, "The archbiſhops and biſhops have the authority, and are ordained, to convene and deprive all inferior perſons being miniſters, who ſhall not ſubſcribe the articles of religion, and give their oath for acknowledging and recognoſcing of our ſovereign lord and his authority, and bring a teſtimonial in writing thereupon, within a month after their admiſſion."

By the 48th act of the ſame parliament, it is declared, "That archbiſhops and biſhops have authority at their viſitations to deſign miniſters glebes.

By the 54th of the ſaid parliament, "archbiſhops and biſhops were authoriſed to nominate and appoint at their viſitations, perſons in every parochin for making and ſetting of the taxation, for upholding and repairing of kirks and kirk-yards, and to convene, try, and cenſure all perſons that ſhall be found to have applied to their own uſe the ſtones, timber, or any thing elſe pertaining to kirks demoliſhed."

By the 55th of the parliament in 1573, "archbiſhops and biſhops were authoriſed to admoniſh perſons married, in caſe of deſertion, to adhere, and in caſe of diſobedience, to direct charges to the miniſter of the parochin to proceed to the ſentence of excommunication.

There appears in theſe four acts ſome ſigns of the epiſcopal juriſdiction, or, at leaſt, that the parliament did not look upon epiſcopacy as entirely aboliſhed. But on the other hand, if the biſhops actually exerciſed their functions at that time, where was the neceſſity of the parliaments authoriſing them to act in moſt of the things ſpecified in theſe ſtatutes? But there is here a ſtronger objection ſtill againſt the biſhops; and that is, they who have thus cited theſe acts, have curtailed them, and paſſed over in ſilence the ſuperintendants who were joined with the biſhops, from whence it is inferred, that the biſhops were impowered only as commiſſioners of the parliament.

I proceed now to the time of king James's majority, or, at leaſt, of his aſſuming the government, tho' he was not really of age. The earl of Morton having loſt his head in 1581, the duke of Lenox and earl of Arran ruled the young king as they pleaſed. They were expelled afterwards by the Ruthvens, but the king recalled the earl of Arran, who became more powerful than ever. It is certain, this favourite's deſign was to deſengage the king, his maſter, from the intereſt of England, and to countenance the duke of Guiſe's project to invade Elizabeth by Scotland. It was the favourite's buſineſs, therefore, to curb the too great power of the general aſſembly, who ſtrongly oppoſed the execution of this project. The beſt way to ſucceed, was, not only to protect the biſhops, but alſo to give them authority over the miniſters, that theſe might be more humble. To that end, he procured the four following acts in the parliament of 1584.

Nalſon.

The 130th ran: "That none of his majeſty's lieges and ſubjects preſume or take upon hand to impugn the dignity and authority of the three eſtates of this kingdom, whereby the honour and authority of the king's majeſty's ſupreme court of parliament, paſt all memory of man, hath been continued, or to ſeek or procure the innovation or diminution of the power and authority of the ſame three eſtates, or any of them in time coming, under the pain of treaſon.

By the 131ſt, "All judgments and juriſdictions, as well in ſpiritual as temporal cauſes, in practice and cuſtom, during the twenty four years by-paſt, not approved by the king and three eſtates in parliament, are diſcharged; and it is defended, that none of his highneſs's ſubjects of whatſoever quality, eſtate or function they be of, ſpiritual or temporal, preſume or take upon hand to convocate, convene, or aſſemble themſelves together for holding of councils, conventions or aſſemblies, to treat, couſult, or determinate in any matter of eſtate, civil or eccleſiaſtical, (except in the ordinary judgments) without his majeſty's ſpecial commandment, or expreſs licenſe had and obtained to that effect.

By the 132d, "Biſhops are authoriſed to try and judge miniſters guilty of crimes meriting deprivation,

The 133d ordains, "That miniſters exerciſing any office, beſide their calling, be tried and judged culpable by their ordinaries.

It is manifeſt that the intent of theſe four acts was to aboliſh the general aſſemblies with the presbytery, and reſtore the epiſcopal government. But it muſt be obſerved,

1. Theſe acts were made during the tyranny of the earl of Arran, who had formed the project of admitting into Scotland a Popiſh army, and it is no credit to the biſhops, that he ſhould think them proper to countenance that deſign.
2. The general aſſembly ſolemnly proteſted againſt theſe acts, maintaining, it was not in the power of the king and parliament to ſettle or alter the government of the church, without the church's conſent; that it could not be juſtly pretended, that four biſhops, who were

preſent in this parliament, and whoſe ſpiritual power was long ſince aboliſhed, and four laymen, under the name of abbots, were lawful repreſentatives of the whole church, or that their conſent to theſe acts ſhould be conſidered as the conſent of the national church. 3. Theſe four acts were repealed by the parliament of 1592.

I muſt proceed now to another juncture, when king James, freed from the earl of Arran's tyranny, having relinquiſhed the chimerical projects ſuggeſted by that favourite, was better acquainted with his true intereſts; I mean the year 1587. Tho' at the beginning of this year, Elizabeth had beheaded Mary, king James's mother, he was ſoon comforted by the hopes of poſſeſſing one day the crown of England, which he was afraid of loſing, in caſe he continued to form projects againſt religion, as he had done during the earl of Arran's miniſtry. This ſame year, therefore, he gave the royal aſſent to the act of annexation, whereby were annexed to the crown, "all lordſhips and baronies pertaining to whatſoever archbiſhops, or biſhops, abbots, priors, nuns and monks; reſerving always to archbiſhops, &c. and other poſſeſſors of great benefices of the eſtate of prelates, and which before had or hath vote in parliament, the principle caſtles and fortalices." It may be inferred from this act, that the depriving the biſhops of their lands, was depriving them withal of the right of ſitting in parliament, ſince that right was founded entirely upon the poſſeſſion of the baronies; nay, it ſeems that the title of biſhop begun now to be conferred on laymen, which gave them only the poſſeſſion of the chief caſtle belonging to the ſee; at leaſt, we find, that ſoon after, the biſhoprick of Cathneſs becoming vacant, by the death of Robert, earl of March, the king's uncle, the general aſſembly prayed his majeſty to give that ſee to a clergyman.

Nalſon.

At laſt, in 1592, the parliament repealed and annulled not only the fore-mentioned acts of 1583, but alſo, ſuch as were contrary to the diſcipline eſtabliſhed, "approving, ratifying and confirming the aſſemblies, preſbyteries and ſynods, with the diſcipline and juriſdiction of the kirk, as moſt juſt and godly, notwithſtanding whatſoever ſtatutes, acts, canons, civil or municipal laws made in the contrary. Farther, they abrogated all acts, granting commiſſion to biſhops, and other judges conſtitute in eccleſiaſtical cauſes; and ordained preſentation to benefices, to be directed to preſbyteries, with power to give collation thereupon."

This act was confirmed in 1593, and the power of preſbyteries ſolemnly acknowledged by the parliament in 1594, act 129.

Was not this ſufficient to aboliſh epiſcopacy entirely? By the act of 1587, the biſhops were diſpoſſeſſed of their lands; and by that of 1592, they loſt all manner of juriſdiction. For how could the power of the preſbyteries and general aſſemblies, be conſiſtent with the epiſcopal juriſdiction? And yet, there were perſons who ſtill bore the name of biſhops, by reaſon of their holding caſtles formerly belonging to the ſees; for it does not appear, upon what other account they could be called biſhops; nay, very likely, ſeveral of theſe ſorts of ſees were in lay-hands; at leaſt, the abbies and priories were certainly ſo.

But things remained not long ſo upon the ſame foot; whether the general aſſemblies uſurped too much authority, after they were freed from the biſhops, or for ſome other reaſons, the king formed new projects, and reſolved to reſtore the biſhops. At that time, as at many other junctures, the court had ſo great an influence over the parliament, that almoſt whatever was deſired, was enacted.

The king, therefore, ſo ordered it, in 1597, that "the privilege of a voice in parliament was granted to the whole kirk; and under that name to biſhops and abbots, even as in times of Papiſtry. As to the office and ſpiritual government of biſhops, the parliament remitted them to the king and the aſſembly, intending not to derogate from the provincial and general aſſemblies, and other whatſoever preſbyteries and ſeſſions, nor from the diſcipline eſtabliſhed in the kirk."

Nalſon.

The act ſhews, the biſhops had loſt their right of ſeat in parliament, ſince there was occaſion to give it them again. By vertue of this act, they reſumed their places in parliament, and even Sir Robert Spotiſwood, a layman, took his ſeat there, as abbot of New-Abbey. The king deſired nothing more at that time, than to introduce the biſhops and abbots again into the parliament. But he did not ſtop there, as will be ſeen preſently.

In the interim, as the general aſſembly ſtill continued to oppoſe ſtrenuouſly the promotion of churchmen to poſts of authority in the ſtate, and as the people ſeemed more inclined to follow the determinations of the general aſſembly, than thoſe of the parliament, it was to be feared, this diſſention would, at leaſt, raiſe diſturbances in the kingdom. To prevent this inconvenience, the king cauſed the general aſſembly, held at Montroſs, in the year 1600, to be preſſed ſo earneſtly to conſent to what the parliament of 1597 had granted to the biſhops, that they were obliged either to comply, or break entirely with him. They approved this act, therefore, but upon certain conditions, the ſubſtance whereof was, that the biſhops ſhould act in parliament only as commiſſioners or deputies of the kirk, and ſhould be ſubject to the general aſſembly. The conditions laid upon them were theſe:

They ſhall obtain a commiſſion from the general aſſembly, to act in their name in parliament, and ſhall ſwear to obſerve the following articles.

They ſhall move nothing, without having an expreſs order from the kirk, on pain of being deprived of their office.

They ſhall not conſent, no not by their ſilence, to any thing againſt the liberties of the kirk, under the ſame penalty.

They ſhall be accountable to each general aſſembly, for their behaviour in the diſcharge of their commiſſion, ſince the laſt aſſembly; be obliged to demand the approbation, and ſubmit to the determination and cenſure of the aſſembly without any appeal, on pain of being pronounced infamous and excommunicated.

They ſhall be ſatisfied with that portion of their benefices, the king ſhall pleaſe to allot them for their ſubſiſtance, that they may not be a burden to the miniſters that are already, or ſhall be hereafter ſettled in their benefices.

They ſhall not ſuffer their benefices to go to decay, or diſpoſe of any thing belonging thereto, without the conſent of the king and the general aſſembly, and ſhall allow that inhibitions be directed to them for that purpoſe.

They ſhall exerciſe the functions of paſtors in their own congregations, and be ſubject to the cenſure of their own presbyteries and the general aſſembly, like the reſt of the miniſters that are not commiſſioned.

In the adminiſtration of diſcipline, and in every thing relating to the government of the kirk, they ſhall uſurp no power or juriſdiction beyond what is adjudged to other miniſters, on pain of forfeiting their office.

In presbyteries and general and provincial aſſemblies, they ſhall demean themſelves in the ſame manner as other miniſters, and ſhall be liable to their cenſure.

None of thoſe that ſit in parliament ſhall be members of the general aſſemblies, unleſs they be expreſly deputed by their presbyteries.

It is plain from theſe conditions, inſerted in the act of parliament made to confirm that of 1597, what was the intention of the Montroſs aſſembly, in agreeing out of complaiſance to the king, that the biſhops ſhould ſit in parliament. The biſhops embraced what was for their advantage, viz. the aſſembly's conſent to the privilege that was granted them; but never performed any of the conditions. The court was then favourable to them, but it was ſtill more ſo, after the king's acceſſion to the crown of England.

As ſoon as James I. became king of England, he formed, as I ſaid, the project of eſtabliſhing in the kirk of Scotland, the diſcipline and hierarchy of the church of England. To accompliſh this deſign, it was neceſſary to reſtore the biſhops to all the rights they had enjoyed before the reformation, and accordingly he reſolved to begin with this reſtoration. His power in the parliament was very great, during the laſt years of his being in Scotland; but it was nothing in compariſon of what it was after his acceſſion to the throne of England. It ſuffices to ſay, that this influence was in proportion to the means he had of diſpenſing to his Scotch ſubjects favours, which he had not been able to grant to them in their country. We have ſeen, in the Hiſtory of his reign, how he ſhowered his bounties among them, which the Engliſh could not forbear to complain of. It is not, therefore, very ſtrange, that the members of the parliament of Scotland ſhould be at his devotion. He made uſe of his credit in the year 1606, and obtained the following act of parliament:

Nalſon. ‘The antient and fundamental policy, conſiſting in the maintenance of the three eſtates of parliament, being of late greatly impaired, and almoſt ſubverted, eſpecially by the indirect aboliſhing of the eſtate of biſhops by the act of annexation; albeit it was never meaned by his majeſty, nor by his eſtates, that the ſaid eſtate of biſhops, being a neceſſary eſtate of the parliament, ſhould any way be ſuppreſſed; yet by diſmembering and abſtracting from them of their livings, being brought in contempt and poverty, the ſaid eſtate of biſhops is hereby reſtored, and redintegrate to their antient and accuſtomed honour, dignities, prerogatives, privileges, lands, teindes, rents, as the ſame was in the reformed kirk, moſt amply and free, at any time before the act of annexation; reſcinding and annulling all acts of parliament made in prejudice of the ſaid biſhops in the premiſſes, or any of them, with all that hath followed, or may follow thereupon, to the effect they may peaceably enjoy the honours, dignities, privileges, and prerogatives competent to them or their eſtates ſince the reformation of religion.’

Thus far, however, it concerned only the temporalities, there not being in the act a ſingle word from whence it might be inferred that the parliament reſtored the biſhops to their ſpiritual functions, or antient juriſdiction. The general aſſembly pretended indeed, that the king and parliament could make no alterations in the ſpirituals, without the kirk's conſent; but they had no power to hinder the king and parliament from giving the lands of the crown to whom they pleaſed, and from admitting into the parliament ſuch as they thought proper. But the king did not intend to ſtop there.

Nalſon. In 1609, the king, under colour of confirming the act of 1606, obtained of the parliament another act, which in confirming the other, added a clauſe, whereby the biſhops were reſtored to all their former authority, privileges and juriſdictions. By vertue of this laſt act, it was that the biſhops took poſſeſſion of the government of the kirk, notwithſtanding the conditions of the Montroſs aſſembly, which they little regarded, and ſuppoſed to be annulled by this act. But the general aſſembly proteſted in form againſt this act, affirming the parliament had not power without the kirk's conſent, to reſtore a ſpiritual office that had been aboliſhed. They proteſted alſo againſt the promotion of churchmen to civil poſts, as pernicious to religion. Their proteſtation was rejected; but, however, it was printed and diſperſed throughout the kingdom.

The general aſſembly's oppoſition had a great effect upon the people, who loved not the biſhops, and for 50 years had been uſed to the Presbyterian government. They complained the parliament had been gained to impoſe upon them epiſcopal government, which was odious to the whole nation, not only without conſulting the kirk, but even againſt her will. This oppoſition convinced the king, that notwithſtanding the authority of the parliament, he ſhould find it very difficult to reduce the people of Scotland to obedience, ſo long as the general aſſembly oppoſed the reſtoration of the biſhops. He reſolved, therefore, to cauſe a general aſſembly to be held at Glaſgow in 1610, where he took care to gain a majority of votes, and of which the biſhops were the chief directors. The aſſembly thus diſpoſed, agreed that the biſhops ſhould reſume all their ſpiritual functions, with the government of the church. After that, in 1612 the king called a parliament, who, upon the conſent of the Glaſgow aſſembly, paſſed an act, whereby the biſhops were reſtored to all their ſpiritual rights.

The adverſaries of the biſhops, aſtoniſhed at this proceeding, were forced to be ſilent, the torrent being too ſtrong, to be oppoſed. Beſides, the general aſſemblies being grown leſs neceſſary, ſince the biſhops had the government of the church, the king very ſeldom gave them leave to meet, and when he did, it was after he had taken all neceſſary precautions to be aſſured that the biſhops would be the directors and managers. In 1617, he moreover obtained of the parliament an act, whereby it was ordained, that the biſhops ſhould be elected by the chapters, and conſecrated with the accuſtomed rites, that is with thoſe introduced of late years. As during the troubles in Scotland, on account of religion, the people, as will preſently appear, loudly complained of the reſtoration of the biſhops, the conſent of the Glaſgow aſſembly in 1610, was continually objected to them. For this reaſon, the firſt general aſſembly that king Charles was obliged to grant in 1638, found no better method to evade this objection, than to declare the Glaſgow aſſembly void from the beginning.

Such was the ſtate of epiſcopacy in Scotland, from the beginning of the reformation to the reign of Charles I, who, at his acceſſion to the throne, found it fully eſtabliſhed, tho' contrary to the bent of the nation in general, as it plainly appeared afterwards. James I, as I obſerved, had formed the deſign of putting the kirk of Scotland upon the ſame foot with the church of England. He had made great progreſs therein, and Charles I. purſued the ſame deſign with ſtill more ardor than his father. But as hitherto I have related only what concerns the biſhops, it is neceſſary, before we ſpeak of the troubles of that kingdom, which firſt commenced in 1637, to mention the meaſures ſucceſſively taken by the two kings to accompliſh their deſign.

After James I. had entirely reſtored epiſcopacy in Scotland, he reſolved to finiſh his work by degrees. To that purpoſe, he began with the five articles mentioned in the Hiſtory of his reign, which he cauſed to be approved by the general aſſembly of Perth, by means as illegal, perhaps, as violent. The biſhops governed the preſbyteries, by making themſelves moderators, ſo that it was not poſſible to chuſe any for commiſſioners to the aſſembly general, but ſuch as they thought proper. However this be, the five articles being approved, the king, who by long experience was well acquainted with the genius and character of the Scots, thought it neceſſary, before all things, to curb the petulancy and boldneſs of the miniſters, for fear they ſhould raiſe diſturbances in the kingdom. The people had for them a great veneration, which was even increaſed after the reſtoration of the biſhops, becauſe theſe laſt were more careful to maintain their grandeur and power, than gain the love of their flocks. To compaſs his ends, the king ſet up in Scotland a high-commiſſion, like that in England, but which, till then, was unheard-of in Scotland. As the Scots had never given their king the title of ſupreme head of the church, as was done in England, there had been no occaſion to eſtabliſh a high-commiſſion in Scotland, to exerciſe the ſupremacy in the king's name. But James I, who was very apt to ſtretch his prerogative, readily believed, he had no leſs right to exerciſe the ſupremacy in Scotland than in England, tho' till now he had never thought of any ſuch thing. Be this as it will, by means of this new court, which was, at firſt, very ſevere, and excommunicated and deprived the miniſters for the leaſt offence, he kept them ſo in awe, that not a man dared to ſtir. This, with the favours beſtowed upon ſuch as ſhewed a readineſs to countenance his deſigns, made him almoſt ſecure of ſucceſs in his undertaking, which daily advanced. Nothing was wanting to compleat it, but the cauſing the Engliſh liturgy and canons to be received in Scotland, after which, there would be no difference between the churches of the two kingdoms. This was as eaſy to be accompliſhed, as what had been done already. So the king having convened a general aſſembly at Aberdeen, it was repreſented to them, that divine ſervice was performed in the kirk of Scotland after an indecent manner, every miniſter having liberty to compoſe publick prayers, and uſe what expreſſions they pleaſed, which was liable to great inconveniencies; that it would therefore be proper to compile a liturgy to be uſed in every church in Scotland, to the end the people might every where pray with one heart and one mouth. It muſt be obſerved, that it was not moved to receive the Engliſh liturgy, but only to compoſe one proper for the kirk of Scotland. Whereupon ſeveral members of the aſſembly believed, they might without danger agree, that a common-prayer-book ſhould be uſed, and the rather, as the reformed churches of Geneva, Switzerland, France and Germany, had their ſeveral liturgies, tho' very different from that of the Engliſh. This motion being approved, the aſſembly appointed commiſſioners to compoſe the new liturgy, and it may well be imagined, this nomination was agreeable to the king's deſire. Theſe commiſſioners, moſt of whom were biſhops, after ſpending a conſiderable time in framing this liturgy, only copied that

1636.

which was ſet forth in England in the reign of Edward VI, and ſent it to the king for his approbation.

The affairs of the Palatinate, and the Spaniſh marriage, ſo ingroſſed king James during the laſt years of his life, that he could not effectually think of finiſhing the work he had undertaken in Scotland. As he knew the Scots perfectly, and their ſtrong prejudice for Presbyterianiſm, he, doubtleſs, thought proper to defer the execution of his deſign till he had ended his two principal affairs. He was apprehenſive, that if any troubles ſhould unfortunately happen in Scotland, on account of the liturgy, they might divert him from what was then the principal object of his care. I have related in the Hiſtory of his reign, how he was amuſed for many years, and therefore he could not, before his death, finiſh what he had begun, but left it to the care of his ſucceſſor.

Burnet.

Charles I, was no leſs eager than his father, to eſtabliſh in Scotland the diſcipline of the church of England; but his circumſtances in the beginning of his reign, did not allow him to apply himſelf to the finiſhing of this affair with all the ſpeed he deſired. His wars with Spain, and afterwards with France, his projects with regard to his prerogative, his continual quarrels with the parliaments, required his whole application. Beſides, it was not proper in theſe junctures to rouze the Scots, who indeed ſeemed quiet and ſubmiſſive, but, however, were very diſcontented as the king well knew. He ſtayed, therefore, till he had concluded a peace with France and Spain, and rendered himſelf as it were, abſolute by the diſſolution of three parliaments, by his reſolution never to call any more, and by eſtabliſhing his prerogative concerning taxes, without the concurrence of the parliament. Then it was that he ſeriouſly thought of compleating the reduction of the kirk of Scotland to a perfect conformity with the church of England. He had not, however, been idle with reſpect to Scotland during theſe firſt years of his reign. Tho' he had delayed the execution of his deſign, it was ever in his thoughts, and he had taken ſome meaſures which ſeemed to warrant ſucceſs. 1. He had either continued or renewed the high-commiſſion, introduced by the king, his father. 2. He had almoſt aboliſhed the general aſſemblies, by not allowing any ſince his acceſſion to the throne. 3. He had ſo ſupported and countenanced the biſhops, that they had the clergy entirely in their power, whom they ruled with a very heavy hand. 4. He had gained a great number of the miniſters, by means of benefices and eccleſiaſtical offices or dignities, which were granted only to thoſe whoſe compliance he could depend upon. 5. He had ſo filled the council of Scotland, in whoſe hands the adminiſtration of affairs is lodged in the king's abſence, that there were ſcarce a privy-counſellor but what was engaged to promote his deſigns. 6. There was in this council ſeveral biſhops, and the archbiſhop of St. Andrews was veſted with the chancellorſhip, the prime office of the kingdom. 7. He had ſecured the lords of ſeſſion, that is, of the college of juſtice, and in a word, all who had places depending upon the court. 8. He had charged Laud, archbiſhop of Canterbury, to hold continual correſpondence with the biſhops and council of Scotland, and take with them the neceſſary meaſures to accompliſh the deſign. It ſeemed, therefore, impoſſible, that the king ſhould meet with any oppoſition from a diſperſed people, without leaders, without ſupport, and deſtitute of the aſſiſtance of their magiſtrates.

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1637.

The deſign to ſend the new liturgy into Scotland, put off.
Ruſhw. Annals. Nalſon. Clarend.

With all theſe advantages, Charles undertook to finiſh what ſtill remained to be done in Scotland. To that end, after a reviſal of the liturgy tranſmitted to the late king, he ſent it back into Scotland, with orders to have it received in the kirk. But upon the objection, that this liturgy being word for word the ſame with that of the church of England, the Scots might take offence at the impoſing upon them the liturgy of another kingdom, he thought proper to make ſome alterations, and ordered, that inſtead of the Engliſh verſion of the Pſalms, and of the epiſtles and goſpels, the Scotch tranſlation ſhould be inſerted in the liturgy of Scotland. After that, he believed it could not be complained of, with the leaſt ſhadow of reaſon, that he had a mind to impoſe the Engliſh liturgy upon the kirk of Scotland, tho' there was no other difference between them, than what I have mentioned.

The king ſends the book of canons into Scotland,
Clarend.

During the reviſal of the liturgy, the king ſent into Scotland a book of canons, for the government of the kirk, and theſe canons enjoined a conformity to the liturgy, tho' it was not yet publiſhed, nor ſo much as known to the people. This was ſo groſs an error, that it muſt be ſurpriſing, the king and his miniſters could be guilty of it. The pretence to introduce theſe new canons, was, that the acts of the general aſſemblies not being printed, but contained in many large manuſcript volumes, remained unknown to the people. For this reaſon the king imagined, they would be obliged to him for his care in extracting the moſt material and principal things, in a little book which might be in every one's hands. It ſeems, ſometimes, that certain princes imagine they have a ſovereign power, not only over the bodies, but alſo the underſtandings of their ſubjects, to make them believe the greateſt abſurdities. We have here two remarkable inſtances. Charles undertakes to perſuade the people of Scotland, that he does not pretend to impoſe the Engliſh liturgy upon them, tho' it is the very ſame, not only in ſubſtance, but word for word, becauſe the verſion of the epiſtles and goſpels is different. On the other hand, he would have them believe, that the book of canons is only an abſtract of the acts of their general aſſemblies, tho' the contrary be evident. From the beginning of the reformation, to the Glaſgow aſſembly in 1610, that is, during the ſpace of 50 years, the general aſſemblies had always condemned and rejected epiſcopacy, and all their acts, without exception, ſuppoſed the Presbyterian government. The book of canons, on the contrary, ſuppoſed, in every article, the eccleſiaſtical hierarchy, and epiſcopal government. How then was it poſſible to perſuade the Scots, that this book of canons was an abſtract of the acts of their general aſſemblies? This was impoſing upon them in a ſtrange manner.

and afterwards the liturgy. Ruſhw. Annals.

The liturgy being ready, the king ſent it into Scotland, and appointed it to be read in all the churches of Edinburgh on Eaſter-day this year, 1637; but upon farther conſideration, this order was revoked. The king was told, it might be dangerous to ſurpriſe the people with the reading of the liturgy before they were prepared. That it was more proper to defer it ſome months, in order to ſee whether, in that interval, the male-contents would attempt to oppoſe it. In that caſe, they might be oppreſſed before they had time to take juſt meaſures, and the ill-ſucceſs of their attempt would only ſerve to promote the king's deſign. This reaſon appeared ſo plauſible, that the king ordered the reading of the liturgy to be deferred till Sunday the 23d of July the ſame year. During this whole interval, there was no unuſual motion in Edinburgh, nor the leaſt appearance that the king's orders would meet with oppoſition. To be ſtill more ſecure, the council cauſed it to be publiſhed eight days before, in all the churches of the city, that the liturgy would be read the Sunday following. No perſon ſtirred the whole week, and all was ſo quiet in the city, that the council doubted not of ſucceſs.

The liturgy ordered to be read in the churches of Edinburgh.

A tumult at Edinburgh. Clarend. Ruſhw. Annals.

Nevertheleſs, the next Sunday the lord-chancellor, moſt of the lords of the council, ſome biſhops, the lords of ſeſſion, or judges of the realm, and the magiſtrates of Edinburgh, repairing to St. Giles's church, the cathedral of the city, when the dean opened the book to read the liturgy, the meaner ſort of people, with clapping of hands, execrations and outcries, raiſed ſo hideous a noiſe, that it was not poſſible to hear a word. Whereupon the biſhop of Edinburgh, who was to preach, ſtepping into the pulpit, with thoughts to appeaſe the people, was received with the ſame clamours and imprecations, and if a ſtool, thrown at his head, had not been diverted by the hand of one preſent, would have been in danger of being killed. The lord-chancellor and judges found no more reverence. At laſt, the provoſt and bailiffs of the city came from their places, and with much difficulty thruſt out of the church the inraged populace, and ſhutting the doors, the dean read the liturgy, tho' continually interrupted by the noiſe without, and the ſtones thrown in at the windows. There were the ſame tumults in all the reſt of the churches of Edinburgh, and yet no one was killed or wounded; only the biſhop of Edinburgh ran ſome riſque both in the church and in retiring to his lodging. This firſt tumult was raiſed only by the rabble, no perſon of condition or name appearing in it. The magiſtrates of Edinburgh openly diſavowed theſe diſorders, and promiſed the council to uſe their endeavours to diſcover and puniſh the authors and abettors. They offered likewiſe to take order for the ſecurity of the miniſters who ſhould be appointed to read the liturgy another time, and wrote to the archbiſhop of Canterbury to clear themſelves, deſiring him to repreſent their innocence to the king.

Preparations for another tumult.

Harveſt approaching, many people left Edinburgh, and went into the country. In the interim, the magiſtrates of the city prayed the council that the liturgy might not be read, becauſe they had obſerved the people were not yet diſpoſed to receive it; but in October, after harveſt, ſo great a concourſe of people flocked to Edinburgh, that it was eaſy to ſee a freſh tumult was preparing. Wherefore, the council publiſhed three proclamations. The firſt, to order all ſtrangers to depart the city within 24 hours. A ſecond, for removing the ſeſſion from Edinburgh to Dundee. A third, for calling in and burning a ſeditious book, intitled, A diſpute againſt the Engliſh Popiſh ceremonies, obtruded upon the kirk of Scotland. The firſt and laſt were not much regarded.

A ſecond tumult at Edinburgh. Annals. Clarend.

On the morrow, the 18th of October, the people came together in a tumultuous manner in the ſtreets of Edinburgh, and ſeeing the biſhop of Galloway, as he was going to the council, a great multitude followed him all the way with continual curſings, but, however, did no hurt. They even beſet the council-houſe, demanding the biſhop's perſon, tho' it was in their power to have ſeiſed, nay, to have killed him whilſt he was in the ſtreet. The council finding themſelves thus beſet, ſent to the magiſtrates to come to their relief; who anſwered, they were themſelves ſurrounded in their town houſe by their own citizens, who threatened to tear them in pieces, if they did not immediately ſign a paper, which for fear of their lives they were forced to do. The paper contained theſe three things: Firſt, that the magiſtrates ſhould join with the people in petitioning againſt the liturgy; ſecondly, that by their authority they ſhould preſently reſtore to their pulpits Ramſey and Rollock, two ſilenced miniſters, very much beloved by the people; and, thirdly, that they ſhould reſtore to his place one Henderſon a ſilenced reader. Upon this the earls of Traquaire and Wigton, the firſt of whom was lord-treaſurer, came to the town houſe to adviſe with the magiſtrates, what was beſt to be done for the ſafety of the biſhop of Galloway, who was ſtill beſet. After this conſultation, the two earls returning to the council were inſulted by the populace. The earl of Traquaire was thrown down, his hat, cloak, and white-ſtaff taken from him, the people crying out, "God defend all thoſe " who will defend God's cauſe, and God " confound the ſervice-book and all the main" tainers of it." Preſently after the provoſt came to the council, and declared, that tho' he had uſed his utmoſt endeavours, it was not poſſible to appeaſe the people. At laſt, the lords of the council applied themſelves to ſome of the nobility and gentry, and others who were now aſſembled to ſign the petition againſt the ſervice-book. Theſe men had more credit with the populace than the magiſtrates, and prevailed with them, at length, to retire. This ſecond tumult, wherein no perſon was killed or wounded no more than the firſt, ſeemed, however, to be more important and dangerous, becauſe in the firſt, none but the rabble were concerned, whereas in this it plainly appeared, the mutineers were countenanced by ſeveral lords and gentlemen, as well as by the better ſort of citizens.

Another proclamation to no purpoſe. Annals.

The tumult being appeaſed, a proclamation was publiſhed, forbidding any meetings in the ſtreets or elſewhere; a proclamation of no uſe, at a time when the council could not be ignorant how much their authority was contemned by thoſe whom they would have inſpired with fear. Accordingly, ſo far were the male-contents from being terrified, that they ſent their commiſſioners to the board, to require that the ſilenced miniſters might be reſtored to them, and that they might have aſſurance for the punctual performance of what had been lately promiſed them by the magiſtrates. The council could eaſily ſee by this conduct, that the male-contents had no deſign to ſtop here. And, indeed, ſoon after, the lord-chancellor received two petitions, one in the name of all the men, women, children, and ſervants of Edinburgh againſt the liturgy; the other from the noblemen, gentry, miniſters, and burgeſſes of the ſame city, againſt the liturgy and book of canons.

The women and childrens petition to the council againſt the ſervice-book. Ruſhw.

The firſt alledged, 'That they had a long time winked at ſome alterations, being put in hope that no farther innovations ſhould follow; but now ſeeing that they were like to be conſtrained to embrace another ſervice, not approved by church and kingdom, and which had neither been agitated nor received either by general aſſembly or parliament; they, therefore, deſired that they might have the happineſs of enjoying their religion, as it had been reformed in that land, and authoriſed by his majeſty.'

The petition of the noblemen, &c. Annals.

In the ſecond, the petitioners complained, 'That whereas they were attending a gracious anſwer to their former ſupplications againſt the ſervice-book, they were ſurpriſed and charged by publick proclamation, to depart out of the town within 24 hours thereafter, under pain of rebellion; by which their fears of a more ſevere and ſtrict courſe of proceeding were augmented. Wherefore they were conſtrained to remonſtrate, that in the book of common-prayer, drawn up and ſet forth by the archbiſhops and biſhops, were ſown the ſeeds of divers ſuperſtitions, idolatry, and falſe-doctrine, contrary to the religion eſtabliſhed in the realm by divers acts of parliament. That in the book of canons, &c. it was ordained, "That whoſoever ſhall affirm, that the form of worſhip inſerted in the book of common-prayer, and adminiſtration of the ſacraments, doth contain any thing repugnant to the ſcriptures, or are corrupt, ſuperſtitious, or unlawful in the ſervice and worſhip of God, ſhall be excommunicated, and not be reſtored, but by the biſhop of the place, or archbiſhop of the province." That beſides it is ordained, that "where in any of the canons there is no penalty expreſly ſet down, the puniſhment ſhall be arbitrary, as the biſhop ſhall think fitteſt." All which canons were never ſeen or allowed in any general aſſembly, but were impoſed contrary to order of law appointed in the realm for eſtabliſhing conſtitutions eccleſiaſtical. Laſtly, that the biſhops had not only begun to urge the acceptance of thoſe things, by injunctions given in provincial aſſemblies, but alſo by open proclamation and charge of horning*. Wherefore the petitioners craved, that this matter might be put to the trial, and the prelates be taken order with according to the laws of the realm, and not ſuffered to ſit any more as judges until the cauſe were tried and decided according to juſtice.'

The king ſends a proclamation of doubtful meaning. Ruſhw. Annals.

The king thought not fit to anſwer theſe petitions, being on the contrary determined to puniſh ſeverely the authors of the late tumults. However, he commanded the privy-council to publiſh a proclamation on this occaſion, ſuppoſing, tho' without any foundation, it would be capable of ſatisfying the people. After mention in the proclamation of the lords petition, &c. it was ſaid, 'His majeſty in a juſt reſentment of that foul indignity, the late inſurrections at Edinburgh, hath been moved to delay the ſignification of his majeſty's gracious intentions, in giving to his ſubjects ſuch ſatisfactory anſwers to their petitions, as in equity might be expected from ſo juſt and religious a prince; but yet his majeſty being unwilling that his loyal and faithful ſubjects ſhould be poſſeſſed with groundleſs and unneceſſary doubts and fears, his majeſty is pleaſed out of his goodneſs to declare, that as he abhorreth all ſuperſtition of Popery, ſo he will be moſt careful, that nothing be allowed within his majeſty's dominions, but that which ſhall tend to the advancement of true religion, as it is at preſent profeſſed within his moſt antient kingdom of Scotland; and that nothing is or was intended to be done therein, againſt the laudible laws of this his majeſty's native kingdom.'

It muſt be obſerved, that according to the king, the true religion was that of the church of England. That by the religion at preſent poſſeſſed, he meant only that which contained the hierarchy and epiſcopacy; and by the laws of the kingdom, he underſtood thoſe that were enacted after the king his father's acceſſion to the crown of England, and of which I have ſpoken above. It is, at leaſt, certain, the male-contents gave this ſenſe to his general expreſſions, from whence they inferred, he was very far from deſiſting from what he had undertaken, and ſtill farther from pardoning the late diſorders at Edinburgh. Wherefore, they reſolved, to take meaſures, not only to ſecure themſelves from the king's reſentment, but alſo to cauſe all the innovations complained of to be aboliſhed.

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* i. e. excommunicating and out-lawing.

1637. Another proclamation. Feb. 19.

Some time after, the council having removed the ſeſſion to Sterling, the king ſent them another proclamation, with orders to have it publickly read in the principal towns of the kingdom. The proclamation was to this effect:

1638. Ruſhw. Annals. Nalſon.

‘WE find our royal authority much injured, by ſome late petitions and declarations given in to our council againſt the book of common-prayer, and canons of the church, both in the matter and in the carriage thereof; whereby we conceive thoſe of our nobility, gentry, and others, who kept and aſſiſted theſe meetings, for contriving and forming the ſaid petitions, to deſerve and be liable to our high cenſure, both in their perſons and fortunes; yet becauſe we believe, that what they have done herein is out of a prepoſterous zeal, we are graciouſly pleaſed to diſpenſe therewith, and with what may be their fault or error therein, to all ſuch as, upon ſignification or declaration of our pleaſure, ſhall retire themſelves as becometh good and dutiful ſubjects; to which purpoſe our will and pleaſure is, that you diſcharge all ſuch convocations and meetings in time coming, under the pain of treaſon. And alſo that you command, charge, and inhibit all our lieges and ſubjects, that none of them preſume, nor take in hand, to reſort nor repair to our burgh of Sterling, nor to no other burgh where our council or ſeſſion ſits, till firſt they declare their cauſe of coming to our council, and procure their warrant to that effect. And as concerning any petitions that ſhall hereafter be given us, upon this or any other ſubject, we are likewiſe pleaſed to declare, we will not ſhut our ears therefrom, ſo that neither the form nor matter be prejudicial to our regal authority.’

A remark on this proclamation.

This proclamation was not capable of ſatiſfying the male-contents. Firſt, there was not a word concerning the ſubject of their petition, and by that they could perceive, the king had no deſign to ſuppreſs the liturgy and canons. Secondly, the king repreſented as a great condeſcenſion, the pardon he was pleaſed to grant for their fault in preſenting a petition without his leave. This ſhewed them, that, according to the king's intention, obedience was their only courſe for the future. Thirdly, the king clearly intimated to them, he would receive no more petitions, ſince he declared, he would reject ſuch as ſhould by the matter or form be prejudicial to his authority. Was not this ſaying, he would reject all? In a word, they ſaw plainly, the king, in forbidding all meetings, ſought only to diſunite and hinder them from concerting meaſures to obtain their deſires. I own, I do not ſee how the king could flatter himſelf, that ſuch a proclamation ſhould produce the effect he expected, and the rather, as there were not in Scotland forces ſufficient to ſupport his authority. The male-contents were not ſo ſtupid as to be ignorant of the king's deſign; ſo, on the morrow, the earls of Hume and Lindſey, accompanied with a great croud of nobles and people, came and publickly read in Sterling a proteſtation againſt the proclamation, the preſence and authority of the council not being capable of hindering it. The ſame proteſtation was publickly read at Lithgow and Edinburgh, immediately after the proclamation had been publiſhed there.

1638.

Ruſhw. Annals. Nalſon.

In this proteſtation the male-contents ſaid, ‘They had preſented a ſupplication on the 23d of September, and another upon the 18th of October; as alſo a remonſtrance December the 19th, againſt the ſervice-book, and the canons, as well as againſt the archbiſhops and the biſhops, as their parties, having the ſame day preſented a declinator againſt them, to prevent their being judges in their own cauſe. But the council having refuſed to admit of this declinator, they found themſelves obliged to make the following proteſtation.

‘1. That they might have immediate recourſe to the king, to preſent their grievances, and in a legal way to proſecute the ſame before the ordinary competent judges.

‘2. That the archbiſhops and biſhops could not be reputed or eſteemed lawful judges, till they had purged themſelves of ſuch crimes as were laid to their charge.

‘3. That no proclamation, nor any act of council, paſt in preſence of the archbiſhops and biſhops, could any ways be prejudicial to the ſupplicants.

‘4. That neither they, nor any that had joined, or ſhould join with them againſt innovations, ſhould incur any danger in life, lands, or any political or eccleſiaſtical pains, for not obſerving ſuch acts, books, canons, rites, judicatures, proclamation, introduced without or againſt the acts of general-aſſemblies, or acts of parliament, and the ſtatutes of the kingdom.

‘5. That if any inconveniences ſhould fall out thereupon, they could not be imputed to them, ſince the council refuſed to hear their juſt remonſtrances.

‘6. That their requeſts tended to no other end, but to the preſervation of the true reformed religion, and the laws and liberties of his majeſty's kingdom.’

The male-contents erect tables to manage their affairs.

Hitherto the king and the council of Scotland had flattered themſelves that the male-contents might be curbed by acts of authority. But this proteſtation plainly ſhewed they were too powerful to be compelled to obedience, by orders of the council, or by proclamations. They were perſuaded, the king ſought only to ſurpriſe them, and intended not to deſiſt from his undertaking. On the other hand, they had conceived an extreme averſion to the biſhops, looking upon them as the authors of the evils, the church laboured under. The more they ſaw the king was againſt their aſſembling themſelves to conſult in common about their affairs, the more they perceived the neceſſity of their union, without which they would be infallibly oppreſſed one after another; ſo, before they could know the effect of their proteſtation upon the king, as they expected no good from the court, they erected at Edinburgh, which was at their devotion, ſeveral tables (as they called them) to manage their affairs. There were four principal ones; the firſt of the lords; the ſecond of the gentry; the third of the burroughs; and the fourth of the miniſters. And the gentry had many ſubordinate tables, according to their ſeveral ſhires. Theſe tables conſulted of what they thought fit to be propoſed at the general table, conſiſting of commiſſioners choſen from the other four tables. Never was ſovereign more punctually obeyed than this general table, by all who diſapproved the innovations introduced into the church for 30 or 40 years paſt, that is, by almoſt the whole kingdom.

They ſubſcribe the covenant. Ruſhw. Annals.

The firſt thing that proceeded from theſe tables was the famous covenant, or general band taken by the Scots, for maintenance of their religion from all innovations. For the better underſtanding what this covenant was, it muſt be obſerved, that in 1580, whilſt the duke of Lenox and earl of Arran, the king's favourites, were ſuſpected of ill deſigns againſt the Proteſtant religion, the general aſſembly thought it neceſſary to draw up a confeſſion of faith, and cauſed it to be ſubſcribed by all the ſubjects, and by the king himſelf, to whom they preſented a very humble petition on that occaſion. As James could not reject this requeſt, without confirming the people's ſuſpicions, which might have been of dangerous conſequence, ſubſcribed the confeſſion of faith himſelf, and ordered it to be ſubſcribed by perſons of all ranks. This was done in the years 1580 and 1581, and the ſubſcriptions were renewed in 1590, with an additional clauſe, whereby the ſubſcribers engaged to maintain the true religion and the king's perſon.

Explication of the covenant.

It was this confeſſion of faith of 1580, that was revived this preſent year 1638, by order of the general table, and offered to all ſorts of perſons to ſign. Hitherto, there was nothing that could give the king juſt cauſe of complaint, at leaſt, as to the matter, ſince it was the ſame confeſſion that the king, his father, and the whole kingdom had ſigned in 1580 and 1581. It is true, as to the form, he could juſtly complain, that his approbation had not been demanded. But the tables were not ſatiſfied with the bare confeſſion of faith, they added alſo an obligation, whereby the ſubſcribers bound themſelves by oath, to maintain religion as it was in 1580, and to reject all the innovations introduced ſince into the church. This was directly contrary to the king's deſigns. Part of the oath which, being annexed to the confeſſion of faith, was called the covenant, that is, contract, agreement, or league among the ſubſcribers, was as follows:

An oath added to the covenant. Ruſhw.

'Finally, being convinced in our minds, and confeſſing with our mouths, that the preſent and ſucceeding generations in this land are bound to keep the foreſaid national oath and ſubſcription inviolable: We noblemen, barons, gentlemen, burgeſſes, miniſters and commons under ſubſcribing, conſidering divers times before, and eſpecially at this time, the danger of the true reformed religion, of the king's honour, and of the publick peace of the kingdom, by the manifold innovations and evils generally contained, and particularly mentioned in our late ſupplications, complaints, and proteſtations, do hereby profeſs, and before God, his angels, and the world, ſolemnly declare, that with our whole hearts we agree and reſolve all the days of our life conſtantly to adhere unto, and to defend the foreſaid true religion, and forbearing the practice of all novations, already introduced in the matters of the worſhip of God, or approbation of the corruptions of the publick government of the kirk, or civil places and power of kirkmen, till they be tried and allowed in free aſſemblies, and in parliaments, to labour by all means lawful to recover the purity and liberty of the goſpel, as it was eſtabliſhed and profeſſed before the foreſaid novations: And becauſe after due examination we plainly perceive, and undoubtedly believe, that the innovations and evils contained in our ſupplications, complaints and proteſtations, have no warrant of the word of God, are contrary to the articles of the aforeſaid confeſſions, to the intention and meaning of the bleſſed reformers of religion in this land, to the above-written acts of parliament, and do ſenſibly tend to the re-eſtabliſhing of the Popiſh religion and tyranny, and to the ſubverſion and ruin of the true reformed religion, and of our liberties, laws and eſtates; we alſo declare, that the aforeſaid confeſſions are to be interpreted, and ought to be underſtood of the foreſaid novations and evils, no leſs than if every one of them had been expreſſed in the foreſaid confeſſions; and that we are obliged to deteſt and abhor them, amongſt other particular heads of Papiſtry abjured therein; and therefore from the knowledge and conſcience of our duty to God, to our king and country, without any worldly reſpect or inducement, ſo far as human infirmity will ſuffer, wiſhing a farther meaſure of the grace of God for this effect, we promiſe and ſwear by the great name of the Lord our God, to continue in the profeſſion and obedience of the foreſaid religion; that we ſhall defend the ſame, and reſiſt all theſe contrary errors and corruptions, according to our vocation, and to the utmoſt of that power that God hath put into our hands all the days of our life. And in like manner, with the ſame heart we declare before God and men, that we have no intention or deſire to attempt any thing that may turn to the diſhonour of God, or the diminution of the king's greatneſs and authority; but on the contrary, we promiſe and ſwear, that we ſhall to the utmoſt of our power, with our means and lives, ſtand to the defence of our dread ſovereign the king's majeſty, his perſon and authority in the defence and preſervation of the

‘ foreſaid true religion, liberties and laws of the kingdom; as alſo to the mutual defence and aſſiſtance, every one of us of another, in the ſame cauſe of maintaining the true religion, and his majeſty's authority, with our beſt counſels, our bodies, means, and whole power, againſt all ſorts of perſons whatſoever, &c.’

This covenant, like an alarm-bell, brought all the Scots together that were diſſatisfied with the government, that is, almoſt the whole nation. It was ſubſcribed by the great men and the people, except the privy-counſellors, the judges, the biſhops, and ſuch miniſters as were dignitaries in the church. Theſe were, a little before it, veſted with all the authority both in church and ſtate, the king verily believing, that to have thoſe for him, who were in the bublick places and offices, was ſufficient to awe the people. But when the breach was once made, by the publication of the covenant, the number, not the quality of adherents, was to be conſidered, and then the royaliſts were not above one in a thouſand; ſo that the king, council, judges, and biſhops, were on a ſudden without authority and power. To urge the laws was in vain; the covenant was the ſole law, the people would follow with reſpect to religion, as being bound by a ſolemn oath. Thus the king's authority being no longer regarded, and his promiſes miſtruſted by the people, as tending, in their oipnion, only to deceive them, it is not ſtrange, that the king's after-endeavours to extinguiſh the flame ſhould prove fruitleſs. I have dwelt the longer upon the riſe of the Scotch troubles, becauſe it ſeemed to me abſolutely neceſſary to the underſtanding of what paſſed afterwards in England. For the ſame reaſon, I am alſo obliged to ſpeak of the effects produced by the covenant in Scotland; but I ſhall endeavour to be as brief as poſſible.

The king's wrong meaſures with reſpect to Scotland.

Tho' the ſtandard of rebellion, was as it were, erected in Scotland, and the king did not well ſee how he ſhould free himſelf from theſe difficulties, he could not yet deſiſt from his project. He ſtill hoped the gathering ſtorm might, by ſome artifice, be diſpelled. So prepoſſeſſed was he in favour of the royal authority, that tho' he ſaw it little regarded, he imagined, his declaration and proclamations, worded, for the moſt part, in ambiguous terms, would be ſufficient to reduce the Scots to their duty. But he did not conſider, that before the breach, the people were in a manner obliged to ſhut their eyes, and ſeem not to ſee what they ſaw; but that when the breach was once made, the male-contents were too wiſe to be taken in his ſnares, and too bold or inſolent to refrain from publiſhing the artifices that were intended to amuſe them. The king deceived himſelf alſo in another thing. As the Scots perpetually pleaded their laws, he thought to ſilence them, by alledging on his ſide, the laws enacted within 40 years, not conſidering that theſe ſame laws were the principal cauſe of their complaints, and what they deſired to be annulled. So, in producing theſe acts of parliament, whereby the innovations had been approved, he only confirmed their belief, that he deſigned to ſupport them, and conſequently, it was neceſſary to uſe ſome violent means to make him deſiſt. The king had for him the laws in force, ſince they were never repealed; and the people believed, they might rightfully chuſe to be aboliſhed thoſe laws, impoſed on them by corruption, artifice, and violence, complaining, that theſe new laws were enacted in violation of the old. Thus both ſides complained of the breach of the laws.

The male-contents reaſons. Annals. Nalſon.

The male-contents ſaid, ‘ James and Charles had eſtabliſhed epiſcopal government in the kirk, contrary to her conſent, who ought to have been conſulted in ſuch an affair, which concerned religion alone, and could be decided only by the general aſſembly; but inſtead of following the ſettled rules of the kirk, the biſhops were firſt introduced into the parliament, and then, by means of the biſhops, whatever was deſired, was enacted, tho' the king and parliament had no right to appoint new offices, and new juriſdictions in the kirk, without the conſent of the kirk herſelf, repreſented by the general aſſembly, and not by five or ſix biſhops, with as many lay-abbots, who were allowed a ſeat in parliament. To accompliſh this deſign, ſeveral other artifices were uſed, as bribing the Glaſcow aſſembly, aboliſhing general aſſemblies, erecting a high-commiſſion inconſiſtent with the liberties of the kingdom. In a word, the king had exerciſed, and ſtill did exerciſe a power repugnant to the privileges of the ſubjects, in impoſing upon them a liturgy and canons, deteſted by almoſt the whole nation, without aſking the conſent of kirk or parliament. By this management, no leſs violent than artful, the government of the kirk was entirely altered, not only without the people's advice, but againſt their will, as plainly appeared by the great number of ſubcribers to the covenant, and the few that refuſed to ſign it. They thought themſelves, therefore, authoriſed, by vertue of their privileges, to demand the reſtoration of religion in its purity, ſuch as it was in 1580, and the abolition of all innovations. If the king complained that this covenant was made without his participation and conſent, he ought to blame none but himſelf, ſince he had reduced them to this neceſſity, by refuſing to hearken to their moſt humble petitions. This covenant ſeemed contrary to law, only becauſe it was ſuppoſed, the peoples privileges were not invaded, tho' the contrary was evident. Scotland was a monarchy, conſiſting of a happy mixture of the king's prerogatives and the people's privileges. This union was ſo abſolutely neceſſary, that it was not poſſible to ſeperate theſe two things, without deſtroying the conſtitution of the government. It was very true, if the people would enjoy their privileges, they were to pay all due obedience to the king; but it was no leſs true, that the king could require this obedience, only as he protected the people in their liberties. If they ſhould be ſo ſenſeleſs, as to pay a punctual obedience to laws advantageous to the crown, whilſt the king made no ſcruple to ſubvert the conſtitution, by aſſuming an abſolute power, they ſhould only ſupply him continually with arms to reduce them to perfect ſlavery. In ſhort, the deſign of their covenant was not, as it was induſtriouſly intimated, to rob the king of his juſt rights, but to hinder him from ſtretching his prerogative beyond the limits of the law.'

The king's reaſons. Annals.

The king alledged on his ſide, 'The Scots, under the falſe pretence that their privileges were violated, were running into open rebellion, by refuſing to pay the king due obedience. In ſigning a league directly contrary to the rights of the crown, they uſurped a power which was ſo far from being legal, that it was even repugnant to the laws. Their complaints in general about the breach of their privileges were groundleſs, ſince there was but one article in queſtion concerning religion, that is, not the doctrine, but only the diſcipline of the church. Epiſcopacy had been immemorially eſtabliſhed in the church of Scotland. It had, indeed, been under a ſort of eclipſe ſince the reformation, at a time when the regulation of the diſcipline was more conſidered, than the reformation of the doctrine. Preſbyterian government had been eſtabliſhed in the church of Scotland by the authority of general aſſemblies only, who were not ſovereigns, and whoſe decrees were of no force, till approved and confirmed by parliament. From 1561 to 1592, the parliament never approved of it, and if the parliament, held that year, had their reaſons to confirm it, the following parliaments had ſtronger to aboliſh it, and reſtore epiſcopal government. Herein nothing was done contrary to law or cuſtom, ſince no man could be ignorant that the parliament, which repreſents the whole nation, has power to annul and repeal all former acts. The male-contents could not queſtion this maxim, without groſsly contradicting themſelves, ſince their Preſbyterian government could be founded only on the act of parliament made in 1592, whereby were repealed all the antient laws in favour of epiſcopacy. How then was it poſſible to ſhew, that the parliament of 1592 had power to aboliſh epiſcopacy, and that of 1612 no right to aboliſh Preſbyterian government? As to the general aſſemblies, to which was aſcribed an abſolute power in matters of religion, this power was either natural or acquired. If natural, whence was it, that before the reformation, ſuch aſſemblies, conſiſting of preſbyters only, without biſhops, were never heard of? If it was an acquired power, they muſt have received it from the nation, that is, from the king and parliament. Conſequently, they were ſubject to the parliament, and their acts could not be valid but as confirmed by the parliament. If they had received the unlimited power aſcribed to them, where was the act that granted it, and why was it not produced? Nay, tho' ſuch an act ſhould be produced, that would not be ſufficient, unleſs it was ſhewn withal to be irrepealable; otherwiſe it would ſtill be evident, they depended upon the parliament, and, conſequently, their acts had not the force they pretended to give them, unleſs approved by the parliament, and the approbation unrepealed. Theſe general aſſemblies were firſt inſtituted at the reformation, for the direction of affairs, and the eaſe of the king and parliament, in the examination of what was to be changed or altered with reſpect to religion. But it was too true, they had uſurped by degrees an authority very prejudicial to the crown, and improper for ſubjects. As to the liturgy, mentioned by the male-contents in ſo contemptuous a manner, as if it was intended to be introduced on purpoſe to lead the people gradually to Popery, he had but one thing to plead in its favour, namely, that it was compoſed by biſhops, who ſuffered martyrdom for the Proteſtant religion, and therefore, it was very impertinent to ſay, ſuch perſons had a mind to reſtore Popery, when they were manifeſtly uſing their utmoſt endeavours to purge the publick worſhip of every thing tending that way. If the king, his father, and himſelf had deſired to introduce the liturgy into the church of Scotland, it was becauſe they believed it conducive to the edification of the faithful, and to the baniſhing of the indecency with which divine ſervice was performed in that church, where every miniſter made what prayers he pleaſed, and often, without any premeditation, which was liable to great inconveniences. Herein he had nothing in view but the good and benefit of his ſubjects of Scotland, and it was injuring him in the higheſt degree, to impute to him a deſign of introducing Popery, which on the contrary he abhorred.' As to the book of canons, he defended himſelf, in the manner before mentioned, and, therefore, it is needleſs to repeat it.

After ſeeing the reaſons of both parties, it will not be difficult to conceive the motives of their conduct, without my being obliged hereafter to diſplay them. I ſhall only add, that the male-contents having reſolved to improve the weakneſs of the king's party, and the advantage given them by their covenant, to aboliſh the innovations complained of, uſed not ſo much the moſt juſt and legal means, as thoſe they believed moſt proper for their ends. On the other hand, the king conſtantly adhered to the acts of parliament, by which theſe pretended innovations were eſtabliſhed, feigning not to ſee, in that reſpect, the leaſt cauſe of complaint againſt himſelf, or the king, his father.

The king ſends the marqueſs of Hamilton into Scotland. Ruſhw. Annals.

Things being come to the point abovementioned, by the almoſt univerſal ſubſcription of the covenant, the king reſolved to ſend the marqueſs of Hamilton into Scotland, to repreſent his perſon under the title of his high-commiſſioner. He imagined this Scotch lord, being inveſted with ſo eminent a character, would by his credit and induſtry reduce the people to obedience, without giving them any real ſatisfaction, being ſtill very unwilling to deſiſt from his project. The tables having notice of this, doubted not but the king's view was to amuſe and ſurpriſe them, and, therefore, they uſed all poſſible means to divert the impending danger. I ſhall not deſcend to particulars, but content my ſelf with ſaying, that the high-commiſſioner was received by the male-contents with great coldneſs and little reſpect, and that they prepared, on the contrary, to withſtand him vigorouſly, in caſe he offered to aſſert his authority.

Annals.

In the interim, the king having ſent to Scotland a ſhip laden with arms for Edinburgh-caſtle, the tables reſolved to ſeiſe them, fearing, the king intended to ſurpriſe them, whilſt he ſhould amuſe them with negotiations. This reſolution could not be executed, becauſe the king's party, having notice, inſtantly unloaded the veſſel, and carried the arms to Dalkeith, where the council then was. For this reaſon the tables ſet a guard near the gate of the caſtle, to prevent theſe arms from being carried in. At the ſame time, the male-contents received two ſhips freighted with arms for their ſervice. The king would hardly digeſt this affront; but the male-contents did not think it prudent to be expoſed to a ſurpriſe, on pretence that the rupture between the king and them was not yet intire.

The high-commiſſioner being come to Edinburgh, offered theſe three propoſitions to the conſideration of the male-contents.

Ruſhw.

1. What they ſhould expect to hear in the king's name for accommodating their grievances.
2. What might be expected from them for returning to their former obedience.
3. That they ſhould renounce and deliver up their late covenant.

To which they anſwered,

Annals.

1. That they inſiſted upon a general aſſembly, and a parliament.
2. That they could not return to his majeſty's obedience, ſince they had never departed from it.
3. That they would ſooner renounce their baptiſm than the covenant.

The marqueſs had brought with him a declaration, which, however, he was to make uſe of but in caſe of neceſſity, becauſe the the king was unwilling to promiſe the leaſt condeſcenſion to the Scots, unleſs forced; but the marqueſs ſoon perceived it was not poſſible to bring the male-contents to obedience, without amuſing them, at leaſt, with the hopes that the king would have ſome regard to their grievances. He, therefore, thought proper to publiſh the declaration, tho' it evidently appeared by the very expreſſions, that the king would not properly be obliged to any thing. What follows is the moſt material part of the declaration, and ſhews wherein conſiſted the king's condeſcenſion:

The king's declaration. Ruſhw. Annals.

"And for farther clearing of ſcruples, we do hereby aſſure all men; that we will neither now, nor hereafter, preſs the practice of the ſervice-book, or the foreſaid canons, nor any thing of that nature, but in ſuch a fair and legal way, as ſhall ſatisfy all our loving ſubjects, that we neither intend innovations in religion or laws; and to this effect have given order to diſcharge all acts of council there anent. And for the high-commiſſion, we ſhall ſo rectify it, with the help and advice of our privy-council, that it ſhall never impugn the laws, nor be a juſt grievance to our loyal ſubjects; and what is farther fitting to be agitated in general aſſemblies and parliament, for the good and peace of the kirk, and peaceable government of the ſame, in eſtabliſhing of the religion at preſent poſſeſſed, ſhall likewiſe be taken into our royal conſideration, in a free aſſembly and parliament, which ſhall be indicted and called with our beſt convenience."

Proteſtation againſt the declaration.

The king muſt have been ill-informed of the diſpoſition of the Scots, to imagine that a declaration with ſo many reſtrictions and ambiguous expreſſions ſhould be capable of contenting them. This declaration was no ſooner proclaimed at the market-croſs of Edinburgh, but the tables cauſed an anſwer in form of a proteſtation to be publickly read in the ſame place, the ſubſtance whereof was:

Ruſhw. Annals. Nalſon.

1. That no proclamation or declaration could ſettle their fears, nor ſecure them from the re-entry of any evil or innovation.
2. That they poſitively inſiſted upon a general aſſembly and a parliament, which the king did not promiſe to call.
3. That the proclamation did not mention their complaints and grievances, but under the name of diſorders, faults, and miſdemeanours, &c.
4. That the king took it for granted he had abundantly and ſufficiently ſatisfied their fears, by his two former proclamations, and by his preſent declaration.
5. That this proclamation ſuppoſed them guilty of an unlawful combination, or rebellion.
6. That it did not diſallow nor diſcharge any of the innovations complained of, but left liberty to any prelate or perſon to practiſe the ſame.
7. That it plainly evidenced his majeſty's intentions of preſſing the practiſe of thoſe innovations in a legal way, that is according to thoſe laws which were the ſubject of their complaints.
8. That his majeſty did not promiſe to aboliſh, but only to rectify the high-commiſſion, with the advice of the privy-council, implying the king's power, with conſent of his council, to eſtabliſh any judicatory within his kingdom, without conſent of the three eſtates convened in parliament.

The marqueſs returns to court.

The high-commiſſioner being better informed of the affairs of Scotland, by what he had ſeen with his own eyes, thought neceſſary to go himſelf and acquaint the king. He made, therefore, a journy to court, and returned ſoon after, with a power to call a general aſ-

He uſes ſundry artifices to break the meaſures of the male-contents. Ruſhw. Nalſon.

ſembly, and a parliament; but as for the aſſembly, he would know beforehand what perſons it ſhould be compoſed of, and what was to be debated. The tables rejected this limitation, as tending to render the aſſembly, uſeleſs. They likewiſe told him, if the king refuſed to convene a general aſſembly, they believed they were ſufficiently authoriſed to call one themſelves.

He offers eleven propoſitions, which are rejected.

Probably, the king's high-commiſſioner had orders to grant a general aſſembly, if it could not be avoided, but, however, to uſe his utmoſt endeavours, either that the tables ſhould deſiſt from their demand, or, at leaſt, if he granted an aſſembly, to clog the favour with conditions that ſhould prevent the king's deſigns receiving any prejudice. It was, doubtleſs, in obedience to this order, that he preſented to the tables eleven articles, as ſo many conditions on which he was willing to call an aſſembly. As he had very likely good ſpies, he knew pretty well what the tables intended to do in order to reap great advantages by a general aſſembly, and theſe eleven conditions ſolely tended to render their meaſures ineffectual. The tables being compoſed of the moſt able perſons in Scotland, eaſily diſcovered the high commiſſioner's view. They replied, therefore, to theſe eleven articles, ſo as to ſhew him it would be very difficult to ſurpriſe them. Nevertheleſs he was not diſcouraged, and under colour of complying with the male-contents, reduced the eleven conditions to theſe two, which, however, contained the ſubſtance of eleven, and tended to the ſame end.

Ruſhw. Nalſon.

“ 1. That no layman ſhould have voices “ in chuſing the miniſters to be ſent from the “ ſeveral presbyteries to the general aſſembly, “ nor any but the miniſters of the ſame preſ- “ bytery.

“ 2. That the aſſembly ſhould not go about “ to determine things eſtabliſhed by act of “ parliament, otherwiſe than by remonſtrance “ or petition to the parliament.”

Explication of theſe two propoſitions.

To underſtand the end and motive of the firſt of theſe conditions, it muſt be obſerved, that it was very plainly perceived in Scotland, ſince the Glaſgow aſſembly in *1610*, how eaſily the king could ſecure a majority of votes among the miniſters, whether by fears or hopes, or by preſent and real favours; for this reaſon the male-contents had reſolved not to let the miniſters have the ſole direction of the affairs of religion, and, therefore, had erected four tables, whereof that of the miniſters which was but the third, could not determine of any thing without the concurrence of the other three, and the approbation of the general-table. Moreover, when the tables had demanded a general aſſembly, they had at the ſame time reſolved, that this aſſembly ſhould be compoſed not only of the miniſters, but alſo of lay-elders, who ſhould be perſons of authority, and whoſe number ſhould exceed that of the miniſters. In ſhort, they deſigned the miniſters who were to be ſent to the aſſembly, ſhould be elected not only by the miniſters themſelves of each presbytery, but alſo by the lay-elders. The marqueſs of Hamilton, who had intelligence of their intention, laid, therefore, a double ſnare for them in the former of his two conditions. The firſt ſnare conſiſted in that, feigning to be ignorant of their deſign to ſend lay-elders to the general aſſembly, he ſuppoſed it was to be compoſed of miniſters only. The ſecond conſiſted in that he pretended, the nomination of theſe miniſters for the aſſembly ſhould be made by the miniſters alone without the participation of the lay-elders. He thereby endeavoured to break the meaſures, the tables had judged neceſſary to ſecure themſelves from the articles of the court.

As to the ſecond condition, it was evident that by things already eſtabliſhed by acts of parliament, he underſtood all the innovations complained of, which had been introduced ſince the year *1606*, and which for the moſt part were, as I ſaid, founded upon acts of parliament. So, by this ſecond condition, he broke ſtill more directly than by the firſt, the meaſures the tables might take, to cauſe theſe innovations to be examined and declared ſuch by the general aſſembly. Wherefore the tables rejected theſe two conditions, regarding them as ſo many ſnares to ſurpriſe them, ſince they could not accept them without being at the king's mercy. This affair was come to that point, that the tables were ſatisfied, the innovations complained of were really innovations, and of their right to require their abolition. The thing was only to deviſe the propereſt means to procure the ſatisfaction they demanded. On the other hand, the king did not, in the leaſt, doubt the validity of the acts of parliament, whereby theſe pretended innovations were eſtabliſhed. And, perhaps, he ſtill leſs queſtioned his power to introduce the liturgy and canons. But his concern was to find the propereſt means to maintain his own and the praliament's authority, and to diſpel the ſtorm that was gathering in Scotland.

The marqueſs returns to England. Ruſhw. Nalſon.

The high-commiſſioner clearly perceiving, he had to deal with men who were upon their guard, and that it would be difficult to ſurpriſe them, reſolved to take a ſecond journey to England, to inform the king of the ſtate of affairs. By putting the male-contents in hopes the king would grant ſuch a general aſſembly, as they deſired, he obtained with great difficulty, that the election of commiſſioners ſhould be delayed till his return, which was fixed to the 21ſt of September. During his abſence, the tables expecting only new ſnares, or freſh delays from the court, reſolved that a general aſſembly ſhould be held, either with the king's permiſſion, if he would grant it, or without his conſent, and that the election of commiſſioners ſhould be the 22d of September. In this interval, they ſent to all the presbyteries, directions in eight articles, not to chuſe any ſuſpected miniſter, and to elect every where lay-elders, who ſhould be perſons of authority, and more numerous than the miniſters. In a word, they took all poſſible meaſures to have an aſſembly at their devotion, wherein they perfectly ſucceeded, the king's party being every where ſo weak, that they were not in condition to oppoſe it ſucceſsfully.

A new proclamation.

The high-commiſſioner being returned to Scotland with new inſtructions, immediately ordered a proclamation to be publiſhed, containing in ſubſtance theſe three principal articles:

Ruſhw. Nalſon.

‘1. That his majeſty revoked the ſervice-book, the book of canons, the high-commiſſion, and the five articles of Perth.

‘2. That for the future none of his ſubjects, whether eccleſiaſtical or civil, ſhould be liable to the tryal and cenſure of the parliament, or general aſſembly.

‘3. That perſons of all ranks ſhould be required to ſign the confeſſion of faith of 1580, with the oath he had annexed, but very different from that of the covenant.’

The high-commiſſioner convenes an aſſembly, and parliament.

After publiſhing this proclamation, the high-commiſſioner ſummoned a general aſſembly to meet at Glaſgow the 21ſt of November this year 1638, and a parliament at Edinburgh the 15th of May the next year 1639.

A difference between the king's covenant, and that of the male-contents. Ruſhw.

It was not without reaſon that the male-contents expected ſome new ſnare from the king. Tho' the confeſſion of faith which the king ordered to be ſigned, was exactly the ſame with that prefixed to the covenant, the oath, or general band, annexed by the king, imported, that they ſwore to maintain the religion at preſent profeſſed, which was utterly deſtroying the oath of the covenant, whereby the ſubſcribers were bound, to reject all the innovations introduced ſince 1580. This ſnare was ſo palpable, and ſo very injurious to the king's affairs, that the council, to prevent its ill effects, were forced to publiſh a declaration, that the meaning of the oath was, that they ſwore to maintain the religion profeſſed in 1580. But notwithſtanding this, the tables cauſed a proteſtation againſt the proclamation to be publickly read, to ſhew, as they pretended, that the king acted not with ſincerity; that by certain ambiguous clauſes, reſtrictions, and additions, he took away with one hand, what he gave with the other; and reſerved to himſelf a liberty to maintain at a more convenient ſeaſon, the innovations he ſeemed to depart from.

Endeavours to get the king's covenant ſigned. Ruſhw.

During the interval between the publiſhing of the proclamation, and the general aſſembly, the high-commiſſioner and council uſed all poſſible endeavours to make all ſorts of people ſign the confeſſion of faith as ſent by the king, and the tables on their part forgot nothing to oppoſe it. But there paſſed at this time, a thing of great importance, which muſt not be omitted. Many lords, barons, gentlemen, miniſters, burgeſſes, who were not commiſſioners to the general aſſembly, preſented to the presbytery of Edinburgh, an information againſt David Lindſey, biſhop of Edinburgh, and at the ſame time againſt all the reſt of the biſhops. The ſubſtance of this information, which contained ſeveral articles, ſome whereof, doubtleſs, were much aggravated, was, that Lindſey and his brethren had not performed the conditions required of them by the Montroſs aſſembly. The deſign of this information was to prevail with the presbytery to ſummon, as they did accordingly, the biſhops to appear before the aſſembly which was to be held at Glaſgow. For as the abolition of epiſcopacy was now reſolved, it was neceſſary that the general aſſembly ſhould have ſome ground or pretence to proſecute and try the biſhops. And for this the information was intended.

An account of what paſſed in the general aſſembly at Glaſgow. Nalſon. Ruſhw.

The general aſſembly met at Glaſgow on the day appointed, conſiſting of ſuch members as the tables had deſired or rather preſcribed. The king's party was ſo weak, that they durſt not make any oppoſition, and the matters to be debated had been directed by the tables, who had ſent their inſtructions to the commiſſioners. In ſhort, as in the aſſembly of 1610, and the following ones, king James had ſo managed as to have every thing tranſacted as he pleaſed, the tables had now taken the ſame precautions to cauſe whatever they did not approve to be annul'ed. Wherefore the marqueſs of Hamilton's grand view was viſibly to raiſe conteſts and diſputes which ſhould afford him occaſion to diſſolve the aſſembly.

Nalſon. Annals.

The firſt day was ſpent in reading the king's commiſſion. The ſecond day, a letter from the king containing nothing extraordinary was read. Then the aſſembly proceeded to the choice of a moderator; but at the ſame time Dr. Hamilton preſented from the biſhops, a declinator, that is, a proteſtation againſt the legality of the aſſembly, and the high-commiſſioner would have this declinator read firſt; but it was objected, there was no aſſembly without a moderator, and conſequently it was neceſſary to begin with his election. The high-commiſſioner ſeeing he could not prevail, proteſted againſt the refuſal to read the declinator before the choice of a moderator, and ordered his proteſtation to be entered. Before the moderator was choſen, the high-commiſſioner entered a ſecond proteſtation, that this choice ſhould prejudice neither the king's prerogative, nor any law of the kingdom, nor bar the king from taking legal exceptions, either againſt the perſon elected, or the election itſelf. After that, they unanimouſly choſe Mr. Alexander Henderſon, a miniſter, for moderator.

Nov. 23.

The third day, the high-commiſſioner urged, that the biſhops declinator might be read. But he was told, the aſſembly was not formed till the commiſſions of elections were examined, and the commiſſioners that were preſent, known to be duly authoriſed. This affair was of more importance than it ſeems at firſt ſight. As the declinator contained reaſons to ſhew that the election of all the commiſſioners, or, at leaſt, of the greateſt part, was null, it was eaſy to perceive, that theſe reaſons would come too late after the power of the commiſſioners ſhould be allowed, and they admitted for members of the aſſembly. The high-commiſſioner not being able to obtain his deſire, entered a third proteſtation on that head, and a fourth, the ſame day, againſt the choice of

Mr. Archibald Johnſton, for clerk-regiſter of the aſſembly, becauſe he had been clerk of the general table at Edinburgh.

The fourth day, the commiſſions of elections were examined; but the high-commiſſioner firſt entered a fifth proteſtation, to take exception againſt their elections in his own due time.

The examination of the commiſſions not being ended the fourth day, was continued the fifth. It may be imagined, that the elections which were agreeable to the inſtructions of the tables, were generally approved, and that means were not wanting to weaken or entirely reject thoſe which were otherwiſe.

The ſixth day, the 27th of November, was read, at laſt, the biſhops declinator, wherein they pretended to prove by ſeveral reaſons the illegality of the aſſembly. After the reading of the declinator, the high-commiſſioner cauſed to be read ſome other proteſtations, ſent him from ſeveral places, againſt the lay-elders right of voting in the general aſſemblies, and elections of the miniſters by laymen.

The high-commiſſioner diſſolves the aſſembly. Nalſon.

The ſeventh day, the 28th of November, it was moved in the aſſembly, to debate, whether the biſhops cauſe ſhould be judged, notwithſtanding their declinator. As after ſeveral ſpeeches on this ſubject, the moderator was going to put the queſtion, the high-commiſſioner roſe up and ſaid, ſince they pretended to aſſume a right to judge the biſhops, he could not give his conſent, nor ſtay any longer with them. Then after a long ſpeech, wherein he repreſented his majeſty's gracious conceſſions in his laſt declaration, he diſſolved the aſſembly in the name, and by the authority of the king, alledging theſe four principal reaſons.

His reaſons. Ruſhw.

1. Lay-elders were introduced into the aſſembly to vote there, which was not warranted by the laws, practice or cuſtom of the church or kingdom, and, which ſuppoſing there were ſuch a law, or cuſtom, had been diſcontinued for above 40 years.

2. The miniſters choſen commiſſioners, were elected by lay-elders, contrary to cuſtom and practice.

3. The few commiſſioners choſen contrary to the inſtructions of the tables, had been thrown out by mere cavils.

4. The cited biſhops were to be tried by perſons who had already declared againſt them.

A remark on this matter.

It may be obſerved concerning theſe reaſons, that the high-commiſſioner was not ignorant, before the meeting of the aſſembly, of the manner of electing the commiſſioners, or that the biſhops cauſe was to be brought before the general aſſembly. Conſequently theſe reaſons would have been as ſtrong to hinder the aſſembly from meeting, as they were to diſſolve it the ſeventh day. But he was unwilling to give the male-contents the advantage of juſtly complaining, that he had amuſed them with the hopes of an aſſembly, which he intended not to hold. He expected to find in the proceedings of the aſſembly, cauſes or pretences to diſſolve it, and his frequent proteſtations were ſo many expedients to uſe, which he intended at a proper ſeaſon. But as, in all appearance, he had the king's poſitive order to diſſolve the aſſembly, in caſe they ſhould take upon them to try the biſhops, and as this was properly the firſt thing that was moved, it was not in his power to ſtay for other pretences. He was forced, therefore, to uſe the ſame reaſons for diſſolving, as might have ſerved to hinder the meeting, of the aſſembly.

The aſſembly refuſe to break up, and continue their ſeſſion by their own authority. Ruſhw.

The king found not in the aſſembly the obedience he expected, tho' with little reaſon, conſidering how the Scots ſtood affected. It was eaſy to foreſee, that the covenanters who had reſolved to hold an aſſembly, tho' the king ſhould not have given his conſent, were not diſpoſed to break up after a ſeven-days-ſeſſion, without having finiſhed any affair. They had a mind to aboliſh epiſcopacy entirely, with all the innovations introduced into the kirk ſince the laſt 40 years, and after all the ſteps they had taken, it was not likely they would ſuddenly relinquiſh their projects, and return to petitions and ſupplications which hitherto had proved fruitleſs. They ſaw moreover, that the king uſed all ſorts of means to prevent his conſenting to their deſires, or if he feigned to have any condeſcenſion for them, it was only to gain time, and that he reſerved to himſelf the power of maintaining the innovations at a more favourable opportunity. This was their belief, at leaſt, and the ſudden diſſolution of an aſſembly ſo earneſtly deſired, confirmed them in it. Wherefore they were unwilling to neglect ſo fair an opportunity. They had the whole kingdom on their ſide, and knew that the great diſcontents which reigned in England, would not ſuffer the king to make any conſiderable efforts againſt Scotland. Upon theſe accounts it was that the aſſembly of Glaſcow continued their ſeſſion by their own authority, notwithſtanding their diſſolution in the king's name, and a proclamation publiſhed the next day, to which they were contented to anſwer as uſual by proteſtation. Thus the king had the mortification to ſee his authority contemned, and the acts of parliament procured by his father to introduce the hierarchy into the kirk, ſerve for foundation to a Scotiſh rebellion. Hence ſovereigns ſhould learn not to introduce any innovations but what are abſolutely neceſſary. It is certain, the reformation had been eſtabliſhed in Scotland upon the Presbyterian plan, in the ſame manner as in Switzerland, Geneva, France, Germany, the Low-Countries; that this ſame government ſubſiſted there till James VI. became king of England; that this prince was poſſeſſed with the deſign of introducing epiſcopal government, and that Charles, his ſon and ſucceſſor, was no leſs eager to purſue the ſame project. The queſtion is not to know, whether epiſcopal government be good or bad in itſelf; but ſuppoſing it good and even excellent, the point is to know, whether the church of Scotland could not be without it, and whether Charles I, had ſufficient reaſon to riſque the peace of that kingdom and his own, in order to ſupport a deſign, the execution whereof was not abſolutely neceſſary.

1638.

Acts of aſſembly after the diſſolution.

The general aſſembly, having continued their ſeſſion themſelves, contrary to the king's order, loſt no time to begin and finiſh what had been reſolved in the tables. Here follows a ſhort liſt of ſome of their acts, which will ſhew how much they endeavoured to aboliſh, as far as in them lay, all innovations.

Ruſhw. Nalſon. Annals.

‘ An act bearing the aſſemblies proteſtation againſt the diſſolution thereof.

‘ An act annulling the ſix aſſemblies holden at Linlithgow, 1606, and 1608, at Glaſgow, 1610, at Aberdeen, 1616, at St. Andrews, 1617, at Perth, 1618.

‘ An act declaring the nullity of the oath, exacted by prelates, from ſuch as are inſtituted to benefices.

‘ An act condemning the ſervice-book.

‘ An act condemning the book of canons.

‘ An act condemning the high-commiſſion.

‘ Two acts containing the depoſition and excommunication of 14 biſhops.

‘ An act clearing the meaning of the confeſſion of faith, made Anno 1580, as abjuring and removing epiſcopacy.

‘ An act declaring the five articles of Perth to have been abjured, and to be removed.

‘ Act reſtoring presbyteries, provincial and general aſſemblies to their conſtitution of miniſters and elders, and their power and juriſdiction contained in the book of policy.

‘ Act concerning the power of presbyteries, admiſſion of miniſters, and chuſing of their moderators.

‘ Act againſt the prophanation of the ſabbath, for want of afternoon's exerciſe.

‘ Act againſt thoſe who ſpeak or write againſt the covenant, or the aſſembly.

‘ Act condemning chapters, arch-deans, preaching deacons, and ſuch like Popiſh traſh.

‘ Act condemning all civil offices in the perſons of miniſters ſeparate to the goſpel, as to be juſtices of peace, ſit in ſeſſion or council, to vote or ride in parliament.

‘ Act appointing the commiſſioners to attend the parliament, and articles, which they are to repreſent in the name of the kirk to the eſtates.

‘ An act diſcharging printers to print any thing anent the acts of the proceedings of the aſſembly, without a warrant under the ſecretary's hand.

‘ Act ordaining the covenant to be ſubſcribed, with the aſſemblies declaration.

‘ Act diſcharging all ſubſcription to the covenant, ſubſcribed by his majeſty's commiſſioner, and the lords of the council.

‘ Act renewing the privileges of yearly general aſſemblies, and oftner (pro re nata) and appointing the third Wedneſday in July, 1639, in Edinburgh, for the next general aſſembly.

‘ Act that none be choſen ruling-elders to ſit in presbyteries provincial, or general aſſemblies, but thoſe who ſubſcribe the covenant.’

Theſe acts ſhew, the king was not in the wrong when he ſaid, the general aſſemblies of Scotland had uſurped a kind of ſovereignty in religious affairs, ſince this is ſeen boldly to annul, by their authority, things eſtabliſhed by acts of parliament. But, as I ſaid, in the diſpute between the king and his Scotch ſubjects, the concern was not to examine the right of the parties, but to uſe the moſt effectual means to attain their reſpective ends. This was the courſe taken by the general aſſembly of Glaſgow. As the parliament was to meet the next May, and they knew they ſhould be ſupported, they were willing to give the parliament an occaſion to aboliſh all the innovations complained of, upon the foundation of its being the general ſentiment of the kirk. It muſt be farther remarked concerning this aſſembly, that before the ſeſſions began, the tables had uſed their utmoſt endeavours to hinder the ſigning the confeſſion of faith of 1580, with the obligatory clauſe annexed by the king. But as this did not prevent its being ſubſcribed by many, the aſſembly of Glaſgow thought proper to explain the confeſſion, and decide, that it virtually contained the abolition of epiſcopacy, tho' the biſhops were not mentioned. So by this explication, they who had ſigned the confeſſion by the king's order, had ſubſcribed to the abolition of epiſcopal government. The high-commiſſioner, hearing the aſſembly of Glaſgow were upon this explication, made haſte and publiſhed a quite different one, wherein he endeavoured to prove, that epiſcopacy ſubſiſted in 1580, and conſequently, the ſigning of the confeſſion of that year, could not be deemed an abjuration of epiſcopacy. A very long and particular anſwer was made to this explication; but without entering into a diſcuſſion of the facts alledged on both ſides, I ſhall only obſerve, that what I ſaid heretofore, concerning the ambiguity in the name of biſhops, muſt be chiefly applied to theſe two papers. The marqueſs proved very well, that the name, title, temporal rights of the biſhops, were not aboliſhed by the parliament, till the year 1580; but he very lamely proved, that till then the kirk of Scotland had been governed by biſhops. The benefice had ſubſiſted till that year, but the office was aboliſhed, if not by act of parliament, at leaſt, by the cuſtom and practice of the kirk. On the other hand, the authors of the anſwer evidently ſhewed, that epiſcopacy, as to the office, was aboliſhed by the general aſſemblies, as far as lay in their power, and by the practice of the kirk; but they could not prove that the order of biſhops was aboliſhed till the year 1592.

1639. Two parties in England.

Hitherto I have endeavoured to ſhew the riſe of the troubles of Scotland, to the end it may be the better conceived, how far the Engliſh ought to have been concerned in the war which broke out preſently after, between the king and his ſubjects of Scotland. There were two parties in England, the courtiers and rigid epiſcopalians, who being religiouſly attached to the hierarchy, verily believed, the Scots were in the wrong to reject ſo obſtinately this hierarchy, eſtabliſhed 30 years by acts of parliament. Theſe looked upon the Scots as rebels, and wiſhed to ſee them puniſhed as ſuch. The other party conſiſted of Puritans; under which name were included not only the Church-Puritans, but alſo the State-Puritans, that is, all thoſe that were diſſatisfied with the government, and thought the king aſſumed a power which belonged not to him. This party, tho' without poſts or employments, and continually oppreſſed, was, however, much ſuperior in number to the other, as plainly appeared afterwards. Theſe, far from diſapproving the conduct of the Scots, ſaid, that the kings, James and Charles, having manifeſtly introduced innovations into the kirk, the Scots, could not be juſtly blamed for deſiring, things might be reſtored to their former ſtate. When, therefore, the Hiſtory of theſe troubles is read, the authors are to be diſtinguiſhed. Some repreſent the conduct of the Scots as a real rebellion, flowing from a ſettled deſign of breaking all the bands of ſubjection and obedience to the king, and of utterly deſtroying monarchical government. Others, on the contrary, ſpake of the king's behaviour to the Scots as really tyrannical, and pretend he had no leſs deſign to render himſelf abſolute in Scotland than in England.

The king reſolves upon a war with Scotland. Burnet's Mem. of Hamil. Clarend.

The king's party in Scotland was extremely weak, and conſequently he had no other way left, than to uſe the forces of England to reduce the Scots to obedience; and, accordingly, he took this courſe. As ſoon as he heard that the general aſſembly of Glaſgow continued their ſeſſion by their own authority, and that the people approved of their conduct, he reſolved to levy an army in England, to reduce the male-contents of Scotland to their duty. But as the Engliſh might naturally aſk, by what reaſon were they bound to venture their lives, in defence of the intereſts of the king in Scotland, he thought this objection ſhould be obviated, by ſuppoſing the Scots to have already levied an army for the invaſion of England. From thence he inferred, it was incumbent upon him to provide for the defence of the kingdom, by raiſing ſufficient forces to repel the attacks of his enemies. There was little probability that the Scots ſhould think of invading England, if they were left unmoleſted, but it was neceſſary to excite the Engliſh with the dread of an imaginary danger.

A ſummons to the lords to bring troops to York. Clarend. Ruſhw.

The king thought not proper to call a parliament to enable him to raiſe the forces he wanted. Experience had taught him, that he was not to expect any great aſſiſtance from the parliament, unleſs he would alter his maxims, and redreſs the people's grievances, which he did not intend. On the contrary, he flattered himſelf that he ſhould eaſily reduce the Scots, and then be ſtill more abſolute in England. He choſe, therefore, to ſuppoſe a defenſive war, and on that ſuppoſition ſummoned the nobility to attend him, at York, the 1ſt of April following, each with as many horſe as he could raiſe, and to inform the court within a fortnight, of the number that could be brought. In this manner, the kings of England formerly prepared to withſtand the invaſions with which they were threatened. But the antient manner and this differed very much in two reſpects. Firſt, there were certain crown-lands, the poſſeſſors whereof were obliged to find the king troops, according to the frontiers that were like to be invaded. Moſt of theſe lands lay in the northern counties, becauſe of the neighbourhood of Scotland, which was the only place from whence invaſions were to be feared by land. But the tenants of ſuch lands lying in Kent or Suſſex, were not bound to furniſh troops for the defence of the northern borders againſt the Scots; or the tenants in the north, to defend the ſouthern frontiers when threatened by the French. Whereas Charles I, without making any diſtinction of counties, or putting any difference between thoſe that did, and thoſe that did not hold theſe crown-lands, directed his ſummons to all the nobles in general. Again, this method of raiſing troops was antiently uſed, only when the kingdom was actually invaded, or in danger of being ſo, or, at leaſt, when there was a war proclaimed, and judged neceſſary for the defence of the kingdom. But Charles I. was contented to ſuppoſe only, tho' contrary to all appearance, that the Scots intended to invade England, and under pretence of defending the kingdom, his real deſign was to attack the Scots, on account of his own intereſts.

The king demands money of the clergy. Ruſhw. Annals.

But, as having troops was not ſufficient without money to ſubſiſt them, the king uſed two ways, beſides thoſe already in practice, as ſhip-money and others, to increaſe his revenues. The firſt was to demand voluntary contributions of the clergy, by means of the archbiſhop of Canterbury. Laud wrote for that purpoſe a circular letter to the biſhops and all the clergy, to exhort them to contribute liberally for the defence of the kingdom, which was in extreme danger of a Scotch invaſion. He added, by way of poſtſcript, that his majeſty expected from the clergy a larger ſum than what they were wont to give in the uſual way. The ſecond means uſed by the king was, to put the queen upon writing to the Catholicks, to incite them to aid the king on this urgent occaſion. Theſe two means brought in very near what the king expected.

The counties are obliged to find troops. Ruſhw.

Beſides the horſe to be brought by the nobility to York, all the counties were obliged to find ſuch a number of foot, horſe, dragoons, artillery-horſes, and a certain quantity of ammunition. The whole amounted to 19483 foot, 1233 horſe, beſides the troops of the nobility, and 1350 horſes for the carriages. Moreover, the king equipped a fleet of 16 men of war, the command whereof was given to the marqueſs of Hamilton, who was come back to his majeſty.

The king comes to York.

The king departed for York the 27th of March, his coronation-day, and on the 9th of April publiſhed a proclamation, to revoke ſundry monopolies, licenſes, and commiſſions, which he had granted by his letters-patents; but very likely, this was only to amuſe the people, and the proclamation was not executed, ſince, the next year, he publiſhed another, to revoke the ſame monopolies, which ſhould have been aboliſhed by this. On the 29th of May the king reviewed his army, which conſiſted of 19614 men, beſides 5000 on board the fleet, his own guards, and the garriſons of Berwick and Carliſle.

The Scots prepare for their defence.

Whilſt the king was making his preparations, the Scots were not idle; they had alſo drawn forces together, but their hopes were not ſo much built on their army as on their friends in England, and even at court. Some have ſuſpected the marqueſs of Hamilton, one of the king's favourites, of not having, at this juncture, faithfully ſerved his maſter. As it was the king's intereſt to exaſperate the Engliſh againſt the Scots, and perſuade them that theſe laſt were in manifeſt rebellion; it was the Scots intereſt on the contrary, to ſhew, they had never any ill deſign againſt England, and if they took arms, it was only in their own defence. They knew the ſucceſs of the war depended upon the aſſiſtance England ſhould freely give the king, and not upon the aid he ſhould extort by force in vertue of his prerogative. And, therefore, their friends in England had adviſed them to mind two things eſpecially. Firſt, to clear themſelves as fully as poſſible from the crime of rebellion, which the king laid to their charge. Secondly, to avoid every thing that might excite the Engliſh to engage in the war, for fear of giving the king the advantage of being able to ſay, they were undertaking an offenſive war. They punctually followed theſe two advices, the former, by diſperſing in England, by means of their emiſſaries, a great number of papers, wherein they ſet forth with all poſſible clearneſs the cauſes of their diſcontents, and the king's intentions. They forgot not to inſinuate, that it concerned England no leſs than Scotland, to oppoſe the arbitrary power aſſumed by the king, as well in eccleſiaſtical as civil affairs. They followed the ſecond advice, by obeying with entire ſubmiſſion a proclamation publiſhed by the king in Scotland, to forbid the Scotch army to approach within 10 miles of the borders of England. By this obedience they evidently ſhewed, the war was not offenſive on their ſide. It is not unlikely, that ſome of their friends had counſelled the king to publiſh this proclamation, on purpoſe to afford them an opportunity to give this proof of it.

But this was not the only advantage the Scots reaped from the counſels given the king, by their ſecret friends. He was perſuaded, that their obedience to this proclamation was the effect of their fear; and was thereby induced to ſend another proclamation to Edinburgh, commanding the Scots to lay down their arms, on pain of being declared guilty of treaſon, offering, however, pardon to all who ſhould comply with his orders, and return to their duty. Nothing could be more prejudicial to him in Scotland, than ſuch a proclamation, which ſhewed he required a ſpeedy obedience without any conditions; but the magiſtrates of Edinburgh would not ſuffer it to be publiſhed. The ſame notion, that the Scots were intimidated, cauſed him to commit another error, in detaching the earl of Holland with 3000 foot and 100 horſe into Scotland by way of Kelſey. Leſley, general of the Scots, being informed of the earl of Holland's march, ſent 5 or 6000 foot and 500 horſe againſt him, who made him halt on a ſudden. He ſent, however, a trumpet to command them to retire according to their promiſe. It was anſwered, he would do much better to withdraw himſelf; and, indeed, he found it proper to take their advice. The earl of Holland's march, which came to nothing, freed the Scots from their promiſe of not approaching the borders, and on the morrow, Leſley marched towards Kelſey, with about 12000 men.

The king begins to miſtruſt his friends. Nalſon.

The king began then to perceive that the obedience of the Scots was not owing to their fear, and that hitherto he had followed wrong counſels; wherefore he took a ſudden reſolution to ſtand upon the defenſive, and that very day wrote to the marqueſs of Hamilton, who was in the Frith with the fleet, to order him not to begin hoſtilities, tho' he had been ſent there to take all poſſible advantages upon the Scots. But this reſolution was taken a little too late, after what he had juſt done, at leaſt, if he had no other deſign than to make the publick believe he had undertaken the war only in his own defence. But he had a ſtronger reaſon not to engage too far; for, upon notice of the Scots approach, moſt of his generals had adviſed him not to give battle, tho' he was much ſuperior in number of troops, which he could aſcribe only to their unwillingneſs to venture their lives in his ſervice.

The Scots ſue for peace. Nalſon. Ruſhw. Annals.

The two armies were ſo near one another, that a battle was expected every day, tho', in truth, both ſides were alike reſolved to ſtand upon the defenſive. But when it was leaſt expected, the lord Dumfermling, a Scotchman, came to the king's camp with a trumpet, and preſented to his majeſty, in the name of the Scots, a very humble petition, intreating him to appoint commiſſioners to negotiate a peace. The king anſwered, he had ſent a proclamation to Edinburgh, whereby he offered his ſubjects of Scotland the free enjoyment of their religion and laws, with a pardon to ſuch as ſhould return to their duty; that this proclamation had been rejected with contempt; but he deſired it might be publiſhed in the Scotch army, after which, he would be graciouſly pleaſed to hear their petitions. The lord Dumfermling returning with this anſwer, the Scotch general ordered the proclamation to be publickly read in the army, which done, the king appointed ſix commiſſioners to treat with the Scots.

Their demands. Ruſhw. Nalſon.

In the conference held the 11th of June, between the commiſſioners of both parties, the Scots deſired three things; viz.

" 1. That the acts of the late aſſembly at
" Glaſgow, ſhould be ratified in the enſuing
" parliament.

" 2. That all matters eccleſiaſtical might
" be determined by the aſſemblies of the
" kirk, and matters civil by parliament.

" 3. That his majeſty's ſhips and forces by
" land be recalled; that all perſons, ſhips,

“and goods arreſted be reſtored; and that all excommunicate perſons, incendiaries and informers againſt the kingdom, who had cauſed theſe commotions for their own private ends, might be returned to ſuffer their deſerved cenſure and puniſhment.”

Upon this the king deſiring the Scots to give in writing the reaſons and grounds of their demands, the lord Lowdon, one of the Scottiſh deputies, ſaid, their deſires were only to enjoy their religion and liberties, according to the eccleſiaſtical and civil laws of the kingdom, and that they would not inſiſt upon any point that was not ſo warranted; humbly offering all civil and temporal obedience to his majeſty, which could be required or expected of loyal ſubjects. The king replied, if this was all that was deſired, the peace would ſoon be concluded; and, indeed, he granted immediately what the lord Lowdon demanded, in the very ſame words, and on the ſame terms.

Ruſhw. Annals.

Then the Scottiſh deputies gave in writing the reaſons and grounds of their three demands, and added, it was alſo deſired that parliaments might be held at ſet times, once, at leaſt, in two or three years, by reaſon of his majeſty's abſence, which hindered his ſubjects in their complaints and grievances to have immediate acceſs to his majeſty. They took occaſion likewiſe to declare in this paper, that it had always been far from their thoughts to refuſe due obedience to their native king, or to make an invaſion upon England. They ſaid, theſe were calumnies, the authors whereof they moſt humbly deſired might be made a publick example.

Nalſon.

It was the 15th of June before the king returned his anſwer, which muſt have embarraſſed him. He had filled all England with complaints concerning the horrible rebellion of the Scots, and yet theſe ſame people whom he would have to be deemed rebels, deſired only to enjoy their religion and liberties. On the other hand, he had levied a great army, and prepared a fleet on pretence to defend England againſt the invaſion the Scots were meditating; but they ſolemnly declared, they never intended any ſuch thing. At laſt, he gave his anſwer to this effect.

The king's anſwer. Ruſhw. Annals.

“1. That he could not ratify or approve the acts of the general aſſembly at Glaſgow.

“2. That notwithſtanding he was pleaſed to confirm and make good whatſoever his commiſſioner had granted and promiſed in his name.

“3. That according to the petitioners deſire, all matters eccleſiaſtical ſhould be determined by the kirk, and matters civil by the parliament.

“4. That a free general aſſembly ſhould be held at Edinburgh the 6th day of Auguſt, and a parliament at the ſame place the 20th of Auguſt next enſuing.

“5. That upon the Scots diſarming and diſbanding their forces, diſſolving and diſcharging all their pretended tables and conventions, and reſtoring to every one whatſoever had been taken and detained from them ſince the late pretended general aſſembly, his majeſty would preſently after recall his fleet, and retire his land-forces, and cauſe reſtitution to be made to all perſons of their ſhips and goods, detained and arreſted ſince the aforeſaid aſſembly.”

Upon this anſwer the ſeven following articles were at laſt agreed on, the 17th of June, wherein, however, there was no mention of the principal reaſons of the quarrel, becauſe theſe matters were to be examined by the general aſſembly and parliament of Scotland; ſo, tho' theſe articles were called articles of pacification, it could not but be a very doubtful peace, ſince there was nothing yet decided concerning the grounds of the war.

Articles agreed upon.

Articles of peace. Nalſon.

“1. The forces of Scotland to be diſbanded and diſſolved, within 48 hours after the publication of his majeſty's declaration being agreed upon.

“2. His majeſty's caſtles, forts, ammunitions of all ſorts, and royal honours to be delivered after the ſaid publication, ſo ſoon as his majeſty can ſend to receive them.

“3. His majeſty's ſhips to depart preſently after the delivery of the caſtles, with the firſt fair wind, and in the mean time no interruption of trade or fiſhing.

“4. His majeſty is graciouſly pleaſed to cauſe to be reſtored all perſons, goods and ſhips, detained and arreſted ſince the firſt day of November laſt paſt.

“5. There ſhall be no meetings, treatings, conſultations, or convocations of his majeſty's lieges, but ſuch as are warranted by act of parliament.

“6. All fortifications to deſiſt, and no farther working therein, and they to be remitted to his majeſty's pleaſure.

“7. To reſtore to every one of his majeſty's good ſubjects their liberties, lands, houſes, goods and means whatſoever, taken or detained from them by whatſoever means ſince the aforeſaid time.”

Ruſhw. Nalſon.

According to theſe articles, the Scots diſbanded their troops, but in ſuch a manner, if we may believe the king's friends, that they could eaſily reaſſemble them in caſe of neceſſity. This ſeems to me very probable, ſince it is certain, the readineſs ſhewn by the two parties to conclude a peace, was an occaſion of miſtruſt to both.

The king nominates the earl of Traquair for his high-commiſſioner.

As the general aſſembly and parliament were to meet in Auguſt, the king appointed the earl of Traquair to repreſent his perſon in quality of high-commiſſioner. This lord, who was treaſurer of Scotland, was entirely devoted to him, and it was with him that the Scottiſh biſhops and archbiſhop of Canterbury held, before the war, a ſtrict correſpondence, in order to accompliſh the king's deſigns. The king gave him the following inſtructions, ſigned with his own hand.

Lord Traquair's inſtructions. Nalſon. Ruſhw. Annals.

Inſtructions given to the earl of Traquair, lord high-commiſſioner for Scotland.

‘AT the firſt meeting of the aſſembly, before it be brought in diſpute who ſhall preſide, you ſhall appoint him who was moderator in the laſt aſſembly, to preſide in this till a new moderator be choſen.

‘We allow that lay-elders ſhall be admitted members of this aſſembly; but in caſe of the election of commiſſioners for presbyteries, the lay-elders have had voice, you ſhall declare againſt the informality thereof; as alſo againſt lay-elders having voice in fundamental points of religion.

‘At the firſt opening of the aſſembly, you ſhall ſtrive to make the aſſembly ſenſible of our goodneſs, that notwithſtanding all that is paſt, whereby we might have been juſtly moved not to hearken to their petitions, yet we have been graciouſly pleaſed to grant a free general aſſembly; and for great and weighty conſiderations, have commanded the archbiſhops and biſhops not to appear at this aſſembly.

‘You ſhall not make uſe of the aſſeſſors in publick, except you find you ſhall be able to carry their having vote in the aſſembly.

‘You ſhall labour to your utmoſt, that there be no queſtions made about the laſt aſſembly; and in caſe it come to the worſt, whatever ſhall be done in ratification, or with relation to the former aſſembly, our will is, that you declare the ſame to be done as an act of this aſſembly, and that you conſent thereto only upon theſe terms, and no ways as having any relation to the former aſſembly.

‘You ſhall by all means ſhun the diſpute about our power in aſſemblies; and if it ſhall be urged or offered to be diſputed, whether we have the negative voice, or the ſole power of indicting, and conſequently of diſſolving, except you ſee clearly that you can carry the ſame in our favour, ſtop the diſpute; and rather than it be decided againſt us, ſtop the courſe of the aſſembly until we be advertiſed.

‘For the better facilitating of our other ſervices, and the more peaceable and plauſible progreſs in all buſineſſes recommended to you, we allow you at any time you ſhall find moſt convenient, after the opening of the aſſembly, to declare, that notwithſtanding our own inclination, or any other conſiderations, we are contented, for our people's full ſatisfaction, to remit epiſcopacy, and the eſtate of biſhops to the freedom of the aſſembly; but ſo, as no reſpect be had to the determination of the point in the laſt aſſembly.

‘But in giving way to the aboliſhing of epiſcopacy, be careful that it be done without the appearing of any warrant from the biſhops; and if any offer to appear for them, you are to enquire for their warrant, and carry the diſpute ſo, as the concluſion ſeem not to be made in prejudice of epiſcopacy as unlawful, but only in ſatisfaction to the people for ſettling the preſent diſorders, and ſuch other reaſons of ſtate; but herein you muſt be careful that our intentions appear not to any.

‘You ſhall labour, that miniſters depoſed by the laſt aſſembly, or commiſſions flowing from them, for no other cauſe but the ſubſcribing the petition or declinator againſt the laſt aſſembly, be upon their ſubmiſſion to the determination of this aſſembly, reponed in their own places; and ſuch other miniſters as are depoſed for no other faults, that they be tried of new; and if that cannot be, ſtrive that commiſſions may be directed from this aſſembly, for trying and cenſuring them, according to the nature of their proceſs.

‘That immediately upon the concluſion of this aſſembly, you indict another at ſome convenient time, as near the expiring of the year as you can, and if you find that Aberdeen be not a place agreeable, let Glaſgow be the place; and if that cannot give content, let it be elſewhere.

‘The general aſſembly is not to meddle with any thing that is civil, or which formerly hath been eſtabliſhed by act of parliament, but upon his majeſty's ſpecial command or warrant.

‘We will not allow of any commiſſioner from the aſſembly, nor no ſuch act as may give ground for the continuing of the tables or conventicles.

‘In caſe epiſcopacy be aboliſhed at this aſſembly, you are to labour that we may have the power of chuſing of ſo many miniſters, as may repreſent the 14 biſhops in parliament; or if that cannot be, that 14 others whom we ſhall preſent be agreed to, with a power to chuſe the lords of the articles for the nobility for this time, until the buſineſs be farther conſidered upon.

‘We allow that epiſcopacy be aboliſhed, for the reaſons contained in the articles; and the covenant 1580, for ſatisfaction of our people be ſubſcribed, provided it be ſo conceived, that thereby our ſubjects be not forced to abjure epiſcopacy, as a point of Popery, or contrary to God's law, or the Proteſtant religion; but if they require it to be abjured, as contrary to the conſtitution of the church of Scotland, you are to give way to it rather than to make a breach.

‘After all aſſembly-buſineſs is ended, and immediately before prayers, you ſhall in the faireſt way that you can, proteſt, that in reſpect of his majeſty's reſolution of not coming in perſon, and that his inſtructions to you were upon ſhort advertiſement, whereupon many things may have occurred, wherein you have not had his majeſty's pleaſure; and for ſuch other reaſons as occaſion may furniſh, you are to proteſt, that in caſe any thing hath eſcaped you, or hath been condeſcended upon in this preſent aſſembly, prejudicial to his majeſty's ſervice, that his majeſty may be heard for re-

'dreſs thereof in his own time and place *.

At Berwick the 27th of July, 1639.

Farther inſtructions to the earl of Traquair.

Right truſty,

Ruſhw. Annals. Nalſon.

'WE have hitherto commanded Hamilton to anſwer ſeveral of your letters, but that of the 16th of Auguſt being of more weight than any of your former, we have thought fit to anſwer it ourſelf.

'And whereas you ſay, that nothing will ſatisfy them, except in terminis, the laſt aſſembly be named and ratified, or that way be given to the diſcharging of epiſcopacy, as abjured in that church, as contrary to the confeſſion of faith 1580, and the conſtitutions of the ſame, you being yet in ſome hope that the word abjured may be got changed, and that in drawing up the words of the act, it be only condemned as contrary to the conſtitution of the church: We in this point leave you to your inſtructions, they being full, if you conſider what we have ſaid concerning epiſcopacy, and ſubſcribing the confeſſion of faith 1580, we thinking it fit to declare hereupon unto you, that let their madneſs be what it will, farther than we have declared in our inſtructions, in theſe points we will not go.

'For the ſervice-book, and book of canons, tho' we have been and are content they be diſcharged, yet we will never give our voice nor aſſent that they be condemned, as containing divers heads of Popery and ſuperſtition; in like manner, tho' we have been and are content that the high-commiſſion be diſcharged, yet we will never acknowledge that it is without law, or deſtructive to the civil and eccleſiaſtical judicatories of that our kingdom: Nor that the five articles of Perth, tho' diſcharged with our approbation, be condemned, as contrary to the aforeſaid confeſſion. As concerning the late aſſemblies, we cannot give our conſent to have them declared null, ſince they were ſo notoriouſly our father (of happy memory) his acts; it ſeeming ſtrange that we having condeſcended to the taking away of theſe things that they complained of, which were done in thoſe aſſemblies, they will not be content therewith, without laying an aſperſion on our father's actions. Wherefore if the aſſembly will, in deſpite of your endeavour, conclude contrary to this, you are to proteſt againſt their proceedings in theſe points, and be ſure not to ratify them in parliament.

'Concerning the yearly indiction of general aſſemblies, and the confeſſion of faith, we commanded Hamilton, in his of the 16th, to anſwer that point to this effect, that we think it infinitely to our prejudice that we ſhould conſent to tie ourſelf for the keeping yearly of their aſſemblies, not needing to repeat the reaſons, they being well enough known to you; ſeeing at Berwick it was conceived upon debate of that point, that your having power to indict a new one within the year, would ſave that diſpute, which you are by all means to eſchew. But if this will not give ſatisfaction, you are by no means to give your aſſent to any ſuch act, nor to ratify the ſame in parliament.

'The article in your inſtructions, which is only that the covenant 1580, ſhall be ſubſcribed, you muſt have an eſpecial care of, and how you proceed therein; that the bond be the ſame which was in our father's time, mutatis mutandis; and that you give your aſſent no other ways to the interpretations thereof, "than may ſtand with our future intentions well known to you;" nor is the ſame otherwiſe to be ratified in parliament.

'Thus you have our pleaſure fully ſignified in every particular of your letter; which you will find no ways contrary to our reſolution taken at Berwick, and our inſtructions given to you there. But if the madneſs of our ſubjects be ſuch, that they will not reſt ſatisfied with what we have given you power and authority to condeſcend to, which notwithſtanding all their inſolencies we ſhall allow you to make good to them, we take God to witneſs, that what miſery ſoever ſhall fall to that country hereafter, it is no fault of ours, but their own procurement. And hereupon we do command you, that if you cannot compoſe this buſineſs according to our inſtructions, and what we have now written, that you prorogue the parliament till the next ſpring; and that you think upon ſome courſe how you may make publickly known to all our ſubjects, what we had given you power to condeſcend to. And becauſe it is not improbable, that this way may produce a preſent rupture, you are to warn and aſſiſt Ruthven for the defence of the caſtle of Edinburgh; and to take in general the like care of all our houſes and forts in that kingdom; and likewiſe to advertiſe all ſuch who are affected to our ſervice, that timouſly they may ſecure themſelves; and ſo we bid you heartily farewell.'

It is plain from theſe inſtructions, that Charles had ſome private intentions, but which were known to the earl of Traquair. The following letter may help to diſcover part of theſe intentions, at leaſt, with reſpect to the biſhops.

His majeſty's letter to the archbiſhop of St. Andrews.

Right truſty, and well-beloved counſellor, and reverend father in God, we greet you well.

Ruſhw. Nalſon. Annals.

'YOUR letter, and the reſt of the biſhops (ſent by the elect of Cathneſs) to my lord of Canterbury, hath been by him communicated to us: And after ſerious conſideration of the contents thereof, we have thought fit ourſelf to return this anſwer to

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* Hence it is plain, the king had a mind to reſerve a means to diſavow his commiſſioner. Rapin.

you for direction according to our promiſe, which you are to communicate to the reſt of your brethren.'

'We do in part approve of what you have adviſed, concerning the prorogating of the aſſembly and parliament, and muſt acknowledge it to be grounded upon reaſon enough, were reaſon only to be thought on in this buſineſs; but conſidering the preſent ſtate of our affairs, and what we have promiſed in the articles of pacification, we may not (as we conceive) without great prejudice to ourſelf and ſervice, condeſcend thereunto; wherefore we are reſolved (rather neceſſitated) to hold the aſſembly and parliament at the time and place appointed; and, for that end, we have nominated the earl of Traquair our commiſſioner, to whom we have given inſtructions, not only how to carry himſelf at the ſame, but a charge alſo to have a ſpecial care of your lordſhips, and thoſe of the inferior clergy, who have ſuffered for their duty to God, and obedience to our commands. And we do hereby aſſure you, that it ſhall be ſtill one of our chiefeſt ſtudies, how to rectify and eſtabliſh the government of that church aright, and to repair your loſſes, which we deſire you to be moſt confident of.

'As for your meeting to treat of the affairs of the church, we do not ſee, at this time how that can be done; for within our kingdom of Scotland, we cannot promiſe you a place of ſafety; and in any other of our dominions we cannot hold it convenient, all things conſidered; wherefore, we conceive, that the beſt way would be for your lordſhips to give in, by way of proteſtation or remonſtrance, your exceptions againſt this aſſembly and parliament to our commiſſioner, which may be ſent by any mean man, ſo he be truſty, and deliver it at his entering into the church; but we would not have it to be either read or argued in this meeting, where nothing but partiality is to be expected, but to be repreſented to us by him; which we promiſe to take ſo into conſideration, as becometh a prince ſenſible of his own intereſt and honour, joined with the equity of your deſires; and you may reſt ſecure, that tho' perhaps we may give way for the preſent, to that which will be prejudicial both to the church and our own government, yet we ſhall not leave thinking in time how to remedy both.

'We muſt likewiſe intimate unto you, that we are ſo far from conceiving it expedient for you, or any of my lords of the clergy to be preſent at this meeting, as we do abſolutely diſcharge your going thither; and, for your abſence, this ſhall be to you, and every of you, a ſufficient warrant: In the interim, your beſt courſe will be to remain in our kingdom of England, till ſuch time as you receive our farther order, where we ſhall provide for you ſubſiſtence; tho' not in that meaſure as we could wiſh, yet in ſuch a way as you ſhall not be in want.

'Thus you have our pleaſure briefly ſignified unto you, which we doubt not but you will take in good part: You cannot but know, that what we do in this we are neceſſitated to; ſo we bid you farewell.'

Whitehall, Aug. 6, 1639. C. R.

The late peace very uncertain.

Clarendon. Ruſhw.

I have already obſerved, that the late peace between the king and his ſubjects of Scotland, did not properly conſiſt in the ſeven articles of pacification, ſince there was no mention there of the true ground of the quarrel, but only of what paſſed after the breach. Indeed, both parties agreed to lay down their arms; but the peace could not be ſaid to be concluded, ſo long as the motives of rupture ſtill ſubſiſted. If the demands of the Scots, and the king's anſwer be conſidered, ſuch ambiguity on both ſides will appear, that the peace muſt have been deemed very doubtful. The Scots reduced their demands to this, "That they might enjoy their religion and liberties, according to the eccleſiaſtical and civil laws of the kingdom, offering, in return, all obedience to his majeſty, which could be required or expected of loyal ſubjects." The king granted this their deſire in the ſame words, and on the ſame conditions. But there was a palpable ambiguity as well in the demand, as in the anſwer. The Scots underſtood by the laws of the kingdom, thoſe that were in force before king James's acceſſion to England, and all the innovations by them complained of; but the king meant ſuch as were enacted ſince that time. The condition was no leſs equivocal, for the obedience promiſed by the Scots, related to the obſervance of the antient laws, but that expected by the king, was founded upon the late laws. Both parties muſt have perceived the equivocation in what was to be the foundation of the peace, ſince neither of the parties could be ignorant of the occaſion of the breach. But, however, both ſides feigned not to perceive it, in order to be freed from their embarraſſment in taking arms. The Scots had flattered themſelves, that conſidering the diſcontents which reigned in England, the king would not be able to raiſe an army to reduce them to obedience; but contrary to their expectation, they ſaw him near their borders, at the head of 20,000 men, whilſt they had not above 12,000, without reckoning his fleet, which interrupted their trade. It was, therefore, their intereſt, by all means to endeavour to avoid a deciſion of the quarrel by arms. The loſs of a battle would have certainly reduced them to ſlavery. Beſides, their friends in England, diſſuaded them from running any riſque, and made them hope, they ſhould, very ſoon, put it out of the king's power to hurt them. For theſe reaſons, they were contented with the general demand of their religion and liberties, in order to gain time, knowing, that when matters came to be diſcuſſed, they ſhould find means to include all their pretenſions in this general demand. The king, on his ſide, was no leſs embarraſſed. Tho' he had an army ſuperior in number of troops, he was apprehenſive of treacheries, or, at leaſt, that his Engliſh ſubjects would not chearfully venture their lives for his ſake; ſo that the loſs of a battle would not only have occaſioned the loſs of Scotland, but even put his affairs in England in a very ill ſituation. Therefore, tho' he could not poſſibly be ignorant of what the Scots meant by their religion and laws, finding they did not explain themſelves more clearly, he took them at their word, in a belief, that at a more convenient ſeaſon, it would be in his power to give theſe terms the ſenſe that to him ſeemed moſt natural. It may, therefore, be affirmed, that this peace, which yet decided nothing, was concluded upon very uncertain foundations, and that both parties, when they laid down, were in much the ſame ſtate as when they took up their arms. But it was eaſy to foreſee, a time would come, when it would be neceſſary to explain what hitherto remained in obſcurity.

The biſhops declinator. Aug. 10, 11. Nalſon. Ruſhw.

The biſhops failed not, according to the king's advice, to preſent a declinator or proteſtation to the high-commiſſioner, who receiving it publickly as he was going into the church, was contented with ſending it to the king, without communicating it to the aſſembly, The king was deſirous to have ſuch a paper in his hands, that he might uſe it upon occaſion, or at a more proper time.

Acts of the general aſſembly Auguſt. Nalſon.

In this general aſſembly held, at Edinburgh, by the king's order, the high-commiſſioner had ſufficient intereſt to hinder any mention of the former aſſembly at Glaſgow. Nevertheleſs, there paſſed ſeveral acts very diſagreeable to the king, to which, however, the high-commiſſioner gave his conſent.

Ruſhw.

'The firſt contained the cauſes of the evils that had lately happened in the kirk of Scotland.' Theſe cauſes, being ſix in number, were in ſubſtance: '1. The preſſing of the ſervice-book, the books of canons, and of conſecration and ordination, and the high-commiſſion. 2. The five articles of Perth. 3. The changing the government of the kirk into epiſcopal government. 4. The civil places conferred on kirkmen. 5. The keeping and authoriſing the aſſemblies in 1606, 1608, 1610, 1616, 1617, 1618. 6. The want of lawful and free general aſſembles.' It was, therefore, ordained by this act, that all theſe things ſhould be aboliſhed, and the kirk reſtored to its former ſtate. To this act the high-commiſſioner conſented verbally, and promiſed to have it ratified in the enſuing parliament. 'Another act alſo paſſed for the better keeping the Lord's day.'

Nalſon.

After which, followed a ſupplication of the general aſſembly to the commiſſioner, deſiring that a book called, The large declaration; and written by Dr. Balcanquel, dean of Durham, a Scotchman, againſt his countrymen, might be called in. To this the commiſſioner gave no other anſwer, but that he would impart the ſame to his majeſty,

Ruſhw. Annals.

Then was preſented to the high-commiſſioner another ſupplication from the aſſembly, and the lords of the privy-council, wherein they petitioned, that it might be enjoined, by act of council, that the confeſſion and covenant ſhould be ſubſcribed by all his majeſty's ſubjects in Scotland, of what rank and quality ſoever. The high-commiſſioner anſwered, by advice of the council, that he thought himſelf bound in conſcience to approve of the covenant, and as earl of Traquair, would ſubſcribe it as heartily as any ſubject in the kingdom; but as the king's commiſſioner he could not do it, unleſs a clauſe was added, that this covenant was the ſame with that ſubſcribed by king James VI, in the years 1580, 1581, and 1590. Whereupon the aſſembly made a new act, enjoining all the members of the kirk to ſign the covenant, with this clauſe prefixed to the names of the ſubſcribers:

Ruſhw.

“We ſubſcribe this covenant according to the explanation it hath received from the general aſſembly, that is, as declaring the five articles of Perth, the government of the kirk by biſhops, and the beſtowing of civil places on kirkmen, to be unlawful within this kirk.”

Ruſhw. Annals.

After that, the aſſembly reſolved to preſent a petition to the king, to pray him to cauſe theſe acts to be ratified by the parliament; That done, they appointed the laſt Tueſday in July, 1640, for holding another general aſſembly at Aberdeen, without conſulting the high-commiſſioner.

A remark upon theſe acts. Nalſon.

The acts paſſed in this aſſembly, plainly ſhew what the Scots meant by their religion, viz. that profeſſed in 1580. The aſſembly had alſo determined, contrary to the king's, pretenſions, that epiſcopacy was aboliſhed by the confeſſion of faith of the year 1580, tho' the biſhops were not ſo much as mentioned. Whereas, the king pretended, the religion of the kingdom was that which was actually profeſſed ſince the year 1606, and ſince eſtabliſhed by ſeveral acts of parliament, and general aſſemblies. On the contrary, the aſſembly of Edinburgh declared, that the aſſemblies held from 1606, to 1618, were void, and thereby annulled the acts of parliament by which they were confirmed and ratified. As to the covenant, the ſame aſſembly, in pretending to admit of the clauſe annexed by the earl of Traquair, had rendered it of no effect, by an additional explication. The earl was much blamed for not ſtoutly oppoſing this interpretation; nay, when he came to give the king an account of his commiſſion, a Scotch biſhop accuſed him of treaſon, and offered to ſuffer as a traitor, if he did not make good his accuſation.

Ruſhw.

Annals.

Acts of the parliament of Scotland.

By what had paſſed in the aſſembly, the king ſaw plainly what he was to expect from the parliament, which met preſently after the ſeperation of the aſſembly. Before the ratification of the acts of the aſſembly was propoſed, they preſented to the high-commiſſioner ſome acts, which ſhewed they were no leſs bent to maintain the privileges of the people, and guard againſt the artifices by which the court had for 40 years cauſed the parliament to paſs what they pleaſed. I have mentioned elſewhere the manner of chuſing the lords of the articles in the parliament of Scotland, but it is neceſſary to explain it a little more fully, for the better underſtanding how advantageous to the king this method was grown. Ever ſince the reign of David Bruce, that is, for about 300 years, it had been cuſtomary in Scotland, that when the parliament met, there were elected a certain number of noblemen, biſhops, barons, and burgeſſes, who were called lords of the articles. The buſineſs of this ſelect committee was to examine and prepare the bills which were to be moved in parliament; and as they had power to reject ſuch as they did not judge neceſſary or convenient, it ſeldom happened, that thoſe they admitted were ever thrown out. The manner of election, ſettled at a time when the inconveniencies could not be foreſeen, was thus: The body of the nobility nominated eight biſhops, theſe biſhops named eight lords, the *16* elect biſhops and lords choſe eight barons, theſe *24* elected eight burgeſſes. This cuſtom ſubſiſted without many inconveniencies, till James VI. attempted to reſtore epiſcopacy. That prince, as we have ſeen, began with reſtoring the biſhops and lay-abbots, to their ſeats in parliament; and thereby had the votes of all the repreſentatives of the church at his command. So the nobility, in chuſing eight biſhops, could name none but what were devoted to the king, from whom they received their benefices. Theſe eight biſhops made it their chief care to name eight lords, on whom the king could depend. Theſe *16* never failed to chuſe eight barons of the ſame party, and conſequently, the eight burgeſſes elected, by the twenty-four, were likewiſe friends of the court. By this means, the king obtained of the parliament the fore-mention'd acts, to reſtore epiſcopal government in the kirk, notwithſtanding all the endeavours of the general aſſemblies. This gave occaſion alſo to the complaint publickly diſperſed in writing, that Charles I, in his journey to Scotland, had uſed unlawful methods to obtain the two acts concerning religion, of which I have ſpoken. It is ſaid, that among the eight lords then choſen by the biſhops, there were three ſuſpected of Popery.

Ruſhw.

As ſince that time the face of affairs had been much changed in Scotland, and the king had no longer any power there, the parliament, which met by his majeſty's order at Edinburgh, in the Year *1639*, reſolved to prevent the inconveniencies flowing from the election of the lords of the articles. To that purpoſe they preſented to the high-commiſſioner an act, declaring null and void whatever ſhould be done in parliament, before the antient way of electing the lords of the articles ſhould be altered. This act was founded not only upon the forementioned inconveniencies, but chiefly upon the parliament's diſpoſition to aboliſh entirely the order of biſhops, from whence followed an abſolute neceſſity to alter the manner of chuſing the lords of the articles. Beſides, in all appearance, the parliament was willing to obviate thereby the king's demand, that 14 miniſters or lay-abbots of his chuſing might ſupply the place of the biſhops.

Whitelock

Beſides this act, which was very material at this juncture, the parliament preſented alſo ſeveral others, all tending to leſſen the king's prerogative.

“2. By the ſecond it was enacted, that the coin ſhould not be meddled with, but by advice of parliament.

“3. By the third, that no ſtranger ſhould be entruſted with the keeping of any caſtles, nor other perſon put in them, but by advice of the eſtates.” This was becauſe the king had lately made two Engliſhmen governors of the caſtles of Edinburgh and Dunbarton.

“4. That no patent of honour be granted to any ſtranger, but ſuch as have a competency of land-rent in Scotland.

“5. That no commiſſion of juſticiary or lieutenancy may be granted but for a limited time.

“6. They proteſted againſt the precedency of the lord-treaſurer, and lord privy-ſeal, becauſe, as they alledged, the ſame was not warranted by a poſitive law.”

There were others of the ſame nature, all prejudicial to the king, but which it is needleſs to inſert. It may well be thought, the high commiſſioner did not believe himſelf ſufficiently authoriſed to give his conſent to all theſe acts, without informing his majeſty.

The king prorogues the parliament.
Ruſhw.

The king ſeeing what courſe his affairs were taking in the parliament of Scotland, plainly perceived by theſe firſt proceedings, that his commiſſioner would be little able to follow his inſtructions, and therefore, ordered him by letter only, to prorogue the parliament till the 2d of June the next year *1640*, and if he met with oppoſition, to declare that the members who ſhould continue to aſſemble, were guilty of high-treaſon. This order being ſignified to the parliament, met not with that compliance, the king, perhaps, had expected. They broke up, however, but in ſuch a manner as was no leſs diſagreeable to the king, than if they had continued their ſeſſion. Before they parted, they made a declaration, importing that the earl of Traquair had not power to prorogue the parliament upon the king's letter, without the conſent of the parliament itſelf. That this order was owing to miſinformations, the parliament not having given the king any offence, or cauſe of complaint. That, hitherto, the parliaments were never prorogued without their own conſent, and, conſequently, this prorogation was contrary to the uſage of the kingdom. They complained moreover, that the earl of Traquair and the council had ſeveral ways violated the privileges of parliament, during this preſent ſeſſion. In a word, they declared, that tho' they might lawfully remain aſſembled, notwithſtanding the prorogation, they were willing to break up, in order to give the king a proof of their obedience; but, however, thought proper to leave a committee of ſome of each eſtate, to preſent a remonſtrance to his majeſty, and attend his gracious anſwer, and to aſſure the king on all occaſions of the parliament's ſincere intention to pay him all due obedience. The declaration concluded with a proteſtation, that if any outrages or inſolencies ſhould be committed, they could

1639.

not be imputed to them, ſince they were conſtrained to uſe the propereſt means to ſecure the kirk and ſtate from the impending miſery and confuſion.

The king refuſes audience to the deputies of the committee. Ruſhw.

According to the power given them by the parliament, the committee ſent the earl of Dunfermling and the lord Lowdon to preſent a remonſtrance to his majeſty; but the king refuſed to give theſe deputies audience, as coming without warrant from the high-commiſſioner, and without communicating to him the occaſion of their journey. After their departure, the king ſent for the earl of Traquair, and ordered him to report to the council what had paſſed in Scotland ſince the pacification. It was upon this lord's report, and without hearing what the Scots had to ſay in their defence, that the council of England unanimouſly declared, it was abſolutely neceſſary to reduce the Scots to their duty by force of arms. In the interim, as this reſolution ſeemed a little too haſty, ſince it was not yet known what the Scots might plead in their vindication, the king, perceiving how prejudicial this precipitation might be to him, gave the committee of Edinburgh leave to ſend their deputies. But this was more for decency, than to ſee whether there would be any reaſon to alter the reſolution already taken, the king not being ignorant of what could be ſaid on this occaſion.

The council of England reſolves upon a war with Scotland. Ruſhw.

1640. Other deputies come from Scotland. Ruſhw.

Purſuant to the king's permiſſion, four deputies came preſently after, viz. the earl of Dunfermling, the lord Lowdon, Sir William Douglaſs, and Mr. Robert Berkley, and preſented to him two petitions. The firſt was from the late general aſſembly held at Edinburgh, who, after thanking him for being pleaſed to conſent that eccleſiaſtical affairs ſhould be determined in the aſſembly of the kirk, prayed him to ratify their conſtitutions by the parliament. By the other petition, the four deputies deſired to be heard before ſome of the counſellors of both kingdoms, and that the earl of Traquair's report to the council of England might be given them in writing under his hand. The king thought not proper to grant either of theſe articles. However, he appointed a committee of the council to hear them, to which the deputies would not agree, ſaying, they were ſent to his majeſty to juſtify the proceedings of the parliament of Scotland, and not to the council of England, who had no juriſdiction over the Scots. To remove this objection, the king was pleaſed to hear them himſelf, in the preſence of the committee he had appointed. The lord Lowdon made a long ſpeech in vindication of their tranſactions in Scotland; for that was the ſole motive of the deputation. But the king feigning to believe, and being very willing to ſuppoſe they were come to treat with him of an agreement, objected to them, that their powers were inſufficient, ſince they could neither offer nor accept any terms. A few days after, the council of England declared, that the Scotch deputies had power only to juſtify the proceedings of their country-men. And, indeed, they had been ſent only for that purpoſe, and not to treat with the king.

The king uſes artifice to have occaſion to go to war with Scotland. Ruſhw.

1640.

It was reſolved, as I ſaid, in the council of England, to reduce the Scots to obedience by force. It is neceſſary, therefore, to ſhew upon what this reſolution was founded. Tho' the king was by no means pleaſed with the acts of the general aſſembly of Edinburgh, he had no reaſon, however, to complain, ſince they were approved by his high-commiſſioner, authoriſed for that purpoſe by a commiſſion under the great-ſeal. Wherefore, being deſirous to hinder theſe acts from being ratified by the parliament, he thought it more proper to ground the breach occaſioned by the prorogation of the parliament of Scotland, upon the proceedings of the parliament than upon thoſe of the aſſembly. He complained therefore,

Reaſons alledged by the king for his breaking with Scotland. Ruſhw.

‘1. That under pretence of his having promiſed a free parliament, they had carried that freedom ſo far as to imagine, that it was not to be limited with their own conditions, ſubſcribed by the lord Lowdon, which were to enjoy their religion and liberties, according to the eccleſiaſtical and civil laws of their kingdom; for it was evident that the parliament had far exceeded the bounds eſtabliſhed by the laws.

‘2. If they object, that they aſſume this liberty by our allowing of the covenant, and commanding our former high-commiſſioner the lord marqueſs of Hamilton, and other our ſubjects to ſubſcribe it; the anſwer is very ready, that there is a great difference between the covenant and band ſubſcribed by our commandment, and their band; for that covenant and band was made by our late father, king James, of bleſſed memory, anno 1580, and obligeth thoſe that ſwear to it, that they ſhould mutually aſſiſt one another, as they ſhould be commanded by the king, or any authoriſed by him. But this new band was made without our conſent, and by it they ſwear, mutually, to aſſiſt one another, not excepting the king. Neither can the earl of Traquair's ſubſcription or allowance of the covenant be any warrant for their rebellious courſes, ſeeing they did humbly ſupplicate, "that they might be allowed and warranted to ſubſcribe it;" which clearly evinces, that what they did before, and of themſelves, without warrant of authority, was neither laudable nor warrantable. Beſides, it appears by what is prefixt to the earl of Traquair's ſubſcription, that by the covenant he meant the ſame with that of 1580.

‘3. Since the parliament, they have, without any authority or commiſſion from us, taken upon them to levy and raiſe forces in ſeveral parts of the kingdom; and have aſſigned them a rendezvous, and a day to be in a readineſs to march.

‘4. They have made proviſions of great quantities of artillery, munition and arms, from foreign parts, which they have ready in magazine to make uſe of againſt us, their ſovereign.

‘5. They have of themſelves laid taxes and impoſitions of ten marks in every hundred upon all and every our ſubjects, according to 'their ſeveral revenues; and this they have exacted with the greateſt rigour and tyranny that can be imagined.

'6. They have cauſed to be framed and publiſhed, ſundry falſe, ſeditious and ſcandalous papers and pamphlets; and amongſt others, one entitled, "An information from the eſtates of the kingdom of Scotland, to the kingdom of England, &c." which we have cauſed to be burnt by the hand of the hangman.

'7. They have refuſed the lord Eſtrick, governor of our caſtle at Edinburgh, timber, and other materials neceſſary for reparation of the works lately fallen down there, notwithſtanding our expreſs commandment by our letters to them, upon their allegiance to furniſh them.

'8 They have committed ſundry outrages and violences upon the perſons of ſome of the garriſon at Edinburgh, that came out of the caſtle to buy victuals.

'9. They have begun to raiſe works and fortifications againſt the ſaid caſtle, thereby to block up that our royal fort, and to render it unuſeful. And they have fortified ſundry other places in that our kingdom, and particularly, Inſgarvy, where they have mounted divers pieces of ordnance.

'10. They have lately impriſoned the lord of Southesk, and ſundry others of quality, for not adhering to them, and for their fidelity to us.

'11. The magiſtrates of Edinburgh have upon ſundry occaſions refuſed to yield us due obedience, alledging, "That they have delivered up the power of governing the town into the hands of the committee of the pretended tables," by which they have not only voluntarily diſabled themſelves to ſerve us, but have incurred the guilt of high-treaſon, by conferring upon any that power of government which they derive and hold from us alone.'

Of theſe eleven articles, nine were inconſiderable. As after the prorogation of the parliament, the Scots had great reaſon to fear the king intended to renew the war, the precautions they took for their defence, could not be deemed a juſt cauſe of invading them, tho' their fears had been vain, at leaſt, all theſe proceedings could have been eaſily repaired by the concluſion of a good peace. But the moſt material article, on which the king chiefly inſiſted was,

'12. A letter communicated to him by the earl of Traquair, and which had been intercepted by his lordſhip. It was written to the king of France by the chief of the male-contents to deſire his aſſiſtance. The letter follows, with this endorſement, "Au Roy," which, as his majeſty obſerved, is always underſtood from thoſe ſubjects only to their natural prince.

The Scottiſh male-contents letter to the king of France. Ruſhw. Nalſon.

SIR,

"YOUR majeſty being the refuge and ſanctuary of afflicted princes and ſtates, we have found it neceſſary to ſend this gentleman, Mr. Colvil, to repreſent unto your majeſty the candour and ingenuity, as well of our actions and proceedings, as of our intentions, which we deſire to be engraven and written to the whole world with a beam of the ſun, as well as to your majeſty. We, therefore, moſt humbly beſeech you (Sir) to give faith and credit to him, and to all that he ſhall ſay on our part, touching us and our affairs; being moſt aſſured (Sir) of an aſſiſtance equal to your wonted clemency heretofore, and ſo often ſhewed to this nation, which will not yield the glory to any other whatſoever to be eternally,

SIR,
Your majeſty's moſt humble,
Moſt obedient, and
Moſt affectionate ſervants,

Rothes. Montroſe. Leſly. Marre.
Montgomery.
Loudoun. Forreſter.

The uſe the king made of the letter. Clarend.

This letter, tho' no date appears, was wrote before the peace; at leaſt, the lord Lowdon, who was committed to the tower on that account, affirmed it, and I do not find he was ever contradicted. On the other hand, the king, who pretended to receive great advantages from this letter, never ſaid it was penned ſince the ſigning of the articles of pacification. From whence it may be inferred, either the ſubſcribers forgot to date it, or the date was not ſerviceable to the king who produced it. However this be, tho' the letter was never ſent to France, ſince it was put into the hands of the earl of Traquair in Scotland, the king, who had reſolved to renew the war, made great uſe of it to vindicate his conduct. He pretended, the Scots deſigned to introduce a foreign army into their country to invade England, and, therefore, he was indiſpenſably obliged to defend his Engliſh ſubjects. But it will be ſeen hereafter, that he reaped not from it all the advantages he expected.

Upon this foundation, however, he reſolved to renew the war with Scotland. But tho' he alledged many reaſons, as we have ſeen, it is certain, the chief motive was the abolition of epiſcopacy, to which he could not conſent. If this ſingle point could have been adjuſted, the reſt were not conſiderable enough to oblige the two parties to take arms again. So, the whole queſtion of right between Charles and the Scots was reduced to this: Whether James and Charles could alter the government of the kirk of Scotland, notwithſtanding the oppoſition of the kirk itſelf; and whether the Scots might demand the abolition of epiſcopacy, eſtabliſhed upon the ruins of presbytery, on pretence of the artifices practiſed by the court to get theſe acts paſſed.

Ship-money levied. Ruſhw. Nalſon. Annals.

The war being reſolved, the king took all poſſible meaſures to have a numerous army, by taxing, as uſual, each county to find a certain number of troops. On the other hand, a ſea-fight between the Spaniards and Dutch, near the coaſt of England, furniſhed the king with a pretence to renew his warrants, for the payment of ſhip-money. As on this occaſion the Dutch, who were the aggreſſors, had ſhewn little regard to the ſovereignty of the ſea affirmed by the king, his majeſty loudly complained of the affront he had received, and upon this foundation ſeemed bent to equip a powerful fleet to preſerve the dominion of the ſea, and defend the kingdom. Wherefore he ordered ſhip-money, as well as the arrears of that tax, to be levied with great ſeverity. The ſheriff of Northamptonſhire having ſent to court a petition of the county againſt ſhip-money, the council reprimanded him very ſharply, commanding him to do his office on pain of exemplary puniſhment. On the other hand, Sir John Finch being made lord-keeper upon the death of the lord Coventry, made a ſpeech to the judges, to exhort them to uſe in their circuits all their authority to promote this tax. So, it was evident the king was reſolved to compaſs his ends, let what would be the conſequence, and that this impoſition was grown, by degrees, a ſtanding tax upon the people.

Northumberland is made general, and Strafford lieutenant-general. Ruſhw. Annals.

At laſt, the king appinted Algernoon Piercy, earl of Northumberland, forgeneral of the army againſt Scotland, and gave him for lieutenant-general, Thomas, lord Wentworth, deputy of Ireland, lately made earl of Strafford. As he always dreaded the correſpondents the Scots had in England, and for that reaſon durſt not truſt his council with all his affairs, he appointed a ſecret council, conſiſting of three perſons only, viz. the archbiſhop of Canterbury, the marqueſs of Hamilton, and the earl of Strafford. Theſe three entirely directed the king's moſt important affairs, and were the perſons, that after mature deliberation, adviſed him to call a parliament. But as the king objected to them, that before the ſubſidies, which the parliament ſhould grant, could be payed, he ſhould be reduced to great ſtraits; the ſecret council provided againſt this inconvenience, by adviſing him to borrow of each of his counſellors or others, who ſhould be willing to lend, the ſums he ſhould want to ſupply his preſent occaſions. The earl of Strafford alone ſubſcribed 20,000 pounds. The example of the counſellors being followed by ſome other lords, the king was enabled to make preparations for the war, before he had received any aid from the parliament; ſo, the parliament was called for the 13th of April, and a few days after the king publiſhed a proclamation, to revoke the ſame patents which had ſerved to eſtabliſh monopolies, tho' they had been revoked once before without any effect.

The king calls a parliament. Ruſhw.

The parliament meets. April 13.

The parliament being aſſembled at Weſtminſter, on the day appointed, the king went to the houſe of lords, and made the following ſpeech to both houſes.

My lords and gentlemen,

The king's ſpeech to the parliament. Annals.

‘THERE was never a king that had a more great and weighty cauſe to call his people together than myſelf: I will not trouble you with the particulars; I have informed my lord-keeper, and commanded him to ſpeak, and deſire your attention.’

Then Sir John Finch, lord-keeper, ſpoke thus:

My lords, and you the knights, citizens, and burgeſſes of the houſe of commons,

‘You are here this day aſſembled by his majeſty's gracious writ and royal command, to hold a parliament, the general, antient, and greateſt council of this renowned kingdom. By you, as by a ſelect choice and abſtract, the whole kingdom is preſented to his majeſty's royal view, and made happy in the beholding of his excellent and ſacred perſon. All of you, not only the prelates, nobles and grandees, but in your perſons that are of the houſe of commons, every one, even the meaneſt of his majeſty's ſubjects, are graciouſly allowed to participate and ſhare in the honour of thoſe counſels, that concern the great and weighty affairs of the king and kingdom. You come all armed with the votes and ſuffrages of the whole nation; and I aſſure myſelf, your hearts are filled with that zealous and humble affection to his majeſty's perſon and government, that ſo juſt, ſo pious, and ſo gracious a king, hath reaſon to expect from all his ſubjects. I doubt not, but you rejoice at this day's meeting, and methinks you ſhould do ſo too; and good reaſon you have to do ſo, and with all humbleneſs of heart to acknowledge, the great goodneſs of his majeſty, who ſequeſtring the memory of all former diſcouragements in preceding aſſemblies, is now of a fatherly affection to his people, and a confidence that they will not be failing in their duty to him, who is pleaſed graciouſly to invite you and all his loving ſubjects to a ſacred unity of hearts and affections, in the ſervices of him and of the common-wealth, and in the execution of thoſe counſels that tend only to the honour of his majeſty, and to the good preſervation of you all. His majeſty's kingly reſolutions are ſeated in the ark of his ſacred breaſt, and as it were a preſumption of too high a nature, for any Uzzah uncalled to touch it: Yet his majeſty is now pleaſed to lay by the ſhining beams of majeſty, as Phœbus did to Phaeton, that the diſtance between ſovereignty and ſubjection ſhould not bar you of that filial freedom of acceſs to his perſon and counſels, only let us beware how, with the ſon of Clymene, we aim not at the guiding of the chariot, as if that were the only teſtimony of fatherly affection; and let us ever remember, that tho' the king ſometimes lays by the beams and rays of his majeſty, he never lays by majeſty itſelf.

‘In former parliaments you have been adviſed with, for the preventing and diverting of thoſe dangers, which by foreign and more remote counſels, might have tended to the diſhonour and ruin of this nation; therein his majeſty's great wiſdom and providence hath for many years eaſed you of that trouble, his majeſty having with great judgment and prudence, not only ſeen and prevented

‘ our danger, but kept up the honour and ſplendour of the Engliſh crown, of which at this day we find the happy and comfortable experience, almighty God having vouchſafed ſuch ſucceſs to his majeſty's counſels, that our fleece is dry, when it raineth blood in all the neighbour ſtates. But what availeth this the kingdom? Si foras hoſtem non inveniat, ſi modo domi inveniat. You are now ſummoned to counſels and reſolutions that more nearly concern you, to prevent a danger and a diſhonour that knocks at our gates, and that moves from ſuch, from whom we had little reaſon to ſuſpect it. It is well known upon what happy and ſolid counſels one of our wiſeſt kings made a match with Scotland for his eldeſt daughter. We cannot forget (I am ſure we ſhould not) the bleſſed ſucceſs that waited upon thoſe counſels, when the crown of England deſcended upon king James, of ever bleſſed and famous memory, who with the fulneſs of joy to all true Engliſh hearts, made his entry not by bloodſhed. The wall of ſeparation was thereby taken away; and that glorious king, to make his word good, Faciam eos in gentem unam, made all England rejoice, and Scotland I am ſure had no reaſon to be ſorry for it: They participated of Engliſh honours, the wealth and revenue of this nation they ſhared in, and no good thing was with-holden from them, ſuch was the largeneſs of heart in that moſt excellent king, and ſuch was the comfort we took in this fraternity, or rather unity: When both of us had but one brazen wall of fortification to look unto, the ſea, and all things ſo equally and evenly carried between us, that Tros tyriuſque nullo diſcrimine habentur. His majeſty, our moſt gracious ſovereign, became heir, as well to his father's virtues as to his kingdoms, Pacatumque regit, &c. and in his gracious and tender affection to that nation, hath given as many indulgent teſtimonies of love and benignity, as they could expect. Thus became we both like a land flowing with milk and honey; peace and plenty dwelt in our ſtreets, and we have had all our bleſſings crowned with the ſweet hopes of perpetuity. God found out for my lord the king a companion meet for him, his royal conſort, our moſt gracious queen, who, as ſhe is not to be paralleled for her perſon and virtue, ſo hath ſhe made his majeſty and the whole kingdom moſt happy and bleſſed in the ſweeteſt pledges of their love, and our hopes, which ever ſtood like olive-branches about the throne or table; but which I ſorrow for, Civiles furores patriæ nimia infelicitas, and when his majeſty had moſt reaſon to expect a grateful return of loyalty and obedience from all the Scotiſh nation, ſome men of Belial, ſome Zeba, hath blown the trumpet there, and by their inſolencies and rebellious actions draw many after them, to the utter deſertion of his majeſty's government; his majeſty's and his kingly father's love and bounty to that nation quite forgoten, his goodneſs and piety unremembered.

‘ They have led a multitude after them into a courſe of diſloyalty and rebellious treaſon, ſuch as former times have not left in mention, nor this preſent age can any where equal; they have taken up arms againſt the lord's anointed, their rightful prince, and undoubted ſovereign, and following the wicked counſels of ſome Achitophel, they have ſeiſed on the trophies of honour, and inveſted themſelves with regal power and authority: Such, and ſo many acts of diſloyalty and diſobedience, as (let their pretences be what they will be) no true Engliſh or Chriſtian heart, but muſt acknowledge them to be the effects of foul and horrid treaſon.

‘ The laſt ſummer his majeſty, at his own charge, and at the vaſt expence of many of his faithful and loving ſubjects of England, went with an army, and then they took upon them the boldneſs to out-face and brave his royal army, with another of their own raiſing; yet for all this, his majeſty's goodneſs was not leſſened by that, nor could his gracious nature forget what he was to them, nor what they were to him; but conſidering with himſelf they were ſuch Quos nec vincere, nec, vinci glorioſum fuerat, out of his piety and clemency, choſe rather to paſs by their former miſcarriages, upon their humble proteſtations of future loyalty and obedience, than by juſt vengeance to puniſh their rebellions.

‘ But his majeſty (who is ever awake for the good and ſafety of all his ſubjects) hath ſince too plainly diſcovered, that they did but prevaricate with him to divert the ſtorm which hung over their heads, and by gaining time to purchaſe themſelves more advantage, for purſuing their rebellious purpoſes.

‘ For ſince his majeſty came from Berwick, it is come to his certain knowledge, that inſtead of performing that loyalty and obedience, which by the laws of God, of nature, and nations, they owe unto him, they have addreſſed themſelves to foreign ſtates, and treated with them to deliver themſelves up to their protection and power (as by God's great providence and goodneſs, his gracious majeſty is able to ſhew under the hands of the prime ring-leaders of that faction) than which nothing could be of more dangerous conſequence to this and his majeſty's other kingdoms. Whoſoever they be that do, or ſhall wiſh England ill, they may know it to be of too tough a complexion and courage, to be aſſailed in the face, or to be ſet upon at the fore-door: And therefore it is not unlikely, but they may (as in former times) find out a poſterngate.

‘ There were heretofore two of them, Scotland and Ireland, and both of them had their ſeveral defences.

‘ Ireland, thro' his majeſty's juſt and prudent government, is not only reduced from the diſtemper of former times, but ſettled in ſuch a condition of peace, and during his majeſty's happy reign ſo altered and civilized, that inſtead of being a charge to him (as it was to his predeceſſors) hath yielded to him ſome revenue, and his ſubjects there do daily give very acceptable teſtimonies of their loyal and dutiful affection, both to his perſon and government. And now lately at the parliament aſſembled, they have not only with full and free conſent, made his majeſty a chearful aid towards his preſent preparations, to reduce his diſaffected ſubjects in Scotland to their due obedience, but they have alſo profeſſed and promiſed, that they will be ready with their perſons and eſtates, to the uttermoſt of their ability, for his majeſty's future ſupply, as his great occaſions, by the continuance of his forces againſt that diſtemper, ſhall require; ſo that the hopes of hurting England that way, are quite extinct.

'Scotland then only remains, whither (as to a weak and diſtempered part of the body) all the rheums and fluxes of factious humours make way.

'His majeſty hath taken all theſe and much more into his princely conſideration, and to avoid a manifeſt and apparent miſchief, threatened to this and his other kingdoms, hath reſolved, by the means of a powerful army, to reduce them to the juſt and modeſt conditions of obedience.

'It is a courſe his majeſty takes no delight in, but is forced unto it; for ſuch is his majeſty's grace and goodneſs to all his ſubjects, and ſuch it is and will be to them (how undutiful and rebellious ſoever they now are) that if they put themſelves into a way of humility becoming them, his majeſty's piety and clemency will ſoon appear to all the world; but his majeſty will not endure to have his honour weighed at the common beam; nor admit any to ſtep between him and his virtue; and, therefore, as he will upon no terms, admit the mediation of any perſon whatſoever; ſo he ſhall judge it as high preſumption in any perſon to offer it, and as that which he muſt account moſt dangerous to his honour, to have any conceit, that the ſollicitation of others can, by any poſſibility, better incline him to his people than he is, and ever will be, out of his own grace and goodneſs.

'The charge of ſuch an army hath been thoroughly adviſed, and muſt needs amount to a very great ſum, ſuch as cannot be imagined to be found in his majeſty's coffers, which, how empty ſoever, have neither yet been exhauſted by unneceſſary triumphs, or ſumptuous buildings, or other magnificence whatſoever, but moſt of his own revenue, and whatſoever hath come from his ſubjects, hath been by him employed, for the common good and preſervation of the kingdom. And like vapours ariſing out of the earth, and gathered into a cloud, are fallen in ſweet and refreſhing ſhowers upon the ſame ground. Wherefore his majeſty hath now at this time called this parliament, the ſecond means under God's bleſſing to avert theſe publick calamities threatened to all his kingdoms, by the mutinous behaviour of them.

'And as his majeſty's predeceſſors have accuſtomed to do with your fore-fathers, ſo his majeſty now offers you the honour of working together with himſelf, for the good of him and his, and for the common preſervation of yourſelves and your poſterity.

'Counſels and deliberations that tend to benefit or profit, may endure diſputes and debates, becauſe they ſeem only accompanied with perſuaſions; but deliberations that tend to preſervation are waited upon by neceſſity, and cannot endure either debate or delay; of ſuch nature are the bleeding evils, that are now to be provided againſt.

'This ſummer muſt not be loſt, nor any minute of time foreſtowed, to reduce them of Scotland, leſt by protraction here they gain time and advantage, to frame their parties with foreign ſtates.

'His majeſty doth therefore deſire, upon theſe preſſing and urgent occaſions, that you will for a while lay aſide all other debates, and that you would paſs an act for ſuch and ſo many ſubſidies, as you in your hearty affection to him, and to your common good, ſhall think fit and convenient for ſo great an action, and withal that you would haſten the payment of it, as ſoon as may be: And his majeſty aſſures you all, that he would not have propoſed any thing out of the ordinary way, but that ſuch is the ſtraitneſs of time, that unleſs the ſubſidies be forthwith paſt, it is not poſſible for him to put in order ſuch things, as muſt be prepared before ſo great an army can be brought into the field.

'And indeed had not his majeſty upon the credit of his ſervants, and ſecurity out of his own eſtate, taken up and iſſued between 3 and 400,000 l. it had not been poſſible for his majeſty, to have provided thoſe things to begin with, which were neceſſary for ſo great an enterpriſe, and without which we could not have ſecured Berwick and Carliſle, or avoided thoſe affronts, which the inſolency of that faction might have put upon us, by injuring the perſons and fortunes of his loyal ſubjects, in the northern parts.

'To avoid all queſtion and diſpute that may ariſe, touching his majeſty's taking of tunnage and poundage, his majeſty hath commanded me to declare unto you, that he hath taken it only de facto, according to the example of former kings, from the death of their paſt predeceſſors, until the parliament had paſſed an act for it themſelves. That in like manner, his majeſty deſires not to claim it, but by grant of parliament; for this purpoſe his majeſty hath cauſed a bill to be prepared in the ſame form as it paſſed to his royal father of bleſſed memory, adding only words to give it him, from the firſt of his majeſty's reign.

'This and the bill of ſubſidies his majeſty expects (for the preſſing reaſons before delivered unto you) may be diſpatched with all

‘ ſpeed, which his majeſty commanded me to tell you he ſhall graciouſly accept, as the welcome pledges of your loving, happy, and dutiful affection to him, his perſon and government.

‘ And his majeſty is graciouſly pleaſed to give you his royal word, that afterwards he will give you time, for conſidering of ſuch petitions, as you ſhall conceive to be good for the common-wealth, even now before you part, according as the ſeaſon of the year, and the great affairs in hand will permit; and what is now omitted, his majeſty will give you time to perfect towards winter, when your own leiſure and conveniency may better attend it, he knowing well that theſe ſubſidies can be of little uſe, without that more ample ſupply which his majeſty expects upon the happy concluſion of this ſeſſion, and therein his majeſty is graciouſly pleaſed (according to the antient way of parliaments) to ſtay till your juſt grievances be heard and redreſſed.

‘ And his majeſty aſſures you, that he will go along with you for your advantage, thro’ all the gracious expreſſions of a juſt, a pious, and gracious king, to the end there may be ſuch a happy concluſion of this parliament, that it may be a cauſe of many more meetings with you. I have now delivered what I have in command from his majeſty.’

When the lord-keeper had ended his ſpeech, the king ſaid,

My lords,

The king's ſpeech.

‘ YOU ſhall ſee he hath ſpoken nothing hyperbolically, or nothing but what I ſhall make good one way or other.

‘ And becauſe he did mention a letter by my ſubjects in Scotland, who did not ſeek to draw in foreign power for aid, here is the original letter, which I ſhall command him to read unto you.

‘ And becauſe it may touch a neighbour of mine, whom I will ſay nothing of, but that which is juſt (God forbid I ſhould;) for my part, I think it was never accepted of by him: Indeed it was a letter to the French king, but I know not that ever he had it; for by chance I intercepted it as it was going unto him; and therefore I hope you will underſtand me right in that.

His majeſty delivering the letter to the lord keeper, his lordſhip began to read it, and obſerved as follows.

The lord-keeper goes on.

‘ The ſuperſcription of the letter is this, AU ROY. For the nature of which ſuperſcription, it is well known to all that know the ſtyle of France, that it is never written by any Frenchman to any, but to their own king; and, therefore, being directed (AU ROY) it is to their own king, for ſo in effect they do by that ſuperſcription acknowledge.’

Then his lordſhip having read the letter both in French and Engliſh, the king added as follows.

The king concludes the diſcourſe.

‘ Of theſe gentlemen that have ſet their hands to this letter, here is one, and I believe you would think it very ſtrange if I ſhould not lay him faſt; and, therefore, I have ſigned a warrant to lay him cloſe priſoner in the tower.

‘ My lords, I think (but that I will not ſay poſitively, becauſe I will not ſay any thing here, but what I am ſure of,) I think I have the gentleman, that ſhould have carried the letter, faſt enough; but I know not, I may be miſtaken.’

Glanvile choſen ſpeaker. Ruſhw.

The king being withdrawn, the commons returned to their houſe, and choſe ſerjeant Glanvile for their ſpeaker.

The king imagined the parliament would take fire at hearing the letter written by the Scotiſh lords to the king of France, and, therefore, immediately after the commons had preſented their ſpeaker, and appointed their committees, the lord Cottington reported to the upper-houſe, that by his majeſty's command, he and ſecretaty Windebank, with the attorney-general, had examined the lord Lowdon in the tower, and that Lowdon owned the letter to be his hand-writing, but alledged, it was penned before the pacification and never ſent. However, neither the lords nor commons would interpoſe in this affair. Some days after the king ſent a meſſage to the commons by ſecretary Windebank, repreſenting to them the affronts and indignities he had received from the Scots; but the ſecretary's ſpeech was heard with great coldneſs, without producing any apparent effect. Inſtead of concerning themſelves with the affairs of Scotland, the commons eagerly received a petition from the county of Hertford, complaining of ſundry grievances, as ſhip-money, monopolies, ſtar-chamber, high-commiſſion. Several ſpeeches not very favourable to the king were made on this occaſion. The next day were read petitions from divers counties upon the ſame ſubject; after which Mr. Pym roſe up, and reducing the grievances of the people to three heads, viz. the privileges of parliament, innovations in religion, propriety of goods and eſtates, made a long ſpeech to ſhew, that in all theſe things the nation's rights had been violated.

Witelock.

Ruſhw.

On the 18th, it was moved to ſend for the rolls of the ſtar-chamber, to examine the proceſs againſt Sir John Elliot and others. Then, it was ordered that the court-rolls, containing Mr. Hampden's tryal for refuſing to pay ſhip-money, ſhould be laid before the houſe. On the 20th, the ſpeaker being examined, anſwered, that he had refuſed to put the queſtion by his majeſty's expreſs command; whereupon it was immediately voted to be a breach of privilege. On the 21ſt, both houſes were ordered to attend the king at Whitehall, where the lord-keeper ſpoke to them in this manner, in the king's preſence.

The houſes are ſent for to Whitehall.

My lords and gentlemen,

The lord-keeper's ſpeech to both houſes. Nalſon. Ruſhw.

‘ YOU may well remember, upon the beginning of this parliament, his majeſty commanded me to deliver unto you the cauſes of calling of it, which was for the aſſiſtance and ſupply of his majeſty in ſo great, weighty, and important affairs, as ever king of England had to require at his ſubjects hands.

‘I am now to put you in mind what I then ſaid unto you, and withal to let you know that ſuch and ſo great are his majeſty's occaſions at this time, that if the ſupply be not ſpeedy, it will be of no uſe at all; for the army is now marching, and doth ſtand his majeſty in, at leaſt, 100,000 l. a month, and if there be not means uſed to go on with this as is fitting, his majeſty's deſign will be loſt, and the charge all caſt away. It is not a great and ample ſupply for the perfecting of the work, that his majeſty doth now expect, but it is ſuch a ſupply, as without which, the charge will be loſt, and the deſign fruſtrated, being built upon thoſe weighty reaſons which tend to the infinite good of the kingdom, and preſervation of you all.

‘This done, his majeſty will give you ſcope and liberty to preſent your juſt grievances unto him, and he will hear them with a gracious ear, and give them ſuch an anſwer, as you and all the kingdom ſhall have reaſon to joy therein.

‘His majeſty taketh notice of one particular, and that is concerning ſhip-money; wherein his majeſty hath commanded me to declare thus much unto you: Firſt, his majeſty never had it in his royal heart to make an annual revenue of it, nor ever had a thought to make the leaſt benefit or profit of it: But whatſoever he did or intended in it, it was for the common good of you all; for the honour, glory and ſplendor of this nation, and that every one of us are made ſharers and partakers in the benefits, fruits, and ſucceſſes of it, which otherwiſe you would have felt the woes of it. He hath been ſo far from making the leaſt benefit of it, that he hath expended great ſums of money out of his own coffers to work with, to thoſe neceſſary ends I have named unto you.

‘The accompts of ſuch moneys ſo received, have been brought to the council table, the moneys delivered to Sir William Ruſſel, the treaſurer of the navy, and by them all it may appear, whether there hath been a fulneſs and clearneſs of truth in the diſburſements thereof, for the good and ſafety of the kingdom.

‘It is true, his majeſty had once intended this year not to have taken that courſe, but an army, which his majeſty, ſo juſt a king, for the preſervation of the kingdom, hath now taken into conſideration; and I muſt tell you, that his majeſty prizeth nothing more than his honour, and he will not loſe for any earthly thing, his honour in the leaſt; they cannot make thoſe expreſſions of love, duty and affection to him, which the graciouſneſs of his nature will not exceed in.

‘Of all his kingdoms this ought to be the neareſt and deareſt unto him; yet for his kingdom of Ireland, the laſt parliament before this, the very ſecond day of the parliament they gave him ſix ſubſidies, they relied upon his gracious words, the ſucceſs was that before the end of the parliament they had all that they deſired granted, and had it with an advantage. This laſt parliament there, it is well known unto you all, what a chearful ſupply they have given unto his majeſty, for their hearts went with it; and let it not be apprehended, that ſubſidies there are of a ſmall value; there is not a ſubſidy that is granted, but it is worth 50 or 60,000 pounds at the leaſt: Conſider that kingdom, what proportion it holdeth with this of England, and you will find that it is a conſiderable gift, as hath been given in many years. It hath wrought this effect, that certainly his majeſty will make it apparent to all the world, what a good conſtruction, and how graciouſly he doth eſteem and interpret this act of theirs. I have directed hitherto my ſpeech to you that are of the houſe of commons; now I ſhall addreſs my ſelf to your lordſhips.

‘It is true, the proper and natural ſupply proceeds from the houſe of commons, yet in aid at this time, his majeſty hath called you hither, and hopeth he ſhall not find the houſe of commons backward to his deſires, nor your lordſhips to concur with them.

‘To you of the houſe of commons, I did forget one thing of an objection that might, perhaps, be made; that tunnage and poundage is given towards the maintenance of a fleet at ſea, let me tell you that tunnage and poundage was never intended but for ordinary preſervation of the ſea, not that that ſhould be to defend the dominion of the narrow ſeas, when the navies of all the princes of Chriſtendom, are ſo increaſed as they are. It is fit for his majeſty (as things now ſtand) to have ſuch a ſtrength at ſea, as may be a terror to others abroad.

‘His majeſty was once reſolved, that no ſhipping-writs ſhould have iſſued out this year, but he was enforced for your good, and the good of the kingdom, and for his honour, upon neceſſary and weighty reaſons to ſend forth writs, and thoſe reaſons were theſe.

‘It was of neceſſity for his majeſty to prepare an army to reduce his diſaffected ſubjects of Scotland to their due obedience. This very year all the neighbouring princes are preparing with great fleets of ſhips, ſo as it is time for his majeſty to put himſelf into a ſtrength that he may be able to preſerve the dominion of the narrow ſeas, without which this kingdom will be loſt, he not able to maintain his right of being the moderator of the ſea, whereby there may be freedom and commerce of trade, which adds exceedingly to the flouriſhing of this kingdom. Another reaſon for ſhipping-writs this year is, that thoſe of Argier are grown to that inſolence, that they are provided of a fleet of 60 ſail of ſhips, and have taken divers ſhips, and one called the Rebecca of London (well known to the merchants upon the Exchange) taken upon the coaſt of Spain, worth, at the leaſt, 260,000 l. And, therefore, the writ having gone out upon thoſe weighty reaſons, before it was poſſible the parliament could give any ſupply to provide for thoſe things, 'his majeſty cannot this year forbear it, but he doth expect your concurrence in the levying of it for the future. I ſhall ſpeak that unto you by his majeſty's command, which may comfort any Engliſh heart: His majeſty hath no thoughts of inriching himſelf by the moneys coming in upon theſe writs; he doth deſire but to live as it behoves a king of England, able to defend you and this nation in honour and in luſtre, which is famous abroad, and glorious at home, and to live but like ſuch a king, as every true Engliſh heart deſireth their king ſhould be.

'Be maſters of your own way, ſettle it ſo ſecure and ſo ſafe, that it may never come to the leaſt benefit and advantage to himſelf, but for the common good and thoſe neceſſary ends wherein you ſhall all ſhare in your plenty, peace, honour, and whatſoever any Engliſhman can glory in. His majeſty commands me to tell you, you ſhall propound nothing wherein you may receive all ſecurity for the property of your goods, and nothing for ſecuring your own liberties, wherein he will not moſt readily liſten unto you; and be as willing to grant, as you to aſk. His majeſty doth now offer unto you the reaſons, occaſions, and the way to make this the moſt bleſſed and moſt happy parliament that ever was, and that may produce ſuch effects, that the king may delight in his people, and the people in their king. And he layeth before you not only the counſel to do ſo; but he will tell you the way, and that is, by putting an obligation of truſt and confidence upon him, which ſhall more ſecure you than all that you can invent, or fears or jealouſies can imagine to be provided for; it is a courſe that good manners, duty, and reaſon ſhould require of you, to take into conſideration.'

The king is offended at the proceedings of the commons.

This ſpeech was not capable of hindering the commons from proceeding in the examination of the grievances, and thereby they perverted the order preſcribed them by the king. He was extremely troubled to ſee the time paſs away to no purpoſe, and that the commons ſhould ſo little regard him, as not to rely on his promiſe, to hearken to their grievances, when the affair of ſupply ſhould be ended. In a word, perceiving, the commons were not much moved by whatever he could repreſent to them, he ſo managed, that the lords demanded a conference, where they endeavoured to ſhew, that the affair of ſupply ought to precede that of grievances. This conference ſerved only to retard the king's affairs. The commons taking offence, that the lords ſhould meddle with what did not belong to them, voted it to be a breach of privilege. Several days were ſpent in this conteſt, and many conferences held, in which, contrary to the king's expectation, much time was loſt. Wherefore, on the ſecond of May, the king ſent a meſſage to the commons for a poſitive anſwer concerning the ſupply he expected. But as they made no haſte to anſwer, on the fourth of May his majeſty ſent Sir Henry Vane, ſecretary of ſtate, with the following meſſage:

The king's meſſage. Ruſhw.

"His majeſty (the better to facilitate your reſolutions) this day has thought fit to let you know, that of his grace and favour he is pleaſed, upon your granting 12 ſubſidies to to be preſently paſſed, and to be paid in three years, with a proviſo, that it ſhall not determine the ſeſſions, his majeſty will not only for the preſent forbear the levying any ſhip-money, but will give way to the utter aboliſhing of it, by any courſe that yourſelves ſhall like beſt."

The commons having taken this offer into conſideration, great debates enſued, many thinking the king's demand exorbitant. However, the lord Clarendon, who was then a member of the houſe, affirms, that notwithſtanding the clamours of thoſe who oppoſed the court, the houſe was inclined by degrees to give the king ſome ſatisfaction; but as the houſe could not come to a reſolution the firſt day, Sir Henry Vane was deſired to acquaint his majeſty, that they hoped to return him an anſwer on the next. In the interim, the king was maliciouſly informed, that the commons ſought only to gain time, in order to vote on the morrow againſt the war with Scotland. The king, unfortunately, gave entire credit to this information, the falſehood whereof he perceived not till it was too late to repair his error; ſo, the next day, going to the houſe of lords, and ſending for the commons, he made the following ſpeech, addreſſing himſelf only to the lords:

The king is wrong informed. Nalſon.

The king's ſpeech at the diſſolving of the parliament. Ruſhw.

My lords,

'THERE can no occaſion of my coming to this houſe be ſo unpleaſing to me, as this at this time. The fear of doing that which I am to do this day, made me not long ſince come into this houſe, where I expreſt as well my fears, as the remedy which I thought neceſſary for the eſchewing of what is to follow.

'I muſt confeſs and acknowledge, that you my lords of the higher houſe, did give me ſo willingly an ear, and with ſuch an affection did ſhew yourſelves, that certainly I may ſay, that if there had been any means to have given an happy end to this parliament, you took it; ſo that it was neither your lordſhips fault nor mine, that it is not ſo. Therefore, in the firſt place, I muſt thank you my lords for your good endeavours.

'My lords, I hope you remember what, the firſt day of the parliament, my lord-keeper ſaid to you in my name, and what likewiſe he ſaid in the banquetting-houſe in Whitehall, and what lately I ſaid unto you in this place myſelf. I name all this unto you, not doubting that you do not well remember it, but to ſhew you that I never ſaid any thing in way of favour to my people, but (by the grace of God) I will punctually and really perform it.

'I know that they have inſiſted very much on grievances; I will not ſay but there may be ſome, tho' I will confidently affirm, that there are not by many degrees ſo many as the publick voice doth make them. Wherefore I deſire you to take notice, now eſpecially at this time, that out of parliament I ſhall be as ready (if not more willing) to hear and redreſs any juſt grievances, as in parliament.

‘There is one thing much ſpoken of, I mean as to matters of religion. Concerning which, albeit I expreſſed myſelf fully the laſt day in this place, yet I think it fit again, on this occaſion to tell you, that as I am concerned, ſo I ſhall be moſt careful to preſerve that purity of religion, which I thank God is ſo well eſtabliſhed in the church of England, and that, as well out of as in parliament.

‘My lords, I ſhall not trouble you long with words, it being not my faſhion; wherefore to conclude, what I offered the laſt day to the houſe of commons, I think it is very well known to you all; as likewiſe how they accepted it, which I deſire not to remember, but wiſh they had remembered, how at firſt they were told by my lord-keeper, that delay was the worſt kind of denial; yet I will not lay this fault on the whole houſe of commons; I will not judge ſo uncharitably of thoſe, whom, for the moſt part, I take to be loyal and well-affected ſubjects, but it hath been the malicious cunning of ſome few ſeditiouſly affected men, that hath been the cauſe of this miſunderſtanding.

‘I ſhall now end as I have begun, in giving you thanks for your affections ſhewn to me at this time, deſiring you to go on and aſſiſt me in the maintaining of that regal power that is truly mine. As for the liberty of the people, that they now ſo much ſtartle at; know, my lords, that no king in the world ſhall be more careful in the propriety of their goods, liberty of their perſons, and true religion, than I ſhall.

‘And now, my lord-keeper, do as I have commanded you.’

The lord-keeper then added,

‘My lords, and you the gentlemen of the houſe of commons, the king's majeſty doth diſſolve this parliament.’

Some members of the houſe of commons are impriſoned. Nalſon. Ruſhw.

Next day officers were ſent by the council to ſearch the lord Brook's pockets and ſtudy for papers, he being ſuſpected of holding intelligence with the Scots. Henry Bellaſis, knight of the ſhire for the county of York, and Sir John Hotham, were examined in council, and committed to the Fleet, for refuſing to anſwer to queſtions concerning things done in parliament. John Crew, Eſq; afterwards lord Crew, who had been chairman of the committee for the affairs of religion, refuſing to deliver to the clerk of the houſe of commons, ſuch petitions and papers as he had received, was ſent to the tower.

Clarend.

The lord Clarendon owns, the king had no ſooner diſſolved the parliament, but he was heartily ſorry for it. Nevertheleſs, he publiſhed the following declaration to juſtify his conduct.

His majeſty's declaration to all his loving ſubjects, of the cauſes which moved him to diſſolve the laſt parliament.

Nalſon. Ruſhw.

‘THE king's moſt excellent majeſty well knoweth, that the calling, adjourning, proroguing and diſſolving of parliaments, are undoubted prerogatives inſeparably annexed to his imperial crown; of which he is not bound to render any account, but to God alone, no more than of his other regal actions.

‘Nevertheleſs, his majeſty, (whoſe piety and goodneſs have made him ever ſo order and govern all things, that the clearneſs and candour of his royal heart may appear to all his ſubjects, eſpecially in thoſe great and publick matters of ſtate, that have relation to the weale and ſafety of his people, and the honour of his royal perſon and government,) hath thought fit (for avoiding and preventing all ſiniſter conſtructions and miſinterpretation, which the malice of ſome ill-affected perſons to his crown and ſovereignty, hath or may practiſe, to infuſe into the minds and ears of his good and faithful ſubjects) to ſet down by way of declaration, the true cauſes, as well of his aſſembling, as of his diſſolving the late parliament.

‘It is not unknown to moſt of his majeſty's loving ſubjects, what diſcouragements he hath formerly had, by the undutiful and ſeditious carriage of divers of the lower houſe, in preceding aſſemblies of parliaments, enough to have made him averſe to thoſe antient and accuſtomed ways of calling his people together; when inſtead of dutiful expreſſions towards his perſon and government, they vented their own malice and diſaffections to the ſtate, and by their ſubtle and malignant courſes, endeavoured nothing more than to bring into contempt and diſorder all government and magiſtracy.

‘Yet his majeſty well conſidering, that but few were guilty of that ſeditious and undutiful behaviour, and hoping that time and experience had made his loving ſubjects ſenſible of the diſtemper the whole kingdom was like to be put into, by the ill-governed actions of thoſe men; and his majeſty being over-deſirous to tread in the ſteps of his moſt noble progenitors, was pleaſed to iſſue forth his writs under the great ſeal of England for a parliament, to be holden the 13th day of April laſt. At which day his majeſty, by the lord-keeper of his great ſeal, was graciouſly pleaſed to let both houſes of parliament know how deſirous he was, that all his people would unite their hearts and affections in the execution of thoſe counſels that might tend to the honour of his majeſty, the ſafety of his kingdoms, and the good and preſervation of all his people. And withal, how confident he was, that they would not be failing in their duties and affections to him and to the publick.

‘He had lain open to them the manifeſt and apparent miſchiefs threatened to this and all his other kingdoms, by the mutinous and rebellious behaviour of divers of the Scotiſh ‘nation, who had by their examples drawn many of his ſubjects there into a courſe of diſloyalty and diſobedience, not fit for his majeſty in honour, ſafety, or wiſdom to endure.

‘How (to ſtrengthen themſelves in their diſloyal courſes) they had addreſſed themſelves to foreign ſtates, and treated with them to deliver themſelves up to their protection and defence, as was made apparent under the hands of the prime ringleaders of that rebellious faction.

‘Theſe courſes of theirs tending ſo much to the ruin and overthrow of this famous monarchy, united by the deſcent of the crown of England upon his majeſty and his father, of bleſſed memory: His majeſty (in his great wiſdom, and in diſcharge of the truſt repoſed in him by God, and by the fundamental laws of both kingdoms, for the protection and government of them) reſolved to ſuppreſs, and thereby to vindicate that ſovereign power intruſted to him.

‘He had by the laſt ſummer's tryal found, that his grace and goodneſs was abuſed, and that, contrary to his expectation and their faithful promiſes, they had (ſince his being at Berwick, and the pacification there made) purſued their former rebellious deſigns: And therefore it was neceſſary now for his majeſty by power to reduce them, to the juſt and modeſt condition of their obedience and ſubjection, which whenever they ſhould be brought unto, or ſeeing their own errors, ſhould put themſelves into a way of humility and obedience becoming them, his majeſty ſhould need no other mediator for clemency and mercy to them, than his own piety and goodneſs, and the tender affection he hath ever born to that his native kingdom.

‘This being of ſo great weight and conſequence to the whole kingdom, and the charge of an army fit to maſter ſuch a buſineſs amounting to ſuch a ſum as his majeſty hath no means to raiſe, having not only emptied his own coffers, but iſſued between 3 and 400,000 pounds, which he borrowed of his ſervants upon ſecurity out of his own eſtate, to provide ſuch things as were neceſſary to begin ſuch an action with; his majeſty after the example of his predeceſſors, reſorted to his people in their repreſentative body the parliament, whom he deſired (with all the expreſſions of grace and goodneſs which could poſſibly come from him) that taking into ſerious and dutiful conſideration the nature of theſe bleeding evils, and how dangerous it was to loſe the leaſt minute of time, leſt thereby thoſe of Scotland ſhould gain the opportunity to frame their parties with foreign ſtates; that they would for a while lay aſide all other debates, and paſs an act for the ſpeedy payment of ſo many ſubſidies, as might enable his majeſty to put in readineſs for this ſummer's expedition thoſe things which were to be prepared before ſo great an army could be brought into the field.

‘For farther ſupply neceſſary for ſo great undertaking, his majeſty declared, that he expected it not till there might be a happy concluſion of that ſeſſion, and till their juſt grievances might be firſt graciouſly heard and relieved.

‘Wherein as his majeſty would moſt willingly have given them the precedence before matter of ſupply, if the great neceſſity of his occaſions could have permitted; ſo he was graciouſly pleaſed for their full aſſurance and ſatisfaction therein, to give them his royal word, that without determining the ſeſſion (upon granting of the ſubſidies,) he would give them, before they parted, as much time as the ſeaſon of the year, and the great affairs in hand would permit, for conſidering all ſuch petitions as they conceived to be good for the common-wealth, and what they would not now finiſh, they ſhould have full time to perfect towards winter; his majeſty graciouſly aſſuring them, that he would go along with them for their advantage, thro' all the expreſſions of a gracious and pious king, to the end there might be ſuch a happy concluſion of that, as might be the cauſe of many more meetings with them in parliament.

‘From their firſt aſſembling until the 21ſt of April, the houſe of commons did nothing that could give his majeſty any content or confidence in their ſpeedy ſupplying of him: Whereupon he commanded both the houſes to attend him in the banquetting-houſe at Whitehall, in the afternoon of that 21ſt of April, where (by the lord-keeper) his majeſty put them in mind of the end for which they were aſſembled, which was for his majeſty's ſupplies; that if it were not ſpeedy it would be of no uſe unto him, part of the army then marching at the charge of above 100,000 pounds a month; which would all be loſt if his majeſty were not preſently ſupplied, ſo as it was not poſſible to be longer forborn.

‘Yet his majeſty then expreſt, that the ſupply he for the preſent deſired was only to enable him to go on with his deſigns for three or four months, and that he expected no farther ſupply till all their juſt grievances were relieved.

‘And becauſe his majeſty had taken notice of ſome miſ-apprehenſious about the levying of ſhip-money, his majeſty commanded the lord-keeper to let them know that he never had any intention to make any revenue of it, nor had ever made any, but that all the money collected had been paid to the treaſurer of the navy, and by him expended, beſides great ſums of money every year out of his majeſty's own purſe.

‘That his majeſty had once reſolved this year to have levied none, but that he was forced to alter his reſolution, in regard he was of neceſſity to ſend an army for reducing thoſe of Scotland, during which time it was requiſite the ſeas ſhould be well-guarded.’

‘And beſides, his majeſty had knowledge of the great fleets prepared by all neighbouring princes this year, and of the inſolencies committed by thoſe of Algiers, with the ſtore of ſhips they had in readineſs.

‘And, therefore, tho' his majeſty for this preſent year could not forbear it, but expected their concurrence in the levying of it, yet for the future, to give all his ſubjects aſſurance, how juſt and royal his intentions were, and that all his aim was, but to live like their king, able to defend himſelf and them; to be uſeful to his friends, and condſiderable to his enemies; to maintain the ſovereignty of the ſeas, and ſo make the kingdom flouriſh in trade and commerce: He was graciouſly pleaſed to let them know, that the ordinary revenue now taken by the crown, could not ſerve the turn; and therefore that it muſt be by ſhip-money, or ſome other way, wherein he was willing to leave it to their conſiderations, what better courſe to find out, and to ſettle it how they would (ſo the thing were done) which ſo much imported the honour and ſafety of the kingdom.

‘And his majeſty for his part, would moſt readily and chearfully grant any thing they could deſire, for ſecuring them in the propriety of their goods and eſtates, and in the liberty of their perſons. His majeſty telling them, it was in their power to make this as happy a parliament as ever was, and to be the cauſe of the king's delighting to meet with his people, and his people with him.

‘That there was no ſuch way to effect this, as by putting obligations of truſt and confidence upon him, which as it was the way of good manners with a king, ſo it was a ſurer and ſafer courſe for themſelves, than any their own jealouſies and fears could invent; his majeſty being a prince that deſerved their truſt, and could not loſe the honour of it; and a prince of ſuch a gracious nature, that diſdained his people ſhould overcome him by kindneſs.

‘He had made this good to ſome other ſubjects of his, and if they followed his counſel, they ſhould be ſure not to repent it, being the people that were neareſt and deareſt unto him, and ſubjects whom he did and had reaſon to value more than the ſubjects of any his other kingdoms.

‘His majeſty having thus graciouſly expreſſed himſelf unto them, he expected the houſe of commons would have the next day taken into conſideration the matter of ſupply, and laid aſide all other debates, till that was reſolved of, according to his deſire.

‘But inſtead of giving an anſwer therein, ſuch as the preſſing and urgent occaſions required, they fell into diſcourſes and debates about their pretended grievances, and raiſed up ſo many and of ſo ſeveral natures, that in a parliamentary way they could not but ſpend more time than his majeſty's great and weighty affairs could poſſibly afford.

‘His majeſty foreſeeing in his great wiſdom, that they were not in the way to make this a happy parliament, (which he ſo much deſired and hoped) that nothing might be wanting on his part to bring them into the right way, for his honour, the ſafety of the kingdom, and their own good, he reſolved to deſire the aſſiſtance of the lords of the higher-houſe, as perſons in rank and degree neareſt to the royal throne; and who having received honour from him and his royal progenitors, he doubted not would, for thoſe and many other reaſons, be moved in honour and dutiful affection to his perſon and crown, to diſpoſe the houſe of commons to expreſs their duties to his majeſty, in expediting the matter of ſupply for which they were called together, and which required ſo preſent a diſpatch.

‘For this purpoſe, his majeſty in his royal perſon came again to the lords houſe on Wedneſday the 24th day of April, where himſelf declared to the lords the cauſe of his coming, which was to put them in mind of what had been by the lord-keeper in his name delivered to both the houſes the firſt day of the parliament, and after at Whitehall; how contrary to his expectation, the houſe of commons having held conſultation of matter of religion, property of goods, and liberty of parliament, and voted ſome things concerning thoſe three heads, had thereby given them the precedence before the matter of his ſupply. That his neceſſities were ſuch, they could not bear delay; that whatever he had by the lord-keeper promiſed he would perform, if the houſe of commons would truſt him.

‘For religion, that his heart and conſcience went together with the religion eſtabliſhed in the church of England; and he would give order to his archbiſhops and biſhops, that no innovation in matter of religion ſhould creep in.

‘For the ſhip-money, that he never made, nor intended to make any profit to himſelf of it, but only to preſerve the dominion of the ſeas; which was ſo neceſſary, that without it the kingdom could not ſubſiſt. But for the way and means by ſhip-money or otherwiſe he left it to them.

‘For property of goods and liberty of parliament, he ever intended his people ſhould enjoy them; holding no king ſo great, as he that was king of a rich and free people; and if they had not property of goods and liberty of perſons, they would be neither rich nor free.

‘That, if the houſe of commons would not firſt truſt him, all his affairs would be diſordered, and his buſineſs loſt. That though they truſted him in part at firſt, yet before the parliament ended he muſt totally truſt them; and in concluſion, they muſt for execution of all things wholly truſt him.

‘Therefore ſince the matter was no more, than who ſhould be firſt truſted; and that the truſt of him firſt, was but a truſt in part, his majeſty deſired the lords to take into their conſiderations his and their own honour, 'the ſafety and welfare of this kingdom, with the great danger it was in, and that they would by their advice diſpoſe the houſe of commons, to give his ſupply the precedence before the grievances.

'His majeſty being departed, the lords took into ſerious conſideration what his majeſty had commended to their care, and forthwith laying aſide all other debates, their lordſhips delivered their votes in theſe words: "We are of opinion, that the matter of his majeſty's ſupply ſhould have precedence, and be reſolved of, before any other matter whatſoever. And we think fit there ſhall be a conference deſired with the houſe of coommons to diſpoſe them thereunto."

'Accordingly, the next day being Saturday, the 25th day of April, a conference was had in the painted-chamber by a committee of both houſes, where the lord-keeper (by the lord's command) told the houſe of commons of his majeſty's being the day before in perſon in the higher-houſe, how graciouſly he had expreſt himſelf in matter of religion, property of goods, and liberty of parliament; and that he would therein graciouſly hear and relieve them, and give them what in reaſon could be deſired, with the effect of what elſe had been graciouſly delivered unto them by his majeſty; as well touching his conſtant zeal and affection to the religion eſtabliſhed in the church of England, as touching the ſhip-money.

'By all the proceedings herein declared, it is evident to all men, how willing and deſirous his majeſty hath been to make uſe of the antient and noble way of parliaments uſed and inſtituted by his royal predeceſſors, for the preſervation and honour of this famous monarchy: And that on his majeſty's part nothing was wanting, that could be expected from a king, whereby this parliament might have had a happy concluſion, for the comfort and content of his majeſty's ſubjects, and for the good and ſafety of this kingdom.

'On the contrary it is apparent, how thoſe of the houſe of commons, (whoſe ſiniſter and malicious courſes enforced his majeſty to diſſolve this parliament) have vitiated and abuſed that antient and noble way of parliament, perverting the ſame to their own unworthy ends, and forgetting the true uſe and inſtitution of parliaments.

'For whereas, theſe meetings and aſſemblies of his majeſty, with the peers and commons of this realm, were in their firſt original, and in the practice of all ſucceeding ages, ordained and held as pledges and teſtimonies of affection between the king and his people; the king for his part graciouſly hearing and redreſſing ſuch grievances, as his people in humble and dutiful manner ſhould repreſent unto him; and the ſubjects on their part, (as teſtimonies of their duty) ſupplying his majeſty upon all extraordinary occaſions, for ſupport of his honour and ſovereignty, and for preſerving the kingdom in glory and ſafety.

'Thoſe ill-affected members of the houſe of commons, inſtead of an humble and dutiful way of preſenting their grievances to his majeſty, have taken upon them to be the guiders and directors in all matters that concern his majeſty's government, both temporal and eccleſiaſtical: And, (as if kings were bound to give an account of their regal actions, and of their manner of government to their ſubjects aſſembled in parliament) they have, in a very audacious and inſolent way, entered into examination and cenſuring of the preſent government, traduced his majeſty's adminiſtration of juſtice, rendered, as much as in them lay, odious to the reſt of his majeſty's ſubjects, not only the officers and miniſters of ſtate, but even his majeſty's very government, which hath been ſo juſt and gracious, that never did this, or any other nation, enjoy more bleſſings and happineſs, than hath been by all his majeſty's ſubjects enjoyed ever ſince his majeſty's acceſs to the crown: Nor did this kingdom ever ſo flouriſh in trade and commerce, as at this preſent, or partake of more peace and plenty in all kinds whatſoever.

'And whereas, the ordinary revenues of the crown not ſufficing to defray extraordinary charges, it hath ever been the uſage in all parliaments, to aid and aſſiſt the kings of this realm with free and fitting ſupply, towards the maintenance of their wars, and for making good their royal undertakings; whereby the kingdom, intruſted to their protection, might be held up in ſplendour and greatneſs,

'Theſe ill-affected perſons of the houſe of commons, have been ſo far from treading in the ſteps of their anceſtors, by their dutiful expreſſions in this kind, that contrarily they have introduced a way of bargaining and contracting with the king; as if nothing ought to be given him by them, but what he ſhould buy or purchaſe of them, either by quitting ſomewhat of his royal prerogative, or by diminiſhing and leſſening his revenues; which courſes of theirs, how repugnant they are to the duty of ſubjects, how unfit for his majeſty in honour to permit and ſuffer, and what hazard and diſhonour they ſubject this kingdom to, all men may eaſily judge, that will but equally and impartially weigh them.

'His majeſty hath been by this means reduced to ſuch ſtraits and extremities, that were not his care of the publick good and ſafety the greater, theſe men (as much as in them lies) would quickly bring ruin and confuſion to the ſtate, and render contemptible this glorious monarchy.

'But this frowardneſs and undutiful behaviour of theirs, cannot leſſen his majeſty's care of preſerving the kingdom entruſted to his protection and government, nor his gracious and tender affection to his people, for whoſe good and comfort his majeſty, by

God's gracious aſſiſtance, will ſo provide, that all his loving ſubjects may ſtill enjoy the happineſs of living under the bleſſed ſhade and protection of his royal ſcepter.

'In the mean time, to the end all his majeſty's loving ſubjects may know how graciouſly his majeſty is inclined to hear and redreſs all the juſt grievances of his people, as well out of parliament as in parliament, his majeſty doth hereby further declare his royal will and pleaſure, that all his loving ſubjects, who have any juſt cauſe to preſent, or complain of any grievances or oppreſſions, may freely addreſs themſelves by their humble petitions to his ſacred majeſty, who will graciouſly hear their complaints, and give ſuch fitting redreſs therein, that all his people ſhall have juſt cauſe to acknowledge his grace and goodneſs towards them; and to be fully ſatisfied, that no perſons or aſſemblies can more prevail with his majeſty, than the piety and juſtice of his own royal nature, and the tender affection he doth and ſhall ever bear to all his people and loving ſubjects.'

After the reading of this declaration, the inſerting it here, at length, will, perhaps, be thought needleſs, ſince it contains nothing but what was related before. However, it is of uſe to ſhew, that the king and his adverſaries agreed as to facts, and diſputed only upon the conſequences and right.

The king continues the convocation.
Clarendon.

Tho' the parliament was diſſolved, the king, however, continued the convocation, under the title of ſynod. Since the time of the reformation, it had been always cuſtomary to aſſemble the clergy, at the ſame time with the parliament, and this aſſembly of the clergy, was called the convocation, and always begun and ended with the parliament. The king not thinking himſelf bound to a ſtrict obſervance of this cuſtom, diſſolved the parliament, and continued the convocation, contrary to the opinion of ſeveral, who believed that he thereby exceeded his power. But the judges of the realm determined, that notwithſtanding the diſſolution of the parliament, the convocation ſubſiſted, unleſs diſſolved by the king's writ. The convocation therefore continued a month longer, and in that time did two things which gave occaſion to great complaints in the enſuing parliament. Firſt, they made certain canons, whereby all clergymen and graduates in the univerſities, were enjoined to take the following oath.

'I A. B. do ſwear, that I approve the doctrine and diſcipline, or government eſtabliſhed in the church of England, as containing all things neceſſary to ſalvation: And that I will not endeavour, by myſelf or any other, directly or indirectly, to bring in any Popiſh doctrine, contrary to that which is ſo eſtabliſhed: Nor will I ever give my conſent to alter the government of this church, by archbiſhops, biſhops, deans, and archdeacons, &c, as it now ſtands eſtabliſhed, and as by right it ought to ſtand; nor yet ever to ſubject it to the uſurpations and ſuperſtitions of the ſee of Rome. And all theſe things I do plainly and ſincerely acknowledge and ſwear, according to the plain and common ſenſe and underſtanding of the ſame words, without any equivocation, or mental evaſion, or ſecret reſervation whatſoever. And this I do heartily, willingly, and truly upon the faith of a Chriſtian. So help me God in Jeſus Chriſt.'

Objections againſt the oath.
Ruſhw.
Nalſon.
Annals.

This oath was thought very ſtrange, for ſeveral reaſons. 1. It was not liked that the clergy ſhould take upon them to enjoin oaths, which, according to the general opinion, belonged to the parliament only. 2. The et cætera after the word archdeacons, offended many, becauſe thoſe that ſwore could not tell what they were to underſtand by this abbreviation. 3. The preſcribing ſuch an oath was affirmed to be a confinement, and tying down of the civil legiſlature, ſince thereby the government was deprived of the liberty of making any alteration in the diſcipline of the church, which nevertheleſs might be altered without any danger to ſalvation. 4. It was objected, that the perſon was to declare, he took the oath moſt willingly, tho' he was conſtrained thereto under very ſevere penalties.

The clergy give the king a ſubſidy.
Nalſon.

The ſecond thing the convocation did before they broke up, was the granting the king, for the Scotch war, a ſubſidy of four ſhillings in the pound for ſix years. This proceeding, which tended to diminiſh the parliament's power, was no leſs diſliked than the former. It is true, that to juſtify it, a precedent was alledged; for it muſt be obſerved, that in this reign, examples or precedents in favour of the crown, were looked upon as ſo many laws. The clergy, it ſeems, in the year 1585, after having granted Elizabeth a ſubſidy approved by the parliament, made of themſelves an addition of two ſhillings in the pound, which the queen accepted without conſulting the parliament. But, beſides that this was a ſingle precedent, there was a great difference between the time of Elizabeth, and that of Charles I. In Elizabeth's days, every one was pleaſed with the government. It was believed the queen was not capable of making an ill uſe of theſe unuſual favours, but employed the money given her ſolely for the good of the kingdom. It was not the ſame in the time of Charles I. The king was not truſted at all; it was known by experience, that he would draw from the leaſt precedent, conſequences deſtructive of the liberties of parliaments, and, in fine, the number of the male-contents was infinite; nay, the king ſeemed to do all that lay in his power to encreaſe it, or, at leaſt, not to regard it. And what ſtill more enflamed the people's diſcontent, was the ſeeing the Popiſh recuſants not only tollerated, but, moreover, protected, countenanced, and conſidered as the beſt ſubjects, They reſorted publickly to maſs to Somerſet-houſe, and returned from thence in great multitudes, as if their churches had been allowed by authority. A publick agent from Rome reſided at London, count Rozetti by name, who openly went to court in great pomp, and whoſe houſe was the general rendezvous of the Catholicks. The queen had prevailed with the king to receive this agent as a ſort of nuncio, and by that, as well as by the avowed protection ſhe afforded thoſe of her religion, ſhe ſo drew upon herſelf the people's hatred, that they were ven wanting in that outward reſpect they ought to have paid her.

The Scots incite the Engliſh againſt the king. Nalſon.

All theſe diſcontents were fomented by the Scots, who ſeeing themſelves upon the point of being attacked, were extremely diligent by means of their emiſſaries, to incenſe the people againſt the king. In juſtifying their own conduct, they forgot not to inſinuate to the Engliſh, that the tyranny which was intended to be eſtabliſhed in Scotland, was in order to introduce the like into England; and, that if the king laboured to ſupport the hierarchy erected in the kirk of Scotland by his father and himſelf, it was not ſo much for the ſake of epiſcopal government, as in order to eſtabliſh in that kingdom an arbitrary power, which would one day be fatal to the Engliſh; nay, that there was great danger, that after the accompliſhment of his deſigns, he would reſtore Popery in his kingdoms, ſince he could refuſe nothing to the queen, to Laud, and the other enemies of the Proteſtant religion. The king himſelf, by his conduct, rendered thoſe inſinuations ſo plauſible, that beſides the Presbyterians, who were very numerous, there were many church of England-men, who could not forbear dreading, that the king's zeal for the church was only to engage them to be ſubſervient to his more hidden deſigns. Be this as it will, the kingdom was full of ſuſpicions, fears, jealouſies, diviſions, ſo that if the king had been well informed, he might eaſily have ſeen there were but very few that ſerved him willingly and chearfully, in the war he was going to wage with Scotland. This he had cauſe to know preſently after.

The king uſes ſundry ways to raiſe money. Nalſon.

The king being engaged in a war with Scotland, without having received any ſupply from the parliament, was in great ſtraits. He even foreſaw, that it would not be poſſible for him to maintain his army, unleſs he had recourſe to extraordinary methods to raiſe money. Accordingly, he made uſe of the following expedients, to ſupply in part what he had expected from the parliament. 1. He ordered that the counties ſhould advance coat and conduct money for their reſpective troops. 2. He bought upon credit of the Eaſt-India merchants all their pepper, and ſold it again for ready money. 3. He took 40,000 l. worth of the bullion, which the merchants had brought into the mint to be coined, which ſum was afterwards punctually repaid. 4. He would have borrowed 200,000 pounds of the city of London, but had the mortification to meet with a denial. He was ſo diſpleaſed at it, that he reſolved to be revenged in this manner. The city having ſome time before ſettled a colony at Londonderry in Ireland, had obtained a patent from the king for certain lands in that country. The Londoners had no ſooner refuſed to lend the king money, but the lord-mayor and the ſheriffs were cited before the ſtar-chamber, to anſwer to the charge of having abuſed the patent, by uſurping more lands than the king had granted to the city. Upon this charge, whether well or ill-grounded, the Londoners were condemned to forfeit their rights, and grievouſly fined, but upon payment of the fine, their patent was reſtored. They had but too many opportunities afterwards to be revenged of the king in their turn. On the other hand, the writ to levy ſhip-money having been ſent to the city of London, as well as to all the other towns in the kingdom, it appeared that the lord-mayor and city council had neglected to levy this tax, or, at leaſt, they had not diſtrained any one perſon for non-payment, according to the tenour of the writ. For this reaſon, the council ſent the following order to the attorney-general.

At Whitehall, July 5, 1640. Preſent, &c.

An order from the council againſt the city of London: Ruſhw.

> ‘WHEREAS the lord-mayor of London and the two ſheriffs did this day appear before his majeſty and the board, to give an account of their proceedings upon the writ for the ſhip-buſineſs this preſent year: Foraſmuch as it did appear, that beſides all former neglects in the execution of that writ, his majeſty having reſpited the information againſt them for the ſame; yet they have not ſince diſtrained any one perſon according to the ſaid writ. It was this day ordered by his majeſty, with the advice of the board, that his majeſty's attorney-general ſhall forthwith prefer an information in the ſtar-chamber againſt the lord-mayor, and ſheriffs of London and Middleſex, for their contempt and default in the execution of the ſaid writ; and ſhall forthwith proceed againſt them, De die in diem, until the cauſe be ready for hearing: And, if upon examination of the ſaid cauſe, his majeſty's attorney-general ſhall find ſufficient cauſe againſt any of the aldermen, that then he do prefer one other information againſt the ſaid aldermen; and in like manner do proceed againſt them apart.’

Thus the king, inſtead of relinquiſhing this odious tax, continued to exact it with great rigour, tho' his affairs were then at a criſis, which ſhould have inſpired him with a dread, that in caſe the ſucceſs of the Scotch war did not anſwer his expectations, he ſhould be little able to ſupport himſelf. But in all appearance, he thought himſelf ſecure of victory.

The Engliſh routed in defending the paſs of the Tyne. Nalſon.

Part of the army deſigned againſt Scotland was now upon the frontiers, under the command of the lord Conway, general of the horſe, whilſt the reſt lay encamped near York. The earl of Northumberland, who was to command under the king, remained ſick at London, and the earl of Strafford, who was lieutenant-general, had not been able to depart ſoon enough, becauſe he was a very neceſſary member of the king's ſecret council. The lord Conway being advanced as far as Newcaſtle, with 3000 foot and 1500 horſe, was informed that Leſley, general of the Scots, was preparing to march at the head of 22,000 men, in order to enter England. And, indeed, he paſſed the Tweed the 20th of Auguſt, the very day the king departed from London for York, where he arrived on the 23d. Leſley purſuing his march, came the 27th to Newburn, on the north-ſide of the Tyne, four miles from Newcaſtle. At his arrival, he found the lord Conway poſted with his troops on the ſouth-ſide of the river, were he had raiſed breaſt-works over againſt the two fords, to oppoſe his paſſage. It is needleſs to give a particular account of this action; it ſuffices to ſay, the Scots forced the paſſage of the Tyne, after a fight very faintly maintained by the Engliſh. The lord Conway was ſeiſed with ſo great terror, that he left Newcaſtle the next day, and retreated to Durham, were not thinking himſelf yet ſafe, he went and joined the king's army, which was advanced to Northampton. The king's troops had no ſooner quitted Newcaſtle, but the Scots entered, and found there the artillery and ſtores ordered thither by the king, who deſigned that place for the magazine of his army.

Newcaſtle taken by the Scots. Nalſon.

Great alteration in the king's affairs. Ruſhw. Annals.

The entrance of the Scots into England, and the taking of Newcaſtle, broke all the king's meaſures. Tho' in this firſt action he had not loſt above 3 or 400 men, this inconſiderable loſs produced, however, great effects, all to the king's diſadvantage. 1. The earl of Strafford having ſpoken a little too roughly to the officers and ſoldiers, who were returned from the defeat of Newburn, diſpleaſed the whole army, and thereby put the vanquiſhed upon magnifying in their own vindication, the valour and number of the Scotch troops. This could not but produce a very ill effect in the king's army, which before was not very well-inclined. 2. The Engliſh male-contents were more at eaſe, and ſpoke more boldly againſt the government, knowing it was no proper ſeaſon to ſilence them. 3. The Scots miſſed not this opportunity to ſhew the Engliſh, by a moderate conduct, as the juncture could allow, that their deſign in entering England, was not to injure the Engliſh, but only to procure acceſs to the king in order to lay their grievances before him. By this means they ſeperated, as much as they could, the king's cauſe from that of the people of England, which did the king an unſpeakable prejudice. 4. The conſternation cauſed by the Newburn defeat, and, on the other hand, the moderation of the Scots, who notwithſtanding the ſucceſs of their arms, affected to deſire only an accomodation, inclined the whole nation to a peace. None but the court-party uſed their utmoſt endeavours, tho' in vain, to inſpire the Engliſh with a deſire of revenge. 5. As in the king's preſent circumſtances, with an army of enemies before him, and numbers of male-contents in all the reſt of the kingdom, as well as in his own army, it was not poſſible for him to raiſe money, by the ſame methods he had till then practiſed, there reſulted a general opinion that a parliament was abſolutely neceſſary. To this it was that the Scots and the Engliſh male-contents deſired to lead him, tho' againſt his will, knowing it was hardly poſſible that a new parliament ſhould be diſpoſed in his favour.

Artifices of the Scots.

They juſtify themſelves to the Engliſh. Ruſhw. Nalſon. Annals.

The Scots had in England more correſpondents than the king had till now imagined, but he perceived it not, till his affairs began to decline. They had diſperſed two maniſeſto's, of which one was entitled, Six conſiderations of the lawfulneſs of their expedition into England, and the other, Intentions of the Scots and their army maniſeſted to their brethren of England. In theſe two papers, they were extremely careful to ſhew, that the motive of their armament and entry into England, was not to invade that kingdom, but only to defend themſelves againſt ſome particular perſons, their ſworn enemies, among whom they named as the principal, the earl of Strafford, and archbiſhop of Canterbury. They ſaid, in their preſent ſituation, their country being blocked up by ſea and land, and their trade interrupted, it was not poſſible to expect any longer the coming of their enemies to attack them, without being expoſed to certain ruin. They compared themſelves to a man who, when his houſe is beſet, and his enemies ready to aſſault it, ſallies out himſelf and attacks them, in hopes of averting, by a vigorous effort, the impending ruin. They maintained it was the king that had broke the peace, and having granted that the general-aſſembly ſhould regulate the affairs of the kirk, and its regulations be ratified in parliament, had, without any lawful cauſe, prorogued the parliament, before what the general-aſſembly had judged neceſſary, was confirmed; nay, he had denied to give audience to the deputies of the parliament, and tho' he had agreed, other deputies ſhould be ſent to him, it was only to amuſe them, ſince the war with Scotland had been already determined in the council, and the parliaments of Ireland and England convened in order for ſupplies. They carefully repreſented the Juſtice and equity of the late parliament of England, in denying the king money for a war ſo notoriouſly unjuſt. In ſhort, for it would be too tedious to relate all the particulars contained in theſe two papers, their view was to demonſtrate to the people of England, 1. The juſtice of their cauſe. 2. The artifices of their enemies to ſurpriſe them. 3. The neceſſity, they were under, of taking arms in their own lawful defence, and to prevent their ruin. 4. They ſaid, notwithſtanding their entry into England, the war was defenſive on their part, and 5. That they intended not to offer any injury or violence, or inrich themſelves with the ſpoils of the Engliſh, but only to procure acceſs to his majeſty, to preſent their grievances, which was denied them, unleſs they would entirely deliver themſelves to the mercy of their enemies. 6. They called God to witneſs, this was their intention, and the better to gain belief, they made uſe of the ſtrongeſt expreſſions and moſt ſolemn oaths. 7. Laſtly, they forgot not to inſinuate to the Engliſh, that they had the ſame cauſe to maintain, ſince the Liberties of England were equally in danger with thoſe of Scotland.

1640.

Theſe manifeſto's, which were, doubtleſs, owing to the counſels of ſome of the Engliſh male-contents, produced ſuch an effect upon the people, the army, and the lords themſelves who were not wholly devoted to the court, that the king might very eaſily ſee how difficult it would be to ſupport the war, and to what danger he would be expoſed, if he riſqued a battle at ſuch a juncture. Nothing was more diſadvantageous to the king, than the extreme deſire expreſſed by the Scots to end the quarrel by an agreement, which ſhewed their view was not to make war upon the Engliſh, whereas it was the king's intereſt to engage them both in a national quarrel. Wherefore the Scots did not fail to improve the advantage of their moderate conduct. As ſoon as they were maſters of Newcaſtle, they ſent a very humble petition to the king, beſeeching him to give ear to their complaints, and cure their evils, by the advice of the parliament of England. The king who was preſſed on all ſides, had already ſummoned the nobility to meet him at York the 24th of September, to give their advice upon the preſent ſituation of his affairs. He, therefore, told the Scots, that their petition was expreſſed in ſuch general terms, that he could not give them a poſitive anſwer. But if they would ſpeak more plainly, and declare the particulars of their demands, he would give ſuch anſwers as the peers who were to meet at York ſhould think proper. Upon this they ſent their demands to the king, the 8th of September, viz.

The Scots demands. Ruſhw. Nalſon.

‘ 1. That his majeſty would be graciouſly pleaſed to command, that the laſt acts of parliament may be publiſhed in his highneſs's name, as our ſovereign lord with the eſtates of parliament convened by his majeſty's authority.

‘ 2. That the caſtles of Edinburgh and other ſtrengths of the kingdom of Scotland may, according to the firſt foundation, be furniſhed and uſed for our defence and ſecurity.

‘ 3. That our countrymen in his majeſty's dominions of England and Ireland may be freed from cenſure for ſubſcribing the covenant, and be no more preſſed with oaths and ſubſcriptions unwarrantable by your laws, and contrary to their national oath and covenant approved by his majeſty.

‘ 4. That the common incendiaries which have been the authors of this combuſtion may receive their juſt cenſure.

‘ 5. That all our ſhips and goods, with all the damage thereof, may be reſtored.

‘ 6. That the wrongs, loſſes, and charges which all this time we have ſuſtained, may be repaired.

‘ 7. That the declarations made againſt us as traitors, may be recalled in the end, by the advice and counſel of the ſtates of England convened in parliament. His majeſty may be pleaſed to remove the garriſons from the borders, and any impediments which may ſtop free trade.’

They gain the good-will of the Londoners. Ruſhw.

It appears by this laſt article, how careful the Scots were to loſe no opportunity to gain the people of England to their intereſt. Of this they alſo gave the following inſtance. As the Londoners had all their coals from Newcaſtle, and could by no means be without that trade, the Scots were no ſooner maſters of Newcaſtle, but they wrote to the lord-mayor and aldermen of London, “ That knowing how neceſſary the free traffick of coals was for their city, and other places of England, they had, as a teſtimony of greateſt reſpect and good-will to the city of London, ſent two noblemen to declare to the maſters of ſhips, who, poſſeſſed with needleſs fears, were haſtening out of the river, that their purpoſe was not to ſtop, but to uſe their beſt means to continue that trade.”

Nalſon.

This letter anſwered the expectations of the Scots. Preſently after it was publickly talked at London of preſenting a petition to the king, to pray him to ſummon a parliament. The privy-council, left by the king at London, having ſome notice of this deſign, endeavoured to prevent it by a letter directed to the lord-mayor and aldermen; but they could not ſucceed. So a petition was reſolved, and ſent to his majeſty at York by ſome of the aldermen and common-council, which was as follows:

A petition of the Londoners to the king to call a parliament. Ruſhw. Annals.

Moſt gracious ſovereign,

‘ BEING moved with the duty and obedience which by the laws your petitioners owe unto your ſacred majeſty, they humbly preſent unto your princely and pious wiſdom, the ſeveral preſſing grievances following, viz.

‘ 1. The preſſing and unuſual impoſitions upon merchandize, importing and exporting, and the urging and levying of ſhip-money, notwithſtanding both which, merchants ſhips and goods have been taken and deſtroyed both by Turkiſh and other pyrates.

‘ 2. The multitude of monopolies, patents and warrants, whereby trade in the city and other parts of the kingdom is much decayed.

‘ 3. The ſundry innovations in matter of religion.

‘ 4. The oath and canons lately enjoined by the late convocation, whereby your petitioners are in danger to be deprived of their miniſters.

‘ 5. The great concourſe of Papiſts, and their inhabitations in London, and the ſuburbs, whereby they have more means and opportunity of plotting and executing their deſigns againſt the religion eſtabliſhed.

‘ 6. The ſeldom calling, and ſudden diſſolutions, of parliaments, without the redreſs of your ſubjects grievances.

‘ 7. The impriſonment of divers citizens for non-payment of ſhip-money and impoſitions, and the proſecution of many others in the ſtar-chamber, for not conforming themſelves to committees in patents of monopolies, whereby trade is reſtrained.

‘ 8. The great danger your ſacred perſon is expoſed unto in the preſent war, and the various fears that ſeiſed upon your petitioners, and their families by reaſon thereof, which grievances and fears have occaſioned ſo great a ſtop and diſtraction in trade, that your petitioners can neither buy, ſell, receive, or pay as formerly, and tends to the utter ruin of the inhabitants of the city, the decay of navigation and cloathing, and the manufactures of this kingdom.

‘ Your humble petitioners conceiving that the ſaid grievances are contrary to the laws of this kingdom, and finding by experience that they are not redreſt by the ordinary courſe of juſtice, do, therefore, moſt humbly beſeech your moſt ſacred majeſty, to cauſe a parliament to be ſummoned with all convenient ſpeed, whereby they may be relieved in the premiſes.’

And your petitioners, &c.

Within a few days, this petition was followed by another from 12 lords, in behalf of themſelves and divers others.

A petition from 12 lords. Ruſhw. Annals.

Moſt gracious ſovereign,

‘ THE ſenſe of that duty and ſervice which we owe unto your ſacred majeſty, and our earneſt affection to the good and welfare of this your realm of England, have moved us in all humility to beſeech your royal majeſty, to give us leave to offer unto your moſt princely wiſdom, the apprehenſion which we and other your faithful ſubjects have conceived of the great diſtempers and dangers now threatening the church and ſtate of your royal perſon, and the fitteſt means by which they may be prevented.

‘ The evils and dangers whereof your majeſty may be pleaſed to take notice are theſe:

‘ 1. That your ſacred majeſty is expoſed to hazard and danger in the preſent expedition againſt the Scotiſh army, and by the occaſion of the war your revenue is much waſted, your ſubjects burthened with coat and conduct-money, billeting of ſoldiers, and other military charges, and divers rapines and diſorders committed in ſeveral parts in this your realm, by the ſoldiers raiſed for that ſervice, and your whole kingdom become full of fear and diſcontent.

‘ 2. The ſundry innovations in matters of religion; the oath and canons lately impoſed upon the clergy, and other your majeſty's ſubjects.

‘ 3. The great increaſe of Popery, and employing of Popiſh recuſants, and others ill-affected to the religion by law eſtabliſhed in places of power and truſt, and eſpecially commanding of men and arms both in the field and other counties in this realm; whereas by the laws they are not permitted to have arms in their own houſes.

‘ 4. The great miſchief which may fall upon this kingdom, if the intentions which have been credibly reported of bringing in of Iriſh forces ſhall take effect.

‘ 5. The urging of ſhip-money, and proſecution of ſome ſheriffs in the ſtar-chamber for not levying of it.

‘ 6. The heavy charges of merchandiſe to the diſcouragement of trade, the multitude of monopolies or other patentees, whereby the commodities and manufactures of the kingdom are much burthened, to the great and univerſal grievance of your people.

‘ 7. The great grief of your ſubjects by the intermiſſion of parliaments, in the late former diſſolving of ſuch as have been called, with the hoped effects which otherwiſe they might have procured.

‘ For a remedy whereof, and prevention of the danger that may enſue to your royal perſon, and to the whole ſtate, we do in all humility and faithfulneſs beſeech your moſt excellent majeſty, that you would be pleaſed to ſummon a parliament within ſome ſhort and convenient time, whereby the cauſe of theſe and other great grievances which your poor petitioners now lie under, may be taken away, and the authors and counſellors of them may be there brought to ſuch legal tryal and condign puniſhment, as the nature of the offence does require; and that the preſent war may be compoſed by your majeſty's wiſdom without blood-ſhed, in ſuch manner as may conduce to the honour and ſafety of your majeſty's perſon, and content of your people, and continuance of both of your kingdoms againſt the common enemy of the reformed religion.

Francis Bedford.
Ro. Eſſex.
William Hartford.
Warwick.
Earl of Briſtol.
Mulgrave.
Say and Seal.
Ed. Howard.
Bullingbrook.
Mandevile.
Brook.
Pagett.

A petition of the ſame nature by the gentry of York-ſhire. Ruſhw. Nalſon.

Preſently after the king having called the Yorkſhire gentry together, propoſed to them the payment of the trained-bands for two months. This propoſition being accepted, the gentlemen prepared an addreſs to inform the king of their conſent; but withal they beſought his majeſty to endeavour to compoſe the differences with the Scots, and to ſummon a parliament. The earl of Strafford being deſired to preſent the addreſs to the king, refuſed it, unleſs the clauſe about calling a parliament was left out, alledging, he knew the king fully deſigned it. But the gentlemen were unwilling to leave out theſe words, and delivered their addreſs themſelves.

The king reſolves to call a parliament. Clarend.

The king perceiving by the petitions which were preſented to him, that it was the nation's fervent deſire, a parliament ſhould be called, did not doubt it would be the firſt advice, the peers, when aſſembled, would give him. He reſolved, therefore, to prevent this advice, by ſummoning a parliament to meet on the 3d of November, for fear, if he delayed it any longer, he might be thought to be forced to it. The great council of the peers being aſſembled at York the 24th of September, the king ſpoke to them as follows:

1640.

The king's ſpeech to his great council of peers aſſembled at York. Nalſon. Ruſhw. Annals.

My lords,

‘UPON ſudden invaſions where the dangers are near and inſtant, it hath been the cuſtom of my predeceſſors to aſſemble the great council of the peers, and by their adviſe and aſſiſtance, to give a timely remedy to ſuch evils, which could not admit a delay ſo long as muſt of neceſſity be allowed for the aſſembling of the parliament.

‘This being our condition at this time, and an army of rebels lodged within this kingdom, I thought it moſt fit to conform myſelf to the practice of my predeceſſors in like caſes; that with your advice and aſſiſtance we might juſtly proceed to the chaſtiſement of theſe inſolencies, and ſecuring of my good ſubjects.

‘In the firſt place, I muſt let you know, that I deſire nothing more than to be rightly underſtood, of my people. And to that end, I have of myſelf reſolved to call a parliament; having already given order to my lord-keeper to iſſue the writs inſtantly, ſo that the parliament may be aſſembled by the 3d of November next: Whither, if my ſubjects brings thoſe good affections which become them towards me, it ſhall not fail on my part to make it a happy meeting. In the mean time, there are two points wherein I ſhall deſire your advice, which indeed were the chief cauſe of your meeting.

‘Firſt, what anſwer to give to the petition of the rebels, and in what manner to treat with them. Of which, that you may give a ſure judgment, I have ordered that your lordſhips ſhall be clearly and truly informed of the ſtate of the whole buſineſs, and upon what reaſons the advices that my privy-council unanimouſly gave me, were grounded.

‘The ſecond is, how my army ſhall be kept on foot and maintained, until the ſupplies of a parliament may be had. For ſo long as the Scotch army remains in England, I think no man will counſel me to diſband mine; for that would be an unſpeakable loſs to all this part of the kingdom, by ſubjecting them to the greedy appetite of the rebels, beſides the unſpeakable diſhonour that would thereby fall upon this nation.’

It is reſolved to treat with the Scots. Ruſhw. Annals.

When the king had thus ſpoken to the lords, he commanded to be read the reaſons which had induced his council to adviſe the levying an army againſt the Scots, and the petition of the Scots preſented to the king ſince their taking of Newcaſtle, as, alſo, the king's anſwer, and their particular demands. Then the earl of Traquair, by the king's order, explained theſe demands to the peers, and endeavoured to ſhew, how ſome of them ſubverted the fundamental laws of the kingdom of Scotland, others the juſt prerogative and dignity of his majeſty, and of which many were to the detriment of the king's profit, and prejudice of divers good ſubjects there. The reſult of the deliberation of the peers was; that certain of themſelves ſhould be ſent as commiſſioners to treat with the Scots, and endeavour to conclude a peace. According to this reſolution, 16 peers were choſen for commiſſioners, to whom were added by the king as aſſiſtants, the earls of Traquair, Morton, and Lanerick, ſecretary of Scotland, Sir Henry Vane, Sir Lewis Steward, and Sir John Burrough. It was farther agreed, that the treaty ſhould begin at Rippon * the 1ſt of October, and that the earl of Lanerick ſhould ſignify this reſolution to the Scots.

1640.

Commiſſioners appointed. Nalſon.

Another reſolution to borrow 200,000 l. of the Londoners. Ruſhw.

This article being diſpatched, the king deſired the lords to conſider of means to maintain the army during the treaty. It is ſtrange, the king ſhould undertake this war, without having any ſupply from the parliament, and ſhould be ſo ill-provided for the payment of his army, that within a month after the opening the campaign, he was unable to maintain it. For my part, I cannot deviſe any other reaſon of this conduct, except that, for the ſupport of this war, he had depended upon ſuch means as were no longer in his power to employ. However this be, the earl of Strafford having informed the peers of the number of troops the king had on foot, viz. about 24,000 men, declared that the payment of this army amounted to 60,000 pounds a month, and that to keep the army together for three months, no leſs would ſerve than the ſum of 200,000 pounds; adding, if the army ſhould diſband, all Yorkſhire would be loſt in two days, and the whole kingdom endangered. Whereupon it was reſolved, that a letter, ſubſcribed by all the peers preſent, ſhould be ſent to the city of London, for lending the 200,000 pounds, upon ſuch ſecurity as ſhould be agreed on, each of the peers offering to become bound.

The treaty begins at Rippon. Clarend.

Preliminaries demanded by the Scots. Ruſhw. Nalſon.

The Scots having appointed their commiſſioners to treat with the Engliſh, the negotiation began at Rippon the 1ſt of October. But before the principal point of the treaty was conſidered, certain preliminary articles were to be ſettled, which the Scots propoſed as abſolutely neceſſary to a happy concluſion. They repreſented, therefore, that their army had ſtopped at Newcaſtle by his majeſty's expreſs order; that they ſubſiſted by means of the contributions raiſed upon Cumberland, Newcaſtle and Durham, and as the negotiation might laſt ſome time, it was neceſſary, before all things, to provide for the ſubſiſtance of their troops during the treaty. This was the principle article on which they inſiſted, as a preliminary to the treaty. There were alſo other articles, which I do not think abſolutely neceſſary to be mentioned, ſince it will appear preſently what was the principal thing, by the preliminaries that were agreed on. I ſhall only add, that the Scots would never ſuffer the earl of Traquair to aſſiſt at the treaty, becauſe he was one of thoſe they called incendiaries,

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* York was named firſt, but the Scots refuſed to treat there, as not ſecure for their commiſſioners, ſo long as the earl of Strafford commanded there in chief, who had proclaimed them traitors in Ireland, before the king had done it in England. This was the firſt publick appearance of the Scots enmity againſt Strafford, and it is ſtrange it ſhould not be more regarded. Whitelock.

againſt whom they demanded ſevere juſtice. After many debates, the commiſſioners of the two nations agreed at laſt, the 16th of October, on the following preliminaries.

Preliminary articles for the maintenance of the Scotch Army. Nalſon.

‘ 1. That the Scotch army ſhall have for a competent maintenance, the ſum of 850 l. per diem, and that the payment thereof, ſhall continue for two months, in caſe the treaty ſhall ſo long laſt; which payment to be made weekly upon the Friday of every week.

‘ 2. The days of the returning of the army to be numbered within the days of the allowed maintenance.

‘ 3. That the Scotch army ſhall content themſelves with the aforeſaid maintenance, and ſhall neither moleſt Papiſts, prelates, nor their adherents, nor any other perſons of whatſoever quality.

‘ That the inhabitants of the ſaid counties ſhall alſo have liberty to return peaceably to their own dwellings, and ſhall be refuſed no courteſy, it being always preſuppoſed, that the fit lodging of their army ſhall be allowed.

‘ 5. That the army be furniſhed with coals in a regular way, and not at the pleaſure of the ſoldiers.

‘ 6. That there be a proviſion of forage, at the prices to be ſet down in a table, which muſt alſo contain the particular prices of all ſorts of victuals, and other neceſſaries for the army, to be indifferently agreed upon by perſons nominated on both ſides.

‘ 7. That free trade and commerce between both nations be reſtored, and not to be interrupted, but upon the warning of three months. But no victuals, arms, nor ammunition, to be imported into Newcaſtle, &c.

‘ 8. That victuals and other neceſſaries for the army be free of cuſtom; and that his majeſty's cuſtom of coals and other ware be left free to be levied by his own officers.

‘ 9. That there be a freedom to furniſh neceſſaries for both armies, and liberty be granted for milling, brewing, &c.

‘ 10. That the arrears of the contributions due to the Scotch army, be completely paid to October 16.

‘ 11. That there be a ceſſation of arms, according to the particulars to be agreed upon.

‘ 12. As for ſecuring the ſum of 850l. per diem above ſpecified, there is a committee appointed, who have power to treat with Northumberland, the biſhoprick of Durham, Newcaſtle, and (if need require) with Cumberland and Weſtmoreland, about the payment of it.

‘ 13. The lords will, before their going from York, ſettle a committee, who ſhall have charge to ſee the contribution orderly raiſed and paid; and that there ſhall likewiſe be a committe nominated, to whom either the Scotch commiſſioners, or the committees of the country, may weekly give an account of the carriage of the buſineſs.’

The treaty is removed to London. Nalſon.

The king's errors.

Nalſon.

Clarend.

The Scots had the addreſs to prolong the ſigning of theſe preliminaries till the 16th of October, after which, it ſtill remained to agree on the conditions of the truce. It was, therefore, almoſt impoſſible to enter into a diſcuſſion of the articles, which were to be the chief ſubject of the treaty, before the 3d of November, the day appointed for the meeting of the parliament. The lords, as well thoſe at Rippon as thoſe at York, being indiſpenſibly obliged to repair to London, it would have been needleſs to begin the negotiation at Rippon, where the time would ſcarce have allowed it to be opened. Wherefore, the Engliſh commiſſioners, whether of themſelves, or by the ſuggeſtion of the Scots, propoſed to the king the removal of the treaty from Rippon to London; and the king was forced to conſent to it, tho' he plainly perceived the Scots expected to find many friends at London, and even in the parliament, as, indeed, was the caſe. One may venture to ſay, that on occaſion of this treaty, the king committed three capital errors. Firſt, in ſummoning the parliament to meet at Weſtminſter, ſince he could not be ignorant how much the city of London was diſſatisfied with the government, and conſequently, ready to countenance ſuch reſolutions as the parliament might take againſt it: Whereas, had he ſummoned the parliament to meet at York, or in any other place at a diſtance from London, he would thereby have broken in part the meaſures of the Scots and Engliſh male-contents. He had but too much cauſe afterwards to be ſenſible of this error. The ſecond was, the removal of the treaty to London, where the Scots had their principal correſpondents. The third, in taking ſo ſhort a time for the meeting of the parliament, ſo that he had only the month of October to conclude a peace with the Scots, a ſpace hardly ſufficient to agree with them on the preliminaries and terms of the ceſſation, before the king and peers would be obliged to leave York and go to London. If he had not been in ſuch haſte to fix the meeting of the parliament to the 3d of November, he might have either concluded the treaty with the Scots, by granting what he could not have helped, or, at leaſt, left them without excuſe, if they had obſtinately perſiſted in any unreaſonable demands. Whereas, not being able to finiſh the negotiation at Rippon, he was forced to remove the conferences to London, a city well-affected to the Scots, and where they could better than any where elſe, take juſt meaſures, whether with the chief inhabitants, or with their friends in the parliament. The king was ſufficiently convinced of theſe errors, when it was too late to retrieve them.

Not to omit any thing which to me ſeems material in this Hiſtory, I thought proper to add here the earl of Briſtol's proceſs at the beginning of king Charles's reign; for, it is not foreign to the purpoſe. On the contrary, this proceſs, with the earl's anſwers, may be of great ſervice to clear the latter part of the reign of James I, as to the negotiation of the marriage of prince Charles with the Spaniſh Infanta, and the reſtitution of the Palatinate. It may alſo give an idea of the character of Charles I, and the duke of Buckingham. But it could not be inſerted in any other piece, without a too great interruption of the thread of the Hiſtory.

Proceedings againſt the earl of Briſtol.

THE earl of Briſtol, who had been ambaſſador in Spain, to negotiate prince Charles's marriage with the Spaniſh Infanta, was confined at his return to England, without being ever ſuffered to come into the king's preſence. As long as king James lived, the duke of Buckingham, who was the cauſe of the earl's diſgrace, pretended, however, to be willing to adjuſt his affairs, if he would but anſwer to ſome queſtions or objections, before commiſſioners appointed by the king. The earl anſwered thoſe queſtions, but his reconciliation was not advanced by it; on the contrary, he found himſelf much farther from it by the death of king James, and the acceſſion of Charles I. to the throne. The earl of Briſtol finding himſelf on very ill terms, wiſhed to come off, if poſſible, without injuring his honour. To this end, he applied to the lord Conway, ſecretary of ſtate, to deſire him to intercede for him with his majeſty. There paſſed ſome letters between theſe two lords upon that ſubject, and, at laſt, during the ſecond parliament of king Charles in 1626, the earl received from the lord Conway, the following letter.

My lord,

Ruſhw. I Received a letter from your lordſhip, dated the fourth of this month, written in anſwer to a former letter, which I directed to your lordſhip by his majeſty's commandment. This laſt letter, according to my duty, I have ſhewed unto his majeſty, who hath peruſed it, and hath commanded me to write back to you again, that he finds himſelf nothing ſatisfied therewith. The queſtion propounded to your lordſhip from his majeſty, was plain and clear, whether you did rather chuſe to ſit ſtill, without being queſtioned for any errors paſt in your negotiation in Spain, and enjoy the benefit of the late gracious pardon granted in parliament, whereof you may have the benefit; or whether, for the clearing of your innocency, (whereof yourſelf, and your friends and followers are ſo confident) you will be content to wave the advantage of that pardon, and put yourſelf into a legal way of examination for the tryal thereof? His majeſty's purpoſe thereby, is not to prevent you of any favours the law hath given you; but if your aſſurance be ſuch as your words and letters import, he conceives it ſtands not with that publick and reſolute profeſſion of your integrity to decline your tryal. His majeſty leaves the choice to yourſelf, and requires from you a direct anſwer, without circumlocution, or bargaining with him for future favours beforehand; but if you have a deſire to make uſe of that pardon, which cannot be denied you, nor is any way deſired to be taken from you, his majeſty expects you ſhould, at the leaſt, forbear to magnify your ſervice, and out of an opinion of your innocency, caſt an aſperſion upon his majeſty's juſtice, in not affording you that preſent fulneſs of liberty and favour, which cannot be drawn from him, but in his good time, and according to his good pleaſure.

Thus much I have in commandment to write to your lordſhip, and to require your anſwer clearly and plainly, by this meſſenger ſent on purpoſe for it, and ſo remain,

Your lordſhip's humble ſervant,

Whitehall, 24,
March, 1626.

Edw. Conway.

The earl of Briſtol's anſwer.

My lord,

I Have received your letter of the 24th of March, the 28th, and I am infinitely grieved to underſtand, that my former anſwer to yours of the 4th of March, hath not ſatisfied his majeſty, which I will endeavour to do this, to the beſt of my underſtanding; and to that end, ſhall anſwer to the particular points of your preſent letter, with the greateſt clearneſs I am able.

Firſt, Whereas you ſay in your letter, that the queſtion propounded to me was plain and clear, viz. Whether I would chuſe to ſit ſtill, without being queſtioned for any errors paſt in my negotiation with Spain, and enjoy the benefit of the late gracious pardon, whereof I may take the benefit? Or whether, being content to wave the advantage of that pardon, I ſhall put myſelf into a legal way of examination for the tryal thereof, &c?

Firſt, Your Lordſhip may be pleaſed to remember, your laſt propoſition was, whether I deſired to reſt in the ſecurity I was in, which you now expreſs, whether I will chuſe to ſit ſtill?

Secondly, Your propoſition was, whether I would acknowledge the gracious favour of his majeſty that now is, who had been pleaſed not to queſtion my actions, when it is beſt known to your lordſhip, That by a commiſſion of the lords, I was queſtioned upon 20 articles, divers involving felony and treaſon. Altho' it be true, that when I had ſo anſwered, (as I am confident their lordſhips would have cleared me) I was ſo unhappy, as their lordſhips never met more about that buſineſs.

But now your propoſition is, whether I will now chuſe to ſit ſtill without being farther queſtioned for errors paſt, whereas before it was required I ſhould acknowledge that I have not been queſtioned at all, which is a different thing? But conferring both your letters together, and gathering the ſenſe and meaning, by making the latter an explanation of the former, which I could have wiſhed your lordſhip would have more clearly explained, I return unto your lordſhip this plain and direct anſwer.

That underſtanding by the ſecurity I am in, and ſitting ſtill, and not being farther queſtioned, I am reſtored to the bare freedom and liberty of a ſubject and peer (for a man being called in queſtion by his majeſty, if after his majeſty ſhall be pleaſed out of his goodneſs, that he reſt quiet and ſecure, and that he ſhall not be farther queſtioned, I conceive that it is not apparent that his liberty naturally revolveth unto him, when by his majeſty's grace he is pleaſed to declare, he ſhall not be farther queſtioned, but may live in farther ſecurity.) So that underſtanding your letter in this ſort (for no direct anſwer can be made, untill the ſenſe of the queſtion be truly ſtated,) I do moſt humbly acknowledge and accept his majeſty's grace and favour, and ſhall not wave any thing that ſhall come to me by the pardon of 21 Jac. regis, nor by the pardon of hismajeſty's coronation; and am ſo far from bargaining, as you are pleaſed to expreſs it, for future favour (tho' I hope my humble and ſubmiſſive courſes of petitioning his majeſty, neither hath, nor ſhall deſerve ſo hard an expreſſion) that I ſhall not preſume ſo much as to preſs for any favour, until my dutiful and loyal behaviour may move his majeſty's royal and gracious heart thereunto, but receive with all humbleneſs, this my freedom and liberty; the which I ſhall only make uſe of in ſuch ſort, as I ſhall judge may be moſt agreeable to his majeſty's pleaſure.

As for the ſecond part of your letter, wherein you ſay, that if I deſire to make uſe of that pardon, his majeſty expects that I ſhould at leaſt forbear to magnify my ſervices; or out of an opinion of my own innocency caſt an aſperſion upon his Majeſty's juſtice. To this point I anſwer; that as I hope I ſhall never err in that ſort of immodeſty of valuing my ſervices, which I acknowledge to have been accompanied with infinite weakneſs and diſabilities; ſo I truſt it ſhall not diſpleaſe, that I make uſe to mine own comfort, and the honour of my poſterity, of thoſe many written teſtimonies which my late moſt bleſſed maſter hath left me, of his gracious acceptance of my ſervices for the ſpace of 20 years. So likewiſe I hope the modeſt avowing of mine innocency will not be thought to caſt any aſperſion upon his majeſty's honour or juſtice. I muſt freely confeſs unto your lordſhip, I am much afflicted to ſee inferences of this nature made, both in your lordſhip's laſt letter and in this. For if it ſhall be inferred as a thing reflecting upon the king's honour, that a man queſtioned, ſhall not endeavour to defend his own innocency before he be convicted, it will be impoſſible for any man to be ſafe; for the honour of his majeſty is too ſacred a thing for any ſubject, how innocent ſoever to conteſt againſt. So likewiſe, God forbid that it ſhould be brought into conſequences, (as in your former letter) as a tax upon the government and juſtice of his late majeſty, and majeſty that now is, that I ſhould have ſuffered ſo long time, not being guilty. For as I never have been heard ſo much as to repine of injuſtice to their majeſties in all my ſufferings, ſo I well know, that the long continuance of my troubles may well be attributed unto other cauſes; as to my own errors of paſſion, or other accidents; for your lordſhip may well remember, that my affairs were almoſt two years ſince upon the point of a happy accommodation, had it not been interrupted by the unfortunate miſtaking of the ſpeeches I uſed to Mr. Clark.

I ſhall conclude by intreating your lordſhip's favour, that I may underſtand from you, as I hope for my comfort, that this letter hath given his majeſty ſatisfaction; or if there ſhould yet remain any ſcruple, that I may have a clear and plain ſignification of the king's pleaſure, which I ſhall obey with all humility,

Your lordſhip's humble ſervant,

BRISTOL.

Not long after, the earl of Briſtol being informed that the houſe of commons were ill-affected to the duke of Buckingham, believed he ought to improve that juncture. For which purpoſe he petitioned the houſe of lords, ſhewing that he being a peer of this realm, had not received a ſummons to parliament, and deſired their lordſhips to mediate with his majeſty, that he might enjoy the liberty of a ſubject, and the privilege of his peerage, after almoſt two years reſtraint, without being brought to a tryal: And if any charge be brought in againſt him, he prayed that he might be tryed by parliament.

Upon which petition, it was reſolved in a committee of the upper-houſe; that their lordſhips ſhould humbly beſeech his majeſty, that a writ of ſummons might be ſent to the earl of Briſtol.

Hereupon the duke of Buckingham ſignified to the houſe, that upon the earl of Briſtol's petition to the king, his majeſty had ſent him his writ of ſummons; and withal ſhewed the lords a copy of a letter written from the king unto the ſaid earl, being as followeth.

“We have received your letter addreſſed
“ unto us by Buckingham, and cannot but
“ wonder that you ſhould through forgetfulneſs,
“ make requeſt to us of favour, as if
“ you ſtood evenly capable of it, when you
“ know what your behaviour in Spain deſerved
“ of us, which you are to examine by
“ the obſervations we made, and know you
“ well remember; how at our firſt coming
“ into Spain, taking upon you to be ſo wiſe
“ as to foreſee our intention to change our
“ religion, you were ſo far from diſſuading us,
“ that you offered your advice and ſecrecy to
“ concur in it; and in many other conferences
“ preſſing to ſhew how convenient it was to
“ be a Roman Catholick; it being impoſſible
“ in your opinion to do any great action otherwiſe;
“ and how much wrong, diſadvantage,
“ and diſſervice you did to the treaty,

“ to the right and intereſt of our dear brother and ſiſter, and their children; what diſadvantage, inconvenience, and hazard you intangled us in by your artifices, putting off and delaying our return home; the great eſtimation you made of that ſtate, and the low price you ſet this kingdom at; ſtill maintaining that we under colour of friendſhip to Spain, did what was in our power againſt them, which they ſaid, you very well know: And laſt of all, your approving of thoſe conditions, that our nephew ſhould be brought up in the emperor's court, to which Sir Walter Aſhton then ſaid, that he durſt not give his conſent for fear of his head: You replying unto him, that without ſome ſuch great action, neither marriage nor peace could be had.

The lord-keeper to the earl of Briſtol.

My very good lord,

BY his majeſty's commandment, I herewith ſend unto your lordſhip your writ of ſummons for the parliament; but withal to ſignify his majeſty's pleaſure herein farther, that howſoever he gives way to the awarding of the writ; yet his meaning is thereby, not to diſcharge any former directions for reſtraint of your lordſhip's coming hither, but that you continue under the ſame reſtrictions as you did before; ſo as your lordſhip's perſonal attendance is to be forborn, and therein I doubt not but your lordſhip will readily give his majeſty ſatisfaction. And ſo I commend my ſervice very heartily unto your lordſhip, and remain,

Your l[illegible]dſhip's aſſured friend and ſervant,

Dorſet-court,
March 31, 1626.

Tho. Coventry, C. S.

The earl of Briſtol's anſwer to the lord-keeper.

May it pleaſe your lordſhip,

I Have received your lordſhip's letter of the 31ſt of March, and with it his majeſty's writ of ſummons for the parliament; in the one his majeſty commandeth me, that all excuſes ſet aſide, upon my faith and allegiance, I fail not to come and attend his majeſty; and this under the great-ſeal of England. In the other, as in a letter miſſive, his majeſty's pleaſure is intimated by your lordſhip, that my perſonal attendance ſhould be forborn: I muſt crave leave ingenuouſly to confeſs unto your lordſhip, that I want judgment rightly to direct myſelf in this caſe: As, likewiſe, that I am ignorant how far this may trench upon the privileges of the peers of this land, and upon mine and their ſafety hereafter: For if the writ be not obeyed, the law calleth it a miſpriſion, and highly fineable, whereof we have had late examples; and a miſſive letter being avowed or not, is to be doubted would not be adjudged a ſufficient diſcharge againſt the great-ſeal of England. On the other ſide, if the letter be not obeyed, a peer may, de facto, be committed upon a contempt, in the interim, and the queſtion cleared afterwards; ſo that in this caſe it is above mine abilities. I can only anſwer your lordſhip, that I will moſt exactly obey; and to the end I may underſtand which obedience will be, in all kinds, moſt ſuitable to my duty, I will preſently repair to my private lodging at London, and there remain until in this, and other cauſes, I ſhall have petitioned his majeſty, and underſtand his farther pleaſure. For the ſecond part of your lordſhip's letter, where your lordſhip ſaith, “That his majeſty's meaning is not thereby to diſcharge any former directions, for reſtraint of your lordſhip's coming hither, but that you continue under the ſame reſtriction as before; ſo that your lordſhip's perſonal attendance here is to be forborn:” I conceive your lordſhip intendeth this touching my coming to parliament only; for as touching my coming to London, I never had at any time one word of prohibition, or colourable pretence of reſtraint; but on the contrary, having his late majeſty's expreſs leave to come to London, to follow my affairs; out of my reſpect to his majeſty, then prince, and to the duke of Buckingham, I forbore to come until I might know, whether my coming would not be diſagreeable unto them. Whereunto his majeſty was pleaſed to anſwer, both under the hand of the duke, and of Mr. Secretary Conway, that he took my reſpect unto him herein in very good part, and would wiſh me to make uſe of the leave the king had given me: Since which time I never received any letter or meſſage of reſtraint; only his majeſty by his letter, bearing date June the laſt, commandeth me to remain as I was in the time of the king his father, which was with liberty to come to London to follow my own affairs as I pleaſed, as will appear unto your lordſhip, if you will afford me ſo much favour as to peruſe them. I have wrote this much unto your lordſhip, becauſe I would not, thro' miſunderſtanding, fall into diſpleaſure by my coming up, and to entreat your lordſhip to inform his majeſty thereof: And that my lord Conway, by whoſe warrant I was only reſtrained in the late king's time of famous memory, may produce any one word, that may have ſo much as any colourable pretence of debarring my coming up to London. I beſeech your lordſhip to pardon my deſire to have things clearly underſtood; for the want of that formerly hath cauſed all my troubles; and when any thing is miſinformed concerning me, I have little or no means to clear it; ſo that my chief labour is to avoid miſunderſtanding. I ſhall conclude with beſeeching your lordſhip to do me this favour, to let his majeſty underſtand, that my coming up is only rightly to underſtand his pleaſure, whereunto I ſhall in all things moſt dutifully and humbly conform myſelf. And ſo with my humble ſervice to your lordſhip, I recommend you to God's holy protection, and remain,

Your lordſhip's moſt humble ſervant,

Sherborn, April
12, 1626.

BRISTOL.

The earl of Briſtol's ſecond petition preſented to the houſe of lords, April 19, *1626.*

The humble petition of John, earl of Briſtol.

Humbly ſhewing unto your lordſhips,

THAT he hath lately received his writ of parliament, for which he returneth unto your lordſhips moſt humble thanks, but jointly with it a letter from my lord-keeper, commanding him in his majeſty's name to forbear his perſonal attendance; and altho' he ſhall ever obey the leaſt intimation of his majeſty's pleaſure, yet he moſt humbly offereth unto your lordſhips wiſe conſiderations as too high a point for him, how far this may trench upon the liberty and ſafety of the peers, and the authority of their letters-patents, to be in this ſort diſcharged by a letter miſſive, of any ſubject, without the king's hand; and for your lordſhips due information, he hath annexed a copy of the ſaid lord-keeper's letter, and his anſwer thereunto.

He farther humbly petitioneth your lordſhips, that having been, for the ſpace of two years, highly wronged in point of his liberty, and of his honour, by many ſiniſter aſperſions which have been caſt upon him, without being permitted to anſwer for himſelf; which hath been done by the power and induſtry of the duke of Buckingham, to keep him from the preſence of his majeſty and the parliament, leaſt he ſhould diſcover many crimes concerning the ſaid duke.

He therefore moſt humbly beſeecheth, that he may be heard both in the point of his wrong, and of his accuſation of the ſaid duke; wherein he will make it appear, how infinitely the ſaid duke hath both abuſed their majeſties, the ſtate, and both the houſes of parliament. And this he is moſt confident will not be denied, ſince the court of parliament never refuſeth to hear the pooreſt ſubject ſeeking for redreſs of wrongs, nor the accuſation againſt any, be he never ſo powerful: And herein he beſeecheth your lordſhips to mediate to his majeſty, for the ſuppliant's coming to the houſe, in ſuch ſort as you ſhall think fitting; aſſuring his majeſty, that all he ſhall ſay, ſhall not only tend to the ſervice of his majeſty and the ſtate, but highly to the honour of his majeſty's royal perſon, and of his princely virtues; and your ſuppliant ſhall ever pray for your lordſhips proſperity.

Hereupon the lord-keeper delivered this meſſage from the king to the houſe of lords.

That his majeſty hath heard of a petition preferred unto this houſe by the earl of Briſtol, ſo void of duty and reſpects to his majeſty, that he hath great cauſe to puniſh him; that he hath alſo heard with what duty and reſpectfulneſs to his majeſty their lordſhips have proceeded therein, which his majeſty conceiveth to have been upon the knowledge they have, that he hath been reſtrained for matters of ſtate; and his majeſty doth therefore give their lordſhips thanks for the ſame, and is reſolved to put the cauſe upon the honour and juſtice of their lordſhips and this houſe. And thereupon his majeſty commanded him (the lord-keeper) to ſignify to their lordſhips his royal pleaſure, that the earl of Briſtol be ſent for as a delinquent, to anſwer in this houſe his offences, committed in his negotiations before his majeſty's being in Spain, and his offences ſince his majeſty's coming from Spain, and his ſcandalizing the duke of Buckingham immediately, and his majeſty by reflection, with whoſe privity, and by whoſe directions the duke did guide his actions, and without which he did nothing. All which his majeſty will cauſe to be charged againſt him before their lordſhips in this houſe.

The lords appointed a committee to attend the king, and to preſent their humble thanks to his majeſty, for the truſt and confidence he had placed in the honour and juſtice of their houſe.

ON Monday the firſt of May, the gentleman-uſher brought the earl of Briſtol to the bar, according to their lordſhips order; and the lord-keeper acquainted him, that the king had commanded his attorney-general, to charge the earl of Briſtol before their lordſhips with high-treaſon, and other offences and miſdemeanours of a very high nature, that they might proceed in a legal courſe againſt him, according to the juſtice and uſual proceedings of parliament.

Articles of accuſation againſt the earl of Briſtol, preſented to the upper-houſe by the king's attorney-general.

I. Offences done and committed by the earl of Briſtol, before his majeſty's going into Spain, when he was prince.

I. THAT the ſaid earl being truſted and employed by the ſaid late king as his ambaſſador to Ferdinando, then and now emperor of Germany; and to Philip the IVth, then and now king of Spain, in Annis 1621, 22, 23. And having commiſſion, and particular and ſpecial direction, to treat with the ſaid emperor and the king of Spain, for the plenary reſtoring of ſuch parts of the dominions, territories, and poſſeſſions of the count Palatine of Rhine, who married with the moſt excellent lady Elizabeth his now royal conſort, the only daughter of the ſaid late king James; which were then wrongfully and in hoſtile manner taken, and poſſeſſed with and by the armies of the ſaid emperor and king of Spain, or any other; and for the preſerving and keeping ſuch other parts thereof as were not then loſt, but were then in the protection of the ſaid late king James; and to the uſe of the ſaid count Palatine and his children: And alſo to treat with the ſaid king of Spain for a marriage to be had between the moſt high and excellent prince Charles, then prince of Wales, the only ſon and heir-apparent of the ſaid king James, and now our moſt ſovereign lord, and the moſt illuſtrious lady Donna Maria, the Infanta of Spain, ſiſter to the now king of Spain: He the ſaid earl, contrary to his duty and allegiance, and contrary to the truſt and duty of an ambaſſador, at Madrid, in the kingdom of Spain, to advance and farther the deſigns of the ſaid king of Spain againſt our ſaid ſovereign lord, his children, friends, and allies; falſely, willingly, and traiterouſly, and as a traitor to our ſaid late ſovereign lord the king, by ſundry letters and other meſſages ſent by the ſaid earl from Madrid, in the year aforeſaid, unto king James and his miniſters of ſtate of England, did confidently and reſolutely inform, adviſe, and aſſure the ſaid late king, that the ſaid emperor and king of Spain, would really, fully and effectually make reſtitution and plenary reſtauration to the ſaid count Palatine, and his children of the ſaid dominions, territories and poſſeſſions of the ſaid count Palatine, and of the ſaid electoral dignity: And that the ſaid king of Spain did really, fully and effectually intend the ſaid marriage between the ſaid lady his ſiſter, and the ſaid prince our now ſovereign lord, according to articles formerly propounded between the ſaid kings: Whereas in truth, the ſaid emperor and king of Spain, or either of them, never really intended ſuch reſtitution as aforeſaid; and whereas the ſaid king of Spain never really intended the marriage according to thoſe articles propounded, but the ſaid emperor and the king of Spain, intended only by thoſe treaties, to gain time to compaſs their own ends and purpoſes, to the detriment of this kingdom, (of all which, the ſaid earl of Briſtol neither was nor could be ignorant) the ſaid late king James by entertaining thoſe treaties, and continuing them upon thoſe falſe aſſurances given unto him by the ſaid earl, as aforeſaid, was made ſecure, and loſt the opportunity of time, and thereby the ſaid dominions, territories and poſſeſſions of the ſaid count Palatine, and the electoral dignity become utterly loſt; and ſome parts thereof were taken out of the actual poſſeſſion of the ſaid king James, unto whoſe protection and ſafe-keeping they were put, and committed to the ſaid count Palatine; and the moſt excellent lady Elizabeth, his wife, and their children, are now utterly diſpoſſeſſed and bereaved thereof, to the high diſhonour of our ſaid late ſovereign lord king James, to the diſheriſon of the ſaid late king's children, and their poſterity, of their antient patrimony, and to the diſadvantage and diſcouraging of the reſt of the princes of Germany, and other kings and princes in amity and league with his majeſty.

II. That the ſaid earl of Briſtol being ambaſſador for his late majeſty king James as aforeſaid, in Annis ſupradictis, and having received perfect, plain, and particular inſtructions and directions from his ſaid late majeſty, that he ſhould put the king of Spain to a ſpeedy and punctual anſwer, touching the treaties aforeſaid: And the ſaid earl well underſtanding the effect of thoſe inſtructions and directions ſo given unto him, and taking preciſe knowledge thereof; and alſo knowing how much it concerned his late majeſty in honour and ſafety (as his great affairs then ſtood) to put theſe treaties to a ſpeedy concluſion; yet nevertheleſs, he the ſaid earl, falſely, willingly and traiterouſly, contrary to his allegiance, and contrary to the truſt and duty of an ambaſſador, continued thoſe treaties upon generalities, without effectual preſſing the ſaid king of Spain unto particular concluſions, according to his majeſty's directions as aforeſaid; and ſo the ſaid earl intended to have continued the ſaid treaties upon generalities, and without reducing them to certainties and to direct concluſions, to the high diſhonour of his ſaid late majeſty, and to the extreme danger and detriment of his majeſty's perſon, his crown and dominions, confederates and allies.

III. That the ſaid earl of Briſtol, being ambaſſador for his ſaid late majeſty as aforeſaid, in the years aforeſaid, to the intent to diſcourage the ſaid late king James, for the taking up of arms, entering into hoſtility with the ſaid king of Spain, and for reſiſting him and his forces, from attempting the invaſion of his ſaid late majeſty's dominions, and the dominions of his ſaid late majeſty's confederates, friends, and allies; the ſaid king of Spain having long thirſted after an univerſal monarchy in theſe weſtern parts of the world, hath many times, both by words and letters, to the ſaid late king and his miniſters, extolled and magnified the greatneſs and power of the ſaid king of Spain, and repreſented unto his ſaid late majeſty, the ſuppoſed dangers which would enſue unto him, if a war ſhould happen between them; and affirmed, and inſinuated unto his ſaid late majeſty, that if ſuch a war ſhould enſue, his ſaid late majeſty, during the reſt of his life, muſt expect neither to hunt, nor hawk, nor eat his meat in quiet: Whereby the ſaid earl of Briſtol did cunningly and traiterouſly ſtrive to retard the reſolutions of the ſaid late king, to declare himſelf an enemy to the ſaid king of Spain, (who, under colour of treaties and alliances, had ſo much abuſed him) and to reſiſt his arms and forces, to the loſs of opportunity of time, which cannot be recalled, or regained, and to the extreme danger, diſhonour, and detriment of this kingdom.

IV. The ſaid earl of Briſtol, upon his diſpatch out of this realm of England, in his ambaſſage aforeſaid, having communication with divers perſons of London, within this realm of England, before his going into Spain, in and about his ambaſſage concerning the ſaid treaty, for the negotiation whereof, the ſaid earl purpoſely was ſent; and he the ſaid earl being then told, that there was little probability, that theſe treaties would or could have any good ſucceſs, he the ſaid earl acknowledged as much; and yet nevertheleſs, contrary to his duty and allegiance, and to the faith and truth of an ambaſſador, he the ſaid earl ſaid and affirmed, that he cared not what the ſucceſs thereof would be; for he would take care to have his inſtructions, and purſue them punctually; and howſoever the buſineſs went, he would make his fortune thereby, or uſed words at that time to ſuch effect; whereby it plainly appeareth, that the ſaid earl, from the beginning herein, intended not the ſervice or honour of his late majeſty, but his own corrupt and ſiniſter ends, and for his own advancement.

V. That from the beginning of his negotiation, and throughout the whole management thereof, by the ſaid earl of Briſtol, and during his ſaid ambaſſage, he the ſaid earl, contrary to his faith, and duty to God, the true religion profeſſed by the church of England, and the peace of this church and ſtate, did intend and reſolve, that if the ſaid marriage ſo treated of as aforeſaid, ſhould by his miniſtry be effected, that thereby the Romiſh religion, and profeſſors thereof, ſhould be advanced within this realm, and other his majeſty's realms and dominions, and the true religion and profeſſors thereof, diſcouraged and diſcountenanced. And to that end and purpoſe, the ſaid earl, during the time aforeſaid, by letters unto his late majeſty, and otherwiſe, often counſelled and perſuaded his ſaid late majeſty to ſet at liberty the Jeſuits and prieſts of the Romiſh religion; which, according to the good, religious, and publick laws of this kingdom, were impriſoned or reſtrained, and to grant, and to allow unto the Papiſts, and profeſſors of the Romiſh religion, free toleration, and ſilencing of all the laws made, and ſtanding in force againſt them.

VI. That by the falſe informations and intelligence of the ſaid earl of Briſtol, during the time aforeſaid, unto his ſaid late majeſty, and to his majeſty that now is, (being then prince) concerning the ſaid treaties; and by the aſſurances aforeſaid given by the ſaid earl, his ſaid late majeſty, and the prince, his now majeſty, being put in hopes, and by the ſaid long delay uſed, without producing any effect, their majeſties being put into jealouſies, and juſt ſuſpicion, that there was no ſuch ſincerity uſed towards them as they expected; and with ſo many anſwers from the earl, had on their part been undertaken, the ſaid prince, our now gracious ſovereign, was inforced, out of his love to his country, to his allies, friends, and confederates, and to the peace of Chriſtendom, who all ſuffered by thoſe intolerable delays, in his own perſon to undertake his long and dangerous journey into Spain, that thereby he might either ſpeedily conclude thoſe treaties, or perfectly diſcover, that on the emperor's, and the king of Spain's part, there was no true and real intention to bring the ſame to concluſion, upon any fit and honourable terms and conditions, and did abſolutely and ſpeedily break them off. By which journey, the perſon of the ſaid prince, being then heir-apparent to the crown of this realm, and in his perſon, the peace and ſafety of this kingdom, did undergo ſuch apparent, and ſuch inevitable danger, as at the very remembrance thereof, the hearts of all good ſubjects do even tremble.

II. Offences done and committed by the ſaid earl, during the time of the prince's being in Spain.

VII. THAT at the prince's coming into Spain, during the time aforeſaid, the earl of Briſtol, cunningly, falſely, and traiterouſly, moved and perſuaded the prince, being then in the power of a foreign king of the Romiſh religion, to change his religion, which was done in this manner: At the prince's firſt coming to the ſaid earl, he asked the prince, for what he came thither? The prince at firſt not conceiving the earl's meaning, anſwered, You know as well as I. The earl replied, Sir, ſervants can never ſerve their maſters induſtriouſly, altho' they may do it faithfully, unleſs they know their meanings fully. Give me leave, therefore, to tell you what they ſay in the town, is the cauſe of your coming, that you mean to change your religion, and to declare it here, and yet cunningly to diſguiſe it. The earl added farther: Sir, I do not ſpeak this, that I will perſuade you to do it, or that I will promiſe you to follow your example, tho' you will do it; but as your faithful ſervant, if you will truſt me with ſo great ſecret, I will endeavour to carry it the diſcreeteſt way I can. The prince being moved at this unexpected motion, again ſaid unto him, I wonder what you have ever found in me, that you ſhould conceive I would be ſo baſe and unworthy, as for a wife to change my religion. The ſaid earl replying, he deſired the prince to pardon him if he had offended him, it was but out of his deſire to ſerve him. Which perſuaſions of the ſaid earl was the more dangerous, becauſe the more ſubtle; whereas it had been the duty of a faithful ſervant, to God and his maſter, if he had found the prince ſtaggering in his religion, to have prevented ſo great an error, and to have perſuaded againſt it, ſo to have avoided the dangerous conſequence thereof to the true religion, and to the ſtate, if ſuch a thing ſhould have hapened.

VIII. That afterwards, during the prince's being in Spain, the ſaid earl having conference with the ſaid prince about the Romiſh religion, he endeavoured falſely and traiterouſly to perſuade the prince to change his religion, and to become a Roman Catholick, and to become obedient to the uſurped authority of the pope of Rome; and to that end and purpoſe, the ſaid earl traiterouſly uſed theſe words unto the ſaid prince, that the ſtate of England never did any great thing, but when they were under the obedience of the pope of Rome, and that it was impoſſible they could do any thing of note otherwiſe.

IX. That during the time of the prince's being in Spain, the prince conſulting and adviſing with the ſaid earl, and others, about a new offer made by the king of Spain, touching the Palatinate's eldeſt ſon, to marry with the emperor's daughter, but then he muſt be bred up in the emperor's court; the ſaid earl delivered his opinion, that the propoſition was reaſonable; whereat, when Sir Walter Aſton, then preſent, falling into ſome paſſion, ſaid, that he durſt not for his head conſent to it; the earl of Briſtol replied, that he ſaw no ſuch great inconvenience in it; for that he might be bred up in the emperor's court in our religion. But when the extreme danger, and, in a manner, the impoſſibility thereof was preſſed unto the ſaid earl, he ſaid again, that without ſome great action, the peace of Chriſtendom would never be had; which was ſo dangerous, and ſo deſperate a counſel, that one near the crown of England ſhould be poiſoned in his religion, and become an unfriend to our ſtate, that the conſequences thereof, both for the preſent and future times, were infinitely dangerous; and yet hereunto did his diſaffection to our religion, the blindneſs in his judgment, miſled by his ſiniſter reſpects, and the too much regard he had to the houſe of Auſtria, lead him.

III. Offences done and committed by the ſaid earl, after the prince's coming from Spain.

X. THAT when the prince had clearly found himſelf and his father deluded in theſe treaties, and hereupon reſolved to return from the court of Spain; yet becauſe it behoved him to part freely, he left the powers of the deſponſories with the earl of Briſtol, to be delivered upon the return of the diſpenſation from Rome, which the king of Spain inſiſted upon; and without which, as he pretended, he would not conclude the marriage. The prince foreſeeing and fearing, leſt after the deſponſories, the Infanta that ſhould then be his wife, might be put into a monaſtery, wrote a letter back to the ſaid earl from Segovia, thereby commanding him not to make uſe of the ſaid powers, until he could give him aſſurance, that a monaſtery ſhould not rob him of his wife; which letter the ſaid earl received, and with ſpeed returned an anſwer thereto in England, perſuading againſt this direction, yet promiſing obedience thereunto. Shortly after which, the prince ſent another letter to the ſaid earl into Spain, diſcharging him of his father's command. But his late majeſty, by the ſame meſſenger, ſent him a more expreſs direction, not to diſpatch the deſponſories, until a full concluſion were had of the other treaty of the Palatinate with this of the marriage; for his majeſty ſaid, that he would not have one daughter to laugh, and leave the other daughter weeping. In which diſpatch, altho' there were ſome miſtaking, yet in the next following, the ſame was corrected, and the earl of Briſtol tied to the ſame reſtriction, which himſelf confeſſed in one of his diſpatches afterwards, and promiſed to obey punctually the king's command therein; yet nevertheleſs, contrary to his duty and allegiance, in another letter ſent immediately after, he declared, that he had ſet a day for the deſponſories, without any aſſurance, or ſo much as treating of thoſe things which were commanded to him as reſtrictions; and that ſo ſhort a day, that if extraordinary diligence, with good ſucceſs in the journey, had not concurred, the prince's hands might have been bound up; and yet he neither ſure of a wife, nor any aſſurance given of the temporal articles. All which, in his high preſumption, he adventured to do, being an expreſs breach of his inſtructions; and if the ſame had not been prevented by his late majeſty's vigilancy, it might have turned to the infinite diſhonour and prejudice of his majeſty.

XI. Laſtly, That he hath offended in a high and contemptuous manner, in preferring a ſcandalous petition to this honourable houſe, to the diſhonour of his majeſty, of bleſſed memory, deceaſed, and of his ſacred majeſty that now is, which are no way ſufferable in a ſubject towards his ſovereign; and in one article of that petition ſpecially, wherein he gives his now majeſty the lie, in denying and offering to falſify that relation which his majeſty affirmed, and thereunto added many things of his own remembrance to both houſes of parliament.

Robert Heath, attorney-general.

The earl of Briſtol, upon the attorney-general's accuſing him of high-treaſon, thus expreſſed himſelf:

"That he had exhibited his petition to the houſe, April 19, that he might come up and be heard in his accuſation of the duke of Buckingham, and that thereupon, he being a peer of this realm, is now charged with treaſon: That he had heretofore informed the late king of the duke's unfaithful ſervice, and thereupon the duke laboured that he might be clapt up in the tower, preſently upon his return out of Spain: That he importuned the late king, that he might be heard before himſelf, and his majeſty promiſed it; "I pray God (ſaid he) that the promiſe did him no hurt, for he died ſoon after." And for the king's promiſe, he vouched the lord-chamberlain for a witneſs; and he deſired the lords to take notice, that their houſe was poſſeſſed already of his ſaid petition, and of his accuſation of the ſaid duke; and, therefore, deſired firſt, that they would receive his charge againſt the duke and the lord Conway, and not to invalid his teſtimony againſt him by the king's charge againſt him; and that he might not be impeached, till his charge of ſo high a nature be firſt heard.

"So he tendered to the houſe the articles againſt the duke, which the clerk received, and he withdrew, and his petition exhibited the 19th of April was read; and the lords reſolved upon the queſtion, that the ſaid earl's charge againſt the duke of Buckingham and the lord Conway ſhould be preſently read."

The earl being ſoon after called in again to the bar of the lord's houſe, concerning his articles againſt the duke, made this ſpeech.

Firſt, he craved pardon of their lordſhips for his earneſt ſpeeches the other day, confeſſing them to have been in paſſion, ſaying, that unexpected accuſation of treaſon would warm any honeſt heart, but would hereafter amend it. Then he returned their lordſhips humble thanks for their manner of proceeding againſt him; and deſired to know, from Mr. Attorney, whether that was his whole charge or not. Mr. Attorney anſwered, that he had commandment to open no more againſt him; peradventure, upon the opening of the charge, ſome particulars might ariſe, and be urged, but no new matter ſhould.

Then the earl deſired to know of Mr. Attorney, who was the relator to this charge, and that he might underſtand who was his accuſer. Mr. Attorney anſwered, that the king himſelf, out of his own mouth, had given him directions for his own relation againſt him, and corrected many things that were added. Unto which the earl anſwered, that he would not conteſt with the king, neither did it beſeem him ſo to do; neither eſteemed he his life or his fortunes ſo much, as to ſave them by conteſting with his ſovereign; and therefore would make no reply or anſwer, were it not that his religion and honour were jointly queſtioned with his life; but that being to deſcend to his poſterity, for their ſakes he was an humble ſuitor unto his majeſty, that he would not take indignation at his own juſt defence, yet would he be ready to make any humble ſubmiſſion to his majeſty; and heartily deſired ſome means might be made, that he might make it perſonally to himſelf, wherein he would ſubmit himſelf moſt willingly to ſome ſuch act of humiliation and ſubmiſſion, (not wronging his innocency) that never ſubject did towards his ſovereign: And alſo that his majeſty would be pleaſed to ſet himſelf in his throne of juſtice, and declare out of his royal juſtice, that he would have the duke and him upon equal terms, and that neither of their cauſes ſhould be advanced before the others.

Theſe were his humble petitions, which he beſought their lordſhips to preſent unto his majeſty, and to take it into their conſiderations, of how dangerous a conſequence it would be, if the king ſhould be accuſer, judge, witneſs, and ſhould have the confiſcation. As touching the charge againſt him, he ſaid, he had once anſwered it all, except that of his petition; and he doubted not but to clear himſelf before their lordſhips, of every particular of it. He ſaid, he expected not to have heard of this again, having once anſwered it: He rather expected to have been charged with ſome practice with Spain againſt the ſtate; or the receipt of 10 or 20,000 pounds, for the perſuading and procuring of the delivery up of ſome town, of which the crown was in poſſeſſion, as might be the town of Fluſhing, the Brill, or the like; or for being the means of lending the king's ſhips to a foreign nation, and that againſt thoſe of our own religion; or for revealing his majeſty's higheſt ſecrets, which none above two or three dares know; or for treating the greateſt affairs *, as it were by his own authority, without formal inſtructions in the points; for having taken rewards; or been corrupted by a foreign prince; or to have broken his inſtructions in any eccleſiaſtical point; or, as the law calleth it, to have committed an overt-act of diſloyalty; and not to be charged, after ſeven ambaſſages, with diſcourſes and inferences.

Then he deſired their lordſhips, that he might have a copy of his charge in writing, and time allowed him for his anſwer, and counſel aſſigned him to plead his cauſe; and ſaid, there was a great difference between the duke of Buckingham and him; for the duke was accuſed of treaſon, and yet at large, and in the king's favour; and he being accuſed but of that which he had long ſince anſwered, was a priſoner: And therefore he moved, that they might be put in equal condition.

And as touching the lord Conway, inaſmuch as he had given in articles againſt him, he deſired his lordſhip, he might not meddle in that particular buſineſs, or uſe the king's name againſt him, ex officio; he alſo beſought their lordſhips to be ſuitors to his majeſty on his behalf, that all the particular diſpatches of his own ambaſſages, and Sir Walter Aſton's, might be brought thither, and that he might make uſe of them for his defence, as his evidence: Then he deſired their lordſhips, not to think it tedious for him to proceed, and lay open his caſe unto them: Which being granted, he began as followeth.

He ſaid, that he had the honour to ſerve the late king his maſter, of happy memory, for the ſpace of 20 years, and a long time as a counſellor, and in ſeven foreign ambaſſages: In all which time, in point of his negotiation, he had never received one check or rebuke, until the return of the duke of Buckingham out of Spain; and, therefore, from thence he would begin his preſent narration.

The very day that his majeſty departed from Spain, he was pleaſed to tell him, that he had no ways offended him, but did him the honour to truſt him with the cuſtody of the powers for his marriage; and after his return into England, wrote unto him ſome letters, which did in no kind expreſs any diſtruſt or diſpleaſure againſt him. About the ſame time, he wrote unto his majeſty ſeveral letters, as in duty he was bound, not for any earthly reſpect whatſoever, to conceal from him the true eſtate of his affairs; in which letters he ſet down truly and honeſtly, that he conceived, that the diſtaſtes grown there between the king of Spain and his miniſters, and the duke of Buckingham, would diſorder and utterly overthrow all his affairs, if his wiſdom prevented it not, Hinc illæ lachrymæ: The duke of Buckingham got a ſight and knowledge of the letters; and fearing leſt the earl at his return ſhould diſcover unto his ſaid late majeſty, his practices and miſdemeanors in Spain, he reſolved, that his acceſs to the king was no ways to be admitted, and therefore laboured and endeavoured, that he might be committed to the tower preſently upon his arrival; and conceiving that the lord marqueſs of Hamilton, in regard of his friendſhip with the earl, and the alliance which was then intended between them, might oppoſe his courſe, he earneſtly preſſed him therein, and moved him to deal with my lord-chamberlain to the ſame purpoſe, vowing, that there was no hurt intended to the earl, but only that he feared, that if he ſhould be admitted to the king, he would croſs and diſturb the courſe of affairs.

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* Of all theſe things was the duke of Buckingham accuſed by the publick. Rapin.

But they were ſo honourable, that neither of them would condeſcend thereunto; and ſo that intention of his took no effect.

This deſign of the duke not taking, he fell upon other things, indeed to have frightened the earl out of his country and honour; and thereupon laid ſome great and ſiniſter aſperſions upon him in both houſes of parliament, thinking thereby to have terrified him, that he ſhould not return, ſaying, that if he kept not himſelf where he was, and laid hold of thoſe great offers which he heard were made to him in Spain, it would be worſe with him.

" Here the earl deſired my lord chamber-
" lain, that he would be pleaſed upon his ho-
" nour, to deliver what he knew of the matter.
" Whereupon the lord chamberlain atteſted
" the truth of what the earl had ſaid concern-
" ing the duke of Buckingham, the marqueſs
" of Hamilton and himſelf."

Then the earl of Briſtol proceeded and ſaid, that the knowledge of theſe aſperſions caſt upon him in the parliament, came firſt unto him at Bourdeaux in France, where he was coming home at leiſure, in the company of his wife and family, having formerly ſent a poſt of purpoſe to the lord Conway, to know if his ſpeedy return would be any way uſeful to his majeſty's ſervice: Who anſwered him, that he might very well return at leiſure with his family. And in the mean time, he was fallen upon by the duke of Buckingham in parliament, in ſuch ſort as your lordſhips well remember, of whoſe declaration, he ſaid, he would boldly affirm unto their lordſhips, that there was ſcarce any one thing concerning him in it, which was not contrary to, or different from the truth.

From Bourdeaux the earl took poſt, making haſte, for that he hoped to clear his honour in parliament before it ſhould break up; and being arrived at Calais, he ſent over to have one of the king's ſhips, for which there was publick order given; but altho' both wind and weather were as fair as could be, and the king's ſhips lay at Bolougne, having carried over count Mansfeldt, and might every day within three hours have been with him, yet the ſhip came not in eight days expectance; ſo that the earl fearing the parliament would be diſſolved, was enforced to paſs the ſea in a boat with ſix oars, as he did, having with him 30 or 40,000 l. of the king's jewels.

Upon his landing at Dover, hoping that if his arreſt ſhould have been deferred till his coming to London, he might have gotten directly to the king's preſence, which the duke reſolved was by no means to be admitted: The earl was there, by a letter of the lord Conway's, delivered unto him by a ſervant of his, in his majeſty's name, commanded to retire himſelf to his houſe, and not to come to the court, or the king's preſence, until he ſhould have anſwered unto certain queſtions, which his majeſty would appoint ſome of the lords of the council to aſk him. Hereupon he ſent preſently to his majeſty, who ſent him word, that his reſtraint was neither for any ill meaning unto him, nor that it ſhould laſt long, but was intended for his good, to keep the parliament from falling violently upon him. And the ſame reaſon the duke alledged to ſome of his friends; and all thoſe his troubles, which have followed upon his firſt reſtraint, have been procured by the duke's art, under colour of favour. But the earl having received this meſſage from the king, became a moſt humble ſuitor to his majeſty, that he would expoſe him to the parliament; for that if he had not ſerved him honeſtly in all things, he deſerved no favour, but to be proceeded againſt with all ſeverity. And in this particular he preſſed the king, as far as could ſtand with duty and good manners; but received anſwer from his majeſty, that there ſhould but few more days paſs, before he would put an end to his affairs. And about this time the parliament was diſſolved.

He ſtill continued his ſollicitation to be admitted to the king's preſence, who ſent him word, and confirmed it by oath: That as ſoon as he ſhould have anſwered the queſtions which the commiſſioners were to propound to him, he would both ſee him and hear him, and wondered that he ſhould ſo much doubt thereof. He then ſollicited with all earneſtneſs to have the queſtions ſent unto him, which was promiſed ſhould be within few days. In the interim, his majeſty being deſirous that the buſineſs ſhould have been accommodated, ſent ſecretly to him by a gentleman (who is ready to depoſe it) this meſſage; " That he ſhould " write a fair letter to the duke, and leave the " reſt to him." Hereupon the duke ſent a gentleman, (one Mr. Clark) with fair propoſitions, offering to procure him whatſoever he could reaſonably pretend; only he muſt not be admitted to the king's preſence for ſome time; and that the duke would have the diſpoſing of his vice-chamberlain's place, having been therein formerly engaged. The earl told the gentleman, that to condeſcend to any ſuch courſe, were jointly to confeſs himſelf faulty in ſome kind, which he would not do for any reſpect in the world; and let him know the great wrong that the duke had already done him; and therefore it would be more honourable for him to procure him ſome reparation, than to preſs him farther. Moreover, not by way of meſſage, but by way of information of the ſaid Mr. Clark, he let him know, how fit it were for the duke not to preſs theſe things, who could not but be conſcious of his own faults, and know his innocency; and withal ſhewed him a paper that he had made ready for the king, containing the particulars wherein the duke had diſparaged him.

Mr. Clark making the duke acquainted herewith, the duke wrote a letter the next day to the earl, bearing date 7 Julij, telling him, that he had willingly intended the accomodation of his affairs; but by what he had now ſaid to Mr. Clark, he was diſobliged, unleſs he ſhould be pleaſed to relent it. Whereupon the earl anſwered with that directneſs he thought befitting him in point of honour. The courſe of mediation was interrupted, and the duke ſo far incenſed; that he ſwore he would have him queſtioned for his life. In the interim

terim (which the earl deſired might be known to the lords) his late majeſty was ſo far from thinking him a delinquent, or any way diſhoneſt, that he was often heard to ſay and ſwear, that he held him an honeſt man, and that he would anſwer for him that he had neither committed felony nor treaſon. And this divers are ready to depoſe. The which he well confirmed, for that he gave general leave to all gentlemen of the court, privy-counſellors, and to his ſecretary of ſtate, to have free acceſs unto him; yea, even ſo far as to admit of viſits and entercourſes with Spaniſh ambaſſadors, and the Paedre Maeſtre; as is beſt known to my lord Conway, by whoſe letter he received his majeſty's leave in that particular.

Then he reſumed the ſtate of his buſineſs where he left it, which was in the hands of the commiſſioners, and they were to frame interrogatories for him, the which, altho' they had promiſed ſhould be ſent within a few days, yet ſuch art was uſed, that ſix or ſeven weeks were ſpent in the framing of them, to the end that his majeſty's progreſs beginning, there might be no means for the farther clearing of the buſineſs: And ſo ſuppoſing that for the anſwering of the 20 interrogatories of ſo high a nature, the earl would take ſome time, they cauſed the ſaid interrogotaries to be delivered unto him within a few days before the beginning of the progreſs; but he uſed ſo much diligence, that he made ready to anſwer in perſona, tho' it were in the nature of a delinquent. Unto which his majeſty anſwered moſt graciouſly, that out of his favour, and for that he would not do him wrong, he would not admit of it, but that he would ſend his anſwer, and he would inſtantly put an end to his buſineſſes; as will appear by letters. Hereupon the duke was put into a great ſtrait how to keep him any longer from his majeſty, but deſired that only a few queſtions more might be asked of him; which the king upon great urging and inſtance, condeſcended unto, ſo that the queſtions might be preſently ſent him: But herein were ſuch artifices uſed, that the bringing of any was delayed until the king had begun his progreſs; and then within a day or two, the lord Conway ſent him word, that he had order indeed for the ſending of him ſome more queſtions, but out of his affection to him he forbore the ſending of them, unleſs he ſhould preſs for them. Whereupon the earl inſtantly wrote unto him, that they might be ſent unto him. My lord Conway made him anſwer by his letter, that he wiſhed rather the courſe of mediation might be purſued, for that would but farther exaſperate; but if he would needs have the queſtions they ſhould be ſent to him. Whereupon he ſent to ſollicit his lordſhip for them with all earneſtneſs, inſomuch as to petition his late majeſty twice, that the ſaid queſtions might be ſent: But when the turn was ſerved of keeping him from the king's preſence, the ſaid queſtions were never more heard of till this day.

So likewiſe, the earl having ſent his anſwer to all the commiſſioners, who moſt of them made not nice to declare, that they were fully ſatisfied; and when it was perceived that the commiſſioners would certainly clear him, and that he thereby ſhould be reſtored unto his majeſty's favour, they were never more permitted to meet: A proceeding, which, as he conceived, their lordſhips would think hardly to be parellelled, that a commiſſion ſhould be appointed to condemn, if there had been cauſe, but not to clear.

After the progreſs was ended, he began again to ſollicit his majeſty, and wrote particularly unto the duke of Buckingham. Whereupon the duke was pleaſed to ſend four or five propoſitions, which he deſired he ſhould acknowledge; the which propoſitions contained nothing but what hath been already propounded and ſatisfied in the former interrogotaries: And if he would make his acknowledgment, he then promiſed to employ his force and power with the king and prince, that he ſhould be admitted to kiſs their hands, and be received into their gracious favour; but otherwiſe, in a menacing ſort, that he ſhould lay his hands upon his breaſt, and ſo that would be beſt for him. And in the preface of the ſaid propoſitions, he writeth theſe words which follow: "It is an aſſertion, not granted, that "the earl of Briſtol, by his anſwer hath ſatisfied either the king, the prince, or me of his "innocency." A preſumptious commination for any ſubject.

But theſe propoſitions were ſo unjuſt, that he wrote unto the duke, that inſtead of an acknowledgment, he had ſent him an anſwer unto them; unto which, if either himſelf, or any man living was able to reply, he would ſubmit himſelf to any thing that ſhould be demanded. But this no way ſatisfied the duke, altho' it did his late majeſty, who, in the duke's preſence, ſaid, "I were to be accounted "a tyrant, to enjoin an innocent man to con"feſs faults, of which he was not guilty." And thereupon ſent him word, that he ſhould make his anſwer, but acknowledge nothing he was not faulty in. And altho' he had received this meſſage from the king's own mouth, as will be depoſed, yet the duke at the ſame time wrote unto him, that the concluſion of all that has been treated with his majeſty, was, that he ſhould make the acknowledgment in ſuch manner, as was ſet down in this paper. And at this time likewiſe it was that his majeſty ſent him word, that he would hear him concerning the duke of Buckingham, as well as he had heard the duke concerning him. And this was not long before his majeſty's ſickneſs; and in the interim, as he had heard by ſeveral ways, the king ſuffered much, and was infinitely preſſed by the duke concerning the ſaid earl and his affairs; and this he ſaid, was the ſuffering he had ſpoken of to their lordſhips the other day.

The earl craved leave of their lordſhips to ſpecify ſome other particulars, whereby it ſhould appear, that his majeſty was in no kind ill-opinioned of him till his dying day, viz. That ſeveral perſons will depoſe, that they have heard his majeſty ſay, that he eſteemed him an honeſt man; and that he was pleaſed to accept of toys by way of preſent from him, graciouſly, and in good part; and at laſt was likewiſe pleaſed to give him leave to come to London, and to follow his own affairs; and that his pleaſure was ſignified unto him by the duke his own letter. Whereupon he determined to come to London, intimating to the duke his intention of going to his lodgings in Whitehall; but the duke was therewith incenſed again, and ſaid, he miſtook the king's meaning, which was, that he might privately follow his own buſineſs. And this he ſaid, was the true ſtate and conditions when it pleaſed God to take unto his mercy his late moſt gracious majeſty.

Upon his majeſty's coming to the crown, he ſaid, he wrote a moſt humble letter unto his majeſty, imploring his grace and goodneſs, and deſiring the duke's mediation. But he was pleaſed to anſwer by his letter of 7 May, 1625; that the reſolution was to proceed againſt him, without a plain and direct confeſſion of the point which he had formerly required him to acknowledge; and in a courtly manner of menace telleth him, that he would take the freedom to adviſe him, to bethink himſelf in time what would be moſt for his good. But in the interim, his majeſty was graciouſly pleaſed that his writ of parliament ſhould be ſent him; and thereupon he wrote unto the duke of the receipt of the ſaid writ, but that he ſhould do nothing but what he ſhould underſtand to be moſt agreeable to his majeſty's pleaſure. Whereunto the duke anſwered in his letter of May, in this manner: "I have " acquainted his majeſty of your requeſt to- " wards him, touching our ſummons to the " parliament, which he taketh very well, and " would have you rather make excuſe for your " abſence, notwithſtanding your writ, than " to come yourſelf in perſon." Whereupon he ſent humbly to deſire a letter of leave under his majeſty's hand for his warrant; but inſtead thereof, he received from the lord Conway an abſolute prohibition, and to reſtrain and confine him in ſuch ſort, as he hath been in the late king's time: And altho' he was indeed abſolutely ſet free, he could never get cleared by the lord Conway, tho' he ſent him all the papers to examine; and when he could make no farther reply, he ſaid, he conceived he was under reſtraint, and that his liberty expired with the late king's death; when indeed reſtraint may expire, but liberty is natural. After this he continued for the ſpace of three quarters of a year in the country without moving, in which time he was removed from thoſe places and offices he held during his late majeſty's life; and the greateſt part of his eſtate being laid out in their majeſty's ſervice, by their particular appointment, he could never be admitted ſo much as to the clearing of accompts. Yet hereof he never made the leaſt complaint: But againſt the time of his majeſty's coronation, he thought it fit to lay hold of that occaſion, when princes do acts of grace and favour, to be a moſt humble ſuitor to his majeſty for his grace and goodneſs; and addreſſed his letters unto the duke of Buckingham, from whom he received a letter all written in his own hand, and therein a letter encloſed from his majeſty, ſo different from ſome gracious meſſage which he had received from his majeſty, ſince the ſaid earl returned into England, upon the occaſion of a great ſickneſs; and likewiſe from his ſpeeches ſeveral times delivered to his wife, to wit, that he had never offended him, and that for his faults he no ways held them criminal, but to be expiated by any eaſy acknowledgment; that he confeſſed he knew not what judgment to make of the ſaid letter, neither hath preſumed hitherto to make any anſwer thereto; altho' by reducing the occaſion of ſpeeches and circumſtances to his majeſty's memory, he no ways doubteth but he ſhall be able to give unto his majeſty ſuch ſatisfaction to every particular, that his majeſty would not remain with the leaſt ſcruple in any one point.

After this, he ſaid, that his writ of parliament was detained; whereupon he addreſſed himſelf to the lord-keeper, that he would be a ſuitor to his majeſty for him in that behalf; which diligence not taking effect, by petition he became a ſuitor to their lordſhips for their honourable mediation to his majeſty, and thereupon his writ of parliament was awarded: But the duke of Buckingham upon that took occaſion, as he had publiſhed copies of the ſaid letter over all the kingdom, to read it likewiſe unto that honourable houſe, as was beſt known unto their lordſhips, and the writ was accompanied with a prohibition from the lord-keeper; whereupon he addreſſed himſelf for juſtice to that honourable houſe, (being poſſeſſed of his cauſe by his petition) for both redreſs of his own wrongs, and likewiſe of complaints againſt the duke for many crimes. And that honourable houſe being poſſeſſed of his cauſe by his petition, there is preferred againſt him a ſucceeding complaint, amounting as high as treaſon, (as it is pretended) altho' he for divers years hath not been queſtioned; yet ſince his complaint againſt the duke he hath been fetcht up like a priſoner, and brought into the houſe as a delinquent; and the duke, of whom he hath complained for his great crimes, is admitted ſtill to ſit in in the houſe as one of his judges. The which, with all that he hath formerly ſaid, together with his life, fortunes and honour, he did with all willingneſs, humility and duty, ſubmit to the juſtice and honour of that houſe.

Then the lords aſked him, when he would bring in his anſwer? He promiſed to anſwer as ſoon as might be, but knew not how far he ſhould have occaſion to uſe his antient diſpatches. The lord-keeper told him, that Mr. Attorney might help him by letting him know it. The attorney ſaid, that his charge ſhould in nothing look farther back than to the year 1621, which he deſired might be recorded.

Whereupon the earl thanking their lordſhips for their patience, he was carried away by Mr. Maxwell, the gentleman-uſher, in whoſe houſe and cuſtody he remained.

Then were read the earl's articles againſt the duke and the lord Conway; viz.

Articles of the earl of Briſtol, whereby he chargeth the duke of Buckingham, bearing date the firſt day of May, *1626*.

I. THAT the duke of Buckingham did ſecretly combine with the Conde of Gondemar, ambaſſador for the king of Spain, before his, the ſaid ambaſſador's, laſt return into Spain, in the ſummer, Anno *1622*, to carry his majeſty, (then prince) into Spain, to the end he might be informed and inſtructed in the Roman religion, and thereby have perverted the prince, and ſubverted the true religion eſtabliſhed in England; from which miſery this kingdom, (next under God's mercy,) hath by the wiſe, religious, and conſtant carriage of his majeſty, been almoſt miraculouſly delivered, conſidering the many bold and ſubtle attempts of the ſaid duke in that kind.

II. That Mr. Porter was made acquainted therewith, and ſent into Spain; and ſuch meſſages at his return framed, as might ſerve for a ground to ſet on foot this conſpiracy: The which was done accordingly, and thereby the king and prince highly abuſed, and their conſents thereby firſt gotten to the ſaid journey, that is to ſay, after the return of the ſaid Mr. Porter, which was about the end of December, or the beginning of January, *1622*, whereas the ſaid duke had plotted it many months before.

III. That the ſaid duke, at his arrival in Spain, nouriſhed the Spaniſh miniſters, not only in the belief of his own being popiſhly affected, but did, (both by abſenting himſelf from all exerciſes of religion, conſtantly uſed in the earl of Briſtol's houſe, and frequented by all other Proteſtant Engliſh, and by conforming himſelf to pleaſe the Spaniards in divers rites of their religion, even ſo far as to kneel and adore their ſacrament) from time to time give the Spaniards hope of the prince his converſion: The which converſion, he endeavoured to procure by all means poſſible; and and thereby cauſe the Spaniſh miniſters to propound far worſe conditious for religion, than had been formerly by the earl of Briſtol, and Sir Walter Aſton, ſettled and ſigned under their majeſties hands, with a clauſe in the king of Spain's anſwer of December 12, *1622*, that they held the articles agreed upon ſufficient, and ſuch as ought to induce the pope to the granting of the diſpenſation.

IV. That the duke of Buckingham having ſeveral times, in the preſence of the earl of Briſtol, moved and preſſed his late majeſty, at the inſtance of the Conde of Gondemar, to write a letter unto the pope; and to that purpoſe having once brought a letter ready drawn, wherewith the earl of Briſtol, by his majeſty being made acquainted, did ſo ſtrongly oppoſe the writing of any ſuch letter, that during the abode of the ſaid earl of Briſtol in England, the ſaid duke could not obtain it; yet not long after the earl was gone, he procured ſuch a letter to be written from his ſaid late majeſty unto the pope, and to have him ſtiled Sanctiſſime Pater.

V. That the pope being informed of the duke of Buckingham's inclination and intention in point of religion, ſent unto the ſaid duke a particular bull in parchment, for to perſuade and encourage him in the perverſion of his majeſty, then prince.

VI. That the ſaid duke's behaviour in Spain was ſuch, that he thereby ſo incenſed the king of Spain and his miniſters, as they would admit of no reconciliation, nor farther dealing with him. Whereupon the ſaid duke ſeeing that the match would be now to his diſadvantage, he endeavoured to break it, not for any ſervice to the kingdom, nor diſlike of the match in itſelf, nor for that he found, (as ſince he had pretended) that the Spaniards did not really intend the ſaid match, but out of his particular ends, and his indignation.

VII. That after he intended to croſs the marriage, he put in practiſe divers undue courſes; as namely, making uſe of the letters of his majeſty (then prince) to his own ends, and not to what they were intended; as likewiſe concealing divers things of high importance from his late majeſty, and thereby overthrew his majeſty's purpoſes, and advanced his own ends.

VIII. That the ſaid duke, as he had with his ſkill and artifices formerly abuſed their majeſties, ſo to the ſame end he afterwards abuſed both houſes of parliament, by his ſiniſter relation of affairs, as ſhall be made appear almoſt in every particular, that he ſpake unto the ſaid houſes.

IX. As for ſcandal given by his perſonal behaviour, as alſo the employing of his power with the king of Spain for the procuring of favours and offices which he beſtowed upon baſe and unworthy perſons, for the recompence and heir of his luſt: Theſe things, as neither fit for the earl of Briſtol to ſpeak, nor, indeed, for the houſe to hear, he leaveth to your lordſhips wiſdom, how far you will be pleaſed to have them examined; it having been indeed a great infamy and diſhonour to this nation, that a perſon of the duke's great quality and employments, a privy counſellor, and ambaſſador, eminent in his maſter's favour, and ſolely truſted with the perſon of the prince, ſhould leave behind him in a foreign court ſo much ſcandal as he did by his ill-behaviour.

X. That the duke hath been in great part the cauſe of the ruin and miſfortune of the prince Palatinate, and his eſtates, inaſmuch as thoſe affairs had relation unto this kingdom.

XI. That the duke of Buckingham hath in his relations to both houſes of parliament, wronged the earl of Briſtol in point of his honour, by many ſiniſter aſperſions which he hath laid upon him, and in point of his liberty by many undue courſes, through his power and practices.

XII. That the earl of Briſtol did reveal unto his late majeſty, both by word and letter, in what ſort the ſaid duke had diſſerved him, and abuſed his truſt: And that the king by ſeveral ways ſent him word, that he ſhould reſt aſſured, he would here the ſaid earl, but that he ſhould leave it to him to take his own time.

And thereupon, few days before his ſickneſs, he ſent the earl word, that he would hear him againſt the ſaid duke, as well as he had heard the ſaid duke againſt him. Which the duke himſelf heard; and not long after his bleſſed majeſty ſickned and died, having been in the interim much vexed and preſſed by the ſaid duke.

Articles of the earl of Briſtol againſt the lord Conway, bearing date 1 Maij, *1626*.

I. THAT the lord Conway is ſo great a ſervant of the duke of Buckingham's, that he hath not ſtuck to ſend the earl of Briſtol plain word, that if buſineſſes could not be accommodated between him and the duke, he muſt then adhere and declare himſelf for the ſaid duke; and therefore unfit to be a judge in any thing that concerneth the duke or the earl.

II. That the ſaid lord Conway profeſſeth himſelf to be a ſecretary of the duke of Buckingham's creation, and ſo acknowledgeth it under his own hand: And altho' that he be the king's ſecretary of ſtate, and a privy-counſellor, he uſually beginneth his letters to the duke, Moſt gracious patron.

III. That as a creature of the ſaid duke's, the ſaid lord Conway hath been made the inſtruments of keeping the earl of Briſtol from the king's preſence, and of impriſoning of him by warrants only under his own hand; for which he cannot (as the earl conceiveth produce any ſufficient warrant.

IV. That by the ſpace of 12 months laſt paſt, the ſaid lord Conway hath been the cauſe of the earl's reſtraint, only by miſinforming his majeſty, and procuring a letter of reſtraint upon undue grounds: And when it was made apparent unto him, that the ſaid earl was reſtored to his liberty, freely to follow his own affairs, by his late majeſty of bleſſed memory, he replied, that that liberty given him by his majeſty expired with the king's death.

V. That the earl of Briſtol's mother lying ſick upon her death-bed, deſired for her comfort to ſee her ſon, and to give him her laſt bleſſing: Whereupon the earl wrote to the lord Conway, to deſire him to move the king for his leave; which he putting off from day to day, told the perſon employed, that by reaſon of the duke's ſickneſs, he could not find opportunity to get the duke's leave to move the king: And having ſpoken with the duke, he made a negative anſwer in the king's name. Whereupon when the earl acquainted the king by ſome of his bed-chamber, his majeſty was in a very great anger, ſwearing the ſecretary had never moved him, and that to deny the ſaid earl leave, was a barbarous part; and thereupon ſent him preſently free leave, which the ſecretary hearing of, ſent afterwards a letter of leave, but with divers clauſes and limitations, differing from the leave ſent him from the king's own mouth.

VI. That the having the buſineſſes of the earl of Briſtol in his own hands, and the earl being commanded by the king to addreſs himſelf in his occaſions unto his lordſhip, he would never deliver any meſſage from the ſaid earl, without acquainting the ſaid duke, and receiving his directions, and in a noble manner of freeneſs, ſtuck not to ſend him word.

VII. That the earl of Briſtol having received from the lord Conway 20 interrogatories in his late majeſty's name, drawn up by a commiſſion of the lords appointed to ſearch into the proceedings and employments of the ſaid earl, in which ſearch there was more than two months ſpent, divers of the ſaid interrogatories involving felony and treaſon; and his majeſty having been pleaſed to aſſure the ſaid earl, both by meſſage and letters, that upon ſatisfaction given to himſelf and the commiſſioners by his anſwers, he would preſently put an end to the earl of Briſtol's buſineſs. The earl of Briſtol having ſo fully anſwered, as would admit of no reply; and that many of the commiſſioners declared themſelves to be fully ſatisfied: The ſaid lord Conway, (being the ſecretary in the commiſſion, to whom it properly belonged to call the lords to aſſemble) perceiving the earl of Briſtol was like to be cleared, never moved for any farther meeting, neither have they ever been permitted to meet until this day, whereby the troubles of the earl of Briſtol have been kept on foot till this preſent, and the ſaid earl's impriſonment hath been enlarged 20 months. And by the artifices of the ſaid duke of Buckingham, and the ſaid lord Conway, (as ſhall be made appear) the ſaid earl hath been inſenſibly involved and ſtaulked into the troubles he is now in, which he doubteth not but your lordſhips will judge to be a very conſiderable caſe.

VIII. That for a colour of keeping the earl from his late majeſty's preſence, it being pretended, after the anſwer to the 20 interrogatories, that there were ſome few queſtions more to be added, whereunto when he ſhould have anſwered, his majeſty ſwore ſolemnly, that without any delay he ſhould be admitted to his preſence, and that within two or three days he ſhould have the ſaid queſtions ſent unto him; the lord Conway, notwithſtanding he acknowledged under his hand, that he had received his majeſty's directions for the ſending of the ſaid articles, and was often thereunto ſollicited on the behalf of the ſaid earl, would never ſend the ſaid queſtions, and at laſt anſwered, that he had no more to do with the earl's buſineſs.

IX. That the earl of Briſtol being ſet free by his late majeſty to come to London, to follow his own affairs as he pleaſed, and thereupon having his writ of parliament ſent unto him, without any letter of prohibition; but the earl of Briſtol, out of his great deſire to conform all his actions to that which he ſhould underſtand would beſt pleaſe his majeſty, ſent to know, whether his going or ſtay would be moſt agreeable unto his majeſty? Who was pleaſed to anſwer by a letter from my lord duke of Buckingham, that he took it in very part the ſaid earl's reſpect unto him; but wiſhed him to make ſome excuſe for the preſent: The which accordingly he did, and moved, that he might have a letter under the king's hand to warrant his abſence; but under colour of this letter of leave, upon the earl of Briſtol's own motion and deſire, the lord Conway ſent a letter from his majeſty, abſolutely forbidding his coming to parliament, and therein likewiſe was inſerted a clauſe, that the earl ſhould remain reſtrained as he was in the time of his late majeſty; and ſo thereby a colour of reſtraint under his majeſty's hand was gotten, which could never be procured in his late majeſty's time; whereby the earl of Briſtol hath been unduly reſtrained ever ſince, without being able to procure any redreſs, or, to make the lord Conway willing to underſtand his caſe, altho' he ſent him all the papers, whereby he might clearly ſee that the earl was not under reſtraint in his late majeſty's time; but never other anſwer could be procured from him, but that he judged the ſaid earl to be under reſtraint, and that his liberty was expired by the late king's death, as is aforeſaid.

X. That the lord Conway, knowing that the match for the marrying of the king of Bohemia's eldeſt ſon with the emperor's daughter, and being bred in the emperor's court, was allowed and propounded by his late majeſty; and that his majeſty, by his letters unto his ſon-in-law, declareth, that he thinketh it the faireſt and cleareſt way for the accommodation of his affairs, and that he will take ſufficient care for his breeding in true religion. And notwithſtanding that the ſaid earl received a copy of the ſaid letter by the ſaid late king's order, with other papers, ſetting down all that had been done in the ſaid buſineſs, and his majeſty's aſſent thereunto from the lord Conway himſelf; yet hath he ſuffered all to be charged, as a crime againſt the earl of Briſtol, both in the 20th interrogatory, and in his majeſty's laſt letter, that he ſhould conſent to the breeding of the young prince in the emperor's court. And farther, in the interrogatory he alledgeth, it is an aggravation againſt the ſaid earl, that the breeding of the ſaid prince in the emperor's court, inferred to the perverſion of his religion, when he knew that the ſaid breeding was never thought nor ſpoken of by the king, nor any other, but with that expreſs clauſe and condition, that he ſhould be bred in his own religion, and have ſuch tutors and ſervants as his father ſhould appoint.

XI. That the lord Conway had been the cauſe of all the earl of Briſtol's troubles, by his dubious and intrapping diſpatches, and inferring, that the ſaid earl hath failed in his directions, when it ſhall be made appear, that his diſpatches contained no ſuch directions as he hath alledged were given.

The houſe not being ſatisfied to commit the earl to the tower, let him remain where he was before, with the gentleman-uſher; and farther ordered, that the king's charge againſt the earl of Briſtol be firſt heard, and then the charge of the ſaid earl againſt the duke; yet ſo, that the earl's teſtimony againſt the duke be not prevented, prejudiced, or impeached.

The day following, the lord-keeper delivered a meſſage from the king to the houſe of lords.

A meſſage from the king to the houſe of lords.

'THAT his majeſty taketh notice of the 'articles exhibited againſt the duke of 'Buckingham by the earl of Briſtol; and he 'obſerveth, that many of them are ſuch, as 'himſelf is able to ſay more of his own know'ledge than any man, for the duke's ſincere 'carriage in them; that one of them, touch'ing the narrative made in parliament in the '21ſt of king James, trencheth as far upon 'himſelf as the duke; for that his majeſty 'went as far as the duke in that declaration; 'and that all of them have been cloſed in the 'earl's own breaſt now for theſe two years, 'contrary to his duty, if he had known any 'crime of that nature by the duke; and now 'he vents it by way of recrimination againſt 'the duke, whom he knows to be a principal 'witneſs to prove his majeſty's charge.

'And, therefore, that his majeſty gave 'them thanks, that they gave no way to the 'earl of Briſtol's unreaſonable motion, of put'ting the duke under the ſame reſtraint that 'they had put the earl, thereby eſchewing 'what the earl aimeth at, to alter their duti'ful proceedings towards his majeſty; that 'thereby they had made his majeſty confident, 'that as they have, ſo they will put a differ'ence between his majeſty's charge, againſt 'one that appeareth as a delinquent, and the 'recrimination of the earl of Briſtol againſt 'his majeſty's witneſs; and they will not e'qual them by a proceeding pari paſſu.'

In the interim, the king not being very ſure of the lords, endeavoured to take the earl's cauſe out of the upper-houſe, and to proceed by way of indictment in the king's-bench; but the lords would not conſent to it, for which they alledged ſeveral reaſons, that were confirmed by the judges, who declared, "That a peer of the realm, impeached for "treaſon, was to be tried in parliament."

The upper-houſe being willing to ſecure the earl of Briſtol from being over-powered by the duke of Buckingham's exorbitant authority, asked the judges opinion upon the two following queſtions:

"1. Whether the king could be a witneſs "in caſe of treaſon?

"2. Admitting that he could, yet whether "he might be ſo in the preſent caſe," i. e. when the king is the informer?

Before the judges brought in their anſwer, this meſſage and command came from the king to them, that in this general queſtion they ſhould not deliver any opinion, but if any point came in particular, they, upon mature deliberation, might give their advice.

About the middle of May, the earl of Briſtol gave in his anſwer to the articles brought againſt him; upon the delivering of which, he made the following ſpeech.

The earl of Briſtol's ſpeech, by way of introduction, before he gave in his anſwer.

‘I AM not inſenſible upon what diſadvantages I come to trial in this cauſe: For firſt, I am faln into his majeſty's heavy diſpleaſure, and am to encounter with a potent adverſary, highly in favour, and am accuſed for treaſon; for which all counſel and friends abandon me, as a man infected with the plague; I am become bound and under reſtraint; whereas a man who is to encounter for his life and honour, and with a ſtrong adverſary, had need to come upon equal terms.

‘But as to the matter, I find myſelf charged with divers articles of high-treaſon; but looking into them with the eyes of my beſt underſtanding, with the opinion alſo of my counſel lately aſſigned me, and taking them apart one article from another, I find not any thing in them like treaſon, or that hath ſo much as the ſhew or countenance of a fault, either in act or words; only by laying all things together, and by wreſting the wreſts with a ſtrained conſtruction, directly contrary to the true ſenſe and meaning of them, and the occaſion whereupon they were ſpoken, it is informed, and that by way of inference only, that the intent was evil, and the matter to prove the intent to be evil, depends upon two props, viz. ill-affection to religion, and too much affection to Spain; which if I ſhall clear, the inference grounded upon theſe props, will fall of itſelf.

‘Therefore I crave leave of your lordſhips, before I give my anſwer to the charge, that I may give you an account of theſe two particulars; and I humbly beſeech you that what I ſhall ſpeak in my juſt defence, may not be conceived to proceed of vain oſtentation.

‘And firſt for religion: I was in my childhood bred in the Proteſtant religion, and rather after the ſtricter manner than otherwiſe. When I grew in years fit, I travelled into France, Italy, and Rome itſelf: In all which travels, I can produce ſome that I conſorted withal, who will witneſs with me, that I ever conſtantly uſed the religion I profeſſed without the leaſt prevarication, no man being able to charge me that ſo much as out of curioſity I ever was preſent at any of the exerciſes belonging to the Roman religion, or did the leaſt act of conformity to any their rites or ceremonies.

‘Secondly, after my return home, I was received into the ſervice of his late majeſty, of bleſſed memory, whom I ſerved ſome years as a gentleman of his privy-chamber, and carver, in which time none of his majeſty's ſervants received the holy ſacrament, frequented ſermons, and other exerciſes of our religion more than I.

‘Thirdly, in that time of my youth, not to avoid idleneſs, but out of affection to religion, I tranſlated that excellent book of our faith, and great points of our religion, written by Monſieur Moulins; which his late majeſty having ſometimes after ſeen, approved ſo well, that he would needs have it printed; which accordingly was printed in the name of Mr. Sampford my chaplain, to whom I gave the honour; but it was my own act, as Mr. Sampford will not deny, tho' to this hour I never had before ſpoken it.

‘Fourthly, about 7 or 28th years of my age, I was employed ambaſſador into Spain, in that great buſineſs of the treaty of the marriage; and whereas others before me carried with them but one chaplain, I had two, viz. Mr. Sampford and Mr. Boſwel; and at my arrival at the court of Spain, I cauſed it to be publiſhed, that ſuch a day (God willing) I purpoſed to have a communion, to the end that ſuch Engliſh as were in the town, might reſort thither. Whereas the duke de Lerma, and other the great miniſters of Spain, took offence, and told me, they might well perceive I brought no good affection to the buſineſs I came about, that would ſo publickly and avowedly in that court, where never the like was done, proclaim there a communion; and with high expreſſions perſuaded me to decline it. Whereunto I anſwered, I came to do my maſter's ſervice, which I would heartily and effectually endeavour, but would not omit my ſervice to God, no tho' by my maſter commanded. And at the communion there were preſent 100 perſons, ſome of them brothers, kinſmen, and near dependants upon ſome of their lordſhips, whom I ſee there in my eye. This I did in Spain; the like I did in Germany, in the emperor's courts, in my ambaſſage thither.

‘Fifthly, I had in my ſeveral employments into Spain and Germany, above 500 perſons of all qualities attending upon me, and never one perverted in religion; my children carefully inſtructed and bred in the ſame religion. I had conſtantly every ſabbath a ſermon in my houſe; and ſacraments, and other exerciſes of our religion frequented.

‘Sixthly, a foul-mouthed Shimei railed againſt our late king and religion in Spain; how I cauſed that to be revenged by a near kinſman of my own, is well known.

‘Seventhly, one of the Engliſh dying in the town of Madrid, of whoſe religion there was ſome queſtion made; and the king's chaplains telling me, that they at the day of his death had been with him, and taken an account of his faith, and that he died a Proteſtant: I cauſed him to be brought home to my houſe, and there buried according to our rites; whereat much ado was made, and it was threatened, that the inquiſitors and other officers, would come and fetch him out, and bury him after their manner: I ſtood upon it, and that it was the king of England's houſe, and openly proteſted, that whoſoever ſhould come thither with ſuch intent, I would ſhoot at him with a piece; and exhorted all my people, that if ſuch an attempt ſhould be, they ſhould rather, than ſuffer ſuch a diſhonour to our religion, die with me in that quarrel, and hoped ſuch Engliſh as were in the town would do the like.

‘Eighthly, there having been a monaſtery for Engliſh Jeſuits founded and ſettled at Madrid before my coming thither, and the Engliſh arms ſet up, I laboured to ſuppreſs it, and having written thereof to the late king, his majeſty adviſed me not to run my head againſt the rock, for it was an impoſſible thing for me to do; yet I undertook it, and it pleaſed God ſo to bleſs my endeavours, that I abſolutely diſſolved and overthrew it. For which the biſhop of Wincheſter, Montague, (now with God) wrote unto me by his majeſty's direction, a letter of his majeſty's gracious acceptance of ſo great a ſervice; telling me, beſides the ſervice I had done to the church and common-wealth, it ſhould remain a trophy of honour to me and my poſterity for ever; and the king himſelf, with his own hand, wrote unto me, beginning his letter, “Good Fortune Digby, your good luck in your ſervice well deſerves that ſtyle.”

‘Ninthly, in all negotiations in Spain, in point of religion, I ever ſtraitened my inſtructions.

‘Tenthly, the match with Spain was not moved by me; I ever adviſed a Proteſtant match, and ſhewed many reaſons both of conſcience and ſtate; but if with a Catholick, then rather with Spain than France, ſo as good conditions might be made for religion, as appears by a letter I wrote, and delivered to the prince, at his firſt going upon the employment; for which I had like then to have been ruined for being a Puritan, as I am now for being a Papiſt, and all by one and the ſame hand.

‘Eleventhly, and I appeal to the teſtimony of Dr. Maſon and Dr. Wren, the king's chaplains with me in Spain; and to Mr. Sampford, Mr. Boſwel, and Mr. Frewin my own chaplains there. And that ſuch Papiſts as have been my antient acquaintance and friends, being men of worth, well known to many of their lordſhips, may be examined upon oath, whether I have not in all places, as well in Spain as in England, and at all times upon fit occaſions, avowed myſelf a Proteſtant, without the leaſt prevarication? Or whether I did ever any the leaſt act that was not ſuitable to the ſame profeſſion? And that Mr. Frewin, Mr. Wake, my own chaplains, may give their teſtimonies, whether in the time of ſeveral dangerous ſickneſſes, which I had of late years faln into, I have not in the time of ſuch my ſickneſſes (when no man can be ſuppoſed to diſſemble with the world, being ready to leave it,) made before them a confeſſion of my faith, and made my peace with God, reſolving to die as befitted a Proteſtant, and good Chriſtian. This I tell your lordſhips, was my religion I was bred in, have ever profeſſed and lived in, and was reſolved by God's grace to die in; and yet was ſo unhappy, by reaſon of employment, to be diſtaſteful to many good men, that I have been ſuſpected even by them, not well knowing me: And this hath been the riſe the duke hath now taken againſt me. Then for my love to Spain, I wonder from whence that opinion ſhould grow, ſince I was there hated and ſhamed, as the man whom, of all others, they deſired to have the leaſt to do withal, having ſtood ever ſtricter in point of religion, than by my inſtructions I might have done; as after the capitulation concluded on, they underſtood by ſome intelligence, which cauſed their hatred towards me.

‘Sure I am, I ſhewed it not by the ſervice I did them; for divers years together there was not a letter ſent by that king to any other ſtate, that the king my maſter had not a copy of before, or by that time it came to the place whither it was directed. There was not any great action on foot, whereof I had not the private inſtructions, and ſent them hither; not any expedition by ſea or land, wherein I had not ſome miniſters or intelligencers, that gave me from time to time advertiſements of their actions, and moſt private intentions, whereof I advertiſed his majeſty from time to time. I uſed ſuch induſtry, as to get all the papers of that king's private cabinet into my hands; took copies and notes of ſuch of them as I thought uſeful; and upon every of them ſet my private mark before they were conveyed back again, to the end, that if I ſhould have had an occaſion to have charged him with any thing mentioned in the ſame papers, I might have let him ſee I knew it, by telling him in what paper it was, and marked with ſuch a mark.

‘There was not a port in Spain, that I had not cauſed the depth of it to be ſounded, not a fort whereof I knew not the ſtrength, both for the garriſon, munition, and other matters of advantage and diſadvantage; inſomuch as if it ſhould pleaſe the king to appoint a committee of the lords to take an account of me, I ſhould, by the ſtores I gathered there, and brought with me, make it appear, I was as uſeful a ſervant to his majeſty in a war, as in a peace. Whereas at his majeſty's coming out of Spain, the powers of the diſponſories were to be depoſited in ſome man's hands; and the duke, upon pretence of doing me honour, but intending to break my neck by it, moved they might be left with me, and the king of Spain was contented; and ſo they were put into my hands, not as an attorney only for the prince; but the king of Spain having taken the ſubſtitution of them by his ſecretary of ſtate, entered in legal form; whereby that king was then become intereſted in them by their occupation, as well as the prince by granting of them. And becoming the Inſtrumentum ſtipulatum, wherein they were both intereſted, they were depoſited into my hands, as an indifferent perſon, truſted between the king of Spain and the prince, with a declaration of the truſt. And now the duke was returned out of Spain, he plotted

'ted my ruin, and put it in execution in this 'manner. He concealed that the powers 'were to expire at Chriſtmaſs, and procured 'his majeſty to write a letter, (not a direct 'command) but expreſſing a deſire, that the 'deſponſories ſhould not be till one of the 'days in Chriſtmaſs, intending thereby to 'draw me into a dilemma, that if I proceeded 'in the match, this letter ſhould, as now 'it is, have been enforced againſt me, as a 'breach of inſtructions: If I had not proceeded, 'then I had broken my truſt between 'the prince and king of Spain, overthrown 'the marriage ſo long ſought and laboured, it 'being the main ſcope of my ambaſſage, contrary 'to expreſs warrant, and that upon a 'letter I muſt needs know to be a miſtake. 'And when I had written into England to 'have a direct warrant in the point, the duke 'then ſeeing that plot would not take, he 'dealt with divers great lords, as was well 'known to ſome of their lordſhips there preſent, 'to have me upon my arrival in England, 'committed to the tower, before I ſhould 'ever come to ſpeak with the king; which 'the Spaniſh ambaſſador here in England, 'having gotten private notice of, gave advertiſement 'thereof to that king; who 'thereupon foreſeeing my danger, and conſulting 'with his council and divines, what 'were fit for him in honour and conſcience 'to do in that caſe, they reſolved, that ſeeing 'my ſufferings grew by being an honeſt 'man, and endeavouring to perform the truſt 'repoſed in me by that king as well as the 'prince; that king was bound both in honour 'and conſcience, not only to preſerve 'me from ruin, but to make me a reparation 'for any loſs I ſhould ſuſtain by occaſion of 'the truſt: Whereupon, at his departure going 'to court to take his leave, the Conde 'Olivares told me, what was plotted againſt 'me in England; and in reſpect of the danger, 'by reaſon of the greatneſs of my adverſary, 'perſuaded me to ſtay there, and in 'his maſter's name made an offer, not in ſecret, 'but in the preſence of Sir Walter 'Aſton.'

Here the earl of Briſtol explained wherein thoſe offers conſiſted, viz. in a blank ſigned by the king of Spain, wherein the earl might ſet down his own conditions, both in point of title and fortune; but all this he refuſed, as well as a large ſum of money offered by the king. Then the earl concluded in the following manner.

'Upon what grounds and hope came I to 'encounter with thoſe dangers? Not upon 'hope of my greatneſs in court, and ſtrength 'of friends there to boulſter out an ill cauſe; 'no ſure, my ſtrength was too weak, and my 'adverſaries too powerful. But I knew my 'conſcience was clear, and my cauſe good, 'and truſt in God Almighty; and to him 'now, and to their lordſhips judgments, recommend 'myſelf and my cauſe.'

The anſwer of the earl of Briſtol, to the articles of accuſation brought againſt him by his majeſty's attorney-general.

I. THE firſt article he denieth; and becauſe the matters contained in the ſaid article conſiſt of ſeveral parts; viz. the loſs of the ſaid Palatinate, and the match with the ſaid lady of Spain, and of the ſeveral employments, as of one extraordinary ambaſſage to the emperor, and another to the king of Spain, in the years 1621, 22, and 23. He humbly craves leave of this moſt honourable court to ſeparate the buſineſſes, and diſtinguiſh the times.

And beginning with the Palatinate firſt, to give an account of his ambaſſage to the emperor, and ſo to make as brief a deduction as he could of the whole carriage in that buſineſs, from the beginning of his employment, to the time he left it. In his ambaſſage to the emperor, he propounded all things faithfully according to his inſtructions, and the anſwers which he returned to his late majeſty of bleſſed memory, were the very ſame, and no other, than ſuch as were given by the emperor under his hand and imperial ſeal; the which, according to his duty, he faithfully ſent unto his ſaid majeſty, and withal did honeſtly and truly advertiſe his ſaid majeſty, what he underſtood and thought then upon the place; but was ſo far from giving to his majeſty any ill-grounded hopes in that behalf, that he wrote unto the lords of the council here in England from Vienna, 26 July, 1624, in ſuch ſort as followeth.

'I Am further to move your lordſhips, that 'there may be a diſpatch made preſently 'into Spain to his majeſty's ambaſſador Mr. 'Cottington, that they deal effectually for 'the repairing and ripening of the buſineſs 'againſt my coming; that they uſe ſome plain 'and direct language, letting the miniſters 'there know, that the late letter ſent by the 'king of Spain to the emperor, was colder 'and more reſerved than his maſter had reaſon 'to expect. I ſhall conclude with telling 'your lordſhips, that altho' I deſpair not 'of good ſucceſs in that knotty buſineſs, yet 'I hope his majeſty and your lordſhips lay not 'aſide the care of all fitting preparations for 'a war, in caſe a peace cannot be honourably 'had. And amongſt other things, I moſt 'earneſtly commend unto your lordſhips, by 'your lordſhips unto his majeſty, the continuing 'yet abroad, for ſome ſmall time, of Sir 'Robert Manſel's fleet upon the coaſts of 'Spain; which, in caſe his majeſty ſhall be 'ill uſed, will prove the beſt argument we 'can uſe for the reſtitution of the Palatinate.

And this his advice, he ſaith, was wholly intended by his actions, by being the cauſe, as he returned homeward out of Germany, to bring down count Mansfeldt, whereby the town of Frankendale was relieved, by ſupplying of his majeſty's army, when in great diſtreſs, with moneys and plate, to the value of 10,000 pounds, merely out of his zeal and affection to the good of the king and his children,

dren, having no warrant or order, but that his heart was ever really bent in effects more than in ſhews, to ſerve the king's ſon-in-law and his cauſe, as by the diſcourſe of this buſineſs will appear. And how acceptable theſe ſervices were, will more appear, by the letters of the queen of Bohemia, in theſe words following:

My lord,

‘HAving underſtood from Heidelburgh, how you have ſhewed your affection to the king and me in all things, and in the help of money you have lent our ſoldiers; I cannot let ſo great obligations paſs, without giving many thanks for it by theſe lines, ſince I have no other means to ſhew my gratefulneſs unto you: Howſoever, aſſure yourſelf, that I will never be forgetful of the teſtimonies you give me of your love, which I entreat you to continue, in doing the king and me all good offices you can to his majeſty. You have been an eye-witneſs of the miſerable eſtate our countries are in; I entreat you therefore to ſollicit his majeſty for our help. You having given me an aſſurance of your affection, I entreat you now to ſhew it, in helping of us by your good endeavours to his majeſty, and you ſhall ever bind me to continue, as I am already,

Your very affectionate friend,
ELIZABETH.

Which letters were ſeconded with others about the ſame time, both from the king of Bohemia and council of Heidelburgh, to the ſame effect, and how much ſatisfaction his late majeſty received in that behalf, and touching that buſineſs, will plainly appear ſeveral ways, and particularly by his ſpeech in parliament. And the ſaid earl likewiſe appealeth to both houſes of parliament, to whom by his late majeſty's order, he gave a juſt and true account of that employment, with what true zeal he proceeded; and how he preſſed that ſingle treaty, and promiſes no longer to be relied on, but that a fitting preparation for war might go along hand in hand with any treaty of accomodation. And, for a concluſion, among many of his late majeſty's approbations of his carriage in this employment, he humbly deſired that a letter of the duke of Buckingham's under his own hand, bearing date the 11th of October, 1621, may be produced, being as followeth:

My lord,

‘I Am exceeding glad that your lordſhip hath carried yourſelf ſo well in this employment, that his majeſty is infinitely pleaſed with your ſervice you have done, for which he commanded me to give your lordſhip thanks in his name, until he ſee you himſelf. You, of all men, have cauſe to commend his majeſty's choice of ſuch a man, that unleſs your heart had gone with the buſineſs, you could never have brought it to ſo good a paſs. Amongſt other things, his majeſty liketh very well the care of clearing his honour, whereof he will adviſe further with your lordſhip, at your next coming over. I hope you will not find your negotiation with the Infanta of ſuch difficulty as you ſeem to fear in your letter, ſeeing my brother Edward hath brought with him a letter from his majeſty's ſon-in-law, whereby he putteth himſelf ſolely to his majeſty's advice and pleaſure for his ſubmiſſion, as you will perceive by the copy of the letter itſelf, which I here ſend your lordſhip; wherein, tho' there be many things impertinent, yet of that point you may make good uſe for the accompliſhment of the buſineſs, wherein I have written to the Spaniſh ambaſſador to uſe his means and credit likewiſe; which I aſſure myſelf he will effectually do, eſpecially ſeeing the impediments are taken away by count Mansfeldt's compoſition, and the conformity of his majeſty's ſon-in-law to this ſubmiſſion. For the money your lordſhip hath ſo ſeaſonably laid forth, his majeſty will ſee you ſhall ſuſtain no loſs, holding it very unconſcionable you ſhould ſuffer by the care of his ſervice; which you have ſhewed ſo much to his contentment, to the great joy of your lordſhip's faithful ſervant,

Geo. Buckingham.

Having given this account of his employment with the emperor, he humbly craveth leave to make it known, in what ſort, before this his employment, he endeavoured to ſerve the prince Palatine, and his cauſe, which will beſt appear by his majeſty's own teſtimony, upon the going of Sir Francis Netherſole to the prince Palatine; at which time his majeſty being, out of his royal and juſt heart, deſirous to do a faithful ſervant right, commanded Sir Francis Netherſole to let the prince Palatine underſtand, how good a ſervant the ſaid earl had been unto him, and how active in his affairs, as will beſt appear by a diſpatch of Sir Francis Netherſole, written all with his own hand to Sir George Calvert, dated in Prague, Aug. 11, 1620. and ſent by his late majeſty to the ſaid earl for his comfort, being as followeth.

Right honourable,

‘THAT you may be the better aſſured that I have neither forgotten nor neglected the commandments received from his majeſty by your honour; you will be pleaſed to have the patience to hear me report what I ſaid to this king upon the delivery of my lord deputies letters to his majeſty: which was, that the king my maſter, whoſe juſtice is ſo renowned over the world, did uſe to ſhew it in nothing more, than in vindicating his ſervants from wrongful opinions, whereof he knew noble hearts more ſenſible, than of injuries done to their perſons or fortunes; that out of his royal diſpoſition, his majeſty having found my lord Digby miſtaken by ſome of his own people at home, by occaſion of his being by him 'employed in the affairs with Spain, having thereupon received a jealouſy, that the ſame noble lord might be alſo miſreported; hitherto his majeſty's hands in that reſpect gave me a particular commandment, to aſſure his majeſty, he had not a more truly affectionate ſervant in England: And for proof thereof, to let his majeſty underſtand, that whereas the baron of Doncaſter, now his majeſty's ambaſſador for England, had, ſince his coming hither, obtained but three great boons for his majeſty's ſervice; viz. the loan of money from the king of Denmark, the contribution in England of the city and counties, and the ſending ambaſſadors to the contrary parties, that my lord Digby had been the firſt propounder of all thoſe to the king my maſter, before his majeſty's ambaſſador, or any other of his majeſty's ſervants in England; altho' his lordſhip were contented, that others, who were but ſet on, ſhould carry away the thanks and prayers, becauſe his lordſhip, being known to be the firſt mover therein, might poſſibly weaken the credit he hath in Spain, and to render himſelf the more valuable to ſerve both his own maſter and his majeſty; in which reſpect I humbly prayed his late majeſty to keep this to himſelf.'

By which teſtimony it may appear, as the ſaid earl conceiveth, how he, the ſaid earl, beſtowed himſelf before his ambaſſage, and in his ſaid ambaſſage with his ſaid late majeſty's approbation thereof. Now he humbly craved leave to give your lordſhips account how he proceeded after his return from the emperor's court.

As ſoon as he came into England, he diſcovered unto his majeſty, and the lords of the council, in what great want he had left the forces in the Palatinate, and ſollicited the preſent ſending away of money; thereupon 30,000 pounds was borrowed of Sir Peter Vanlore, Sir Baptiſt Hicks, and Sir William Cortine, and preſently ſent unto the Palatinate, beſides the 10,000 pounds which he lent, for which he paid the intereſt out of his purſe for ſix months, having alſo given, not long before, 500 pounds, by way of benevolence, to the ſervice of the ſaid Palatinate.

Now in the interim, betwixt his return from the Engliſh coaſts, which was in November, 1621, and his going into Spain in May, 1622, he firſt gave his account as aforeſaid, of his ambaſſage to both houſes of parliament, and moved them effectually, as was poſſible, for the ſupplying of his majeſty, and that the money might wholly be employed for the ſuccour of the Palatinate.

The parliament being diſſolved, he ſollicited with great care and induſtry the ſettling of ſome courſe for the ſupplying of the Palatinate, and his majeſty was perſuaded to maintain 8000 foot, and 1600 horſe, under his own ſtandard, and at his own purſe, in the Palatinate, to eſtabliſh a certain courſe for due payment of the ſaid army: The lord Chicheſter was, upon the ſaid earl's motion, ſent for out of Ireland, and the ſaid earl, by his majeſty's command, took order for his diſpatch. In this eſtate the ſaid earl left his affairs at his departure towards Spain in May, 1622, nothing doubting but that all things would have effectually and conſtantly been purſued, according to the order which was ſettled and reſolved on at his departure.

At his arrival at the court of Spain, he preſently proceeded according to his inſtructions, preſſing the buſineſs of the Palatinate as effectually as he could, and faithfully laboured and effected from time to time (as far as to the point of negotiation) all particulars that were given him in charge, as it will appear by his late majeſty's letter upon every particular occaſion; and if by the accidents of war for that ſummer, the marqueſs of Baden, the count Mansfeldt, and the duke of Brunſwick, received each of them an overthrow, (the ordering of whoſe affairs his majeſty ſo far complained of to his ſon-in-law, as to give order for the withdrawing of his forces, as will appear by his majeſty's letters on the third of June, 1622, and alſo by his letters unto Sir Horace Vere, and the lord Chicheſter of the ſame date, if there was not a ſpeedy redreſs) if by any of thoſe accidents thoſe buſineſſes have miſcarried, the ſaid earl hopes he ſhall not be liable to the blame, it having no relation to him, or to his employment, having ſo far and ſo honeſtly, with his beſt affections, employed his care and utmoſt ſervices in the buſineſſes, as his majeſty was pleaſed, by many ſeveral letters upon ſeveral occaſions, to ſignify his gracious receptance of his ſervice, as in his letters of November 24, 1622, written as followeth, viz.

"Your diſpatches are in all points ſo full, and in them we receive ſo good ſatisfaction, as in this we ſhall not need to enlarge any farther, but only tell you, we are well pleaſed with this diligent and diſcreet employment of your endeavours, and all that concerneth our ſervice; ſo we are likewiſe with the whole proceedings of our ambaſſador, Sir Walter Aſton.

New-market, Nov. 24, 1622. Thus we bid you heartily farewel.

And afterwards his majeſty was likewiſe pleaſed in his letters of January 8, 1622, a little before our gracious ſovereign lord the king, then prince, his coming into Spain; as followeth.

"Concerning that knotty and unfortunate affair of the Palatinate, to ſay the truth, as things ſtand, I know not what you could have done more than you have done already."

And whereas it is objected, the Palatinate ſhould be loſt by the hopes, he, the ſaid earl, gave, by his letters out of Spain, it is an objection of impoſſibility; but there was nothing left but Manheim and Frankendale, when his firſt letters out of Spain could poſſibly come to his late majeſty's hands; for he did not begin to negotiate that buſineſs until Auguſt, 1622, and about that time Heidelburgh, and all but Manheim and Frankendale was loſt; and Manheim he had ſaved by his induſtry, had it not been ſo ſuddenly delivered, as is by his majeſty acknowledged by letter of 24 November, 1622, written thus; viz.

“ And howſoever the order given to the Infanta, for the relief of Manheim, arrived too late, and after the town was yielded to Tilly; yet muſt we acknowledge it to be a good effect of your negotiation, and an argument of that king's ſincere and ſound intention.”

And Frankendale being by the ſaid earl's means once ſaved, was again the ſecond time ſaved merely by the ſaid earl's induſtry; and procuring a letter from the king of Spain, dated the ſecond of February, 1623. Whereupon followed the treaty of ſequeſtration, which hath ſince continued. And he, the ſaid earl, was ſo far from hindering ſuccours by any letter or counſel of his, that he was the ſollicitor, and in great part the procurer of moſt of the ſuccours that had been ſent thither, as is formerly ſet down. And when his royal majeſty that now is, and the duke of Buckingham arrrived at the court of Spain, they found the buſineſs of the Palatinate in ſo fair a way, that the Spaniſh miniſters told them, the king ſhould give his late majeſty a blank, in which we might frame our own conditions; and the ſame he confirmeth unto us now; and the like touching this blank was likewiſe acknowledged by the duke of Buckingham, in his ſpeech in parliament, after the return of his majeſty out of Spain. And it will appear by the teſtimony of Sir Walter Aſton, and by his, and the ſaid earl's diſpatches, that the ſaid earl wanted not induſtry and zeal in the buſineſs: Inſomuch as the laſt anſwer the ſaid earl procured herein from the king of Spain, was fuller than he the ſaid earl was ordered by his late majeſty's lateſt letters to inſiſt upon. So, as by that which hath been alledged, the ſaid earl hopeth your lordſhips will be ſatisfied, not only that he wanted neither will nor induſtry, but that he hath, with all true zeal and affection, and with his own means, faithfully ſerved their majeſties, and the prince Palatine in this cauſe: And for aſſurance in that affair, he had all that could be between Chriſtian princes; and if in the ſaid aſſurances there hath been any deceit, as by the ſaid articles is intimated, which he never knew nor believed, he referred it to God to puniſh their wickedneſs; for betwixt princes there can be no greater tie, than their words, their hands and ſeals, all which he procured in that behalf; and both the ſaid earl and Sir Walter Aſton were ſo confident that the buſineſs would be ended to his late majeſty's ſatisfaction, that in a joint diſpatch to his late majeſty of 24 November, 1623, after his own majeſty's return into England, they wrote as followeth, viz.

“ We hope that your majeſty may, according to your deſire ſignified to me the earl of Briſtol, by the letters of Octob. 8, give to your majeſty's royal daughter this Chriſtmaſs the comfortable news of the near expiring of her great troubles and ſufferings, as unto the prince your ſon in the congratulation of being arrived to a moſt excellent princeſs.”

And having thus given your lordſhips an account of his proceedings touching the Palatinate, he will by your lordſhips good favours, proceed to the other part of that charge concerning the marriage.

And firſt touching his hopes and aſſurances, that he is charged to have given to his late majeſty, and his miniſters of ſtate in England, of the Spaniards real proceedings in the ſaid match, when, he ſaid, he knew he never meant it: He ſaith, he never gave any hopes of their real proceedings, but ſuch, and the very ſame that were firſt given to him, without adding or diminiſhing; neither could he have done otherwiſe, either with honeſty or ſafety. And he farther ſaith, that the hopes he gave were not upon any intelligence; but as well in that of the match, as the other of the Palatinate, his advertiſements were grounded upon all the aſſurances both of word and writing, that could poſſibly paſs between Chriſtians, as will be made evidently appear by his diſpatch of 9 September 1623, which he humbly deſires may be read, if the length of it may not diſpleaſe. The ſubſtance being to ſhew all the engagements and promiſes of the king of Spain, that he really intended the match. And the cauſes why the Conde Olivares pretended to the duke of Buckingham, that the match was not formerly meant, was only thereby to free himſelf from treating any longer with the ſaid earl, to the end that he might treat for larger conditions, in point of religion with the ſaid duke: The ſaid Conde Olivares taking advantage of having the perſon of his majeſty, then prince, in his hands. And with this diſpatch the ſaid earl acquainted his majeſty that now is, in Spain, before he ſent it.

And by this diſpatch the earl doubted not, but that it will appear to this honourable court, that whilſt the treating of this buſineſs was in hand, he proceeded in that, not only with care and induſtry, but with ſome meaſure of vigilancy. And for clearing an objection that hath been alledged, that the match was never meant before the duke's coming into Spain, nor after; the earl craveth leave to ſet down ſome few reaſons of many, which cauſed him to believe that the ſaid match was, and hath been really meant, and that it was ſo conceived, by both their majeſties, and the king of Spain, and their miniſters on both ſides.

For 1ſt, the duke of Buckingham certified his late majeſty, that the buſineſs of the marriage was brought to a happy concluſion; whereupon his late majeſty was pleaſed to give order to the duke and earl, to proceed in the buſineſs; which his ſaid majeſty would not have treated till the ſaid marriage was concluded, as will appear by a letter of his ſaid late majeſty, jointly to the duke of Buckingham, and the ſaid earl, of the 23 July, 1623.

2dly, It will appear by letters of the ſaid lord Conway to the duke of Buckingham, bearing date September 4, 1623. That the ſaid duke had good aſſurance of the concluſion of the ſaid match; and upon this confidence were all things put in due execution in England,

land, as had been capitulated; and the lord Conway and others faithfully agreed and ſettled all the points of immunity and liberty for the Roman Catholicks, and for the uſe of their religion, as was ſet down in their declaration, Auguſt 9, 1623, hereafter mentioned, in the anſwer to the fifth article of this charge.

3dly, The very day his now majeſty and the duke of Buckingham departed from the Eſcurial in Spain, towards England, the ſaid duke ſolemnly ſwore to the treaty of the ſaid marriage, and the furtherance of it all that ſhould be in his power, upon the holy evangeliſts, in the preſence of the ſaid earl and Sir Walter Aſton.

4thly, The treaty of the ſaid marriage had been formerly ſigned, ſealed, and ſolemnly ſworn by the king of Spain: And when his majeſty, and that king took their leaves, he did ſolemnly, in the words of a king, faithfully and punctually proteſt to perform all that had been capitulated in the treaty of marriage; and thereupon embraced his majeſty at his departure, and ſent the very next day a letter, written all with his own hand to his majeſty, vowing and proteſting to make all good that he had capitulated or promiſed unto his majeſty at his departure the day before. So that if there were no true meaning on the part of Spain to make the marriage, as by Mr. Attorney is pretended, yet certainly the earl hath not been ſlightly deceived; neither can it be, as he conceiveth, any fault in him, ſince not only his late majeſty, but alſo his majeſty that now is, and the duke of Buckingham, being then both upon the place, did confidently believe, and that upon other grounds than miſinformations, ſuggeſtions, and perſuaſions of the ſaid earl, that the marriage was really intended: And to that effect, both his late majeſty of bleſſed memory, and his moſt excellent majeſty that now is, after his return into England, wrote unto him, the ſaid earl, ſeveral letters, aſſuring him, that their intents and pleaſures, were to have the ſaid match proceeded in, and thereupon the proxies of his majeſty, then prince, were again inrolled and ſent unto the ſaid earl. So that the ſaid earl having ſo many and ſo great cauſes to be aſſured, that the match was really intended on both ſides, he conceiveth it will be hard for Mr. Attorney to make good that part of his charge, wherein he affirmeth, that the earl ſhould know the contrary, or the aſſurance to be upon falſe grounds, as in the ſaid article is alledged.

II. To the ſecond article, he directly denieth all the ſuppoſed offences wherewith he ſtands charged by the ſaid article. And for a clear declaration and manifeſtation of the truth and manner of his proceedings, he ſaith,

Firſt, As to the continuing the treaties upon generalities, that the temporal articles were by agreements on both ſides not to be treated or ſettled until ſuch time as the articles of religion were fully agreed on; for that it was held moſt proper and honourable for both ſides, firſt, to ſee if the difficulty of religion might be removed, before they paſſed to any farther engagements. And the ſaid articles of religion, by reaſon of the pope's new demands ſent into England by Mr. Gage, were not ſigned nor condeſcended to by his late majeſty, nor his majeſty that now is, then prince, till January 5, 1612, and were then ſent away in poſt out of England to the ſaid earl by Mr. Simon Digby, who arrived with them at Madrid in Spain, about the 25th of the ſame month. But the earl's care was ſuch, to have no time ſpent in the ſettling of the temporal articles, that before he would condeſcend ſo much as de bene eſſe unto the articles of religion, that they ſhould be ſent back to Rome, he procured the king of Spain to promiſe, that within the time limited for procuring the deſponſories, which was by March or April following at the fartheſt, all temporal articles ſhould be ſettled and agreed, to the end that the Infanta might be delivered at the ſpring, as by the king of Spain his anſwer in writing was declared to be the king's intention; and accordingly Sir Walter Aſton and the ſaid earl did not deal in general, but did moſt induſtriouſly labour to ſettle all in particular, viz. that the portion ſhould be two millions, it appearing, that it was ſo agreed by the late king of Spain *; that the diſpenſation coming, the deſponſories ſhould be within 40 days after; and that Don Duarte de Portugal ſhould be the man that ſhould attend the Infanta in the journey. And all other particulars neceſſary for the concluſion of the ſaid treaties, were, by Sir Walter Aſton, and the ſaid earl, and the Spaniſh commiſſioners, drawn up into heads, in writing, and after many debates, they were conſulted with that king; and 2 Martij, 1623 ſtilo vet. the Conde Gondomar, and the ſecretary Don Andreas de Prada, were appointed to come home to the houſe of the ſaid earl, to ſignify unto Sir Walter Aſton and himſelf, as they did, that the king of Spain had declared his reſolution in all the particulars, and given them order to come to a ſpeedy concluſion with them in all things: And that king's anſwer to that concluſion, the earl ſaw and read, all written with the king of Spain's own hand.

On the ſeventh day of the ſaid month of March, 1623, the king's majeſty, then prince, and the duke of Buckingham, arrived at Madrid; and the Spaniards took new laws, and the negotiation was put into a new form. So that whereas it is objected againſt the earl, that he entertained and continued the treaties ſo long upon generalities, he conceives it is not meant upon the ſpiritual articles; for they were ſuch as were ſent from Rome into England, from thence they came to the earl: And for the temporal articles, they were not to be ſettled and treated till the articles of religion were concluded. He conceiveth it cannot be alledged with any colour, that his majeſty was entertained with generalities, ſince the time that the ſaid articles of religion were brought unto the ſaid earl by Mr. Simon Digby, being about the 25th of January, there were but ſix weeks until March 7 following, when his majeſty,

* Philip III.

jeſty, then prince, arrived in Madrid; and in the interim, all the above-mentioned particulars were ſettled: And the time that hath been ſpent in this treaty, hath not been thro' his, the ſaid earl's, default, in continuing upon generalities, without preſſing to particulars, but hath been cauſed, as well by difficulties which the buſineſs brought with it, as alſo with exterior accidents, viz. the wars of Bohemia, the death of two popes, and the late king of Spain, without the leaſt fault of the ſaid earl, as is acknowledged by the late king of bleſſed memory, in the ſaid earl his inſtructions, on the 14th of march, 1621.

Neither could any delay therein be attributed to him the ſaid earl; for he was employed in thoſe times into Germany and Flanders, and Sir Walter Aſton and Sir Francis Cottington, for the ſpace of three or four years, were reſident in Spain; from whence the hopes they gave were upon all the diſcreet grounds that miniſters can expect from a ſtate: But the earl re-aſſumed his buſineſs ſix months before his majeſty's coming into Spain; and he was ſo deſirous to ſee his majeſty, then prince, beſtowed, that he preſſed nothing ſo much, both to the king and prince, as that the prince might loſe no more time, and rather to break the match with Spain, than ſuffer any farther delays; as will appear by his diſpatches from his firſt arrival at the court of Spain, until his majeſty, then prince, his coming. For in his letters of June 20, 1622, being the firſt he wrote after his firſt audience, he was ſo deſirous that no time might be loſt, that in them he craved leave of his majeſty, that in caſe he ſhould find any delays in Spain, he might without expecting any order, take his leave, and come home.

Upon the return of Sir Francis Cottington, in September following, he wrote both to the king, and his majeſty then prince. To the king, as followeth:

“ I ſhall preſume to add to that which Mr. “ Cottington ſhall deliver unto your Majeſty “ by word of mouth, of the preſent eſtate of “ the match, what I conceive to be the right “ way to bring it to a ſpeedy iſſue: That “ your majeſty will be pleaſed poſitively to “ declare, what you will do in point of religion, and that you will appoint me a certain “ limited time, by which this king ſhould procure the diſpenſation, or conclude the match “ without it; and in caſe there ſhall be any “ farther delay therein, that I may then declare your majeſty to be free and diſengaged, to beſtow the prince in ſuch ſort as “ you ſhall judge moſt convenient.”

And to the prince, at the ſame time wrote in theſe ſubſequent words, viz.

“ That which will be neceſſary for his majeſty preſently to do on his majeſty's part, “ is, to declare himſelf, how far he will be “ pleaſed to yield in point of religion, as Mr. “ Cottington will approve unto your highneſs: “ And that he ſet a prefixed time to break “ or conclude the match, either with the diſpenſation, or without the ſame. And for “ the reſt, it may be left to my negotiation. “ But your highneſs may be pleaſed to haſten “ his majeſty's reſolution with all poſſible “ ſpeed.”

And the ſaid earl ſaith, that having received from his ſaid late majeſty his reſolution in point of religion, and a limited time according to his deſire, he was ſo preciſe and punctual therein, that altho' the making or breaking of the marriage depended upon it, he would not give one month's reſpite longer time for the procuring of the diſpenſation, until he had firſt acquainted his late majeſty therein, and received his directions under his own hand; as will appear by his majeſty's letters of October 25, 1622, as followeth:

“ Right truſty and well-beloved couſin and “ counſellor, we greet you heartily well. “ Whereas by your laſt letter written to our “ ſecretary, dated September 29, you are deſirous to have our pleaſure ſignified unto you “ under our own hand: whether we will be “ content or not to grant a month's time longer, “ for the coming of the diſpenſation from “ Rome, than we have already limited unto “ you, in caſe they ſhall there conclude all “ things elſe for our contentment, with a reſolution to ſend the Infanta hither the next “ ſpring: We do hereby declare unto you, “ that in that caſe you ſhall not break with “ them for a month's longer delay. We alſo “ wiſh you not to trouble yourſelf with the “ raſh cenſure of other men, in caſe your buſineſs ſhould not ſucceed; reſting in that full “ aſſurance of our juſtice and wiſdom, that “ we will never judge a good and faithful ſervant by the effect of things ſo contingent “ and variable. And with this aſſurance we “ bid you heartily farewel.”

And he farther ſaith, that when he had agreed to the articles of religion, and that a certain time was ſet for the coming of the diſpenſation, and a concluſion of the match, altho' he would bind himſelf to nothing, without his majeſty's approbation, yet for that no time might be loſt, he agreed to the propoſitions, de bene eſſe, ſent by Mr. Porter, December 10, 1622, to the end the articles might be immediately ſent to Rome, without loſing ſo much time as to hear firſt from England: And humbly moved, that in caſe his majeſty ſhould like of the ſaid articles, he would ſend his approbation directly to Rome for the gaining of time; which his majeſty was pleaſed to do. And at the ſame time he wrote both to his ſaid late majeſty, and his majeſty then prince, as followeth, viz. to his majeſty,

“ This is the true ſtate of the buſineſs as it “ now ſtandeth. If your majeſty approve of “ what is done, I hope it will be a happy and “ a ſhort concluſion: If your majeſty think it “ not fit to allow and condeſcend to the ſaid “ articles, I have done the uttermoſt of my endeavours, and ſhall humbly perſuade your “ majeſty not to loſe a day longer in the “ treaty; ſo much it importeth your majeſty “ and your kingdoms that the prince were “ beſtowed.

And to the prince, in letters of the like date, in this ſort.

“I have preſumed to write to his majeſty, that which I think my duty to ſay to your highneſs, that in caſe you ſhall not approve of what is now conditionally agreed, you permit not a day more to be loſt in this treaty: For it is of ſo great conſequence that your highneſs were beſtowed, that it importeth almoſt as much that you were ſpeedily, as fitly matched. But I hope, his majeſty, and your highneſs, will in ſuch ſort approve of this laſt agreement, as you will ſpeedily bring this long treaty to a happy concluſion. I am out of hope of bringing things to any better terms; therefore I deal clearly with your highneſs, and do not only moſt humbly perſuade, but on my knees beg it of you, that you either reſolve to conclude this match as you may, or ſpeedily to break it, and beſtow yourſelf elſewhere; for no leſs than the happineſs of your kingdom, and the ſecurity of the king your father, and yourſelf depend upon it.”

All which things being conſidered, the earl moſt humbly ſubmitteth himſelf to the judgment of that moſt high and honourable court, whether delays which accidents have brought forth in this buſineſs, can be attributed to his fault; ſince on the one ſide it will evidently appear to your lordſhips, that he never moved his majeſty and the prince to admit of delays, but rather to think of ſome other courſe; and it will on the other ſide appear by all the diſpatches, that he preſſed things with the miniſters of Spain, to as ſpeedy a concluſion, as the uttermoſt terms of fair negotiation and good manners would bear. And whereas it is pretended, that the Spaniards ſhould take occaſion, by entertaining the ſaid treaties, to abuſe his ſaid late majeſty (which he knoweth not) yet, he ſaith, he uſed all the vigilancy and induſtry that a careful miniſter could do, and had from the Spaniards, all the aſſurances by oaths, words, and writings, which could be expected from Chriſtians; the which, without adding or diminſhing, he faithfully preſented unto his ſaid late majeſty; and his ſaid late majeſty was pleaſed in thoſe times, to conceive upon thoſe aſſurances, that they dealt really with him: And he conceiveth that his majeſty that now is, then prince, and the duke of Buckingham, were pleaſed to write as much to the late king's majeſty, at their firſt coming into Spain, and that all which the earl had written touching that employment, was there avowed by the Conde Olivares and the Conde Gondomar, to the ſaid prince and duke, at their arrival at Madrid; and he hopeth, that if that diſpatch may be peruſed, it will as well appear and be adjudged, that he ſerved his majeſty with ſome meaſure of vigilancy, as well as fulneſs of fidelity.

III. To the third article the ſaid earl ſaith, that he did not either by words or by letters to his late majeſty or his miniſters, extol, or magnify the greatneſs and power of the king of Spain, nor repreſented to his late majeſty the ſuppoſed danger that might enſue unto him if a war ſhould happen between him and the king of Spain, nor affirmed nor inſinuated the ſame, as in the ſaid article is mentioned; but if he did at any time ſpeak or write of the power and greatneſs of the king of Spain, or repreſent any danger to his ſaid late majeſty that might enſue by entering into hoſtility with the ſaid king of Spain; it was as a faithful counſellor and ſervant to his majeſty, by way of his advice and opinion, which he ever delivered ſincerely, faithfully and truly, according to the preſent occaſion, and in no wiſe with ſuch an intent as in the ſaid articles is mentioned, nor to any other evil intent or purpoſe whatſoever.

But he hath been ſo far from diſſuading his late majeſty to take arms, that he hath upon all juſt occaſions adviſed, that all fitting preparations for war might be made, as beginning with the year 1621, from which time he is only charged, will appear by his ſpeech in parliament preſently after his return out of Germany; and that he hoped his majeſty would no longer rely upon ſingle treaties, but make all fitting preparations for war; and that the parliament would enable his majeſty thereunto; and by the care he took before his going again upon his ambaſſage into Spain, that the eſtabliſhment of an army under his majeſty's own ſtandard of horſe and foot, and under his own pay, might be ſettled and provided for; as likewiſe his adviſe to the lords of the council, that his majeſty might have a curb upon the king of Spain upon all occaſions, by continuing of Sir Robert Manſel's fleet on the coaſts of Spain, as will appear by his letter written from Vienna, 26 July, 1621, mentioned in the anſwer to the firſt article. By all which it appeareth, that he laboured and endeavoured as much as in him lay, that his majeſty might be well prepared for any occaſions of war that ſhould happen. And he no way remembered to have diſcouraged, or to have ſpoken or written any thing, that might have been underſtood to have tended to the diſcouraging of his ſaid late majeſty for the taking of arms, and entering into hoſtility with Spain, or for reſiſting of him and his forces, from attempting the invaſions of his late majeſt'ys dominions, or the dominions of his late majeſty's confederates, friends or allies, as by the ſaid articles is charged againſt him; neither remembereth that he had any cauſe ſo to do. But if he have in any kind ſpoken or written of Spain, or the power thereof, it may have been to his late majeſty, or his majeſty that now is, by way of diſcourſe, ſpeaking of the ſolidneſs of the Spaniſh proceeding, of their ſerious and deliberate debating of buſineſſes before they reſolve on them, of the conſtant purſuing of them when they are once reſolved, wiſhed that England and other nations would therein imitate them: For he ſuppoſeth the right way to impeach their greatneſs was to grow as wiſe as they, and to beat them at their own weapons. But, otherwiſe, he is confident never to have been heard to ſpeak or write any thing, that might have any terror or diſcouragement to his late majeſty or his chief miniſters; knowing that England well ordered, need to take little terror at the power of Spain, having almoſt in all attempts and enterpriſes won honour upon them. And as for the preventing of dangers that might enſue upon a war, tho' he knew not what is aimed at in that particular: Yet he is moſt confident, out of the integrity of his own conſcience, that he neither ſaid, nor adviſed any thing but what befitted a faithful counſellor and ambaſſador, which was truly to deliver his opinion as he underſtood it upon the preſent occaſion: And as for affirming that his majeſty's quiet ſhould be diſturbed, and he not be permitted to hawk or to hunt, he remembereth not what diſcourſe he may have had, or written to any perſon, how fit it might be, upon the being broiled in a great war, ſeriouſly to intend it, and make it our whole work. But as he is confident it will appear, that what diſcourſe ſoever it might have been, it wanted not true zeal and affection which he hath ever born to the king's ſervice, and he hopeth it will not be found to want due reſpect and reverence on his part, which he ought to ſhew to ſo gracious a maſter. Neither can it be conceived, that the conſiderations of hunting and fowling, ſhould be conſiderations worthy ſo great and prudent a king, to with-hold from a war for the good of Chriſtendom, and his kingdom, if he ſhould have been juſtly provoked thereunto.

IV. To the fourth article the ſaid earl ſaith, that he did not any thing contrary to his duty or allegiance, or contrary to the faith and duty of an ambaſſador, as by this article is alledged; but did intend the ſervice and honour of his late majeſty; and no corrupt and ſiniſter ends of his own advancement, as by this article is ſo alledged. And as for the conference, which is pretended he ſhould hold concerning the treaty, that being told there was little probability that the ſaid treaties would or could have good ſucceſs, he ſhould acknowledge as much; and yet ſaid, he cared not what the ſucceſs thereof might be, but that he would take care to have his inſtructions perfect, and to purſue them punctually, and would make his fortune thereby, or words to that effect; he doth not ever remember to have held ſuch diſcourſe. Tho' it be true, the time hath been many years ſince, when he thought the match very unlike to be effected, in regard unequal anſwers were given in prince Henry's days, and of the unlikelihood of accommodating the differences of religion; and ſaith farther, that the reviving of the treaty of the ſaid match for his majeſty that now is, was not by his means, for he ever declared his opinion clearly, both to his late majeſty, and to his majeſty that now is, that in the firſt place, he wiſhed and adviſed a Proteſtant match, but in the duty of a ſervant, underſtanding, that both their majeſties deſired the match really with Spain, he did really and faithfully intend the ſervice and honour of their majeſties, and effectually endeavoured to procure their ends. And it is very likely he might ſay, he would get his inſtructions perfect, and purſue them punctually, as he conceiveth was lawful and fit for him; but the latter part of this conference, that he ſhould ſay he would make his fortune by it, or any other words to that effect, he was in Anno 1621, and ever ſince, of that rank and quality, both in regard of his employments, fortunes, and his majeſty's favour, that he aſſureth himſelf he did not, and dares anſwer ſo far for his diſcretion, that it was impoſſible for him to hold ſo mean and unworthy diſcourſe.

V. To the fifth article he ſaith, that what is therein alledged, is ſo far from being ſo, that contrarily upon all occaſions, to the uttermoſt of his power, he did labour to prevent all the inconveniencies in point of religion, that might come by matching with a princeſs of a different religion, as well appeareth by the paper of his opinion, that his majeſty ſhould marry with a lady of his own religion, hereafter mentioned in his anſwer to the ſeventh article. And for farther proof thereof, he ſaith, that in the whole treaty with Spain, he ſtood more ſtrict in points of religion, than by his inſtructions he needed to have done, as will appear by the teſtimony of Sir Walter Aſton, and his diſpatches of the 12th of December, 1622, and other diſpatches, which he deſireth may be read. And as for concealing or perſuading to ſet at liberty the prieſts or Jeſuits, he utterly denieth to have done any ſuch thing, as before he hath anſwered. Altho' it be true, that the ambaſſage in Spain be far different from the employment of other places, where there is a body of our reformed religion, and where his majeſty hath kindred and allies; whereby his majeſty's miniſters may be informed of the neceſſary occurrences of ſtate, without the helps of prieſts or Jeſuits. But in Spain there being none but Roman Catholicks, nor any manner of correſpondency or intelligence but by them, the ambaſſadors muſt make uſe of all ſorts of people, eſpecially of Jeſuits and prieſts, and to that end ambaſſadors ſent thither have a large and particular warrant under the king's hand, to treat and make uſe of prieſts and Jeſuits, and all other ſorts of men, unleſs it be ſuch as are proclaimed rebels. And divers times the miniſters employed in Spain, to gratify ſome whom there they employed for the king's ſervice, have, as he believeth, at their particular ſuit, moved his majeſty to extend grace and favour to ſome particular friend and kinſman of his, being a Roman Catholick, and impriſoned in England; and that he remembereth to have happened to others, but doth not remember himſelf to have written to his late majeſty in that kind: And as concerning his advice and counſel, to ſet at liberty Jeſuits and prieſts, and the granting to the Papiſts a toleration, or the ſilencing of the laws againſt them, he ſaid, that his late majeſty was engaged by the treaty of Madrid, 1617, in divers matters concerning religion; likewiſe by promiſe to Conde Gondomar, and his letters to the king of Spain, April, 1620, wherein he is pleaſed to promiſe ſome particulars in favour of Roman Catholicks, as by the ſaid letters will appear: And underſtanding the ſaid earl had ſufficient warrant under the king's own hand, to aſſure the king of Spain, whatſoever was agreed in the ſaid article, or in the ſaid letters, his majeſty would ſincerely perform; yet the ſaid earl was ſo cautious in that point, that when, for the concluſion of the match, the other articles of religion being allowed, it was preſſed by the Spaniſh miniſters, that a clauſe of convenience might be inſerted, with proteſtation, that the form and way thereof ſhould be wholly left to his majeſty's wiſdom and clemency, and that his majeſty's Roman Catholick ſubjects ſhould acknowledge this grace to have come from the king's majeſty's mercy and goodneſs; yet the ſaid earl would not condeſcend hereunto, de bene eſſe, as by his letters to maſter ſecretary Calvert, 8 October, 1622, will appear, hereby to give his majeſty time to have recourſe unto his ſecond conſultation, and to take it into conſideration before he would engage or bind himſelf in this point; but his late majeſty, and his majeſty that now is, were pleaſed to condeſcend hereunto, by ſigning the ſaid articles with their own hands, and likewiſe by writing their private letters of the 8th of January, 1622, to that effect to the king of Spain, as by the ſaid letters will appear. Neither did the ſaid earl, by letters or otherwiſe, ever counſel or perſuade his late majeſty, to grant or allow unto the Papiſts or profeſſors of the Romiſh religion a free toleration, and ſilencing of the laws made and ſtanding in force againſt them, but ever proteſted againſt any ſuch toleration; and when any ſuch proviſion hath been offered to be made in Spain, he ever refuſed ſo much, as to give ear to it, or to ſuffer it to be propounded; altho' it be true, that he hath ſince ſeen a paper touching pardons, ſuſpenſions, and diſpenſations for the Roman Catholicks, bearing date the 7th of Auguſt, 1623, ſigned by the lord Conway and others, which in effect is little leſs than a toleration; which paper is that which followeth.

Salisbury, 7 Auguſt, 1623.

The declaration touching the pardons, ſuſpenſions, and diſpenſations of the Roman Catholicks.

" This declaration having been inſerted, in
" the reign of king James I, under the year
" 1623, there is, I think, no occaſion of
" repeating it here."

But this declaration, the ſaid earl ſaith and affirmeth, was the effect of the duke of Buckingham's negotiation, and treated and concluded by the lord Conway, with the Spaniſh ambaſſador here, whilſt the prince was in Spain; neither was his privity or advice in it; for if he had known it, he ſhould have proteſted againſt it. All which, together with the difference betwixt the conditions of religion agreed at the treaty of Madrid, 12 Decemb. 1622, by the ſaid earl, and the ſaid Sir Walter Aſton, being by their lordſhips conſidered, the ſaid earl doubteth not but that it will manifeſtly appear, whoſe endeavour it was to advance the Romiſh religion, and the profeſſors thereof; and judges the ſaid earl moſt unfortunate to be charged with an article of this kind.

VI. To the ſixth article the earl ſaith, that the aſſurances which he gave his late majeſty, and his majeſty that now is, concerning the treaties, were ſuch, that it had been diſhoneſty and breach of his duty and truſt for him to have held them back, being the ſame that were given him by the emperor, and the king of Spain, and their miniſters, upon as great aſſurances as can paſs between miniſters of princes in the like caſe. And for the delays of Spain, they could never be ſo ill, and with ſo little colour complained of, as at the time of his majeſty's coming thither; for that a certain time was before then prefixed for the coming of the diſpenſation, viz. in April, 1623, at the fartheſt, which was next month after the prince's arrival at Madrid; the deſponſories were to be within four days following, and the Infanta begin her journey into England 20 days after: So as three months patience longer would have ſhewed the iſſue of the buſineſs without putting of the perſon of the prince, being heir-apparent to the crown, in ſo eminent a hazard for the trying of an experiment. And it is an argument of great ſuſpicion, becauſe the Spaniards were ſuſpected to have dealt falſely, and ſo the leſs to be truſted with the perſon of the prince, to be put into their hands to try concluſions; but the truth is, tho' that were made the pretended ground, and the occaſion of the journey, it was neither the aſſurances of the ſaid earl, nor the jealouſies of Spain, but other motives that were the original cauſe of his majeſty's ſaid journey, as ſhall be ſufficiently made apparent in due time. And the ſaid earl having got an inkling of it by ſomething that was let fall from the Conde Gondomar to that purpoſe, inſtantly diſpatched away by Mr. Griſly to his late majeſty, to have his journey prevented; who upon the confines of France, met with his majeſty and the duke of Buckingham on his journey towards Spain, and told them as much. So that altho' he confeſſeth what is laid in the charge to be true, viz. that by the ſaid journey the perſon of the prince, the peace and ſafety of the kingdom did undergo farther danger, (at the remembrance thereof the hearts of all good ſubjects do tremble) yet the blame is due to the authors and adviſers of the ſame journey, and not to the ſaid earl; and altho' it pleaſed God, to the exceeding great joy and comfort of the ſaid earl, and of all good men, to ſend his gracious majeſty home with ſafety, yet never was the perſon of any prince, upon ſuch grounds, expoſed to ſo great an hazard; and in ſuch caſes, not the ſucceſs, but the counſellors are conſiderable.

VII. To the ſeventh article the ſaid earl ſaith, that he did not move or perſuade his majeſty, then prince, to change his religion, neither in the manner in the ſaid article mentioned, nor in any other manner whatſoever: Neither doth he conceive, that the charge in itſelf as it is laid, will in any reaſonable conſtruction bear any ſuch inference as is made therein; ſo as he conceiveth, he needeth not make any farther or other anſwer thereunto.

Yet that it may appear, that the manner he uſed to the ſame prince was not traiterouſly, falſely, or cunningly, nor without ground, or to any ſuch intent, as in the ſaid article is ſuppoſed. And to manifeſt unto this moſt high and honourable court, how far he was from all ſuch intention, he ſaith, that he doth acknowledge, that within few days after his majeſty's coming into Spain, whilſt he had the great honour to have his majeſty lodged at his houſe, and to have ſo royal a gueſt, finding by the Spaniſh miniſters, that there was a general opinion, that his majeſty's coming thither was with an intention to become a Roman Catholick; and the Conde Gondomar having that very morning preſſed the earl not to hinder ſo pious a work (as he termed it) of his majeſty's converſion, and ſeeming to be aſſured of the duke of Buckingham's aſſiſtance therein, his majeſty being all alone in a withdrawing room in the ſaid earl's houſe, the ſaid earl kneeled unto him, and told him, that he had a buſineſs to impart unto him, which highly imported his majeſty to know, ſo that he might be aſſured his boldneſs therein might be pardoned; which his majeſty graciouſly promiſed. And thereupon the ſaid earl told his majeſty, that the general opinion of the court was, that his majeſty's coming into Spain was with an intention to be a Roman Catholick, and there to declare it. And he confeſſeth, that at the ſame time, in regard of thoſe things he had heard, he humbly beſought his majeſty to deal freely with him as a ſervant, of whoſe fidelity he might be confident, or words to that effect; but he was ſo far from perſuading his majeſty to be a Roman Catholick, that without reſpecting his majeſty's anſwer, he declared himſelf to be a Proteſtant, and ſo ſhould always continue; yet he ſaid, he ſhould always ſerve his majeſty, and labour to advance his, and the king his father's, affairs with as much fidelity and honeſty, as any Catholick whatſoever: And his majeſty was pleaſed then to make unto the ſaid earl a full and clear declaration of his religion, and of his conſtant reſolution therein; and ſeemed to be much diſpleaſed, that any ſhould have ſo unworthy an opinion of him, as to think he would for a wife, or any other earthly reſpect whatſoever, ſo much as waver in his religion. Whereupon the ſaid earl beſought his majeſty to pardon his boldneſs, and then intreated him not to ſuffer his buſineſs to be overthrown, by permitting that conceit of his converſion any longer to remain in the Spaniards, nor to any thing that might give them hope therein, alledging, that it was impoſſible the marriage could be without a diſpenſation; and ſo long as the Spaniards, who were to procure the diſpenſation, ſhould have hope of his majeſty's converſion, they would never content themſelves with a part; to which they were tied by the articles agreed upon with the ſaid earl and Sir Walter Aſton. At which time his majeſty was pleaſed to approve of his opinion, and ſaid, he would expect the diſpenſation, and did thereupon afterwards ſend Mr. Andrews to Rome to haſten it; and the next day the ſaid earl dealt very roundly with the Conde Olivares, and Gondomar, telling them it was a diſcourteous manner of proceeding, to preſs his majeſty to farther conditions than were formerly agreed upon in point of religion, and to make his conditions the worſe for the great obligation he had put upon them, by putting himſelf into their hands; whereat they took ſuch great offence, that they eſtranged themſelves from him for a long time after. And that the ſaid earl did thus proceed with the ſaid Conde, and that it was not a new-framed anſwer to ſatisfy preſent objections; but that which really and indeed paſſed, will really appear by his diſpatches unto his late majeſty of bleſſed memory; and before his majeſty that now is, came out of Spain, they were there ſhewed unto his majeſty, bearing date the 9th of September, 1623. So that altho' it be true, that he the ſaid earl did not diſſuade his majeſty, for that there was no cauſe for it; yet without expecting his majeſty's anſwer, he firſt made a clear and true profeſſion of his own religion; and when his majeſty had declared to him his zeal and conſtancy, he humbly beſought him, that the Spaniards might not for any reſpect be longer held in hopes of that point. And becauſe point of religion is that which all men of honour and honeſty would chiefly deſire to clear, eſpecially having an imputation of that nature laid upon them, as the ſaid earl hath in the ſaid article; he humbly beſeecheth your lordſhips, that he may not ſeem to digreſs from his charge; intending your lordſhips ſatisfaction in that particular, not by the aforeſaid verbal diſcourſe only, which he profeſſeth was in much zeal to religion and dutiful care to the prince in that kind, but by ſome written teſtimony of his former opinion both of the match and religion. When he was firſt employed into Spain for the treaty of his marriage, 1617, his late majeſty having commanded him to give an account thereof unto his majeſty that now is, he at his departure towards Spain, preſumed to give unto his majeſty that now is, his opinion in writing ſigned with his own hand, to be kept as a teſtimony of future action, the copy whereof is this as followeth.

SIR,

“THE opinion which I have ever preſumed humbly to offer unto his majeſty concerning your highneſs's marriage, hath been, that both in regard of conſcience and ſatisfaction unto his majeſty's people and allies; likewiſe for the ſecurity and quiet of your majeſty's eſtates, your highneſs might take for wife ſome Proteſtant princeſs, altho' ſhe neither were daughter to a king, nor had ſo ample a portion as might relieve the king's preſent neceſſities and wants; for then there might be many ways found to help the king's wants, either by ſome few years providence, and frugality, or by winning the affections of the people, to the ſupplying of his majeſty by way of ſubſidies in parliament; whereas “contrariwiſe, if the number and power of the Papiſts ſhall be increaſed, as undoubtedly they will be by your highneſs's matching with any Catholick princeſs, thro' the conceſſion which muſt be of neceſſity for the exerciſe of her religion for herſelf and family, within your highneſs's courts, and thereby by degrees theſe two different religions ſhall grow to an equality of power; it will be great hazard and diſquiet to the ſtate, and not to be redreſſed without great danger, and courſes of more violence than is uſual for this ſtate to put in practice. But in caſe his majeſty, out of his wiſdom and conſideration beſt known to himſelf, hold it fitteſt that your highneſs match with France, or Spain, or any other Catholick, either for that the preſent time affordeth no Proteſtant princeſs, who is for years or blood ſuitable for your highneſs, or that can in any conſiderable meaſure by the portion, ſupply his majeſty's preſent wants, I then conceive that the match by which this ſtate ſhall ſuffer leaſt inconveniency and cumbers, and whereby his majeſty's neceſſities ſhall by the greatneſs of the portion be the moſt relieved, is with Spain, if ſuch a match may be made with ſuch conditions of religion, as other Catholick princes will contract themſelves withal.

“Thus much I thought fit humbly to preſent unto your highneſs, for that I ſee my employment liable to the cenſure of many worthy perſons, with whom tho' I concur in my opinion, yet I ſeem much to differ from them many ways; for that it is more proper to me to be true to my maſter's ends and ſervices, than by the declaring this, to procure their ſatisfaction: Only to your highneſs I thought fit to make this declaration, and ſhall be a ſuitor to you for your favour, as you ſhall ſee me really labour to put this in effect. And if his majeſty ſhall, either upon motion of parliament, or any other propoſition that can be made unto him, think fit to proceed with a Proteſtant match, as I ſhall wiſh as well unto it as any man living, ſo I hope in ſuch ſort to manage the preſent buſineſs that I have in hand, that it ſhall rather much further, than any ways croſs or hinder it. But in caſe his majeſty ſhall not be drawn to any propoſition for a Proteſtant match, I then conceived, that your highneſs both doth, and will approve, that I really and effectually labour to procure a match for your highneſs in Spain, upon ſuch conditions, in point of religion and portion, as to his majeſty ſhall ſeem fit.”

Beſides which declaration of his opinion, he hath all the days of his life, and in all places lived and allowed himſelf to be a Proteſtant, never having done any the leaſt act that was not ſuitable to that profeſſion: And in all his former employments, for the ſpace of 14 years, of more than 500 perſons of all qualities that attended on him, there was never one perverted in his religion, ſaving two Iriſh footmen, who in Ireland had been bred Papiſts. And he humbly deſired the teſtimony of Dr. Maſon, and Dr. Wren, his majeſty's chaplains, who were with his majeſty in Spain; and of Mr. Sampford, one of the prebends of Canterbury, Mr. Boſwell, parſon of St. Laurence in London, and Mr. Frewen, divinity-reader in Magdalen-college in Oxford, and now one of his majeſty's chaplains, who were his majeſty's chaplains in Spain; as well for the frequent uſe of the ſacrament, as conſtant profeſſion and exerciſes of religion, and the teſtimony of ſuch Catholicks as are known to have been his antient acquaintance and friends, to examine them upon oath, whether publickly or privately, in Spain or in England, they had known him in any kind to make ſhew, or ſo much as to forbear, upon all occaſions, to declare the religion he profeſſeth. And that the ſaid Mr. Frewen and Mr. Wake may be alſo examined, whether in extremity of ſeveral ſickneſſes, whereinto he hath of late years fallen, he hath not ever ſettled his conſcience with them towards God, and made a confeſſion of his faith; reſolving, as befitting a Proteſtant or good Chriſtian.

VIII. To the eighth article the earl ſaith, that he did not at any time, or in any place, endeavour to perſuade the prince, touching his religion, to become a Roman Catholick, and to be obedient to the uſurped authority of Rome; neither did the ſaid earl, to that end, and purpoſe, or otherwiſe, uſe unto his majeſty, then prince, the words in the article mentioned. But the ſaid earl acknowledgeth, that upon occaſion of a letter that came to his majeſty, then prince, putting his majeſty in mind of the great actions of his royal progenitors in the holy war, that the great kings of theſe times did not only employ their forces, but in their perſons went into the Holy Land; the earl believeth, that by way of diſcourſe only, and not otherwiſe, he may have ſaid, that in regard of the difference in religion, it was of more difficulty to undertake ſuch great actions now, than in former ages; and it might well be inſtanced in the preſent treaty of the marriage, wherein the pope's conſent was to be obtained. And to this effect, and upon the like grounds, he is confident there was very many that have, nay, few of nearneſs about his late majeſty, that have not often heard his majeſty ſay, that he was the true martyr that ſuffered more for his religion than all the princes of Chriſtendom beſides; inſtancing in divers particulars, but eſpecially in this, that he could not match his children with kings of his own rank, without the pope's leave.

But the ſaid earl ſaith, he never alledged any ſuch thing to any other purpoſe, than to ſhew, that only conſcience, and love to truth, (in which regard Proteſtants ſuffered much) not any temporal reſpects, made men conſtant and zealous to the profeſſion of our religion. By which diſcourſe he ever attributed much to the honour and ſecurity of the Proteſtant religion; but never uſed it as an argument to perſuade to the contrary, as in the accuſation is inſinuated.

Beſides, he conceiveth, by way of anſwer thereunto, the ſaid queſtion may be aſked, which his majeſty was pleaſed to aſk of the earl in the ſeventh article, viz. “What "the ſaid earl ſaw in his majeſty, that he "ſhould think him ſo unworthy, as to change "his religion for a wife, or any earthly re-"ſpect whatſoever?" So why ſhould it be thought, that being more fit to undertake great actions in the world, (being a mere moral and temporal reſpect) ſhould be an argument to perſuade in conſcience ſo religious and wiſe a prince, and ſo well inſtructed as his majeſty is, as tho' the ſoul of a Chriſtian prince was to be wrought upon, in point of truth and belief, by temporal and worldly reſpects of conveniencies and greatneſs? It were neceſſary, for the proving, that the ſaid earl perſuaded his majeſty touching religion, to produce ſome arguments that he uſed out of ſcripture, to ſatisfy him in point of conſcience in ſome tenets of the Roman church, or that he produced any conference with learned men for his ſatisfaction in point of religion: Otherwiſe, the articles uſed in this againſt the ſaid earl, do (as he conceiveth) carry little ſtrength to prove the charge of perſuading his majeſty, either in regard of itſelf, or in regard of his majeſty's piety.

IX. To the ninth article, the ſaid earl ſaith, that there was a diſcourſe in Spain of the way of accommodating the prince Palatine his affairs; and by way of diſcourſe it was moved, that the marriage of his eldeſt ſon, with a daughter of the emperor, and his ſon to be bred in the emperor's court, would be the faireſt way for the pacifying of, and accommodating thoſe buſineſſes. And the earl, by way of diſcourſe, and not otherwiſe, did ſay, that he thought his late majeſty could not be adverſe either to the ſaid match, or to the breeding of the prince Palatine his ſon with the emperor; ſo as thereby, the whole patrimonial eſtate of the prince Palatine, and the dignity electoral might be fully reſtored, and that his ſon might be bred in his own religion, and have ſuch preceptors, and ſuch a family, as his late majeſty and his father, meaning the prince Palatine, ſhould appoint; and they to have free exerciſe of religion: For ſo his late majeſty hath often declared himſelf to the ſaid earl, and wiſhed him to lay hold on any occaſion for the entertaining of any ſuch propoſition, And otherwiſe than ſo, and upon the terms aforeſaid, and by that way of conference and diſcourſe only, he delivered not any opinion to his majeſty, at his majeſty's being in Spain: For the ſaid earl is very confident, that his majeſty was returned out of Spain before any propoſition was made for the ſaid marriage, other than by way of diſcourſe, as aforeſaid; the ſame as the ſaid earl believeth, being firſt moved and debated on by way of propoſition, between Mr. Secretary Calvert, and the ambaſſador of the king of Spain, Octob. 2, 1623. His late majeſty, upon a relation made unto him by a letter of Mr. Secretary Calvert, approved of the ſaid propoſition, and declared the ſame to be the only way, as he conceived, to accommodate with honour thoſe great buſineſſes: And wrote to that purpoſe to his ſon-in-law the prince Palatine, by his letters dated 9 November, 1623, a copy of which he, together with Mr. Secretary Calvert's relation, and the lord Conway, by his late majeſty's commandment, ſent unto the ſaid earl, the tenor of which tranſlated out of French, is as followeth.

"We have thought good, that we may provide beſt and moſt ſoundly for your affairs, not "only to procure, but alſo to aſſure your "peace, were to cut up by the very roots that "evil, which hath been ſettled in the heart of "the emperor, by the great diſpleaſure and "enmity he hath conceived againſt you. For "the removing and quite extinguiſhing of "which, it ſeemeth to us no better or more "powerful means can be uſed, than a good "alliance, which may be propoſed by us, be-"tween your eldeſt ſon, and the daughter of "the ſaid emperor, upon the aſſurance we "have, we ſhall not be refuſed in this mat-"ter, if you on your part will give your con-"ſent: And for the more ſurety of the good "ſucceſs thereof, we are determined, before "any ſuch propoſition be made to the empe-"ror, to intereſt the king of Spain with us in "the buſineſs, who, we truſt, will lend us his "helping hand, as well for the effecting of it, "and bringing it to a good concluſion, as in "procuring likewiſe, that the condition be "duly obſerved. Amongſt which conditions, "if it happen that the emperor ſhould de-"mand, that your ſon, during his minority, "ſhould be brought up in his court, we ſhall "tell you, that we, for our own part, ſee no "reaſon why you ſhould ſtick at it, upon "ſuch conditions as he might be tied unto, to "wit, that the young prince ſhould have with "him ſuch governor as you ſhall pleaſe to ap-"point him, altho' he be no Roman Catho-"lick; and that neither he, nor any of his, "ſhould be any way forced in matter of their "conſcience. And our meaning is, ſo to or-"der our proceeding in this treaty, that be-"fore your ſaid ſon be put into the hands of "the emperor, we will have a clear and cer-"tain aſſurance of an honourable, entire, and "punctual reſtitution of all whatſoever be-"longing to you: As alſo we will take care "to provide accordingly, as fully and exactly "for the aſſurances requiſite for the liberty of "conſcience, for him and his domeſticks, as "they have done here with us, touching thoſe "that have been granted them for the Infan-"ta. And therefore ſeeing there is no incon-"veniency at all, that may cauſe your averſe-"neſs or backwardneſs in this buſineſs, which "we for our parts think to be the beſt, ſhor-"teſt, and moſt honourable way that you can "take, for the compaſſing of the entire reſti-"tution, and making your peace ſure with "the emperor, we hope your opinion will con-"cur with us therein, and ſhall intreat you, "by the firſt, to ſend us your anſwer."

By which letters, after his majeſty's coming out of Spain, it appeareth to your lordſhips, that there was no propoſition of the marriage betwixt the ſon of the prince Palatine, and the emperor's daughter, when that letter was written; for therein his majeſty ſaith, he was determined to intereſt the king of Spain in the buſineſs, before any ſuch propoſition ſhould be made to the emperor. And it will alſo thereby appear, that his late majeſty's inclination was of the conveniency thereof, which the ſaid earl hopeth will acquit him, if by way of diſcourſe only he declared what his majeſty's opinion was, which, with honeſty he could not have concealed. And the ſaid earl ſaith, he doth not remember what anſwer Sir Walter Aſton made upon that diſcourſe which he then delivered; nor what replies the ſaid earl made; but ſure he is, whatſoever the ſaid earl ſaid, or what anſwer or reply ſoever was made, as it was by way of diſcourſe, and not otherwiſe, ſo it was according to that which he truly conceived to be the beſt and eaſieſt way to accommodate the buſineſs and to be his majeſty's pleaſure, (which the ſaid Sir Walter Aſton may be ignorant of, as he is confident that he was) and not out of any diſaffection to our religion, or for any ſiniſter reſpect or regard to the houſe of Auſtria, as by the ſaid article is intimated: For he did conceive the breeding of the prince Palatine's ſon with the emperor, having a governor appointed by his late majeſty and his father, and he and his domeſticks to have free uſe of their own religion, to be a matter of impoſſibility, or ſuch dangerous conſequence in point of religion, as to imply his converſion, as by the article it is intimated; well knowing that in the emperor's court, all princes there, tho' his priſoners, and others his counſellors and ſervants about his perſon, and ſo great command in his armies, being avowed Proteſtants, have the free uſe of their religion: And it is not to be ſuppoſed, the ſon of the prince Palatine, grandchild to the king of Great-Britain, ſhould be matched, and no care taken to capitulate for the uſe of his religion, being ever granted to the meaneſt prince that is beſtowed. And his majeſty's ſpecial care in this point, is fully ſeen in the ſaid letter.

X. To the tenth article he ſaith, that by comparing of this article of his too much forwardneſs, with the ſecond article, whereby he is charged with continuing the treaty upon generalities, without reducing them to certainties, and direct concluſions, your lordſhips will perceive how impoſſible it was for him to avoid an exception. But for direct anſwer to the preſent charge, he ſaith he did not preſumptuouſly, nor yet to his knowledge, break his inſtructions, nor ſet a day at all for the deſponſories; but was therein merely paſſive, in admitting the day nominated by the king of Spain, according to the capitulation before made: Nor did he preſumptuouſly, wilfully, or willingly diſobey any commandment or direction of his majeſty that now is, then prince, which he could underſtand not to be countermanded, either by preſent or future inſtructions otherwiſe explained.

And for the better manifeſtation of the truth of his proceedings in, and concerning the ſame, he ſaith, that on the day of the departure of his majeſty, then prince, from the Eſcurial in Spain, his highneſs delivered unto him, in preſence of the commiſſioners, his proxies powers, with publick declaration, taken in writing by the ſecretary, to the king of Spain, of the prince his pleaſure, and how the ſaid earl ſhould uſe them, viz. that he ſhould deliver them to the king of Spain, upon the coming of the diſpenſation cleared from Rome, according to that which hath been agreed, which was to be within ten Days after the coming of the diſpenſation. And he farther ſaith, that it is true, that the prince afterwards by his letters ſent by one Mr. Clark, commanded him the ſaid earl not to deliver the ſaid proxies till he ſhould have received ſecurity, that the Infanta, after her being betrothed, ſhould not enter into any religious order, and that before he proceeded, he ſhould ſend to his majeſty, then prince, ſuch ſecurities as ſhould be offered, that he might judge whether it were ſufficient or not.

Whereupon the ſaid earl, as became a faithful ſervant, preſented unto his majeſty that now is, then prince, ſuch aſſurances as were offered unto him, for ſecuring of that point, together with ſuch reaſons as he conceived were fit to be offered to their conſiderations; which gave unto his late majeſty, and his majeſty that now is, then prince, ſuch ſatisfaction, as they were pleaſed to diſpatch a poſt preſently unto him, abſolutely diſcharging him of that commandment, as by their ſeveral letters, dated Octob. 8, *1623*, will appear as followeth:

“We have received your letters by Griſley, and the copy of them to our dear ſon; and we cannot forbear to let you know how well we eſteem that dutiful, diſcreet, and judicial relation, and humble advice to our ſon: Whereupon having fully deliberated with ourſelf, and communicated with our dear ſon, we have reſolved, with the good liking of our ſon, to reſt upon that ſecurity in point of doubt, for the Infanta's taking a religious order, which you in your judgment ſhall think meet.”

And by that other letter of his majeſty that now is, then prince, as followeth, viz.

“Your letter to the king and me, concerning that doubt I made after I came from St. Laurence, hath ſo ſatisfied us both, that we think it fit no longer to ſtick upon it, but leave it to your diſcretion to take what ſecurity you ſhall think fitting.”

Whereby he was abſolutely freed of that command; and being ſo freed thereof, he then remained under the order which his majeſty, then prince, had left with him at his departure, which was to proceed according to the capitulations, and his highneſs's declaration, when he delivered the ſaid proxies unto him: And ſo he intended to have done, till by his highneſs's letters, November 13, *1623*, he was directly commanded the contrary, which commandment he directly and puctually obeyed.

And for ſuch his intentions, till he was countermanded, he conceived he had not only ſufficient warrant, but had highly offended if he had done otherwiſe. For firſt, for his proceedings to conſummate the match, he had warrant and inſtruction under his late majeſty's jeſty's hand. Secondly, it was the main ſcope of his ambaſſage. Thirdly, he was enjoined by the king and prince his commiſſion, under the great-ſeal. Fourthly, he had poſitive order, under his majeſty's hand, by letters ſince. Fifthly, it was agreed by capitulation, that it ſhould be within ſo many days after the coming of the diſpenſation. Sixthly, his late majeſty, and his majeſty that now is, then prince, ſignified by their letters unto him, at the ſame time, when they diſcharged him of his commandment touching the Infanta's entering into religion, that they intended to proceed in the marriage, as by his majeſty's letters, October 8, 1623, will appear. Seventhly, The proxies were to that end left in his hands, and after again renewed, after his majeſty's return into England. Eighthly, He had overthrown the marriage without order: For altho' Sir Walter Aſton and himſelf uſed all poſſible means for the gaining of time, and deferring the deſponſories; yet the king of Spain cauſed it to be proteſted, that in caſe he the ſaid earl ſhould inſiſt upon the deferring of the deſponſories, he would free himſelf from the treaty by the ſaid earl's infringing of the capitulations: And in truth, altho' the king of Spain ſhould have condeſcended to have prolonged the deſponſories, until one of the days of Chriſtmaſs, as by the letter was required; yet the prince's proxies had been before that time expired, and he durſt not, without a preciſe warrant, put ſuch a ſcorn upon ſo noble a lady, whom he then conceived was likely to have been the prince his wife, as to nominate a day of marriage when the proxies were out of date, and he was himſelf ſworn to the treaty. And laſtly, he could not in honour and honeſty, but endeavour to perform that publick truſt repoſed in him, when the proxies were depoſited in his hands, with publick and legal declaration, with an inſtrument by a ſecretary of ſtate to the king of Spain, leading and directing the uſe of them, and the ſame being then inſtrumentum ſtipulatum, wherein as well the king of Spain was intereſted by the acceptation of the ſubſtitution, as the prince by granting of the proxies, he could not in honeſty fail the publick truſt, without clear and undoubted warrant; which as ſoon as he had, he obeyed. So as the caſe ſtanding thus, the ſaid earl is very confident, that the ſuppoſed countermands, directions, and reſtrictions, when they ſhould be peruſed and conſidered of, will appear to have been very ſlender and inſufficient warrant againſt the aforeſaid orders and reaſons before ſpecified: And is alſo as confident, that what is aſured out of his, the ſaid earl's diſpatches, will alſo appear to be miſunderſtood and that if he had proceeded to the execution; of of the deſponſories, before he received direct and expreſs commandment to the contrary by the aforeſaid letters, November 13, 1623, which he readily and punctually obeyed, he had not, under favour, broken his inſtructions, or deſerved any blame for lack of aſſurance of the reſtitution of the Palatinate, and temporal articles.

And firſt, of the Palatinate, his ſaid majeſty did not ſend to the ſaid earl expreſs directions not to diſpatch the deſponſories, until a full concluſion were had of the other treaty of the Palatinate, together with that of the marriage, as by the ſaid article is alledged; only his late majeſty, by the aforeſaid letters of October, 8, required the ſaid earl ſo to endeavour, that his majeſty might have the joy of both at Chriſtmaſs. Whereas his inſtructions of May 14, 1621, were expreſs, that he ſhould not make the buſineſs of the Palatinate a condition of the marriage. And his late majeſty's letters of December 30, 1623, were fully to the ſame effect. Yet did the ſaid earl, according to what was intimated by the ſaid letter of October 8, ſo carefully provide therein, as that before the proxies were to be executed, he had an abſolute anſwer in the buſineſs of the Palatinate, the ſame ſhould be really reſtored according to his late majeſty's deſire; and the Conde Olivares, both in his majeſty's name, and in his own, deſired the ſaid earl and Sir Walter Aſton; that they would aſſure his majeſty of the real performance of the ſame, and entreated, if need were, they ſhould engage their honour and life for it, as by their joint diſpatches of November 23, 1623, will appear; and ſo much the ſaid Sir Walter Aſton and the ſaid earl agreed ſhould be delivered to them in writing, before they would have delivered their proxies, and ſo the ſaid earl declared it; the which anſwer in writing ſhould have been the ſame, which ſince was given them of January 8, 1623. And both Sir Walter Aſton and the ſaid earl were confident therein, as they, by their ſaid letters of November 23, wrote to his late majeſty as followeth; viz.

“ That his majeſty might, according to his deſire, ſignified to the ſaid earl, by his letters of October 8, give, as well to his majeſty's daughter that Chriſtmaſs, the comfortable news of the expiring of her great troubles and ſufferings, as to his ſon the prince, the congratulation of being married to a moſt worthy and excellent princeſs.”

By which it will evidently appear, he meant not to leave the buſineſs of the Palatinate looſe, when he intended to proceed to the marriage; but he confeſſed, he was ever of opinion, that the beſt pawn and aſſurance his late majeſty could have of the real proceeding of the Palatinate, was, that they proceeded really to the effecting of the match; and of the ſame opinion was his late majeſty alſo, and the lords commiſſioners here in England, as appeareth by his inſtructions, dated March 14, 1621, which opinion ſtill continued in them, as appeareth by his late majeſty's letters of January 7, 1622. And as for the temporal articles, the ſaid earl ſaith, when the deſponſories were formerly appointed to have been, as he remembereth, on Friday, Auguſt 29, before the departure of his majeſty, then prince, out of Spain, which was only hindered by the not coming of the diſpenſation, the prince appointed him and Sir Walter Aſton to meet with the Spaniſh commiſſioners, and they drew up the heads of the temporal articles, wherewith the prince and the duke of Buckingham were acquainted; and in caſe the diſpenſation had come, and the deponſories being performed on that day, there had been no other proviſion made for them before the marriage; but preſently, upon the prince his departure, he, the ſaid earl, cauſed them to be drawn into form, and ſent them to his late majeſty, September 27, 1623, deſiring to underſtand his majeſty's pleaſure with all ſpeed, eſpecially if he diſapproved any thing in them; but never received notice of any diſlike thereof, until the aforeſaid letters of November 13, 1623, which put off the deſponſories. So as it appeareth, the ſaid earl was ſo far from breaking his inſtructions, or from having any intention to have proceeded to the execution of the deſponſories, before his majeſty and the prince were ſatisfied of this point of the Infanta entering into religion, or before convenient aſſurance, as well for the reſtitution of the Palatinate, as performances of the temporal articles, that he deſerveth, as he conceiveth under favour, no blame, ſo much as in intention; but if he had erred in intention only, (as he did not) the ſame being never reduced into act, the fault (as he conceiveth) was removed by his obedience before the intention was put into execution: For ſo it is in caſes towards God. And as to the matter of aggravation againſt him, that he appointed ſo ſhort a time for the deſponſories, as that without extraordinary diligence the prince had been bound, he thereto ſaith, as he ſaid before, that he ſet no day at all thereunto, nor could defer it after the diſpenſation came from Rome, without a direct breach of the match ſo long laboured in, and ſo much deſired; yet he and Sir Walter Aſton having uſed all poſſible induſtry to diſcover how the motion of deferring the match would be taken; and finding an abſolute reſolution in the king of Spain to proceed punctually, and to require the proxies according to capitulation, within ten days after the coming of the diſpenſation; and that time alſo getting advertiſement from Rome, that the diſpenſation was granted, and would preſently be there; he, the ſaid earl, to the end, in ſo great a cauſe, he might have a clear and undoubted underſtanding of his late majeſty's pleaſure, ſent a diſpatch of November 1, with all diligence unto his majeſty, letting his majeſty know, that it could not be poſſible for him to protract the marriage above four days, unleſs he ſhould hazard the breaking, for which he had no warrant.

But that this was now no new reſolution, nor the king ſo ſtraitened in time, as by the ſaid article is pretended, will appear by the ſaid earl's diſpatch of September 28, 1623. In which, upon ſcruple that was then made of the Infanta's entering into religion, he wrote to the ſame effect, viz. “That if the “ diſpenſation ſhould come, he knew no “ means how to detain the proxies above 20 “ or 24 days.” So that altho' no difficulty happened until the midſt of November, 1623, yet it was foreſeen, that it muſt of neceſſity happen whenſoever the diſpenſation ſhould come; and then was warning of two months given thereof; viz. from September 24, untill November 29, which was the time appointed for the deſponſories.

So as he moſt humbly ſubmits himſelf unto your lordſhips, which of the two ways was the ſafer or dutifuller for him to take; whether upon inferences and conjectures, to have overthrown ſo great a buſineſs; or, on the other ſide, firſt, to have preſented unto his majeſty the truth and ſincerity as he did, the true eſtate of his affairs, with his humble opinion therein, with an intimation, that if his majeſty ſhould reſolve to break the match, that for the ſaid earl his honeſt diſcharge of the publick truſt repoſed in him, when the proxies were depoſited in his hands, and for his ſufficient warrant in ſo great a cauſe, his majeſty would be graciouſly pleaſed to give clear and expreſs order, (which he had not) and in the interim, whilſt his majeſty might take into conſideration the great inconveniences that might enſue, the ſaid inconveniences might be ſuſpended, and the buſineſs kept upon fair terms, that his majeſty might have his way and choice clear and unſoiled before him.

And as to the evil conſequences which are pretended would have followed, if the ſaid earl had proceeded to the conſummation of the match, before he had expreſs order and warrant to the contrary; he ſuppoſed his majeſty ſhould ſpeedily have ſeen the marriage, which he ſo long ſought to have effected; that the prince ſhould have had a worthy lady whom he loved; that the portion was much greater than ever was given in money in Chriſtendom; that the king of Spain had engaged himſelf for reſtitution of the Palatinate; for which the ſaid earl conceived a daughter of Spain and 2,000,000, had been no ill pawn; beſides many other additions of advantage to the crown of England: Whereas, on the contrary ſide, he foreſaw that the prince would be kept a year longer unmarried, a thing that ſo highly concerneth theſe kingdoms; he doubteth, that the recovery of the Palatinate from the emperor, and duke of Bavaria, by force, would prove a great difficulty, and that Chriſtendom was like to fall into a general combuſtion: So that deſiring that his majeſty ſhould have obtained his ends, and have had the honour and happineſs, not only to have given peace, plenty, and encreaſe, unto his own ſubjects and crowns, but to have propounded the greateſt differences that had been theſe many years in Chriſtendom: And by his piety and wiſdom, to have prevented the ſhedding of ſo much Chriſtian blood, as he feared would enſue, if theſe buſineſſes were diſordered. Theſe reaſons, he confeſſed, and the zeal unto his majeſty's ſervice, made him ſo earneſtly deſire the effecting of this buſineſs, and cannot but think himſelf an unfortunate man, (his majeſty's affairs being ſo near ſettling to his majeſty's content, as he conceiveth they were, and hoping to have been to his majeſty, not only a faithful ſervant, but a ſucceſsful ſervant) to ſee the whole eſtate of his affairs turned upſide down, without any the leaſt fault of his; and yet he, the only miniſter on the Engliſh and Spaniſh ſide, that remained under diſgrace.

XI. To the eleventh article the ſaid earl ſaith, that the article is grounded upon a petition by him preferred to this honourable houſe, ſuppoſed to be ſcandalous; which your lordſhips (as he conceiveth) according to the cuſtoms and privileges of the houſe of peers, would have been pleaſed firſt to have adjudged ſo to have been, either for matter appearing in itſelf, or upon hearing the ſaid earl; for if the matter appearing in the petition itſelf be not to be excepted unto, it cannot, as he conceiveth, by collateral accidents, be taken for a ſcandal, till it be examined and found falſe. For a plain and direct anſwer thereunto, he ſaith, that the ſaid petition is ſuch, as will not warrant any ſuch inference, as by the ſaid article is enforced. And that he hoped to juſtify the contents of the ſaid petition in ſuch ſort, as ſhall not diſpleaſe his majeſty, nor deſerve that expreſſion which is uſed in the charge; but contrarily what he hath ſaid, or ſhall ſay therein in his defence, ſhall in all things tend to the honour and ſervice of his majeſty, by reducing into his memory divers circumſtances, and laying before him the paſſages of divers particulars, which by undue practices have been either concealed from his majeſty, or miſ-related unto him.

‘Having thus offered to this high and honourable court, ſuch proofs and reaſons as he hoped ſhall, in your lordſhips wiſdom and juſtice, clearly acquit him of any capital crime, or wilful offence; if it ſhall appear, that out of errors of judgment, too much ferventneſs of zeal to his majeſty's ſervice, or the ignorance of the laws of this realm, (wherewith he hath not been able to be ſo well acquainted as he ought, by reaſon of foreign employments by the ſpace of many years) or by any other ways or means he hath fallen into the danger of the laws for any thing pardoned in the general pardon, made in the parliament holden at Weſtminſter, Anno viceſimo primo regni imp. Jacobi Angliæ, &c. of bleſſed memory, he humbly prayeth allowance of the pardons, and the benefit thereof, (with this clauſe, that he doth and will aver, that he is none of the perſons excepted out of the ſame) altho' he is very confident, he ſhall not need the help of any pardon, having received many ſignifications, as well from his majeſty's own mouth, that he had never offended his majeſty, as lately, by ſeveral letters of the lord Conway, that he might reſt in the ſecurity he was in, and ſit ſtill, and ſhould be no farther queſtioned. But he hopes your lordſhips will not only find him ſo far from blame, but that he hath ſerved his late majeſty of bleſſed memory, and his moſt gracious ſon, the king's majeſty that now is, with that fidelity, care, and induſtry, that your lordſhip's will take courſe, as you, in your wiſdoms, ſhall think fit, not only for upholding the honour and reputation of a peer in this realm, after ſo many employments, but likewiſe become humble and earneſt ſuitors to his majeſty on this behalf, (which he humbly prayeth) that he may be reſtored to his majeſty's good favour, which above all worldly things, he moſt deſireth.’

This defence of the earl of Briſtol ſeemed to me worthy to be tranſmitted to poſterity, in a language more generally known than the Engliſh. Truth is viſible throughout: the whole is perfectly coherent: nothing appears diſguiſed, and the earl's innocence is ſo clearly ſeen, as to be almoſt beyond doubt. But on the other hand, there appears a furious perſecution againſt this lord, from thoſe who muſt have been convinced of his innocence. In this perſecution is ſeen the extreme weakneſs of James I, who contrary to his own knowledge, not only permitted the earl of Briſtol to be oppreſſed, who had ſerved him very faithfully, but alſo was induced to tell the parliament, in 1624, two things equally diſtant from the truth. The firſt, that when the prince and duke of Buckingham came to Madrid, they found the affair with which the earl of Briſtol was charged, as untouched, as if it had never been mentioned before. And yet, he had himſelf ſigned the articles of the treaty, and nothing was wanting but the pope's diſpenſation to celebrate the marriage, as manifeſtly appears in the earl of Briſtol's anſwer. The ſecond, that the affair upon which he conſulted the parliament, viz. whether he ſhould break the treaties with Spain, was yet, Res integra, tho' theſe treaties had been entirely broken two months before. But Charles I's prejudice againſt the earl of Briſtol is ſo ſurpriſing, that after having ſeen the earl's defence, one can hardly believe, a prince, ſo judicious in other reſpects, could be induced to dictate to his attorney-general, an accuſation ſo full of calumnies againſt a lord, whom certainly he could not think guilty, ſince no man knew more of the affair than himſelf. This is a character which does not redound to his honour. He would have been more excuſable, if he had cauſed the duke of Buckingham to act alone, whoſe reputation ought not to have been more dear to him than his own. In ſhort, we ſee in the earl of Briſtol's defence, a clear and full explication of what paſſed in Spain, in the negotiation of the two treaties for the marriage, and for the reſtitution of the Palatinate, which is the principal ſubject of the reign of James I. The earl's defence undeniably ſhews alſo, what all the good writers affirm, that the Duke of Buckingham's narrative to the parliament in 1624, was all falſe. And therefore I thought, this narrative of the duke's would not be ill placed after the earl of Briſtol's defence, that the reader, by comparing the one with the other, may be ſatisfied with his own eyes, how unworthily king James, the prince his ſon, and the duke of Buckingham acted with the parliament, in order to cauſe them to adviſe a rupture with Spain, on which advice king Charles afterwards ſo ſtrenuouſly inſiſted.

The duke of Buckingham's narrative of the tranſactions in Spain, delivered to both houſes of parliament, by order of king James I, in the year 1624.

Act. Pub. Ruſhw.

THE duke in his narration, obſerved ſix diſtinct and ſeveral parts. I. The motives of the prince's journey to Spain. II. The treaty of the marriage ſet on foot in Spain, ſeverally and by itſelf. III. The treaty of the marriage and reſtitution, united together by a reciprocal ſubordination. IV. The prince's return from Spain. V. His majeſty's ſubſequent proceedings in both treaties, ſince the return. VI. The ſtating of the queſtion, ſuper totam materiam, wherein both the houſes were to offer to his majeſty their advice and counſel.

ARTICLE I.

The motives of the prince's journey to Spain.

The negotiation of Sir Richard Weſton, chancellor of the exchequer, with the archducheſs of Bruſſels, miniſtred unto his majeſty the firſt occaſion of jealouſy, and made a kind of diſcovery of the Spaniards indirect dealing with this ſtate.

"After the duke had ſpoken theſe few "words, there was read a letter of the third "of October, 1622, from the king to the "earl of Briſtol, wherein Briſtol was required "to let the king of Spain know, how ſenſible king James was of the emperor's pro"ceeding towards him; and that he ſhould "demand of the king of Spain a promiſe, "under hand and ſeal, that Heidelbergh "ſhould be delivered within 70 days after au"dience, and the like for Manheim and "Frankendale, if they be taken; and if this "be denied, to preſs to have leave to march "thro' the king of Spain's territories with an "army, for the recovering of his children's "patrimony; and that the king of Spain "ſhould aſſiſt us with his forces."

Then the duke deſired the houſes to take for truth whatever he ſhould ſay, granted and atteſted by the prince's preſence; and ſhewed, that this letter was not put home to the utmoſt by the earl of Briſtol. Hereupon a diſpatch was ſent away to my lord of Briſtol, expreſly commanding him to preſs his directions more home than yet he had done, and in caſe he ſhould be denied or delayed by the king of Spain, then to take his leave and come away; this was not ſo fully exacted by my lord of Briſtol.

Porter, that carried theſe letters, was commanded not to ſtay above 10 days, who after he had been there ſome four or five days, and ſaw nothing towards a diſpatch, went himſelf to the Conde Olivares, (having been his creature) and deſired him that he would ſpeed his diſpatch. Olivares asked him, what he would have? Who replied, no more than what had been formerly promiſed, that in caſe the emperor ſhould deny the reſtitution of the Palatinate, the king of Spain ſhould aſſiſt our king by arms to recover it, or elſe give way to our forces to march thither thro' his country. Olivares replied, that this was a prepoſterous demand; what, to aſſiſt with arms againſt the king's uncle, and the Catholick league! Porter ſpeaking to him of the marriage of our prince with the Infanta of Spain, he told him, that he underſtood not a word of it *.

Porter acquainted Briſtol herewith; he ſaid, he would call Olivares to an account, if he held this language with him, and would make him underſtand, that an earl of England was as good a man as a Conde of Spain. But ſending for Porter the next morning, he changed his reſolution, and concluded to carry the buſineſs more calmly, and ſaid, the Conde was ſo reſerved, becauſe he was ſhy and dainty to report thoſe myſteries with that freedom to him, who was not qualified as a publick miniſter. The Conde was angry with Porter for communicating what he ſaid to Briſtol. Mr. Porter returned with a diſpatch fraught with generalities, and without any one particular or certainty at all, made his relation to the prince's highneſs; who thereupon took his reſolution to go in perſon to Spain, and gave himſelf theſe reaſons for the enterprize.

He ſaw his father's negotiation plainly eluded; matters of religion gained upon, and extorted †; his ſiſter's cauſe more and more deſperate; and that this was the way to put things off or on; and that in this particular, delay was worſe than a plain denial; and that according to the uſual proverb, "A deſpe"rate diſeaſe muſt have a deſperate re"medy ‡."

Hereupon the king commanded the duke to accompany his highneſs in his journey.

ARTICLE II.

The treaty of the marriage ſevered, and by itſelf.

When the prince had arrived at Madrid, the Conde gave him a viſit; magnified exceedingly the prince's journey; amplified the obligations his highneſs had put upon that king; and ſaid, that now without all peradventure, it muſt be a match, and we muſt part and divide the whole world betwixt us.

The next day the Conde taking the duke into his coach, and Mr. Porter for his interpreter, falling into diſcourſe of the match, he ſaid unto the duke, let us diſpatch this match out of hand, and ſtrike it up without the pope. The duke anſwered, he liked the manner very well, but deſired to underſtand the means. The means, quoth the Conde, is very eaſy;

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* The marriage had been now ſix years negotiating at Madrid. There were ſome articles ſigned, which Gregory XV. had ſent back with his anſwers. Either therefore Conde Olivares, or Porter, or the duke of Buckingham, did not ſpeak the truth. Rapin.

† Theſe matters became much worſe after the prince was in Spain. Rapin.

‡ All theſe reaſons are extremely weak. For ſuppoſing them to be true, they only prove, at moſt, the neceſſity of a rupture with Spain, but not of the prince's journey thither. Rapin.

it is but the converſion of the prince; which we cannot conceive but his highneſs intended upon his reſolution for this journey.

The duke anſwered forthwith, that with freedom they came thither, and with freedom they would return again; they were no juglers, neither came they to Spain to make new bargains*; that the prince was ſettled in his religion; his conſcience was troubled with no ſcruples in that kind: If they ſtruck any more upon that ſtring, they would mar all the harmony. Then ſaid the Conde, there is no way but to ſend to Rome to haſten the diſpenſation; to which the duke aſſented. Hereupon the Conde wrote his letter to the cardinal Ludovicio the pope's nephew; which being ſhewed to the duke, ſeemed to him to be very heavy; the duke therefore deſired to quicken it with this poſtſcript, "That now "the prince being arrived, muſt not be ſent "back without a wife; that delay to a ſuitor "is a kind of refuſal; that clogging inſtruc"tions would amount to a denial, and new "conditions, to an abſolute breach." The Conde fell into choler, and ſaid directly it could not be done. This the prince affirmed to be acted in his preſence; but the earl of Briſtol made a more benign conſtruction thereof, the duke a right down concluſion, that this people never intended either match or reſtitution; and ſo wiſhed his highneſs fairly at home again; however the meſſenger was diſpatched to Rome.

Four or five days after his highneſs was placed to ſee his miſtreſs in her paſſage thro' the ſtreets, as ſhe made her viſits from church to church; but preſſing for acceſs, he was delayed, but at laſt obtained a viſit; but a very ſtrange one. He was not ſuffered to ſpeak unto her, but as they had ſet it down in words and ſyllables in writing, ſaying, they were no aſtrologers, and could not foreſee the event of this marriage; and therefore they reſolved to admit him as a prince only, and not as a ſuitor. But the Conde ſalved this up with a complement, that if the diſpenſation were once returned, he ſhould lye with her even that very night; nay, have her he ſhould upon any terms. If he could not be qualified to enjoy her as a wife, yet he ſhould have her as a miſtreſs.

Soon after, riding in a coach, it was urged by the Conde, that the Infanta was of a tender conſcience, and if ſhe ſhould come into England, and find the prince an enemy to her religion, it would quite diſhearten her. His highneſs conſented to hear her upon this ſubject, becauſe he was as like to convert her, as ſhe was to pervert him. A conference with divines was preſſed upon his highneſs, which he refuſed, and ſaid, if after diſputation with them, they ſhould not prevail againſt a young man, they would remain much diſguſted, and ill-affected to the whole negotiation; this kind of importunity was ſtill uſed towards the prince, till the return of the diſpenſation.

Six weeks after the prince's arrival came the diſpenſation; but his highneſs underſtood from Rome, by Mr. Gage, that the diſpenſation was returned, much clogged in matter and manner, eſpecially with the annexed new condition. The king of Spain, before the receiving of the diſpenſation, was to take an oath to ſee all the articles performed; whereupon faculty was iſſued, really performed, or elſe to make war, in caſe of any failure, upon the king of England.

His highneſs ſignified his reſolution unto them, that he neither could nor would add or alter any thing of the firſt articles ſent to England.

A juncto of divines are appointed to meet and conſider, whether the king might ſafely take the oath. By this time the prince had gone thro' all the articles, ſitting in perſon with the committee; only leaving three undecided, that of the church, that of the nurſe, and that of the education of the children; which his highneſs reſerved till he ſhould ſpeak with the king. Then ſaid the Conde, now buſineſs is in a better way than ever it was, a match, and without more ado ſhe was his wife.

But the next day came Gondemar, and ſpake unto the prince of the ſame match, as of a new thing, and told him plainly, that unleſs his highneſs came to all the conditions of the diſpenſation as they were ſent from Rome, clearly and entirely, nothing would be done; for they had no power to remove or alter a word of falſe Latin. Whereupon his highneſs was juſtly diſtaſted, and offered to break. Then they preſſed the prince, that he would be pleaſed to ſtay 20 days, until the king of Spain might receive an anſwer from England. The prince reſolved to ſtay, upon condition that Sir Francis Cottington might be diſpatched away within two days, and ſome meſſenger that might overtake him with the articles that ſhould be ſent after, as ſoon as ever they could be made ready; but the two days of their hammering ſpun out to 20; at the end thereof they brought them with new additions.

The articles being at laſt ſent to England, the juncto of divines delivered their opinions, that the Infanta could not be ſent over before the ſpring; at which his highneſs was offended, but the Conde prevailed with him to ſtay, until their ambaſſador ſhould certify out of England, that the articles were aſſented unto by king James, and put in execution, and then the lady ſhould go with the prince.

The biſhop of Segovia was pleaſed to ſay to the duke, that he had heard ſomething of the eſtate of our kingdom, and had received it from good hands; that our king could not make a toleration without a rebellion, and he eaſily believed it; becauſe the king of Spain is not able, in his dominions, to effect the like enterprize, without incurring the like danger; therefore he concluded, it was unſafe to ſend the lady thither at this time, becauſe we having granted as much in effect as a toleration, it was very probable ſhe ſhould be welcomed with a riſing and rebellion. To which the duke replied, that if the favours which the king his maſter had exhibited to his Catholicks, at the mediation of that king, and the advice of that very committee, of which that biſhop was one, be of ſo dangerous a conſequence; it ſeems their lordſhips, who gave the advice for that article, tho' they pretended religion, intended plain and open rebellion. But you muſt know, quoth the duke, if his highneſs had been of my lord biſhop's opinion, that theſe connivances had amounted to a toleration; he had never accepted of theſe articles to have gained any alliance: For what was agreed unto, was but a temporary ſuſpenſion of penal laws, but no toleration; for that could not be done, but by conſent of parliament. Then Gondemar hereupon ſaid, that for his part, he did not hold it fit to ſend the Infanta thither, before the articles be perfectly put in execution. And Gondemar privately infuſed to the prince his highneſs, being incenſed againſt the duke, that the duke was in heart, (as he ſaid all his kindred were) a Roman Catholick; and he ſaid to a Jeſuit of great account and zeal in thoſe parts, that the duke was a moſt obſtinate, perverſe, and refractory Puritan.

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* They however made new terms. Rapin.

About this time it was reported, that the prince intended to ſteal away; whereupon they laid wait to intercept him: Hereupon the duke was ſent to tell them, that altho' they had ſtolen thither out of love, they would never ſteal thence out of fear.

About this time the prince ſent a meſſage to his father, that if he ſhould receive any advertiſement, that he was detained by that ſtate as a priſoner, he would be pleaſed, for his ſake, never to think upon him any longer as a ſon, but reflect upon the good of his ſiſter, and the ſafety of his own kingdoms.

ARTICLE III.

The treaty of the match and reſtitution reciprocally ſubordinated.

It is fit to obſerve this paſſage, which is the hinge whereupon all his highneſs's ſubſequent actions are turned and moved. He had never ſtaid a ſevennight longer in Spain; he had never left any proxy with Briſtol; he had never taken any oath at the Eſcurial; or ſo much as ever written a letter of compliment to the lady; but that he had ſtill before his eyes, as his cynoſure *, the promiſe made by the Conde, for the reſtitution of the Palatinate.

* That is, pole-ſtar.

To haſten the delivery of the lady, the duke preſented unto the Conde, how his maſter was now in years; the prince his only ſon; and he would ſuffer in honour and reputation, to return home without his wife. The Conde conſented hereunto, and deſired the prince would name a day for his departure.

This news came to the Infanta, who ſeemed to be apprehenſive of the princes's going away, and prevailed with his highneſs to return this complement unto her, that rather than he would give her Alteza any diſguſt, he would ſtay for ſeven years.

By this time Sir Francis Cottington is arrived with all things perfected by the king, and letters from the ambaſſadors of good ſatisfaction, and a command from the king to his his highneſs, to make his return within one month.

Now began the Conde to enter into the treaty for the reſtitution of the Palatinate, ſaying, the lady ſhould by no means go to England, before that buſineſs was accommodated. And it was projected, that there ſhould be a reſtitution of the land to the prince Palatine, upon a condition of marriage with the emperor's daughter, and that he ſhould be bred in the emperor's court †. The Prince demanded of the Conde, whether, in caſe the emperor proved refractory, the king his maſter would aſſiſt him with arms, to reduce him to reaſonable terms? The Conde anſwered negatively ‡, becauſe they had a maxim of ſtate, that the king of Spain muſt never fight againſt the emperor; for they would not employ their forces againſt the houſe of Auſtria.

Hereupon his highneſs made his proteſtation to the Conde: "Look to it, Sir, for if "you hold yourſelf to that, there is an end of "all; for without this you may not rely upon "either marriage or friendſhip."

By this time the prince is grown cheap and vulgar in the court of Spain, ſo that they will ſcarce beſtow a viſit upon him, and the Conde came very ſeldom to him; and two letters came to the duke's hands, which ſhewed, that all that the Conde did, was nothing but flaſhes and lightning; notwithſtanding, he ſeemed at this time to be in a good humour, and told the duke, that now certainly it muſt be a match, and the devil could not break it: The Duke replied, he thought ſo, and the match had need be very firm and ſtrong, it had been ſeven years in ſoadering. The Conde denied it, and ſaid plainly, it had not been really intended ſeven months; and ſaid, I will fetch that out of my deſk, that ſhall aſſure you thereof; and ſo produced two letters; the firſt was written with the king of Spain's own hand, dated the fifth of November, 1622; and the other from the Conde Olivares, of the eighth of November 1622, being an anſwer to that letter *.

"Theſe Letters having been inſerted in "the Hiſtory of king James I, page 318, "there is no need of repeating them here over "again."

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† It appears by the earl of Briſtol's defence, which is confirmed by a letter from king James, that this propoſal was was not actually made till after the prince's departure from Madrid. Rapin.

‡ Either the earl of Briſtol, or the duke of Buckingham, muſt in this point not have ſpoken the truth. Rapin.

* The earl of Briſtol pretended, theſe letters were written with no other intent but to get the negotiation out of his hands, becauſe the court of Spain was in hopes of obtaining better conditions from the duke of Buckingham. Rapin.

ARTICLE IV.

The prince's return from Spain.

And now the prince returning for England, being engaged to leave his proxy, did depoſite the ſame in the hands of the earl of Briſtol, who was to keep it, and uſe it as his procurator; that is, as he ſhould receive his highneſs's directions from time to time. His order for the preſent was, (ſaid the duke) that if the confirmation came from Rome, clear and entire [*], (which it did not) then within ſo many days he ſhould deliver it to the king of Spain.

The ſecond direction ſent to him, was by a letter which his highneſs ſent him between his departure from the Eſcurial, and coming to the ſea-ſide, to this effect: That for fear a monaſtery ſhould rob him of his wife, he ſhould ſtay the delivery of the powers until the doubts were cleared; and that his highneſs would ſend him in the premiſſes ſome farther directions: Here becauſe my lord of Briſtol in his letter of the firſt of November, 1623, doth preſs ſo vehemently the prince his proxy, and the prince vowed openly before both houſes [†], that he had never by oath or honour engaged himſelf not to revoke the powers more than by the clauſe, De non revocanda procuratione, inſerted in the inſtrument itſelf, and that he conceived the clauſe to be matter of form; and altho' eſſentially of no binding power, yet uſually thruſt into every ſuch inſtrument; and that the civilians do hold, that it is lawful by the civil and canon law, for any man to revoke his proxy of marriage, notwithſtanding it hath the clauſe, De non revocanda procuratione inſerted in it: Therefore, as to this point, the duke concluded, that the earl of Briſtol in charging this matter ſo highly on the prince, had much forgot himſelf [‡].

ARTICLE V.

The ſubſequent proceedings of his majeſty in both the treaties, ſince the return of his highneſs.

The prince, by the mercy of God, came to Royſton, and made his relation to the king of all that paſſed. His majeſty was glad, and told him, that he had acted well the part of a ſon; and now the part of a father muſt come upon the ſtage, which was to provide with all circumſpection, that his only ſon ſhould not be married with a portion of tears to his only daughter. And, therefore, his majeſty commanded by an expreſs diſpatch, the ſtay of the proxy in the earl of Briſtol's hands, until he had ſome better aſſurance of the reſtitution of the Palatinate.

Then was read his majeſty's letter to the earl of Briſtol, dated the 8th of October, 1623, wherein the earl of Briſtol was required by the king, ſo to endeavour that he might have the joy of both treaties at Chriſtmaſs; viz. thoſe about the marriage, and the reſtitution of the Palatinate. This the duke would have lookt upon as a poſitive order, not to deliver up the procuration, till the reſtitution of the Palatinate was actually promiſed; concerning which matter, ſee the earl of Briſtol's anſwer to the tenth article of his accuſation.

After that the duke went on in the following manner: You would perceive by this diſpatch, Briſtol would lay hold on all hints and emergent occaſions, to put off the deſponſories without this required aſſurance by arms firſt obtained; but the truth is, he did not ſo.

For 1ſt, the confirmation came from Rome, clogged and mangled; and inſtead of challenging thereupon, he labours with no ſmall ſtrength of wit, to hide and palliate the ſame [**].

2. In the temporal articles the portion was altered, from 600,000 pounds in ready caſh, to 80,000 pounds in money, and a few jewels, and a penſion of 20,000 pounds per annum. Inſtead of quarrelling with this main alteration, he ſeems to approve and applaud the payment [††].

3. For aſſurance of reſtitution of the Palatinate, the main foundation, both of match and friendſhip, he is ſo far from providing for it before, (which was the method preſcribed by the king) that he leaves it to be mediated by the Infanta after the marriage.

Laſtly, Inſtead of putting off the contract, as any man in the world (upon the diſpatch from Royſton) would have done, he comes to prefix a preciſe day for the deſponſories.

Now from this raſh fixing of the day for the deſponſories in Spain, which was controlled again by an expreſs [‡‡], from hence iſſued an unneceſſary diſcourteſy put upon the king, and in a manner upon the Infanta, by the earl of Briſtol: From that proceeded a greater affront put upon the prince, the taking away the title la princeſſa from the Infanta, and debarring of our ambaſſadors from any farther acceſs to her perſon.

"Then was produced an anſwer of the king of Spain, to the memorial of the Engliſh ambaſſador, implying a refuſal to aſſiſt by arms for the recovery of the Palatinate, in caſe the emperor conſented not to a reſtitution."

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[*] It is very doubtful, whether this condition was inſerted in the prince's declaration. Rapin

[†] About five months after. Rapin.

[‡] See the earl of Briſtol's defence, article X. Rapin.

[**] This could not be true; for the diſpenſation did not come from Rome till the beginning of December, 1623, and the king's abſolute order not to deliver the diſpenſation, was dated November 23. Therefore the earl of Briſtol had not time to write to England, to palliate the defects of the diſpenſation, ſuppoſing it to have had any. Rapin.

[††] This muſt be miſrepreſented; for if the earl of Briſtol had been guilty of ſuch prevarication, the king would not have failed to bring it as an article of accuſation againſt him, which alone would have been ſufficient to condemn him. Rapin.

[‡‡] It was the prince himſelf, and the duke, who had agreed with the king of Spain on the day the marriage ſhould be ſolemniſed; viz. ten days after the coming of the diſpenſation, which the earl of Briſtol altered not. Rapin.

ARTICLE VI.

The ſtating of the queſtion, Super totam materiam.

This queſtion the duke ſtated after this manner: Whether this being the full effect and product of all the negotiation, which I have opened unto you, be ſufficient ſuper totam materiam, for his majeſty to rely upon with any ſafety; as well for the marriage of his only ſon, as for the relief of his only daughter? Or, that theſe treaties ſet aſide, his majeſty were beſt to truſt to his own ſtrength, and to ſtand upon his own feet? So the duke ended with this concluſion, that if the bringing us from darkneſs to light, did deſerve any thanks, we owe it, and muſt wholly aſcribe it to the prince his highneſs.

It is needleſs, I think, to make upon this narrative, reflections which may occur to every reader, after having ſeen the earl of Briſtol's defence. I ſhall content myſelf therefore, with obſerving, how little proper this narrative was to afford ſufficient information to the two houſes of parliament, to enable them, upon good grounds, to form their reſolutions concerning the queſtion propoſed to them by the king. And yet upon this alone it was that they reſolved to adviſe the king to break with Spain, and this haſty advice was the principal cauſe of the differences afterwards between Charles I, and his parliaments.

Conſiderations on the Authors who have wrote the Hiſtory of CHARLES I.

THE civil war between Charles I, and the parliament, gave birth to two parties, who contended for victory till the battle of Nazeby. By this battle, the parliament acquired a ſuperiority, which enabled them to hold the king's party, or the cavaliers, in a ſort of ſlavery, from which they were not delivered till 1660, by the reſtoration of Charles II. After the reſtoration, the royaliſts in their turn became ſo ſuperior, that the other party durſt no longer hold up their heads. This continued till the end of the reign of James II, during the ſpace of 27 or 28 years. In one or other of theſe two intervals were penned moſt of the works, wherein the authors undertake to give an exact accont of the troubles of England, in the reign of Charles I, with the grounds and cauſes of the ſame. From the concluſion of the war, to the reſtoration of Charles II, the friends of the parliament had free ſcope to write and publiſh whatever they pleaſed, whilſt the king's adherents durſt not ſet their names to their writings. In this interval, were publiſhed numberleſs polemical writings, with ſuch animoſity, ſo many reproaches and invectives, that it is not eaſy for a man, who in ſearch after truth, to diſcern, in all theſe writings, the proofs which may have ſome ſolidity, and ſeperate them from the preſumptions, falſe conſequences, artful ſuppoſitions, and invectives, wherewith they abound.

One of the moſt conſiderable writings of thoſe days was Eikon Baſilike, or the king's portraiture, publiſhed in 1649. It can hardly be doubted, that Charles I, was himſelf the author. He undertakes in this work to vindicate himſelf upon all the articles laid to his charge. It is properly an abſtract of the reaſons he had before publiſhed in ſeveral papers printed by his order, or addreſſed ro both houſes of parliament. I have not quoted this book in the Hiſtory of his reign, becauſe it contains nothing with regard to the facts or proofs, but what is more fully expreſſed in the king's meſſages, anſwers and declarations. An anſwer was publiſhed to this book, pretending to ſhew, the king had not ſpoken with ſincerity; and preſently after appeared a reply to this anſwer. This treatiſe has been highly eſteemed, becauſe it contains all the principal arguments in favour of the king. It may be eaſily preſumed, the king forgot nothing material, ſince no man could know his affairs better than himſelf. Accordingly, this book has ſerved for foundation to whatever has been ſince wrote in his favour.

Another very conſiderable work, publiſhed a little after the death of Oliver Cromwel, and dedicated to his ſon Richard, whilſt protector, was Ruſhworth's Collections. This work may very juſtly be conſidered as a continuation of Rymer's Fœdera, of which I have made great uſe in this Hiſtory. It is a collection of all that paſſed with reſpect to the publick affairs, from the year 1618, to the death of Charles I, not by way of narration, but affording materials to compoſe a regular Hiſtory. It contains all the tranſactions at court and in the parliament; the king's proclamations upon ſundry matters; his ſpeeches to both houſes, and thoſe that were made by his order; the addreſſes or petitions preſented to the king by the parliament; his majeſty's anſwers; the petitions preſented to both houſes; the ſpeeches in the houſe of commons, as well as in the courts of juſtice; the votes or reſolves of the two houſes, and their conferences upon divers ſubjects; the king's meſſages to the parliament, with the anſwers; the impeachments of the commons brought before the lords againſt ſeveral illuſtrious perſons; the anſwers of the parties accuſed; the ſentences; the petitions of the commons and both houſes to the king, concerning religion, tunnage and poundage, the affairs of the militia, breaches of privilege, the affair of Hull; the king's anſwers and his ſeveral meſſages upon theſe affairs; the king's and the parliaments manifeſto's; all the events of the war; the accounts of the skirmiſhes, ſieges and battles; the negotiations for peace; a great number of papers, which give a perfect knowledge of the differences between the king and his Scotch ſubjects, and of thoſe between the army and parliament, with the negotiations between the king and both houſes, after his majeſty's impriſonment; the violence exerciſed by the army upon the parliament; the king's condemnation and death. Theſe materials are the more valuable, as the author draws no conſequence from what he relates, and very ſeldom endeavours to prejudice his reader by reaſonings; ſo that every man is free to make what uſe of them he thinks fit, according to his own principles. I ſhall ſpeak a little more fully of theſe collections hereafter.

From the reſtoration of Charles II, to the end of his reign, two other works were publiſhed upon the ſame ſubject, I mean upon the reign of Charles I, and a third was compoſed at the ſame time, tho' publiſhed later.

The firſt is entitled, The Annals of king James and king Charles I. It is ſaid to be compoſed by Dr. Franklyn, who has not thought fit to put his name to it. He begins his Annals at the year 1612, and continues them thro' the reſt of the reign of James I; and from the death of that prince to the year 1642, during the firſt 18 years of the reign of Charles I.

The ſecond, publiſhed in 1682, was compoſed by John Nalſon, doctor in law. It is entitled, An impartial Collection of the great affairs of State, from the beginning of the Scotch rebellion to the murder of king Charles I. This Collection begins only at the year 1639, and tho', probably, the author intended to continue it to king Charles's death, as appears by the title, he left it imperfect, and brought it no lower than January, 1641-2, in two volumes in folio.

The third is, The Hiſtory of the Rebellion and Civil Wars in England, written by the earl of Clarendon. This Hiſtory was penned before Nalſon's, tho' it appeared not till queen Ann's reign. It begins, properly, with the parliament of November the 3d, 1640, the whole firſt book being a ſort of introduction, where the author gives a general account of what paſſed from the laſt years of James I, to that parliament. This Hiſtory reaches to the reſtoration of Charles II, in 1660.

Theſe three laſt works were compoſed in the reign of Charles II, at a time when that prince had carried the royal authority much higher than the king, his father, had ever done; at a time when thoſe who had been adherents of the long parliament, or were in the ſame principles, were cruelly perſecuted, and when it was more dangerous to be a Presbyterian than an Atheiſt.

I ſhall not ſpeak here of many leſs conſiderable writings, moſt of which aſcribe to the king an unlimited power, and, conſequently, repreſent the laſt war of the parliament againſt Charles I, as the blackeſt and moſt evident rebellion.

Whoever intends to write the Hiſtory of the reign of Charles I, muſt take his materials from ſome one of the works I have mentioned, or from all. For this reaſon I think myſelf obliged to ſpeak a little more fully of them, to the end it may not be thought ſtrange that I have not adopted without examination whatever they contain. Was there among the Engliſh ſome good neuter hiſtorian, it would be he that ſhould be taken for guide; but I know not any. He, therefore, that undertakes to write at this time the Hiſtory of Charles I, muſt endeavour to diſcover the truth in even the moſt partial hiſtorians, and be extremely careful to avoid the continual ſnares they lay for their readers, to favour the cauſe they maintain. One muſt know what was their deſign in writing, what ſyſtem they followed, and the artifices they uſed to engage in their principles ſuch as make but few reflections in reading a Hiſtory, and are apt to be eaſily drawn into the prejudices of the hiſtorian. I ſhall begin with Ruſhworth, who was the firſt writer.

There is no hiſtorian that can appear at firſt ſight more impartial than he that contents himſelf with furniſhing materials for a Hiſtory, without drawing any conſequences himſelf, and without reaſoning upon the papers he exhibits, either for or againſt what they contain. It is, however, certain, that even in this he may ſhew very great partiality, as for inſtance, in giving forged papers, in curtailing or altering thoſe that are true, in giving ſuch only as may be advantageous to the party he would favour. Ruſhworth, who was moſt certainly a friend to the parliament, clerk-aſſiſtant to the houſe of commons, and ſecretary to the general Fairfax, is accuſed of three things by the contrary party. It is pretended, 1. That he has given falſe papers. 2. That he has curtailed others, under colour of abridging them. 3. That he has affected to give all thoſe that are favourable to the parliament, and to omit ſeveral which might ſerve to ſhew the king's innocence. 4. Laſtly, that not declaring, from whence he received his materials, we have only his authority for what he relates. This is a general accuſation, which, were it well proved upon any important and deciſive facts, is ſufficient to ſhake the credit of the collector. The reader will judge whether this charge is made good with regard to the particular caſes on which he is accuſed, and whether theſe caſes are of ſuch a nature, that they ought to determine the diſintereſted to neglect the generality of his Collections. I ſhall take theſe particular accuſations from Nalſon's Introduction, wherein his chief view was to diſcredit Ruſhworth, and perſuade his readers that they ought not to believe any thing he advances. It is very likely, Nalſon has forgot nothing upon this ſubject. I ſhall begin with the falſe papers he accuſes Ruſhworth of inſerting in his Collections.

The firſt paper forged by Ruſhworth, according to Nalſon, is a ſpeech of king James to the parliament, the 30th of January, 1620. Inſtead of giving this ſpeech entire, Ruſhworth inſerts only an abſtract; and, therefore, Nalſon takes care to print the true ſpeech, and Ruſhworth's abſtract in ſeparate columns, that they may be more eaſily compared. He adds, that the whole ſpeech was communicated by William Sancroft, archbiſhop of Canterbury. Upon comparing Ruſhworth's abſtract with the entire ſpeech, there appears but one material paſſage which could give occaſion to charge Ruſhworth with unfaithfulneſs; and that is, where it is ſaid in the ſpeech, "A "parliament is an aſſembly compoſed of a "head and a body, the monarch is the head, "and the three eſtates the body." Whereas it is ſaid in the abſtract, "the parliament is "a thing compoſed of a head and a body, "the monarch and the two eſtates." This induces Nalſon to exclaim againſt Ruſhworth, for reducing by his own authority the three eſtates, viz. the lords ſpiritual, the lords temporal, and the commons, the two eſtates, meaning thereby, that the houſe of peers made but one eſtate.

This queſtion was debated with great warmth, when the excluſion of the biſhops out of the upper-houſe was in agitation. For if the biſhops were one of the three eſtates of parliament, it was evident they could not be excluded without altering the conſtitution. But this opinion was not generally received. The commons pretended, that the biſhops with the peers made but one eſtate. Nalſon pretends, therefore, that Ruſhworth to countenance the commons opinion, and juſtify the excluſion of the biſhops, makes king James ſay what he did not. To prove this, beſides the whole ſpeech, communicated by the archbiſhop of Canterbury, he alledges ſeveral things to ſhew, there have always been three eſtates acknowledged in the parliament beſides the king. He anſwers the objection drawn from Charles the firſt's confeſſion, after the excluſion of the biſhops, that himſelf was one of the three eſtates of parliament, and concludes that James I. could not ſpeak in his ſpeech of two, but of three eſtates.

A ſecond inſtance of Ruſhworth's unfaithfulneſs is, that he gives only an abſtract of a letter to the king from an unknown hand, tending to ſhew, that the parliament attacked the king himſelf, in attacking the duke of Buckingham. This charge conſiſts wholly in the ſuppoſition that Ruſhworth abridged this letter to hinder his readers from perceiving all its force.

The third inſtance of Ruſhworth's unfaithfulneſs, is, that he has publiſhed in his Appendix a ſcandalous paper, called, A Propoſition for his majeſty's ſervice to bridle the impertinence of parliaments. It is true Ruſhworth ſays, this paper was queſtioned in the ſtar-chamber; but Nalſon pretends, this is not ſufficient to excuſe Ruſhworth, who, he ſays, ought to have ſhewn upon what grounds it was queſtioned, which he does himſelf very largely.

A fourth inſtance of Ruſhworth's unfaithfulneſs, is, that he inſerts in his Collections, a pretended letter of archbiſhop Abbot to James I, to diſſuade him from granting a toleration to the Papiſts, when he was upon the point of concluding the prince his ſon's marriage with the Spaniſh Infanta. Nalſon ſays upon this ſubject, that the archbiſhop being then out of favour, and having nothing to do with the management of counſels, could have no other foundation, but either his own conjecture, or the common rumour, both equally liable to deceive and to be deceived. He does not poſitively ſay, however, that the letter is forged, but contents himſelf with inſinuating it, becauſe Ruſhworth not having ſaid how he came by the letter, the credit of it reſts ſolely upon his fidelity.

But the fifth and moſt crying unfaithfulneſs of Ruſhworth, according to Nalſon, are the private articles of prince Charles's marriage with the Infanta of Spain. He pretends they are all forged, on purpoſe to blacken the king and prince, by intimating that their deſign was to reſtore the Catholick religion in England, and alledges ſeveral arguments to prove the forgery.

1. It is not probable, the king and prince ſhould promiſe what they knew was not in their power to perform, conſidering the ſtrength and conſtitution of the Engliſh laws againſt Popery, and that the Engliſh nation would never have ſuffered it. This is not one of the moſt convincing arguments.

2. The parliament never taxed Charles I, with theſe private articles, not even in the declaration, where they collected all the reaſons which could juſtify their reſolution of not preſenting any more addreſſes to his majeſty. This is a much ſtronger argument than the former.

3. In the Memoirs of Deageant it is ſaid, the king of France hearing of king James's death, ſays to the archbiſhop of Ambrun, "All our hopes of England are loſt;" Which ſhews, that Charles had no intention to reſtore the Catholick religion. One would think Nalſon ſhould not have alledged this reaſon, which, in clearing this prince, caſts a great blemiſh on James I.

4. He ſays, Ruſhworth, by inſinuating that Charles I, intended to reſtore the Catholick religion, contradicts himſelf, ſince he tells us in another place, that the prince being in Spain, remained ſtedfaſt in his religion, what endeavours ſoever were uſed to ſeduce him.

5. Ruſhworth produces no other authority for the truth of theſe private articles, but his own, and, in all appearance, the French Mercury is his author.

The ſixth inſtance of unfaithfulneſs laid by Nalſon to Ruſhworth's charge, is, the pope's letter to the prince when in Spain, and the prince's anſwer. 1. Becauſe it was a thing of mere ceremony. 2. In his circumſtances it was no more than what common prudence and policy obliged him to, in order to get out of the king of Spain's hands. This excuſe ſhews Nalſon was not thoroughly convinced of the forgery of theſe letters. He inſinuates, however, that they might be counterfeit, by reaſon Ruſhworth alledges no other authority than his own. It is true, he ſays the copies of theſe letters were preſerved by ſome who were then at Madrid, but names no body. This made Nalſon believe, Ruſhworth took the letters out of the French Mercury.

I come now to the charge againſt Ruſhworth, of inſerting in his Collections only what was advantageous to the parliament, omitting whatever was favourable to the king. Nalſon gives three inſtances in three particular caſes.

The firſt is, that in the affair of impriſoning the members of parliament, ſeveral of the judges gave their opinions, to ſhew that the king's conduct was not againſt law. Nalſon ſays, Ruſhworth is contented to mention the ſpeeches of two judges, viz. Whitelock's and Doderige's, which were in favour of the king, and to ſay that Hide and Jones delivered their opinions to the ſame purpoſe. This charge, therefore, conſiſts, in that Ruſhworth, after giving the ſpeeches of two of the judges, thought not proper to inſert thoſe of the reſt who were for the king upon the ſame principles. But Nalſon pretends, he ſhould likewiſe have given Hide's and Jones's ſpeeches, and does it himſelf. Indeed Ruſhworth may be guilty of ſome partiality in omitting the two laſt, if it be true that they are ſtronger, and better ſupported than the others, of which I cannot judge.

The ſecond caſe is, that Ruſhworth, ſpeaking of ſerjeant Aſhley's ſpeech in the houſe of lords, ſays, he advanced the following propoſition, for which he was committed to cuſtody, and afterwards recanted; "That the lords " muſt allow the king to govern by acts of " ſtate, otherwiſe he is a king without a coun- " cil, or a council without power." Nalſon makes it a crime in Ruſhworth, not to have given Aſhley's whole diſcourſe, which would have ſhewn that the ſerjeant's fault was rather ſtemming the popular tide, than any other offence; that is, according Nalſon, Aſhley very juſtly maintained this maxim, that the king muſt be allowed to govern by acts of ſtate. Such a charge can do no great injury to Ruſhworth.

The third caſe relates to the famous Sir Edward Coke, who, when judge, was of opinion, that if the privy council commit a man, he is not bailable by any court of juſtice; but afterwards, being turned out of his office, and choſen member of parliament, he maintained the contrary opinion. Nalſon accuſes Ruſhworth of concealing this change in Coke, by caſtrating and abridging his ſpeeches, for fear his readers ſhould perceive that Coke, who was odious to the court, acted out of revenge, in maintaining an opinion contrary to his aſſertion when judge.

This is all Ruſhworth has been charged with. But I queſtion whether the equitable and diſintereſted will be convinced, that theſe particular accuſations ought to make him forfeit all his credit. His work is in eight volumes in folio, and contains ſo great a number of facts, votes, publick ſpeeches, and papers of all kinds, that it would be a ſort of miracle, to meet with nothing to cenſure. Nevertheleſs, all poſſible endeavours have been uſed to diſcredit him, by general charges of partiality, unfaithfulneſs and inſincerity. And it was this that induced me to ſay what I have ſaid, in order to ſhew what theſe general accuſations amounted to, when reduced to particular caſes.

However, it is very certain, that Ruſhworth's view and deſign, in publiſhing his Collections, was to diſparage the king's conduct, and favour the parliament's cauſe. But Ruſhworth's intention ſignifies nothing, to the knowing whether a man may ſafely make uſe of his Collections. The only queſtion is, whether his papers are true or falſe. If they are true, however injurious they be to the king's cauſe, whoever will write an impartial Hiſtory of this reign, is not obliged to reject them for that reaſon. This is ſo true, that even the moſt devoted hiſtorians to Charles I, have been forced to make uſe of theſe papers *, and take them for granted, becauſe otherwiſe it would be impoſſible to compoſe the Hiſtory of this reign, which conſiſts only of the materials furniſhed by Ruſhworth. Had he begun his Collections no higher than with the affairs of the parliament, of November the 3d, 1640, the king's friends would, doubtleſs, have readily forgiven him; but the papers of the 20 forgoing years are too hard of digeſtion, becauſe they ill-agree with the hypotheſis of the royal party, of which I ſhall ſpeak preſently, and too clearly diſcover, that Charles I. deſigned to introduce arbitrary power, and conſequently, the long parliament had ſtrong reaſons to hinder the entire execution of ſuch a deſign.

I do not ſee, therefore, any reaſon for rejecting the papers inſerted by Ruſhworth in his Collections, eſpecially as both parties have equally made uſe of them, tho' in a very different manner. Some produce them in favour of the parliament, and others, to ſupport the king's cauſe. But even in this, both have owned, they were not only uſeful, but abſolutely neceſſary. If there are any paſſages combated as forged, they are very few; and it is ſtrange, that after ſo many exclamations againſt Ruſhworth's concealments and omiſſions, there appeared in the writings of the king's favourers, ſo few material papers, that are not in his Collections.

I proceed now to thoſe who wrote in vindication of the king's cauſe, as Franklyn, Nalſon, and the earl of Clarendon, omitting the other authors of leſs note, to avoid being tedious.

Theſe, in compiling the Hiſtory of this reign, have formed two ſyſtems, directly contrary to thoſe of the friends of the parliament, tho' they have made uſe of Ruſhworth's materials. As theſe books were compoſed at a time when the regal authority was higher than ever, they have not ſcrupled to build upon the ſuppoſition of the king's having an abſolute power. Tho' they uſe not the word, there is hardly a page in their writings where this principle is not maintained or ſup-

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* Particularly Nalſon himſelf, and Franklyn; the main of whoſe Collections is taken out of Ruſhworth.

poſed. Hence it follows, that on the parliament's ſide, the civil war was a manifeſt rebellion; ſo, the proceedings of the parliament, which ſome repreſent as abſolutely neceſſary for the preſervation of the government, are accounted by others as rebellions and treaſons, and tending to the ſubverſion of the conſtitution of the ſtate, without any neceſſity of diſcovering the facts.

The ſecond ſyſtem of the king's party is no leſs contrary to that of the favourers of the parliament. Theſe laſt pretend, that the parliament being ſufficiently convinced by undeniable proofs, of the king's deſign to eſtabliſh arbitrary power, and alter the conſtitution, thought themſelves obliged to uſe their utmoſt endeavours to prevent the execution of that project. This was their ſyſtem. The king's adherents form another entirely different. They call the king's pretended efforts to eſtabliſh an arbitrary government, a chimera, affirming what was termed abſolute power, was preciſely what the laws allowed the king. Indeed this was the principle of James I, Charles I, Charles II, and James II. Conſequently, they pretended, that to hinder the king from exerciſing ſuch a power, was oppoſing the laws of the land. But as it evidently appeared in the reign of Charles I, that the parliament and the people were not of this opinion, it was neceſſary to give ſome plauſible reaſons of the troubles cauſed by this diſpute in that reign. To this end, they have eſtabliſhed a ſyſtem, which with the principle of the king's abſolute power, is the baſis and foundation of whatever they have wrote; and that is, the oppoſition, king Charles met with, proceeded not from the people's belief, that the king had exceeded the bounds of his power, but from a project long ſince formed, to alter the conſtitution of the church. That the Presbyterians, authors of this project, knowing the king's ſtedfaſtneſs upon that head, judged there was no other way to execute it, than by ruining the king, and depriving him of his prerogatives. That to arrive at this point, they inſtilled into the reſt of the parliament and nation, groundleſs ſuſpicions and jealouſies, which they took care to cheriſh by all imaginable means, till they came, at length, to an entire breach, and to a war which proved ſo fatal to the king, and gave them an opportunity to eſtabliſh Presbyterianiſm, on the ruins of the church of England.

The fault in theſe two ſyſtems is, that neither contains the whole truth. The parliament's ſyſtem aſcribes all the proceedings of both houſes, ſolely to the deſign of redreſſing paſt grievances, and preventing an arbitrary government. It is, however, certain, that ſeveral members of both houſes joined, with that deſign, the intention of altering the government of the church, which could not be done but by the king's ruin. The ſyſtem of the royaliſts has the ſame fault; they impute to the parliament but one ſingle view, viz. to alter the government of the church; and counting as nothing the deſign to prevent the eſtabliſhing of abſolute power, they pretend it was only a contrivance, or excuſe, to arrive with more eaſe to the principal end, which was to eſtabliſh Presbyterian government.

After having thus ſhewn theſe two different ſyſtems, I think it needleſs to explain particularly, in what manner Franklyn, Nalſon, and the earl of Clarendon, apply theirs to the facts agreed on by all. I ſhall content myſelf with obſerving, that they miſs no occaſion to combat the principles of the parliament, or to impute to them, motives entirely different from thoſe they pretended to act by. Herein their aim was to hinder their readers from being prepoſſeſſed with a belief, that the parliament intended the good of their country, or had any other views than thoſe they aſcribe to them.

It is eaſy to perceive by what has been ſaid, how the hiſtorians of the reign of Charles I. may be different, nay, contrary, according as the authors have cloſely followed one or other of theſe two ſyſtems. And this is what has actually happened. The hiſtories of the two parties, tho' founded upon the ſame facts, are oppoſite to one another, that a reader, who is not very attentive, or wants leiſure to examine what is propoſed to him, knows not where he is, when he ſees this diſagreement.

For my part, who am not engaged in either of the parties, and aim only at truth, I do not think myſelf obliged blindly to follow one or other of the two ſyſtems; but have eſtabliſhed a third, compoſed of both, by ſupplying their defects. I leave it to the reader to judge, whether it be ſufficiently coherent, to give him a diſtinct knowledge of the affairs of this reign. If I ſometimes ſeem to incline to one ſide, it is becauſe I have no reaſon to ſwerve from the truth, and am perſuaded, that the king and parliament were both very much in the wrong, tho' not always, nor on the ſame occaſions.

This has induced me to cite, throughout the Hiſtory of this reign, ſcarce any author but Ruſhworth, tho' no reign has more writers. My reaſon was, becauſe Ruſhworth has formed no ſyſtem, but contented himſelf with furniſhing materials common to both parties, and of which both have made great uſe. But tho' I have carefully read and collated the works of Franklyn, Nalſon, and the earl of Clarendon, I did not think proper to quote them, becauſe they ſcarce let fact or paper paſs without applying it to their ſyſtem, which is not always agreeable to mine. It would, therefore, very much embarraſs the reader, to quote, in proof of what I advance, facts or papers that are always followed with reaſonings, often directly contrary to my ſyſtem. I thought proper to ſay thus much in juſtification of the manner in which I have compoſed the Hiſtory of this reign.

THE HISTORY OF ENGLAND.

BOOK XX.

The Second Part of the Reign of CHARLES I.

1640. Nov. 3. State of the king's affairs.

THE king's affairs, at the meeting of the parliament, were in a very ill-ſituation; for inſtead of ſubduing the Scots as he flattered himſelf, he had the mortification to ſee them enter England, force the paſſage of the Tyne, defeat a conſiderable body of his army, and render themſelves maſters of Newcaſtle. Moreover, he ſaw his own troops not very ready to ſerve him. They conſiſted, for the moſt part, of ſoldiers liſted againſt their wills, in the ſeveral counties, and prejudiced, like the reſt of the nation, againſt the government, beſides, the valour of the Scots being magnified by thoſe who had been routed, and by the king's private enemies, inſpired the Engliſh troops with ſome terror. Moreover, the king wanted money to pay them. His whole reſourſe was the 200,000 pounds borrowed of the city of London, till it ſhould pleaſe the parliament to furniſh him with the neceſſary ſupplies. But he could hardly expect that the parliament would be favourable to him. It was univerſally believed, he had called it againſt his inclination, and becauſe he could find no other way to free himſelf from his preſent circumſtances. What had paſſed in the four parliaments held ſince the beginning of his reign, the diſſolutions of theſe parliaments, with heat and animoſity, the impriſonment of their members, the diſcontinuance of parliaments for 12 years, the taxes impoſed by the king's ſole authority during that ſpace, the monopolies upon all ſorts of goods and commodities, the decay of trade; the open protection granted by the king to the Papiſts and Arminians, the ſeverities exerciſed upon the Preſbyterians, the innovations in religion, the almoſt univerſal ſuſpicion of a deſign to introduce Popery, the exceſſive authority uſurped by the council and ſtar-chamber, the corruption of the judges; in a word, the principles of arbitrary power aſſerted by the court, bred a general diſcontent. The king was not ignorant of it, and till now had diſregarded it. But he began to dread the conſequences, when he ſaw himſelf upon the point of being expoſed to the the ill humour of a new parliament, who, probably, would not loſe the opportunity of labouring the redreſs of grievances, which the former parliaments had, in vain, demanded. Nevertheleſs, he was ſo prejudiced and exaſperated againſt the Scots, that he ſtill hoped the new parliament would look upon their enterance into England as an invaſion, as a war made, not upon the king, but the kingdom, and would furniſh the means to drive them into their country, and chaſtiſe their audaciousneſs. But it was not long before he perceived his hopes were ill-grounded.

1640.

The parliament meets. Clarend.

The parliament met the 3d of November, according to the king's writs. There had never been a more numerous aſſembly, very few members being abſent*. Every one looked upon this as the faireſt opportunity that could poſſibly offer, to cure the evils of the kingdom; and all the members, except ſuch as were entirely devoted to the king, were ready to contribute to the reſtoring of the government to its true and antient conſtitution.

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* Dr. Welwood affirms, that no age ever produced greater men than thoſe that ſat in this parliament. Memoirs.

Accordingly this was what the people expected. On the firſt day, the king made the following ſpeech to both houſes.

The king's ſpeech at the opening of the parliament. Nalſon.

My lords,

‘THE knowledge I had of the deſires of my Scotiſh ſubjects, was the cauſe of my calling the laſt aſſembly of parliament; wherein had I been believed, I ſincerely think that things had not fallen out as now we ſee. But it is no wonder, that men are ſo ſlow to believe that ſo great a ſedition ſhould be raiſed on ſo little ground. But now, my lords and gentlemen, the honour and ſafety of this kingdom lying ſo near at ſtake, I am reſolved to put myſelf freely and clearly on the love and affection of my Engliſh ſubjects, as theſe of my lords that did wait on me at York, very well remember I there declared.

‘Therefore, my lords, I ſhall not mention my own intereſt, or that ſupport I muſt juſtly expect from you, till the common ſafety be ſecured; tho' I muſt tell you, I am not aſhamed to ſay, thoſe charges I have been at have been merely for the ſecurity and good of this kingdom; tho' the ſucceſs hath not been anſwerable to my deſires; therefore, I ſhall only deſire you to conſider the beſt way both for the ſafety and ſecurity of this kingdom; wherein there are two parts chiefly conſiderable. Firſt, the chaſing out of rebels. And ſecondly, that other, in ſatisfying your juſt grievances, where I promiſe you to concur, ſo heartily and clearly with you, that all the world may ſee my intentions have ever been and ſhall be to make this a glorious and flouriſhing kingdom. There are only two things that I ſhall mention to you; the one is to tell you, that the loan of money which I lately had from the city of London, wherein the lords that waited on me at York aſſiſted me, will only maintain my army for two months, from the beginning of that time it was granted. Now, my lords and gentlemen, I leave it to your conſiderations, what diſhonour and miſchief it might be, in caſe for want of money my army be diſbanded before the rebels be put out of this kingdom. Secondly, the ſecuring againſt the calamities the northern people endure at this time, and ſo long as the treaty is on foot: And in this I ſay, not only they, but all this kingdom will ſuffer the harm: Therefore I leave this alſo to your conſideration, for the ordering of thoſe great affairs, whereof you are to treat at this time. I am ſo confident of your love to me, and that your care is for the honour and ſafety of the kingdom, that I ſhall freely and willingly leave to you where to begin. Only this, that you may the better know the ſtate of all the affairs, I have commanded my lord-keeper to give you a ſhort and free account of thoſe things that have happened in this interim, with this proteſtation, that if this account be not ſatisfactory as it ought to be, I ſhall, whenſoever you deſire, give you a full and perfect account of every particular. One thing more I deſire of you, as one of the greateſt means to make this a happy parliament, that you on your parts, as I on mine, lay aſide all ſuſpicion one of another; for, as I promiſed my lords at York, it ſhall not be my fault, if this be not a happy and good parliament.'

The lord-keeper's ſpeech to the parliament. Ruſhw. Nalſon.

After the king had done ſpeaking, the lord-keeper Finch made his ſpeech. He began with encomiums of the king and queen, and then endeavoured to perſuade the two houſes, that the calling of the parliament was wholly owing to his majeſty, who had reſolved it, before he received any petition on that ſubject*. After that, he ſtrove to ſhew, tho' in a very general manner, that the Scots had violated the late treaty, and the king, againſt his will, taken arms by the unanimous advice of his council, to reduce them to obedience. He concluded with informing both houſes, of what had paſſed as well in the beginning of the war as in the conferences at Rippon.

Lenthall choſen ſpeaker.

The commons being returned to their houſe, choſe for ſpeaker William Lenthall, a bencher of Lincoln's-Inn, who was propoſed by Sir Henry Vane, ſecretary of ſtate. This choiſe being approved by the king, they appointed, according to cuſtom, a committee to examine all queſtions that might ariſe about elections, returns, or other privileges of the houſe. Then it was reſolved, that a committee of the whole houſe ſhould meet on certain days of the week, for theſe five principal heads, viz. for religion, grievances, courts of juſtice, trade, and Ireland. Theſe were the articles which chiefly occaſioned the nation's complaints and murmurs, and the commons thereby evidently diſcovered their intentions.

As from the 3d of November, 1640, to the 25th of Auguſt 1642, the Hiſtory of this reign wholly conſiſts of parliamentary tranſactions, I think it neceſſary before all things to give a deſcription of this parliament, and of the different parties into which it was divided. It will afterwards be more eaſy to perceive the motives of its acts and reſolves, and withal, the true grounds of the civil war that afflicted England.

The diſpoſition of the parliament with reſpect to grievances. Clarend. Ruſhw.

Firſt, it is certain there was hardly a member of either houſe but what was diſpoſed to procure the redreſs of the grievances ſo long complained of. Theſe grievances were ſo manifeſt, that it was almoſt impoſſible, without ſubverting the conſtitution of the government, to find plauſible reaſons to juſtify the king's and the miniſtry's conduct, during the 15 foregoing years. They were of ſuch a nature, that no man was free from them, not even thoſe who, ſerved for inſtruments to impoſe them on the people, tho' they were in great meaſure indemnified ſome other way. In a word, they were of ſuch conſequence, that admitting the principles whereon they were founded, the neceſſary reſult was a total ſubverſion of the government, and an arbitrary power unknown to the Engliſh for many ages. It may therefore, be affirmed, that from the very beginning of this parliament, the general ſentiment of both houſes was, that the preſent opportunity of applying proper remedies to the evils of the kingdom was not to be neglected.

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* And yet the lord Clarendon aſcribes the calling the parliament to the advice of the great council of peers at York. Rapin.

But the members were divided upon a principal point, which, however, flowed from the general diſpoſition. Some were of opinion, that after all the grievances were redreſſed, the government ſhould be reſtored to its natural ſtate, ſuch as it was before the reigns of James and Charles, without any additions or alterations. Others, on the contrary, thought, that after the redreſs of grievances it would be neceſſary to uſe ſome effectual method, to put it out of the king's power ever to invade the liberties of the people, and the privileges of the parliament. But theſe carefully concealed their intentions, leſt they ſhould give occaſion to the others to ſuſpect a deſign to alter the eſtabliſhed government, and cauſe them to oppoſe even the moſt reaſonable things, out of fear of the conſequences. They hoped to find or ſtart, in time, opportunities enough to inſpire the whole nation with a diſtruſt of the king, and by that means to accompliſh their ends.

Such being the general diſpoſition of the parliament, it is evident, the entrance of the Scots into England was to be deemed a very conſiderable advantage, granted to the Engliſh by providence, to hinder the king from breaking the meaſures which might be taken againſt him. The king was under an abſolute neceſſity to mantain an army for his defence againſt the Scots, without having for that purpoſe other means than the aſſiſtance of the parliament. For the times being changed, the impoſing of arbitrary taxes could not be practiſed any longer, upon which, probably, he had depended in the beginning of the war, ſince, in a month after taking the field, he was deſtitute of money to pay his troops. So, it was the parliament's intereſt to keep the king in this neceſſity, that he might not be able to oppoſe the reſolutions of the two houſes. It is not, therefore, to be thought ſtrange, that the parliament did not much attend to what the king moſt deſired, viz. to be enabled to drive the Scots out of the kingdom, ſince, on the contrary, the preſence of the Scots gave the two houſes a ſuperiority they were unwilling to loſe.

With reſpect to religion.

The ſentiments of the parliament were alſo very various with reſpect to religion. There were in the houſes rigid epiſcopalians, who believed biſhops eſſential to religion, and that without them there was no lawful ordination, nor, conſequently, any valid adminiſtration of the ſacraments. Of this number were the biſhops, and almoſt all the king's party. There were moderate epiſcopalians, who being ſincerely attached to the church of England, had, however, different ideas of epiſcopacy. They had a veneration for epiſcopal government, as being very antient in the church, and what they moſt liked. But tho' they had no deſign to alter it, they did not think it, however, ſo abſolutely neceſſary, but that religion might well ſubſiſt under any other kind of government. This was the prevailing opinion, and eſpouſed by a majority in both houſes. Wherefore it may be ſaid, that in the beginning of this parliament, the members, in general, had no intention to attack the government of the church, eſtabliſhed in England ſince the reformation.

But there was in the two houſes another party more powerful by the ability of their leaders than by their number; I mean that of the Presbyterians, who were divided alſo into moderate and rigid. The former had no other view, than to obtain ſome liberty and ſecurity, againſt perſecution. The latter were of a different ſtamp. They conſidered epiſcopal government as repugnant to the word of God, and the juriſdiction of the biſhops as a real tyranny. Theſe were the particular objects of the hatred of the king, miniſtry, biſhops, and moſt of the clergy, becauſe their principles tended to the utter ruin of the church of England. For that reaſon, they believed there was no ſafety for them, but in an entire change of Epiſcopal into Presbyterian government. But they eaſily perceived, that to attain their ends, the king was to be diſabled to oppoſe them, knowing, that as long as it was in his power, he would never conſent to this change. Their number was, however, ſo inconſiderable that they would have made no figure in the parliament, had they not been ſupported by the Scots, whoſe aid they could not be without. Moreover, among theſe rigid Presbyterians, lay concealed a certain ſet of men, known afterwards by the name of Independents, who held concerning civil, as well as eccleſiaſtical, government, uncommon opinions, which they took care not to explain, till they found occaſion to publiſh them. They were contented for ſome years, to conceal themſelves among the rigid Presbyterians, in order, at a proper time, to accompliſh their deſigns more effectually. It was the particular intereſt of theſe men ſo to manage, that the government of the ſtate ſhould be changed, or rather overthrown, well knowing their party could never ſubſiſt but in anarchy. And, therefore, without diſcovering their intentions, they improved all occaſions to ſow and cheriſh diſcord between the king and the parliament. The whole Presbyterian party was directed by the heads of the Rigids and Independents, men of great parts, who, without diſcovering themſelves more than was neceſſary, ſeemed to confine their deſigns to the redreſs of grievances, which was the general view of the parliament, and wherein almoſt all were united. They found a double advantage in this conduct. Firſt, they removed all ſuſpicion of their intending to change the government of church or ſtate, and withal preventing the union of the other members, who would not have failed to unite, in order to oppoſe ſuch a change. The ſecond advantage was, that by being ſolely intent, at firſt, upon the redreſs of grievances, they had frequent occaſions of exclaiming againſt the king's former adminiſtration, and fomenting the parliament's diſtruſt and jealouſy of him; for it was by that chiefly they hoped to be able to execute their projects.

Such being the diſpoſition of the parliament, it is eaſy to perceive the reaſon why the commons were ſo intent, at firſt, upon the redreſs of grievances, as well publick as private. A great number of petitions upon that ſubject were preſented to them, within a few days, after their meeting. Many members were likewiſe charged with the like petitions from their burroughs and ſhires, and ſeveral very mortifying ſpeeches to the king and his miniſters were made in the houſe. Of all theſe ſpeeches, I ſhall inſert only one, wherein are enumerated all the publick grievances, of which the people thought to have reaſon to complain. It is that of Mr. Pym, member of parliament for Taviſtock in the county of Devon.

Pym's ſpeech about grievances. Ruſhw.

Mr. Speaker,

‘TO redreſs grievances will not hinder, but further the ſervice of the king: to take away the weights, does as much advantage motion, as to add wings.

‘I ſhall, 1. inſtance ſeveral heads of thoſe grievances we labour under. 2. Demonſtrate them to be as hurtful to the king, as to the people. 3. That the remedies will prove equally good to both of them.

‘The king can do no wrong; the law caſts all miſcarriages upon the miniſters: Thus the influence of heaven conveyeth vigour into ſublunary creatures; but the malignity of all epidemical diſeaſes, proceedeth from the ill-affected qualities of the earth or air.

‘There are a threefold ſort of grievances: 1. Some againſt the privilege of parliament: 2. Others to the prejudice of religion: 3. Some againſt the liberty of the ſubject. For the firſt, the members are free from arreſts; to have liberty of ſpeech; a legiſlative, judiciary, and conciliary power; being the ſame to the body politick, as the faculties of the ſoul to a man.

‘Theſe privileges have been broken: 1. In reſtraining the members from ſpeaking. 2. In forbidding the ſpeaker to put a queſtion; both of theſe practiſed in the laſt parliament. 3. By impriſoning divers members for matters done in parliament. 4. By proceedings againſt them for the ſame in the inferior courts. 5. Enjoyning them to give ſecurity for their good behaviour, and continuing them in priſon, even to the death. 6. In abrupt diſſolutions of parliament; the great grievance; like the execution of a man, without being heard: It receives a being by the ſummons, and a civil death by diſſolution; not only thereby to die, but to be made inteſtabiles, uncapable of making their wills, the good acts that they were about.

‘The ſecond is, encouragement of Popery: 1. By ſuſpenſion of laws againſt them: Now it is certain, there can be no ſecurity from Papiſts, but in their diſability; their principles are incompatible with any other religion; laws will not reſtrain them, nor oaths; for the pope diſpenſeth with both; and his command acts them againſt the realm in ſpirituals and temporals, in ordine ſpiritualia. Henry the third, and Henry the fourth of France, were no Proteſtants, yet were murthered becauſe they tolerated reformation. 2. By allowing them places of truſt and honour in the commonwealth. 3. Their free reſort to London, and to the court; to communicate their counſels and deſigns, diving into the ſecrets of ſtate. 4. That as they they have a congregation of cardinals at Rome, for advancing the pope's authority in England; ſo have they a nuncio here, for the execution thereof.

‘Then as to innovations of religion introduced: 1. Maintenance of Popiſh tenets, in books, ſermons, and diſputations. 2. Practice of Popiſh ceremonies countenanced and enjoined, as altars, images, crucifixes, bowings, &c. Theſe I may in ſome reſpect compare to the dry bones in Ezekiel; which firſt came together, then ſinews and fleſh came upon them, afterwards the ſkin covered them, and then breath and life was put into them; ſo firſt the form, then the ſpirit and life of Popery was to come amongſt us. 3. Preferment of perſons popiſhly affected. 4. The diſcouragement of Proteſtants, by over-rigid proſecutions of the ſcrupulous for things indifferent: No vice made ſo great as inconformity; by puniſhing without law, for not reading the book for Sunday recreations; for not removing the communion-table otherwiſe; for not coming to the rails to receive the communion; for preaching on the Lord's-day in the afternoon; for catechiſing otherwiſe than as in the ſhort catechiſm in the common-prayer-book. 5. By incroachment of eccleſiaſtical juriſdiction; particularly, 1. In fining and impriſoning without law. 2. Challenging their juriſdiction to be appropriated to their order Jure divino. 3. Contriving and publiſhing new articles of viſitation, new canons; and the boldneſs of biſhops, and their ſubordinate officers and officials.

‘As to the third ſort of grievances, I ſhall obſerve rather the order of time when they were acted, than the conſequence; but when we come to the cure, it will be beſt to begin with the moſt important.

‘There is firſt, tunnage and poundage, and and the late new book of rates taken by prerogative, without grant of parliament; from whence theſe inconveniencies follow: 1. Mens goods are ſeiſed, their ſuits ſtopt. 2. Miſemployment of the ſums of money impoſed; for tho' intended for the guard of the ſeas, they are diſpoſed to other uſes, and a new tax raiſed for the ſame purpoſe. 3. The burthen exceſſive, trade hindered, home-commodities abaſed, and foreign inhanſed; by which means the ſtock of the kingdom is diminiſhed, eſpecially inſupportable to the poor planters in America, by the tax upon tobacco.

‘There is compoſition for knighthood; which tho' it refers to a former cuſtom, yet ‘upon the ſame grounds, the king may renew it by a new fine, immoderate multiplication of diſtreſs and iſſues, and enforce them to compound with the commiſſioners. An inundation of monopolies undertaken by Papiſts, and full of miſchief. 1ſt, By impairing the goodneſs, and inhanſing the price of ſalt, ſoap, beer, coals, &c. 2dly, Under colour of which, trade was reſtrained to a few hands. 3dly, Many perſons thereupon illegally impriſoned.

‘But the great and unparalleled grievance is the ſhip-money, being aggravated, not ſupported by the judgment, which is not grounded upon law, cuſtom, precedent or authority: It being improper for a caſe of neceſſity; and abounding in variety of miſchief. As 1ſt, The general extent to all perſons, all times, and the ſubject left remedileſs. 2dly, The arbitrary proportion without limits. 3dly, Impoſed by writ, and diſpoſed by inſtructions. Improper, for the office of a ſheriff iu the inland counties, and inconvenient for the inhabitants; without rule or ſuitable means for the levying or managing of it.

‘The enlargements of foreſts, beyond the bounds of the ſtatutes, 27 and 28 Edw. I. which perambulations then were the cauſe of that famous Charta de Foreſta; and now reviving theſe old queſtions, new diſtempers may follow, and particular obliquities we may already obſerve, and ſurreptitious proceedings, as in Eſſex; yet that verdict was enforced in other counties, and a judgment upon the matter after 3 or 400 years quiet poſſeſſion of the ſubject, who thereupon is forced to compound for great fines.

‘The ſelling of nuſance: The king as a father of the commonwealth, is to take care of the publick commodities and advantages of the ſubjects, as rivers, highways, and common-ſewers, by ordinary writs, ad quod damnum: But now by a courſe extrajudicial, by inforcing compoſitions: So then, if really it be a nuſance that is compounded for, ’tis an hurt to the people; if no nuſance, then ’tis a grand prejudice to the party.

‘The commiſſions for building about London, was preſented as a grievance in the time of king James; now much more encreaſed, and much more prejudicial.

‘The commiſſion for depopulations began ſome few years ſince; by both theſe commiſſions, the ſubject is reſtrained from diſpoſing of his own; demoliſhing their houſes, puniſhing and fining their perſons for that, for which they are ſtill liable by law; for the king cannot licenſe a nuſance; and altho’ theſe are not nuſances, yet it is of ill-conſequence to be compounded for, and may make a precedent for kings to licenſe ſuch things as are nuſances indeed.

‘Military charges ought not to be laid upon the people by warrant of the king’s hand, nor by letters of the council-table, nor by order of the lords lieutenants of counties, nor by letters of the counties, nor their deputies. It began to be practiſed as a loan for ſupply of coat and conduct money iu queen Elizabeth’s time, with promiſe to be repaid it, as appears by a conſtant-warrant in the exchequer, and certain payments: But now a-days never repaid. The firſt particular brought into a tax was, the muſter-maſter’s wages; which being but for a ſmall ſum, was generally digeſted: Yet in the laſt parliament, it was deſigned to be remedied. But now there follows preſſing of men againſt their wills, or to find others. 2dly, Proviſions for publick magazines for powder, ſpades and pickaxes. 3dly, Salary of officers, cart-horſes, carts, and ſuch like.

‘The extrajudicial declarations of judges without hearing of counſel or argument: A teeming grievance, productive of many others.

‘Monopolies countenanced by the council-table, and the clauſe in their patents of monopolies, commanding the juſtices of peace to aſſiſt them; whereby the great abilities of that honourable board, receive a ſtain by ſuch matters of ſo mean a report in the eſtimation of the law, ſo ill in the apprehenſion of the people.

‘The high-court of ſtar-chamber, called in the parliament rolls Magnum Concilium, to which the parliaments were wont to refer ſuch matters as they had not time to determine: A court erected againſt oppreſſion, a court councils, and a court of juſtice, now an inſtrument of erecting and defending monopolies, to ſet a face of publick good on things pernicious.

‘That great and moſt eminent power of the king in edicts and proclamations, called Leges Temporis, uſed heretofore to encounter with ſudden and unexpected danger, till the great council of the king could be called, hath of late been exerciſed for injoining and maintaining monopolies. But the laſt and greateſt grievance leads us a ſtep higher, even as high as heaven, as the throne of God, his word and truth. The ambitious and corrupt clergy, preaching down the laws of God, and liberties of the kingdom; pretending divine authority and abſolute power in the king, to do what he will with us; and this preaching is the highway to preferment; as one Manwaring ſentenced in the former parliament for this doctrine, then a doctor, is now become a biſhop. The intermiſſion of parliaments contrary to the ſtatute, whereby they are to be called once a year, is the main cauſe of all theſe and other miſchiefs, to which parliaments give remedy.

‘Theſe grievances are as well hurtful to the king as to the ſubjects, by interrupting their communion; they have need of his general pardon, and to be ſecured from projectors and informers; to be freed from obſolete laws, and from the ſubtle devices of ſuch who ſeek to ſtrain the prerogative to their own private advantage, and the publick hurt; and the king hath need of them for counſel, for ſupport. Queen Elizabeth’s victorious attempts, were for the

‘ moſt part carried on upon the ſubjects purſes, and not upon her own; tho' the honour and profit were hers. Theſe diſcontents at home diminiſh the king's reputation abroad; and diſadvantage his treaties, and weaken his party beyond ſea; by encouraging Popery; by forcing the ſubjects to leave the kingdom, to the prejudice of the king's cuſtoms and ſubſidies. As for inſtance, divers clothiers forced away, who ſet up their manufacture abroad to the hurt of the kingdom.

‘ The king hath received upon the monopoly of wines, 30,000 pounds per ann. The vintner pays 40 ſhillings per tun, which comes to 90,000 pounds; the price upon the ſubject by retail is increaſed two-pence a quart, which comes to eight pounds a tun, and ſo 45,000 tun brought in yearly, amounts to 360,000 pounds; which is 330,000 pounds loſt to the kingdom, above the king's receipt.

‘ Now the remedies, and removing theſe grievances, conſiſt of two main branches, in declaring the law where it is doubtful, and in providing for the execution of the law where it is clear. But theſe I refer to a farther time, and for the preſent adviſe ſpeedily to deſire a conference with the lords touching grievances; and always to humble ourſelves for God's aſſiſtance.’

As Mr. Pym, who ſpoke this ſpeech, was one of the leading men in the houſe of commons, he was extremely applauded, and the more, that in giving a ſummary of all the publick grievances, he had not uſed any diſreſpectful terms againſt the king or his miniſters. This ſpeech was followed with another by Sir Benjamin Rudyard, who, to intimate that there was a ſettled deſign to introduce Popery and arbitrary power into England, expreſſed himſelf after this manner:

Expreſſions of a member about the perſecution of the Puritans. Ruſhw. Nalſon.

“ They have ſo brought it to paſs, that under the name of Puritans, all our religion is branded; and under a few hard words againſt Jeſuits, all Popery is countenanced. Whoſoever ſquares his actions by any rule either divine or human, he is a Puritan; whoſoever would be governed by the king's laws, he is a Puritan; he that will not do whatſoever other men would have him do, he is a Puritan; their great work, their maſter-piece, now, is to make all thoſe of the religion, to be the ſuſpected party of the kingdom.”

Ruſhw.

Theſe ſpeeches were ſeconded with ſo great a number of complaints and petitions concerning grievances both publick and private, that the houſe was divided into above 40 committees upon this ſingle article, according to the different nature of the complaints. But before the particular examination of theſe grievances was begun, the commons thought fit to deſire the concurrence of the lords to move the king, that he would be pleaſed to appoint a faſt, which met with no oppoſition, either from the lords or the king. Then they appointed a committee to examine what number of Papiſts were in and about London, and how they were armed. As the king, by a meſſage, had acquainted them with his deſign to publiſh a proclamation againſt recuſants, this committee was empowered to examine the ſame after the publication, and ſee how it was executed.

A faſt appointed Nalſon.

Committee to examine the proclamation againſt recuſants.

Two days after, on the 9th of November, the houſe going upon the grievances, the lord Digby, ſon of the earl of Briſtol, made on that ſubject a ſpeech, which he concluded with this motion, “ That a ſelect committee may be appointed to draw out of all that has been complained of, ſuch a remonſtrance as may be a faithful and lively repreſentation to his majeſty of the deplorable eſtate of the kingdom *.” Very probably, this motion had been reſolved among the leaders, becauſe they were apprehenſive of the king's oppoſing the redreſs of grievances, and becauſe in that caſe it was requiſite to ſhew the people the neceſſity of this redreſs, by informing them wherein conſiſted the grievances of the nation. The lord Digby's motion being approved, the houſe appointed a committee of 24 to prepare the remonſtrance. But becauſe the king ſhewed greater condeſcenſion than was expected, this remonſtrance was not drawn till above a year after, and upon another occaſion.

A motion to make a remonſtrance of the ſtate of the kingdom. Ruſhw. Nalſon.

Committee appointed to draw it up. Ruſhw. It is deferred.

Sir John Culpeper, one of the members who had ſpoken upon the grievances, having chiefly inſiſted on monopolies, it was voted, that all ſuch members as directly or indirectly had any ſhare in, or benefit from any project or monopoly, ſhould be diſabled to ſit in the houſe, and that Mr. Speaker ſhould iſſue out writs to chuſe others in their room. There were afterwards four expelled the houſe upon that account †.

Votes againſt monopolies. Ruſhw. Clarend.

Petitions from Pryn, Baſtwick, Burton, &c. Ruſh. Clarend.

During the four or five firſt days, the houſe of commons was almoſt wholly employed in receiving petitions and complaints, as well from private perſons, as from burroughs and ſhires. Amongſt the private petitions, the moſt remarkable were thoſe of Baſtwick, Burton, Pryn, Lilburn, Leighton, Jennings, Smart. Theſe men complained of the exorbitant pains and penalties inflicted on them by the ſtar-chamber and high-commiſſion. As I intend not to dwell upon the affairs of private perſons, I ſhall only ſay, that within the ſpace of about a year, the commons found time to examine all theſe ſentences one after another, and to puniſh the members of the ſtar-chamber, who had given their votes, by condemning them to pay all the coſts and damages to the parties. The reparations to Baſtwick, Pryn, and Burton, were fixed to above 4000

Grievances of private perſons redreſſed.

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* In this ſpeech he mentions among other things, the new canon oath, and ſays, ‘ My opinion of this oath is, that it is a covenant againſt the king for biſhops; as the Scotiſh covenant is againſt the king and biſhops, only ſo much worſe than the Scotiſh, as they admit not of the ſupremacy in eccleſiaſtical affairs, and we are ſworn to it.’ Ruſhworth. Whitelock.

† Whitelock ſays, many members thereupon withdrew themſelves and new elections were made in their rooms.

pounds each [*]. All the other complaints of private perſons, whether againſt the courts of juſtice, or the ſtar-chamber and high-commiſſion, or certain biſhops and deans, who laboured more than the reſt, to introduce innovations in religion, were heard. The commons took a pleaſure to mortify in their turn, thoſe who had ſtretched the prerogative royal, in perſecuting the Puritans, or rather ſuch as did not bear the yoke patiently, who were confounded, under that name, with the Preſbyterians.

The publick grievances redreſſed alſo.

If the commons endeavoured to do juſtice to private perſons, who had ſuffered any injury during the firſt 15 years of this reign, it may well be imagined, they neglected not to redreſs the grievances of the whole nation. This was their principal buſineſs during the firſt year of their ſeſſion. Tho' the parliament was compoſed of ſeveral parties, who had not all the ſame views, they were, however, united with reſpect to the redreſs of grievances. Even thoſe members who were moſt devoted to the king, durſt not oppoſe the general ſentiment, ſome becauſe they thought the thing juſt, others, not to loſe their labour, and for fear of rendering themſelves too ſuſpected.

Principal authors of the grievances. Laud.

Among thoſe who had moſt contributed to the publick miſchiefs, the archbiſhop of Canterbury was conſidered as one of the chief and moſt worthy of puniſhment, as being author of the innovations in the church, promoter of the war with Scotland, perſecutor of the Presbyterians, and head of the Arminians.

Strafford.

The earl of Strafford was likewiſe of this number, becauſe he had ſo entirely devoted himſelf to the king, that in his two great offices of preſident of the court of York, and lord-lieutenant of Ireland, he had no other view than to ſtretch the prerogative royal, and increaſe the king's revenues. His proud and haughty carriage had no leſs offended the publick than his actions, whereby he ſtrove to eſtabliſh an arbitrary power. He was accuſed of adviſing the king to tranſport his Iriſh army, into England, to ſubdue the oppoſers of his will. Tho' he was highly in the king's favour, he had nevertheleſs made himſelf many enemies at court, and in the kingdom, who earneſtly ſought occaſions to ruin him.

Finch.

The lord-keeper Finch, was looked upon alſo as a pernicious counſellor, wholly devoted to the king, and ready for any attempt, to eſtabliſh a deſpotick government. It was not doubted, but he was the man that had corrupted the judges in the buſineſs of ſhip-money.

Windebank. Clarendon.

Sir Francis Windebank, ſecretary of ſtate, was reckoned the patron of the Catholicks, and it was by his means that the condemned prieſts and Jeſuits eſcaped one way or other the ſentence paſſed upon them.

The judges.

In a word, the judges of the realm had rendered themſelves extremely odious to the people, as well by the judgment they had given in Mr. Hampden's affair, as by numberleſs other acts of injuſtice to private perſons. Theſe were the principal authors of the grievances, whom the commons intended to bring to exemplary puniſhment.

The earl of Strafford is accuſed of high-treaſon. Ruſhworth. Nalſon. Clarendon.

The earl of Strafford was the firſt on whom the ſtorm fell. The 11th of November, eight days after the opening of the parliament, Mr. Pym, having deſired, and obtained his deſire of the commons, that the doors of the houſe might be locked, and the outward room cleared of ſtrangers, informed them, that there were ſeveral complaints againſt the earl of Strafford, which afforded good ground to accuſe him of high-treaſon. Upon this information, the houſe immediately appointed a committee of ſeven, who withdrawing into another room, and conferring together, reported, preſently after, that it was their opinion, there was juſt cauſe to impeach the earl of Strafford. Then Mr. Pym was ordered to go to the houſe of lords, and accuſe the earl of high-treaſon, in the name of all the commons. He had orders likewiſe to tell the lords, that in due time the commons would produce the articles of accuſation, and in the interim, deſired the accuſed might be put into ſafe cuſtody. The earl of Strafford was that very day come from the army, and had taken his place in the houſe of lords. Before his departure from the army, he had received notice that there was a deſign to attack him; but whether thro' pride, or a belief that having done nothing without the king's warrant, he was ſecure, he ſlighted the advice, and would be preſent in the parliament. Indeed, ſome months before, the king's protection was more than ſufficient to ſcreen him from all danger; but the face of affairs was altered, and it is ſtrange a perſon of ſo great a genius, and ſo good ſenſe, could imagine the king was able to protect him in ſuch a juncture.

He is ſent to the Tower. Ruſhworth. Clarendon.

However this be, upon the commons impeachment, the lords committed him to the cuſtody of the black-rod, and ſome days after ſent him to the tower. As this affair was prolonged till May the next year, I ſhall not ſpeak of it, till I come to the time of this famous tryal, and ſhall continue to relate, without interruption, what concerns the redreſs of grievances, and the puniſhment or accuſation of their authors.

Windebank is cited. Ruſhworth. Clarendon.

Secretary Windebank was attacked next. Several petitions were preſented againſt him to the houſe, whereof he was member, complaining, that as ſecretary of ſtate, he had iſſued out warrants under his own hand, for the diſcharge of proſecutions againſt prieſts, and for their releaſe out of priſon. All theſe petitions tended to ſhew, that he loſt no opportunity to countenance the Papiſts, and gloried in being reckoned their patron. I do not know whether he profeſſed the Roman Catholick religion. Be this as it will, he was ſummoned ſeveral times to come to the houſe, and anſwer what was laid to his charge; but

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[*] Nalſon pretends, that the ſentence in the ſtar-chamber againſt Baſtwick was not only juſt, but that he deſerved even death, if he had not had to do with the moſt merciful of kings. Rapin.

He flies into France. Ruſhw.

he believed it more proper to avoid the impending ſtorm, and withdraw into France. When he was out of danger, he ſent the earl of Pembroke, lord-chamberlain, a letter, lamenting his misfortune, and intimating, that if he was guilty, it was only for having ſerved the king faithfully, and obeying his orders.

Debates upon the convocation. Ruſhw. Nalſon. Diurn. Occur. Clarend.

The convocation, their canons, oath, and the tax they had laid upon the clergy to aid the king in his war with Scotland, were next taken into conſideration by the houſe. This affair was debated with great warmth. Several members made, on this occaſion, ſpeeches, tending to ſhew, the king could not, by his authority, turn the convocation into a ſynod. They alledged for reaſon, that the clergy, who compoſed it, could act but as members of the convocation, becauſe to act as members of a ſynod, they ought to have been elected by the people, and it did not belong to the king to make this election as he pleaſed. That the convocation or ſynod had not power to make canons for the whole nation, without the conſent of the people themſelves, nor conſequently without the intervention of the parliament. That moſt of the canons were unjuſt in themſelves, and tended to encreaſe the clergy's power, to the prejudice of the king's authority, and the people's liberties. That by theſe canons, the convocation aſſumed a power above the parliament. That the oath they had impoſed was ſtrange, doubtful, contrary to the privileges of the parliament, and the rights of the people, and obliged men to ſwear as neceſſary, things that were alterable, without any danger to religion. For inſtance, ſuppoſing it true, that biſhops are Jure divino, which the church of England never acknowledged *, it could not be affirmed, that archbiſhops, deans and archdeacons, are of divine or apoſtolical inſtitution, and yet people were made to ſwear, never to conſent to the altering of the government of the church by archbiſhops, biſhops, deans, archdeacons, &c. That by this oath, the repreſentatives of the nation would be ſo tied up, that tho' the parliament ſhould have power to alter the government of the church, they could not even debate upon that ſubject, by reaſon of their oath. Upon theſe and many other reaſons, which I omit, to avoid tedious neſs, the commons voted unanimouſly, 1. That the clergy of England convened in a convocation or ſynod, or otherwiſe, have no power to make any conſtitutions, canons, or acts whatſoever, in matters of doctrine or diſcipline, or otherwiſe, to bind the clergy or laity of the land, without common conſent in parliament. 2. That the canons treated upon by the late convocation, do contain matters contrary to the king's prerogative, to the fundamental laws and ſtatutes of the realm, to the rights of parliament, to the property and liberty of the ſubject, tending to ſedition, and of dangerous conſequence †.

Votes concerning the convocation. Ruſhw. Nalſon. Diurn. Occur.

Ruſhw. Nalſon.

Immediately after theſe reſolutions, the houſe appointed a committee of 36, to examine, who were the chief promoters of theſe canons, and how they had been executed; to conſider how far, in particular, the archbiſhop of Canterbury had been concerned, in the great deſign of ſubverting the laws of the land and religion; and to draw up a charge againſt him and ſuch others, as ſhould appear guilty of the ſame crime. The Scotiſh commiſſioners who were ſent to London to continue the treaty begun at Rippon, were, as I ſaid, in good underſtanding with the leading members of the commons, and in all appearance, had been informed of the deſign to proſecute the archbiſhop; and, therefore, to make the blow fall the heavier on this prelate, by joining their complaints with thoſe of the commons, they preſented next day to the lords, a charge againſt him, to this effect:

The articles of accuſation againſt Laud. Ruſhw. Nalſon.

'That he was the cauſe of all the troubles
' in Scotland, and the author and urger of
' introducing into Scotland the book of canons,
' and the liturgy, as appeared by 14 letters
' which they offered to produce: That the
' Scotch prelates having ſent to him a book
' of canons, written upon the one ſide only,
' with the other ſide blank, he made ſeveral
' interlinings, and filled up the blank pages
' with ſeveral directions; which changes and
' ſupplements were taken from the Romiſh
' rituals, that varied from the book of Eng-
' land: That they were contrary to the king's
' intentions, who in his large declarations
' had profeſſed, that all the variations in
' the Scotiſh ſervice from that of England,
' ſhould be only in ſuch things as the Scotiſh
' humours would better comply with. But
' that the archbiſhop had no regard to this.
' On the contrary, the Scotiſh prelates hav-

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* The words of Mr. Nathaniel Fienes's ſpeech are, " Whether biſhops be Jure divino, we know is a diſpute " among the Papiſts, and never did any Proteſtant hold it but of late years. But that archbiſhops, deans, archdeacons, &c. ſhould be Jure divino, I do not know that ever any Chriſtian held it before, and yet he that takes " this oath muſt ſwear it. " Ruſhworth. --- Sir Edward Deering began his ſpeech about the canons, to this effect: " The pope (ſay they) has a triple crown, anſwerable thereto he pretends to a threefold law: The firſt is, Jus " divinum, and this he would have you think to be the coronet next his head, that which ſecures his power. The " ſecond is, Jus humanum, Conſtantine's donation, the gift of indulgent princes, temporal-power; this is his middle " crown: Out of theſe two the pope frames his third crown himſelf, and ſets it upon the top; that is, Jus canonicum, " the canon law, of more uſe to his popeſhip than both the other. Juſt ſo our prelates, from the pretended divinity " of their epiſcopacy, and from the temporal power granted by our princes, would now obtrude a new canon law upon us". He concludes with ſaying, " No canons can bind the laity, where we have no voice, of our own, nor " choice of the clergy perſons who do found them, nor aſſent in the ſuſception of them after they are framed. Quod omnes tangit, ab omnibus tractari debet". Ruſhworth.---Mr. Bagſhaw in his ſpeech, affirmed, that the clergy who had held the late ſynod, were fallen into a Præmunire upon that account. Diurn. Occur.

† It was voted likewiſe, Nemine contradicente, that the ſeveral grants of the benevolence or contribution granted to his moſt excellent majeſty by the clergy in their late convocation, are contrary to the laws, and ought to bind the clergy. Ruſhworth. Some pretend theſe votes were very unjuſt; if ſo, it is ſtrange no one member ſhould oppoſe them. The lord Clarendon freely owns, that the canons were unwarrantable, even in a more favourable ſeaſon. Rapin.

ing petitioned the ſuppreſſion of ſome of the Engliſh ceremonies, as the croſs in baptiſm, the ring in marriage, and ſome other things, he was ſo far from conſenting, that he had added ſeveral others: That in the order of adminiſtration of the communion in the book of England, he had made ſeveral alterations, which plainly ſhewed his deſign of introducing Popery into Scotland: That he had kindled war between the king and the Scots; and been one of the chief cauſes of breaking the laſt pacification, and renewing the war: That he had inſerted into the divine ſervice a prayer againſt their nation, by name of "traiterous ſubjects, having caſt off all obedience to their anointed ſovereign, and coming in a rebellious manner to invade England: That ſhame might cover their faces as enemies to God and the king."

I have very much abridged theſe articles, which are very particular; but what is here ſaid, ſuffices to ſhew their deſign.

Grimſton's ſpeech againſt Laud. Ruſhw.

On the morrow, Sir Harbottle Grimſton made in the houſe a ſpeech againſt the archbiſhop, pretending to ſhew, that all thoſe who were concerned in the evils of the ſtate, as the earl of Strafford, the biſhops of Cheſter, Oxford, Ely, Bath and Wells, had been raiſed by his means, and that there was not a ſingle grievance but what flowed from him. Whereupon the commons impeached, by Mr. Denzil Hollis, the archbiſhop of high-treaſon, and the lords committed him to the cuſtody of the gentleman-uſher Some time after he was ſent to the tower.

Laud is accuſed and ſent to the tower. Nalſon. Clarend.

Then the commons ſent a meſſage to the lords, to let them know, they had received informations of a very high nature againſt Matthew Wren, biſhop of Ely; and having heard that he intended to make his eſcape out of the kingdom, they deſired them to think of ſome way to prevent it. Whereupon, the lords ordered the biſhop to give 10,000 pounds bail for his forth-coming, to which he conſented.

The lord Finch voted a traitor, and flies into Holland. Ruſhw.

Of thoſe whom the commons conſidered as the chief authors of the publick grievances, there remained only the lord-keeper Finch, and the judges. The firſt was declared a traitor by a vote of the houſe of commons, notwithſtanding the eloquent ſpeech he was permitted to make at the bar of the houſe in his vindication. But before he was accuſed in form, he fled into Holland. However, he was impeached afterwards, tho' abſent. Preſently after his flight, the king made Sir Edward Littleton lord-keeper.

Littleton made lord-keeper.

Three judges are obliged to give bail. Ruſhw. Nalſon. Diurn. Occur.

In fine, the commons ſent word to the lords, that they had received informations againſt three judges, Sir John Brampſton, lord-chief-juſtice of the king's bench; Sir Humphry Davenport, lord-chief-baron; and juſtice Crawley; and deſired the houſe, that they might put in good ſecurity for their appearance. Whereupon, the lords obliged theſe three judges, each, to give 10,000 pounds bail. The other judges were alſo accuſed afterwards.

Thus they who were conſidered by the commons as the principal authors of the publick grievances, were diſabled not only to continue to adviſe the king, but alſo to eſcape puniſhment, except the lord Finch and Sir Francis Windebank, who ſaved their perſons, by leaving their eſtates in England. I ſhall not ſtay to ſpeak of many others of an inferior rank, who were variouſly puniſhed, whether for exerciſing monopolies, or inventing means to raiſe the king money, whether for introducing or countenancing innovations in religion, or laſtly, for prevaricating in the exerciſe of their offices.

Method of the commons to redreſs grievances.

Whilſt the commons were employed in ſecuring thoſe, they intended to puniſh, they alſo prepared whatever was neceſſary to free the nation from all their grievances. The ſame method was uſed to this end, as had been employed againſt the perſons; that is, petitions from all quarters were preſented to the houſe upon grievances. Theſe petitions being read, ſeveral ſpeeches were made in the houſe, to ſhew how prejudicial theſe grievances were to the publick; and the principles which gave them birth, were particularly inſiſted on, as being directly contrary to the conſtitution, and tending to the ſubverſion of the government. Whereupon, it was voted that ſuch a thing was illegal, and ordered that a bill ſhould be prepared to aboliſh it. This was the ſubject of divers acts, which were preſented to the king for the royal aſſent from the 3d of November, 1640, to the 10th of Auguſt 1641. The principal were theſe.

Acts paſſed in 1640, and 1641, for redreſs of grievances. Statute-book. Clarend. Coke.

An act for a triennial parliament; that is to ordain that a parliament ſhould be held, at leaſt, every three years, tho' the king ſhould neglect to call it; in order to prevent the inconveniencies ariſing from a too long intermiſſion of parliaments.

An act to aboliſh the ſtar-chamber and high-commiſſion.

An act to reduce the foreſts to the ſame ſtate as under Edward I.

An act to repeal the ſtatutes made in the reign of Edward II, concerning knighthood.

An act to permit any ſubject to make ſalt-petre and gun-powder throughout the kingdom.

An act to aboliſh ſhip-money.

The neceſſity of theſe acts was ſo manifeſt, that the king muſt have either conſented to them, or plainly declared he would govern with an abſolute power. But he was not ſo unwiſe as to oppoſe them in his preſent circumſtances. An illuſtrious hiſtorian makes no ſcruple to ſay, that "theſe acts will be acknowledged by an incorrupted poſterity, to be everlaſting monuments of the king's fatherly affection to his people; and ſuch an obligation of repoſe and truſt from his majeſty in the hearts of his ſubjects, that no expreſſions of duty and confidence from them could have been more than a ſufficient return on their parts." The king himſelf afterwards would frequently have had theſe conceſſions to be conſidered as acts of pure grace, for which the publick ought to have been thankful: But unhappily for him,

Clarend.

neither parliament nor people believed them to be the effect of his juſtice or affection to them, but rather of the neceſſity he was under, of giving his aſſent.

Proceedings of the commons by votes.

Beſides theſe acts, the commons paſſed many general votes upon ſeveral other articles. Indeed, theſe votes are not conſidered as laws, neither do the judges proceed by them in their determinations. Nevertheleſs, ſuch is their effect, that few perſons are ſo hardy as to act directly contrary to theſe deciſions of the commons, ſince it is in ſome meaſure to oppoſe the ſentiment of the people whom they repreſent. Beſides, an action directly contrary to a vote of the houſe, is liable to be queſtioned, when leaſt expected, and draws upon the actor the indignation of the houſe, who have but too many opportunities to make him feel the effects of their reſentment.

The commons render themſelves formidable. The king is forced to conſent to every thing.

The deſign of the commons was not only to ſtop the evil by means of theſe votes, but alſo to terrify all thoſe who had been concerned in the grievances, in order to take from the king all hopes of ſupport in his people. For after the houſe had voted, for inſtance, that ſuch a monopoly was illegal, if any perſon concerned in that monopoly, behaved in a manner diſagreeable to the commons, or appeared too much attached to the king, an accuſation againſt him was the certain conſequence of ſuch a behaviour. By that means, the king's moſt devoted friends choſe rather to relinquiſh his intereſt than be liable to a charge, from which, they plainly ſaw, it was not in the king's power to ſecure them. This had very clearly appeared by the great examples of the earl of Strafford, archbiſhop Laud, lord-keeper Finch, and ſecretary Windebank, after whom no private perſon could hope for any protection from the king. Thus the commons rendered themſelves ſo formidable at the very beginning of the parliament, that the king was ſuddenly deſerted by all, without having other refuge than to conſent to whatever was propoſed by the parliament. He hoped, however, that when all the grievances were redreſſed, he ſhould be, if not in the ſame ſtate he had been for 15 years, at leaſt, in the natural ſtate of a king of England, according to the laws and the conſtitution of the government. But it will hereafter appear, how much he was miſtaken in his conjecture. His former adminiſtration had made too deep impreſſions in the minds of his ſubjects, for the majority ever to believe, he would for the future be contented with the power allowed him by the law. This diſtruſt was the immediate cauſe of the war between the king and the parliament. But it is not yet time to deſcend to theſe particulars.

Another method to declare people delinquents. Ruſhw. Clarend. Coke.

The commons uſed alſo another expedient to make themſelves feared. As there were many people, who, in conformity to the intentions of the court, had been concerned in the monopolies, or countenanced the innovations, or been ſubſervient to introduce and ſupport the occaſion of any grievance, the commons, upon the petitions preſented to them againſt theſe men, ſent for them to London, and examining them by a commitee, declared them delinquents; as much as to ſay, that according to the opinion of the houſe, they were guilty of faults and offences for which they deſerved to be proſecuted and puniſhed according to law. This word delinquent, was very much in uſe during this parliament. Thus, a great number of thoſe who had been moſt noted for their adherence to the maxims of the court, or the principles of the archbiſhop, were voted delinquents, and thereby kept in awe by the commons, who according as they behaved well or ill to them, could proſecute or leave them unmoleſted. But the number of thoſe who were declared delinquents was nothing in compariſon of ſuch that had reaſon to fear the like declaration, upon the leaſt petition againſt them. From hence there followed an unanimous approbation of whatever was done by the houſe; ſome conſenting becauſe they thought the things juſt, and others out of fear of chaſtiſement. This is what rendered the redreſs of grievances very eaſy to the commons, and would have made it impracticable for the king to oppoſe it, tho' he ſhould have had ſuch a thought. The king reaped, at leaſt, this advantage from his conſent to the redreſs of grievances, that he gave occaſion to many to believe he ſincerely concurred in that work. But his enemies drew from thence a very different conſequence. They ſaid, as the parliament's meaſures were ſo well laid, that it would have been in vain for the king to oppoſe them, he was not to be thanked for a conſent, to which neceſſity forced him, ſince, whilſt it was in his power to hinder the redreſs of grievances, he had always refuſed to hearken to the inſtant deſires of his parliaments.

Warning concerning the partiality of hiſtorians.

I am now to warn my readers, that we are come to a time wherein they muſt be very much upon the guard with reſpect to the partiality of the hiſtorians, each of whom does his utmoſt to prejudice his readers in favour either of the king, or the parliament. This partiality conſiſts not ſo much in diſguiſing the facts, (wherein both parties are agreed) as in the principles they eſtabliſh. Thoſe for the king, exalt, as high as poſſible, the prerogative royal; nay, ſome ſtretch it even to a ſort of deſpotick power, as we have ſeen inſtances in the writings and ſermons of Sibthorp, Montague, Manwaring, mentioned in the firſt part of this reign. According to this principle, they think and maintain, that the parliament's view was not to reſtore the government to its natural ſtate, as was pretended, but rather to overturn the conſtitution both of church and ſtate; that, therefore, the objects were ſo much magnified, by aggravating ſome acts of authority done by the king, as tending to ſubvert the government, tho' they might have been juſtified by the prerogative-royal, if any but the commons had been judges. But tho' they manifeſtly declared themſelves parties againſt the king, they, however, made themſelves judges, voting ſuch and ſuch actions of the king, to be contrary to the laws. Nothing ſhews more plainly, according to theſe men, the parliament's ſecret deſign to overthrow the government, nor a ſtronger proof of it can be deſired than the experience of what afterwards happened, when the government of the ſtate and church were actually changed.

The favourers of the parliament ſay, that without examining the extent of the prerogative-royal, it may, at leaſt, be affirmed, that it cannot be contrary to the laws; that if the king has his prerogatives, the parliament have their privileges, and the people their liberties, which the prerogative cannot invade without deſtroying the conſtitution of the government, which conſiſts in a happy mixture of the rights of king and people. That, before this parliament, the king had manifeſtly ſtretched his prerogative to the prejudice of the nations rights, which the moſt attached to his intereſts did not dare to deny. That this being the caſe, nothing was more juſt, nothing more neceſſary, than to reſtore the government to its natural ſtate. That it is, therefore, prepoſterous to have recourſe to a ſecret deſign of ſubverting the church and ſtate, ſince the neceſſity of redreſſing the grievances is undeniably evident; that ſuppoſing it true, that the commons uſed ſundry artifices to render themſelves formidable, and more eaſily accompliſh their deſign, viz. the redreſs of grievances, theſe artifices were not blameable, conſidering how impracticable the former parliaments had found it to execute the ſame deſign.

Proceedings in parliament upon ſhip-money.

I am perſuaded, that moſt of the readers for whom I write this Hiſtory, ſuch, I mean, as are not Engliſhmen, would not require of me a particular account of all that paſſed in the houſe of commons, concerning the redreſs of grievances. It would be too tedious a work, which after all, would inform them of nothing more material than what has hitherto been ſaid. Nevertheleſs, for the ſatisfaction of thoſe who are unacquainted with the manner of parliamentary proceedings, I ſhall give here a brief relation of what was done with regard to ſhip-money, the grievance moſt complained of, and by that will be ſeen the method taken with reſpect to the reſt.

Ruſhw. Diurn. Occur.

During the firſt whole month of this ſeſſion, ſcarce a day paſſed, but the houſe received petitions from divers counties, concerning grievances, amongſt which, that of ſhip-money was never forgotten. At laſt, on the 7th of December, the day appointed to debate upon that affair, the lord Falkland *, afterwards ſecretary of ſtate, made the following ſpeech to the houſe.

Lord Falkland's ſpeech. Ruſhw. Nalſon.

Mr. Speaker,

‘I Rejoice very much to ſee this day; and the want hath not lain in my affection but my lungs, if to all that hath been paſt, I have not been as loud with my voice as any man in the houſe; yet truly my opinion is, we have yet done nothing, if we do no more; I ſhall add what I humbly conceive ought to be added, as ſoon as I have ſaid ſomething with reference to him that ſays it.

‘I will firſt deſire the forgiveneſs of the houſe, if ought I ſay ſeem to intrench upon another's profeſſion, and enter upon the work of another robe. Since I have been intruſted by the report of a learned committee, and confirmed by the uncontradicted rule of the houſe; ſince I ſhall nothing of this kind, but in order to ſomething further, and, (which moves me moſt to venture my opinion, and to expect your pardon) ſince I am confident, that Hiſtory alone is ſufficient to ſhew this judgment contrary to our laws, and logick alone ſufficient to prove it deſtructive to our property, which every free and noble perſon values more than his profeſſion. I will not profeſs I know myſelf, but all thoſe who know me, know that my natural diſpoſition is to decline from ſeverity, much more from cruelty. That I have no particular provocation from their perſons, and have particular obligations to their calling, againſt whom I am to ſpeak; and tho' I have not ſo much knowledge in law, yet far more than I have uſe for; ſo I hope, it will be believed, that only publick intereſt hath extorted this from me, and that which I would not ſay, if I conceived it not ſo true, and ſo neceſſary, that no undigeſted meat can lie heavier upon the ſtomach, than this unſaid would have lain upon my conſcience. Mr. Speaker, the conſtiution of this commonwealth hath eſtabliſhed, or rather endeavoured to eſtabliſh to us the ſecurity of our goods, and the ſecurity of thoſe laws which would ſecure us and our goods, by appointing for us judges ſo ſettled, ſo ſworn, that there can be no oppreſſion, but they of neceſſity muſt be acceſſary; ſince if they neither deny, nor delay us juſtice, which neither for the great nor little ſeal they ought to do, the greateſt perſons in this kingdom cannot continue the leaſt violence upon the meaneſt; but this ſecurity, Mr. Speaker, hath been almoſt our ruin, for it hath been turned, or rather turned itſelf into a battery againſt us: And thoſe perſons who ſhould have been as dogs to defend the ſheep, have been as wolves to worry them. Theſe judges, Mr. Speaker, to inſtance not them only, but their greateſt crime, have delivered an opinion and judgment in an extrajudicial manner, that is ſuch as came not within their cognizance, they being judges, and neither philoſophers nor politicians; in which, when that which they would have ſo abſolute and evident takes place, the law of the land ceaſes, and that of general reaſon and equity, by which particular laws at firſt were framed, returns to his throne and government, were ſalus populi becomes not only ſupreme, but ſola lex, at which, and to which end, whatſoever ſhould diſpenſe with the king to make

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* There are lords who are not peers, as all the ſons of a duke and marqueſs, and the eldeſt ſon of an earl, who may be choſen members of parliament, as may alſo Iriſh and Scotch peers. The viſcount Falkland was a Scotch peer, and member for Newport in the iſle of Wight. Rapin.

uſe of any money, diſpenſes with us, to make uſe of his, and one another's. In this judgment they contradicted both many and learned acts, and declarations of parliament; and thoſe in this very caſe, in this very reign, ſo that for them they needed to have conſulted with no other record, but with their memories.

' 2. They have contradicted apparent evidences, by ſuppoſing mighty and imminent dangers in the moſt ſerene, quiet, and halcion days, that could poſſibly be imagined, a few contemptible pyrates being our moſt formidable enemies, and there being neither prince nor ſtate, with whom we had not either alliance, or amity, or both.

' 3. They contradict the writ itſelf, by ſuppoſing that ſuppoſed danger to be ſo ſudden, that it would not ſtay for a parliament, which required but 40 days ſtay; and the writ being in no ſuch haſte, but being content to ſtay 40 days ſeven times over.

' Mr. Speaker, it ſeemed generally ſtrange, that they ſaw not the law, which all men elſe ſaw, but themſelves; yet tho' this begot the more general wonder, three other particulars begot the more general indignation. The firſt of all the reaſons for this judgment was ſuch, that there needed not any from the adverſe party to help them to convert thoſe few, who before had not the leaſt ſuſpicion of the legality of that moſt illegal writ, there being fewer that approved of the judgment, than there were that judged it legal, for I am confident they did not that themſelves.

' Secondly, when they had allowed to the king the ſole power in neceſſity, the ſole judgment of neceſſity, and by that enabled him to take both from us, what he would, when he would, and how he would, they yet continued to perſuade us, that they had left us our liberties and properties.

' The third and laſt is, and which I confeſs moved moſt, that by the tranſformation of us from the ſtate of free ſubjects (a good phraſe, Mr. Speaker, under Dr. Heylin's favour) unto that of villains, they diſable us by legal and voluntary ſupplies to expreſs our affections to his majeſty, and by that to cheriſh his to us, that is, by parliaments. Mr. Speaker, the cauſe of all the miſeries we have ſuffered, and the cauſe of all our jealouſies we have had, that we ſhould yet ſuffer, is, that a moſt excellent prince hath been moſt infinitely abuſed by his judges, telling him, that by policy he might do what he pleaſed; with the firſt of theſe we are now to deal, which may be a leading to the reſt. And ſince in providing of theſe laws, upon which theſe men have trampled, our anceſtors have ſhewn their utmoſt care and wiſdom for our undoubted ſecurity, words having done nothing, and yet they have done all that words can do, we muſt now be forced to think of aboliſhing of our grievances, and of taking away this judgment, and theſe judges together, and of regulating their ſucceſſors by their exemplary puniſhment.

' I will not ſpeak much; I will only ſay we have accuſed a great perſon of high-treaſon, for intending to ſubvert our fundamental laws, and to introduce arbitrary government; which we ſuppoſe he meant to do, we are ſure theſe have done it, there being no law more fundamental than that they have already ſubverted, and no government more abſolute, than that they have really introduced.

' Mr. Speaker, not only the ſevere puniſhment, but the ſudden removal of theſe men, will have a ſudden effect in one very conſiderable conſideration, we only accuſe, and the houſe of lords condemn; in which condemnation they uſually receive advice (tho' not direction) from the judges; and I leave it to every man to imagine, how prejudicial to us, that is, to the commonwealth, and how partial to their fellow malefactors, the advice of ſuch judges is like to be. How undoubtedly for their own ſakes, they will think it may conduce to their power, that every action be judged to be a leſs fault, and every perſon to be leſs faulty, than in juſtice they ought to do: Amongſt theſe, Mr. Speaker, there is one I muſt not loſe in the croud, whom I doubt not but we ſhall find, when we examine the reſt of them, with what hopes they have been tempted, by what fears they have been aſſayed, and by what, and by whoſe importunity they have been purſued, before they conſented to what they did; I doubt not, I ſay, but we ſhall find him to have been a moſt admirable ſollicitor, but a moſt abominable judge; he it is, who not only gave away with his breath, what our anceſtors had purchaſed for us by ſo large an expence of their time, their care, their treaſure, and their blood; and employed his induſtry, as great as his injuſtice, to perſuade others to join with him in that deed of gift: But ſtrove to root up thoſe liberties which they had cut down, and to make our grievances immortal, and our ſlavery irreparable, leaſt any part of our poſterity might want occaſion to curſe him; he declared that power to be ſo inherent to the crown, as that it was not in the power even of parliaments to divide them.

' I have heard, Mr. Speaker, and I think here that common fame is ground enough for this houſe to accuſe upon; and then undoubtedly there is enough to be accuſed upon in this houſe; he hath reported this ſo generally, that I expect not that you ſhall bid me name him whom you all know, nor do I look to tell you news, when I tell you it is my lord-keeper; but this I think fit to put you in mind of, that this place admits him to his majeſty, and truſts him with his majeſty's conſcience; and how pernicious every moment muſt be, which gives him means to infuſe ſuch unjuſt opinions of this houſe, as are expreſt in a label, rather than a declaration, of which many believe him to be the principal ſecretary, and the other puts the moſt vaſt and unlimited power of the chancery into his hands, the ſafeſt of 'which will be dangerous: For my part, I think no man ſecure, that he ſhall think himſelf worth any thing when he rieſs, whilſt all our eſtates are in his breaſt, who hath ſacrificed his country to his ambition, whilſt he who hath proſtrated his own conſcience, hath the keeping of the king's, and he who hath undone us already by wholeſale, hath a power left in him by retale.

'Mr. Speaker, in the beginning of the parliament he told us, and I am confident every man here believes it before he told it, and never the more for his telling, tho' a ſorry witneſs is a good teſtimony againſt himſelf, that his majeſty never required any thing from any of his miniſters but juſtice and integrity. Againſt which, if any of them have tranſgreſſed, upon their heads, and that deſervedly, it all ought to fall; it was full and truly ſaid, but he hath in this ſaying pronounced his own condemnation; we ſhall be more partial to him than he is to himſelf, if we be ſlow to purſue it.

'It is therefore my juſt and humble motion, that we may chuſe a ſelect committee to draw up his and their charge, and to examine their carriage in this particular, to make uſe of it in the charge, and if he ſhall be found guilty of tampering with judges againſt the publick ſecurity, who thought tampering with witneſſes in a private cauſe worthy of ſo great a fine *, if he ſhould be found to have gone before the reſt to this judgment; and to have gone beyond the reſt in this judgment, that in the puniſhment of it, the juſtice of this houſe may not deny him the due honour both to proceed and exceed the reſt.'

After this ſpeech, the affair of ſhip-money having been debated, it was reſolved upon the queſtion Nemine contradicente,

Ship-money voted illegal. Ruſhw. Nalſon.

1. That the charge impoſed upon the ſubjects for the providing and furniſhing of ſhips, and the aſſeſſments for raiſing of money for that purpoſe, commonly called ſhip-money, are againſt the laws of the realm, the ſubjects right of property, and contrary to former reſolutions in parliament, and to the petition of right.

2. That the extrajudicial opinions of the judges publiſhed in the ſtar-chamber, and enrolled in the courts of Weſtminſter in theſe words, ------ in the whole, and in every part of them, are againſt the laws of the realm, the ſubjects right of property, and contrary to former reſolutions in parliament, and to the petition of right.

3. That the writ following ------- and the other writs commonly called the ſhip-writs, are againſt the laws of the realm, the right of property, and the liberty of the ſubjects, and contrary to former reſolutions in parliament, and to the petition of right.

Committee to examine the judges. Ruſhw.

After theſe reſolutions, the houſe appointed a committee of 16, at the head of whom was the lord Falkland, to go forthwith to the ſeveral judges, to know in what manner, and by whom they were ſollicited or threatened to give their extrajudicial opinion concerning ſhip-money. It was ordered, that every one of the judges ſhould be examined at the ſame time by two of the committee, and be told what had been voted in the houſe concerning ſhip-money, and that the committee ſhould aſk ſuch queſtions as they ſhould think material, to the execution of this order.

Precaution concerning the king's arbitrary acts. Ruſhw.

Next day, the houſe ordered that the committee appointed to conſider of the property of the ſubjects in their goods, ſhould take into conſideration ſome way of ſeeing the entering upon record, the king's ſeveral commiſſions for loans and exciſe, and the reſolutions of former parliaments thereon, and the addition that was offered by the lords to the petition of right, with the reſolution of the houſe; and alſo the reſolutions of the queſtions propoſed in the houſe concerning ſhip-money, that they might remain fair to poſterity. It was alſo referred to the ſame committee to make a preparation of the vote paſſed about ſhip-money, to be ſent to the lords; to draw up a charge againſt the lord Finch, and the reſt of the judges that gave their opinion upon that tax; and likewiſe to take into conſideration their extrajudicial opinions and the judgments in the caſe of ſhip-money; to inquire of the ſeveral denials of Habeas Corpus, and prohibitions, their extrajudicial proceedings and opinions concerning eccleſiaſtical juriſdictions, and the court of admiralty; their denial of legal and ordinary proceedings in caſes of juſtice, and the binding of the whole kingdom by any one man's particular caſe. The ſame committee had power to ſend for parties, witneſſes, papers, records, or any thing elſe that might conduce to this buſineſs, and were to preſent the ſtate of the whole matter to the houſe.

An order to prepare a charge againſt the lord Finch.

The lords cancel the judgment in Mr. Hampden's caſe. Ruſhw.

On the other hand, the 26th of February, 1640-41, the lords ordered to be brought to their houſe the record in the exchequer of the judgment in Mr. Hampden's caſe, and alſo the rolls in the ſtar-chamber and other courts, wherein the extrajudicial opinions of the judges were entered, and cauſed them to be annulled in their preſence. They ordered moreover, that a copy of what they had done ſhould be delivered to the judges to be publiſhed at the aſſizes in every county within their circuits, and that an act of parliament ſhould be prepared concerning this matter.

Bill againſt ſhip-money has the royal aſſent. Ruſhw. Nalſon.

All this produced, at length, charges againſt the lord-keeper, and each of the judges, with an act to aboliſh ſhip-money, to which the king gave the royal aſſent the 7th of Auguſt, 1641.

Much the ſame method was taken with regard to the other grievances, and in the end, there was not one, publick or private, but what was redreſſed within the nine firſt months of this ſeſſion.

I intend not to include in theſe grievances, thoſe concerning religion. Beſides that theſe were not generally acknowledged for grievances, this matter requires a more particular explication of what paſſed in the parliament. I ſhall therefore, ſhew in the firſt place, the diſpoſition of the parliament, with reſpect of re-

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* This alludes to a fine of 10,000 pounds, which William, biſhop of Lincoln, was condemned to pay for tampering with a witneſs. Rapin.

ligion, and then relate what paſſed concerning this ſubject.

The diſpoſition of the two houſes with regard to religion.

Since the beginning of the reign of James I, the biſhops had rendered themſelves much more powerful than before. The oppoſition of the Presbyterians, who never ceaſed to exclaim againſt the hierarchy, tho' they were not in condition to overthrow it, had greatly contributed to the increaſe of the epiſcopal power. Their impetuous zeal cauſed the king to think it proper to humble them, leaſt, in the end, they ſhould occaſion ſome diſturbance in the church, and the biſhops were charged with the care of executing this reſolution. The endeavours to reduce them to obedience, ſerved only to inflame the evil. Inſtead of trying to convince them by arguments, they were treated without moderation, and, if I may venture to ſay it, without charity. It was reſolved at any rate to compel them to conform to the church of England, not only in things conſidered as neceſſary, but alſo in others regarded by moſt people as indifferent. Moreover, divers ceremonies were added to the divine ſervice, which many perſons well affected to the church thought too near allied to Popery. William Laud, archbiſhop of Canterbury was the principal author of theſe ceremonies, as well before, as after, he was archbiſhop. His chief view was to mortify the Puritans; but in proceeding too briſkly or rather too rigorouſly, he gave them room to accuſe him that his deſign was to favour Popery, on pretence of forcing the Puritans to conform to the worſhip of the church of England. No man was ever more wedded to ceremonies, and the more he was reproached with it, the more he urged them as neceſſary. This chiefly gave occaſion to the Puritans, and even to ſome church of England-men to ſuſpect he had a deſign to introduce the Romiſh religion; this extreme attachment to ceremonies ſeeming to them as a means whereby he intended to compaſs his ends. As for Arminianiſm, all agree that Laud was not only Arminian, but alſo head of that party in England, from the time he was received into favour by king James I, thro' the duke of Buckingham's means. As the knowledge of what paſſed in the reign of James I, may be of great ſervice to the underſtanding the affairs of religion, which I have undertaken to explain, I ſhall briefly relate what I think moſt neceſſary, tho' mentioned before in king James's reign.

Progreſs of Laud's credit.

When the diſputes concerning grace aroſe in Holland, James I, eſpouſed the oppoſite party to Arminius, and uſed even threats to oblige the ſtates of Holland to condemn Vorſtius his ſucceſſor. After that, he ſent biſhops and divines to the ſynod of Dort, to ſtrengthen the Contra-remonſtrants. In the interim, the Arminians, in England, were forced to lye dormant, becauſe the court was not their friend. Laud, then only a private doctor in the univerſity of Oxford, had yet no credit, tho' ſoon after the duke of Buckingham procured him the biſhoprick of St. David's in Wales. At the ſame time king James was vigorouſly puſhing his deſign to ſtretch the prerogative-royal, to which he met with great oppoſition, chiefly from the Puritans, who concerning grace were directly contrary to the Arminians. For this reaſon the king and duke thought fit to careſs and ſupport the Arminians, in order to oppoſe them to the Puritans, the king's grand view being to weaken that party, which was always ready to obſtruct the execution of his deſigns. From that time the Arminian party became powerful. The heads were Neil, biſhop of Wincheſter, and Laud, biſhop of St. David's, who found means to gain the king's confidence, and to have the diſpoſal of the church-preferments. They improved this advantage to ſtrengthen their party, by promoting to the benefices ſuch as were moſt averſe to the Calviniſts, for ſo theſe began now to be called who embraced Calvin's opinion concerning grace, whether Presbyterians or church of England-men. There were therefore three principal cauſes of the animoſity of the court and its friends, againſt the Presbyterians.

The Calviniſts and Presbyterians hated by the court.

The firſt was, that they rejected the eccleſiaſtical hierarchy.

The ſecond, that they were entirely againſt the king's deſign to ſtretch his prerogative, knowing the more power he had, the more they ſhould be perſecuted.

The third, that they were all Calviniſts as to the notions of grace. Tho' the king had not, perhaps, altered his opinion concerning that point, he deſerted, however, the Calviniſts, becauſe they were in other reſpects, for the moſt part, Presbyterians and Puritans. From that time the court and their agents counted among the Puritans, thoſe who refuſed to conform to the church of England; all the Calviniſts, Presbyterians or others; all who oppoſed the king's deſigns with regard to the prerogative; and they were all, under the name of Puritans, equally obnoxious to the hatred of the king and his miniſters. So, by this policy, many people who had no inclination for Presbyterianiſm, were made to become Puritans; at leaſt, they were forced to join with the Puritan-party, to hinder the court, on pretence of deſtroying Puritaniſm, from eſtabliſhing by degrees an arbitrary power, which would have been fatal to the whole nation; for the king pretended, his will could be oppoſed but upon Puritanical principles.

The Presbyterian-party is perſecuted.

The reign of Charles I, was ſtill more violent in this reſpect, than that of James, as has been ſhewn in the firſt part. Laud being made biſhop of London, and afterwards, archbiſhop of Canterbury, and one of the king's prime miniſters, uſed all his induſtry and credit to humble the Puritan-party, that is, not only the Presbyterians, but alſo the Calviniſts, and ſuch who would not patiently bear the yoke of ſervitude. Matthew Wren, biſhop of Norwich, and afterwards of Ely, the biſhop of Bath and Wells, Coſins, prebendary of Durham, being all of the ſame principles, ſeconded him in this deſign; and as if the difference between the church of England and Presbytery, had not been ſufficiently marked, they added to the worſhip ſundry innovations, and repreſented as abſolutely neceſſary, things indifferent, which religion might well have diſpenſed with. Hence pretences were found to perſecute the Puritans, by reckoning among that party, all whom the court was pleaſed to call by that name.

The perſecution of the Puritans is looked upon as an artifice of the king to arrive at deſpotick government.

The wiſeſt part of the nation had long ſince perceived the king's and the court's policy, and their artifices to pave the way to arbitrary power. But it had not been poſſible to avoid the effects of it, becauſe the king had diſſolved the parliaments, the moment they were bent to examine the grievances. Thus the regal power had gained ground by degrees, no one being in a capacity to hinder its progreſs. But as ſoon as the king's affairs had taken a new turn, by the enterance of the Scots into England, and the taking of Newcaſtle, and when the king ſaw himſelf under an abſolute neceſſity of calling a parliament, moſt of the members reſolved not to loſe the opportunity of aboliſhing the perſecution, introduced under the ſpecious pretence of ſtopping the progreſs of Puritaniſm, but in reality for the advancement of arbitrary power. Above all, the houſe of commons conſidered the innovations, and the rigour wherewith people were made to obſerve them, as ſo many artifices of the court-party, for the more eaſy attainment of their end. It muſt not, therefore, be thought ſtrange, if moſt of the members being united with regard to the grievances, were ſo likewiſe for the aboliſhing of innovations, and puniſhing the authors, as having ſerved for inſtruments to the king in the execution of deſigns, wherein religion was not ſolely concerned. This is what produced the charges againſt the archbiſhop of Canterbury, the biſhops of Ely, Bath and Wells, and againſt Coſins, beſides the brand of delinquents given by the commons to a great number of miniſters and others, who had countenanced the innovations.

Views of the true Presbyterians.

Moſt of the members, as I ſaid, were united as to this point, becauſe there was not one but what conſidered it as a branch of the deſign to ſubject the realm to the king's will and pleaſure. But among this great number, there were real Presbyterians, who had more extenſive views, and thought, no doubt, of altering the government of the church, on pretence of the ill uſe, the biſhops had made of their power. Theſe, tho' not very numerous in the parliament, were ſupported by a great party in the kingdom, and particularly by the Scots, whoſe aſſiſtance was then abſolutely neceſſary. But they took care not to diſcover their intentions. They were contented, at firſt, to join with thoſe who only intended the redreſs of grievances, and to reſtore the government to its natural ſtate. They hoped, as it happened indeed, that the ſtrict examination of the grievances and innovations, would convince moſt of the members of the neceſſity to aboliſh the hierarchy, of which the court had made ſo great uſe in the execution of their deſigns. They propoſed to ſhew on all occaſions, that it was almoſt impoſſible to reſtore the civil government, whilſt the king had in the clergy of the church of England, a ſupport capable of raiſing inſuperable obſtacles to the reformation of the governmenr. For this reaſon, on all occaſions, the leaders of the Preſbyterians were the moſt forward to ſpeak againſt the grievances. They aggravated chiefly thoſe that concerned the innovations in religion, which they openly aſcribed to the deſign of introducing the Romiſh religion. All this was done with a view to caſt upon the hierarchy, and the biſhops in general, the faults and ill conduct of ſome particular perſons.

The other members who were of the church of England, tho' very oppoſite to the king, ſaw what was the intention of the Presbyterians. But they were kept in awe by the fear of loſing the aſſiſtance of the Scots, who ſupported this party, and rendered it very conſiderable. Wherefore they durſt not diſpleaſe the Presbyterian party, for fear of cauſing in the parliament a diviſion, which muſt be fatal to the common cauſe, and conſequently very advantageous to the king. Beſides, the men I am ſpeaking of, did not believe the hierarchy to be abſolutely neceſſary in the church, or that religion could not ſubſiſt without biſhops. Only the rigid Epiſcopalians, and the king's party were of this opinion, but they made not a majority. Thoſe, therefore, who had only in view the reformation of the ſtate, and not that of the church, could not, however, without great inconveniencies, help having ſome condeſcenſion for the Presbyterians, for the reaſons juſt mentioned. Perhaps, they had no other view in their policy, than to gain time, till the civil grievances were redreſſed, without any deſign to go farther. But they had to deal with very able heads, who artfully led them beyond their firſt reſolutions.

The biſhops are attached more and more to the king.

On the other hand, the biſhops perfectly knew the intentions of the Presbyterians, and that in leſſening the king's power, their deſign was to render him unable to oppoſe the change they were meditating. Wherefore they adhered the more firmly to the king's intereſt, and often, by the number of their voices, ſo managed it, that the upper-houſe voted directly contrary to the reſolutions of the lower. But thereby they procured the Presbyterians a conſiderable advantage; for theſe laſt took occaſion from thence, to repreſent how advantageous it was for the king to have at his devotion ſo great a number of voices among the lords, and conſequently, how impoſſible it would be to ſucceed in the intended reformation, ſo long as the biſhops had votes in the upper-houſe. This led them, at length, to bring in a bill for the excluſion of all eccleſiaſticks from civil employments, and the biſhops in particular, from a right of ſitting in the houſe of lords.

Views of the Politicians.

Thoſe who had only in view to reſtore the civil government, without meddling with the hierarchy, and whom I ſhall call the Politicians, tho' I do not know, they were ever ſo termed, were greatly embarraſſed. They plainly ſaw, that ſundry abuſes had crept into the church, and would have readily agreed to their abolition,

tion, provided nothing more had been required. But it was propoſed to go one ſtep farther, and exclude the biſhops from the upper-houſe, in which they ſaw ſeveral inconveniencies, with regard to the intereſt of the church of England, to which they were attached. Tho' the Preſbyterian party did not entirely diſcover themſelves, and ſeemed to have no other aim than to facilitate the redreſs of all abuſes after the excluſion of the biſhops, it was eaſy to perceive, their projects reached farther, and that their view was to undermine the hierarchy. It is certain, there was no leſs inconveniencies in rejecting than conſenting to, the bill. By leaving the biſhops in the upper-houſe, the king would always be ſecure of ſo many votes. As the lords were not then ſo numerous as at preſent, as ſome were abſent or otherwiſe employed, and ſome alſo were Roman Catholicks, the biſhops and the reſt of the king's party greatly influenced the reſolutions of the upper-houſe, as was daily experienced. Conſequently, the work of the reformation of the government could not but meet with great obſtacles. On the other hand, by rejecting the bill propoſed, the Preſbyterian party would be diſpleaſed, which was very conſiderable in the kingdom, chiefly by the ſupport of the Scots, of whom there was great occaſion, ſince it was by their means that the parliament was enabled to labour effectually the redreſs of the grievances.

Queſtion by what title biſhops ſit in parliament.

Then began to be debated the famous queſtion, By what title do biſhops ſit in parliament? It was not denied, they had enjoyed this privilege from the beginning of the monarchy; but ſome pretended, they ſat in parliament as barons only, on account of the crown-lands granted them by the Anglo-Saxon kings, for which they did homage to the king like the reſt of the barons.

Reaſons for the biſhops.

Others maintained, they had a ſeat there as repreſentatives of the clergy, who could not be bound by the laws made in parliament, without giving their conſent to them, according to the conſtant maxim of the kingdom, and the undeniable privilege which all Engliſh ſubjects had ever enjoyed. That the lords gave their conſent to the laws, for themſelves, and the commons for all the commons of the kingdom, and therefore it was neceſſary, there ſhould be in the parliament repreſentatives of the church and clergy, otherwiſe the maxim would be falſe, that no man can be bound by the laws to which he has not conſented; adding farther, that the parliament had always been thought to conſiſt of three eſtates, of which the clergy had been always conſidered as one, whence they inferred, that to exclude from the parliament one of its three eſtates, would be to ſubvert the conſtitution of the government.

Reply to theſe reaſons.

To theſe arguments it was anſwered: Tho' it ſhould be true, that the clergy were an eſtate of parliament diſtinct from the reſt of the people, which was conteſted, it did not follow, that the biſhops repreſented the whole church: That there were in the parliament two houſes, one of the lords, and the other of the commons; and two houſes in the convocation, the upper of the biſhops, and the lower of the inferior clergy; and, therefore, according to this rule, the inferior clergy ſhould likewiſe have repreſentatives in the parliament, that they might be deemed to give their conſent to the laws, which, however, was never pretended. Hence it was inferred, the biſhops did not repreſent the clergy, and added, that this ſuppoſed repreſentation was a new thing, unheard of before, and that a few months ſince, the biſhops would have been very angry to be counted only bare repreſentatives: That tho' it was neceſſary, the clergy ſhould be repreſented in the parliament, it would not follow, that they ought to be repreſented by the biſhops, as all the people of England were not repreſented by the lords. That the abbots had formerly a ſeat in parliament, not as repreſentatives, but as being tenants in chief, and when they were excluded, it was not ſaid, that a breach was made in the conſtitution of the parliament, either by the excluſion of the abbots, or the diſſolution of the monaſteries.

Theſe, if I am not miſtaken, are the principal arguments alledged for and againſt the biſhops, with regard to their ſeat in parliament. This queſtion was the more difficult, as it had been never determined by what right the biſhops ſate in parliament. Very probably, from the beginning of the monarchy, till about the end of the reign of Henry III, the parliaments conſiſted only of lords, who were in poſſeſſion of all the lands of the kingdom, for which they did homage to the king; and, indeed, it appears, the lords, before that time, granted the king the money neceſſary for the ſupport of the government, without any mention of the commons. It may, therefore, be ſaid, that the lords ſat in parliament by a double title, viz. for themſelves, and as repreſentatives of the nation. But after the commons were introduced into parliament, and had a ſeparate houſe, the lords loſt the laſt of theſe titles, and ſat only for themſelves, the reſt of the people having other repreſentatives. The biſhops and abbots, who belonged to the body of the lords, had, probably, their ſeat too by a double title, as poſſeſſors of baronies, and as repreſentatives of the clergy, ſecular and regular. But as in introducing repreſentatives of the commons into the parliament, repreſentatives of the inferior clergy were not alſo introduced, the biſhops and abbots may be ſaid to preſerve their double title to ſit there, as poſſeſſors of baronies, and as repreſentatives of the clergy. The diſſolution of the monaſteries in the reign of Henry VIII, rendered needleſs the repreſentation of the regulars, who no longer ſubſiſted; but it made no alteration in the biſhops right, who, according to this ſuppoſition, repreſented the ſecular clergy, and continued to ſit in parliament, tho' the abbots were aboliſhed. But after all, it muſt be owned, this repreſentation of the ſecular clergy by biſhops, is only a ſuppoſition, which, tho' probable, cannot be ſaid to be ſo evident as not to be oppoſed. But it ſeldom happens, that in diſputes of this nature, juſtice and right are ſolely regarded. Tho' the reaſons which may be drawn from the thing itſelf are not neglected, yet thoſe are much more ſtrenuouſly urged, which are founded in intereſt and policy.

Repreſentations of the Preſbyterians to the Politicians.

The heads of the Presbyterians never ceaſed to repreſent to the Politicians the impoſſibility of reſtoring the government to his natural ſtate, ſo long as the biſhops ſhould ſit in the houſe of peers; that the king had found means to gain the clergy to its intereſt, by expreſſing a great zeal for the church of England, and an extreme averſion to the Presbyterians; that the clergy, and eſpecially the biſhops, were entirely devoted to the king, in the belief that he was their protector and only ſupport; that, therefore, they were perſuaded he could not be too powerful, ſince this power would be ſo advantageous to the clergy; that there were convincing proofs of this truth in the conduct of Laud, Wren, and other clergymen, particularly, Sibthorpe, Montague, Manwaring, who had uſed their utmoſt endeavours to procure the king an unlimited power; that the clergy, in general, were ſtill in the ſame diſpoſitions, and could do for the future as much miſchief as formerly, if care was not taken to humble their pride and power, by confining them within the bounds of their calling.

The Politicians agree to the excluſion of the biſhops.

Artifices of Presbyterians.

The Politicians granted all theſe things, and beſides, were not very well pleaſed with the biſhops and the reſt of the clergy. But they were loth to yield, for fear the alteration propoſed might produce others in church and ſtate, which they did not care to meddle with. In the interim, after long weighing the inconveniences which might flow from their acceptation or refuſal, they reſolved, at laſt, to ſacrifice the biſhops right, rather than run the riſque of ſeeing all their projects fall to the ground, by the obſtacles which the biſhops might raiſe. Whether this reſolution was taken by the leaders at the beginning of the parliament, which I think not unlikely, or whether it was neceſſary to uſe ſome time to prevail with the Politicians, thoſe who ſollicited the thing, judged that before it came to be publickly debated, it was convenient to breed prejudices againſt the biſhops in the minds of the people, and to cheriſh thoſe already entertained. The houſe wanted not opportunities to execute this deſign. The bill to take from the biſhops their ſeat in parliament was not voted in the houſe of commons till the 11th of March, 1640-1, and paſſed not the houſe of peers till the 27th of May following. But before the moving of this bill, the lower-houſe had taken ſeveral ſteps tending to incenſe the people againſt the biſhops. The great number of petitions againſt the biſhops in general, againſt epiſcopal government, againſt ſome particular prelates and clergymen, againſt innovations, againſt the late convocation, ſerved them for foundation to examine the conduct of the biſhops with all the rigour, their deſign required. Several pretend, all theſe petitions were begged, and I won't affirm the contrary, tho' I know nothing particular concerning it. There is no clear evidence of the commons deſign with regard to the biſhops, than their reſolution on the 20th of November, 17 days after the opening of the parliament, viz. that on Sunday the 22d of the ſame month every member ſhould be obliged to receive the communion, and bring with him a ticket of his name and the place for which he ſerved, and that after the communion-day none ſhould ſit in the houſe but thoſe that had firſt received the ſacrament. This reſolution could be with no other view, than to prevent the commons from being eſteemed Presbyterians, and their reſolutions diſparaged on that pretence. Thus in the reign of Henry V, the houſe of commons intending to give a mortal blow to the clergy, began with paſſing an act for burning hereticks, leaſt the clergy ſhould pretend that the houſe conſiſted only of ſuch.

Proceedings of the commons concerning religion in 1640 and 1641. Ruſhw. Nalſon.

To ſhew now all the preparations that were made in the houſe of commons, before they proceeded in the bill I have been ſpeaking of, I ſhall only briefly mention the petitions that were preſented, the ſpeeches that were made on this ſubject, and the ſeveral reſolutions that were taken.

On the 10th of November, ſeven days after the opening of the parliament, Sir Edward Deering made a ſpeech in the houſe, to perſuade them to enter upon matters of religion. He took occaſion to preſent a petition from one Wilſon, a miniſter, againſt the archbiſhop who had ſuſpended him, and concluded with ſaying, “Our manifold griefs do fill a mighty and vaſt circumference, yet ſo that from every part our lines of ſorrow do lead unto him, and point at him the centre, from whence our miſeries in this church, and many of them in the commonwealth do flow.

Ruſhw.

The ſame day was read the petition of Peter Smart, priſoner in the king's-bench, complaining of Dr. Coſins's innovations in the church of Durham, and his proſecution of the priſoner in the high-commiſſion at York, where he was ſentenced and deprived of his living, and prebend of Durham. Whereupon it was ordered that he ſhould have liberty to go abroad in ſafe-cuſtody, to proſecute his petition, which was referred to a committee who were to conſider by whoſe motion and means Dr. Coſins was preferred to his late dignity. It was archbiſhop Laud they had a mind to meet with. On the 21ſt, Dr. Coſins was ſent for as a delinquent by the ſerjeant at arms.

Ruſhw.

The ſame day Sir Edward Deering made a ſpeech, complaining, that there was a ſevere high-commiſſion eſtabliſhed in England, worſe than the Popiſh inquiſition; that the archbiſhop of Canterbury affected the title and power of a patriarch, and acted like a ſovereign; that he allowed of the impreſſion of books in favour of Popery, of which he named ſeveral, and refuſed the ſame licenſe for printing orthodox writings. He moved that there might be a committee to inquire into the great number of oppreſſed miniſters under the biſhops tyranny, for 10 years laſt paſt, and to examine the licenſes granted for bad books, and refuſed for good books.

On the 28th the town of Banbury preſented a petition againſt innovations.

On the 30th it was reported from the committee for Mr. Wilſon's petition, that he had been ſequeſtred four years from his living, only for not reading the Book of Sports on the Lord's-day; that after he was abſolved, he was proſecuted for not reading the prayer commanded to be read by the archbiſhop againſt the Scots.

On the 1ſt of December was read a bill for reformation of abuſes in eccleſiaſtical courts.

Three days after, the houſe received a petition from two of the inhabitants of Cheſter, complaining of their having been inhumanly treated by the high-commiſſion at York, for viſiting Mr. Pryn when he was going to his priſon in Caernarvon-caſtle. Upon this petition the houſe appointed a numerous committee to examine the juriſdiction of the two commiſſions of Canterbury and York, and the abuſes committed in the courts.

On the 9th a committee was appointed to examine the proceedings of the late convocation, as well as the convocation-writs, whether they were the ſame with the writs of former times, and the opinions of the judges in that affair, and enquire how and by whom the commiſſion that enabled the clergy to give and take the new oath was with-drawn.

On the 11th, the houſe received a petition ſubſcribed by a great number of the inhabitants of London and ſeveral counties, containing 28 grievances againſt epiſcopal government, the ſubſtance whereof was as follows:

The London petition againſt biſhops, containing 28 grievances. Ruſhw. Nalſon.

1. Grievance. The biſhops ſubjecting and enthralling all miniſters under them and their authority, and ſo by degrees exempting them from the temporal power.

2. The faint-heartedneſs of miniſters to preach the truth of God, and oppoſe the progreſs of Arminianiſm, leſt they ſhould diſpleaſe the prelates.

3. The encouragement of miniſters to deſpiſe the temporal magiſtracy, and to live contentiouſly with their neighbours, knowing that they, being the biſhops creatures, ſhall be ſupported.

4. The reſtraint of many godly and able men from the miniſtry, and thruſting out of many congregations their miniſters, becauſe they could not in conſcience ſubmit unto, and maintain the biſhops needleſs devices.

5. The ſuppreſſing of the buying of impropriations, and placing of able miniſters in them.

6. The great increaſe of ſcandalous men in the miniſtry, who, if they but wear a canonical coat, a ſurplice, a hood, and bow at the name of Jeſus, think they have fully diſcharged their duty.

7. The diſcouragement of many from bringing up their children in learning; the many errors and ſtrange opinions which are in the church; great corruptions in the univerſities; the want of preaching miniſters in many places; the loathing of the miniſtry, and the general defection to all manner of profaneneſs.

8. The ſwarming of laſcivious and unprofitable books, in diſgrace of religion; as namely, Ovid's Fits of Love, The Parliament of Women, &c.

9. The hindering of godly books to be printed; the blotting out or perverting in thoſe which they ſuffer, whatever ſtrikes either at Popery or Arminianiſm; the adding of what pleaſeth them, and the reſtraint of re-printing books formerly licenſed, without re-licenſing.

10. The publiſhing of Popiſh, Arminian, and other dangerous books and tenets; viz, "That the church of Rome is a true church, "and in the worſt times never erred in "fundamentals; that the ſubjects have no "propriety in their eſtates; but that the king "may take from them what he pleaſeth; "that all is the king's, and that he is bound "by no law, &c."

11. The growth of Popery, and increaſe of Papiſts, prieſts and Jeſuits; the frequent venting of crucifixes and Popiſh pictures both engraven and printed, and the placing of ſuch in bibles.

12. The multitude of monopolies, and impoſitions upon all kinds of commodities, &c.

13. That the church-government in England was upheld the ſame way as in the Romiſh church. Hence it was that the prelates maintained, that the pope is not antichriſt, and forbad praying in the church for the converſion of the queen.

14. The great conformity of veſtures and ceremonies with thoſe of the church of Rome.

15. The ſtanding up at the Gloria Patri, and at the reading of the goſpel; praying towards the eaſt; the bowing at the name of Jeſus; the bowing to the altar; towards the eaſt; croſs in baptiſm; the kneeling at the communion.

16. The turning of the communion-table altarwiſe; the ſetting images and tapers upon them; the reading of the ſecond ſervice at the altar, which is termed the mercy-ſeat; the forcing people to come up thither to receive the ſacrament.

17. The conſecrating of churches, chapels, fonts, &c. and the re-conſecrating of them upon pretended polution.

18. The liturgy for the moſt part taken out of the Romiſh Breviary, and the book of ordination framed out of the Roman Pontifical.

19. The multitude of canons; abuſe of excommunication; denying of appeals; the canons of the laſt ſynod.

20. Plurality of benefices; prohibiting of marriages without licenſe at certain times, and licenſing of marriages without bans asking.

21. Profanation of the Lord's-day, the ſuſpending and depriving miniſters for not reading a declaration for tolerating ſports on that day.

22. The preſſing of the ſtrict obſervation of the ſaints days, and drawing great ſums of money out of mens purſes for giving them leave to work on them.

23. The great increaſe of adulteries, &c. occaſioned by the prelates corrupt adminiſtration of juſtice in ſuch caſes, who taking upon them the puniſhment of it, do turn all into moneys for filling of their purſes.

24. The general abuſe of excommunication which was inflicted for trivial matters; and the abſolution whereof could not be obtained without money, &c.

25. The prelates claiming their office and juriſdiction to be Jure divino; their taking upon them temporal dignities, &c.

26. The forcing people to take commiſſions out of their own courts.

27. The impoſſing of oaths upon church-wardens and ſides-men, which they cannot take without perjury *.

28. The great abuſe of eccleſiaſtical courts, and the biſhops uſurpations.

This petition ended with ſome conſiderations, the laſt whereof was, that the biſhops having occaſioned the war with Scotland, this war could be terminated only by the ſuppreſſion of epiſcopacy.

Ruſhw. The next day, ſeveral miniſters were declared delinquents, for introducing innovations into the church, and a committee was appointed to examine the complaints exhibited againſt the biſhop of Bath and Wells.

On the 15th, the houſe proceeded to take into conſideration the new canons of the late convocation, and voted what has been related. After that, Laud was accuſed, and Wren obliged to give bail.

1640-1. On the 12th of January, 1640-1, petitions were preſented from four ſeveral counties againſt the hierachy.

On the 16th, a complaint was brought to the lords, againſt a conventicle held in the pariſh of St. Saviour's in Southwark, where, at leaſt, 60 perſons were ſeiſed, who upon being asked why they did not reſort to their pariſh-church, according to the law of the 35th of Elizabeth, anſwered, that the law of Elizabeth was not a true law, for that it was made by the biſhops. The lords contented themſelves with ordering, that divine ſervice ſhould be performed as appointed by the acts of parliament; and that the miniſters ſhould forbear to introduce any innovations.

On the 19th, the city of Glouceſter preſented a petition againſt the biſhops.

On the 23d was read a petition of ſeveral miniſters, in behalf of themſelves and many others their brethren, praying a redreſs of certain irregularities in the government of the church. To which was annexed a remonſtrance, ſetting forth theſe pretended irregularities, and the great revenues and the little uſe, of deans and chapters.

All theſe petitions, which were very graciouſly received by the houſe of commons, being plain indications that the houſe had ſome ill deſign againſt the biſhops, his majeſty ſent for both houſes to attend him at the banquetting-houſe at Whitehall, where he made the following ſpeech.

The king's ſpeech to the parliament. Jan. 25. Nalſon.

My lords, and you the knights, citizens, and burgeſſes,

‘THE principal cauſe of my coming here at this time, is by reaſon of the ſlow proceedings in parliament, touching which is a great deal of inconvenience. Therefore I think it very neceſſary to lay before you the ſtate of my affairs as now they ſtand, thereby to haſten (not to interrupt) your proceedings.

‘Firſt, I muſt remember you, that there are two armies in the kingdom, in a manner maintained by you, the very naming of which doth more clearly ſhew the inconvenience thereof, than a better tongue than mine can expreſs. Therefore, in the firſt place, I ſhall recommend unto you the quick diſpatch of that buſineſs. In the next place, I muſt recommend unto you the ſtate of my navy and forts; the condition of both which is well known unto you, that I need not tell you the particulars, only thus much; they are the walls and the defence of this kingdom, which if out of order, all men may eaſily judge what encouragement it will be to our enemies, and what diſheartening to our friends. Laſt of all (and not the leaſt to be conſidered) I muſt lay before you the diſtractions that are at this preſent occaſioned through the connivance of parliament; for there are ſome men that, more maliciouſly than ignorantly, will put no difference between reformation, and alteration of government. Hence it cometh, that divine ſervice is irreverently interrupted, and petitions in an ill way given in, neither diſputed nor denied.

‘But I will enter into no more particulars, but ſhew you a way of remedy, by ſhewing you my clear intentions, and ſome rocks that may hinder this good work.

‘I ſhall willingly and chearfully concur with you for he reformation of all innovations both in church and commonwealth, and conſequently that all courts of juſtice may be reformed according to law. For my intention is clearly to reduce all things to the beſt and pureſt times, as they were in the time of queen Elizabeth. Moreover, whatſoever part of my revenue ſhall be found illegal, or heavy to my ſubjects, I ſhall be willing to lay it down, truſting in their affections.

‘Having thus clearly and ſhortly ſet down my intentions, I will ſhew you ſome rubs, and muſt needs take notice of ſome very ſtrange (I know not what term to give them,) petitions given in the name of divers counties, againſt the preſent eſtabliſhed government, and of the great threatenings againſt the biſhops, that they will make them to be but cyphers, or, at leaſt, their voices to be taken away. Now I muſt tell you, that I make a great difference between reformation and alteration of government; tho' I am for the firſt, I cannot give way to the latter.

‘If ſome of them have overſtretched their power, and incroached too much upon the temporality, if it be ſo, I ſhall not be unwilling theſe things ſhould be redreſſed and reformed, as all other abuſes, according to the wiſdom of former times; ſo far I ſhall go

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* This refers to an oath appointed by the biſhop of Wincheſter. Rapin.

1640-1.

'with you, nay farther, if upon ſerious debate you ſhall ſhew me, that biſhops have ſome temporal authority, inconvenient to the ſtate, and not ſo neceſſary for the government of the church, and upholding epiſcopal juriſdiction; I ſhall not be unwilling to deſire them to lay down; but this muſt not be underſtood, that I ſhall any way conſent that their voices in parliament ſhall be taken away; for in all the times of my predeceſſors ſince the conqueſt, and before, they have enjoyed it; I am bound to maintain them in it, as one of the fundamental conſtitutions of this kingdom. There is another rock you are on, not in ſubſtance but in form; yet the form is ſo eſſential, that unleſs it be reformed, it will marr the ſubſtance.

'There is a bill lately put in concerning parliaments. The thing I like well, to have frequent parliaments, but to give power to ſheriffs and conſtables, and I know not whom, to uſe my authority, that I cannot yield unto. But to ſhew you, that I am deſirous to give you content in forms which deſtroy not the ſubſtance, you ſhall have a bill for this purpoſe; ſo that it trench neither againſt my honour, nor againſt the antient prerogative of the crown, concerning parliaments, to which purpoſe I have commanded my learned council to wait upon you, my lords, with ſuch propoſitions as I hope will give you content, for I ingenuouſly confeſs, that frequent parliaments are the beſt means to keep a right underſtanding between me and my people, which I ſo much deſire.

'To conclude, I have now ſhewn you the ſtate of my affairs, my own clear intentions, and the rocks I wiſh you to eſchew; in all which you may perceive the deſire I have to give you content, as you ſhall find alſo by thoſe miniſters I have, or ſhall have, about me for the effecting of theſe my good intentions, which, I doubt not, will bring peace and happineſs to my ſubjects, and contentment to you all.

'Concerning the conference, you ſhall have a direct anſwer, which ſhall give you ſatiſfaction.'

This ſpeech produced not the effect, the king expected: Firſt, becauſe probably the excluſion of the biſhops was already reſolved, and there was nothing in the king's ſpeech capable of altering that reſolution. Secondly, the great concern expreſſed by the king for the biſhops right, was preciſely the principal cauſe that made their excluſion to be deſired. Thirdly, the king ſeemed to banter the parliament, when he ſaid, "if they would ſhew him that the biſhops have any temporal authority inconvenient to the ſtate, he ſhould not be unwilling to deſire them to lay it down." As if the parliament ought to have expected, from the pure condeſcenſion of the biſhops, the reformation of an authority prejudicial to the ſtate, a maxim directly contrary to the principles, the parliament was then of.

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A complaint againſt Wren, biſhop of Ely.
Ruſhw.

The next day, a complaint was brought to the commons againſt Matthew Wren, for having, whilſt biſhop of Norwich, by oppreſſions, innovations, and requiring certain oaths, compelled above 50 families of that city to withdraw out of England.

On the 1ſt of February, the commons examined, part of, the London miniſters remonſtrance againſt the biſhops. In the debate upon this ſubject, ſome ſmart repartees paſſed between Mr. Grimſton and Mr. Selden. Mr. Grimſton argued thus: "That biſhops are Jure divino, is a queſtion; that archbiſhops are not Jure divino, is out of queſtion. Now that biſhops which are queſtioned whether Jure divino, or archbiſhops, which out of queſtion are not Jure divino, ſhould ſuſpend miniſters that are Jure divino, I leave to you to be conſidered." To which Mr. Selden anſwered, "That the convocation is Jure divino, is a queſtion; that parliaments are not Jure divino, is out of queſtion; that religion is Jure divino, there is no queſtion. Now, Sir, that the convocation, which is queſtionable whether Jure divino, and parliaments, which out of queſtion are not Jure divino, ſhould meddle with religion, which queſtionleſs is Jure divino, I leave to your conſideration."

I own theſe two arguments do not ſeem to me of equal force. The firſt ſuppoſes, that for the particular act of ſuſpending a miniſter, there muſt be an authority derived from God, a ſuppoſition ſeemingly very natural. The other ſuppoſes, that there is occaſion for the like authority, to meddle with the affairs of religion, a ſuppoſition which to me appears a little too general, and which ſhould be reduced to particular acts, to render this argument like the firſt.

Ruſhw.

On the 5th, upon the complaint of the inhabitants of Wood-Church in Kent, againſt Mr. Bowen their miniſter, who being alſo a juſtice of peace, had, by colour of that office, done ſeveral things contrary to the laws, the houſe ordered, that the lord-keeper ſhould be deſired to leave out the clergy of England and Wales, at the renewing of the commiſſion of the peace.

Nalſon.

On the 8th and 9th, the houſe reſumed the debates concerning the biſhops, and many ſpeeches were made for and againſt them, but they are too long to be inſerted. I ſhall content myſelf with obſerving, that tho' the point in queſtion ſeemed to be only to know, whether the biſhops ought to be excluded from the houſe of peers, yet the arguments againſt them tended much farther, even to the entire abolition of epiſcopacy.

I ſhall alſo remark, that among thoſe who ſpoke for the biſhops, there was not one that denied, the prelates had abuſed their power. But they maintained, that theſe were perſonal faults, which might be puniſhed and prevented for the future, without any neceſſity of attacking epiſcopacy itſelf. The adverſaries of the biſhops intimated on the contrary, that there was no reforming epiſcopacy, but by changing the government of the church. They ſaid, whilſt there were biſhops there would be ſo many tyrants, who would think more of eſtabliſhing their grandeur, than of the people's ſalvation. Unhappily, they had but too many inſtances to confirm their opinion. The lord Falkland, who ſpoke that day againſt the biſhops, ſaid, among other things,

A paragraph out of the lord Falkland's ſpeech againſt biſhops. Ruſhw. Nalſon.

> “We ſhall find them to have tythed mint and aniſe, and have left undone the weightier works of the law; to have been leſs eager upon thoſe who damn our church, than upon thoſe, who upon weak conſcience, and perhaps as weak reaſon, (the diſlike of ſome commanded garment, or ſome uncommanded poſture) only abſtained from it. Nay, it hath been more dangerous for men to go to ſome neighbour's pariſh, when they had no ſermon of their own, than to be obſtinate and perpetual recuſants; while maſſes have been ſaid in ſecurity, a conventicle hath been a crime; and which is yet more, the conforming to ceremonies hath been more exacted, than the conforming to Chriſtianity; and whilſt men for ſcruples have been undone, for attempts upon ſodomy they have only been admoniſhed.”

The oppoſition which the enemies of epiſcopacy then met with in the execution of their deſigns, was ſtrong enough to retard it, but not capable to make them deſiſt. What they had juſt done was properly but an effort, in order to take more effectual meaſures hereafter. They were contented, therefore, with having prevailed with the houſe, that the petition of the inhabitants of London ſhould be taken into conſideration, contrary to the opinion of thoſe who would have it rejected without reading. Beſides, what had been ſaid on this occaſion againſt the biſhops, promoted the execution of the project, to take away their votes in the houſe of lords, which moſt of the commons had already reſolved in private. They continued, therefore, to receive petitions againſt epiſcopacy, and to take ſeveral ſteps tending to inſpire the people with an averſion for the biſhops, and the reſt of the clergy.

Nalſon. Ruſhw.

The 13th of February, a bill was brought in for aboliſhing ſuperſtition, in the ſuppoſition, that biſhops had introduced into the church ſundry ſuperſtitious practices.

The 1ſt of March the commons appointed a committee to prepare reaſons to be offered to the lords, that all clergymen in England and Wales, ſhould be put out of the commiſſion of the peace.

The 9th, it was moved in the houſe, that a bill be drawn againſt pluraliſts and non-reſidents.

Votes of the commons againſt the biſhops. Ruſhw. Nalſon. Diurn. Occur.

The ſame day were preſented, from the committee for the miniſters remonſtrance againſt the biſhops, three heads for the debate and conſideration of the houſe. The firſt concerned their ſecular employments, viz. their legiſlative and judicial power in parliament; their judicial power in the ſtar-chamber, and commiſſions for the peace; their employment as privy-counſellors, and temporal offices. The ſecond related to their ſole power in eccleſiaſtical things, as ordination and cenſures. The third concerned the greatneſs of the revenues of deans and chapters, the little uſe of them, and the inconveniences thence ariſing. The houſe having debated upon the firſt of theſe heads, came to theſe reſolutions:

Ruſhw.

I. That the legiſlative and judicial power of biſhops in the houſe of peers, is a great hinderance to the diſcharge of their ſpiritual function, prejudicial to the commonwealth, and fit to be taken away by bill, and that a bill be drawn to that purpoſe.

II. That for biſhops, or any other clergymen, to be in the commiſſion of the peace, or to have any judicial power, in the ſtar-chamber, or in any civil court, is a great hinderance to the diſcharge of their ſpiritual function, prejudicial to the common-wealth, and fit to be taken away; and that a bill be brought in to that purpoſe.

Doctor Pocklington's books ordered to be burnt. Nalſon. Ruſhw.

The ſame day, the lords ordered to be burnt two books, written by Dr. Pocklington, entitled, Sunday no Sabbath, and Altare Chriſtianum.

The 15th, the commons ſent up to the lords articles againſt Dr. Coſins, who was accuſed of introducing into the church of Durham divers innovations, tending to reſtore Popery.

The 21ſt of April, petitions againſt the hierarchy were preſented by Nottinghamſhire and Lancaſhire.

Nalſon.

The 26th of the ſame month was read, a ſecond time, a bill, for puniſhing and fining the members of the late convocation. The archbiſhop of Canterbury's fine was of 20.000 pounds. There were others of 10,000 pounds, of 5000, 3000, 2000, and the leaſt of a biſhop was of 1000. The reſt of the members were rated, each in proportion to his eccleſiaſtical revenues.

Ruſhw.

The ſame day was read a bill, for regulating abuſes in eccleſiaſtical courts.

Nalſon.

It was evident, that the commons were projecting ſome great reformation in the eccleſiaſtical ſtate, and, probably, the deans and chapters were firſt to be attacked, becauſe their uſe did not appear ſo manifeſt. For this reaſon, Dr. Hacket deſired leave to ſpeak before the houſe, on the behalf of deans and chapters, which was granted him. But after he had done, Dr. Burgeſs was permitted alſo to anſwer his reaſons. The two univerſities preſented likewiſe petitions to the houſe on the ſame account, but to no manner of purpoſe.

Ruſhw.

At laſt, the bill againſt the biſhops and clergy exerciſing temporal juriſdiction, paſſed in the houſe of commons, and was ſent up to the lords for their concurrence. But this bill meeting with great oppoſition in the houſe of peers, who put off the debate from day to day, the commons cauſed a new bill to be brought into their houſe, for the taking away of archbiſhops, biſhops, deans, archdeacons, &c. which was read the firſt time. Whilſt they were debating whether it ſhould be read again or laid aſide,

1640-1.

ſide, a meſſage came from the lords, ſignifying, that they were ready to concur with them as to the former bill, except only taking away the biſhops votes in parliament. But the commons, without taking any notice of this offer, ordered the new bill to be read a ſecond time.

Ruſhw.

The 2d of June, at a conference between the two houſes, the lords gave reaſons why they did not judge it unlawful for the biſhops to ſit in parliament, alledging, that for their right to vote there, they conceived by the common and ſtatute-law, and antient practice, there was no queſtion of it. As for any inconveniences, they did not yet underſtand any ſuch as might induce them to deprive the biſhops and their ſucceſſors of their right. But for removing them from the ſtar-chamber, council-table, or any office in ſecular affairs, they would fully concur with the commons.

Next day, heads for a conference with the lords were reported, containing nine reaſons why biſhops ought not to have votes in parliament.

Reaſons why biſhops ought not to have votes in parliament. Nalſon.

'1. Becauſe it is a great hinderance to their 'miniſterial function.

'2. Becauſe they do vow and undertake at 'their ordination, when they enter into holy 'orders, that they will give themſelves wholly 'to that vocation.

'3. Becauſe councils and canons in ſeveral 'ages, do forbid them to meddle in ſecular 'affairs.

'4. Becauſe the 24 biſhops have dependance 'on the two archbiſhops, and take their oath 'of canonical obedience unto them.

'5. Becauſe they are but for their lives, 'and therefore are not fit to have legiſlative 'power over the honours, inheritances, per'ſons, and liberties of others.

'6. Becauſe of biſhops dependancy and 'expectancy of tranſlation to places of great'er profit.

'7. That the ſeveral biſhops have of late 'much encroached upon the conſciences and 'liberties of the ſubject; and they and their 'ſucceſſors will be much encouraged ſtill to en'croach; and the ſubject will be much diſ'couraged from complaining againſt ſuch en'croachment, if 26 of that order be to be 'judges upon that complaint. The ſame rea'ſon extends to their legiſlative power in any 'bill to paſs for the regulation of that power, 'upon any emergent inconveniency by it.

'8. Becauſe the whole number of them are 'intereſted to maintain the juriſdiction of bi'ſhops which hath been found ſo grievous 'to the three kingdoms, that Scotland hath 'utterly aboliſhed it.

'9. Becauſe the biſhops, being lords of 'parliament, it ſettleth too great a diſtance 'between them and the reſt of their brethren 'in the miniſtry; which occaſioneth pride in 'them, diſcontent in others, and diſquiet in 'the church.

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'And as to their having votes a long time, 'the anſwer is, if it be inconvenient, time and 'uſage are not to be conſidered with law-ma'kers: Some abbots voted as antiently in par'liament as biſhops, yet are taken away.'

Among theſe reaſons, the commons only inſinuated the principle in the 6th article, which, however, was univerſally known, viz. that the biſhops had been too much devoted to the king, and countenanced arbitrary power.

In the interim, the commons ordered a bill to be prepared againſt the late convocation, and another to aboliſh the high-commiſſion.

The 7th of June the lords voted for maintaining the biſhops right to ſit in parliament.

The 11th, the affair of epiſcopacy coming again into debate, laſted from ſeven in the morning, till night*, and it was reſolved by the commons, that the preamble to the bill ſhould be expreſſed in theſe words:

Preamble to the bill againſt epiſcopacy.

"Whereas the government of the church "of England by archbiſhops and biſhops, the "chancellors and commiſſaries, deans, arch"deacons, and other eccleſiaſtical officers, hath "been found by long experience to be a great "impediment to the perfect reformation and "growth of religion, and very prejudicial to "the ſtate and government of this kingdom."

Votes againſt the hierarchy.

The 15th, the commons voted that all deans, deans and chapters, archdeacons, prebendaries, chanters, canons, and petty-canons, and their officers, ſhall be utterly aboliſhed: That all the lands taken from deans and chapters ſhall be employed to the advancement of learning and piety, proviſion being made that his majeſty be no loſer in his rents, firſt-fruits, and other duties; and that a competent maintenance ſhall be made to the ſeveral perſons concerned, if ſuch perſons appear not to be delinquents. Several ſpeeches too long to be inſerted, were made upon this occaſion.

Nalſon.

The 21ſt, the houſe being reſolved into a grand committee to debate the bill for aboliſhing epiſcopacy, Sir Edward Deering propoſed, in a ſpeech, that there ſhould be in every ſhire 12 divines and a preſident, to whom might be given what title they pleaſed, whether that of biſhop or any other; but nothing was reſolved thereupon.

It is eaſie to perceive by what paſſed in the parliament, during the firſt months, with regard to the church, that the commons conſidered this affair as a capital point, tho' they affected to let it paſs as dependent on the deſign of reforming the civil government; for ſcare a day paſſed without ſome debate, directly or indirectly, on this ſubject. But as this was not the only affair then in agitation in the parliament, it will be neceſſary to break off the narration, in order to ſpeak of ſome other matters of no leſs importance.

The king could not but be very much diſpleaſed with the proceedings of the commons, as well in the affair of grievances, as in that of epiſcopacy. The two things he had moſt at heart, ſince the beginning of his reign, were the ſtretching his prerogative, and maintaining the church of England in its full luſtre, and the biſhops in all their authority. Nevertheleſs, upon theſe two points it was that the commons ſeemed to affect to give him daily mortifications, not only by their ſpeeches, but alſo by their votes and the bills they ſent up to the lords.

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* In this long debate, the authority of that very antient parchment-manuſcript-copy of the bible in his majeſty's library at St. James's, and ſent to king Charles I, by Cyrillus, patriarch of Alexandria, being all written in great capital Greek letters, was vouched and aſſerted by Sir Simonds d'Ewes (a great antiquarian) wherein the poſtſcript to the epiſtles to Timothy and Titus are only thus: The firſt to Timothy, written from Laodicea: The ſecond to Timothy, written from Laodicea: To Titus written from Nicopolis. Whence he inferred, that the ſtiling of Timothy the firſt biſhop of Epheſus, and Titus the firſt biſhop of Crete, were the ſpurions additious of ſome eaſtern biſhop or monk, at leaſt 500 years after Chriſt. Ruſhworth. Diurn. Occur.

Proceedings of the commons againſt the Papiſts.

But beſides grievances and epiſcopacy, there was another article, wherein the commons ſhewed no great complaiſance to the king; and that was the affair of the Catholicks. Charles followed the king his father's method; that is, he appeared to be entirely attached to the Proteſtant religion and church of England: whilſt on the other hand, he protected and countenanced the Papiſts. But there was this difference between the father and ſon; king James's religion was always very doubtful, notwithſtanding his outward profeſſion of the Proteſtant religion; whereas king Charles was never accuſed of being a Papiſt, but by men of very warm and paſſionate tempers. However, ſeveral things induced him to favour the Catholicks, which gave his enemies ſome advantage. 1. The example of the king, his father, who, throughout his whole reign, could never be prevailed with to execute the laws againſt them. 2. Tho' the Papiſts would not take the oath of ſupremacy, they refuſed not to ſwear allegiance, and that was ſufficient for him to reckon them good ſubjects. 3. In his project of humbling the parliament, and reducing the commons to the ſole affair of ſupply, the parliament's deſiring the execution of the laws againſt the Papiſts, ſufficed to throw him upon a contrary courſe, in order to deprive them by degrees, of the cuſtom of obtaining every thing by importunity. 4. The Catholicks having no other refuge but the king's protection, it was natural for them firmly to adhere to his perſon and intereſt, and the king thought himſelf obliged to grant them an extraordinary protection, in reward of their fidelity. 5. Nothing was more grating to the Puritans, than to ſee the Papiſts well received at court; and as the king hated the Puritans, he took a pleaſure in mortifying them, by careſſing their enemies. 6. The queen, for whom the king had a very great condeſcenſion, did not a little contribute to inſpire him with a good opinion, if not of her religion, at leaſt, of the profeſſors. 7. Archbiſhop Laud, who was Arminian, took care not to ſtrengthen the Calvaniſtical-party, by incenſing the king againſt the Papiſts. 8. Laſtly, Charles I, was naturally of an inflexible temper, and this quality, added to his maxims of government, made him impatient of whatever tended to curb his will. Theſe are, probably, the reaſons that induced the king to countenance the Catholicks, during the firſt 15 years of his reign. He carried his regard for them ſo far, that not only the penal laws enacted againſt them, were never executed, but the Papiſts were alſo conſidered at court as the beſt ſubjects, whereas the Puritans were regarded as enemies to the king and ſtate.

Reaſons why the king favoured the Papiſts.

The face of affairs being changed by the calling of the parliament, and the king unable to protect the Papiſts, they were treated ſomewhat roughly. It was ſuppoſed, there was a ſettled deſign to introduce Popery, and that ſeveral biſhops and other clergymen were in the plot. The archbiſhop of Canterbury, the biſhops of Ely, of Bath and Wells, Dr. Coſins, ſecretary Windebank, and ſome others, were accuſed of being chiefly concerned in this affair, which was openly ſaid to be managed by the queen and her confidents. Tho' this charge was, perhaps, carried too far, with reſpect to the private perſons, it can hardly be denied, that they gave ſome cauſe for it by their proceedings. Their hatred to the Preſbyterians made them not ſcruple to make too near approaches to Popery, in order to be at a greater diſtance from Preſbyterianiſm. This, if I am not miſtaken, was the true cauſe of all the innovations introduced into the publick worſhip, and of the inviolable attachment to the obſervance of certain indifferent or needleſs cuſtoms and ceremonies. The chief view of the governors of the church was to widen continually the diſtance between Preſbyterianiſm and the church of England. But this policy, which was advantageous to the enemies of the Puritans, whilſt the king ruled with an abſolute power, turned to their prejudice entirely, becauſe in this parliament they were accuſed of having had more ſecret deſigns; in a word, of having intended to introduce Popery, and the puniſhment of the faults committed by ſome hot and paſſionate perſons, was made to fall on the whole church.

In all the proceedings of the parliament againſt the Papiſts, the king had properly nothing to ſay. He could not deny that there were laws againſt recuſants, and that theſe laws had not been executed, tho' he had ſeveral times ſolemnly promiſed it. It was no longer a proper ſeaſon to protect them openly, and, therefore, he publiſhed proclamations, enjoining the execution of the laws, in order to content the parliament. But theſe proclamations were ſo artfully drawn, that they properly granted nothing of what they ſeemed to promiſe. Eſpecially, the parliament could never prevail with the king to let the condemned prieſts be executed, whether the king believed theſe ſentences too rigorous, or the queen's ſollicitations had a greater influence upon him than thoſe of the parliament. I ſhall now proceed to the moſt material tranſactions concerning the Catholicks, during the firſt ſeven or eight months of this ſeſſion.

In the beginning of the parliament, the king having publiſhed a proclamation againſt recuſants, the committee, charged with examining it, reported, it was not according to his majeſty's intentions, or the expectation of the houſe, for the following reaſons:

1. In the clauſe wherein the proclamation commands all Popiſh recuſants, within 15 days, to depart the city, &c. it is added, "Without ſpecial licenſe had thereunto:"

Report of the committee concerning the proclamation againſt recuſants. Ruſhw. Nalſon.

1640-1.

So that if by any means they can obtain any licenſe from his majeſty (which the committee thinks they cannot) or from the lords of the council, biſhop, lieutenant, or deputy-lieutenant, then they are not within that clauſe.

2. The order to diſarm all recuſants, is limited to recuſants convict, and being ſo reſtrained, if any be armed and not convicted, a juſtice of peace cannot diſarm them.

3. Recuſants are commanded to depart to their own dwelling houſes; but as of late days there is great reſort of recuſants to London, Weſtminſter, and places adjacent, there is no urging them from thence by law.

The committee added, that many recuſants had letters of grace to protect their perſons and eſtates.

Ruſhw.

In the continuation of this report, a few days after, the committee ſaid, that upon the examination of the keepers of two priſons only, Newgate and the Clink, they found 64 prieſts and Jeſuits diſcharged in one year, ſome by privy-ſignet, others by warrants from the lords of the council, but moſt of them by warrants from ſecretary Windebank, without any mention of the king's pleaſure: That upon examination of the clerk of the peace for Middleſex, and the clerk of the crown in the king's-bench, it was found that within the compaſs of ſeven or eight years there had been 74 letters of grace. Then they deſcended to particular circumſtances, concerning the diſcharge of ſeveral perſons condemned for treaſon, all by the order of Windebank: They ſaid moreover, that they had diſcovered 64 letters of grace to ſtay the proſecution againſt Papiſts, directed to ſeveral counties and judges. It was added, that, indeed, the king had power to pardon the condemned; but to command no farther proſecution, was contrary to law.

The 30th of November, the commons deſired the general of the army to diſmiſs all Popiſh officers; and moved his majeſty, that all commanders and other officers in any town or garriſon that were Papiſts, might be removed. The king anſwered, he knew of no Papiſt that had the command of any place, but however, had given orders to be more particularly informed.

The 1ſt of December, the houſe ordered the preparing a remonſtrance to his majeſty, concerning the pope's pretended nuncio. This was count Roſetti, who exerciſed in England the function of nuncio, under colour, that it was neceſſary to the queen for matters of conſcience.

The 5th, the houſe ſent an order to all the juſtices of peace of Weſtminſter, London and Middleſex, enjoining them to proceed againſt recuſants according to law, notwithſtanding any inhibition or reſtraint.

The buſineſs of Goodman the Jeſuit. Nalſon.

In January following, there was a ſort of diſpute between the king and commons, on account of John Goodman, a Jeſuit, who had been condemned to die, but was reprieved by the king. The houſes had ſeveral conferences upon this ſubject, and, at laſt, agreed to join in a remonſtrance to his majeſty, to move him, that the laws might be executed againſt prieſts and Jeſuits, and, particularly, againſt Goodman. The king, who deſired to ſave this Jeſuit, alledged, that he had been condemned merely for being in orders of a prieſt, and had never been condemned or baniſhed before. But the two houſes repreſented to him, that this prieſt and Jeſuit had been a miniſter in the church of England, and had been formerly twice committed and diſcharged. In a word, the king replied, that if Goodman were put to death, the Proteſtants abroad, in Catholick countries, might ſuffer for it; but, however, would leave it to both houſes to do as they thought fit. The next day, Goodman ſent a petition to the king, which was immediately communicated to the houſe of lords, wherein he ſaid, that he was content to die, rather than live the ſubject of ſo great diſcontent between him and his people. As it does not appear that the parliament inſiſted any more on this matter, it is likely, the king obtained his deſire, and ſaved the Jeſuit's life. But this ſort of victory failed not to do him ſome prejudice, in that his enemies took occaſion from thence to repreſent, that there was no depending upon his proclamations or promiſes, with reſpect to the Papiſts, ſince they were never executed. It is not doubted but the queen ſollicited ſtrongly in Goodman's behalf.

Ruſhw.

The 11th of February, 1640-1, notice was given to the commons, that the Papiſts were preparing to execute ſome great deſign, and that by the queen's order, all Roman Catholicks faſted every Saturday, for the proſperous ſucceſs of the ſame. Whereupon an order was made, that all judges in their circuits ſhould effectually put the laws in execution againſt prieſts and Jeſuits.

The 17th of May, the commons ordered the lord-mayor of London, and the juſtices of peace for London, Weſtminſter, and Southwark, to prevent Papiſts from reſorting to ambaſſadors houſes, and the queen's chapels.

The 24th, the members of the houſe had orders to bring in, by ſuch a time, the names of all recuſants convict in each county.

The 2d of June, was read in the houſe of commons a bill, for diſarming all the Papiſts in the kingdom.

Proceedings of the commons concerning the money given by the Papiſts for the war with Scotland. Ruſhw.

In January laſt, the commons had begun to take into conſideration the contribution raiſed among the Roman Catholicks, for carrying on the late war againſt the Scots, at the inſtance of the queen, who wrote a circular letter to exhort them to it. Walter Montague and Sir Kenelm Digby, who had wrote on the ſame occaſion to ſome of the principal of the Popiſh party, were ſent for and examined, and the commons ſeemed reſolved vigorouſly to puſh this affair. But the queen found means to appeaſe them by a meſſage, wherein ſhe ſaid, that ſhe was moved to raiſe money in that manner for the king's aſſiſtance, merely out of her tender affection to him, and if it were illegal, ſhe was ignorant of the law, but promiſed to be more cautious for the future. She ſaid, moreover, that underſtanding, the having one

The queen's meſſage to the commons. Nalſon.

ſent to her from the pope was diſtaſteful to the kingdom, ſhe was deſirous to give the parliament ſatisfaction, and in convenient time would remove him. This convenient time was not yet come in June following, when the nuncio Roſetti was ſtill with the queen. But, at laſt, the commons having ordered him to be brought to the bar of the houſe to be examined, he hid himſelf, and on the morrow departed for Rome. Montague, Winter, and Sir Kenelm Digby, withdrew into France.

The queen's confeſſor is accuſed. Ruſhw.

Father Philips, the queen's confeſſor, was alſo examined by the commons, who afterwards brought an accuſation againſt him to the lords, and againſt the ſuperior of the Capuchins belonging to the queen. Probably, this accuſation was only to frighten, and oblige them to retire.

Theſe are all the material tranſactions concerning the Catholicks, before the king's journey to Scotland, which will be mentioned hereafter. It is time to return to the Scotch army, which we left at Newcaſtle.

Affairs with the Scots.

The king had flattered himſelf, that the parliament would eſpouſe his cauſe againſt Scotland, and furniſh him with means to drive the Scots out of the kingdom. This was the firſt, or rather the only thing he recommended in his firſt ſpeech to both houſes. But to perceive how vain this hope was, it needs only to be conſidered, that the leading men of the party againſt the king, were the perſons that encouraged the Scots to enter England, and that this party was ſo ſuperior in the parliament, that but few of the king's friends durſt open their mouths to ſupport his intereſt. It was this Scotch invaſion that compelled the king to call a parliament, and enabled the parliament to break all the king's meaſures, and oblige him to ſuffer the redreſs of grievances. In ſhort, it was ſolely by means of the Scots, that the parliament had it in their power to reſtore the government to its antient and natural ſtate. They would, therefore, have acted againſt their own intereſt, and directly contrary to the end they propoſed, if they had ſupplied the king with means to drive the Scots out of the kingdom. Accordingly, they took not one ſtep tending to that purpoſe. On the contrary, it evidently appeared, that they conſidered the Scots as brethren, who, having the ſame intereſt as the Engliſh, were come to aſſiſt them, and act in concert with them.

The 9th of November, ſix days after the opening of the parliament, Sir William Widdrington, knight of the ſhire for Northumberland, ſpeaking concerning the matter of a petition, preſented by that county, on account of the oppreſſions they laboured under from the Scotch army, called the Scots, invading rebels. The houſe was ſo offended at the expreſſion, that Widdrington eſcaped impriſonment only by recanting, and promiſing to call them rebels no more. Nothing was more capable to ſhew the king, how averſe the commons were from aiding him againſt the Scots. But this was not the only mark they gave of their intention. In the firſt place, they thought proper to give the Scots the ſum of 300,000 l. in reward for their brotherly aſſiſtance to England. In the ſecond place, they found means to prolong the negotiation of peace till the 7th of Auguſt, 1641, that is, till almoſt all the grievances were redreſſed, the triennial bill paſſed, and another, that the parliament ſhould not be diſſolved, but by an act for that purpoſe. All this was very remote from the hopes the king had flattered himſelf with, that he ſhould have a ſufficient ſupply to compel the Scots to return home. As the troubles of Scotland were the fountain and origin of all that paſſed in this parliament, I am perſuaded, the reader will not take it ill, to ſee here a brief account of the negotiation of peace between the king and the Scots, and between Scotland and England. What follows is the ſubſtance of the earl of Briſtol's ſpeech to both houſes, when he was choſen by the lords commiſſioners, to give them an account of what had paſſed hitherto in that affair.

The earl of Briſtol's relation of his negotiation with the Scots. Ruſhw.

‘ The commiſſioners employed by his majeſty, intend not to look further back into the buſineſs, than the acts of their own employments; they intend to give no acccount of the pacification interrupted, nor war renewed; no account how the armies in England, Ireland, and by ſea were deſigned; they purpoſe not to lay fault upon any man, nor enquire into the cauſe why the Scots (as they pretended from neceſſity) were drawn to enter this kingdom; nor why the king's army, when ſervice was to be done, was out of the way; but that thoſe thro' whoſe hands theſe have paſſed, may hereafter give their own account.

‘ His majeſty having called his great council at York, made to them two propoſitions. The firſt was, how his army ſhould be relieved and maintained? To this the lords reſolved to engage themſelves, and to ſend deputies to London to negotiate a ſupply. The ſecond propoſition was, that after the Scots had paſſed Northumberland, taken Newcaſtle, and poſſeſſed the biſhoprick of Dureſm, they ſent a petition to his majeſty, which contained in general terms a deſire to have their grievances taken into conſideration. Upon receipt of his majeſty's anſwer, the Scotiſh lords ſent his majeſty a ſecond petition, in which they made their particular demands, and declared, that according to his majeſty's command they would advance no further into England. So his majeſty aſked the lords what anſwer ſhould be made to that petitionary letter? The lords replied, that it was impoſſible for them to give any well-grounded advice, unleſs the true ſtate of his affairs, and the condition of his army were laid before them. Whereupon his majeſty commanded the earl of Traquair to make the narration of the Scotiſh buſineſs, and their late acts of parliament, and the earl of Strafford, lord-lieutenant-general, to give an account in what condition the army ſtood.

‘ The Scots army had paſſed Northumberland without reſiſtance. They had diſputed the paſſage of the river Tyne at Newburn, where the Engliſh horſe retired in diſorder. His majeſty's foot army conſiſting of 12 or 14,000 men in Newcaſtle, likewiſe retired to York, whereby the town of Newcaſtle, a place of great conſideration, was fallen into the Scots hands, and the biſhoprick of Dureſm brought under contribution.

‘In this ſtate the gentry of the biſhoprick repaired to his majeſty; from whom they were referred to the earl of Strafford, who gave them this anſwer poſitively, that they could look for no help nor protection from the king, and therefore they might uſe the beſt means they could to preſerve their lives and eſtates. Whereby they were forced to conſent to a very heavy contribution, tho' ſuch without which the Scotiſh army could not ſubſiſt. This contribution was 850 pounds a day for the biſhoprick of Durham, Northumberland, and Newcaſtle. Theſe gentlemen much lamented their eſtates, that the Scots ſhould be irritated by being proclaimed traytors.

‘The Scots on the other hand repreſented to the the king's commiſſioners, that being threatened with an army of 30 or 40,000 men, another of 10,000 out of Ireland, and by proclamation declared traytors and rebels; and having heard of another army providing, of 8 or 10,000 by ſhipping to hinder their trade, at leaſt their commerce with England, that they were drawn together by neceſſity, as they pretended, of defence. They further alledged, that it was a common diſcourſe, of which they had ſeen papers that they ſhould be reduced into a province, which would be but one ſummer's work. Therefore they had drawn their power together, and being aſſembled, and their country poor; taking advantage of the time, while all thoſe armies that ſhould oppoſe them were out of the way, they were forced to enter into England.

‘Thus the great council of the lords found that the Scots had increaſed their confines near 80 miles in England, and had paſſed the rivers of Tweed and Tyne; and that the river of Tees, the boundary of Yorkſhire, was not to be defended, being fordable in many places by 40 horſe a front. That if the Scots ſhould paſs that river, there was was no poſſibility to hinder them from coming to York, without hazarding a battle, which the earl of Strafford declared unto them he would not adviſe, becauſe the king's army conſiſted of troops that were untrained, and unuſed to arms.

‘This being the caſe, the lords adviſed his majeſty that the Scots, and their grievances might be heard. And whereas their comcomplaint had been, that their petitions to his majeſty had been conveyed by conduits of an evil reliſh, that there might be choſen ſuch lords commiſſioners, of whoſe integrity they could not doubt. The king was pleaſed to refer the choice of theſe commiſſioners to the great council: And to them power was given, under the great ſeal of England, to hear whatſoever the Scots could lay before them, and to enter into a treaty with them.

‘When this was propoſed to the Scots commiſſioners, they repreſented, that the countries where they lay were become poor; that they could not think, as their affairs ſtood, of returning home; that his majeſty had reſtrained them from paſſing further into England; ſo that a treaty in this exigent was worſe than a war, unleſs means might be thought upon how they might ſubſiſt, while the treaty was on foot, otherwiſe they ſhould be obliged to plunder the country.

‘The commiſſioners having diſpatched ſome of their company to acquaint his majeſty with the Scots demands, a commiſſion was given them by the king to treat with the Scots for a maintenance, and the commiſſioners thought, that inſtead of giving them any allowance, they ſhould be left to their proportion of that contribution of 850 pounds a day, already agreed upon by the counties, as leſs diſhonourable than to aſſign them maintenance. Accordingly the preliminaries were agreed upon; the treaty of ceſſation concluded, and the commiſſioners adviſed his majeſty to ratify it, which was accordingly done. The parliament approaching, their lordſhips adviſed his majeſty to to transfer the treaty from Rippon to London, to which his majeſty conſented.

‘To excuſe the preliminaries agreed on at Rippon, the earl of Briſtol added, that it was indeed hard to pay the Scots a contribution of 850 pounds a day, and that there was already ſome doubt that the countries were not able to bear it: But that on the other ſide it was objected by the Sots, that it was impoſſible, if the payment ſhould fail, to keep their promiſe, or to obey his majeſty, but that they ſhould be neceſſitated againſt their will to plunder the country. For which reaſons the earl of Strafford had declared, that the counties of Cumberland and Weſtmoreland being under the Scots power, it was reaſonable that in Subſidum they ſhould contribute ſome help to their neighbours: But he added, that the commiſſioners left at Dureſm had written, that it was impoſſible for them to proceed in the agreement; which if it were broken on their part, the Scots would alledge an impoſſibility to conſent to ſtarve; ſo that if ſome means were not found, by which thoſe counties engaged might be relieved, he was afraid all all their labour and treaty would come to nothing. Therefore the commiſſioners, and all the lords, engaged themſelves faithfully and truly, to declare all theſe things to the parliament.

‘The earl of Briſtol declared further, that it was far from the lord-commiſſioners purpoſe to move any ſupply of money from the houſe of commons, but to lay the cauſe before them. Averring certainly, that if ſome courſe were not taken, the whole kingdom would be put into diſorder. Armies would not ſtarve; retiring was not yet in the

1640-1.

' thoughts of the Scots; therefore they muſt plunder and deſtroy, or advance into Yorkſhire, and ſo farther into England, to ſeek ſubſiſtance; the prevention whereof did highly import the king and kingdom.

' Laſtly, the earl propoſed to the parliament another thing, no leſs worthy of conſideration, viz. That if the Scots army were provided of a competency, it were very ſtrange there ſhould not an equal care be had for maintaining the king's army. He ſaid the Scots army was ſtrong and powerful, and little other reſiſtance againſt it, but the impediments of an army marching in winter; but wether it were fit for a kingdom to be truſted to accidents of froſts, with a people bred in Swedeland *, and cold countries, he left to their diſcretion. He confeſſed, that the Scots had made great proteſtations and with great execrations, averred, that they had no intent to advance forward, but return when they ſhall have received ſatisfaction: yet the commiſſioners did not conceive that the kingdom ſhould rely upon promiſes and proteſtations. Many accidents might happen, when a nation come from a far country to a better, ſhould be told, the buſineſs they came about was juſt, and their quarrel good; who finding themſelves in a fat paſture, may pick quarrels with their leaders, if they ſhould go about to prevent them. Upon theſe grounds his lordſhip preſented to the general conſideration, the ſupply of his majeſty's army, that it be not disbanded: which if it ſhould come to paſs, Yorkſhire, and other parts of England were left to the Scots diſcretion. His lordſhip ſaid, he durſt not ſay the Scots would not come forward, but that it was in their power if they would; and therefore he recommended this repreſentation to the whole body of the kingdom, to prevent future dangers.'

There was no occaſion to uſe many arguments to induce the parliament to allow that the Scotiſh army ſhould be maintained in England. Upon the earl of Briſtol's report, it was reſolved, "that the commons approve of the perſons of the lords that were commiſſioners in the late treaty, to be commiſſioners now to treat with the Scots commiſſioners in this declaration, that no concluſion of theirs ſhould bind the commons, without their conſent in parliament". Tho' the Scotch army was vary expenſive to England, the negotiation, however, laſted till the 7th of Auguſt, 1641, when the treaty was, at length, ſigned. I ſhall inſert here a ſummary of the articles, that it may be ſeen, firſt, wherein conſiſted the differences between the king and the Scots, and the difficulties of the peace; and ſecondly, what the king's grand project came to, of reducing the kirk of Scotland to a perfect conformity with the church of England, and, perhaps, of rendering himſelf abſolute in Scotland, as he was almoſt in England, when he formed this enterpriſe.

The ſubſtance of the treaty concluded between England and Scotland, the 7th day of Auguſt, 1641.

A treaty with Scotland. Ruſhw.

"FIRST, the Scots declare, that by their treating with the Engliſh parliament, they do not acknowledge any dependence of Scotland upon England, &c.

1. The Scots firſt demand.

"That his majeſty would be graciouſly pleaſed to command, that the acts of the late parliament of Scotland, may be publiſhed in his majeſty's name, with conſent of the eſtates of parliament convened by his majeſty's authority, the 2d of June, 1640.

Anſwer. His majeſty doth in the word of a king, promiſe the publiſhing of the ſaid acts, with the acts to be made in the next ſeſſion of the ſame parliament; and that all the ſaid acts have in all time coming the ſtrength of laws, &c.

2d Demand. "That the caſtle of Edinburgh, and other ſtrengths of the kingdom ſhould be furniſhed, and uſed for defence and ſecurity of the kingdom.

Anſwer. Agreed unto.

3d Demand. "That Scotiſh men within his majeſty's dominions of England and Ireland, may be freed from cenſure for ſubſcribing the covenant, and be no more preſſed with oaths, and ſubſcriptions, unwarranted by their laws, and contrary to their national oath, and covenant approved by his majeſty.

Anſwer. Granted with regard to the ſubjects of Scotland, who ſhall be ſojourners only in England or Ireland. But ſuch ſhall be excepted as are ſettled inhabitants in either of the two kingdoms. The Engliſh and Iriſh ſhall have the like privilege in Scotland.

4th Demand. "That whoſoever ſhall be found, upon tryal and examination, by the eſtates of either of the two parliaments, to have been the authors and cauſers of the late and preſent troubles and combuſtion; whether by labouring to make and foment diviſion between the king and his people, or between the two nations, or any other way, ſhall be liable to the cenſure and ſentence of the ſaid parliaments reſpectively, the Engliſh to the parliament of England, and the Scots to that of Scotland.

Anſwer. His majeſty believeth he hath none ſuch, as incendiaries, about him; and therefore he can make no other declaration, than that all his courts of juſtice are free and open to all men. His parliament in this kingdom of England is now ſitting, and the current parliament of Scotland near approaching the time of their meeting. To either of which, he doth not prohibit any of his ſubjects to preſent their juſt grievances and complaints, of whatſoever nature.

And whereas it was farther demanded, that his majeſty would be pleaſed not to employ any perſon or perſons in office or place, that

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* This alludes to the 6000 Scots ſent by king Charles to the king of Sweden, under the command of the marqueſs of Hamilton. Theſe troops ſerved in Germany, and never in Sweden. Rapin.

ſhall be judged incapable by ſentence of parliament, his majeſty agreeth thereto; nor will he make uſe of their ſervice, without the conſent of parliament, nor grant them acceſs to his perſon.

5th Demand. " That their ſhips and goods, " and all damage thereof may be reſtored.

Anſwer. This is condeſcended unto, on condition it be reciprocal. And the Scotiſh commiſſioners having informed, that about 80 ſhips of Scotland are yet ſtayed in the Engliſh ports, and are like to ſuffer much farther loſs and damage; it is agreed, that warrants ſhall be preſently granted for the delivery of them, and that 4000 l. be preſently advanced, for helping the preſent ſetting forth of the ſaid ſhips.

6th Demand. " That for the loſſes which " the kingdom of Scotland hath ſuſtained, and " for the vaſt charges they have been put un" to, reparation be made.

Anſwer. The parliament of England grants to the Scots for this purpoſe, the ſum of 300,000 l.

And whereas it was deſired by the Scotiſh commiſſioners, that the Engliſh commiſſioners would let them know the ſecurity, manner, and terms of payment, of the aforeſaid ſum, and of the arrears due for relief of the northern counties; it was agreed by order of the parliament, that they ſhould have 80,000 l. with the whole arrears due to the army, before the diſbanding thereof. And for paying the remnant of the ſaid ſum, an act of parliament of publick faith, ſhall paſs for ſecurity thereof; and that one moiety ſhall be paid at Midſummer, 1642, and the other moiety a year after, in 1643.

And in like manner, whereas it was deſired by the Scotiſh commiſſioners, that they might know to whom they ſhould addreſs themſelves for payment of the forementioned ſums, the parliament hath appointed commiſſioners----- and reſolved that the place of payment ſhall be the chamber of London. And laſtly, that a ſafe-conduct ſhall be granted for the ſecure tranſporting of the monies to Scotland.

7th Demand. " That all ſuch declarations, " proclamations, books, libels, &c. as have " been made againſt the ſubjects of Scotland, " may be ſuppreſſed and deſtroyed.

Anſwer. It is agreed, that all ſuch declarations, &c. be reciprocally ſuppreſſed in England, Ireland, and Scotland.

8th Demand.

Containing ſeveral articles.

" 1. That all tokens and ſhews of hoſtility " upon the borders of the two kingdoms may " be taken away; and particularly, that not " only the garriſons of Berwick and Carliſle " may be removed, but that the works may " be ſlighted, and the places diſmantled *.

Anſwer. His majeſty is deſirous, that all things between the kingdoms of England and Scotland, be reduced into the ſame ſtate they were in before the beginning of the late troubles.

" 2. That there be unity in religion, and " uniformity of church-government between " the two nations.

Anſwer. His majeſty, with the advice of both houſes of parliament, doth approve of the affection of his ſubjects of Scotland, in their deſire of having a conformity of church-government between the two nations; and as the parliament hath already taken into conſideration, the reformation of church-government, ſo they will proceed in due time, as ſhall beſt conduce to the glory of God, the peace of the church, and of both kingdoms.

" 3. That the king's majeſty and the prince " come and reſide ſometimes in Scotland.

Anſwer. His majeſty will repair thither, as he ſhall find the urgency of their affairs require his preſence, and his other conveniencies here permit.

" 4. That the officers of ſtate, counſellors " and ſeſſioners within the kingdom of Scot" land, be placed by advice of parliament.

Anſwer. His majeſty promiſes to give ear ſo far to the informations of his parliament, and when the parliament is not ſitting, of his council and college of juſtice, as that he ſhall neither make choice of ſuch as they ſhall recommend unto him; or if he thinks another perſon fitter than any of thoſe recommended, he ſhall make the ſame known to the parliament, or in the time between parliament, to the council and ſeſſion, that if there is juſt exception againſt the life and qualification of the ſaid party, he may timely nominate ſome other, againſt whom there ſhall be no juſt exception. His majeſty declares alſo, that the places in the college of juſtice, ſhall be provided unto the judges, Quamdiu ſe bene geſſerint. If this anſwer cannot content the Scotiſh commiſſioners, his majeſty remits the whole anſwer to be conſidered by him, or his commiſſioners, at the parliament, at the next ſitting thereof.

" 5. That his majeſty would be pleaſed to " place about his own perſon, in places of " greateſt nearneſs and truſt, ſome of his Sco" tiſh ſubjects.

Anſwer. His majeſty ſhall continue the ſame care which hitherto he hath done for their ſatisfaction in this particular; and not only ſo, but ſhall alſo recommend the ſame to the prince his ſon.

" 6. That none may have place about his " majeſty, and the prince, but ſuch as are of " the reformed religion.

Anſwer. His majeſty doth conceive, that his ſubjects of Scotland have no intention by this propoſition, (eſpecially by way of demand) to limit, or preſcribe unto him the choice of his ſervants, but rather to ſhew their zeal to religion; wherein his own piety will make him do therein, that which may give juſt ſatisfaction to his people.

" 7. That the copper-coin, which hath paſ-

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* This clauſe was uſually inſerted in treaties between England and Scotland, that neither of the two nations ſhould take poſſeſſion of Berwick or Carliſle. Rapin.

“ ſed in Scotland this long time, for ſeven times, and above as much as the true value and worth thereof, be newly regulated ; and that no copper-money be coined hereafter without conſent of the eſtates convened in parliament.

Anſwer. His majeſty recommends this matter to the enſuing parliament of Scotland, not only concerning the copper-coin to be coined hereafter, but alſo the copper-money already coined, how the ſame ſhall paſs in payment for the time to come.

Ruſhw.

After theſe articles, there was added to the treaty, the draught of an act of oblivion, the moſt ample that could be, which was to paſs in all the parliaments of the three kingdoms, but of which the benefit was not to extend to the Scotiſh prelates, the earl of Traquair, Sir Robert Spotiſwood, Sir John Hay, and Mr. Walter Balcanqual.

The lord Lowdon having carried this treaty to Scotland, to communicate it to the parliament of that kingdom, now aſſembled, returned ſome time after with 12 articles, explaining certain paſſages of the treaty, and to which the Engliſh commiſſioners returned anſwers that were approved. Theſe articles with the anſwers were added to the treaty. In fine, the treaty was confirmed and ratified by an act of parliament inſerted at the end, to this effect:

“ Be it therefore enacted by his majeſty, with the aſſent of the lords and the commons in this preſent parliament aſſembled, that the ſaid treaty, and all the articles thereof aſſented to, as aforeſaid, be and ſtand for ever ratified and eſtabliſhed, and have the force, vigour, ſtrength, and authority of a law, ſtatute, and act of parliament.

(The ſame thing for Scotland.)

“ And his majeſty for himſelf, and his ſucceſſors, doth promiſe in verbo principis, never to come in the contrair of this ſtatute and ſanction, or any thing therein contained ; but to hold the ſame in all points firm and ſtable, and ſhall cauſe it to be truly obſerved by all his majeſty's leiges, according to the tenor and intent thereof, for now and ever. Like as the parliament of both kingdoms give full aſſurance, and do make publick faith in the name of both kingdoms reſpectively, for the true and faithful obſervance of this treaty, and whole articles thereof inviolably, hinc inde, in all times to come.”

As afterwards the king thought he had reaſon to complain, that the Scots had violated this treaty in two of the principal articles, I imagine the reader will be glad to ſee theſe two articles at large, on which this complaint was grounded. They are contained in the act of oblivion in theſe words:

A particular clauſe concerning the war between the two kingdoms.

“ It is agreed, that an act be paſſed in the parliament of England ; that the kingdoms of England or Ireland, ſhall not denounce nor make war upon the kingdom of Scotland, without conſent of the parliament of England : As, on the other part, it ſhall be enacted there, that the kingdom of Scotland ſhall not denounce nor make war againſt the kingdom of England, or Ireland, without conſent of the parliament of Scotland.

“ And in caſe any of the ſubjects of any of the kingdoms ſhall riſe in arms, or make war againſt any of the kingdoms and ſubjects thereof, without conſent of the parliament of that kingdom whereof they are ſubjects, or upon which they do depend, that they ſhall be held, reputed, and demeaned, as traitors to the ſtates whereof they are ſubjects.”

It happened afterwards, that the king and parliament making war upon each other, the Scots ſent an army to the aſſiſtance of the parliament of England, againſt the king, from whence he inferred, that to make war againſt him, was to make war againſt England. The Scots on the contrary pretended, that very far from making war againſt England, they ſent their troops thither on purpoſe to aſſiſt that kingdom. It is eaſy to perceive, that from the diverſity of the principles, proceeds the diverſity of the conſequences.

The king grants the Scots all they demand.
Ruſhw.
Nalſon.

To finiſh, in a word what relates to Scotland, I ſhall only ſay, that the king went thither in Auguſt, 1641, ſtayed there till the 19th of November, aſſiſted in perſon at the parliament, and gave the royal aſſent to all the acts preſented to him. To this came the projects he had formed with regard to Scotland, from the beginning of his reign.

He reſents the mortifications given him in England.

What has hitherto been ſaid of the parliament's behaviour to the king, is ſufficient to ſhew, how ſenſible the king muſt have been of the mortifications he daily received. He had paſſionately deſired to be revenged of the Scots, or, at leaſt, to drive them out of the kingdom ; and he ſaw that the parliament made them a preſent of 300,000 pounds, to reward them for their coming. He hated the Preſbyterians, and would have been glad to have had it in his power to root out Preſbyterianiſm ; but he ſaw, that on the contrary the houſe of commons openly took their part, and laboured to deſtroy epiſcopacy. His two principal miniſters in whom he moſt confided, were in the tower, and he eaſily perceived the commons intended not to ſtop there, ſince with regard to the earl of Strafford, they were daily ſeeking means to make good their charge. Two other of his miniſters had been forced to fly, and the appearing to be ſtill well affected to him, was ſufficient to render any perſon the object of the perſecution of the commons.

It has already been ſeen after what manner the king governed for 15 years, and the reader muſt be convinced, that he intended to alter the government, and procure for himſelf and ſucceſſors, a power much more extenſive than what was allowed him by the laws, and to which none of his predeceſſors, except Richard II, had ever pretended. I except not even Henry VIII, the moſt abſolute of all the kings of England, ſince William the Conqueror. But there was this difference between Henry VIII, and Charles I. Henry did whatever

ever he pleaſed by way of parliament; whereas Charles pretended to rule without parliaments, looking upon them as little neceſſary to the conſtitution of the government. Since the meeting of this parliament, ſcarce a day had paſſed, but the commons attacked the king's project, by declaring illegal, what he had done during 15 years, or by rigorouſly proſecuting the inſtruments he had uſed to execute his deſigns. It is, therefore, eaſy to ſee, how much all theſe mortifications muſt have touched the king, and with what impatience he bore the haughty manner in which the parliament acted with him. Nothing was more contrary to his inflexible temper, than to be forced to ſtoop to a houſe of commons, for whom he had before ſhewn the utmoſt contempt. It is, therefore, no wonder, that in his ſad ſituation, he ſhould think of ſome way to free himſelf from this bondage. But a ſlight attempt to compaſs this end, ſerved only to throw him into irretrievable ruin.

Plot to get the army to declare for the king. Clarend. Nalſon. Mancheſter's Mem. Warwick.

I mean the project of gaining the army, and and cauſing them to declare for the king. The king approved of the project, without perceiving the conſequences, having no miniſter about him, that had either the inclination or ability to give him good counſel. I am ſenſible, this is a place full of dangerous rocks, on which a hiſtorian can very hardly eſcape ſplitting. This plot to gain the army, is by ſome looked upon as a chimera, a mere fiction, to render the king odious. But on the other hand the parliament conſidered it as a very real conſpiracy, and pretended to draw from thence an evident proof, that the king's compliance with reſpect to the redreſs of grievances, was all diſſimulation, in expectation of an opportunity to reſtore himſelf by force, to the ſtate he was in before this parliament. This bred in the parliament an invincible diſtruſt of the king, and a reſolution to put it out of his power to break his word, and the means they uſed to execute this reſolution, occaſioned the civil wars, of which I ſhall ſpeak hereafter.

Neceſſity of examining the reality of this plot.

It is, therefore, abſolutely neceſſary to examine this conſpiracy, in order to know, whether it was real or invented; for from hence flow all the enſuing proceedings of the king and parliament, and upon this it is that the judicious and diſintereſted reader may blame the one or the other.

Its connexion with the earl of Strafford's affair.

But before I proceed to this plot, it will be requiſite to ſay ſomething of the earl of Strafford's affair, with which this has ſome connexon.

Bill of attainder againſt the earl of Strafford paſſes the houſe of commons. Ruſhw. Clarend.

The earl had been impeached by the commons the 11th of November, 1640; but his proceſs could not be ready to be tried till the 22d of March, 1640-1. This tryal laſted till the 12th of April, and then the commons, who had been always preſent, perceiving, doubtleſs, that the ſentence would not be ſo rigorous as they wiſhed, reſolved to proceed againſt the earl by way of bill of attainder; they voted, on the 16th and 19th of April, that it was ſufficiently proved, that the earl of Strafford had endeavoured to ſubvert the fundamental laws of the kingdom, and introduce an arbitrary and tyrannical government into the realms of England and Ireland, and that this was high-treaſon. On the 21ſt of the ſame month, the bill of attainder paſſed, with the majority of 204 againſt 59.

Petition againſt the earl. Ruſhw.

The bill met with ſo great oppoſition in the houſe of peers, that it was very doubtful whether it would paſs, or be thrown out. For which reaſon, on the 24th was preſented to both houſes a petition, ſubſcribed by above 40,000 inhabitants of London, ſetting forth the cauſes of their ſuſpicions and fears. And amongſt others, that juſtice was not yet executed upon the earl of Strafford, and that there was reaſon to dread ſome ſecret plot againſt the parliament. The 28th of April, the commons ſent by Mr. Hyde a meſſage to the lords, that they had received information, that the earl of Strafford had a deſign to make an eſcape out of the tower: That the guard about him was weak, and, therefore, they deſired he might be cloſe priſoner, and his guards ſtrengthened, to which the lords conſented.

The king's ſpeech to the lords.

The 1ſt of May the king came to the parliament, and in a ſpeech to both houſes, ſaid to this effect: 'That having been preſent at 'the tryal of the earl of Strafford, he could 'not in conſcience condemn him of high-treaſon, tho' he thought him guilty of miſdemeanors. Therefore he deſired the lords 'to find ſome way to bring him out of this 'great ſtreight.'

The rabble get together at Weſtminſter. Diurn Occur.

The commons were much troubled and diſcontented with this ſpeech, and immediately adjourned till May the 3d, on which day great multitudes of people repairing to Weſtminſter, inſulted and threatened the lords, as they were going to their houſe, crying out, juſtice, juſtice.

Pym diſcovers to the houſe of commons a plot to ſeduce the army. Ruſhw. Clarend.

The ſame day Mr. Pym made known to the houſe, 'That there were divers informations given of deſperate deſigns both at 'home and abroad, againſt the parliament, 'and the peace of the nation; and that the 'perſons engaged therein were under an oath 'of ſecrecy: That there was an endeavour 'to diſaffect the army, not only againſt the 'parliament's proceedings, but to bring them 'up againſt the parliament to over-awe them: 'That there was alſo a deſign upon the 'tower; and endeavours uſed for the earl 'of Strafford to eſcape: That theſe combinations at home, had a correſpondency with 'practices abroad; and that the French were 'drawing down their forces amain to the ſeaſide; and there was a cauſe to fear, their 'intent was upon Portſmouth: That divers 'perſons of eminency about the queen were 'deeply engaged in theſe plots: That it was 'neceſſary that the ports ſhould be ſtopped; 'and his majeſty deſired to command, that 'no perſon attending upon the king, queen, 'or prince, ſhould depart without leave of his 'majeſty, with the humble advice of his parliament.'

Whereupon the houſe fell into a ſerious debate of this matter, and were generally of opinion, that it was neceſſary to enter into a a common reſolution for the ſafety of the kingdom.

When it is conſidered in what juncture this conſpiracy was diſcovered to the houſe, tho' Mr. Pym was informed of it long before; that it was at a time, when the peers were, in ſome meaſure, to be compelled to paſs the bill of attainder againſt the earl of Strafford, and when the rabble were alſo uſing violence for that purpoſe, there ſeems to be ground to ſuſpect, that it was only an artifice to ſtir up the people, and induce the lords to do as the commons deſired, from a fear of the imminent danger the kingdom was threatened with; at leaſt, there is reaſon to believe, this conſpiracy was greatly aggravated. But this is only a conjecture, which ought not to be relied on, till the arguments pro and con are examined. However this be, the commons, after a debate, came to a reſolution of taking the following proteſtation.

Proteſtation taken by the houſe of commons. Ruſhw. Clarend.

"I A. B. do in the preſence of almighty "God, promiſe, vow and proteſt, to maintain "and defend, as far as lawfully I may, with "my life, power, and eſtate, the true reformed "Proteſtant religion, expreſſed in the doctrine of the church of England, againſt all "Popery and Popiſh innovation within this "realm, contrary to the ſaid doctrine; and, "according to the duty of my allegiance, I "will maintain and defend his majeſty's royal perſon, honour and eſtate.

"Alſo the power and privilege of parliaments, the lawful rights and liberties of the "ſubjects, and every perſon that ſhall make "this proteſtation, in whatſoever he ſhall do "in the lawful purſuance of the ſame; and "to my power, as far as lawfully I may, I "will oppoſe, and by all good ways and means, "endeavour to bring condign puniſhment on "all ſuch, as ſhall by force, practice, counſels, "plots, conſpiracies, or otherwiſe, do any "thing to the contrary, in this preſent proteſtation contained: And farther, that I "ſhall, in all juſt and honourable ways, endeavour to preſerve the union and peace "betwixt the three kingdoms of England, "Scotland, and Ireland: And neither for hope, "fear, or any other reſpects, ſhall relinquiſh "this promiſe, vow, and proteſtation."

Remarks on this ſubject.

It muſt be obſerved, this proteſtation was taken on Mr. Pym's bare aſſurance of the diſcovery of a plot, and before there was any proof of it. Hence it may be conjectured, that the thing had been determined among the leading men in the houſe. After that, the commons came to ſeveral reſolutions, to provide for the ſafety of the kingdom, and the town of Portſmouth in particular. They communicated to the lords the informations they had received, the votes they had paſſed, and their proteſtation, deſiring that every peer might be ordered to take it.

Petition of the rabble to the lords. Ruſhw.

It was very difficult for the lords to refuſe the commons deſire. In the firſt place, they had inſpired the nation with ſuch a terror, that no man durſt oppoſe their reſolves, for fear of being looked upon as having ill-deſigns, and expoſed to innevitable ruin. Secondly, the people ſtill continued to flock to Weſtminſter, and openly threatened the lords. Thirdly, the multitude preſented the ſame day a petition to the lords, demanding juſtice upo the earl of Strafford, and that their lordſhips would pleaſe to free them from the fears of the conſpiracy. Fourthly, on the morrow, being the 4th of May, the people repairing to Weſtminſter in greater numbers than the day before, ſome incendiaries poſted up againſt a wall in the Old Palace-Yard, the names of 56 members, calling them Straffordians, and betrayers of their country. Laſtly, the ſame day, the multitudes preſented to the lords another petition, ſaying, 'That they underſtood the 'tower was going to receive a garriſon of men, 'not of the Hamlets, (as uſually) but conſiſting of other perſons under the command 'of a captain, a great confident of the earl 'of Strafford's, and that this was done to 'make way for the earl's eſcape.'

Another petition Ruſhw.

Balfour's confeſſion againſt the king.

Upon this petition, the houſe ſent ſix peers to examine Sir William Balfour, lieutenant of the tower, concerning the truth of this fact. Balfour anſwered, it was true, he had his majeſty's order to receive 100 men * into the tower, and captain Billingſly to command them, and to receive only ſuch men as the captain ſhould bring to him; but underſtanding now their lordſhip's pleaſure, he would receive no other guard into the tower but the Hamlet men.

The lords deſire the concurrence of the commons to diſperſe the mob.

The lords did farther declare at a conference with the commons, that they were drawing to a concluſion of the bill of attainder, but were ſo encompaſſed with multitudes of people, that they might be conceived not to be free, and, therefore, deſired the commons to join with them, to find out ſome way to ſend the people to their homes. Then they debated the proteſtation, paſſed it, and took the ſame. It was taken by 433 commoners, and 106 lords, including the biſhops and judges. The commons having ordered Dr. Burgeſs to acquaint the multitude with the proteſtation taken by both houſes, and that they were deſired to return to their homes, they forthwith departed.

They take the proteſtaion. Ruſhw.

The people retire. Diurn. Occur.

There are then two things which manifeſtly appear in this affair. The firſt, that there was a project on foot to favour the earl of Strafford's eſcape, which will be ſeen more clearly hereafter. The ſecond, that the concourſe of the people was privately procured, by ſome of the leading men of the commons, ſince, the day before, the houſe had taken no ſtep towards diſperſing the multitudes, tho' they were deſired by the lords, and ſince they found means to cauſe the people to retire, as ſoon as they knew the lords had reſolved to take the proteſtation.

Bill for the continuance of the parliament. Ruſhw.

But the proteſtation was not the only effect of the conſpiracy. The ſame day, the commons ordered a bill to be prepared for the continuance of this preſent parliament, that it

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* Whitelock ſays, it was 200 men; and that Balfour confeſſed 2000 pounds had been offered him, to conſent to the earl's eſcape. He adds, that this deſign was diſcovered by three women, who hearkened at the key-hole of the earl's door, and heard his diſcourſe with captain Billingſly.

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might not be diſſolved without the conſent of both houſes. They ordered likewiſe the proteſtation to be tendered to the whole kingdom.

Flight of the conſpirators.

The ſame day, May the 4th, the houſe was informed, that ſix or eight of the conſpirators were fled, of whom Mr. Henry Jermin, and Mr. Henry Percy, members of the houſe, were two, and that they were gone towards Portſmouth. At the ſame time information came that the queen was preparing to go to the ſame place. Theſe two ſucceſſive informations cauſing ſtrong ſuſpicions, the houſes diſpatched to Portſmouth one lord and two commoners, to propoſe certain queries to the governor, and take care for the ſecurity of the town and haven. They agreed withal, to move the queen to defer her journey to Portſmouth, alledging ſeveral reaſons which were not true, particularly the ſafety of her majeſty's perſon. They deſired alſo the king to publiſh a proclamation, for calling in Jermin, Percy, and other fugitives, which the king promiſed to do. The ſame day the ſpeaker ſent, by order of the houſe, the following letter to Sir Jacob Aſhly, with a charge to communicate it to the army.

Precaution for Portſmouth.

SIR,

The ſpeaker's letter to the army. Nalſon.

“We have had cauſe to doubt, that ſome ill-affected perſons have endeavoured to make a miſunderſtanding in the army, of the intentions of the parliament towards them. To take away all miſunderſtanding in that kind, the houſe of commons have commanded me to aſſure you, that they have taken the affairs of the army into their ſerious care: And tho' for the preſent, their monies have not come in as they wiſhed, and as was due, by reaſon of the many diſtractions, and other impediments which this houſe could no ways avoid; yet they reſt moſt aſſured, that they ſhall not only have their full pay, but the houſe will take their merits into their farther conſideration, in regard they take notice, that notwithſtanding their want, and endeavours of thoſe ill-affected perſons, they have not demeaned themſelves otherwiſe than as men of honour, and well-affected to the commonwealth; which this houſe takes in ſo good part, that we have already found out a way to get money for a good part of their pay, and will take the moſt ſpeedy courſe we poſſibly may for the reſt. So I remain,

Your very loving friend,

William Lenthall.

Report concerning the plot. Ruſhw.

In the interim, the committee, appointed to enquire into the conſpiracy, made their report in the following manner:

‘ That this plot conſiſteth of three heads: The firſt was, the deſign upon the tower. The ſecond, to engage the army. The third, to bring in foreign forces. For the tower, it appeared to be thus; captain Billingſly being examined upon oath, confeſſed, that he was acquainted with Sir John Suckling: That the ſaid Sir John lately offered him employment in one of the king's ſhips, then at Portſmouth; afterwards employment for Portugal: That this deponent having notice to meet at the privy-lodgings at Whitehall, did there receive orders to get 100 men to ſerve in the tower under him. And if he did fail, he ſhould anſwer it with his life. And aferwards meeting with Sir John Suckling, and acquainting him therewith, he told him he would furniſh him with the ſaid number. Sir William Balfour, lieutenant of the tower, being examined, ſaid, that he had command to receive captain Billingſly with 100 men into the tower, who ſhould be under his command. That the earl of Strafford at that time expoſtulating with him about his eſcape, told him, he would attempt nothing in that kind without his privity; and that he ſhould have the king's warrant for his indemnity; and that the warrant ſhould be to command him to remove the earl of Strafford from the tower, to ſome other caſtle; and he would then take his opportunity to eſcape; that the lieutenant of the tower not giving any complying anſwer thereunto, the ſaid earl ſent again to entreat him to come to him, and would have perſuaded him to let him make an eſcape; ſaying, “Without your concurrence it cannot be done; and if you will conſent thereunto, I will make you preſent payment of 22,000 pounds, beſides you ſhall have a good marriage for your ſon.” To which, the lieutenant of the tower replied, he was ſo far from concurring therein, that he was not to be farther moved in ſuch a thing. Thus much the lieutenant of the tower delivered upon his oath.

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‘ Colonel Goring, upon his examination in the houſe of commons, did confeſs, that Sir John Suckling was the firſt perſon that ever made any overture unto him, concerning the army's marching towards London: Afterwards being in the queen's lodgings, he met with Mr. H. Percy, which was about the beginning, or middle of Lent laſt, and Mr. Percy told him, there was a conſultation of officers to be had, concerning the good of the army; and deſired him to go along with him to his chamber, where the meeting was to be. There were preſent at the ſame meeting, commiſſary Wilmot, colonel Aſhburnham, captain Pollard, Sir John Berkley, Daniel O Neal, Mr. Jermin, and himſelf: That Mr. Percy ſaid, there were propoſitions to be made which were of great concernment; and that it was neceſſary there ſhould be an oath of ſecreſy taken before any thing was propounded: That the oath ſhould be to this purpoſe: That we ſhould neither directly nor indirectly diſcover any part of the conſultation, nor ever to think ourſelves diſſolved from that oath, by any other oath which might be impoſed upon us hereafter: Which oath was read out of a paper, when it was tendered unto them; and thereupon they were ſworn, by laying their hands upon the

‘ bible; that he and Jermin were ſworn together, for the teſt had taken the oath before.

‘ Then three propoſitions were made to them, viz..

“ As theſe propoſitions are expreſſed in a letter which will be ſeen preſently, they are omitted here for brevity's ſake.

‘ He farther ſaid, that the whole number there met, were of opinion, that the army ſhould not march towards London, till a declaration had been firſt ſent up to the parliament: That he the ſaid Goring, anſwered, it was a nice point to interpoſe in the proceeding of the parliament; and did propound ſome difficulties to allay the buſineſs, to divert commiſſary Wilmot, and thoſe other perſons from ſo dangerous a buſineſs; and ſaid, that he did think it was a deſign of folly to undertake it; for they muſt think the Scots would take the advantage upon the army's removal ſouthwards, whoſe correſpondency was ſo great with the city; and for them to begin to ſhew their teeth, and not be able to bite, would argue little prudence; that they ſhould either undertake it ſo as to go through with it, or let it alone: That he did aſk them what ammunition they had to accomodate ſo great an army; and whether they could command the ammunition in the tower: That Wilmot, Pollard, and Aſhburnham, then made anſwer, they had no purpoſe to go to London; for to ſurpriſe the tower, was to conquer the kingdom: That this, amongſt other paſſages, was part of the diſcourſe at the firſt meeting.

‘ That ſhortly after there was another meeting of the ſame perſons, and in the ſame place, and Mr. Percy's chamber, where there were propoſitions of another nature, deſperate and impious on the one hand, and fooliſh on the other; and that he endeavoured by argument to divert them, by propounding an impoſſibility to effect the ſame: For how could the army, lodged in ſeveral quarters, unpaid, and at ſuch a diſtance, march on a ſudden to London, and ſurpriſe what they had in deſign?

‘ That Mr. Jermin was the perſon that firſt propoſed the marching of the army towards London; that for his part he declared himſelf abſolutely againſt it. That Mr. Jermin replied to him in private, “ You do not diſlike the deſign, for you are as ready for any wild, mad undertaking, as any man I know; but you diſlike the temper of thoſe perſons who are engaged in the buſineſs.”

‘ He did farther confeſs, that he propounded that Suckling might be admitted to the conſultation; but Wilmot, Aſhburnham, and Pollard, would not hear of it. And they three did then declare themſelves againſt the army's marching towards London.

‘ Then he took occaſion to ſay, that he did acquaint ſome members of both houſes, whom he could name, that there were ſome of the army whom they did not think ſo well of, were more faithful and ſerviceable to the parliament than they were aware of, which time would produce; and named them: And they did accordingly give teſtimony of his integrity, ſo far as general terms could diſcover the deſign. He confeſſed, that Mr. Jermin did make ſome offers unto him to relinquiſh the government of Portſmouth upon ſome terms of advance. But he ſaid, he did not conclude any thing, for he would firſt ſee the performance of what was offered; ſo had no farther diſcourſe with him concerning that buſineſs. But he doth believe that Suckland and Jermin did confer together about the deſign. He ſaid, they did deſire his opinion about a general; ſome were for Eſſex, ſome for Holland; but he, with Mr. Jermin, were for Newcaſtle.

‘ Being again examined upon his oath before the committee of lords and commons, and preſſed more particularly to anſwer queſtions not before propoſed unto him, he did confeſs, that meeting with Mr. Jermin in the queen's withdrawing chamber, her majeſty came and told him, the king would ſpeak with him; and meeting with his majeſty, he told him, he was minded to ſet his army in a good poſture, being adviſed thereto by the earl of Briſtol (as he ſaid) and his majeſty then commanded him to join with Mr. Percy, and ſome others in that buſineſs.

‘ As for the deſigns from beyond the ſeas, the committee did make report to the houſe, that it was cleared unto them, that Jermin endeavoured to have got the poſſeſſion of Portſmouth; that the king of France had drawn down great forces to the ſea-ſide; that the governor of Calice had examined ſome Engliſhmen, whether the earl of Strafford's head was cut off? And this was in point of time, the firſt of May, according to the Engliſh ſtile, and Sir Philip Cartwright, governor of Guernſey, wrote letters alſo, which came in great haſte, that he underſtood the French had a deſign upon that iſland, or ſome part of England. It alſo appeared to the committee, by divers of the letters which were opened coming from beyond ſea, that they expected the earl of Strafford there; and that they hoped the horſe-leeches ſhould be ſtarved for want of blood; and in ſome of thoſe letters there was advice to the cardinal to beſtir himſelf betimes, to interrupt the heighth of proceedings here in England. Alſo examinations of ſome prieſts were taken in Lancaſhire, and ſent up to London, which were there taken the third of May, which did teſtify, that the prieſts did ſay, the parliament ſhould be ſuddenly diſſolved; for the army was to march up thither with all ſpeed, and they would be ſeconded by forces out of France; and that Montague did write out of France to Mr. Percy (which was alſo intercepted) that if he did perform what he had undertaken, he would be made a knight of the garter.’

Upon theſe depoſitions, the houſe of commons paſſed the following votes againſt Percy, Jermin, and Suckling.

‘ 1. That

Votes againſt Percy, &c. Ruſhw. Nalſon.

‘ 1. That in the months of March and April laſt, they did conſpire to draw the army together, and employ the ſame againſt the parliament, and by force and dread thereof, to compel the parliament to agree to certain propoſitions by them contrived, and to hinder and interrupt the proceedings of the parliament.

‘ 2. That in purſuance of the ſaid deſign, they did endeavour to perſuade divers members of the houſe of commons, and others, being officers of the ſaid army, that is to ſay, Wilmot, Aſhburnham, Berkley, Pollard, and O Neal, that they were diſobliged by the parliament, thereby to incenſe them againſt the parliament; and did hold divers conſultations with the ſaid parties, to effect the ſaid wicked deſign; and to that purpoſe did ſet down in writing, certain propoſitions to the effect as followeth, viz. 1. The preſerving of biſhops in their functions and votes. 2. The not diſbanding of the Iriſh army, until the Scots were diſbanded. 3. And the endeavouring to ſettle the king's revenue to the proportion it was formerly.

‘ 3. That for the more ſecret carriage of this plot, they did adminiſter to the ſaid parties a wicked and unlawful oath, whereby they did ſwear upon the holy evangeliſts, not to reveal any thing that was ſpoken concerning the buſineſs.

‘ 4. That they did propound and endeavour to perſuade the perſons before-named, and other officers of the army, to put the ſaid army into a warlike poſture, to bring them up to London, to make themſelves ſure of the tower, and ſo by force to compel the parliament to conform to their will: And they did endeavour to work a belief in the ſaid army, that the king and parliament would diſagree; and that all the French about the city of London would aſſiſt them: And to the great ſcandal of the king, that the prince and the earl of Newcaſtle were to meet the army at Nottingham with 1000 horſe; that Suckling, to compaſs the deſign of gaining the tower, did contrive that 100 men, under captain Billingſly, ſhould be deſigned for that purpoſe, when the opportunity was offered, to the end the city of London ſhould not be able to make any reſiſtance, when the ſaid army ſhould come up, and Suckling, by the means and plot aforeſaid did thereby endeavour, that the earl of Strafford, then priſoner in the tower, might the better compaſs his eſcape.

Beſides the fore-mentioned depoſitions, here is a teſtimony of one of the chief conſpirators, of which the parliament made great uſe. It is Percy's letter after his flight into France, to his brother, the earl of Northumberland.

Mr. Percy's letter to the earl of Northumberland. Ruſhw. Nalſon.

‘WHAT with my own innocency, and the violence I hear is againſt me, I find myſelf much diſtracted. I will not aſk your counſel, becauſe it may bring prejudice upon you; but I will with all faithfulneſs and truth tell you what my part hath been, that at leaſt it may be declared by you, whatſoever becomes of me.

‘ When there was 50,000 pounds ready, deſigned by the parliament for the Engliſh army, there was, as I take it, a ſudden demand by the Scots at the ſame time of 25,000 pounds, of which there was 15,000 pounds ready; this they preſſed with ſuch neceſſity, as the parliament, after an order made, did think it fit for them to deduct 10,000 pounds out of the 50,000 pounds formerly granted: Upon which the ſoldiers in our houſe were much ſcandaliſed; amongſt which I was one, and ſitting by Wilmot and Aſhburnham, Wilmot ſtood up, and told them, if that the Scots could thus procure money, he doubted not but the officers of the Engliſh army might eaſily do the like; but the firſt order was reverſed notwithſtanding, and 10,000 pounds given to the Scots. This was the cauſe of many diſcourſes of diſlike amongſt us, and came to this purpoſe, that they were diſobliged by the parliament, and not by the king: This being ſaid often to one another, we did reſolve, Wilmot, Aſhburnham, Pollard, O Neal, and myſelf, to make ſome expreſſions of ſerving the king in all things he would command us that were honourable for him and us, being likewiſe agreeing to the fundamental laws of the kingdom, that ſo far we would live and die with him; this was agreed upon with us, not having any communication with others, that I am coupled now withal: And farther, by their joint conſent, I was to tell his majeſty thus much from them; but withal, I was to order the matter ſo as the king might apprehend this as a great ſervice done unto him at this time, when his affairs were in ſo ill a condition, and they were moſt confident, that they would engage the whole army thus far; but farther they would undertake nothing, becauſe they would neither infringe the liberties of the ſubjects, nor deſtroy the laws; to which I and every one conſented; and having their ſenſe, I drew the heads up in a paper, which they all approved when I read it; and then we did, by an oath, promiſe one another to be conſtant and ſecret in all this, and did all of us take that oath together: Then, I ſaid, well, Sirs, I muſt now be informed what your particular deſires are, that ſo I may be the better able to ſerve you; which they were pleaſed to do; and ſo I did very faithfully ſerve them therein as far as I could. This is the truth, and all the truth upon my ſoul, in particular diſcourſes.

‘ After that we did fall upon the petitioning to the king and parliament for moneys, there being ſo great arrears due to us, and ſo much delays made in the procuring of them; but that was never done.

‘ 1. Concerning the biſhops functions and votes.

‘ 2. The not diſbanding of the Iriſh army, until the Scots were diſbanded too.

‘ 3. The endeavouring to ſettle his majeſty's ‘ſty's revenue to that proportion it was formerly [*].

‘And it was reſolved by us all, if the king ſhould require our aſſiſtance in thoſe things, that as far as we could, we might contribute thereunto, without breaking the laws of the kingdom; and in caſe the king ſhould be denied theſe things being put to them, we would not fly from him: All theſe perſons did act and concur in this as well as I. This being all imparted to the king by me from them, I perceived he had been treated with by others, concerning ſome things of our army; which agreed not with what was purpoſed by me, but inclined a way more ſharp and high, not having limits either of honour or law. I told the king, he might be pleaſed to conſider with himſelf, which way it was fit for him to hearken unto; for us, we were reſolved not to depart from our grounds; we ſhould not be diſpleaſed, whoſoever they were, but the particular of the deſigns, or the perſons, we deſired not to know; tho' it was no hard matter to gueſs at them. In the end, I believe the danger of the one, and the juſtice of the other, made the king tell me, he would leave all thoughts of other propoſitions but ours, as things not practicable; but deſired, notwithſtanding, that Goring and Jermin, who were acquainted with the other proceedings, ſhould be admitted amongſt us. I told him, I thought the other gentry would never conſent to it, but I would propoſe it; which I did, and we were all much againſt it; but the king did preſs ſo much, as at the laſt it was conſented unto; and Goring and Jermin came to my chamber; there I was appointed to tell them, after they had ſworn to ſecrecy, what we had propoſed; which I did; but before I go into the debate of the way, I muſt tell you, Jermin and Goring were very earneſt Suckling ſhould be admitted; which we did all decline, and I was deſired by all our men to be reſolute in it, which I was, and gave many reaſons: Whereupon Mr. Goring made anſwer, he was engaged with Mr. Suckling his being employed in the army; but for his meeting with us, they were contented to paſs it by; then we took up again the ways which were propoſed; which took great debate, and theirs differed from ours in violence and heat; which we all proteſted againſt, and parted, diſagreeing totally, yet remitted it to be ſpoken of by me and Jermin to the king, which we both did; and the king, conſtant to his former reſolutions, told him, theſe ways were all vain and fooliſh, and he would think of them no more. I omit one thing of Mr. Goring, he deſired to know how the chief commanders were to be diſpoſed of; for if he had not a condition worthy of him, he would not go along with us. We made anſwer, that no body thought of that; we intended, if we were ſent down, to go all in the ſame capacity we were in. He did not like that by any means, and by that did work ſo with Mr. Chudleigh, that there was a letter ſent by ſome of the commanders to make him lieutenant-general; and when he had ordered this at London, and Mr. Chudleigh had his inſtructions, then did he go to Portſmouth, pretending to be abſent when this was working: We all deſired my lords of Eſſex and Holland; but they ſaid, if there were a general, they were for Newcaſtle; they were pleaſed to give report, that I ſhould be general of the horſe. But I proteſt, neither to the king, or any elſe, did I ever ſo much as think of it. My lord of Holland was made general, and ſo all things were laid aſide. And this is the truth, and all the truth I know of theſe proceedings: And this I will and do proteſt unto you upon my faith. And Wilmot, Aſhburnham, and O Neal, have at ſeveral times confeſſed and ſworn, I never ſaid any thing in the buſineſs, which they did not every one agree unto and juſtify. This relation I ſent you, rather to inform you of the truth of the matter, that you may the better know how to do me good; but I ſhould think myſelf very unhappy to be made a betrayer of any body. What concerned the tower or any thing elſe, I never meddled withal, nor ever ſpoke with Goring, but that night before them all; and I ſaid nothing but what was conſented unto by every party: I never ſpake one word with Suckling, Carnarvan, Davenant, or any other creature. Methinks, if my friends and kindred knew the truth and juſtice of the matter, it were no hard matter to ſerve me in ſome meaſure.’

This letter ſhews plainly, there was really a project to gain the army, and engage them to ſerve the king againſt the parliament, and that the king knew and approved of the ſame.

The 16th of June, the committee appointed to examine the affair of the plot to ſeduce the army, made a ſecond report to the houſe, and cauſed ſeveral depoſitions to be read. Ruſhw. Diurn. Occur.

The 1ſt was captain Billingſly's, who confeſſed, that Sir John Suckling had invited him, to take upon him the command of the 100 men that were to be ſent to guard the tower.

The 2d Mr. Nutt's, whereby it appeared, that the earl of Strafford's eſcape was projected.

The 3d, lieutenant colonel Ballard's, who ſaid, that captain Chudleigh brought down to the army many propoſitions; ſome of which were, that colonel Goring ſhould be lieutenant-general, and that the prince and the earl of Newcaſtle would be in Nottinghamſhire with 1000 horſe, ready to join with the army.

The 4th was Willis's, who declared, that the French were to favour the enterpriſe; that the clergy would, at their own charge, ſend

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[*] The word formerly is very ambiguous; for it may ſignify either the king's lawful revenues, or thoſe he enjoyed juſt before this parliament. Rapin.

2000 horſe, and that the prince was to come down to the army.

A draught of the petition of the officers communicated to the king. He approves of it. Clarend.

The houſe was farther informed, that the officers who had undertaken to ſerve the king, had communicated to him the draught of a petition, which was to be directed to the king and parliament from the army; that they hoped to get it ſubſcribed by moſt of the officers, and that the king, after reading it, had approved of the ſame, and wrote at the bottom theſe two letters, C. R. in token of his approbation.

Reaſons to believe the plot real.

Theſe are the grounds whereon was built the reality of this plot, which was extremely injurious to the king, by the diſtruſt it bred in the minds of moſt of the members of parliament, and of the nation in general. But it muſt be added, that king Charles's favourers call it a mere chimera, even to this day. For my part, I cannot help ſaying, that I believe there was ſome truth in it; but I am of opinion, that the heads of the contrary party to the king, greatly aggravated the circumſtances and conſequences, in order to cauſe to paſs the more eaſily, the bill of attainder of the earl of Strafford, and the act for the continuance of the parliament, to which the king gave the royal aſſent the ſame day, and in this ſame juncture. And what confirms me the more in this opinion, is, the very arguments themſelves alledged by the king's friends, to ſhew that it was a fiction to render the king odious. For they cannot help owning, there was a project to engage the army to declare for the king. They ſay only, that the end propoſed by the authors of this project, was to hinder the army from being ſeduced to eſpouſe the intereſt of the parliament. But firſt, there appears not the leaſt ſign of this pretended ſole end, either in the depoſitions of the witneſſes, or in Percy's letter, or in the reports of the committee appointed to examine this affair. Secondly, the king, whom the parliament ſo often reproached afterwards with this plot, never uſed this reaſon to excuſe the authors. In the third place, it is not probable, the officers ſhould have any ſuch purpoſe, ſince at that time the army was too much diſpleaſed with the parliament, to afford any ground to fear, they ſhould be ſeduced to declare againſt the king. The moſt plauſible thing they ſay, is, that there was never any expreſs deſign to march the army to London, upon which, however, the commons chiefly inſiſted. The denial of this circumſtance was what the king ſolely adhered to, as will hereafter appear. He called God to witneſs, he never knew of any ſuch deſign; but he never denied poſitively his having been informed of a deſign to engage the army to his ſide. We muſt, therefore, carefully diſtinguiſh two things in this conſpiracy, viz. the deſign of gaining the army, which clearly appears, and the deſign of marching the army to London. It appears by the depoſitions, that this deſign was propoſed in the aſſembly of officers, but was not approved. So the king could affirm he knew not of it, becauſe, indeed, it was never reſolved, tho' he was not ignorant of its having been propoſed.

In Percy's letter there is a circumſtance which may very much conduce to clear this affair. There were, as he ſays, two ſets of people, who formed at the ſame time a deſign to engage the army for the king, without having communicated their thoughts to one another. The firſt were Percy, Wilmot, Aſhburnham, and Pollard. The ſecond, Jermin, and Goring, whoſe views reached much farther, and who propoſed to march the army to London. For tho' Goring in his depoſition affirmed, he had done his utmoſt to diſſuade the reſt from this deſign, he is ſaid, however, to be the firſt mover of it. If Percy's letter is to be credited, the king had, at firſt, liſtened to Jermin and Goring; but upon Percy's repreſentation, had rejected their project as impracticable, and laid aſide all thoughts of it. The king's friends confound theſe two projects, and all their proofs are directed againſt that of Jermin and Goring, without meddling with Percy's. And becauſe the parliament could not fully prove, there was an expreſs reſolution to bring the army to London, they conclude, that the conſpiracy in general was only a fiction and impoſture. But tho' there had never been a ſettled deſign to march the army to London, it may be true, however, that endeavours were uſed to gain them, and that the king approved of the deſign. In ſhort, the king's friends do not deny, that the draught of the petition was communicated to him, before it was recommended to the officers of the army for their ſubſcription. Of this petition I am ſtill to ſpeak, in order to clear this point fully.

It is ſtrange, this petition, which has made ſo much noiſe, ſhould never be produced, either by the parliament, in ſupport of their charge, or by the king, for his own vindication. It is true, the king afterwards pretended he had recovered a copy, but thought not fit to produce it, tho' he affirmed it to be very innocent. This gives occaſion to ſuſpect, there was ſomething prejudicial to him. The earl of Clarendon has inſerted in his Hiſtory, a petition, which he aſſures to be word for word the ſame as was ſigned by the king with C. R. But it is evident, this cannot be the petition in queſtion, as the reader will perceive.

To the king's moſt excellent majeſty; the lords ſpiritual and temporal; the knights, citizens, and burgeſſes, now aſſembled in the high-court of parliament, the humble petition of the officers and ſoldiers of the army.

The pretended petition from the officers of the army. Clarend.

'HUmbly ſheweth, that altho' our wants have been very preſſing, and the burthen we are become unto theſe parts (by reaſon of thoſe wants) very grievous unto us; yet ſo have we demeaned ourſelves, that your majeſty's great and weighty affairs in this preſent parliament have hitherto received no interruption, by any complaint, either from us or againſt us; a temper not uſual in 'armies; eſpecially in one deſtitute not only of pay, but alſo of martial diſcipline, and many of its principal officers; that we cannot but attribute it to a particular bleſſing of almighty God, on our moſt hearty affections and zeal to the common good, in the happy ſucceſs of this parliament, to which, as we ſhould have been ready hourly to contribute our deareſt blood, ſo now that it hath pleaſed God to manifeſt his bleſſing ſo evidently therein, we cannot but acknowledge it with thankfulneſs; as likewiſe his great mercy, in that he hath inclined your majeſty's royal heart ſo to co-operate with the wiſdom of parliament, as to effect ſo great and happy a reformation upon the former diſtempers of this church and commonwealth: As firſt, in your majeſty's gracious condeſcending to the many important demands of our neighbours of the Scotiſh nation: Secondly, in granting ſo free a courſe of juſtice againſt all delinquents of what quality ſoever: Thirdly, in the removal of all thoſe grievances, wherewith the ſubjects did conceive either their liberty of perſons, property, or eſtate, or freedom of conſcience, prejudiced: And laſtly, in the greateſt pledge of ſecurity that ever the ſubjects of England received from their ſovereign, the bill of triennial parliament.

'Theſe things ſo graciouſly accorded unto by your majeſty, without bargain or compenſation, as they are more than expectation or hope could extend unto, ſo now they are certainly ſuch, as all loyal hearts ought to acquieſce in with thankfulneſs; which we do with all humility, and do at this time, with as much earneſtneſs as any, pray and wiſh, that the kingdom may be ſettled in peace and quietneſs, and that all men may, at their own homes, enjoy the bleſſed fruits of your wiſdom and juſtice.

'But it may pleaſe your excellent majeſty, and this high court of parliament, to give us leave, with grief and anguiſh of heart, to repreſent unto you, that we hear that there are certain perſons ſtirring and pragmatical, who inſtead of rendering glory to God, thanks to your majeſty, and acknowledgment to the parliament, remain yet as unſatisfied and mutinous as ever; who, whilſt all the reſt of the kingdom are arrived even beyond their wiſhes, are daily forging new and unreaſonable demands; who, whilſt all men of reaſon, loyalty and moderation, are thinking how they may provide for your majeſty's honour and plenty, in return of ſo many graces to the ſubject, are ſtill attempting new diminutions of your majeſty's juſt regalities, which ever muſt be no leſs dear to all honeſt men, than our own freedoms; in fine, men of ſuch turbulent ſpirits, as are ready to ſacrifice the honour and welfare of the whole kingdom to their private fancies, whom nothing elſe than a ſubverſion of the whole frame of government will ſatiſfy: Far be it from our thoughts to believe, that the violence and unreaſonableneſs of ſuch kind of perſons can have any influence upon the prudence and juſtice of the parliament. But that which begets the trouble and diſquiet of our loyal hearts, at this preſent, is, that we hear thoſe ill-affected perſons are backed in their violence, by the multitude and the power of raiſing tumults; that thouſands flock at their call, and beſet the parliament, and Whitehall itſelf; not only to the prejudice of that freedom which is neceſſary to great councils and judicatories, but poſſibly to ſome perſonal danger of your ſacred majeſty and the peers.

'The vaſt conſequence of theſe perſons malignity, and of the licentiouſneſs of thoſe multitudes that follow them, conſidered in moſt deep care and zealous affection for the ſafety of your ſacred majeſty, and the parliament; our humble petition is, that in your wiſdom you would be pleaſed to remove ſuch dangers, by puniſhing the ringleaders of theſe tumults, that your majeſty and the parliament may be ſecured from ſuch inſolencies hereafter. For the ſuppreſſing of which, in all humility we offer ourſelves to wait upon you (if you pleaſe) hoping we ſhall appear as conſiderable in the way of defence to our gracious ſovereign, the parliament, our religion, and the eſtabliſhed laws of the kingdom, as what number ſoever ſhall audaciouſly preſume to violate them: So ſhall we, by the wiſdom of your majeſty, and the parliament, not only be vindicated from precedent innovations, but be ſecured from the future, that are threatened, and likely to produce more dangerous effects than the former:

And we ſhall pray, &c.

Reaſons to ſhew that this is not the true petition which was communicated to the king.

Give me leave to make ſome remarks on this petition, in order to ſhew that it cannot be the ſame that was communicated to the king, and ſubſcribed by him with the letters, C. R. in token of his approbation.

In the firſt place, it evidently appears, this was drawn up at London, at the very time when the multitudes repaired to Weſtminſter, which happened not till the third and fourth of May, there having been no ſuch concourſe of people before, and this laſting only two days. But it will be ſeen hereafter, that the king himſelf ſaid, that this petition, which he ſigned with C. R. was brought to him from the army, and that after having read it, he approved of it, as being very innocent. If the petition communicated to the king, had been prepared in the aamy, it cannot be this, ſince thoſe that penned it, could not foreſee the riotous aſſemblies at Weſtminſter on the third and fourth of May, which, however, they ſpeak of as then in being. And if it was drawn at London, as it is very likely, it cannot be that which was communicated to the king, ſince he affirmed, it was brought to him from the army.

It will be ſaid, perhaps, that this petition might be prepared at London the 3d or 4th of May, at the time of the concourſe, that it was ſent to the army, and then brought back to London to be communicated to the king.

But allowing only a fortnight for thoſe journies from London to York, and from York to London, and for communicating it to the officers diſperſed in different quarters about the country, the petition would have come too late to the king, and have been entirely uſeleſs, ſince the riots were ceaſed, the earl of Strafford dead, and the king had paſſed the bill for the continuance of the parliament. It would have been, therefore, very prepoſterous for the king to approve of this petition at ſuch a juncture.

Secondly, the earl of Clarendon intimates, this petition was projected and drawn long before the 3d an 4th of May, by the very officers who were afterwards accuſed of the conſpiracy. He ſays, after the king had ſubſcribed it, it was carried down to the army, and ſigned by ſome officers; but was ſuddenly quaſhed, and no more heard of till the diſcovery of the pretended plot, of which more in its place. This is a clear evidence, that the petition the king ſubſcribed with C. R. had been communicated long before the third or fourth of May, the day of the diſcovery of the plot. But if this be ſo, how could the authors of the petition ſpeak of the riots on the third and fourth of May, as actually in being? The petition ſubſcribed by the king cannot, therefore, be the ſame that the lord Clarendon has inſerted in his Hiſtory.

In the third place, the officers who intended to gain the army to the king, and who, according to the lord Clarendon, projected likewiſe the petition to the king and parliament which was approved by his majeſty, propoſed as their end, “to preſerve the biſhops votes “and functions, to hinder the disbanding the “Iriſh army till that of the Scots was diſbanded too, and to ſettle the king's reve“nues.” But in the petition above, there is no mention of any of theſe articles.

Laſtly, it will hereafter be ſeen, that the king to juſtify his ſigning the petition, ſaid, nothing more was required in it, than the ſettling of the government upon the ſame foot as under Queen Elizabeth. But in the petition given us by the lord Clarendon as ſubſcribed by the king, there is nothing like it, Elizabeth not being named in it.

Doubts concerning Percy's letter. Clarend.

Before I conclude this matter, I muſt not forget what has been ſaid concerning Percy's letter to his brother the earl of Northumberland. It is pretended that Percy, endeavouring to eſcape into France, was known at the ſea-ſide, and wounded by ſome perſons who would have ſtopped him: That getting from them, and flying to the earl of Northumberland's, that lord prevailed with ſome of the leading men of the commons, particularly Mr. Pym, that his brother's eſcape ſhould be connived at, on condition he would write the letter above-mentioned, as if it was wrote in France. It is eaſy to perceive, that hereby the relation in that letter is deſigned to be rendered ſuſpected of falſhood. But I do not find, it is poſitively affirmed, or that any proofs are produced to diſcover the forgery. The whole amounts to a bare aſſertion, that the plot, in queſtion, was a fiction, a chimera, an impoſture: That the parliament curtailed the depoſitions of the witneſſes, omitting every thing that ſerved to juſtify the king: That the conferences in Percy's chamber, were free converſations between friends, of whom ſome were members of parliament: That the depoſitions of the witneſſes were fitter to demonſtrate there was never any conſpiracy to ſeduce the army, than to prove there was really any ſuch thing. But upon the whole, we muſt take, as good proofs, the bare aſſertion of thoſe who relate theſe facts, which they have not cleared in the leaſt.*

As the king was frequently reproached with this conſpiracy afterwards, I thought it neceſſary to give a juſt idea of the thing, that the reader may be the better able to judge of the objections and anſwers I ſhall have frequent occaſion to mention. It is time now to proceed to the lord Strafford's tryal.

The earl Strafford's tryal.

If it is not ſuppoſed, that Charles I, from the beginning of his reign to the time of this laſt parliament, had formed a deſign to eſtabliſh in England an arbitrary government, it will be almoſt impoſſible to underſtand his Hiſtory, and particularly this ſecond part. But upon this ſuppoſition, which to me appears inconteſtable, all difficulties vaniſh. It is not ſurpriſing to ſee the king's council, his miniſters, favourites, the ſtar-chamber, high-commiſſion, judges of the realm, in ſhort, all perſons in publick employments, intent upon one ſingle point, I mean, the ſtretching of the royal authority as far as lay in their power. It is not ſurpriſing to ſee the implacable hatred of the houſe of commons to the king's miniſters, and particularly to thoſe who were moſt truſted by his majeſty, and believed the chief authors of the publick evils. Among theſe, the earl of Strafford was conſidered as the moſt dangerous, becauſe the moſt able, and becauſe his two high poſts of preſident of the court of York, and lord-lieutenant of Ireland, afforded him frequent occaſions to ſerve the king effectually, and aſſiſt him to execute his deſigns. Accordingly he was the firſt the commiſſioners attacked, eight days after the opening of the parliament. The impeachment and tryal of this lord, contains many remarkable things, ſome whereof are, as I may ſay, above the comprehenſion of foreigners, by reaſon of the great difference between the laws and cuſtoms of England, and thoſe of other ſtates. It would, therefore, be too difficult a task for me to undertake to give a particular account of all the circumſtances of this famous tryal, which have been collected in a large volume in folio. For this reaſon, I ſhall content myſelf with giving a general idea of it, ſuch as I ſhall think proper to ſatiſfy the reader's curioſity.

There is no doubt, when the commons impeached the earl of Strafford, his ruin was reſolved by the leading men of the houſe. The earl being looked upon as the moſt powerful, and moſt in favour of all the king's miniſters, and as the principal author of the miſeries of the kingdom, this was ſufficent to make it thought requiſite to ſacrifice him to the publick. I do not think it neceſſary to ſeek other motives of this reſolution, or to aſcribe it to more ſecret cauſes. Since the parliament undertook to redreſs grievances, and reſtore the government to its antient ſtate, nothing was more natural than to puniſh ſuch as had helped to unhinge it, and among theſe the earl of Strafford was the principal, and conſequently, the fitteſt to ſerve for example to thoſe, who ſhould in time to come, engage in the like enterpriſe. But beſides this, he had made himſelf many enemies, by his imperious behaviour, to which great miniſters, who are ſecure of their maſter's favour, are generally but too liable. Moreover, he had deſerted the people's intereſt, after having ſtrongly ſupported it whilſt a member of the houſe of commons, and devoted himſelf entirely to the king. This ſufficed to render him odious, and the commons, when they impeached him, knew they could not do any thing more grateful to the people. He was, therefore, accuſed of high-treaſon, not that in the ſhort time, ſince the opening of the parliament, the commons could have any certainty of his being guilty of that crime, but upon a certain publick evidence, and the inward conviction of moſt of the members. After his being ſent to the tower upon this impeachment, the houſe conſidered of the articles on which they were to ground his accuſation, and when they were brought to the lords, proofs were ſought to ſupport them.

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* Mr. Nalſon, who took upon him to juſtify the king againſt the falſe accuſations of his enemies, as he ſays himſelf in his Introduction, paſſes over this article very ſlightly. See the end of Vol. I. of his Collections. Rapin

Theſe articles, to the number of 28, tended to prove in general, that the earl of Strafford had endeavoured to ſubvert the fundamental laws of the ſtate, and eſtabliſh an arbitrary power. So, tho' each of the pretended crimes, whereof he was accuſed, could not be counted high-treaſon, the houſe pretended, that altogether manifeſtly ſhewed his deſign, and the means he had employed to accompliſh it. The ſubſtance of the 28 articles is as follows*.

'I. That he being preſident of the king's council in the north parts of England, had procured to himſelf a commiſſion, with inſtructions annexed, whereby power was given to him, to determine all offences, ſuits, &c. within certain precincts therein ſpecified, and in ſuch manner as the ſaid inſtructions did appoint, according to the proceedings of the ſtar-chamber. By vertue of which commiſſion, he had exerciſed an exorbitant and unlawful juriſdiction over the perſons and eſtates of his majeſty's ſubjects in thoſe parts, to their ruin.

'II. That at the aſſizes held for the county of York, he did publickly declare and publiſh before the people, that ſome of the juſtices were all for law, and nothing would pleaſe them but law; but they ſhould find, "That the king's little finger ſhould be heathan the loyns of the law.

"III. That being lord-deputy of Ireland, he did ſay, in a publick ſpeech, that Ireland was a conquered nation, and that the king might do with them what he pleaſed: And ſpeaking of the charters of former kings of England made to the city of Dublin, he further then ſaid, that their charters were nothing worth, and did bind the king no farther than he pleaſed.

'IV. That Richard, earl of Cork, a peer of Ireland, having ſued out proceſs in courſe of law, for recovery of his poſſeſſions, from which he was put, by colour of an order made by the lord Strafford, and the council; he, the ſaid lord Strafford, threatened the ſaid earl to impriſon him, unleſs he would ſurceaſe his ſuit, and ſaid, that he would have neither law nor lawyers diſpute or queſtion his orders.

'That the ſaid earl of Cork having conteſted the validity of an order of council made in Ireland, in the time of king James I, the lord Strafford had ſaid, that he would make the ſaid earl and all Ireland know, that ſo long as he had the government of that kingdom, any act of ſtate there made, or to be made, ſhould be as binding to the ſubjects of that kingdom, as an act of parliament. And that he did ſundry other times and upon ſundry other occaſions, by his words and ſpeeches, arrogate to himſelf a power above the fundamental laws, and eſtabliſhed government of that kingdom, and ſcorned the ſaid laws and eſtabliſhed government.

'V. That he did give, and procure to be given, againſt the lord Mountnorris, (then a peer of Ireland, vice-treaſurer, and receiver-general of that kingdom, and treaſurer at war, and one of the principal ſecretaries of ſtate, and keeper of the privy-ſignet of the ſaid kingdom,) a ſentence of death by a council of war, called together by the ſaid earl of Strafford, without any warrant, or authority of law, or offence deſerving any ſuch puniſhment.

'And he the ſaid earl, did alſo at Dublin, without any legal or due proceedings, or tryal, give, and cauſe to be given, a ſentence of death againſt one other of his majeſty's ſubjects; and cauſed him to be put to death in execution of the ſame ſentence.

'VI. That without any legal proceedings, and upon a paper-petition, he did cauſe the ſaid lord Mountnorris to be diſſeized and put out of his manor of Tymore in the kingdom of Ireland; the ſaid lord Mountnorris having been 18 years before in quiet poſſeſſion thereof.

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* The chief manager during the whole tryal was Mr. Pym, of whom Dr. Welwood, tells the following ſtory. When the earl, then only Sir Thomas Wentworth, was upon making his peace with the court, he gave Pym ſome obſcure intimation of it. Pym underſtanding his drift, ſtopt him ſhort with this expreſſion, "You need not uſe all this art to tell me, that you have a mind to leave us; but remember what I tell you, you are going to be undone; and remember, that tho' you leave us now, I will never leave you while your head is upon your ſhoulders." Memoirs.

‘VII. That he did cauſe a caſe, commonly called, the caſe of tenures upon defective titles, to be made and drawn up without any injury or tryal, or other legal proceſs, and without the conſent of parties, and did then procure the judges of the realm of Ireland to deliver their opinions and reſolutions to that caſe, and by colour of ſuch opinion, did, without any legal proceeding, cauſe Thomas, lord Dillon, and many others, to be put out of the poſſeſſion of divers lands and tenements, whereby many of his majeſty's ſubjects, and their families, were utterly undone.

‘VIII. That without any legal proceſs, he had made a decree or order againſt Adam, viſcount Loftus, a peer, and lord-chancellor of Ireland, and did cauſe the ſaid viſcount to be impriſoned, on pretence of diſobedience to the ſaid decree or order. That afterwards, without any authority, he required and commanded the ſaid lord viſcount to yield up unto him the great ſeal of the realm of Ireland, which was then in his cuſtody, by his majeſty's command, and impriſoned the ſaid chancellor for not obeying ſuch his command.

‘That he did impriſon George, earl of Kildare, thereby to enforce him to ſubmit his title to the manor and lordſhip of Caſtle leigh in the Queen's-county, being of great yearly value, to the ſaid earl of Strafford's will and pleaſure, and kept him a year priſoner for the ſaid cauſe; and refuſed to enlarge him, notwithſtanding his majeſty's letters for his enlargement to the ſaid earl of Strafford directed.

‘That upon a petition exhibited to him againſt dame Mary Hibbots, widow; the ſaid earl of Strafford recommended the ſaid petition to the council-table of Ireland, where the moſt part of the council gave their vote and opinion for the ſaid lady; but the ſaid earl finding fault herewith, cauſed an order to be entered againſt the ſaid lady, and threatened her, that if ſhe refuſed to ſubmit thereunto, he would impriſon her, and fine her 500 pounds; that if ſhe continued obſtinate, he would continue her impriſonment, and double her fine every month; by means whereof ſhe was enforced to relinquiſh her eſtate in the lands queſtioned in the ſaid petition, which ſhortly after were conveyed to Sir Robert Meredith, to the uſe of the ſaid earl of Strafford.

‘That the ſaid earl, in like manner, did impriſon divers others of his majeſty's ſubjects, upon the like pretences, &c.

IX. That the ſaid earl, aſſuming to himſelf a power above and againſt law, took upon him by a general warrant under his hand, to give power to the lord biſhop of Down and Connor, his chancellor, &c. to attach and arreſt the bodies of all ſuch of the meaner and poorer ſort, who after citation ſhould either refuſe to appear before them, or appearing, ſhould omit or deny to perform, or undergo all lawful decrees, ſentences, and orders impoſed, or given out againſt them, and them to commit and keep in the next goal, until they ſhould either perform ſuch ſentences, or put in ſufficient bail, to ſhew ſome reaſon before the council-table, of ſuch their contempt and neglect.

‘X. That he had procured the cuſtoms of the merchandize exported out, and imported into Ireland, to be farmed to his own uſe. And, to advance his own gain and lucre, did cauſe and procure the native commodities of that kingdom, to be rated in the book of rates for the cuſtoms, according to which the cuſtoms, were uſually gathered, at far greater values and prices than in truth they were worth; that is to ſay, every hide at 20 ſhillings, which in truth was worth but five ſhillings, every ſtone of wool at 13 ſhillings and four-pence, tho' the ſame were really worth but five ſhillings, at the utmoſt nine; by which means the cuſtom, which before was but a twentieth part of the true value of the commodity, was enhanced ſometimes a fifth part, and ſometimes to a fourth, and ſometimes to a third part of the true value.

‘XI. That the ſaid earl did reſtrain the exportation of the commodities of the kingdom of Ireland, without his licenſe; and then raiſed great ſums of money for licenſes of exportation of thoſe commodities, and diſpenſation of the ſaid reſtraints impoſed on them, by which means thoſe commodities were raiſed above half in half.

‘XII. That under colour to regulate the importation of tobacco into Ireland, he did iſſue a proclamation, prohibiting the importation of tobacco into that kingdom; after which reſtraint, the ſaid earl cauſed divers great quantities of tobacco to be imported to his own uſe; that if any ſhip brought tobacco into any port there, the ſaid earl and his agents, uſed to buy the ſame to his own uſe, at their own price; and if the owners refuſed to let him have the ſame at undue values, then they were not permitted to vent the ſame there; by which undue means, the ſaid earl having gotten the whole trade of tobacco into his own hands, he ſold it at great and exceſſive prices.

‘That by a proclamation he commanded, that none ſhould put to ſale any tobacco by wholeſale, but what ſhould be made up into rolls, and the ſame ſealed with two ſeals by himſelf appointed, one at each end of the roll: And ſuch as was not ſealed to be ſeiſed, appointing ſix-pence the pound for a reward to ſuch perſons as ſhould ſeiſe the ſame. Which proclamation was rigorouſly put in execution, by ſeiſing the goods, fining, impriſoning, whipping, and putting the offenders in the pillory. And tho' he enhanced the cuſtoms, where it concerned the merchants in general, yet he drew down the impoſt formerly taken on tobacco, from ſix-pence to three-pence the pound, it being for his own profit ſo to do.

‘That he raiſed ſeveral other monopolies and unlawful exactions for his own gain, viz. on ſtarch, iron-pots, glaſſes, tobacco-pipes, &c.

‘XIII. That flax being one of the principal and native commodities of Ireland, the ſaid earl having gotten great quantities thereof into his hands, and growing on his own lands, did iſſue out ſeveral proclamations, preſcribing and enjoining the working of flax into yarn and thread, and the ordering of the ſame in ſuch ways wherein the natives of that kingdom were unpractiſed, and unſkilful; and the flax wrought or ordered in other manner than as the ſaid proclamation preſcribed, was ſeiſed and employed to the uſe of him and his agents, and thereby the ſaid earl did gain, in effect, the ſole ſale of that native commodity.

‘XIV. That the ſaid earl, by proclamation, did impoſe upon the owners, maſters, purſers, and boatſwains of every ſhip, a new and unlawful oath, viz. That they, immediately after the arrival of any ſhip within any port or creek in the kingdom of Ireland, ſhould give in a true invoice of the outward bulk of wares and merchandizes firſt laden aboard them, together with the ſeveral marks and number of goods, and their qualities and condition, the names of the ſeveral merchants, proprietors of the ſaid goods, and the place from whence they were fraughted, and whither they were bound, &c.

‘XV. That by his own authority, without any warrant or colour of law, he did tax and impoſe great ſums of money upon divers towns and places in Ireland; and did cauſe the ſame to be levied upon the inhabitants of thoſe towns by troops of ſoldiers, with force of arms, in a warlike manner; and ſent ſuch numbers of ſoldiers to lie on the lands and houſes of ſuch as would not conform to his orders, until they ſhould render obedience to his ſaid orders; and this he did at ſeveral times, and in divers places, by which means he levied war within the ſaid realm againſt his majeſty and his liege people of that kingdom.

‘XVI. That the ſaid earl did make a propoſition, and obtained from his majeſty an allowance thereof, that no complaint of injuſtice or oppreſſion done in Ireland, ſhould be received in England againſt any, unleſs it appeared, that the party made firſt his addreſs to him the ſaid earl. And to prevent the ſubjects of that realm of all means of complaints to his majeſty, and of redreſs againſt him and his agents, he did iſſue a proclamation, thereby commanding all the nobility, undertakers and others, who held eſtates and offices in the ſaid kingdom, to make their perſonal reſidence in the ſaid kingdom of Ireland, and not to depart thence without licenſe of himſelf; which proclamation the ſaid earl had by ſeveral rigorous ways, as by fine, impriſonment, and otherwiſe, put in execution; by means whereof the ſubjects of that realm were reſtrained from ſeeking relief againſt the oppreſſions of the ſaid earl.

‘XVII. That ſpeaking of the army in Ireland, he did declare, that his majeſty was ſo well pleaſed with the army of Ireland, and the conſequences thereof, that his majeſty would certainly make the ſame a pattern for all his three kingdoms.

‘XVIII. That, in order to draw dependency upon himſelf, of the Papiſts in both kingdoms of England and Ireland, during the time of his government in Ireland, he reſtored divers fryeries and maſs-houſes, (which had been formerly ſuppreſſed by the precedent deputies of that kingdom; two of which houſes are in the city of Dublin, and had been aſſigned to the uſe of the univerſity there) to the pretended owners thereof.

‘That in the months of May and June laſt, the ſaid earl did raiſe an army in Ireland, conſiſting of 8000 foot, all of which, except 1000, or thereabouts were Papiſts; and the ſaid 1000 were drawn out of the old army there, and in their places there were 1000 Papiſts put into the ſaid old army by the ſaid earl.

‘That the more to engage and tie the ſaid new army of Papiſts to himſelf, and to encourage them, he did ſo provide, that the ſaid new army of Papiſts were duly paid, &c. but the ſaid old army were, for the ſpace of one whole year and upwards, unpaid.

‘That being appointed a commiſſioner within 11 ſeveral counties of the northern parts of England, for compounding with recuſants for their forfeitures due to his majeſty; and being alſo receiver of the compoſition money thereby ariſing, he did compound with them at low and under rates, and provided, that they ſhould be diſcharged of all proceedings againſt them in all his majeſty's courts, both temporal and eccleſiaſtical, contrary to the laws and ſtatutes of this realm.

‘XIX. That he did of his own authority contrive and frame a new and unuſual oath, by the purport whereof, the party taking the ſaid oath, was to ſwear that he ſhould not proteſt againſt any of his majeſty's royal commands, but ſubmit himſelf in all due obedience thereunto. Which oath he enforced on the ſubjects of the Scotiſh nation, inhabiting in Ireland; and compelled divers of his majeſty's ſaid ſubjects there, to take the ſaid oath againſt their wills; and of ſuch as refuſed to take it, ſome he grievouſly fined and impriſoned, and others he deſtroyed and exiled; viz. he fined Henry Steward and his wife, who refuſed to take the ſaid oath, 5000 pounds a-piece, and their two daughters and James Gray, 3000 pounds a-piece, and impriſoned them for not paying the ſaid fines.

‘That he did upon that occaſion declare, that the ſaid oath did not only oblige them in point of allegiance to his majeſty, and acknowledgment of his ſupremacy only, but to the ceremonies and government of the church eſtabliſhed, and to be eſtabliſhed by his majeſty's royal authority, and ſaid, that the refuſers to obey he would proſecute to the blood.

‘XX. That he was the chief incendiary of the laſt war againſt the Scotiſh nation, by

‘ inciting and provoking his majeſty againſt his ſubjects of Scotland; and had declared and adviſed his majeſty, that the demands made by the Scots in their parliament, were a ſufficient cauſe of war againſt them; that he ſaid, that the nation of the Scots were rebels and traytors; and he being then about to come to England, farther ſaid, that if it pleaſed his majeſty to ſend him back again, he would root out of the kingdom of Ireland the Scotiſh nation both root and branch; that he had cauſed divers of the ſhips and goods of the Scots to be ſtayed, ſeiſed, and moleſted, to the intent to ſet on the war between the two nations.

‘ XXI. That at his arrival into England, finding that his majeſty had compoſed the troubles in the north, and made a pacification with his ſubjects of Scotland, he laboured by all means to procure his majeſty to break that pacification. And having incited his majeſty to an offenſive war againſt his Scotiſh ſubjects, he counſelled his majeſty to call a parliament in England, yet he intended, that if the proceedings of that parliament ſhould not be ſuch, as would ſtand with his miſchievous deſigns, he would then procure his majeſty to break the ſame; and by ways of force and power, to raiſe monies upon the ſubjects of this kingdom. And for the encouragement of his majeſty to hearken to his advice, he did before his majeſty and his privy-council, then ſitting in council, make a large declaration, that he would ſerve his majeſty in any other way, in caſe the parliament ſhould not ſupply him.

‘ XXII. That before the beginning of the laſt parliament, the ſaid earl of Strafford went into Ireland, and procured the parliament of that kingdom to declare their aſſiſtance in a war againſt the Scots, and gave directions for the raiſing of an army there, conſiſting of 8000 foot, and 1000 horſe, being for the moſt part Papiſts, as aforeſaid. And confederating with one Sir George Ratcliffe, did together with him traiterouſly conſpire to employ the ſaid army, for the ruin and deſtruction of the kingdom of England, and of altering and ſubverting of the fundamental laws, and eſtabliſhed government of that kingdom.

‘ Shortly after, the ſaid earl returned into England, and to ſundry perſons declared his opinion to be, that his majeſty ſhould firſt try the parliament here, and if that did not ſupply him according to his occaſions, he might uſe then his prerogative as he pleaſed, to levy what he needed; and that he ſhould be acquitted both of God and man, if he took ſome other courſes to ſupply himſelf, tho' it were againſt the wills of his ſubjects.

‘ XXIII. That upon the 13th day of April laſt, the parliament of England met, and the commons houſe did enter into debate and conſideration of the grievances of this kingdom; he the ſaid earl of Strafford, and the archbiſhop of Canterbury, did procure his majeſty, by ſundry ſpeeches and meſſages, to urge the ſaid commons houſe, to enter into ſome reſolution for his majeſty's ſupply, for maintenance of his war againſt his ſubjects of Scotland, before any courſe taken for the relief of the grievances wherewith this kingdom was then afflicted; whereupon a demand was then made from his majeſty of 12 ſubſidies, for the releaſe of ſhip-money only. And while the ſaid commons were in debate and conſideration concerning ſome ſupply, before any reſolution by them made, he the ſaid earl of Strafford, with the help and aſſiſtance of the ſaid archbiſhop, did procure his majeſty to diſſolve the ſaid parliament; and upon the ſame day, the ſaid earl did endeavour to incenſe his majeſty againſt his ſubjects, who had been members of the ſaid houſe of commons, by telling his majeſty, they had denied to ſupply him; and afterwards upon the ſame day, did adviſe his majeſty to this effect, that having tryed the affections of his people, he was looſe and abſolved from all rules of government; and that he was to do every thing that power would admit; and that his majeſty had tried all ways, and was refuſed, and ſhould be acquitted towards God and man; and that he had an army in Ireland, which he might employ to reduce this kingdom.

‘ XXIV. That in the ſame month of May, he declared before others of his majeſty's privy-council, that the parliament of England had forſaken the king, and that in denying to ſupply the king, they had given him advantage to ſupply himſelf by other ways; and that he was not to ſuffer himſelf to be maſtered by the frowardneſs and undutifulneſs of the people.

‘ And having ſo maliciouſly ſlandered the ſaid late houſe of commons, he did, with the help and advice of the ſaid archbiſhop of Canterbury, and the lord Finch, late lord-keeper of the great-ſeal of England, cauſe to be printed and publiſhed in his majeſty's name, a falſe and ſcandalous book, full of bitter and malicious invectives, entitled, His majeſty's declaration of the cauſes that moved him to diſſolve the laſt parliament.

‘ XXV. That not long after, he the ſaid earl of Strafford did adviſe the king to go on vigorouſly in levying the ſhip-money, and did procure the Sheriffs of ſeveral counties to be ſent for, for not levying the ſhip-money, divers of which were threatened by him, to be ſued in the ſtar-chamber.

‘ And a great loan of 100,000 pounds was demanded of the city of London, and the lord-mayor, and ſheriffs, and aldermen of the ſaid city, were often ſent for by his advice to the council-table, and required to certify the names of ſuch inhabitants of the city as were fit to lend; which they with much humility refuſing to do, he the ſaid earl of Strafford did uſe theſe and the like ſpeeches, viz. That they deſerved to be put to fine and ranſom; and that no good would be done with them, till an example were ‘made of them, and that they were laid by the heels, and ſome of the aldermen hanged up.

‘XXVI. That the ſaid earl having brought his majeſty into exceſſive charge, without any juſt cauſe, did counſel and approve the two following dangerous and wicked projects, viz.

‘To ſeiſe upon the bullion, and the money in the mint: And to imbaſe his majeſty's coin, with the mixture of braſs.

‘And accordingly he procured 130,000 pounds, which was then in the mint, and belonging to divers merchants, ſtrangers and others to be ſeiſed on, and ſtayed to his majeſty's uſe. And when divers merchants of London, owners of the ſaid bullion and money, came to his houſe, to let him underſtand the great miſchief that courſe would produce here and in other parts; he the ſaid earl told them, that the city of London dealt undutifully and unthankfully with his majeſty; and that they were more ready to help the rebels than to help his majeſty; and that if any hurt came to them they may thank themſelves; and that it was the courſe of other princes to make uſe of ſuch moneys to ſerve their occaſions.

‘And when the officers of his majeſty's mint came to him, and gave him divers reaſons againſt the imbaſing the ſaid money; he told them, that the French king did uſe to ſend commiſſioners of horſe, with commiſſion to ſearch into men's eſtates, and to peruſe their accounts, that ſo they may know what to levy of them by force, which they did accordingly levy; and turning to the lord Cottington then preſent, ſaid, that this was a point worthy of his lordſhip's conſideration.

‘XXVII. That he was made lieutenant-general of all his majeſty's forces in the north; and being at York, did, by his own authority, impoſe a tax on his majeſty's ſubjects in the county of York of eight pence per diem, for maintenance of every ſoldier of the trained-bands of that county; which ſums of money he cauſed to be levied by force. And to compel his majeſty's ſubjects out of fear to pay the ſame; he did declare, that he would commit them that refuſed the payment thereof; and they that refuſed it, were in very little better condition than of high-treaſon.

‘XXVIII. That being lieutenant-general of his majeſty's army, he did not provide for the defence of the town of Newcaſtle as he ought to have done, but ſuffered the ſame to be loſt, that ſo he might the more incenſe the Engliſh againſt the Scots.

‘And for the ſame purpoſe he did write to the lord Conway, the general of the horſe, that he ſhould fight with the Scotiſh army at the paſſage over the Tyne, whatſoever ſhould follow; notwithſtanding that the ſaid lord Conway had formerly by letters informed the ſaid earl, that his majeſty's army, then under his command, was not of force ſufficient to encounter the Scots.’

Committee from the parliament of Ireland, to complain of the earl of Strafford. Ruſhw.

The parliament of Ireland hearing the earl of Strafford was in the tower, immediately ſent a committee of both houſes to England, to lay before the parliament remonſtrances concerning the grievances endured by the Iriſh, under that lord's adminiſtration. But as theſe remonſtrances contained little but what is mentioned in the 28 articles, I do not think it neceſſary to inſert them.

Reaſons for and againſt the earl.

This proceſs was not ready to be tried till the 22d of March, 1640-1, and laſted till the 12th of April. It would be too tedious to give a particular account of the proofs, depoſitions of the evidences, anſwers of the party accuſed upon each article, and replies of the commons. To give a general idea of the thing, it will ſuffice to ſay in two words, that the impeachment running wholly upon the earl of Strafford's pretended intention to ſubvert the fundamental laws of the kingdom, the greateſt part of the crimes he was accuſed of, could be accounted high-treaſon but on ſuppoſition of this ſame intention; and, therefore, the managers inſiſted upon every one of the articles in order to prove this intention, maintaining that tho' each ſingly was not capable of proving it, they were, however, when joined together, of the utmoſt evidence. But beſides, that each of theſe articles was not equally well proved, it remained alſo to decide, whether the intention could render a man guilty of treaſon. The counſel for the earl of Strafford maintained, that altho' by the law, the bare intention of killing the king was high-treaſon, it did not follow that the intention could be conſidered upon the ſame foot, with reſpect to other treaſons, which the law had not explained in the ſame manner. On the other hand the earl of Strafford ſhewed that none of the particular crimes he was charged with could be deemed treaſon, and that 100 felonies could never make one treaſonable crime. But this diſpute concerned only the nature of the offence, in which the accuſed had a great advantage, eſpecially if it be conſidered that in England, in criminal caſes, the judges are extremely careful not to miſtake, and to attend only to what proves directly the nature of the offence contained in the indictment. If the commons had been ſatisfied with accuſing the earl of Strafford of felony, or miſdemeanors, very probably they would have obtained a ſpeedy ſentence againſt him. But having ſolely impeached him of high-treaſon, it belonged to the peers to condemn or acquit him ſolely upon that ſort of offence. In the reign of Edward VI, the duke of Somerſet was accuſed of high-treaſon and felony. He was acquitted as to the firſt, but condemned for the laſt.

The earl of Strafford defended himſelf with all the ability, preſence of mind, judgment and temper that could be expected from a perſon of his parts. Accordingly the commons eaſily found that the lords would hardly be induced to condemn him; and, therefore, they thought fit to take another courſe to accompliſh their ends.

The 19th of April it was voted by the commons, that the endeavour of the earl of Straf-

Votes of the commons. Ruſhw. Bill of attainder paſſed and ſent up to the lords.

ford to ſubvert the fundamental laws of the realms of England and Ireland, and to introduce an arbitrary and tyrannical government in both thoſe kingdoms, was high-treaſon. Two days after a bill of attainder was brought in againſt the earl. The bill was read twice in the morning, and the third time in the afternoon, and paſſed with the majority of 204 againſt 59, after which it was ſent up to the lords

The lord Digby's ſpeech againſt the bill. Ruſhw.

Among the oppoſers of the bill, the lord Digby diſtinguiſhed himſelf by a very eloquent ſpeech, wherein he endeavoured to ſhew, that to condemn the earl of Strafford in that manner was a real murder. Great exceptions were taken at this ſpeech, and tho' the houſe ſeemed, at firſt, not much to regard it, they ordered, afterwards, that it ſhould be publickly burnt by the hangman.

A petition againſt the earl. Ruſhw. St. John's ſpeech for the bill.

The bill of attainder produced not the effect the commons deſired. The lords were in no haſte to examine it, or to anſwer the impatience of the commons. They had a mind firſt to conſider the arguments for and againſt the bill. In this interval the peers cauſed Sir William Balfour to be examined concerning the project of letting the earl of Strafford eſcape. Several thouſands of the inhabitants of London preſented to both houſes a petition againſt the earl, ſaying, he was ſworn enemy of the city. The 29th of April Mr. St. John, in the name of the commons, made a long ſpeech to the lords to prove that the bill of attainder was not contrary to law. May the 1ſt, the king came to the parliamemt, and made the following ſpeech to both houſes.

The king's ſpeech in favour of the earl of Strafford. Ruſhw.

My lords,

'I Had not any intention to have ſpoken to you of the buſineſs this day, which is the great buſineſs of the earl of Strafford, becauſe I would do nothing that might ſerve to hinder your occaſions: But now it comes ſo to paſs, that ſeeing of neceſſity I muſt have part in the judgment, I think it moſt neceſſary for me to declare my conſcience therein. I am ſure you all know, that I have been preſent at the hearing of this great caſe, from the one end to the other, and I muſt tell you, that I cannot in my conſcience condemn him of high-tteaſon; it is not fit for me to argue the buſineſs; I am ſure you will not expect that. "A poſitive doctrine beſt becomes the mouth of a prince:" Yet I muſt tell you three great truths, which I am ſure no body knows ſo well as myſelf. 1. That I never had any intention of bringing over the Iriſh army into England; nor ever was adviſed by any body ſo to do. 2. That there was never any debate before me, neither in publick council, nor at private committee, of the diſloyalty of my Engliſh ſubjects, nor ever had I any ſuſpicion of them. 3. I was never counſelled by any to alter the leaſt of any of the laws of England, much leſs to alter all the laws. Nay, I muſt tell you this, I think no body durſt ever be ſo impudent to move me in it; for if they had, I ſhould have put ſuch a mark upon them, and made them ſuch an example, that all poſterity ſhould know my intentions by it; for my intention was ever to govern according to law, and no otherwiſe*.

'I deſire to be rightly underſtood. I told you in my conſcience I cannot condemn him of high-treaſon; yet I cannot ſay I can clear him of miſdemeanors: Therefore I hope you may find a way to ſatisfy juſtice, and your own fears, and not preſs upon my conſcience. My lords, I hope you know what a tender thing conſcience is: Yet I muſt declare unto you, that to ſatisfy my people I would do great matters: But this of conſcience, no fear, no reſpect whatſoever, ſhall ever make me go againſt it. Certainly I have not ſo ill deſerved of the parliament at this time, that they ſhould preſs me in this tender point; and therefore I cannot expect that you will go about it.

'Nay, I muſt confeſs for matters of miſdemeanors, I am ſo clear in that, that tho' I will not chalk out the way, yet let me tell you, that I do think my lord Strafford is not fit hereafter to ſerve me, or the commonwealth, in any place of truſt, no, not ſo much as that of a conſtable. Therefore I leave it to you, my lords, to find ſome ſuch way as may bring me out of this great ſtreight, and keep ourſelves, and the kingdom from ſuch great inconveniencies; certainly he that thinks him guilty of high-treaſon in his conſcience may condemn him of miſdemeanours.'

This ſpeech has a quite contrary effect to the king's intention. Clarend. Ruſhw.

This ſpeech produced a quite contrary effect to what the king had expected. Accordingly, the earl of Clarendon intimates that the lord Say adviſed the king to it, in order to draw him into a ſnare, and render the earl of Strafford's ruin more certain. The commons were highly offended with it, ſaying, it was an unprecedented thing, that the king ſhould meddle with bills before they were preſented to him, and a means to take away the freedom of votes, and immediately adjourned till Monday, the 3d of May.

The lords paſs the bill of attainder.

On that day it was that the rabble of London flocked to Weſtminſter: And on the ſame day the houſe of commons drew the proteſtation before-mentioned, and on the morrow, the 4th of May, the lords approved of the ſame, and on the 7th paſſed the bill of attainder of the earl of Strafford, there being not above 46 lords in the houſe of the 80 who had conſtantly attended the tryal. It is pretended that thoſe who abſented themſelves, were terrified by the threats of the populace.

The king was then in the moſt uneaſy ſituation. He loved the earl of Strafford, and was convinced the earl had done nothing but what was agreeable to his intentions and his maxims of government. He might be guilty with regard to the people on many accounts, but certainly he was not ſo with reſpect to the king, who had always approved of his conduct. Beſides, the king had proteſted in full parliament, that he neither could nor would do any thing againſt his conſcience, and that he did not believe in his conſcience, the earl was guilty. On the other hand, if he conſented to the bill of attainder, after ſuch a declaration, he would ſhew that he was reduced to this extremity by the neceſſity of his affairs, ſo would not be thanked for it, and for the future would have nothing more to deny his parliament. But in caſe he rejected the bill, he plainly perceived the conſequences of his refuſal, and that, at leaſt, he ſhould be accuſed of denying his people juſtice, contrary to the advice of both houſes of parliament.

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* It is very hard to reconcile this aſſertion of the king's with his government the firſt 15 years of his reign. Rapin.

The continuance-bill paſſed by the lords. Clarend. Ruſhw.

It is not unlikely that in this extremity ſome one adviſed the king to diſſolve the parliament; at leaſt, the commons imagined he had no other way to free himſelf from his preſent embarraſſment. And, therefore, to deprive him of this refuge alſo, the ſame day, the 4th of May, they ordered the bringing in of a bill for the continuance of the parliament, that it might not be diſſolved without the conſent of both houſes, which bill was read thrice in two days, and paſſed three days after in the upper-houſe, with the bill of attainder of the earl of Strafford. In theſe two or three days the commons, as hath been ſaid, vigorouſly puſhed the affair of the plot, to fill the people with fears, and force the lords to paſs the two bills.

Conſultations of the king about the bill of attainder. May 9. Clarend. Nalſon.

The bill of attainder having paſſed the houſe of lords, the king aſſembled his privy-council, and ſent for his lawyers. He laid before them his ſcruples and reaſons for not conſenting to the bill. But Juxon, biſhop of London, was the only perſon that ventured to adviſe the king, to reject a bill preſented to him by both houſes. All the reſt endeavoured to perſuade him to ſatisfy his people, and that the life of any one perſon ought not to be put in the balance with the ſafety of the kingdom. As to his ſcruples, they told him, he might conſult his biſhops, who would give him the propereſt advice. The king not meeting with the ſatisfaction he expected from his council, ſent for ſome biſhops to adviſe with. It is affirmed, that Williams, archbiſhop of York ſaid to him on this occaſion, "That there was a "private and a publick conſcience; that his "publick conſcience as a king, might not only diſpence with, but oblige him to do that "which was againſt his private conſcience as "a man." And, therefore, in plain terms adviſed him, "even for conſcience ſake to "paſs the act." But what contributed moſt to determine him, was a letter from the earl of Strafford, who hearing of the ſtreights the king was in, "humbly beſought him him"ſelf to pas the bill, to remove him out of "the way towards a bleſſed agreement, which "he doubted not God would for ever eſtabliſh between him and his ſubjects; adding, "that his conſent would more acquit his ma"jeſty therein to God, than all the world "could do beſides. To a willing man there "is no injury." At laſt the king no longer able to withſtand the preſſing inſtances of the parliament and his own counſellors, or rather the fear of the calamities he foreſaw would befal both himſelf and poſterity, if he refuſed to conſent to the bill, ſigned a commiſſion to four lords to paſs it in his name*. By the ſame commiſſion he impowered theſe lords to give the royal aſſent to the bill for the continuance of the parliament, which was of much greater importance to him than the earl of Strafford's life, but which, however, it does not appear that he much regarded, ſo full was he of the other. This bill, which was of ſuch conſequence to the king, was brought in the 6th of May, and in five days paſſed both houſes, and received the king's approbation, on the 10th, as if it had been but a trifle.

A letter from Strafford to the king. May 4. Nalſon. Ruſhw..

The king paſſes the two bills. Ruſhw.

The earl of Strafford beheaded.

On the 12th of May, the ſecond day after the royal aſſent to the bill of attainder, the earl of Strafford was executed, and ſuffered death with great conſtancy. It was then, and is ſtill at this time a ſubject of diſpute, whether he deſerved to loſe his head or not. Thoſe who are for him, ſay, there needs only to examine the articles of accuſation, the evidences produced againſt him, and his anſwers, to be convinced that he was not guilty of high-treaſon. That the conviction of his accuſers themſelves is a farther proof, who perceiving they could not expect from the lords a ſentence according to their wiſh, uſed ſo many extraordinary means, to compaſs their ends. Firſt, the change of the judicial accuſation into a bill of attainder. Secondly, the tumultuous concourſe of the people. Thirdly, the diſcovery made to the houſe of commons of the pretended conſpiracy, preciſely at this juncture, tho' it had been long neglected. In the fourth place, the proteſtation, the ſole deſign whereof was to terrify the people, and incenſe them againſt the king and his party. Laſtly, the violence uſed to the lords, to extort their conſent to the bill, and which obliged many to abſent themſelves, to avoid being expoſed to the fury of the people. It is pretended, all this ſhews, that the commons themſelves did not believe him guilty, ſince they uſed ſo many artifices to take away his life.

They who are againſt him, ſay, it cannot be denied, that the king had formed a deſign to eſtabliſh an arbitrary government, and aſſumed to himſelf a power contrary to law. That he had made choice of ſuch miniſters and counſellors as he thought moſt proper to ſerve him in the execution of his deſign. That from the king's council had proceeded all the oppreſſions ſo long complained of by the people, and conſequently the king's miniſters and counſellors could not be innocent, unleſs theſe oppreſſions, which were as clear as the ſun, were denied. That the earl of Strafford was univerſally known to be the chief of theſe miniſters, and the perſon in whom the king moſt confided, and to hold the firſt place in the ſecret council, called the junto, conſiſting of four or five perſons only, where all the reſolutions were taken for the oppreſſion of the ſubjects. That he could not be ſuppoſed to be againſt all theſe reſolutions, ſince his arriving to ſo high a degree of favour, was entirely owing to his attachment to the king's will. That it was no leſs evident, that in his three great poſts of privy-counſellor, preſident of the north, and lord-deputy of Ireland, he had always carried himſelf agreeably to the king's principles and maxims, tho' he knew theſe principles were contray to the law. That all his endeavours tended to encreaſe the king's revenues, and extend his prerogative, by all methods, even the moſt irrregular. That in England, obedience to the king's orders does not excuſe the miniſters in illegal proceedings. That, therefore, it muſt either be denied that the king ever did any thing contrary to law, or be confeſſed, that his miniſters, and eſpecially the chief, were not innocent of theſe violations. That the ſtreſs of the commons accuſation did not lye ſo much upon each particular article, as upon altogether, to ſhew that the earl of Strafford really intended to eſtabliſh an arbitrary government. That every article was a proof of this intention, and it was a deluſion to repreſent them as being each ſingly a ſeperate charge of ſome particular crime. That this intention, joined to the manner of exerciſing the power given him by the king, was an unpardonable crime, ſince it tended to ſubvert all the laws, and alter the conſtitution. That it was not the ſame with the intention of ſubverting the laws, as with the intention of committing any other offence, even treaſon itſelf. That theſe laſt, when committed, may be puniſhed by the laws; but if the intention of ſubverting the laws be not puniſhable till put in execution, there is no remedy, aboliſhed laws not being of any uſe. That upon theſe grounds, parliaments had at all times, puniſhed ſeveral miniſters for this reaſon. In ſhort, that an example being neceſſary to deter miniſters for the future from devoting themſelves ſo entirely to the king's will, to oppreſs the ſubject, there could not be a fitter for that purpoſe than the earl of Strafford, whoſe power had made every one tremble, and who beſides was the object of the publick hatred, the whole nation conſidering him as the chief author of their miſeries.

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* Notwithſtanding his letter to the king, when his majeſty ſent ſecretary Carleton to the earl, to acquaint him with what was done, and the motives of it, the earl ſeriouſly asked the ſecretary, whether his majeſty had paſſed the bill or not? As not believing, without ſome aſtoniſhment, that the king would have done it. And being again aſſured that it was paſt, he roſe from his chair, lift up his eyes to heaven, laid his hand on his heart and ſaid, "Put not your truſt in princes, nor in the ſons of men, for in them there is no ſalvation. Whitelock.

I ſhall add here, to finiſh what relates to the earl of Strafford, that not long after his death, this ſame parliament paſſed an act for reſtoring his children in blood and honour, and for ſettling his eſtate upon his heirs, and that the act of attainder was repealed in the reign of Charles II. I do not believe that ever any Engliſh ſubject has had ſo many praiſes beſtowed on him as the earl of Strafford. Several, in ſpeaking of him, have not been able to forbear adding always to his name, ſome honourable epithet, to ſhew their eſteem for him. In ſhort, he is repreſented as one of the greateſt men, one of the moſt accompliſhed miniſters England ever produced. I do not pretend by any means to queſtion his natural or acquired abilities. But I own, when I conſider his life and actions, I do not ſee what can ſerve for foundation to ſuch exalted encomiums. In the firſt place, after he was in favour, the king had no quarrel with any foreign ſtate; ſo he had no opportunity to diſplay his talents in his negotiations and embaſſies. As to war, he was employed but once, in the late war with Scotland, in quality of lieutenant-general, commanding the army in the abſence of the general. On this occaſion he may be ſaid, to commit a very great error, in not being ready to oppoſe the Scots paſſage of the Tyne, and in ſuffering them to take Newcaſtle, if, perhaps, it was not deſignedly done to engage inevitably the two nations in a war, which certainly can be matter of no great commendation. It muſt, therefore, be owned, that his talents were confined to the diſcharge of his poſts or employments. As to that I find he was accuſed of having prevaricated, and entirely devoted himſelf to accompliſh the king's deſign of ſetting up an arbitrary government. Suppoſe this were a ſlander, and he had never any ſuch thought, I do not ſee, however, that his innocence can be matter of praiſe to him, any more than to many others who had been in the ſame poſts before him. What then did he perform in the adminiſtration of his offices, to deſerve the character of an accompliſhed miniſter, and the name of a great man, which is generally given him? If it is ſaid, that he made uſe of his great talents to ſerve the king faithfully, and promote his deſigns, which, doubtleſs, is the ſole foundation of the encomiums beſtowed on him; it is to be feared, many will not allow that he ought to have ſerved the king in that manner, or that he did him any real ſervice, as the event has ſhewn. The great praiſes, therefore, given to the earl of Strafford, muſt be conſidered only as a ſenſible proof of the principles of his panegyriſts, who, perhaps, are very ſorry he ſucceeded no better.

The king tries in vain to pacify the commons. Clarend. Whiteloc.

The death of the earl of Strafford was a great, tho' not the only, mortification to the king. After the commons had made this tryal of their ſtrength, they reſolved to compleat the reformation of the government, which till now was but commenced. The king, on his part, endeavoured, tho' in vain, to cool the great ardour of the commons, by granting or promiſing places to ſuch as were moſt agreeable to them. He had made Sir Edward Littleton lord-keeper, in the room of the lord Finch, who was forced to fly. For the ſame reaſon, Dr. Juxon, biſhop of London, reſigned his treaſurer's ſtaff, which was to be given to the earl of Bedford. But the earl died whilſt he was earneſtly labouring to procure an agreement between the king and commons. Oliver St. John, a leading man in the houſe of commons, had been made ſollicitor-general. The lord Cottington was to ſurrender the office of chancellor of the exchequer in favour of Mr. Pym, and the place of maſter of the wards in favour of the lord Say. The office of ſecretary of ſtate exerciſed by Windebank, was deſigned for Denzil Hollis. The earl of Eſſex, the lord Kimbolton, and Mr. Hampden, were likewiſe to have places *. But the earl of Bedford's death put an end to moſt of theſe projects. The king ceaſed not, however, after the death of the earl of Strafford, to gratify the commons, by making the earl of Eſſex lord chamberlain, having firſt removed the earl of Pembroke; for the earl of Eſſex was a great favourite of the commons. But all this produced not the great alterations expected by the king. The wound was too deep to be cured by ſuch lenitives.

The parliament's aim.

The general view of the parliament was not only to redreſs paſt grievances, but alſo, to free the kingdom from the fear of being expoſed hereafter to the like calamities. The king, on the contrary, imagined, that by giving or promiſing good places to the leaders of the oppoſite party, he ſhould ſtop their mouths, and render them dumb dogs. But they were too wiſe to fall into the ſnare. They were very ſenſible, theſe places which the king gave, or offered to give them, would be always at his diſpoſal, and that when the motive of his giving them ſhould ceaſe, it would be ever in his power to turn them out. Beſides, many of them were too conſcientious to ſacrifice the good of their country to their private intereſt. This diſpoſition of the leaders manifeſtly appeared, in that the king's favours were not able to cauſe them to relinquiſh their project, ſo great was their diſtruſt of him. They could not believe that a prince, who had ſo openly diſcovered an intention to eſtabliſh an arbitrary government, had ſuddenly changed his principles and maxims; nay, what he did in their favour, convinced them of the neceſſity of firmly adhering to their project, perceiving his view was to divide them.

The parliament's great diſtruſt with reſpect to the king.

This project conſiſted, as I ſaid firſt, in redreſſing all the grievances: Secondly, in taking meaſures to prevent the king from returning to his former courſes. This they laboured with great diligence, after the earl of Strafford's death. Hitherto, they had only prepared matters by votes, which plainly ſhewed their deſign, and by the proteſtation ſubſcribed by both houſes. But they expected to meet, in the houſe of peers, with obſtacles ſo much the greater, as the king had there a ſtrong party.

Obſervations on the houſe of peers.

The houſe of peers conſiſted of 120 lords, the two archbiſhops, and 24 biſhops. Among the firſt, the two princes Charles and James' the duke of Buckingham, and ſeven or eight others, were yet minors; and there were ſome, whoſe age, or infirmities, or affairs, hindered them from being preſent in this parliament. The archbiſhop of Canterbury, the lord Finch, the earl of Strafford, were no longer there at the time I am ſpeaking of; ſo that the biſhops would have made a fifth part of the houſe, had it been complete. But as, according to the lord Clarendon, there were not above 80 peers at the earl of Strafford's tryal, a third part may be reckoned abſent; and as, on the other hand, there were vacant ſees, the biſhops and popiſh lords may, without a very wrong calculation, be counted about a quarter part of the upper-houſe. As they were all devoted to the king, it is eaſy to perceive, they rendered the king's party very powerful among the lords. Accordingly, this was the reaſon which obliged the commons to uſe their utmoſt endeavours to take away their votes in parliament. Moſt of them had now made themſelves odious, by promoting the king's deſigns with all their power, and perſecuting the Puritans, and they ſtill continued to obſtruct the deſign of redreſſing the grievances, by the number of their voices in the houſe of peers.

Political reaſons for the excluſion of the biſhops.

This was the reaſon made uſe of by the leading Presbyterians, who had more ſecret and extenſive deſigns, to induce ſuch members of the church of England as were againſt the king, to ſacrifice the biſhops privilege of ſitting in parliament. They intimated to them, that whilſt the king had ſo many votes in the upper-houſe, it would be almoſt impoſſible effectually to labour the redreſs of grievances. That after all, to deprive the biſhops of this privilege, would, inſtead of being detrimental, be rather advantageous to religion, ſince they would thereby be more attached to their ſpiritual functions. That it would be no leſs beneficial to the ſtate, ſince the king would be deprived of a means he had always uſed with ſucceſs, to break the parliament's meaſures.

Differences between Puritans.

The oppoſite party to the king in the parliament, conſiſted indeed of Puritans, but there were two ſorts, as I obſerved. Some were true Presbyterians. Others were State-Puritans, that is, perſons whom the court had always conſidered as Puritans; not that they were enemies to the church of England, but becauſe their maxims concerning civil government were thought to be founded upon Puritan principles. Theſe two ſorts of Puritans had been equally oppreſſed the firſt fifteen years of this reign, as well by the court as by the clergy, ſo that the hierarchy was become very odious to the one, and very ſuſpicious to the other. The true Presbyterians earneſtly deſired the utter extirpation of epiſcopacy. The other Puritans were extremely incenſed againſt the biſhops and the reſt of the clergy, who had always ſupported and countenanced the king's deſigns. Wherefore they were eaſily perſuaded, that it would be a great ſervice to the ſtate, to clip the wings of the clergy, to the end they might be leſs uſeful to the king. Beſides, tho' church of England-men, they were not of the opinion of thoſe who believe that religion could not ſub-

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* The earl of Eſſex was to be governor, and Mr. Hampden tutor to the prince of Wales. And the lord Kimbolton privy-ſeal. Heylin's Obſerv. Clarendon.

ſiſt without biſhops, and that epiſcopacy was ſo cloſely united with the monarchy, that the one could not be aboliſhed without the deſtruction of the other. So far was the hierarchy from giving them any uneaſineſs, that they would have been very glad to preſerve it, provided the clergy could have been confined to their ſpiritual functions. But they were grieved to ſee the clergy inveſted with a ſecular power, which they abuſed. It muſt be farther added, that being thus diſpoſed, they ſaw the Presbyterians, who were numerous in the kingdom, and ſupported by the Scots, ſtrenuouſly inſiſt upon taking away the biſhops votes in the houſe of lords. It was dangerous to diſpleaſe them, for a very ſtrong reaſon; for tho' the Presbyterians affected to ſpeak of the ſtate only, it was well known, that religion was the principal thing they had in view, and that their tranſactions concerning the civil government, tended only to diſable the king from oppreſſing them, if he remained too powerful. Had the king, therefore, tried to gain the Presbyterians, by offering them reaſonable terms, they might have accepted them, and relinquiſhed the deſign of reforming the civil government, and then the State-Puritans would have been at the king's mercy. Union between the Puritans was, therefore, abſolutely neceſſary: For, it was no leſs dangerous for the Presbyterians, that the king ſhould content the State-Puritans, in which caſe they would have infallibly abandoned the Presbyterians,

The king helps to unite the Puritans.

Both theſe parties, therefore, ſtood in great need of each other, and it was their intereſt to ſupport one another, for fear the king ſhould take advantage of their diviſion. But he could never reſolve either to grant any terms to the Presbyterian party, or to ſatisfy the Politicians. He thereby formed, himſelf, ſo ſtrict an union between theſe two parties, that they became one and the ſame. The Politicians choſe rather, out of condeſcenſion to the Presbyterians, to ſacrifice the biſhops privilege, than be expoſed to the danger of ſeeing themſelves again ſubject to an arbitrary government.

The commons labour to exclude the biſhops, and redreſs grievances.

According to theſe diſpoſitions, and the conſequent reſolutions, the houſe of commons equally laboured the redreſs of grievances, and the execution of the deſign againſt the biſhops. Thus the affairs of church and ſtate went hand in hand, ſo that ſcarce a day paſſed, but the commons gave the king ſome mortification, one while by paſſing bills or votes againſt the king's former proceedings, another while by proſecuting the authors of the grievances or innovations; ſometimes by exclaiming againſt the fore-mentioned conſpiracy, and ſometimes by increaſing the yoke of the Papiſts.

All this tended to the end propoſed by the oppoſite party to the king. It was ſuppoſed as a thing publickly known, that there had been a ſettled deſign to introduce Popery, and that ſome of the biſhops were concerned in the plot. Thus, by accuſing the Papiſts of having ill deſigns, and by rigorouſly proſecuting them, this accuſation was made, in ſome meaſure, to reflect on the biſhops and clergy. It was pretended, that the innovations introduced into the divine ſervice, were a conſequence of this deſign, and for that reaſon, by condemning them, the clergy, who had countenanced them, were rendered odious to the people. The accuſations againſt particular perſons, who had been moſt zealous to ſupport theſe innovations, produced alſo the ſame effect. In a word, nothing was omitted that could contribute to ſhew the people the neceſſity of reſtoring the government to its natural ſtate, and convince them that the eccleſiaſtical hierarchy was more prejudicial than neceſſary to the church and ſtate. With theſe two things the commons were taken up for the ſpace of three months, from the death of the earl of Strafford, to the king's journey to Scotland.

Ruſhw.

Firſt, with reſpect to the ſtate, in this interval it was, that bills were brought in to aboliſh the ſtar-chamber and court of York, to regulate the council-table, to aboliſh ſhip-money, and prevent vexatious proceedings concerning knighthood, againſt illegal impriſonments, and for aſcertaining the bounds and limits of foreſts. Each judge in particular was accuſed. The tax impoſed by the king on the ſhires, for the wages of the muſter-maſter, was declared contrary to law. The conſpiracy to ſeduce the army was likewiſe examined, and Wilmot, Aſhburnham, and Pollard, were expelled the houſe, and committed to priſon. All the patents for monopolies, of which moſt were ſuppreſſed, were brought before the houſe. It was alſo examined, by what means a certain clauſe had been inſerted in the petition of right, concerning tunnage and poundage, and care was taken to regiſter a declaration on that head, to hinder poſterity from being deceived by that ſurreptitious clauſe. I paſs over in ſilence ſeveral votes flowing from all theſe articles, or which concerned particular perſons.

Proceedings of the commons as to religion. Ruſhw. Nalſon.

As to religion, beſides what was done with reſpect to the Papiſts, and of which I have already ſpoken, the commons declared illegal the oath by which miniſters were bound to maintain the hierarchy in the church. A bill was brought in againſt Pluraliſts. The canons made by the late convocation were condemned. A bill was paſſed to aboliſh the high-commiſſion. The ſuppreſſion of deans and chapters was voted. Matthew Wren, biſhop of Ely, was impeached. The proteſtation was ordered to be ſubſcribed by the whole nation. An accuſation was brought to the lords againſt 13 biſhops, who had aſſiſted at the convocation.

Difference between the two houſes about the proteſtation. Ruſhw.

I have but juſt mentioned theſe articles, becauſe a particular account of each ſeemed to me needleſs. I ſhall only add, that there was ſome difference between the two houſes, concerning the proteſtation. The lords would have left every man at liberty to ſign it; but did not think proper to uſe compulſion. The commons, on the contrary, looked upon the proteſtation as a Shiboleth, to diſtinguiſh the Ephraimites, and, at laſt, the lords agreed to what the commons deſired.

The commons explain a clauſe in the proteſtation. Ruſhw. Nalſon. Clarend. Diurn. Occur.

One of the articles of the proteſtation occaſioning ſome diſputes, the commons explained more fully that article, which was thus worded: "I ſwear to defend the true reformed Proteſtant religion, expreſſed in the doctrine of the church of England, againſt all Popery and Popiſh innovations within this realm, contrary to the ſame doctrine." Some perſons inſiſting upon the firſt part of this clauſe, pretended, that there was no other doctrine of the church of England than what is contained in the 39 articles drawn up in the reign of Elizabeth, of which one is, "To preſerve the governmnet of the church by archbiſhops, biſhops, deans, &c." Hence they inferred, that thoſe who ſhould take the proteſtation were bound to maintain epiſcopacy. But the commons conſidering the whole clauſe as expreſſed in the proteſtation, declared, "That by theſe words was, and is meant, only the publick doctrine profeſſed in the ſaid church, ſo far as it is oppoſite to Popery and Popiſh innovations; and that the ſaid words, are not to be extended to the maintaining of any form of worſhip, diſcipline, or government, nor of any rites or ceremonies of the ſaid church of England." This clearly ſhewed what was their intention with regard to the hierarchy.

Another difference concerning the ſtar-chamber. Ruſhw.

There was alſo another diſpute between the two houſes, concerning the ſtar-chamber. The lords were willing to agree, it ſhould be reformed, but refuſed to conſent to its abolition. In the interim, the commons vigourouſly ſupporting the bill, they had ſent up to the peers, it paſſed at laſt, and the king gave his aſſent the 5th of July.

In this ſame interval, I mean, from the death of the earl of Strafford, to the king's journey to Scotland, there were ſome other tranſactions which it is neceſſary to mention.

The cuſtomers offer 150,000 l. which is accepted. Ruſhw.

The cuſtomers, who had collected the duties impoſed on merchandiſes by the king's ſole authority without conſent of parliament, finding they were like to be attacked, offered of their own accord 150,000 pounds for an act of oblivion, and their offer was accepted.

The lord Digby is called to the houſe of peers. Ruſhw.

The lord Digby, ſon of the earl of Briſtol, and memb[illegible] the houſe of commons, was called by writ to the houſe of lords the 10th of June. In the beginning of this parliament, he had diſtinguiſhed himſelf by his zeal for the redreſs of grievances; but his ſpeech againſt the bill of attainder of the earl of Strafford, made him forfeit the good will of the commons. Whether he was already gained by the king, or on this occaſion firſt joined his party, his majeſty thought proper to ſcreen him from the reſentment of the commons, by calling him to the houſe of peers. He will hereafter appear the king's chief miniſter and counſellor, great enemy to the commons, as they on their part never forgave his defection.

The king has a mind to give Spain part of the Iriſh army. Ruſhw. Nalſon.

The Iriſh army ought to have been long ſince disbanded, as there was no occaſion to keep it on foot, and the commons had frequently deſired it of the king. Nevertheleſs, this army ſubſiſted the laſt, tho' the commons had taken care for their payment. When they came to be disbanded, the king acquainted both houſes, that the Spaniard having deſired to take this army into his ſervice, and intimated the ſame by his ambaſſador, he had promiſed to ſend him 4000 men. The lords made no ſcruple to agree to the king's engagement. But the commons, ever full of fears and ſuſpicions, thought not proper, that the king ſhould keep theſe troops in the king of Spain's name, who would make them ſerve in the Low Countries, from whence the king might draw them whenever he pleaſed. Beſides, the French ambaſſador had deſired the reſt of the army for his maſter, to which the king, had alſo conſented. They thought it was an artifice of the king's, to keep his Popiſh army which was devoted to him, and on which he could much better rely than on that of England. Wherefore they prayed the king to call in his word. They had, on this occaſion, ſeveral conferences with the lords, where they alledged ſundry reaſons to ſupport their opinion, without expreſſing the true one; but it was eaſily perceived. The king was much diſpleaſed with the commons oppoſition, whether he thought himſelf bound in honour to keep his promiſe, or really intended to preſerve this army, by lending it to the kings of France and Spain, in order to uſe it himſelf in caſe of neceſſity. What gives cauſe to ſuſpect he had formed ſuch a project is, that it does not appear the kings of France and Spain, had then any great occaſion for theſe troops. Be this as it will, the king, without regarding the commons oppoſition, ſhewed that his intention was to perform his promiſe, and this affair was not yet ended when the king departed for Scotland. Some time after, he ſent a meſſage to the lords, dated from Edinburgh, wherein he appeared reſolved to ſtand to his engagement, let what would be the conſequence; but the two houſes found means to render his reſolution ineffectual, by publiſhing an ordinance, declaring, that whoever ſhould aſſiſt in tranſporting theſe Iriſh troops into any foreign country, ſhould be deemed an enemy to the ſtate. This ordinance broke all the king's meaſures, not one owner of ſhips being willing to riſque inevitable ruin for his ſake.

The commons are againſt it. Ruſhw.

The king reſolves to grant every thing to the Scots.

The king, as I ſaid, expected that the parliament would grant him an aid capable of enabling him to drive the Scots out of the kingdom. He quickly found his miſtake, and clearly perceived, that the Scots were come into England at the ſollicitation of the Engliſh male-contents, and that theſe male-contents were the very perſons who had moſt credit and authority in the two houſes. He judged, therefore, that inſtead of thinking any longer of expelling the Scots by arms, he ſhould rather endeavour to agree with them, in order to disjoin their intereſt from that of the Engliſh, and induce them to disband their army, which was always ready to ſupport the parliament. When, therefore, the commiſſioners of the two kingdoms met at London, to continue the treaty of Rippon, they found no reſiſtance from the king, who by granting the Scots firſt demand, plainly ſhewed he was diſpoſed to refuſe them nothing. This demand was, that the king ſhould cauſe to be publiſhed in his name, the acts of the parliament of Scotland, as well thoſe which were already paſſed in the firſt ſeſſion, as thoſe which ſhould be paſſed in the ſecond. So great a condeſcenſion on this point, which had been properly the cauſe of the ſecond war, convinced the commons, that the king's view was ſpeedily to get rid of the Scotiſh army, which to him was an incumbrance, but to them was very neceſſary for the execution of their projects. And, therefore, as the Scotch commiſſioners had a good underſtanding with the commons, they ſo managed, that the negotiation of peace was prolonged till the 7th of Auguſt, 1641, tho' the king, by granting whatever was required, removed all difficulties as far as lay in his power.

The king promiſes to go into Scotland.

At laſt, the negotiation being about to end, and nothing more wanting to conclude the treaty, but to agree upon ſome articles of little importance, the king permitted the parliament of Scotland to meet, and promiſed to be there in perſon, to paſs ſuch acts as ſhould be judged requiſite. The commons having knowledge of the king's reſolution, entertained ſome ſuſpicion of this journey, and were apprehenſive, that the king's deſign was to put himſelf at the head of his army in the north, under colour of going to Scotland. They deſired, therefore, a conference with the lords, and moved, that the armies might be disbanded before the king's departure, and that both houſes ſhould preſent a petition to the king, to pray him to defer his journey. They ſupported their motion with ſeveral arguments, and amongſt others with this, that it was neceſſary to prevent the ſuſpicions of the people, and the deſigns ſome might have, to make uſe of the army to raiſe diſturbances in the kingdom. That beſides, ſeveral bills were ſent up to the lords and not yet paſſed. That others were now under conſideration in the lower-houſe, and it was neceſſary the king ſhould give his aſſent to them, before his departure. In a word, after divers conferences, it was reſolved, with the king's conſent, that he ſhould defer his journey till the 10th of Auguſt, and that the two armies ſhould be disbanded by that time *. Nevertheleſs, as the Engliſh army could not be entirely disbanded before the king's departure, for want of money, the commons deſired a farther delay of a fortnight, alledging ſtill the people's jealouſies; but the lords refuſed to concur with them, and the king departed the 10th of Auguſt, as had been agreed.

The parliament ſends a committee into Scotland to watch the king. Ruſhw. Diurn. Occur.

The commons diſtruſt of the king ſtill ſubſiſting, they deſired the concurrence of the peers, that a committee of lords and commoners might be ſent to the parliament of Scotland to remain there, and inform them from time to time of their proceedings, to which the lords conſented. The perſons named to go commiſſioners into Scotland, were the earl of Bedford, the lord Howard of Eſcrick, Nathaniel Fiennes, Sir William Armyne, Sir Philip Stapleton, and John Hampden, and a draught of a commiſſion was ſent by an expreſs to the king to ſign. But the king refuſed it, becauſe he ſaw no neceſſity for ſuch a commiſſion. He conſented, however, that the committee ſhould come and attend him in Scotland, to ſee the ratification of the treaty. As the committee were properly deſigned only for ſpies upon the king's actions, both houſes thought fit to ſend them into Scotland, on ſome other pretence; but the earl of Bedford did not go on this ſervice.

Votes againſt the monopoly of ſoap. Nalſon.

Some days after, the houſe of commons came to ſeveral reſolutions, againſt the monopoly of ſoap, which was declared illegal. Moreover they voted, that the ſentence in the ſtar-chamber againſt certain ſoap-boilers of London, ſhould be reverſed, and the judges of that court, who had given their votes in the ſentence, ſhould pay the parties coſts and damages. It was ordered alſo, that inquiry ſhould be made what members of the privy-council had given their conſent to the illegal orders made at the council-table, about the ſoap-monopoly.

Votes about the plantation of Londonderry. Nalſon. Ruſhw.

As the commons had undertaken to redreſs all grievances, that of the city of London, concerning the plantation of Londonderry was likewiſe conſidered, whilſt the king was in Scotland. The houſe paſſed ſeveral votes upon this ſubject, and declaring illegal all the proceedings of the ſtar-chamber, reverſed the ſentence againſt the city of London, as unjuſt and given by incompetent judges. They declared, that when the king ſhould be pleaſed to repay to the city the money he had received, the patent, therefore, granted ſhould be cancelled or ſurrendered.

Reſolve of both houſes to adjourn for ſome time. Ruſhw.

After that, both houſes reſolved to adjourn from the 9th of September, to the 20th of October, that the members might go to their homes, from whence they had been abſent 10 months. As ſoon as this reſolution was taken, a great number of both houſes retired into the country, to gain a little mo[illegible]e to repoſe themſelves, ſo that there remained but 22 lords in the upper, and 115 members in the lower-houſe. Then ſome one, who was, doubtleſs, Presbyterian, willing to improve ſo favourable an opportunity, moved, that it was neceſſary to make ſome alterations in the Common-Prayer-Book; which motion occaſioned a very warm debate. Mr. Hyde, afterwards earl of Clarendon, ſtrenuouſly defended the liturgy, ſo that contrary to the expectation of the perſon who had raiſed the debate, nothing was reſolved.

Votes againſt innovations. Ruſhw.

But ſome days after, the affair of innovation in the church was debated, and the houſe paſſed ſeveral votes, declaring, that certain innovations ought to be aboliſhed. At the ſame time, the lords ſeeing, that in the lower-houſe, the authentickneſs of the Common-Prayer-Book was queſtioned, voted, that it ſhould be obſerved as before in all the churches, without

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* The coming of the Scots into England, coſt the nation 1100,000 l. beſides damages. Ruſhworth.

any omiſſion or alteration. This begot a conference between both houſes, wherein the commons deſired the lords to conſent to the following declaration, and join with them in the publication thereof.

Declaration of September 8, 1641.

The commons declaration concerning innovations. Ruſhw. Diurn. Occur.

‘WHereas divers innovations, in or about the worſhip of God, have been lately practiſed in this kingdom, by enjoining ſome things, and prohibiting others, without warrant of law, to the great grievance and diſcontent of his majeſty's ſubjects. For the ſuppreſſion of ſuch innovations, and for preſervation of the publick peace, it is this day ordered by the commons in parliament aſſembled, that the church-wardens of every pariſh-church and chapel reſpectively, do forthwith remove the communion-table from the eaſt-end of the church, chappel, or chancel, into ſome other convenient place, and that they take away the rails, and level the chancels as heretofore they were before the late innovations.

‘That all crucifixes, ſcandalous pictures of any one or more perſons of the Trinity, and all images of the Virgin Mary, ſhall be taken away and aboliſhed; and that all tapers, candleſticks, and baſons, be removed from the communion-table.

‘That all corporal bowing at the name (Jeſus) towards the eaſt-end of the church, chapel, or chancel, or towards the communion-table, be henceforth forborn.

‘That the orders aforeſaid be obſerved in all the ſeveral cathedral churches of this kingdom, and all the collegiate churches or chapels in the two univerſities, or any other part of the kingdom; and in the temple-church, and the chapels of the other inns of court, by the deans of the ſaid cathedral churches, by the vice-chancellor of the ſaid univerſities, and by the heads and governors of the ſeveral colleges and halls aforeſaid, and by the benchers and readers in the ſaid inns of court reſpectively.

‘That theLord's-day ſhall be duly obſerved and ſanctified. All dancing, or other ſports, either before or after divine ſervice, be forborn and reſtrained; and that the preaching of God's word be permitted in the afternoon, in the ſeveral churches and chapels of this kingdom, and that miniſters and preachers be encouraged thereunto.

‘That in caſe theſe orders be not obſerved, complaints thereof ſhall be delivered in parliament before the 30th of October next.’

The lords renew their order of the 16th of January, concerning divine ſervice. Ruſhw.

The lords regarded not the deſire of the commons; but on the morrow, September the 9th, the day appointed for the adjournment, they communicated to the commons, in a conference, an order dated Januaary the 16th, 1640-1, enjoining that divine ſervice ſhould be performed without any alteration, as appointed by acts of parliament, and a confirmation of the ſame order, purſuant to a reſolution taken on the preſent 9th of September, deſiring the commons to concur with them in the publiſhing thereof.

The commons refuſe their concurrence.

The commons abſolutely refuſed to join in the publication of this order, thinking it unſeaſonable at ſuch a juncture, to preſs the rigorous obſervance of the laws concerning divine ſervice, when a great part of the people called for a reformation. Beſides, they knew, this laſt order, which confirmed that of the 16th of January, was made when there were but 20 lords in the houſe, and by a majority of two voices only 11 againſt nine. Then they drew up a declaration, inſerting that of the day before, to which the lords had returned no anſwer, with the order of the peers of the 16th of January, and the confirmation of the ſame order of the 9th of September, with the refuſal of the commons to concur with them, and ordered, that their declaration ſhould be printed and publiſhed.

Remarks on theſe differences.

I imagine it will not be amiſs to remark, concerning this diſſention between the two houſes, firſt, that paſſion reigned on both ſides, ſince the time of making theſe two motions was by no means convenient, there not being above the fifth part of the members preſent in each houſe.

Secondly, that there was a great difference in the two points in queſtion, with reſpect to their importance. One concerned the preſervation of the publick worſhip, and book of Common-Prayer, appointed by the laws ſince the reformation, but wherein, however, many people ardently wiſhed great alterations might be made; nay, deſired they might be entirely ſuppreſſed, whilſt the reſt of the nation believed them abſolutly neceſſary. This was a thing of ſuch conſequence, that, it ſeems, nothing ought to have been decided for or againſt it, but upon mature deliberation, and when both houſes had their uſual number of members. For this reaſon, if the motion for making alterations in the liturgy had been approved in the lower-houſe, doubtleſs the lords would have juſtly oppoſſed it, and refuſed their concurrence. But on the other hand, as the commons had taken no reſolution, there does not ſeem to have been any neceſſity for the lords to renew their order of the 16th of January, which remained in force, and wanted not this confirmation; nay, it appeared that this order was renewed only out of ſpleen, becauſe the commons had made a declaration againſt innovations. Had the lords been ſatisfied with refuſing their conſent to the commons declaration of the 8th of September, there would have been nothing to object. But in refuſing to return any anſwer to the commons, and renewing withal their order of the 16th of January, they diſcovered that they acted out of ſpleen and revenge, and it was not doubted, but the biſhops were the chief authors of the renewal of this order.

The ſecond point, which concerned the innovations, was not of the ſame importance. The queſtion was only to know, whether they were really innovations, and if ſo, whether illegal or dangerous to religion. But this was a thing not to be debated in ſuch a juncture, when both houſes were going to be adjourned, and moſt of the members already retired into the country. So the lords might have refuſed their conſent to the votes of the commons, tho' it had been only on pretence of the thinneſs of both houſes. But in returning no anſwer to the commons, they ſhewed in ſome meaſure that they approved of theſe innovations, which had ſo long been an occaſion of the complaints and murmurs in the kingdom.

Both houſes appoint committees during the receſs. Ruſhw. Nalſon.

The ſame day, before the adjournment, the commons appointed a committee of 43 to take care, during the receſs, of the moſt weighty and urgent affairs. The lords appointed a committee alſo, conſiſting but of ſeven peers, which done, both houſes adjourned to the 20th of October.

Notice of a conſpiracy in Scotland. Nalſon. Ruſhw. Diurn. Occur.

During the receſs, the committee, which had followed the king into Scotland, ſent word to the committee of the houſe of commons, that there was a ſort of conſpiracy in Scotland, and that the view of the parties concerned, ſeemed to be, to interrupt the proceedings of the parliament of that kingdom, and to deſtroy the marqueſs of Hamilton, the earl of Argyle, and the earl of Lanerick. As the committee received this notice but two days before the meeting of the parliament, they only ordered the lord mayor of London to place convenient guards in ſeveral places of the city, fearing that the conſpirators of Scotland might have correſpondents in England, to diſturb at the ſame time the peace of the kingdom.

Reports of the committee. Nalſon. Ruſhw.

The parliament being met the 20th of October, Mr. Pym made a report to the houſe, of what the committee had done during the receſs. Whereupon the commons deſired a conference with the lords, where they repreſented to them :

Conference about the conſpiracy in Scotland.

'1. That a letter from the committee in Scotland, gave ground to think, that when there was a deſign in England, to ſeduce the king's army, and interrupt the parliament, that there was the like deſign at that time in Scotland.

'2. That the principal party named in that deſign in Scotland, the lord Crawford, is a perſon ſuſpected to be popiſhly affected; and therefore may have correſpondence with the like party in England.

'3. That it has been lately publiſhed in England, that ſome things were to be done in Scotland before it broke out there. Therefore we may ſuſpect ſome correſpondence here.'

Ruſhw.

Upon theſe grounds the commons propounded to the lords, that a ſtrong guard ſhould be kept in the cities of London and Weſtminſter, and care taken for the defence of the whole kingdom, and that an expreſs meſſenger be ſent to the committee of both houſes in Scotland, to acquaint them, that the parliament of England was ready to give the Scots all neceſſary aſſiſtance againſt thoſe who ſhould diſturb the peace.

The lords approving of theſe propoſals, inſtructions were ſent to the committee agreeable to the commons deſires.

The parliament deſire a guard of the earl of Eſſex. Nalſon.

Account of the pretended conſpiracy in Scotland.

The ſame day, the 20th of October, both houſes deſired the earl of Eſſex, whom the king had made general on the ſouth of Trent, to place a guard at Weſtminſter, for the ſecurity of the parliament, which was accordingly done. This Scotiſh conſpiracy made a great noiſe at that time ; but it was not poſſible to diſcover it fully. See what Mr. Burnet ſays of it, in his Memoirs of the duke of Hamilton. 'A gentleman, not known to the marqueſs of Hamilton, brought him and the earl of Argyle, the diſcovery of a plot; which, he ſaid, was laid for their lives, and the earl of Lanerick's, which he ſaid he could juſtify by one witneſs who was invited to the execution of it : He told alſo a long formal ſtory of the perſons to be actors, of time, place, and manner ; and ſaid it was to be executed that very night. This the marqueſs carried to the king, without naming particulars ; which could not be done ſafely by the law of Scotland, ſince he had but one witneſs to prove them by. The king deſired him to examine the thing to the bottom, and bring him what farther evidence he could find : In the evening other preſumptions were brought to the marqueſs, but no clear evidence : However, the matter was got abroad, and in every body's mouth, ſo that all who depended on theſe lords, came about them in great numbers : And thoſe on whom the deſign was faſtned, gave out, it was a forgery to make them odious, and gathered alſo together. The marqueſs hearing this did not ſtir out of doors, leſt ſome of their too officious followers ſhould raiſe tumults ; and next day in the evening, he, with the earl of Argyle, and his brother the earl of Lanerick, and half a dozen ſervants went out of town to his houſe of Keneel, 12 miles from Edinburgh, and ſent his excuſe to his majeſty, with an account of the reaſons. Upon this many diſcourſes went about ; people of all ſides paſſing conſtruction as they were affected ; but the parliament took the whole matter into conſideration. Thoſe who had given the information, owned what they had ſaid, and thoſe on whom the plot was fixed, did as poſitively deny all ; ſo that no clear proof being brought, the parliament could come to no other deciſion, but that the lords had good reaſon to withdraw themſelves ; and ſo they were invited to return to their place in parliament.'

Remark on this conſpiracy. Clarend.

There is, however, in the lord Clarendon's Hiſtory a particular, which may give ſome light to this affair. The earl of Montroſs told the king, that the marqueſs of Hamilton was falſe to him, and even offered to rid him of this ſecret enemy ; but the king abhorred the expedient. Perhaps the earl of Montroſs thought he ſhould do the king a pleaſure in having the marqueſs aſſaſſinated, and mentioning it to ſome perſon, the ſecret was divulged. However this be, the commons of England, it ſeems, were extremely jealous of the king, or, at leaſt, they did their utmoſt to inſpire the people with diſtruſt. For their fear was grounded but upon very ſlight preſumptions, and a bare poſſibility, that this pretended plot againſt three Scotch lords, could have any influence in England.

Complaint to the commons concerning the non-obſervance of their declaration. Ruſhw. Diurn. Occur.

The next day, a complaint was made to the commons againſt ſome perſons, for not obeying the declaration of the ninth of September, publiſhed by order of the houſe. As this affair was debated with great warmth, Sir Edward Deering made a ſpeech, which I think proper to inſert, to ſhew that it was not without ground that the commons were accuſed of exceeding their power, in publiſhing their declaration, without obtaining the concurrence of the lords.

Sir Edward Deering's ſpeech. Ruſhw. Nalſon.

Mr. Speaker,

'IT is very true (as is inſtanced unto you) that your late order and declaration of the 8th and 9th of September, are much debated and diſputed abroad; perhaps it may be a good occaſion for us to re-diſpute them here.

'The intent of your order to me ſeems doubtful, and, therefore, I am bold, for my own inſtruction, to propound two queries.

'1. How far an order of this houſe is binding?

'2. Whether this particular order be continuant, or expired?

'Your orders (I am out of doubt) are powerful, if they be grounded upon the laws of the land: Upon that warrant we may, by an order, enforce any thing that is undoubtedly ſo grounded, and by the ſame rule we may abrogate whatſoever is introduced contrary to the undoubted foundation of our laws. But, Sir, this order is of another nature, another temper, eſpecially in one par tof it, of which (in particular) at ſome other time.

'Sir, there want not ſome abroad, men of birth, quality and fortune, ſuch as know the ſtrength of our votes here as well as ſome of us, (I ſpeak my own infirmities) men of the beſt worth, and of good aſſiſtance in us, and no ways obnoxious to us: They know they ſent us hither as their truſtees, to make and unmake laws; they know they did not ſend us hither to rule and govern them by arbitrary, revokable, and diſputable orders, eſpecially in religion. No time is fit for that, and this time as unfit as any: I deſire to be inſtructed herein.

'Mr. Speaker, in the ſecond place there is a queſtion, whether this order (whereupon the preſent complaint is grounded) be permanent and binding, or elſe expired, and by ourſelves deſerted? I obſerve, that the order being made the 8th of September, in hope then of concurrence therein by the lords; that failing, you did iſſue forth your laſt reſolution by way of declaration, wherein thus you expreſs yourſelf: "That it may well be hoped, when both houſes ſhall meet again, that the good propoſitions and preparations in the houſe of commons, for preventing the like grievances, and reforming the diſorders and abuſes in matters of religion, may be brought to perfection; wherefore, you do expect that the commons of this realm do in the mean time (what, obey and perform your order made the day before. No ſuch thing but in the mean time) quietly attend the reformation intended."

'Theſe are your orders, and, this my doubt upon them, whether by theſe words you have not ſuperſeded your own order? Sure I am, the words do bear this ſenſe, and good men may think and hope it was your meaning.

'My humble motion, therefore, is this; I beſeech you to declare, that upon this our reconvention, your order of the 8th of September is out of date; and that the commons of England muſt, (as you ſay) quietly attend the reformation intended; which certainly is intended to be perfected up into acts of parliament. And in the mean time, that they muſt patiently endure the preſent laws, until you can make new, or mend the old."

The commons carry on the bill againſt the biſhops. Ruſhw.

The 22d of October, the bill for diſabling perſons in holy orders to exerciſe temporal juriſdiction was again debated, and ſeveral ſpeeches made pro and con. At laſt, it was reſolved to proſecute the biſhops who had aſſiſted at the late convocation, and to puſh the bill for excluding the biſhops from their votes in parliament. To that end, the houſe deſired a conference with the lords, where Mr. Pym and Mr. St. John explained the demands of the commons, with the reaſons to ſupport them. Mr. Pym ſpoke firſt in this manner:

Pym's ſpeech before the lords againſt the biſhops.

My lords,

'THE parliament, the foundation of juſtice, ought to be preſerved pure from corruption and free from partiality, which will add not only luſtre, reputation and honour, but authority to what is done in parliament: All mens eſtates and liberties are preſerved under the ſafe cuſtody of parliament; this moveth us to be careful of any thing that may prejudice the parliament in point of freedom and integrity.

'Therefore, the knights, citizens, and burgeſſes of the houſe of commons have commanded me, with my collegue, to repreſent unto your lordſhips two propoſitions, which they hold of very great importance and neceſſity to be put in execution at this time.

'Firſt, that thoſe 13 biſhops which ſtand accuſed before your lordſhips, for making the late book of canons, and putting them in execution, may be excluded from their votes in parliament.

'Secondly, that all the biſhops may be excluded from having any vote in that act, come from the houſe of commons to your lordſhips, entitled, "An act to take away the biſhops votes in parliament, &c.

'That which concerneth the 13 biſhops falleth to my charge to open, as I am commanded to tell your lordſhips, that it ſtandeth not with honour and with juſtice, that theſe biſhops ſhould have votes, ſtanding thus charged with the breach of truſt, and of the higheſt truſt, againſt the prerogative of the king, againſt the privilege of the parliament, againſt the property of the ſubject, and againſt the peace of the kingdom; theſe are the jewels that are depoſed under the truſt and ſafe-guard of parliament, and all theſe have been broken; and this appeareth by the making of the new canons voted by your lordſhips to be againſt all theſe truſts.

'That theſe perſons have been parties to the breach of this truſt, that will appear by the journals of the convocation, which are now in the country, and may be ſent for; the entry of the book is, that all the 13 biſhops were parties, and did confirm and ſubſcribe theſe canons; therefore, it is hoped, by theſe canons, that thoſe that have aſſumed to themſelves a legiſlative power, whereby they have, as much as in them lies, rooted out the foundation of parliament, that they ſhould have no intereſt in the legiſlative power at all in parliament.

'Next, that thoſe that have deprived the ſubjects of thoſe good laws that are already made for them, that they ſhould have no intereſt or part of making future laws for the ſubject; this they conceive ſtandeth with a great deal of equity and juſtice; which is one reaſon to deſire they ſhould be excluded from their votes in parliament.

'Next is, the heinouſneſs of their offence. It is very fit they ſhould be innocent men, and faithful men, that ſhould have the exerciſe of ſo great a thing as it is; much leſs then ſhould they be delinquents of ſo high a nature, actors in the ſubverting of the laws of the realm, that they ſhould continue their votes and places in parliament: And, that their delinquency may the better appear, you are deſired to read the votes paſſed in the houſe of commons, (nullo contradicente) and with which the lords have concurred and agreed."

Then the votes concerning the making of the ſaid canons, were read by Mr. Goodwin.

And then Mr. Sollicitor St. John proceeded to this effect:

'That he was in the next place to preſent ſome reaſons and precedents concerning the biſhops not having their votes touching the bill, entitled, "An act to take away the biſhops votes in parliament, &c.

'1. Becauſe they have no ſuch inherent right and liberty of being there, as the lords temporal, and peers of the realm have; for they are not there repreſentative of any body elſe; no, not of the clergy; for if ſo, then the clergy were twice repreſented by them, viz. in the lords-houſe, and in the convocation. For their writ of election is to ſend two clerks, Ad conſentiendum, &c. Beſides, none are there repreſentative of others, but thoſe that have their ſuffrages from others, and, therefore, only the clerks in the convocation do repreſent them.

'2. They have not the inherent right of peerage as the lords have, becauſe in ſome things they cannot do that there, which the lords may do in caſe of treaſon and matter of blood. Upon tryal of any peer they have no liberty of vote, which could not be taken away by any canon, if their right of voting there were inherent.

'3. If they were repreſentative of the clergy, as a third eſtate and degree, no act of parliament could be good, if they did wholly diſ-aſſent; and yet they have diſ-aſſented, and the law good and in force, as in the act for eſtabliſhing the book of Common-Prayer in queen Elizabeth's time; they did diſ-aſſent from the confirming of that law, which could not have been good, if they had been a third eſtate and diſ-aſſented.

'4. The king may hold his parliament without calling the biſhops at all to it, as hath been adjudged by all the judges of England, 7 Henry VIII, occaſioned by the convocation's citing one Dr. Standiſh, for ſpeaking of words againſt their power and privilege, as they conceived: In that caſe, all the judges in England, in the preſence of the king, declared, that the king might hold his parliament without calling them at all.

'So 25 Edward I, in reſpect the prelacy would not agree with the reſt of the kingdom, in granting a reaſonable and neceſſary aid and ſupply, they were excluded in the parliament at Carliſle; and before that parliament, an act paſſed againſt ſeveral oppreſſions of the abbots, priors, and biſhops, upon the inferior clergy of the kingdom, by purveyance, and ſetting of high prices, &c. to be collected; and ſix or ſeven acts more, all to this purpoſe, concerning the carriage of the prelates to the inferior clergy; ſo that when themſelves were concerned, they were excluded their votes.

'In all theſe records of the matter concerning the clergy, the entry is, that the king, habito tractatu, &c. with the earls, the barons, and others the nobles, &c. hath agreed to this act, or, by the aſſent of the earls, barons, and other lay-people; which ſhews, that the biſhops did not conſent; for if they had, they ſhould have been firſt named before the earls and barons,: For the order of naming the degrees of nobility in all antient records, is prelates, earls, and barons.

'Thus 3 Richard II, there being proviſion, the pope ſhould not make preſentation, &c. it is ſaid, that the petition of the commons was aſſented unto by the king, and the lords temporal, and was always eſteemed firm act of parliament, notwithſtanding the biſhops oppoſed the ſame.'

The biſhops affairs remain in ſuſpence.

This affair was carried no farther at that time, doubtleſs, by reaſon of the obſtacles which occurred in the upper-houſe, where the biſhops gave their voices, to decide whether they were to vote or not. But it was reſerved for another time.

Deſigns of the king's enemies.

The grievances being almoſt redreſſed, the parliament ſeemed to have little more to do. But the diſtruſt with regard to the king being very great, the leaders of the oppoſite party to the king believed, the redreſſing of paſt grievances was not ſufficient. They had a mind alſo to prevent the like for the future, by diſabling the king to abuſe his power. It can hardly be denied, that this deſign was founded upon reaſons very plauſible, and apt

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to gain the conſent of thoſe who had only the welfare of their country in view; for if the king, whilſt he was inveſted with all the prerogatives allowed him by the laws, had abuſed his power to eſtabliſh an arbitrary government; if he had purſued the execution of this deſign 15 years together; if he had deſiſted but by a ſuperior force obliging him to call this parliament, how could it be thought that he would change his principles and maxims, if left in poſſeſſion of the ſame power which had ſerved him to execute his project? Now there were ſcarce any of the members of both houſes, I ſay, even of thoſe who were moſt attached to the king, but what were convinced, that the conſtitution had been greatly endangered of late years. See what the lord Clarendon ſays on this occaſion, in his Hiſtory of the civil wars:

Clarend.

> "For the better ſupport of theſe extraordinary ways, and to protect the agents and inſtruments, who muſt be employed in them, and to diſcountenance and ſuppreſs all bold enquiries and oppoſers, the council-table and ſtar-chamber enlarge their juriſdictions to a vaſt extent. The council-table by proclamations, enjoyning to the people what was not enjoined by the law, and prohibiting that which was not prohibited; and the ſtar-chamber cenſuring the breach and diſobedience to thoſe proclamations by very great fines and impriſonment; ſo that any diſreſpect to any acts of ſtate, or to the perſons of ſtateſmen, was in no time more penal; and thoſe foundations of right, by which men valued their ſecurity, to the apprehenſion and underſtanding of wiſe men, never more in danger to be deſtroyed."

If the perſons moſt devoted to the king, as was the earl of Clarendon, had ſuch ſentiments, we may eaſily judge what others thought, and whether they had reaſon to believe, that the redreſs of paſt grievances was a ſufficient ſecurity for the time to come.

But on the other hand, it cannot be denied, that there were in the parliament, men, who were brooding ſecret deſigns againſt the government of the church, and that theſe men thought, the diminution of the regal power was abſolutely neceſſary to the execution of their deſigns, knowing the king would ever oppoſe them, as long as he was cloathed with his uſual authority. But it cannot be inferred, from their uſing the forementioned reaſons, to inflame the parliament's diſtruſt of the king, for a private end of their own, that, therefore, theſe reaſons were bad. On the contrary, we may venture to aſſert, it was ſolely by the weight of theſe reaſons, that the Preſbyterians, whoſe number was inconſiderable in the parliament and kingdom, prevailed, at laſt, to perſuade the reſt of the parliament, of the neceſſity to reſtrain the king's power. If theſe reaſons had not been capable of convincing the leaſt prejudiced minds, they would never have ſucceeded in cauſing the parliament to take the reſolutions that will hereafter appear. For what intereſt could the major part of the members of parliament have, to alter the conſtitution of church and ſtate, if the paſt had not afforded them a juſt occaſion to fear for the future?

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Two oppoſite opinions concerning the deſigns of the parliament.

From what has been ſaid, there reſult two opinions, which have divided, and ſtill do divide all England. The firſt aſcribes to the commons, in general, and to ſeveral peers, the private end deſigned by the Preſbyterians. The followers of this opinion will not allow, that moſt of the members propoſed to themſelves a juſter end in all their proceeding againſt the king. Thoſe who embrace the ſecond opinion, refuſe alſo to admit of this diſtinction of ends and principles. They pretend, that the oppoſite party to the king always acted upon motives of equity, juſtice, and love of their country. For my part, I ſhall make no ſcruple to ſay, that I think both theſe opinions very groundleſs. I can never believe, that the greateſt part of the members of this parliament, who, even by the confeſſion of the king's friends, had at firſt no deſire to make any alterations in the conſtitution of the church or ſtate, ſhould ſuffer themſelves to be corrupted by a ſmall number of other members, whoſe views and deſigns they were not ſo ignorant of, as to be wholly guided by their directions. Neither can I think that they run into the project of ſubverting church and ſtate, out of lazineſs, ignorance, ſtupidity, or that they fell into all the ſnares the others were pleaſed to lay for them, as the lord Clarendon inſinuates. I rather believe, they weighed the reaſons which were to engage them to maintain the civil and eccleſiaſtical conſtitution, with the danger of leaving it in its natural ſtate, and that this danger appeared to them ſo great, that, to prevent it, they reſolved to agree to the alterations intended by the Preſbyterians.

On the other hand, I can as hardly believe, that they who took ſo much care to cheriſh diſtruſt between the king and parliament, who were always ready to give an ill turn to all the king's words and actions, who inſtead of healing, inflamed the wound; that theſe men, I ſay, ſhould have in view only juſtice and the good of their country. Eſpecially as they were ſeen to practiſe all methods to accompliſh their private end, I mean, the change of the government of the church, in which the reſt of the parliament had no intereſt; nay rather, it would have been their intereſt to oppoſe it, had they not dreaded a greater miſchief.

If, therefore, a man blindly follows either of theſe two opinions, without any limitation, he will never be able to give a juſt notion of this parliament's conduct. It is as difficult to believe, that a whole parliament, or, at leaſt, the greateſt part of the members, may combine together to ſubvert the government of the church and ſtate, as it is to conceive, that all theſe ſame members may have acted only upon diſintereſted motives, and with the ſole view of procuring the welfare of the ſtate in ſuch a juncture.

This, however, is the error into which almoſt all the Engliſh hiſtorians have fallen.

They have all embraced one or other of the two opinions, the ſpirit of party not ſuffering them fairly to conſider the ſeveral motives, on which the members of this parliament proceeded, and this has begot great obſcurity in all they have ſaid upon this ſubject. The trueſt and moſt probable hypotheſis, in my opinion, is briefly this:

The author's hypotheſis.

The king had given great occaſions of complaints to his ſubjects, during the firſt 15 years of his reign. It is no wonder, therefore, that he had made himſelf many enemies, who earneſtly wiſhed to have the government reſtored to its natural ſtate. Among theſe enemies, the Presbyterians, who, beſides the common, had their private, grievances, were the moſt eager. They deſired not only to diminiſh the king's power, that he might not be able to hurt them, but alſo to ſubvert the eccleſiaſtical hierarchy, and eſtabliſh the Preſbyterian government in its place, in which they were ſupported by the Scots. The king being obliged to call this parliament againſt his will, there were few members but what were diſpoſed to redreſs paſt grievances, and prevent the like for the future.. Even they who were not enemies to the king, were in this diſpoſition, and it may be affirmed, that this was the general ſentiment of the members at the beginning of the parliament. But even, among thoſe who deſired the redreſs of grievances, there were two different ſentiments. Some were for ſtopping at the redreſs of grievances, without proceeding any farther, believing, that would be ſufficient to hinder the king from attempting a ſecond time ſo unſucceſsful an enterpriſe. This was the king's ſentiment, as well as of many members of both houſes. Others were not only for redreſſing grievances, but alſo for taking proper meaſures to prevent the like miſchiefs for the future. The Presbyterians were of this number; but they had alſo more extenſive views, and more hidden deſigns, viz. to introduce the Presbyterian government into the church. To accompliſh this end, it was neceſſary to deprive the king of a power, which they foreſaw he would not fail to exert, in oppoſition to their deſign; and there was no better way, than by cheriſhing the parliament's diſtruſt, to which the members, for the moſt part, were already but too much inclined. They had, therefore, only to gain a ſufficient number of thoſe, who were willing to ſtop at the redreſs of grievances, and nothing was more proper to obtain their concurrence than to fill them with fears and ſuſpicions. This was the reaſon that ſuch care was taken to aggravate the plot for ſeducing the army, to dwell continually upon the pretended deſign of bringing them to London, to ſpread a report, that a French army was going to land and ſeiſe Portſmouth with the king's conſent, and I know not how many other rumours, equally improbable. This was the cauſe of ſo many efforts to exclude the biſhops from the upper-houſe, in order to leſſen, as much as poſſible, the party of thoſe who were for ſtopping at the redreſs of grievances. This likewiſe was the reaſon, that ſo many mortifications were given the king, to induce him to take ſome meaſures, which ſhould give an advantage againſt him, and be apt to convince the more moderate, that it was dangerous to leave him in poſſeſſion of his whole power. It is not, therefore, very ſtrange, that many of thoſe who were againſt carrying things to extremities, ſhould, in the end, be prevailed on, by the fears and ſuſpicions they were continually inſpired with. To confirm themſelves in their ſentiment, they had no other ground than their confidence in the king's word, againſt which there were unanſwerable objections, as for inſtance, the violation of the petition of right.

By theſe direct and indirect means, the Presbyterians, at length, ſucceeded in gaining a ſufficient number of votes to give them the ſuperiority in the houſe of commons, at leaſt, as to the deſign of diminiſhing the king's power. When this party was grown ſuperior, their oppoſers endeavoured, in vain, to curb their fury. On the other hand, the king himſelf fell into the ſnares laid for him, and took meaſures, which, as will hereafter appear, made him loſe a great number of thoſe who had hitherto appeared the moſt moderate. The following paſſage of the lord Clarendon's Hiſtory, will ſerve to illuſtrate this matter.

" I know not how theſe men have already " anſwered it to their own conſciences, who " having aſſumed their country's truſt, and it " may be, with great earneſtneſs laboured to " procure that truſt, by their ſupine lazineſs, " negligence, and abſence, were the firſt in- " lets to thoſe inundations; and ſo contribu- " ted to thoſe licenſes which have overwhelm- " ed us. For, by this means a handful of " men, much inferior in the beginning, in " number and intereſt, came to give laws to " the major part; and to ſhew that three di- " ligent perſons are really a greater and more " ſignificant number than 10 unconcerned, " they, by plurality of voices, in the end, " converted or reduced the whole body to " their opinions. It is true, men of activity " and faction in any deſign, have many ad- " vantages that a compoſed and ſettled coun- " cil, tho' induſtrious enough, uſually have not; " and ſome that gallant men cannot give them- " ſelves leave to entertain, even for the preven- " tion of all the miſchief the others intend."

The earl of Clarendon grants, that a handful of men, at firſt, much inferior in number and credit, converted in the end the whole houſe to their opinions. But as he was a zealous advocate for the king, he took care not to aſcribe the ſucceſs of this handful of men, to the weight of the reaſons which they alledged to the others to reduce them to their ſentiments. It was requiſite, however, to give ſome reaſon of it, and he found no better, than the lazineſs, negligence, and unconcernedneſs of the king's friends, and the vigilance of the others. I do not know whether this reaſon will be capable to ſatisfy the impartial.

This, as I verily believe, is the true hypotheſis which ought to be eſtabliſhed, in order to give a clear idea of the conduct of this parliament; and I hope this digreſſion will not be unſerviceable for the better underſtanding of the ſequel.

The commons prepare a remonſtrance of the ſtate of the kingdom. Ruſhw.

The parliament ſeemed to have nothing more to do, all the grievances being in a manner redreſſed, and the armies diſbanded. But after what has been ſaid, it will not, doubtleſs, be thought ſtrange, that the houſe of commons ſhould order the committee, which, at the beginning of the parliament, was charged with preparing a remonſtrance of the ſtate of the kingdom, to reſume and finiſh that work. Nothing would have been more needleſs than ſuch a remonſtrance, after the grievances were redreſſed, if it had not been intended on purpoſe to quarrel with the king, and afford a pretence to defer to another time the ſettling his revenues, which was the only thing that remained to be done, and which the king expected. I have already obſerved, there was a party in the parliament, who meant not to ſtop at the redreſs of grievances. It was this party that cauſed the remonſtrance to be reſumed, in expectation the king would be diſpleaſed with it, and take ſome ſtep that ſhould promote the execution of their project.

The Iriſh rebellion. Ruſhw. Sir John Temple. Borlaſe.

But whilſt this remonſtrance was preparing, an affair of ſuch conſequence unexpectedly happened, that the commons were obliged for a time to lay aſide all other buſineſs; I mean the Iriſh rebellion, the news whereof came to London the 1ſt of November, 1641.

Since the end of queen Elizabeth's reign, when Tir-Oen's rebellion was happily quelled, the Iriſh had lived peaceably under the dominion of James I, and Charles I; not but that the lords deputies had always an eye over them, conſidering them as men, whoſe fidelity was very ſuſpicious; however, they had, at leaſt, no occaſion to complain, that they were worſe uſed than in the former reigns. As to their religion, it is eaſy to imagine, they had ſuffered no new troubles under theſe two princes, who thought of nothing leſs, than of perſecuting the Catholicks. Nevertheleſs, in March or April this year 1641, the Iriſh formed the project of caſting off the Engliſh yoke, of ſeiſing upon all the fortified places, and of cutting the throats of all the Engliſh throughout the whole kingdom. The day appointed for executing this bloody deſign, was the 23d of October, on which day, they were to riſe all over the iſland. This deſign was really executed, as projected, and it is ſaid, on that and the following days, above 40,000 Engliſh Proteſtants were maſſacred by the Iriſh. But the project of ſeiſing the ſame day upon the caſtle of Dublin, where was a great magazine of proviſions and ſtores, was diſcovered, by Owen O Conally, the night before, and prevented by the diligence of the lords juſtices of Ireland, who governed in the abſence of Robert Sidney, earl of Leiceſter, who had been appointed lord-lieutenant ſome months before, and was yet in England.

Nov. 1. Ruſhw. Nalſon.

This news being communicated to the commons by the lords of the privy-council, filled the houſe with conſternation and terror, and at the ſame time with indignation againſt the rebels. They immediately turned themſelves into a grand committee, and paſſed the following reſolves:

The votes of the commons about Ireland. Sir John Temple. Ruſhw. Nalſon.

That 50,000 l. ſhall be forthwith provided for the ſervice of Ireland.

That a conference be had with the lords to move them, that a ſelect committee of the members of both houſes may be appointed to go to the city of London, and propoſe unto them the loan of that ſum.

That a ſelect committee of both houſes may be named to conſider of the affairs of Ireland, and of the ſending of men and ammunition from hence into that kingdom.

That Owen O Conally, who diſcovered this great treaſon in Ireland, ſhall have 500 l. preſently paid him, and 200 l. per annum penſion, until proviſion be made for an inheritance of greater value.

That the cuſtody of the iſle of Wight be taken for the preſent from the lord Weſton, ſuſpected of being a Catholick, and ſequeſtered into another hand.

That the perſons of Papiſts of quality in the ſeveral counties of this kingdom, wherever they reſide, may be ſecured.

That the lords be deſired to join concerning the diſſolution of the houſe of Capuchins, and the ſpeedy ſending them away, according to the former deſires of this houſe.

That the ambaſſadors may be ſent to from both houſes to deliver up ſuch prieſts of the king's ſubjects, as are in their houſes.

That a liſt be brought in of the queen's prieſts, and other her ſervants.

That a proclamation be iſſued forth, commanding all ſtrangers that are not of the Proteſtant religion, to deliver in tickets of their names, and an account of their ſtay here, within two days after the iſſuing forth of the ſaid proclamation, or elſe to depart the kingdom forthwith, &c.

Ruſhw.

The lords agreed to the propoſed loan, and named ſome of their members to form a committee of both houſes; whereupon the commons appointed 52 to meet the lords, and to be a ſtanding committee for the affairs of Ireland.

Other votes. Nov. 4, 5. J. Temple. Nalſon.

Two days after the commons voted again,

That the houſe holds fit that 20,000 l. be forthwith ſupplied for the preſent occaſions of Ireland.

That a convenient number of ſhips ſhall be provided for the guarding of the ſea-coaſt of Ireland.

That 6000 foot, and 2000 horſe ſhall be raiſed with all convenient ſpeed for the preſent expedition into Ireland; and that the lord-lieutenant ſhall preſent to both houſes of parliament, ſuch officers as he ſhall think fit to ſend into Ireland, to command any forces to be tranſported thither.

That the magazines of victuals ſhall be forthwith provided at Weſt-Cheſter, to be ſent over to Dublin, as the occaſions of that kingdom ſhall require.

That the magazines of arms, ammunition, powder, now in Carliſle, ſhall be forthwith ſent over to Knockfergus, in Ireland.

That it be referred to the king's council to conſider of ſome fit way, and to preſent it to the houſe, for a publication to be made of rewards to be given to ſuch as ſhall do ſervice in this expedition into Ireland, and for a pardon of ſuch of the rebels as ſhall come in by a time limited, and of a ſum of money to be appointed for a reward of ſuch as ſhall bring in the heads of ſuch principal rebels as ſhall be nominated.

That letters ſhall be forthwith ſent to the juſtices in Ireland, to acquaint them how ſenſible this houſe is of the affairs of Ireland.

That the committee of Iriſh affairs ſhall conſider how, and in what manner this kingdom ſhall make uſe of the friendſhip and aſſiſtance of Scotland in the buſineſs of Ireland.

That directions ſhall be given for the drawing of a bill for the preſſing of men, for this particular of Ireland.

Ruſhw.

Some days after both houſes publiſhed a declaration, to acquaint the publick that they had reſolved to aſſiſt the king with all their power to reduce the Iriſh rebels.

The king demands aid of the parliament of Scotland.

The king, who was ſtill in Scotland, had received intelligence of what had paſſed in the north of Ireland, but did not know that the Iriſh had miſcarried in their deſign upon the caſtle of Dublin. He immediately communicated his intelligence to the parliament of Scotland, and demanded their aſſiſtance. The parliament replied, "That Ireland being dependent on the crown of England, and his majeſty having already wrote to the parliament of England, and ſent to Ireland for farther information, no other courſe could be taken, and the rather as the parliament of England might conceive jealouſies; but that after fuller information, if the Engliſh ſhould think the aſſiſtance of Scotland neceſſary, it ſhould be ready, as ſoon as England."

Ireland ſtands in need of a powerful aid. Ruſhw.

The rebellion daily increaſed. The Engliſh themſelves of the Pale joined with the Iriſh, having pretended for ſome time to be attached to the intereſt of England. Theſe Engliſh of the Pale were deſcendents of the antient conquerors of Ireland, who ſettled there in the reign of Henry II, and who at the time of the reformation continued in the Roman Catholick religion. It was, therefore, neceſſary to ſend a ſtrong force into Ireland to reduce the rebels to obedience. And yet, tho' the letters from the lords juſtices for aſſiſtance were frequent and preſſing, tho' the rebels continually encreaſed in number and ſtrength, tho' the king moſt earneſtly preſſed both houſes to ſend money, and ammunition to Ireland, tho' the parliament ſhewed an extreme deſire to reduce that kingdom, it is certain, that the ſuccours ſent thither, were but ſmall and fitter to continue than end the war. It would, doubtleſs, be thought ſtrange to ſee ſo much ardour in words, and ſo little deſire to ſhew it in deeds, if the reaſon of this conduct was not known; and, therefore, it will be requiſite to explain it.

Weak ſupplies are ſent.

Reaſon of it.

The diſpoſition of the houſe of commons, whilſt the king was in Scotland, has been before ſhewn. A reſolution was taken to diveſt him of part of his power. The views of ſome were only to hinder him from abuſing it for the future. Others added to this motive, the deſign of rendering him unable to oppoſe the change they were meditating, with reſpect to the government of the church. The order of the houſe to the committee to prepare the remonſtrance of the ſtate of the kingdom, was a clear evidence, they had ſome ſecret deſign which would ſhew itſelf in due time. Whilſt meaſures are taking to execute this deſign, the Iriſh riſe in rebellion, at a time when they ſeemed to have the leaſt reaſon, ſince the government had never been more gentle to them than in the preſent reign. They maſſacre in cold blood above 40,000 Engliſh Proteſtants, and unfortunately for the king, ſpread a report that they had his authority for what they did. They call themſelves the queen's army, and diſperſe all over the kingdom, copies of a ſuppoſed commiſſion under the great-ſeal, which they pretend to have from the king to authoriſe them to take arms. It cannot be denied that all this was capable of making impreſſions on the minds of thoſe who were already ill-affected to the king, and believed him capable of any thing to avoid the ſervitude that was preparing for him. Indeed, the ſober and moſt conſiderate did not think it poſſible, or even probable, that the king ſhould be willing to have his Proteſtant ſubjects of Ireland maſſacred; but they ſuſpected, however, that this rebellion, raiſed at ſuch a juncture, was not wholly owing to the diſcontent of the Iriſh, and that very poſſibly the king had excited it, to find the parliament employment, and divert them from the project they had formed. As to the maſſacre of the Proteſtants, they did not believe the king had any hand in it, but imagined it very poſſible, that after raiſing the rebellion, it was not in his power to reſtrain the Iriſh. The king on his part not knowing what was ſaid againſt him in England, uſed his utmoſt endeavours to clear himſelf from this black imputation, by preſſing the parliament to ſend a ſpeedy aid into Ireland. But theſe ſollicitations had a quite contrary effect, becauſe it was believed that his view was to leave England unprovided with troops, and to engage the parliament in an Iriſh war, which muſt have been very expenſive. This was the reaſon that the commons proceeded with deliberation, and ſent but inconſiderable ſuccours into Ireland, being apprehenſive, the Iriſh rebellion was a ſnare laid for them by the king, to cauſe them to conſume the Engliſh troops and money.

The Iriſh pretend to act by the king's orders. Ruſhw.

Orders from the heads of the rebels to publiſh the king's pretended commiſſion.

As ſeveral have ſpoken of this pretended commiſſion from the king to the Papiſts of Ireland to authoriſe them to take arms, and as ſome have repreſented it as true, others, as doubtful, but moſt as an evident forgery, I thought it would not be unacceptable to inſert it. I ſhall add a circular letter ſent with the copy of the pretended commiſſion from the leaders of the rebels, to thoſe of their party.

From our Camp at the Newry, this 4th of November, 1641.

Phelim O Neal, Rory Mac Guire, &c.

To all Catholicks of the Roman party, both Engliſh and Iriſh, within the kingdom of Ireland, we wiſh all happineſs, freedom of conſcience, and victory over the Engliſh hereticks, who have for a long time tyranniſed over our bodies, and uſurped by extortion our eſtates.

Ruſhw.

‘BE it hereby made known unto you all, our friends and countrymen, that the king's moſt excellent majeſty, for many great and urgent cauſes thereunto moving, repoſing truſt and confidence in our fidelity, has ſignified unto us, by his commiſſion under the great ſeal of Scotland, bearing date at Edinburgh the firſt day of this inſtant October, 1641, and alſo by letters under his ſign manual, bearing date with the ſaid commiſſion, of divers great and heinous affronts, that the Engliſh Proteſtants, eſpecially the parliament there, have publiſhed againſt his royal perſon and prerogative, and alſo againſt our Catholick friends, within the kingdom of England; the copy of which commiſſion we have here ſent unto you to be publiſhed with all ſpeed in all parts of this kingdom, that you may be aſſured of our ſufficient warrant and authority herein, viz.

‘CHARLES by the grace of God, king of England, Scotland, France, and Ireland, defender of the faith, &c. To all Catholick ſubjects within our kingdom of Ireland, greeting. Know you that we, for the ſafeguard and preſervation of our perſon, have been forced to make our aboad and reſidence in our kingdom of Scotland, for a long ſeaſon, occaſioned by reaſon of the obſtinate and diſobedient carriage of our parliament of England againſt us, who have not only preſumed to take upon them the government, and diſpoſing of thoſe princely rights and prerogatives that have juſtly deſcended unto us from our predeceſſors, both kings and queens of the ſaid kingdom, for many hundred years paſt, but alſo have poſſeſſed themſelves of the whole ſtrength of the ſaid kingdom, in appointing governors, commanders, officers, in all parts and places therein, at their own will and pleaſure without our conſent; whereby we are deprived of our ſovereignty, and left naked without defence: And for as much as we are in ourſelves very ſenſible, that theſe ſtorms blow aloft, and are very likely to be carried by the vehemency of the Proteſtant party into our kingdom of Ireland, and endanger our royal power and authority there alſo; Know ye therefore, that we, repoſing much care and truſt in your duty and obedience, which we have for many years paſt found, do hereby give unto you full power and authority to aſſemble and meet together, with all the ſpeed and diligence that a buſineſs of ſo great a conſequence doth require, and to adviſe and conſult together by a ſufficient and diſcreet number, at all times, days, and places, which you ſhall in your judgment hold moſt convenient and material for the ordering, ſettling, and effecting of this great work, mentioned and directed to you in our letters, and to uſe all politick ways and means poſſible to poſſeſs yourſelves, for our uſe and ſafety, of all the forts, caſtles, and places of ſtrength and defence within the ſaid kingdom, except the places, perſons and eſtates of our loyal and loving ſubjects the Scots: And alſo to arreſt and ſeiſe the goods, eſtates, and perſons, of all the Engliſh Proteſtants within the ſaid kingdom to our uſe; and in your care and ſpeedy performance of this our will and pleaſure, we ſhall perceive your wonted duty and allegiance unto us, which we ſhall acknowledge and reward in due time.

“Witneſs ourſelf at Edinburgh, the firſt day of October, in the 17th year of our reign.”

Arguments that the king cannot have given this commiſſion.

Tho' for many reaſons it be more than probable that the king never granted a commiſſion to the Iriſh to take arms, it is, however, certain they boaſted of having ſuch a thing. But it is no leſs certain, that it cannot be the ſame with what has been juſt read, nor can this be the commiſſion publiſhed by the leaders of the Iriſh rebels. My reaſon is, becauſe in this commiſſion, the king is made to ſay things which happened not till ſeveral months after the day of the date, and which thoſe who are ſuppoſed to have publiſhed it the 4th of November could not foreſee. The king is made to ſay on the 1ſt of October, 1641, that the parliament had poſſeſſed themſelves of his ſovereignty, and appointed governors, commanders and officers, in all places, which certainly was not done before the month of October, 1642. It muſt be, therefore, that Ruſhworth, who has inſerted this commiſſion in his Collections, had bad memoirs and little judgment, not to ſee in this pretended commiſſion of the firſt of October, 1641, things which happened not till the next year, 1642. However, it is true, the Iriſh boaſted of having the king's commiſſion; but it is pretended they forged it themſelves, and faſtned to it an impreſſion of the great ſeal, taken from ſome grant or patent.

Ruſhw. Nalſon.

The effect of this rumour to the king. Nalſon. Clarend.

Be this as it will, the pretenſion of the Iriſh that they had the king's and queen's authority, was of very ill conſequence to the king. There were but too many who had an ill opinion of his zeal for the Proteſtant religion, and thought him capable of being ſeduced by the queen's ſollicitations to reſtore the Catholick religion in England. The former parliaments had diſcovered their ſuſpicions, and the king inſtead of undeceiving them, had given them words only, which were followed with no effects. Therefore, when the news came, that the Iriſh Papiſts were in arms, and had maſſacred the Proteſtants, it was very natural to dread the like plot in England, which could not but be extremely prejudicial to the king.

Tho' the parliament did not ſeem to regard much the calumny ſpread againſt the king, they were, however, full of diſtruſt, and this diſtruſt made them think it not proper to leave England without troops, money, and ammunition, in order to aſſiſt Ireland, leaſt England ſhould be unprovided, in caſe the ſame plot was contriving there; nay, it was the intereſt of the leading men in the parliament to feign a greater diſtruſt than they really had, to ſtrengthen the ſuſpicions and fears of ſuch members as were not fully perſuaded. This ſerved to convince them how neceſſary it was to curb the king's power, and render him uncapable to execute his deſigns.

The king's enemies attain their ends by divers degrees.

But tho' the party of thoſe who were for leſſening the regal power was numerous in the parliament, they were not yet in condition to proceed as they pleaſed. Matters were to be prepared by degrees, one while by cheriſhing ſuſpicions and fears, another while by engaging the houſe to take proper ſteps to lead them to their end, which was not known to all the members.

Inſtructions to the committee in Scotland mortifying to the king.

With this view it was, that under colour of thanking the Scots for their promiſed aſſiſtance to ſuppreſs the rebellion in Ireland, and of treating with them about it, they engaged the houſe to ſend to the committee in Scotland new inſtructions very mortifying to the king. The houſe ſaid, in theſe inſtructions.

Ruſhw. Nalſon.

'That they had juſt cauſe to believe, that the conſpiracies and commotions in Ireland, were but the effects of the counſels of thoſe who continued in credit, authority and employment about his majeſty; therefore they feared that the great aids which ſhould be raiſed for ſubduing the rebellion in Ireland, would be applied to the fomenting of it there, and encouraging ſome ſuch like attempt in England; and, therefore, the commons beſought his majeſty to change thoſe councils, from which ſuch ill courſes had proceeded, and to employ ſuch miniſters as ſhould be approved of by his parliament, who were his greateſt and moſt faithful council. But if his majeſty did not condeſcend to their ſupplications, they ſhould be forced to reſolve upon ſome way of defending Ireland from the rebels, and of ſecuring themſelves from miſchievous counſels and deſigns; and command thoſe aids and contributions which ſhould be raiſed for the reducing of Ireland to the cuſtody and diſpoſing of ſuch perſons of honour and fidelity, as they had cauſe to confide in.'

Theſe inſtructions conclude with the following article.

"You ſhall repreſent to his moſt excellent majeſty this our humble and faithful declaration, that we cannot without much grief remember the great miſeries, burthens, and diſtempers, which have for divers years afflicted all his kingdoms and dominions, and brought them to the laſt point of ruin and deſtruction; all which have iſſued from the cunning, falſe, and malicious practices of ſome of thoſe who have been admitted into very near places of counſel and authority about him, who have been favourers of Popery, ſuperſtition and innovation; ſubverters of religion, honour, and juſtice; factors for promoting the deſigns of foreign princes and ſtates, to the great apparent danger of his royal perſon, crown, and dignity, and of all his people; authors of falſe ſcandals and jealouſies betwixt his majeſty and his loyal ſubjects; enemies to the peace, union and confidence betwixt him and his parliament, which is the ſureſt foundation of proſperity and greatneſs to his majeſty, of comfort and hope to them: That by their counſels and endeavours, thoſe great ſums which have been lately drawn from the people, have been either conſumed unprofitably, or in the maintenance of ſuch deſigns as have been miſchievous and deſtructive to the ſtate; and whilſt we have been labouring to ſupport his majeſty, to purge out the corruption, and reſtore the decays both of church and ſtate, others of their faction and party have been contriving by violence and force to ſuppreſs the liberty of parliament [*], and endanger the ſafety of thoſe who have oppoſed ſuch wicked and pernicious courſes."

Great debates touching the remonſtrance. Ruſhw. Nalſon.

This was, properly, a preparative to the remonſtrance of the ſtate of the kingdom, which was to be brought into the houſe the firſt opportunity, and which was, indeed, read the 22d of November. It met with ſo ſtrong oppoſition, that the debates laſted from three in the afternoon till three in the morning[†]. Many thought it needleſs to reproach the king with grievances, to the redreſs whereof he had without ſollicitation given a full conſent, and that beſides the uſeleſſneſs of the remonſtrance, it would ſerve only to open old wounds, to which a cure had been applied, and infallibly make the breach wider between the king and parliament. But this very reaſon was preciſely that which excited the others to cauſe the remonſtrance to be approved, becauſe they wanted a diſſention between the king and parliament, in order to obtain the conſent of both houſes to the diminution of the regal power. I do not pretend to determine, whether the deſign of diſabling the king from governing for the future as he had done during 15 years, was in itſelf juſt, or neceſſary for the welfare of the kingdom; but it can hardly be denied that the reaſons by which it was ſupported were very plauſible. I will not affirm that they who formed it or preſſed the execution, had only in view their country's good; as on the other hand, I do not ſee what ſecurity they could have, who were for leaving the king in poſſeſſion of the ſame power he had before enjoyed. However this be, the remonſtrance was as a ſort of criterion, which was to ſhew which of the two

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[*] Alluding to the conſpiracy to ſeduce the army. Rapin.

[†] Oliver Cromwell told the lord Falkland, "That if the remonſtrance had been rejected, he would have ſold all he had the next morning, and never have ſeen England more. Clarendon.

It paſſed by nine voices.

parties ſhould prevail, and withal to decide in ſome meaſure the fate of the king's affairs. In a word, after a debate of 12 hours, it was carried by a plurality of nine voices only, that the remonſtrance ſhould be preſented to his majeſty. The lord Clarendon ſays, "It was carried by the hour of the night, which drove away a greater number of old and infirm oppoſers than would have made thoſe of the negative ſuperior in number." But this reaſon to me appears weak; for it might be alledged to ſhew the remonſtrance would have paſſed by more than nine voices, if ſeveral of thoſe who were for it had not left the houſe. For how could infirmity or fatigue produce a greater effect upon one party than upon the other?

It is ordered to be printed. Clarend.

This reſolution was no ſooner taken but Mr. Hampden, who was of the victorious party, moved for the immediate printing of the remonſtrance, not thinking it neceſſary to communicate it to the lords, ſince it ran only in the name of the commons. His deſign was, that it ſhould be diſperſed among the people to excite them againſt the king, which was alſo the intention of his whole party. This motion, which was contrary to cuſtom, ſince the remonſtrance ſhould have been, at leaſt, preſented to the king, before the publication was deliberated, produced a violent debate in the houſe, every one plainly perceiving the conſequence. But, at laſt, the ſame party that prevailed in the firſt, prevailed likewiſe in the ſecond queſtion, and the remonſtrance was ordered to be printed. Some of the oppoſers offered to enter a proteſtation againſt it, but as it was not the cuſtom of the houſe to admit of proteſtations, Mr. Palmer, who firſt cried, I do proteſt, was ſent to the tower, but was releaſed within a few days, and took his place again in the houſe.

The king returns from Scotland, and is received with great reſpect at London. Ruſhw. Nalſon.

Three days after, viz. the 25th of November, the king being returned from Scotland, paſſed through the city of London, and dined at Guild-Hall. He was received in his capital with the ſame demonſtrations of joy, reſpect and ſubmiſſion as were given on the like occaſions to his moſt popular predeceſſors; and had all reaſon to be pleaſed with the manner wherein every one ſtrove to do him honour; but the ſatisfaction he received from theſe publick demonſtrations of the affection of the Londoners, laſted not long.

The earl of Eſſex reſigns his commiſſion.

As ſoon as the king came to Whitehall, the earl of Eſſex ſurrendered his commiſſion of captain-general of the ſouth part of the kingdom into his hands; and the next day the king diſmiſſed the guards given by the earl to both houſes at their requeſt. The commons appeared diſpleaſed at it, and deſired the lords to concur with them in petitioning the king, that the guards might be continued till they had ſatisfied his majeſty of the reaſons, why a guard was neceſſary. The lords conſented to it, and the earl of Warwick, and the lord Digby, were ordered to move his majeſty accordingly, but they could not prevail. The king anſwered, he ſaw no reaſon to continue the guard; but however, he would command the earl of Dorſet, to appoint ſome of the train-bands, only for a few days, to wait on both houſes, and if in that time he ſhould be ſatisfied there was juſt reaſon, he would continue them. He perceived, that the view of thoſe who deſired the continuance of the guards, was only to cheriſh the fears and ſuſpicions of the people. Upon this anſwer, the commons preſented a memorial to the king, containing the reaſons why they deſired a guard; adding, they would not have it under the command of any perſon not choſen by themſelves. But as their reaſons were founded upon very improbable ſuppoſitions, they were ineffectual.

A committee to preſent the remonſtrance to the king. Ruſhw. Nalſon.

The commons inſiſted no farther on this ſubject, but within a few days, ſent a committee, to preſent to the king, then at Hampton-Court, the remonſtrance, with a petition. This was as it were, the alarm of the diſcord between the king and the parliament, as his enemies had plainly foreſeen. I think it neceſſary to inſert here what paſſed with reſpect to this remonſtrance, which was attended with ſuch conſequences, the report of the committee ſent to the king, the petition of the houſe, with the remonſtrance itſelf, on which I ſhall make ſome remarks, to enable the reader to judge of what is juſt and true, and what diſguiſed or aggravated.

Sir Ralph Hopton's report to the houſe of commons, of what paſſed at his preſenting the petition and remonſtrance to the king. Dec. 1. 1641.

Sir Ralph Hopton's report. Ruſhw.

‘HE ſaid, that the laſt night, in the evening, he, and thoſe that accompanied him, came into Hampton-Court, where meeting with Sir Richard Wynn, he went in to his majeſty, and gave him notice of our being there; and within a quarter of an hour, the king ſent a gentleman-uſher to call us in, with directions for none to come in but ourſelves; whereupon I did, according to your order, and the reſt with me, upon our knees, preſent the petition and remonſtrance, and begun to read it kneeling, but his majeſty would not permit that, but commanded us all to riſe, and ſo I read it.

‘The firſt thing that his majeſty ſpake at the reading thereof, was to that part of the petition, that charges a malignant party to be about his majeſty, with a deſign to change religion; to which his majeſty with a hearty fervency ſaid, "The devil take him, whoſoever he be, that has a deſign to change religion." Then I proceeded to read on; and when I came to that part of the remonſtrance of reſerving the lands of the rebels in Ireland toward the ſuppreſſing them: His majeſty ſpake and ſaid, "We muſt not diſpoſe of the bear's-ſkin, till the bear be dead."

‘After the petition was read, his majeſty ſaid, he deſired to aſk us ſome queſtions; but I anſwered, we had no power to ſpeak to any thing but wherein we had commiſſion; then ſaid his majeſty, doth the houſe intend to publiſh this declaration? We ſaid, we could not anſwer to it: "Well then, ſaid his majeſty,

“ jeſty, I ſuppoſe you do not expect a preſent anſwer to ſo long a petition; but this let me tell you, I have left Scotland well in peace; they are well ſatisfied with me, and I with them; and tho' I ſtaid longer than I expected, I think if I had not gone, you had not been ſo ſoon rid of the army: I ſhall give you an anſwer to this buſineſs, with as much ſpeed as the weight thereof will permit.” And ſo was pleaſed to give us his hand to kiſs; and thereupon we took our leave, and afterwards Mr. Comptroller came to us with this meſſage, that the king deſired there ſhould be no publiſhing of this declaration, till we had received his anſwer: We were all that night treated by Mr. Comptroller at ſupper, and entertained with great reſpect, and lodged by the king's harbinger.'

The petition of the houſe of commons, which accompanied the remonſtrance of the ſtate of the kingdom, when it was preſented to his majeſty at Hampton-Court, Decemb. 1. 1641.

The petition which accompanied the remonſtrance. Ruſhw. Nalſon.

Moſt gracious ſovereign,

'YOUR majeſty's moſt humble and faithful ſubjects, the commons in this preſent parliament aſſembled, do, with much thankfulneſs and joy, acknowledge, the great mercy and favour of God, in giving your majeſty a ſafe and peaceable return out of Scotland, into your kingdom of England, where the preſſing dangers and diſtempers of the ſtate, have cauſed us with much earneſtneſs to deſire the comfort of your gracious preſence, and likewiſe the unity and juſtice of your royal authority, to give more life and power to the dutiful and loyal counſels and endeavours of your parliament, for the prevention of that imminent ruin and deſtruction wherein your kingdoms of England and Scotland are threatened. The duty which we owe to your majeſty, and our country, cannot but make us very ſenſible and apprehenſive, that the multiplicity, ſharpneſs, and malignity of thoſe evils under which we have now many years ſuffered, are fomented and cheriſhed by a corrupt and ill-affected party, who, amongſt other their miſchievous devices for the alteration of religion and government, have ſought by many falſe ſcandals and imputations, cunningly inſinuated and diſperſed among the people, to blemiſh and diſgrace our proceedings in this parliament, and to get themſelves a party and faction amongſt your ſubjects, for the better ſtrengthening themſelves in their wicked courſes, and hindering thoſe proviſions and remedies, which might by the wiſdom of your majeſty, and counſel of your parliament, be oppoſed againſt them.

'For preventing whereof, and the better information of your majeſty, your peers, and all other your loyal ſubjects, we have been neceſſitated to make a declaration of the ſtate of the kingdom, both before and ſince the aſſembly of this parliament, unto this time, which we do humbly preſent to your majeſty, without the leaſt intention to lay any blemiſh upon your royal perſon, but only to repreſent how your royal authority and truſt have been abuſed, to the great prejudice and danger of your majeſty, and all your good ſubjects. (1).

REM. (1). The deſign of this declaration or remonſtrance was not to inform the king, as the commons aſſured him, but ſolely to make their apology, and exaſperate the people againſt him. Firſt, the remonſtrance is not directed to the king, and he is always mentioned in the third perſon. Secondly, the commons voted that the remonſtrance ſhould be printed, before they had received any anſwer from the king, and publiſhed it againſt his will. So what they ſay at the cloſe of this article, is all a flouriſh, without one word of truth.

'And becauſe we have reaſon to believe, that thoſe malignant parties, whoſe proceedings evidently appear to be mainly for the advantage and increaſe of Popery, are compoſed, ſet up and acted by the ſubtle practice of the Jeſuits, and other engineers and factors for Rome; and to the great danger of this kingdom, and moſt grievous affliction of your loyal ſubjects, have ſo far prevailed, as to corrupt divers of your biſhops, and others in prime places of the church (2), and alſo to bring divers of theſe inſtruments to be of your privy-council (3), and other employments of truſt and nearneſs about your majeſty, the prince, and the reſt of your royal children.

REM. (2). The commons pointed at Laud, archbiſhop of Canterbury, Neil, biſhop of Wincheſter, Wren, biſhop of Ely, Coſins, dean of Peterborough.

REM. (3). As Windebank ſecretary of ſtate, and ſome others.

'And by this means have had ſuch an operation in your council, and the moſt important affairs and proceedings of your government, that a moſt dangerous diviſion, and chargeable preparation for war betwixt your kingdoms of England and Scotland, the increaſe of jealouſies betwixt your majeſty and your moſt obedient ſubjects, the violent diſtraction and interruption of this parliament, the inſurrection of the Papiſts in your kingdom of Ireland, and bloody maſſacre of your people, have been not only endeavoured and attempted, but in a great meaſure compaſſed and effected.

'For preventing the final accompliſhment whereof your poor ſubjects are enforced to engage their perſons and eſtates, to the maintaining of a very expenceful and dangerous war, notwithſtanding they have already, ſince the beginning of this parliament, undergone the charge of 150,000l. ſterling, or thereabouts, for the neceſſary ſupport and ſupply of your majeſty in theſe preſent and perilous deſigns. And becauſe all our moſt faithful endeavours and engagements will be ineffectual for the peace, ſafety, and preſervation of your majeſty and your people, if ſome preſent, real,

‘ and effectual courſe be not taken, for ſuppreſſing this wicked and malignant party.

‘ We your majeſty's moſt humble and obedient ſubjects, do with all faithfulneſs and humility beſeech your majeſty: 1. That you would be graciouſly pleaſed to concur with the humble deſires of your people in a parliamentary way (4), for preſerving the peace and ſafety of the kingdom from the malicious deſigns of the popiſh party.

Rem. (4). That is to ſay, by conſenting to the bills which ſhould be preſented to him.

‘ For depriving the biſhops of their votes in parliament (5), and abridging their immoderate power uſurped over the clergy, and other good ſubjects, which, they have perniciouſly abuſed, to the hazard of religion, and great prejudice and oppreſſion of the law of the kingdom, and liberty of the people.

Rem. (5). The commons were not ſatisfied with deſiring that the biſhops, whom they ſuppoſed guilty of the deſign to countenance Popery, ſhould be puniſhed, but took occaſion from thence to inflict a penalty on the whole bench, by depriving them of the privilege of ſitting in parliament.

‘ For the taking away ſuch oppreſſions in religion, church-government and diſcipline, as have been brought in and fomented by them. For uniting all ſuch your loyal ſubjects together, as join in the ſame fundamental truth againſt the Papiſts, by removing ſome oppreſſions and unneceſſary ceremonies, by which divers weak conſciences have been ſcrupled, and ſeem to be divided from the reſt (5), and for the due execution of thoſe good laws which have been made for ſecuring the liberty of your ſubjects.

Rem. (6). The meaning of which was, in the language of the commons or of their leaders, that he ſhould aboliſh the hierarchy and book of Common-Prayer; but they did not yet dare to ſpeak out, and, therefore, covered their intention under this exprſſion, by removing unneceſſary ceremonies.

‘ 2. That your majeſty will likewiſe be pleaſed to remove from your council, all ſuch as perſiſt to favour and promote any of theſe preſſures and corruptions wherewith your people have been grieved; and that for the future, your majeſty will vouchſafe to employ ſuch perſons in your great and publick affairs, and to take ſuch to be near you in places of truſt, as your parliament may have cauſe to confide in; that in your princely goodneſs to your people, you will reject and refuſe all mediation and ſollicitation to the contrary, how powerful and near ſoever (7).

Rem. (7). Meaning the queen.

‘ That you will be pleaſed to forbear to alienate any of the forfeited and eſcheated lands in Ireland, which ſhall accrew to your crown by reaſon of this rebellion; that out of them the crown may be the better ſupported, and ſome ſatisfaction made to your ſubjects of this kingdom, for the great expences they are like to underg in this war.

‘ Which humble deſires of ours being graciouſly fulfilled by your majeſty, we will, by the bleſſing and favour of God, moſt chearfully undergo the hazard and expences of this war, and apply ourſelves to ſuch other courſes and counſels, as may ſupport your royal eſtate with honour and plenty at home, with power and reputation abroad, and by our loyal affections, obedience and ſervice, lay a ſure and laſting foundation of the greatneſs and proſperity of your majeſty, and your royal poſterity in future times.’

A remonſtrance of the ſtate of the kingdom, preſented to the king from the houſe of commons, the firſt of December, 1641.

‘ THE commons in this preſent parliament aſſembled, having with much earneſtneſs and faithfulneſs of affection and zeal to the publick good of this kingdom, and his majeſty's honour and ſervice, for the ſpace of 12 months, wreſtled with great dangers and fears, the preſſing miſeries and calamities, the various diſtempers and diſorders which had not only aſſaulted, but even overwhelmed and extinguiſhed the liberty, peace, and proſperity of this kingdom, the comfort and hopes of all his majeſty's good ſubjects, and exceedingly weakened and undermined the foundation and ſtrength of his own royal throne,

‘ Do yet find an abounding malignity and oppoſition in thoſe parties and factions who have been the cauſe of thoſe evils, and do ſtill labour to caſt aſperſions upon that which hath been done, and to raiſe many difficulties for the hinderance of that which yet remains undone; and to foment jealouſies betwixt the king and parliament, that ſo they may deprive him and his people of the fruit of his own gracious intentions, and their humble deſires of procuring the publick peace, ſafety, and happineſs of this realm: For the preventing of thoſe miſerable effects which ſuch malicious endeavours may produce, we have thought good to declare:

Remark (1). This was all flouriſh, and a pretence uſed by the commons, to have an occaſion to publiſh this remonſtrance, which was reſolved upon at the very beginning of the parliament, before any one thought of blaming their conduct.

‘ The root and growth of theſe miſchievous deſigns.

‘ The maturity and ripeneſs to which they have attained before the beginning of the parliament.

‘ The effectual means which have been uſed for the extirpation of thoſe dangerous evils, and the progreſs which hath therein been made by his majeſty's goodneſs, and the wiſdom of the parliament.

‘ The ways of obſtruction and oppoſition, by which that progreſs hath been interrupted.

‘ The courſes to be taken for the removing thoſe obſtacles, and for the accompliſhing our moſt dutiful and faithful intentions and endeavours of reſtoring and eſtabliſhing the antient honour, greatneſs and ſecurity of this crown and nation.

‘The root of all this miſchief we find to be a malignant and pernicious deſign of ſubverting the fundamental laws and principles of government, upon which the religion and juſtice of this kingdom are firmly eſtabliſhed. The actors and promoters hereof have been,

‘1. The jeſuited Papiſts, who hate the laws, as they are the obſtacles of that change and ſubverſion of religion, which they ſo much long for.

‘2. The biſhops, and the corrupt part of the clergy, who cheriſh formality and ſuperſtition, as the natural effects, and more probable ſupports of their own eccleſiaſtical tyranny and uſurpation.

‘3. Such counſellors and courtiers, as, for private ends, have engaged themſelves to farther the intereſts of ſome foreign princes, or ſtates, to the prejudice of his majeſty, and the ſtate at home.

‘The common principles by which they moulded and governed all their particular counſels and actions were theſe:

‘Firſt, to maintain continual differences and diſcontents betwixt the king and the people, upon queſtions of prerogative and liberty, that ſo they might have the advantage of ſiding with him, and under the notions of men addicted to his ſervice, gain to themſelves and their parties the places of the greateſt truſt and power in the kingdom (2).

Rem. (2). It is certain, this was the way archbiſhop Laud, and the Arminian party grew powerful at court.

‘A ſecond, to ſuppreſs the purity and power of religion, and ſuch perſons as were beſt affected to it, as being contrary to their own ends, and the greateſt impediment to that change which they thought to introduce.

‘A third to conjoin thoſe parties of the kingdom which were moſt propitious to their own ends, and to divide thoſe who were moſt oppoſite, which conſiſted in many particular obſervations.

‘To cheriſh the Arminian party in thoſe points wherein they agree with the Papiſts to multiply and enlarge the difference between the common Proteſtants, and thoſe whom they call Puritans, to introduce and countenance ſuch opinions and ceremonies as are fitteſt for accomodation with Popery, to increaſe and maintain ignorance, looſeneſs, and prophaneſs in the people. That of thoſe three parties, Papiſts, Arminians, and Libertines, they might compoſe a body fit to act ſuch counſels and reſolutions, as were moſt conducible to their own ends.

‘A fourth, to diſaffect the king to parliaments by ſlanders and falſe imputations, and by putting him upon other ways of ſupply, which in ſhew and appearance were fuller of advantage than the ordinary, courſe of ſubſidies, tho' in truth they brought more loſs than gain both to the king and people, and have cauſed the great diſtractions under which we both ſuffer.

‘As in all compounded bodies the operations are qualified according to the predominant element, ſo in this mixt party, the jeſuited counſels being moſt active and prevailing, may eaſily be diſcovered to have had the greateſt ſway in all their determinations, and if they be not prevented, are likely to devour the reſt, or to turn them into their own nature.

‘In the beginning of his majeſty's reign, the party begun to revive and flouriſh again, having been ſomewhat dampt by the breach with Spain, in the laſt year of king James, and by his majeſty's marriage with France; the intereſts and counſels of that ſtate being not ſo contrary to the good of religion, and the proſperity of this kingdom, as thoſe of Spain; and the Papiſts of England having been ever more addicted to Spain than France; yet they ſtill retained a purpoſe and reſolution to weaken the Proteſtant parties in all parts, and even in France, whereby to make way for the change of religion, which they intended at home.

‘1. The firſt effect and evidence of their recovery and ſtrength, was the diſſolution of the parliament at Oxford, after there had been given two ſubſidies to his majeſty, and before they received relief in any one grievance, many other more miſerable effects followed.

‘2. The loſs of the Rochel fleet, by the help of our ſhipping, ſet forth and delivered over to the French, in oppoſition to the advice of parliament (3), which left that town without defence by ſea, and made way, not only to the loſs of that important place, but, likewiſe, to the loſs of all the ſtrength and ſecurity of the Proteſtant religion in France.

Rem. (3). It cannot properly be ſaid that the ſeven ſhips lent by Charles I, to the king of France were delivered to the French, in oppoſition to the advice of parliament, ſince the thing was done before the parliament was acquainted with it. It is, likewiſe, a great aggravation to impute the loſs of the Rochel fleet, and of Rochel itſelf, to the aid of the ſeven Engliſh ſhips, which the mariners of that nation had deſerted.

‘3. The diverting his majeſty's courſe of wars from the Weſt-Indies, which was the moſt facile and hopeful way, for this kingdom to prevail againſt the Spaniards, to an expenceful and unſucceſsful attempt upon Cales, which was ſo ordered as if it had rather been intended to make us weary of war, than to proſper it (4).

Rem. (4). This accuſation ſeems a little too far-fetch'd, ſince Elizabeth had taken both courſes with ſucceſs.

‘4. The precipitate breach with France, by taking their ſhips to a great value, without making recompence to the Engliſh, whoſe goods were thereupon imbarred, and confiſcate in that kingdom.

‘5. The peace with Spain, without conſent of parliament, contrary to the promiſe of king James to both houſes, whereby the Palatine's cauſe was deſerted and left to

‘ chargeable and hopeleſs treaties, which, for the moſt part, were managed by thoſe, who might juſtly be ſuſpected to be no friends to that cauſe. (5).

REM. (5). This article contains three accuſations againſt the king, 1. of making peace with Spain without conſent of parliament; 2. of neglecting, in this peace, the intereſt of the elector Palatine; 3. of treating of that prince's affairs by ſuſpected perſons. As to the firſt, it is true, king James had promiſed not to make peace with Spain without the parliament's approbation; but it was at a time when the parliament began to ſupply him with money for the war, and engaged to enable him to continue it. But the face of affairs was changed, when Charles I. made peace. As to the ſecond charge of neglecting the cauſe of the elector Palatine, it is properly a cavil, for the king, having no money to continue the war againſt Spain, was not in condition to ſupport the elector's cauſe. All that can be ſaid, is, that he would have had money from the parliament, had he been willing to redreſs the grievances. I am ignorant of the foundation of the third accuſation.

‘ 6. The charging of the kingdom with billeted ſoldiers in all parts of it, and that concomitant deſign of German horſe, that the land might either ſubmit with fear, or be enforced with rigour to ſuch arbitrary contributions as ſhould be required of them. (6).

REM. (6). Theſe two accuſations are unanſwerable. There was but too much reaſon to believe, that this was done on purpoſe to eſtabliſh an arbitrary government.

‘ 7. The diſſolving of the parliament in the ſecond year of his majeſty's reign, after a declaration of their intent to grant five ſubſidies. (7).

REM. (7). This parliament was diſſolved to ſave the duke of Buckingham.

‘ 8. The exacting of the like proportion of five ſubſidies after the parliament was diſſolved, by commiſſion of loan; and divers gentlemen and others impriſoned for not yielding to pay that loan, whereby many of them contracted ſuch ſickneſſes as coſt them their lives.

‘ 9. Great ſums of money required and raiſed by privy-ſeals. (8).

REM. (8). Theſe articles were notoriouſly true. There is no juſtifying them, but by aſſerting, the king had a right to do whatever he did; but this is a great queſtion.

‘ 10. An unjuſt and pernicious attempt to extort great payments from the ſubject by way of exciſe, and a commiſſion iſſued under the ſeal for that purpoſe.

‘ 11. The petition of right, which was granted in full parliament, blaſted, with an illegal declaration to make it deſtructive to itſelf, to the power of parliament, to the liberty of the ſubject, and to that purpoſe printed with it; and the petition made of no uſe but to ſhew the bold and preſumptuous injuſtice of ſuch miniſters as durſt break the laws, and ſuppreſs the liberties of the kingdom, after they had been ſo ſolemnly and evidently declared.

‘ 12. Another parliament diſſolved 4 Car. the privilege of parliament broken, by impriſoning divers members of the houſe, detaining them cloſe priſoners for many months together, without the liberty of uſing books, pen, ink, or paper, denying them all the comforts of life, all means of preſervation of health, not permitting their wives to come to them, even in time of their ſickneſs.

‘ 13. And for the compleating that cruelty, after many years ſpent in ſuch miſerable durance, depriving them of the neceſſary means of ſpiritual conſolation; not ſuffering them to go abroad to enjoy God's ordinances in God's houſe, or God's miniſters to come to them to miniſter comfort to them in their private chambers.

‘ 14. And to keep them ſtill in this oppreſſed condition, not admitting them to be bailed according to law, yet vexing them with informations in inferior courts, ſentencing and fining ſome of them for matters done in parliament; and extorting the payments of thoſe fines from them, enforcing others to put in ſecurity of good behaviour before they could be releaſed.

‘ 15. The impriſonment of the reſt, which refuſed to be bound, ſtill continued, which might have been perpetual, if neceſſity had not the laſt year brought another parliament to relieve them, of whom one * died, by the cruelty and harſhneſs of his impriſonment, which would admit of no relaxation, notwithſtanding the eminent danger of his life did ſufficiently appear by the declaration of his phyſician. And his releaſe, or at leaſt his refreſhment, was ſought by many humble petitions. And his blood ſtill cries either for vengeance or repentance, of thoſe miniſters of ſtate who have at once obſtructed the courſe both of his majeſty's juſtice and mercy. (9.)

* Sir John Elliot.

REM. (9). The rigour exerciſed upon theſe members of parliament is one of the ſtrongeſt proofs of the deſign to eſtabliſh arbitrary power; and, therefore, the commons largely inſiſt upon this article.

‘ 16. Upon the diſſolution of both theſe parliaments, untrue and ſcandalous declarations were publiſhed to aſperſe their proceedings, and ſome of their members, unjuſtly; to make them odious, and colour the violence which was uſed againſt them. (10). Proclamations ſet out to the ſame purpoſe; and to the great dejecting the hearts of the people, forbidding them even to ſpeak of parliaments.

REM. (10). If by theſe declarations are meant, thoſe publiſhed to ſignify the cauſes of the diſſolution of theſe parliaments, it may be ſaid, that the commons ſwerved from the reſpect due to the king, by terming them untrue and ſcandalous, ſince they were publiſhed in his name.

‘ 17. After the breach of the parliament in the fourth of his majeſty, injuſtice, oppreſſion and violence, broke in upon us, without any reſtraint or moderation, and yet the firſt project was the great ſums exacted thro' the whole kingdom, for default of knighthood, which ſeemed to have ſome colour and ſhadow of a law, yet if it be rightly examined by that obſolete law which was pretended for it, it will be found to be againſt all the rules of juſtice, both in reſpect of the perſons charged, the proportion of the fines demanded, and the abſurd and unreaſonable manner of their proceedings.

‘ 18. Tunnage and poundage hath been received without colour or pretence of law; many other heavy impoſitions continued againſt law; and ſome ſo unreaſonable, that the ſum of the charge exceeds the value of the goods.

‘ 19. The book of rates lately inhanced to a high portion; and ſuch merchants that would not ſubmit to their illegal and unreaſonable payments, were vexed and oppreſſed above meaſure; and the ordinary courſe of juſtice, the common birth-right of the ſubjects of England, wholly obſtructed and taken from them.

‘ 20. And altho' this was taken on pretence of guarding the ſeas, yet a new and unheard of tax of ſhip-money was deviſed, and upon the ſame pretence. By both which there was charged upon the ſubject near 700,000 l. ſome years; and yet the merchants have been left ſo naked to the violence of the Turkiſh pyrates, that many great ſhips of value, and thouſands of his majeſty's ſubjects, have been taken by them, and do ſtill remain in miſerable ſlavery.

‘ 21. The enlargement of foreſts, contrary to Charta de Foreſta, and the compoſition thereupon.

‘ 22. The exactions of coat and conduct money, and divers other military charges. (11).

REM. (11). The king being engaged in a war againſt Scotland, ordered that every county ſhould find a certain number of ſoldiers, and cloath and pay them, till they came to the place of the general rendezvous, on condition of being repaid another time. On this pretence it was agreed with the counties, that they ſhould ſupply the king with a certain ſum proportionable to the number of ſoldiers each county was to cloath and pay, for which the king took the whole charge upon himſelf. This was called coat and conduct-money, that is to ſay, money for cloathing and conducting the troops. But this money was never reſtored.

‘ 23. The taking away the arms of the trained-bands of divers counties. (12).

REM. (12). The king intending to make a magazine of arms in the caſtle of Edinburgh, found no ſpeedier way than to take, in ſome counties, the arms of the militia, and ſend them to Scotland. But it was pretended, that at the ſame time, his deſign was to diſarm, under that pretence, ſuch perſons as were not well-affected to him. Accordingly, this is inſinuated by the remonſtrance, in the following article concerning powder.

‘ 24. The deſperate deſign of engroſſing all the gunpowder into one hand, keeping it in the tower of London, and ſetting ſo high a rate upon it, that the poorer ſort were not able to buy it; nor could any have it without licenſe; thereby to leave the ſeveral parts of the kingdom deſtitute of their neceſſary defence; and by ſelling ſo dear that which was ſold, to make an unlawful advantage of it, to the great charge and detriment of the ſubject.

‘ 25. The general deſtruction of the king's timber, eſpecially that in the foreſt of Dean, ſold to Papiſts, which was the beſt ſtore-houſe of this kingdom for the maintenance of our ſhipping (13).

REM. (13). Theſe points are, perhaps, a little aggravated, at leaſt, in reſpect to the motives and conſequences.

‘ 26. The taking away of men's right under colour of the king's title to land, between high and low water marks.

‘ 27. The monopolies of ſoap, ſalt, wine, leather, ſea-coal, and in a manner, of all things of moſt common and neceſſary uſe.

‘ 28. The reſtraint of the liberties of the ſubjects in their habitation, trades, and other intereſts.

‘ 29. Their vexation and oppreſſion by purveyors, clerks of the market, and ſalt-petre-men.

‘ 30. The ſale of pretended nuſances, buildings in and about London.

‘ 31. Converſion of arable into paſture, continuance of paſture, under the name of depopulation, have driven many millions out of the ſubjects purſes, without any conſiderable profit to his majeſty (14).

REM. (14). The woollen trade being the great ſource of the riches of England, the ſubjects were enjoined by ſeveral ſtatutes, not to change paſture into arable land, for fear of leſſening the flocks, and, conſequently, the wool. In king Charles's reign, the offenders againſt theſe ſtatutes were ſtrictly inquired after, not with a view to hinder the abuſes, but to authoriſe them by a compoſition with the king.

‘ 32. Large quantities of common and ſeveral grounds hath been taken from the ſubjects, by colour of the ſtatute of improvement, and by abuſe of the commiſſion of ſewers, without their conſent, and againſt it. (15.)

REM. (15.) Commiſſioners of ſewers are ſuch as by authority under the great ſeal, ſee drains and ditches well kept and maintained in marſhy and fenny countries, for the better conveyance of the water into the ſea, and preſerving graſs upon the land for the feeding of flocks and herds. The commons complain that this commiſſion was abuſed.

‘ 33. And not only private intereſt, but alſo publick faith hath been broken, in ſeiſing of the money and bullion in the mint, and the whole kingdom like to be robbed at once, in that abominable project of braſs-money. (16.)

REM. (16.) The king took but 40,000 pounds out of the mint, which ſum was afterwards repaid to the proprietors.

‘ 34. Great numbers of his majeſty's ſubjects, for refuſing thoſe unlawful charges, have been vexed with long and expenſive ſuits; ſome fined and cenſured, others committed to long and hard impriſonments and confinements, to the loſs of health in many, of life in ſome; and others have had their houſes broken up, their goods ſeiſed; ſome have been reſtrained from their lawful callings.

‘ 35. Ships have been interrupted in their voyages, ſurpriſed at ſea in hoſtile manner by projectors, as by a common enemy.

‘ 36. Merchants prohibited to unlade their goods in ſuch ports as were for their own advantage, and forced to bring them to thoſe places which were much for the advantage of the monopolizers and projectors.

‘ 37. The court of ſtar-chamber hath abounded in extravagant cenſures, not only for the maintenance and improvement of monopolies, and other unlawful taxes, but for divers other cauſes, where there hath been no offence, or very ſmall; whereby his majeſty's ſubjects have been oppreſſed by grievous fines, impriſonments, ſtigmatizing, mutilations, whippings, pillories, gags, confinments, baniſhments; after ſo rigid a manner, as hath not only deprived men of the ſociety of their friends, exerciſe of their profeſſions, comfort of books, uſe of paper and ink, but even violated that near union which God hath eſtabliſhed between men and their wives, by forced and conſtrained ſeperation, whereby they have been bereaved of the comfort and converſation one of another for many years together, without hope of relief, if God had not, by his over-ruling providence, given ſome interruption to the prevailing power and counſel of thoſe, who were the authors and promoters of ſuch peremptory and heady courſes. (17).

Rem. (17). This whole article relates to the rigorous treatment of Prynn, Baſtwick, and Burton, by the ſtar-chamber.

‘ 38. Judges have been put out of their places for refuſing to do againſt their oaths and conſciences; others have been ſo awed that they durſt not do their duties, and the better to hold a rod over them, the clauſe, Quam diu ſe bene geſſerit, was left out of their patents, and a new clauſe, Durante bene placito, inſerted.

‘ 39. Lawyers have been checked for being faithful to their clients: ſollicitors and attorneys have bee threatened, and ſome puniſhed for following lawful ſuits. And by this means all the approaches to juſtice were interrupted and fore-cluded.

‘ 40. New oaths have been forced upon the ſubject againſt law.

‘ 41. New judicators erected without law. The council-table have by their orders offered to bind the ſubjects in their freeholds, eſtates, ſuits and actions.

‘ 42. The pretended court of the earl marſhal was arbitrary and illegal in its being and proceedings.

‘ 43. The chancery, exchequer-chamber, court of wards, and other Engliſh courts, have been grievous in exceeding their juriſdiction.

‘ 44. The eſtate of many families weakened, and ſome ruined by exceſſive fines, exacted from them for compoſitions of wardſhips.

‘ 45. All leaſes of above 100 years made to draw on wardſhip contrary to law.

‘ 46. Undue proceedings uſed in the finding of offices, to make the jury find for the king.

‘ 47. The common-law courts, ſeeing all men more inclined to ſeek juſtice there, where it may be fitted to their own deſires, are known frequently to forſake the rules of the common-law, and ſtraying beyond their bounds, under pretence of equity, to do injuſtice (18).

Rem. (18). The laws of England are divided into common-law, and ſtatute-law; the firſt is founded on antient cuſtom, &c. and the other on acts of parliament; from theſe laws the judges are not allowed to ſwerve either to the right or left. The court of chancery only may in ſome caſes judge according to equity. Now the king's courts in taking upon them to judge according to equity, and not according to ſtrict law, had exceeded their juriſdiction, in order to favour the court.

‘ 48. Titles of honour, judicial places, ſerjeantſhips at law, and other offices have been ſold for great ſums of money; whereby the common juſtice of the kingdom hath been much endangered, not only by opening a way of employment, in places of great truſt and advantage to men of weak parts, but alſo by giving occaſion to bribery, extortion, partiality; it ſeldom happening that places ill-gotten are well uſed. (19).

Rem. (19). A ſerjeant at law or of the coif, Serviens ad legem, is the higheſt degree taken in that profeſſion, as that of doctor is in the civil law. One court is peculiar to them, viz. the court of common-pleas, tho' they are not reſtrained from pleading in any other court. Out of theſe are choſen one or more king's ſerjeants, to plead for him in all cauſes, eſpecially in thoſe of treaſon.

‘ 49. Commiſſions have been granted for examining the exceſs of fees; and when great exactions have been made with delinquents not only for the time paſt, but likewiſe for immunity, and ſecurity in offending for the time to come, which under colour of remidy, hath but confirmed and encreaſed the grievances to the ſubject.

‘ 50. The uſual courſe of pricking ſheriffs, not obſerved, but many times ſheriffs made in an extraordinary way, ſometimes as a puniſhment and charge unto them (20), ſometimes ſuch were pricked out as would be inſtruments to execute whatſoever they would have to be done.

Rem. (20). To hinder them from being choſen to ſerve in parliament, as Sir Edward Coke, Sir Robert Philips and Sir Thomas Wentworth.

‘ 51. The biſhops and the reſt of the clergy, did triumph in the ſuſpenſions, excommunications, deprivations, degradations of divers painful, learned, and pious miniſters, in the vexation and grievous oppreſſions of great numbers of his majeſty's good ſubjects.

‘ 52. The high-commiſſion grew to ſuch exceſs of ſharpneſs and ſeverity, as was not much leſs than the Romiſh inquiſition, and yet in many caſes, by the archbiſhop's power, was made much more heavy, being aſſiſted and ſtrengthened by authority of the council-table.

‘ 53. The biſhops and their courts were as eager in the country; although their juriſdiction could not reach ſo high in rigour and extremity of puniſhment, yet were they no leſs grievous, in reſpect of the generality and multiplicity of vexations, which lighting upon the meaner ſort of tradeſman and artificers, did impoveriſh many thouſands;

‘ 54. And ſo afflict and trouble others, that great numbers, to avoid their miſeries, departed out of the kingdom; ſome into New-England, and other parts of America, others into Holland:

‘ 55. Where they have tranſported their manufactures of cloth; which is not only a loſs by diminiſhing the preſent ſtock of the kingdom, but a great miſchief by impairing and endangering the loſs of that peculiar trade of clothing, which hath been a plentiful fountain of wealth and honour to this nation.

‘ 56. Thoſe were fitteſt for eccleſiaſtical preferments, and ſooneſt obtained it, who were moſt officious in promoting ſuperſtition, moſt virulant in railing againſt godlineſs and honeſty. (21).

REM. (21). By theſe are to be underſtood ſuch as were moſt incenſed againſt Preſbyterianiſm.

‘ 57. The moſt publick and ſolemn ſermons before his majeſty, were, either to advance prerogative above law, and decry the property of the ſubject, or full of ſuch kind of invectives;

‘ 58. Whereby they might make thoſe odious who ſought to maintain the religion, laws, and liberties of the kingdom; and ſuch men were ſure to be weeded out of the commiſſion of the peace, and out of all other employments of power in the government of the country.

‘ 59. Many noble perſons were counſellors in name, but the power and authority remained in a few of ſuch as were addicted to this party; whoſe reſolutions and determinations were brought to the table for countenance and execution, and not for debate and deliberation; and no man could offer to oppoſe them without diſgrace and hazard to himſelf.

‘ 60. Nay, all thoſe that did not wholly concur, and actively contribute to the furtherance of their deſigns, tho', otherwiſe, perſons of never ſo great honour and abilities, were ſo far from being employed in any place of truſt and power, that they were neglected, diſcountenanced, and upon all occaſions injured and oppreſſed.

‘ 61. This faction was grown to that height and entireneſs of power, that now they began to think of finiſhing of their work, which conſiſted of theſe three parts.

‘ 62. I. The government muſt be ſet free from all reſtraint of laws concerning our perſons and eſtates.

‘ 63. II. There muſt be a conjunction between Papiſts and Proteſtants in doctrine, diſcipline, and ceremonies, only it muſt not yet be called Popery.

‘ 64. III. The Puritans, under which name they include all thoſe that deſire to preſerve the laws and liberties of the kingdom, and to maintain religion in the power of it, muſt be either rooted out of the kingdom with force, or driven out with fear.

‘ 65. For the effecting of this, it was thought neceſſary to reduce Scotland to ſuch Popiſh ſuperſtitions and innovations, as might make them apt to join with England in that great change which was intended.

‘ 66. Whereupon new canons and a new liturgy were preſt upon them; and when they refuſed to admit of them, an army was raiſed to force them to it, towards which the clergy and the Papiſts were very forward in their contribution.

‘ 67. The Scots likewiſe raiſed an army for their defence.

‘ 68. And when both armies were come together, and ready for a bloody encounter, his majeſty's own gracious diſpoſition, and the counſel of the Engliſh nobility, and dutiful ſubmiſſion of the Scots, did ſo far prevail againſt the evil counſel of others, that a pacification was made, and his majeſty returned with peace and much honour to London.

‘ 69. The unexpected reconciliation was moſt acceptable to all the kingdom except to the malignant party; whereof the archbiſhop and the earl of Strafford being heads, they and their faction began to inveigh againſt the peace, and to aggravate the proceedings of the ſtates, which ſo incenſed his majeſty, that he forthwith prepared again for war.

‘ 70. And ſuch was their confidence, that having corrupted and diſtempered the whole frame and government of the kingdom, they did now hope to corrupt that which was the only means to reſtore all to a right frame and temper again.

‘ 71. To which end they perſuaded his majeſty to call a parliament, not to ſeek counſel and advice of them, but to draw countenance and ſupply from them, and to engage the whole kingdom in their quarrel.

‘ 72. And in the mean time, continued all their unjuſt levies of money, reſolving either to make the parliament pliant to their will, and to eſtabliſh miſchief by a law, or elſe to break it, and with more colour to go on by violence, to take what they could not obtain by conſent. The ground alledged for the juſtification of this war was this:

‘73. That the undutiful demands of the parliaments in Scotland was a ſufficient reaſon for his majeſty to take arms againſt them, without hearing the reaſon of thoſe demands, and thereupon a new army was prepared againſt them; their ſhips were ſeiſed in all parts both of England and Ireland, and at ſea; their petitions rejected, and their commiſſioners refuſed audience.

‘74. This whole kingdom moſt miſerably diſtempered with levies of men and money; and impriſonment of thoſe who denied to ſubmit to thoſe levies.

‘75. The earl of Strafford paſſed into Ireland, cauſed the parliament there to declare againſt the Scots, to give four ſubſidies towards that war; and to engage themſelves, their lives and fortunes for the proſecution of it; and gave directions for an army of 8000 foot, and 1000 horſe, to be levied there, which were for the moſt part Papiſts.

‘76. The parliament met upon the 13th of April, 1640. The earl of Strafford, and archbiſhop of Canterbury, with their party, ſo prevailed with his majeſty, that the houſe of commons was preſſed to yield a ſupply for maintenance of the war with Scotland, before they had provided any relief for the great and preſſing grievances of the people; which being againſt the fundamental privilege and proceeding of parliament, was yet in humble reſpect to his majeſty ſo far admitted, as that they agreed to take the matter of ſupply into conſideration, and two ſeveral days it was debated.

‘77. Twelve ſubſidies were demanded for the releaſe of ſhip-money alone: A third day was appointed for concluſion, when the heads of that party began to fear, the people might cloſe with the king, in ſatiſfying his deſires of money: But that withal, they were like to blaſt their malicious deſigns againſt Scotland, finding them very much indiſpoſed to give any countenance to that war.

‘78. Thereupon they wickedly adviſed the king to break off the parliament, and to return to the ways of confuſion, in which their own evil intentions were moſt like to proſper and ſucceed. (22.)

REM. (22.) The lord Clarendon, then a member of the houſe of commons, affirms, that the houſe was very well inclined to ſatisfy the king, if he would have had a little patience, and that he repented afterwards his precipitation. This confirms what is ſaid here, that the parliament was diſſolved, for ſome private ends of thoſe who moſt influenced the king's council.

‘79. After the parliament ended, the 5th of May, 1640, this party grew ſo bold, as to counſel the king to ſupply himſelf out of his ſubjects eſtates, by his own power, at his own will, without their conſent.

‘80. The very next day, ſome members of both houſes had their ſtudies and cabinets, yea their pockets ſearched: Another of them not long after was committed cloſe priſoner, for not delivering ſome petitions which he received by authority of that houſe.

‘81. And if harſher courſes were intended (as was reported) it is very probable, that the ſickneſs of the earl of Strafford, and the tumultuous riſing in Southwark and about Lambeth, were the cauſes that ſuch violent intentions were not brought to execution.

‘82. A falſe and ſcandalous declaration againſt the houſe of commons was publiſhed in his majeſty's name, which yet wrought little effect with the people but only to manifeſt the impudence of thoſe who were authors it.

‘83. A forced loan of money was attempted in the city of London.

‘84. The lord-mayor and aldermen in their ſeveral wards, enjoined to bring in a liſt of the names of ſuch perſons as they judged fit to lend, and of the ſum they ſhould lend, and ſuch aldermen as refuſed ſo to do were committed to priſon.

‘85. The archbiſhop, and the other biſhops and clergy continued the convocation, and by a new commiſſion turned it into a provincial ſynod, in which, by an unheard-of preſumption, they made canons that contain in them many matters, contrary to the king's prerogative; to the fundamental laws and ſtatutes of the realm; to the right of parliaments; to the property and liberty of the ſubject; and matters tending to ſedition, and of dangerous conſequence; thereby eſtabliſhing their own uſurpations, juſtifying their altar-worſhip, and thoſe other ſuperſtitious innovations, which they formerly introduced without warrant of law.

‘86. They impoſed a new oath upon divers of his majeſty's ſubjects both eccleſiaſtical and lay, for maintenance of their own tyranny, and laid a great tax upon the clergy for ſupply of his majeſty, and generally they ſhewed themſelves very affectionate to the war with Scotland, which was by ſome of them ſtiled Bellum Epiſcopale, and a prayer compoſed, and enjoined to be read in churches, calling the Scots rebels, to put the two nations in blood, and make them irreconcileable.

‘87. All thoſe pretended canons and conſtitutions were armed with the ſeveral cenſures of ſuſpenſion, excommunication, deprivation, by which they would have thruſt out all the good miniſters, and moſt of the well-affected people of the kingdom, and left an eaſy paſſage to their own deſign of reconciliation with Rome. (23.)

REM. (23.) The commons go, doubtleſs, too far, when they impute to the whole convocation of 1640, the deſign of reſtoring Popery. This is not at all likely, ſuppoſing it were true, that ſome of the biſhops had formed ſuch a project, which was never well proved.

‘88. The Popiſh party enjoyed ſuch exemptions from penal laws, as amounted to a toleration, beſides many other encouragements and court-favours.

‘89. They had a ſecretary of ſtate, Sir Francis Windebank, a powerful agent for ſpeeding all their deſires.

‘90. A pope's nuncio reſiding here, to act and govern them according to ſuch influences as he received from Rome, and to intercede for them with the moſt powerful concurrence of the foreign princes of that religion.

‘ 91. By his authority the Papiſts of all ſorts, nobility, gentry, and clergy were, convocated after the manner of a parliament.

‘ 92. New juriſdictions were erected of Romiſh archbiſhops, taxes levied, another ſtate moulded within this ſtate independent in government, contrary in intereſt and affection, ſecretly corrupting the ignorant or negligent profeſſors of our religion, and cloſely uniting and combining themſelves againſt ſuch as were found in this poſture, waiting for an opportunity by force to deſtroy thoſe whom they could not hope to ſeduce.

‘ 93. For the effecting whereof, they were ſtrengthened with arms and munition, encouraged by ſuperſtitious prayers, enjoined by the nuncio, to be weekly made for the proſperity of ſome great deſign.

‘ 94. And ſuch power had they at court, that ſecretly a commiſſion was iſſued out, or intended to be iſſued to ſome great man of that profeſſion, forthe levying of ſoldiers, and to command and employ them according to private inſtructions, which we doubt were framed for the advantage of thoſe who were the contrivers of them.

‘ 95. His majeſty's treaſure was conſumed, his revenue anticipated.

‘ 96. His ſervants and officers compelled to lend great ſums of money.

‘ 97. Multitudes were called to the council-table, who were tired with long attendances there for refuſing illegal payments.

‘ 98. The priſons were filled with their commitments; many of the ſheriffs ſummoned into the ſtar-chamber; and ſome impriſoned for not being quick enough in levying the ſhip-money; the people languiſhed under grief and fear; no viſible hope being left but in deſperation.

‘ 99. The nobility began to be weary of their ſilence and patience, and ſenſible of the duty and truſt which belongs to them; and thereupon ſome of the moſt antient of them did petition his majeſty at ſuch a time, when evil counſellors were ſo ſtrong, that they had occaſion to expect more hazard to themſelves, than redreſs of thoſe publick evils for which they interceded.

‘ 100. Whilſt the kingdom was in this agitation, and diſtemper, the Scots reſtrained in their trades, impoveriſhed by the loſs of many of their ſhips, bereaved of all poſſibility of ſatisfying his majeſty by any naked ſupplications, entered with a powerful army into the kingdom, and without any hoſtile act or ſpoil in the country they paſſed, more than forcing a paſſage over the Tyne at Newburne near Newcaſtle; poſſeſſed themſelves of Newcaſtle; and had a fair opportunity to preſs on farther upon the king's army.

‘ 101. But duty and reverence to his majeſty, and brotherly love to the Engliſh nation, made them ſtay there, whereby the king had leiſure to entertain better counſels.

‘ 102. Wherein God ſo bleſſed and directed him, that he ſummoned the great council of peers to meet at York upon the 24th of September, and there declared a parliament, to begin the 3d of November then following.

‘ 103. The Scots, the firſt day of the great council, preſented an humble petition to his majeſty, whereupon the treaty was appointed at Rippon.

‘ 104. A preſent ceſſation of arms agreed upon, and the full concluſion of all differences referred to the wiſdom and care of the parliament (24).

Rem. (24). The commons ſuppoſe, that as the Scots had petitioned the king to redreſs their grievances with the advice of the parliament of England; and as on that occaſion the king had called a parliament, this was a tacit conſent of both parties to leave this to the parliament of England. But this is only a ſuppoſition; for there was no agreement to refer matters to the parliament.

‘ 105. At our firſt meeting, all oppoſition ſeemed to vaniſh, the miſchiefs were ſo evident, which thoſe evil counſellors produced, that no man durſt ſtand up to defend them, yet the work itſelf afforded difficulty enough.

‘ 106. The multiplied evils and corruptions of 16 years, ſtrengthened by cuſtom and authority, and the concurrent intereſt of many powerful delinquents, were now to be brought to judgment and reformation.

‘ 107. The king's houſehold was to be provided for; they had brought him to that want, that he could not ſupply his ordinary and neceſſary expences without the aſſiſtance of his people.

‘ 108. Two armies were to be paid, which amounted very near to 80,000 l. a month.

‘ 109. The people were to be tenderly charged, having been formerly exhauſted with many burthenſome projects.

‘ 110. The difficulties ſeemed to be inſuperable, which by the divine providence we have overcome. The contrarieties incompatible, which yet in a great meaſure we have reconciled.

‘ 111. Six ſubſidies have been granted, and a bill of poll-money, which if it be duly levied, may equal ſix ſubſidies more, in all 600,000 l.

‘ 112. Beſides, we have contracted a debt to the Scots of 220,000 l. yet God hath ſo bleſſed the endeavours of this parliament, that the kingdom is a great gainer by all theſe charges.

‘ 113. The ſhip-money is aboliſhed, which coſt the kingdom above 200,000 l. a year.

‘ 114. The coat and conduct-money, and other military charges are taken away, which in many counties amounted to little leſs than the ſhip-money.

‘ 115. The monopolies are all ſuppreſt, whereof ſome few did prejudice the ſubject above a million yearly.

‘ 116. The ſoap, 100,000 l.

‘ 117. The wine, 300,000 l.

‘ 118. The leather muſt needs exceed both, and ſalt could be no leſs than that.

‘119. Beſides the inferior monopolies, which if they could be exactly computed, would make up a great ſum.

‘120. That which is more beneficial than all this, is, that the root of theſe evils is taken away, which was the arbitrary power pretended to be in his majeſty, of taxing the ſubject, or charging their eſtates without conſent in parliament, which is now declared to be againſt law, by the judgment of both houſes, and likewiſe by an act of parliament.

‘121. Another ſtep of great advantage is this, the living grievances, the evil counſellors and actors of theſe miſchiefs have been ſo quelled.

‘122. By the juſtice done upon the earl of Strafford, the flight of the lord Finch, and ſecretary Windebank.

‘123. The accuſation and impriſonment of the archbiſhop of Canterbury, of judge Berkley; and,

‘124. The impeachment of divers other biſhops and judges, that it is like not only to be an eaſe to the preſent times, but a preſervation to the future.

‘125. The diſcontinuance of parliaments is prevented by the bill for a triennial parliament, and the abrupt diſſolution of this parliament by another bill, by which it is provided, it ſhall not be diſſolved or adjourned without the conſent of both houſes.

‘126. Which two laws well conſidered, may be thought more advantageous than all the former, becauſe they ſecure a full operation of the preſent remedy, and afford a perpetual ſpring of remedies for the future.

‘127. The ſtar-chamber;

‘128. The high-commiſſion;

‘129. The courts of the preſident and council in the north, where ſo many forges of miſery, and oppreſſion, and violence, and are all taken away, whereby men are more ſecured in their perſons, liberties, and eſtates, than they could by any law or example, for the regulation of thoſe courts of terror of the judges.

‘130. The immoderate power of the council-table, and the exceſſive abuſe of that power is ſo ordered and reſtrained, that we may well hope, that no ſuch things as were frequently done by them, to the prejudice of the publick liberty, will appear in future times but only in ſtories, to give us and our poſterity more occaſion to praiſe God for his majeſty's goodneſs, and the faithful endeavours of this parliament.

‘131. The canons and power of canon-making are blaſted by the votes of both houſes.

‘132. The exorbitant power of biſhops and their courts are much abated, by ſome proviſions in the bill againſt the high-commiſſion courts, the authors of the many innovations in doctrine and ceremonies.

‘133. The miniſters that have been ſcandalous in their lives, have been ſo terrified by juſt complaints and accuſations, that we may well hope they will be more modeſt for the time to come; either inwardly convicted by the ſight of their own folly, or outwardly reſtrained by the fear of puniſhment.

‘134. The foreſts are by a good law reduced to their right bounds.

‘135. The incroachments and oppreſſions of the ſtannery courts, the extortions of the clerk of the market.

‘136. and the compulſion of the ſubject, to receive the order of knighthood againſt his will, paying of fines for not receiving it; and the vexatious proceedings thereupon for levying of thoſe fines, are by other beneficial laws reformed and prevented.

‘137. Many excellent laws and proviſions are in preparation for removing the inordinate power, vexation and uſurpations of biſhops; for reforming the pride and idleneſs of many of the clergy; for eaſing the people of unneceſſary ceremonies in religion; for cenſuring and removing unworthy and unprofitable miniſters, and for maintaining godly and diligent preachers through the kingdom.

‘138. Other things of main importance for the good of this kingdom are in propoſition, tho' little could hitherto be done in regard of the many other more preſſing buſineſſes, which yet before the end of this ſeſſion we hope may receive ſome progreſs and perfection.

‘139. The eſtabliſhing and ordering the king's revenue, that ſo the abuſe of officers, and ſuperfluity of expences may be cut off, and the neceſſary disburſements for his majeſty's honour, the defence and government of the kingdom, may more certainly be provided for.

‘140. The regulating of courts of juſtice, and abridging both the delays and charges of law-ſuits.

‘141. The ſettling of ſome good courſes for preventing the exportation of gold and ſilver, and the inequality of exchanges betwixt us and other nations, for the advancing of native commodities, encreaſe of our manufacturies, and well-balancing of trade, whereby the ſtock of the kingdom may be increaſed, or at leaſt kept from impairing, as thro' neglect hereof it hath done for many years laſt paſt.

‘142. Improving the herring-fiſhing upon our own coaſts, which will be of mighty uſe in the employment of the poor, and a plentiful nurſery of mariners, for enabling the kingdom in any great action.

‘143. The oppoſitions, obſtructions, and other difficulties wherewith we have been encountred, and which ſtill lie in our way with ſome ſtrength, and much obſtinacy are theſe; the malignant party, whom we have formerly deſcribed to be the actors and promoters of all our miſery, that have taken heart again.

‘144. They have been able to prefer ſome of their own factors and agents to degrees of honour, to places of truſt and employment, even during the parliament.

‘145. They have endeavoured to work in his majeſty ill impreſſions and opinions of our proceedings, as if we had altogether done our own work, and not his; and had ‘obtained from him many things very prejudicial to the crown, both in reſpect of prerogative and profit.

‘146. To wipe out this ſlander, we think good only to ſay thus much; that all that we have done is for his majeſty, his greatneſs, honour, and ſupport, when we yield to give 25,000 pounds a month for the relief of the northern counties; this was given to the king, for he was bound to protect his ſubjects.

‘147. They were his majeſty's evil counſellors, and their ill inſtruments, that were actors in thoſe grievances which brought in the Scots.

‘148. And if his majeſty pleaſe to force thoſe who were the authors of this war, to make ſatisfaction, as he might juſtly and eaſily do, it ſeems very reaſonable, that the people might well be excuſed from taking upon them this burden, being altogether innocent, and free from being any cauſe of it.

‘149. When we undertook the charge of the army, which coſt above 50,000 l. a month, was not this given to the king? Was it not his majeſty's army? Were not all the commanders under contract with his majeſty at higher rates, and greater wages than ordinary.

‘150. And have not we taken upon us to diſcharge all the brotherly aſſiſtance of 300,000 pounds, which we gave the Scots? Was it not toward repair of thoſe damages and loſſes which they received from the king's ſhips, and from his miniſters?

‘151. Theſe three particulars amount to above 1100,000 pounds.

‘152. Beſides his majeſty hath received, by impoſitions upon merchandiſe, at leaſt 400,000 pounds.

‘153. So that his majeſty hath had out of the ſubjects purſe, ſince the parliament began, 1500,000; and yet theſe men can be ſo impudent, as to tell his majeſty, that we have done nothing for him.

‘154. As to the ſecond branch of this ſlander, we acknowledge with much thankfulneſs, that his majeſty hath paſſed more good bills to the advantage of the ſubjects, than have been in many ages.

‘155. But withal, we cannot forget that thoſe venomous counſels did manifeſt themſelves in ſome endeavours to hinder theſe good acts.

‘156. And for both houſes of parliament we may with truth and modeſty ſay thus much: That we have ever been careful not to deſire any thing that ſhould weaken the crown, either in juſt profit or uſeful power.

‘157. The triennial parliament for the matter of it, doth not extend to ſo much, as by law we ought to have required, there being two ſtatutes ſtill in force for a parliament to be once a year (25), and for the manner of it, it is in the king's power, that it ſhall never take effect, if he, by a timely ſummons, ſhall prevent any other way of aſſembling. (26).

Rem. (25). But theſe ſtatutes, by diſuſe, were grown obſolete, like that of Edward II, on which the king proceeded to compel people to receive the order of knighthood.

Rem. (26). The commons might have ſaid, that he was himſelf the cauſe of this act, for not calling a parliament in 12 years.

‘158. In the bill for continuance of this preſent parliament, there ſeems to be ſome reſtraint of the royal power in diſſolving of parliaments, not to take it out of the crown, but to ſuſpend the execution of it for this time and occaſion only; which was ſo neceſſary for the king's own ſecurity, and the publick peace, that without it we could not have undertaken any of theſe great charges, but muſt have left both the armies to diſorder, and confuſion, and the whole kingdom to blood and rapine. (27).

Rem. (27). The commons underſtand here more than they expreſs. Their view is to ſhew, that without this act, the king would not have failed to diſſolve the parliament; conſequently the peace with Scotland would not have been concluded, and the two armies would have ravaged the kingdom.

‘159. The ſtar-chamber was much more fruitful in oppreſſion than in profit, the great fines being for the moſt part given away, and the reſt ſtalled at long times.

‘160. The fines of the high-commiſſion were in themſelves unjuſt, and ſeldom or never came into the king's purſe. Theſe four bills are particularly and more ſpecially inſtanced.

‘161. In the reſt there will not be found ſo much as a ſhadow of prejudice to the crown.

‘162. They have ſought to diminiſh our reputation with the people, and to bring them out of love with parliaments.

‘163. The aſperſions which they have attempted this way have been ſuch as theſe;

‘164. That we have ſpent much time and done little, eſpecially in thoſe grievances which concern religion.

‘165. That the parliament is a burthen to the kingdom, by the abundance of protections which hinder juſtice and trade (28), and by many ſubſidies granted, much more heavy than any formerly endured.

Rem. (28). Every member of parliament had a right to grant protections to his ſervants and dependents, ſo that they cannot be proſecuted in any courts. It is certain, this right was abuſed by many members, in granting protections to perſons without any lawful foundation, nay, ſome even ſold them.

‘166. To which there is a ready anſwer, if the time ſpent in this parliament, be conſidered in relation backward to the long growth and deep root of thoſe grievances which we have removed, to the powerful ſupports of thoſe delinquents which we have purſued, to the great neceſſities and other charges of the commonwealth, for which we have provided;

‘167. Or if it be conſidered in relation forward to many advantages, which not only the preſent, but future ages are like to reap by the good laws, and other proceedings in this parliament; we doubt not but it will be thought by all indifferent judgments, that our time hath been much better employed, than in a far greater proportion of time in many former parliaments put together, and the charges which have been laid upon the ſubjects, and the other inconveniencies which they have born, will ſeem very light in reſpect of the benefit they have and may receive.

‘ 168. And for the matter of protection, the parliament is ſo ſenſible of it, that therein they intended to give them whatſoever eaſe may ſtand with honour and juſtice, and are in a way of paſſing a bill to give them ſatisfaction.

‘ 169. They have ſought by many ſubtle practices to cauſe jealouſies and diviſions between us and our brethren of Scotland, by ſlandering their proceedings and intentions towards us, and by ſecret endeavours to inſtigate and incenſe them and us one againſt another.

‘ 170. They have had ſuch a party of biſhops and Popiſh lords in the houſe of peers, as hath cauſed much oppoſition and delay in the proſecution of delinquents, hindered the proceedings of divers good bills paſſed in the commons houſe, concerning the reformation of ſundry great abuſes and corruptions both in church and ſtate.

‘ 171. they have laboured to ſeduce and corrupt ſome of the commons houſe to draw them into conſpiracies and combinations againſt the liberty of the parliament.

‘ 172. And by their inſtruments and agents, they have attempted to diſaffect and diſcontent his majeſty's army; and to engage it for the maintenance of their wicked and trayterous deſigns; the keeping up of biſhops in votes and functions, and by force to compel the parliament to order, limit and diſpoſe their proceedings, in ſuch manner as might beſt concur with the intentions of this dangerous and potent faction.

‘ 173. And when one miſchievous dſiegn and attempt of theirs, to bring on the army againſt the parliament, and the city of London, hath been diſcovered and prevented.

174. They preſently undertook another of the ſame damnable nature, with this addition to it, to endeavour to make the Scotiſh army neutral, whilſt the Engliſh army, which they had laboured to corrupt and invenom againſt us, by their falſe and ſlanderous ſuggeſtions, ſhould execute their malice, to the ſubverſion of our religion, and the diſſolution of our government.

‘ 175. Thus they have been continually practiſing to diſturb the peace, and plotting the deſtruction even of all the king's dominions; and have employed their emiſſaries, and agents in them, all for the promoting their deviliſh deſigns, which the vigilancy of thoſe who were well affected, have ſtill diſcovered and defeated, before they were ripe for execution in England and Scotland.

‘ 176. Only in Ireland, which was farther off, they have had time and opportunity to mould and prepare their work, and had brought it to that perfection, that they had poſſeſſed themſelves of that whole kingdom, totally ſubverted the government of it, rooted out religion, and deſtroyed all the Proteſtants, whom the conſcience of their duty to God, their king and country, would not have permitted to join with them, if by God's wonderful providence, their main enterprize upon the city and caſtle of Dublin had not been detected and prevented upon the very eve before it ſhould have been executed.

‘ 177. Notwithſtanding they have, in other parts of that kingdom, broken out into open rebellion, ſurpriſing towns and caſtles, committed murders, and rapes, and other villanies and ſhaken of all bounds of obedience to his majeſty and the laws of the realm (29).

REM. (29). The commons, in theſe two laſt articles, conſider the malignant party of England as the principal authors of the Iriſh rebellion, and artfully confound whatever had been done in England for 15 years, and the maſſacre of Ireland in 1641, under the ſame idea, as proceeding from the ſame ſource which was never well proved.

‘ 178. And in general have kindled ſuch a fire, as nothing but God's infinite bleſſing upon the wiſdom and endeavours of this ſtate will be able to quench.

‘ 179. And certainly had not God, in his great mercy unto this land, diſcovered and confounded their former deſigns, we had been the prologue to this tragedy in Ireland, and had by this been made the lamentable ſpectacle of miſery and confuſion.

‘ 180. And now what hope have we but in God, when, as the only means of our ſubſiſtence and power of reformation, is under him in the parliament?

‘ 181. But what can we the commons, without the conjunction of the houſe of lords, and what conjunction can we expect there, when the biſhops and recuſant lords are ſo numerous, and prevalent, that they are able to croſs, and interrupt our beſt endeavours for reformation, and by that means give advantage to this malignant party, to traduce our proceedings.

‘ 182. They infuſe into the people, that we mean to aboliſh all church-government, and leave every man to his own fancy, for the ſervice and worſhip of God, abſolving him of that obedience which he owes under God unto his majeſty; whom we know to be intruſted with the eccleſiaſtical law, as well as with the temporal, to regulate all the members of the church of England, “ by ſuch rule of order and diſcipline, as are eſtabliſhed by parliament; which is his great council, in all affairs both in church and ſtate (30).

REM. (30). It is true, the commons declare here, that their intention is not to ſet up an independency in matter of religion. But as to what concerns the government of the church they ſpeak obſcurely, becauſe it was not yet time to declare themſelves more openly. They are contented with aſſerting, that the king ought to take the parliament's advice in the affairs of the church, a maxim they intended to make great uſe of.

‘ 183. We confeſs our intention is, and our endeavours have been, to reduce within bounds that exorbitant power, which the prelates have aſſumed unto themſelves, ſo contrary both to the word of God and to the laws of the land; to which end we paſſed the bill for the removing them from their temporal power and employments; that ſo the better they might with meekneſs apply themſelves to the diſcharge of their functions; which bill themſelves oppoſe, and were the principal inſtruments of croſſing it.

‘ 184. And we do hear declare, That it is far from our purpoſe or deſire, to let looſe the golden reins of diſcipline and government in the church, to leave private perſons or particular congregations, to take up what form of divine ſervice they pleaſe; for he hold it requiſite, that there ſhould be throughout the whole realm a conformity to that order which the law enjoin according to the word of God (31). And we deſire to unburthen the conſciences of men of needleſs and ſuperſtitious ceremonies, ſuppreſs innovations, and take away the monuments of idolatry.

Rem. (31). Great uſe was afterwards made of this reſtriction, “according to the word of God,” to introduce greater alterations that thoſe mentioned in this article.

‘ 185. And the better to effect the intended reformation, we deſire there may be a general ſynod of the moſt grave, pious, learned, and judicious divines of this iſland, aſſiſted with ſome from foreign parts, profeſſing the ſame religion with us; who may conſider of all things neceſſary for the peace and good government of the church, and repreſent the reſults of their conſultations unto the parliament, to be there allowed of and confirmed, and received the ſtamp of authority hereby to find paſſage and obedience throughout the kingdom (32).

Rem. (32). The commons diſcover here more clearly their intentions, in that, 1. it does not appear that they would admit biſhops into this ſynod. 2. In that they would have it conſiſt of divines of the iſland, and conſequently of Scots, who were all Presbyterians, and of ſome foreign miniſters who were ſo too.

‘ 186. They have maliciouſly charged us, that we intend to deſtroy and diſcourage learning; whereas it is our chiefeſt care and deſire to advance it; and to provide a competent maintenance for conſcionable and preaching miniſters throughout the whole kingdom, which will be a great encouragement to ſcholars, and a certain means whereby the want, meaneſs, and ignorance to which a great part of the clergy is now ſubject, will be prevented.

‘ 187. And we intended likewiſe to reform and purge the fountains of learning, the two univerſities, that the ſtreams flowing from thence may be clear and pure, and an honour and comfort to the whole land (33).

Rem. (33). It is certain, at the time this remonſtrance was publiſhed, the reſolution of aboliſhing the eccleſiaſtical hierarchy was already taken, tho' it was not yet openly declared. Accordingly the deſign to purge the two univerſities was executed, by turning out the heads and profeſſors of the church of England and putting in Presbyterians.

‘ 188. They have ſtrained to blaſt our proceedings in parliament, by wreſting the interpretations of our orders from their genuine intention.

‘ 189. They tell the people that our meddling with the power of epiſcopacy, hath cauſed ſectaries and conventicles, when idolatry aud popiſh ceremonies introduced into the church by the command of the biſhops, have not only debarred the people from thence, but expelled them from the kingdom.

‘ 190. Thus with Elijah, we are called by this malignant party, the troublers of the ſtate, and ſtill while we endeavour to reform their abuſes, they make us the authors of thoſe miſchiefs we ſtudy to prevent.

‘ 191. For the perfecting of the work begun, and removing all future impediments, we conceive theſe courſes will be very effectual, ſeeing the religion of the Papiſts hath ſuch principles as do certainly tend to the deſtruction and extirpation of all Proteſtants, when they ſhall have opportunity to effect it.

‘ 192. It is neceſſary in the firſt place to keep them in ſuch condition, as that they may not be able to do us any hurt, and for avoiding of ſuch connivance and favour as hath heretofore been ſhewed unto them.

‘ 193. That his majeſty be pleaſed to grant a ſtanding commiſſion to ſome choice men named in parliament, who may take notice of their increaſe, their counſels and proceedings, and uſe all due means by execution of the laws, to prevent all miſchievous deſigns againſt the peace and ſafety of the kingdom.

‘ 194. That ſome good courſe be taken to diſcover the counterfeit and falſe conformity of Papiſts to the church, by colour whereof, perſons very much diſaffected to the true religion, have been admitted into places of greateſt truſt and authority in the kingdom.

‘ 195. For the better preſervation of the laws and liberties of the kingdom, that all the illegal grievances and exactions be preſented and puniſhed at the ſeſſions and aſſizes.

‘ 196. And that judges and juſtices be very careful to give this in charge to the grand-juries, and both the ſheriff and juſtices to be ſworn to the due execution of the petition of right, and other laws.

‘ 197. That his majeſty be humbly petitioned by both houſes, to employ ſuch counſellors,

‘ſellors, ambaſſadors, and other miniſters in managing his buſineſs at home and abroad, as the parliament may have cauſe to confide in, without which we cannot give his majeſty ſuch ſupplies for ſupport of his own eſtate, nor ſuch aſſiſtance to the Proteſtant party beyond the ſea, as is deſired.

‘198. It may often fall out, that the commons may have juſt cauſe to take exceptions at ſome men for being counſellors, and yet not charge thoſe men with crimes, for there be grounds of diffidence which lie not in proof.

‘199. There are others, which tho' they may be proved, yet are not legally criminal.

‘200. To be a known favourer of Papiſts, or to have been very forward in defending or countenancing ſome great offenders queſtioned in parliament; or to ſpeak contemptuouſly of either houſes of parliament, or parliamentary proceedings. (34).

Rem. (34). It is not unlikely the commons meant here the lord Digby, ſon to the earl of Briſtol.

‘201. Or ſuch as are factors or agents for any foreign prince of another religion; ſuch as are juſtly ſuſpected to get counſellors places, or any other of truſt, concerning publick employment for money; for all theſe and divers others, we may have great reaſon to be earneſt with his majeſty, not to put his great affairs into ſuch hands, tho' we may be unwilling to proceed againſt them in any legal way of charge or impeachment.

‘202. That all counſellors of ſtate may be ſworn to obſerve thoſe laws which concern the ſubject in his liberty, that they may likewiſe take an oath not to receive, or give reward or penſion from any foreign prince, but ſuch as they ſhall within ſome reaſonable time diſcover to the lords of his majeſty's council.

‘203. And altho' they ſhould wickedly forſwear themſelves, yet it may herein do good to make them known to be falſe and perjured to thoſe who employed them, and thereby bring them into as little credit with them as with us.

‘204. That his majeſty may have cauſe to be in love with good counſel and good men, by ſhewing him, in an humble and dutiful manner, how full of advantage it would be to himſelf, to ſee his own eſtate ſettled in a plentiful condition to ſupport his honour; to ſee his people united in ways of duty to him, and endeavours of the publick good; to ſee happineſs, wealth, peace and ſafety derived to his own kingdom, and procured to his allies by the influence of his own power and government.’

It is eaſy to perceive, after reading this remonſtrance or declaration, that it was a real manifeſto againſt the king, under the name of the counſellors, miniſters, and malignants; and, therefore, before we proceed, it is reaſonable to ſhew the reader the king's anſwer to the petition, which accompanied the remonſtrance, and then to the remonſtrance itſelf.

His majeſty's anſwer to the petition, which accompanied the declaration preſented to him at Hampton-Court, Dec. 1, 1641.

Ruſhw. Nalſon.

‘WE having received from you, ſoon after our return out of Scotland, a long petition, conſiſting of many deſires of great moment, together with a declaration of a very unuſual nature annexed thereunto, we had taken ſome time to conſider of it, as befitted us in a matter of that conſequence, being confident that your own reaſon and regard to us, as well as our expreſs intimation, by our comptrollor to that purpoſe, would have reſtrained you from the publiſhing of it, till ſuch time as you ſhould have received our anſwer to it; but much againſt our expectation, finding the contrary, that the ſaid declaration is already abroad in print, by directions from your houſe, as appears by the printed copy, we muſt let you know, that we are very ſenſible of the diſreſpect.

‘Notwithſtanding it is our intention, that no failing on your part ſhall make us fail in ours, of giving all due ſatisfaction to the deſires of our people in a parliamentary way; and therefore we ſend you this anſwer to your petition, and reſerving ourſelf in point of the declaration, which we think unparliamentary, and ſhall take a courſe to do that which we ſhall think fit in prudence and honour.

‘To the petition we ſay, that altho' there are divers things in the preamble of it, which we are ſo far from admitting, that we profeſs we cannot at all underſtand them, as of a “wicked and malignant party prevalent in the government; of ſome of that party admitted to our privy-council, and to other employments of truſt, and neareſt to us and our children; of endeavours to ſow among the people falſe ſcandals and imputations, to blemiſh and diſgrace the proceedings of the parliament:” All, or any of which, did we know of, we ſhould be as ready to remedy and puniſh, as you to complain of; ſo that the prayers of your petition are grounded upon ſuch premiſes, as we muſt in no wiſe admit; yet notwithſtanding, we are pleaſed to give this anſwer to you (1).

Rem. (1). This ſo general anſwer of the king was not capable of combating the particular facts, whereby the commons pretended to prove, in the remonſtrance, that for ſeveral years paſt, the court or malignant party had endeavoured to eſtabliſh an arbitrary government.

‘To the firſt, concerning religion, conſiſting of ſeveral branches, we ſay, that for preſerving the peace and ſafety of this kingdom from the deſigns of the Popiſh party, we have, and will ſtill concur with all the juſt deſires of our people in a parliamentary way (2): That for the depriving of the biſhops of their votes in parliament, we would have you conſider, that their right is grounded upon the fundamental law of the kingdom, and conſtitution of parliament: This we ‘would have you conſider; but ſince you deſire our concurrence herein in a parliamentary way, we will give no farther anſwer at this time.

REM. (2). It is true, the king had never rejected the petitions preſented to him on this occaſion by the parliament, but had always granted whatever was deſired. But then it is no leſs true, that his promiſes in this reſpect had never been executed. Wherefore the parliament did not complain of want of concurrence, but of want of performance. So the king's anſwer as to his concurrence was not properly to the purpoſe.

‘As for the abridging of the inordinate power of the clergy, we conceive that the taking away of the high-commiſſion-court hath well moderated that; but if there continue any uſurpations or exceſſes in their juriſdictions, we therein neither have, nor will, protect them (3).

REM. (3). It would have been very difficult to agree with the king upon what ſhould be conſidered as uſurpations or exceſſes in the juriſdiction of the clergy; ſo the king properly bound himſelf to nothing by this general promiſe.

‘Unto that clauſe which concerneth corruptions (as you ſtile them) in religion, in church-government, and in diſcipline, and the removing of ſuch neceſſary ceremonies as weak conſciences might check; that for any illegal innovations which may have crept in, we ſhall willingly concur in the removal of them: That if our parliament ſhall adviſe us to call a national ſynod, which may duly examine ſuch ceremonies as give juſt cauſe of offence to any, we ſhall take into conſideration, and apply ourſelf to give due ſatisfaction therein; but we are very ſorry to hear in ſuch general terms, corruption in religion objected, ſince we are perſuaded in our conſcience, that no church can be found upon the earth that profeſſeth the true religion with more purity of doctrine than the church of England doth, nor where the government and diſcipline are jointly more beautiful, and free from ſuperſtition, than as they are here eſtabliſhed by law; which by the grace of God we will with conſtancy maintain (while we live) in their purity and glory, not only againſt all invaſions of Popery, but alſo from the irreverence of thoſe many Schiſmaticks and Separatiſts, wherewith of late this kingdom and this city abounds, to the great diſhonour and hazard both of church and ſtate, for the ſuppreſſion of whom we require your timely aid and active aſſiſtance.

REM. (4). Another general anſwer, which ſignifies nothing.

‘To the ſecond prayer of the petition, concerning the removal and choice of counſellors, we know not any of our council to whom the character ſet forth in the petition can belong: That by thoſe whom we had expoſed to trial, we have already given you ſufficient teſtimony, that there is no man ſo near unto us in place or affection, whom we will not leave to the juſtice of the law, if you ſhall bring a particular charge, and ſufficient proofs againſt him; and of this we do again aſſure you, but in the mean time we wiſh you to forbear ſuch general aſperſions as may reflect upon all our council, ſince you name none in particular.

‘That for the choice of our counſellors and miniſters of ſtate, it were to debar us that natural liberty all freemen have; and as it is the undoubted right of the crown of England, to call ſuch perſons to our ſecret councils, to publick employment, and our particular ſervice, as we ſhall think fit; ſo we are, and ever ſhall be very careful, to make election of ſuch perſons in thoſe places of truſt, as ſhall have given good teſtimonies of their abilities and integrity, and againſt whom there can be no juſt cauſe of exception, whereon reaſonably to ground a diffidence; and to choices of this nature, we aſſure you that the mediation of the neareſt unto us hath always concurred (5).

‘REM. (5). He means the queen.

‘To the third prayer of your petition concerning Ireland, we underſtand your deſire of not alienating the forfeited lands thereof, to proceed from much care and love, and likewiſe that it may be a reſolution very fit for us to take; but whether it be ſeaſonable to declare reſolutions of that nature, before the events of a war be ſeen, that we much doubt of. Howſoever we cannot but thank you for this care, and your chearful engagement for the ſuppreſſion of that rebellion; upon the ſpeedy effecting whereof, the glory of God in the Proteſtant profeſſion, the ſafety of the Britiſh there, our honour, and that of the nation ſo much depends; all the intereſts of this kingdom being ſo involved in that buſineſs, we cannot but quicken our affections therein, and ſhall deſire you to frame your counſels to give ſuch expedition to the work, as the nature thereof, and the preſſures in point of time require; and whereof you are put in mind by the daily inſolence and increaſe of thoſe rebels.

‘For concluſion; your promiſe to apply yourſelves to ſuch courſes as may ſupport our royal eſtate with honour and plenty at home, and with power and reputation abroad, is that which we have ever promiſed ourſelf, both from your loyalties and affections, and alſo for what we have already done, and ſhall daily go adding unto, for the comfort and happineſs of our people.’

The anſwer to the remonſtrance did not appear till ſome time after; for as far as I can conjecture, it was not ſent to the commons before January, 1641-2. I ſhall, however, inſert it in this place, as well not to divide this matter, as that the anſwer may be read before the remonſtrance is forgot.

The king's declaration in anſwer to the remonſtrance of the ſtate of the kingdom.

‘ALtho' we do not believe that our houſe of commons intended, by their remonſtrance of the ſtate of the kingdom, to put us to any apology, either for our paſt or preſent actions: Notwithſtanding ſince they have thought it ſo very neceſſary (upon their obſervation of the preſent diſtempers) to publiſh the ſame, for the ſatiſfaction of all our loving ſubjects, we have thought it very ſuitable to the duty of our place, (with which God hath truſted us) to do our part to ſo good a work, in which we ſhall not think it below our kingly dignity to deſcend to any particular, which may compoſe and ſettle the affections of our meaneſt ſubjects, ſince we are ſo conſcious to ourſelf of ſuch upright intentions and endeavours, and only of ſuch (for which we give God thanks) for the peace and happineſs of our kingdom, in which the proſperity of our ſubjects muſt be included, that we wiſh from our heart, that even our moſt ſecret thoughts were publiſhed to their view and examination: Tho' we muſt confeſs, we cannot but be very ſorry in this conjuncture of time, (when the unhappineſs of this kingdom is ſo generally underſtood abroad) there ſhould be ſuch a neceſſity of publiſhing ſo many particulars, from which we pray, no inconveniencies may enſue, that were not intended.

‘We ſhall in few words paſs over that part of the narrative, wherein the misfortunes of this kingdom, from our firſt entering to the crown to the beginning of this parliament, are remembered in ſo ſenſible expreſſions (1). And that other which acknowledgeth the many good laws paſſed by our grace and favour this parliament, for the ſecurity of our people; of which we ſhall only ſay thus much, that as we have not refuſed to paſs any bill preſented to us by our parliament, for redreſs of thoſe grievances mentioned in the remonſtrance; ſo we have not had a greater motive for the paſſing thoſe laws than our own reſolution (grounded upon our obſervation, and underſtanding the ſtate of our kingdom) to have freed our ſubjects, for the future, from thoſe preſſures which were grievous to them if thoſe laws had not been propounded, (2) which therefore we ſhall as inviolably maintain, as we look to have our own rights preſerved, not doubting but that all our loving ſubjects will look on thoſe remedies, with that full gratitude and affection, that even the memory of what they have formerly undergone, by the accidents and neceſſities of thoſe times, will not be unpleaſant to them: And poſſibly in a pious ſenſe of God's bleſſing upon this nation (how little ſhare ſoever we ſhall have of the acknowledgment) they will confeſs they have enjoyed a great meaſure of happineſs (even theſe laſt 16 years) both in peace and plenty, not only comparitively in reſpect of their neighbours, but even of thoſe times which were juſtly accounted fortunate. The fears and jealouſies which may make ſome impreſſion in the minds of our people, we will ſuppoſe may be of two ſorts; either for religion, or liberty and their civil intereſt. The fears for religion may haply be, not only as ours here eſtabliſhed may be invaded by the Romiſh party, but as it is accompanied with ſome ceremonies, at which ſome tender conſciences really are, or pretend to be ſcandaliſed; for of any other which have been uſed, without any legal warrant or injunction, and already are, or ſpeedily may be, aboliſhed, we ſhall not ſpeak.

REMARK (1). The king could not more ingeniouſly own what is ſaid in the remonſtrance, concerning the firſt 15 years of his reign, than by entirely paſſing it over without anſwer.

REM. (2). This is alſo a confeſſion that grievances were juſtly complained of. The king ſays, his reſolution was to redreſs them, and it was not poſſible to convict him of the contrary. But after all, he was believed but by few perſons.

‘Concerning religion, as there may be any ſuſpicion of favour or inclination to the Papiſts, we are willing to declare to all the world, that as we have been from our childhood brought up in, and practiſed the religion now eſtabliſhed in this kingdom, ſo it is well known, we have (not contented ſimply with the principles of our education) given a good proportion of our time and pains, to the examination of the grounds of this religion, as it is different from that of Rome, and are from our ſoul ſo fully ſatisfied and aſſured that it is the moſt pure and agreeable to the ſacred word of God, of any religion now practiſed in the chriſtian world: That as we believe we can maintain the ſame by unanſwerable reaſons, ſo we hope we ſhould readily ſeal to it by the effuſion of our blood, if it pleaſed God to call us to that ſacrifice. And therefore nothing can be ſo acceptable unto us, as any propoſition which may contribute to the advancement of it here, or the propagation of it abroad, being the only means to draw down a bleſſing from God upon ourſelves and this nation. And we have been extremely unfortunate, if this profeſſion of ours be wanting to our people: Our conſtant practice in our own perſon, having always been (without oſtentation) as much to the evidence of our care and duty herein, as we could poſſibly tell how to expreſs (3).

REM. (3.) The remonſtrance did not accuſe the king of being a Papiſt in his heart, but of having countenanced the Catholicks, by not executing the laws againſt them. He clears himſelf here from being inclined to the Romiſh religion, and leaves the conſequence to be drawn, that ſince he is perſuaded of the truth of the Proteſtant religion, it is not poſſible he ſhould encourage the Roman. But his conduct had ſhewn that this conſequence did not neceſſarily follow, ſince it was notorious, he had countenanced the Papiſts, from the beginning of his reign, whether out of complaiſance to the queen, or from ſome political views.

‘For differences among ourſelves, for matters indifferent in their own nature concerning religion, we ſhall, in tenderneſs to any number of our loving ſubjects, very willingly comply with the advice of our parliament, that ſome law may be made for the exemption of tender conſciences from puniſhment, or proſecution for ſuch ceremonies, and in ſuch caſes, which by the judgment of moſt men, are held to be matters indifferent, and of ſome to be abſolutely unlawful. Provided that this eaſe be attempted and purſued with that modeſty, temper and ſubmiſſion, that in the mean time, the peace and quiet of the kingdom be not diſturbed, the decency and comelineſs of God's ſervice diſcountenanced, nor the pious, ſober, and devout actions of thoſe reverend perſons who were the firſt labourers in the bleſſed reformation, or of that time, be ſcandaled and defamed (4), for we cannot, without grief of heart, and without ſome tax upon ourſelf, and our miniſters, for the not execution of our laws, look upon the bold licenſe of ſome men, in printing of pamphlets, in preaching and printing of ſermons, ſo full of bitterneſs and malice againſt the preſent government, againſt the laws eſtabliſhed, ſo full of ſedition againſt ourſelf, and the peace of the kingdom, that we are many times amazed to conſider by what eyes theſe things are ſeen, and by what ears they are heard. And, therefore, we have good cauſe to command, as we have done, and hereby do, all our judges and miniſters of juſtice, our attorney and ſollicitor-general, and the reſt of our learned council, to proceed with all ſpeed againſt ſuch, and their abettors, who either by writing or words, have ſo boldly and maliciouſly violated the laws, diſturbed the peace of the commonwealth, and as much as in them lies, ſhaken the very foundation upon which that peace and happineſs is founded and conſtituted. And we doubt not but all our loving ſubjects will be very ſenſible, that this buſy, virulent demeanour, is a fit prologue to nothing but confuſion; and if not very ſeaſonably puniſhed and prevented, will not only be a blemiſh to that wholeſome accommodation we intend, but an unſpeakable ſcandal and imputation, even upon the profeſſion and religion of this our kingdom of England.

REM. (4). The king was not in the wrong to ſupport the eſtabliſhed worſhip, and to regard as an indulgence whatever ſhould be granted to tender conſciences; but after all, this indulgence was reduced to a very ſmall matter, if we conſider all the limitations contained in this article.

‘Concerning the civil liberties and intereſts of our ſubjects, we ſhall need to ſay the leſs, having erected ſo many laſting monuments of our princely and fatherly care of our people, in thoſe many excellent laws, paſſed by us this parliament, which in truth (with very much content to ourſelf,) we conceive to be ſo large and ample, that very many ſober men have very little left to wiſh for.

‘We underſtood well the right, and pretences of right, we departed from, in the conſenting to the bills of the triennial parliament, for the continuance of this preſent parliament, and in the preamble to the bill of tunnage and poundage. The matter of which having begot ſo many diſturbances in late parliaments, we were willing to remove, that no intereſt of ours might hereafter break that correſpondence, abundantly contenting ourſelf, with an aſſurance (which we ſtill have) that we ſhould be repaired and ſupplied by a juſt proportion of confidence, bounty and obedience of our people. In the bills for the taking away the high-commiſſion and ſtar-chamber courts, we believe we had given that real ſatisfaction, that all jealouſies and apprehenſions of arbitrary preſſures under the civil or eccleſiaſtical ſtate, would eaſily have been abandoned, eſpecially when they ſaw all poſſible doubts ſecured by the viſitation of a triennial parliament.

‘Theſe and others of no mean conſideration, we had rather ſhould be valued in the hearts and affections of our people, than in any mention of our own; not doubting, but as we have taken all theſe occaſions to render their condition moſt comfortable and happy, ſo they will always, in a grateful and dutiful relation, be ready with equal tenderneſs and alacrity to advance our rights, and preſerve our honour, upon which their own ſecurity and ſubſiſtance ſo much depends. And we will be ſo careful, that no particular ſhall be preſented unto us, for the compleating and eſtabliſhing that ſecurity, to which we will not with the ſame readineſs contribute our beſt aſſiſtance.

‘If theſe reſolutions be the effects of our preſent counſels (and we take God to witneſs, that they are ſuch, and that all our loving ſubjects may confidently expect the benefit of them from us) certainly no ill deſign upon the publick can accompany ſuch reſolution, neither will there be greater cauſe of ſuſpicion of any perſons preferred by us to degrees of honour, and places of truſt and employment ſince this parliament. And we muſt confeſs, that amongſt our misfortunes, we reckon it not the leaſt, that having not retained in our ſervice, nor protected any one perſon, againſt whom our parliament hath excepted during the whole ſitting of it, and having in all that time ſcarce vouchſafed to any man an inſtance of our grace and favour, but to ſuch who were under ſome eminent character of eſtimation among our people, there ſhould ſo ſoon be any miſunderſtanding or jealouſy of their fidelity and uprightneſs, eſpecially in a time when we take all occaſions to declare, that we conceive ourſelf only capable of being ſerved by honeſt men, and in honeſt ways. However, if in truth we have been miſtaken in ſuch our election, the particular ſhall be no ſooner diſcovered to us, either by our own obſervation, or other certain information, than we will leave them to publick juſtice, under the marks of our diſpleaſure.

‘If notwithſtanding this, any malignant party ſhall take heart, and be willing to ſacrifice the peace and happineſs of their country to their own ſiniſter ends and ambitions, under what pretence of religion and conſcience ſoever; if they ſhall endeavour to leſſen our reputation and intereſt, and to weaken our lawful power and authority with our good ſubjects; if they ſhall go about by diſcountenancing the preſent laws to looſen the bands of government, that all diſorder and confuſion may break in upon us, we doubt not, but God in his good time will diſcover them unto us; and the wiſdom and courage of our high-court of parliament, join with us in their ſuppreſſion and puniſhment.

‘Having now ſaid all that we can to expreſs the clearneſs and uprightneſs of our intentions to our people, and done all we can to manifeſt thoſe intentions, we cannot but confidently believe, all our good ſubjects will acknowledge our part to be fully performed, both in deeds paſt, and preſent reſolutions, to do whatſoever with juſtice may be required of us, and that their quiet and proſperity depends now wholly upon themſelves, and is in their own power, by yielding all obedience and due reverence to the law, which is the inheritance of every ſubject, and the only ſecurity he can have for his life, liberty, or eſtate, and the which being neglected or diſeſteemed (under what ſpecious ſhews ſoever) a very great meaſure of infelicity, if not an irreparable confuſion, muſt without doubt fall upon them. And we doubt not, it will be the moſt acceptable declaration a king can make to his ſubjects, that for our part, we are reſolved not only duly to obſerve the laws ourſelf, but to maintain them againſt what oppoſition ſoever, tho' with the hazard of our being (5).

REM. (5). Unhappily for the king, theſe general promiſes, to which he could give what ſenſe he thought proper, produced not the effect upon the commons he expected, or rather they produced the quite contrary, and increaſed their diſtruſt. This the reader will be convinced of, when he comes to ſee what had paſſed, probably, before this declaration was publiſhed.

‘And our hope is, that not only the loyalty and good affections of all our loving ſubjects, will concur with us in the conſtant preſerving a good underſtanding between us and our people, but at this time, their own and our intereſt, and compaſſion of the lamentable condition of our poor Proteſtant ſubjects in Ireland, will invite them to a fair intelligence and unity amongſt themſelves, that ſo we may with one heart, intend the relieving and recovering that unhappy kingdom, where thoſe barbarous rebels practiſe ſuch inhuman and unheard of outrages upon our miſerable people, that no Chriſtian ear can hear without horror, nor ſtory parallel. And as we look upon this as the greateſt affliction it hath pleaſed God to lay upon us, ſo our unhappineſs is increaſed, in that, by the diſtempers at home, ſo early remedies have not been applied to thoſe growing evils, as the expectation and neceſſity there requires, tho' for our part, as we did upon the firſt notice acquaint our parliament of Scotland, (where we then were) with that rebellion, requiring their aid and aſſiſtance, and gave like ſpeedy intimation and recommendation to our parliament here; ſo ſince our return hither, we have been forward to all things which have been propoſed to us towards that work, and have lately ourſelf offered (by a meſſage to our houſe of peers, and communicated to our houſe of commons) to take upon us the care to raiſe ſpeedily 10,000 Engliſh volunteers for that ſervice, if the houſe of commons ſhall declare, that they will pay them (6); which particulars we are (in a manner) neceſſitated to publiſh, ſince we are informed, that the malice of ſome perſons have whiſpered it abroad, that no ſpeedier advancing of the buſineſs, hath proceeded from ſome want of alacrity in us to this great work, whereas we acknowledge it a high crime againſt almighty God, and inexcuſable to our good ſubjects of our three kingdoms, if we did not to the utmoſt employ all our powers and faculties to the ſpeedieſt and moſt effectual aſſiſtance and protection of that diſtreſſed people.

REM. (6). It appears by this paſſage, that this anſwer was not publiſhed till after the king's offer of levying 10,000 men for Ireland, that is to ſay, in January, 1641-2.

‘And we ſhall now conjure all our good ſubjects (of what degree ſoever) by all the bonds of love, duty, or obedience, that are precious to good men, to join with us for the recovery of the peace of that kingdom, and the preſervation of the peace of this, to remove all their doubts and fears, which may interrupt their affection to us, and all their jealouſies and apprehenſions, which may leſſen their charity to each other, and then (if the ſins of this nation have not prepared an inevitable judgment for us all) God will yet make us a great and glorious king, over a free and happy people.’

The bare reading of this declaration ſufficiently ſhews, the king had no intention to give a particular anſwer to the remonſtrance of the ſtate of the kingdom, which contained ſo many different articles, untouched by the king's declaration. And, perhaps, he would never have given any anſwer, if his enemies had not triumphed on his ſilence. He thought proper, therefore, to publiſh this declaration, that he might ſay he had anſwered the remonſtrance, and not with deſign to anſwer it indeed; and beſides, he publiſhed it not till long after the remonſtrance was received. In the interim, the commons publiſhing this paper againſt his will, made a deep impreſſion on his mind, and convinced him, they had ſome grand deſign, ſince they had ſo little regard for him.

The effect of the remonſtrance.

It was not very ſtrange, that the king ſhould be highly diſpleaſed with ſuch a remonſtrance, which was, properly, but a ſeries of reproaches for his paſt conduct, and againſt his government; with a remonſtrance, not directed to himſelf, but to the publick, the authors whereof only meant to incenſe the people againſt him, and which was made at a time, when it ſeemed to be moſt unneceſſary. Accordingly, the beginning of the breach between the king and the parliament, is properly to be dated from this time, tho' on both ſides, ſome meaſures were yet kept.

Ruſhw.

Next day, the ſecond of December, the king coming to the parliament, the ſpeaker preſented to him the bill for tunnage and poundage for ſome months only, wherein the king expreſly owned, he had till then levied thoſe duties without a legal power. He made, on this occaſion, a fine ſpeech, full of his majeſty's praiſes for his goodneſs and affection to his people. After which, the king ſpake in the following manner to both houſes.

My lords and gentlemen,

The king's ſpeech to both houſes. Decem. 2. Ruſhw. Nalſon.

‘I Think it fit, after ſo long abſence, at this firſt occaſion to ſpeak a few words unto you; but it is in no ways in anſwer to Mr. Speaker's learned ſpeech.

‘Albeit I have ſtaid longer than I expected to have done when I went away, yet in this I have kept my promiſe with you, that I have made all the haſte back again, that the ſettling of my Scotch affairs could any ways permit. In which I have had ſo good ſucceſs, that I will confidently affirm to you, that I have left that nation a moſt peaceable and contented people; ſo that altho' I have a little miſreckoned in time, yet I was not deceived in my end.

‘But if I have deceived your expectations a little in the time of my return, I am aſſured, that my expectation is as much and more deceived, in the condition wherein I hoped to have found ſome buſineſſes at my return. For that ſince before my going I ſettled the liberties of my ſubjects, and gave the laws a free and orderly courſe, I expected to have found my people reaping the fruits of theſe benefits, by living in quietneſs and ſatisfaction of mind; but inſtead of this, I find them diſturbed with jealouſies, frights, and alarms of dangerous deſigns and plots; in conſequence of which, guards have been ſet to defend both houſes. I ſay not this as in doubt, that my ſubjects affections are any way leſſened unto me in this time of my abſence, for I cannot but remember, to my great comfort, the joyful reception I had now at my entry into London; but rather, as I hope, that my preſence will eaſily diſperſe theſe fears; for I bring as perfect and true affections to my people, as ever prince did, or as good ſubjects can poſſibly deſire. And I am ſo far from repenting me of any act I have done in this ſeſſion for the good of my people, that I proteſt, if it were to do again, I would do it; and will yet grant what elſe can be juſtly deſired, for ſatisfaction in point of liberties, or in maintenance of the true religion that is here eſtabliſhed.

‘Now I have but one particular to recommend unto you at this time, it is Ireland; for which, tho' I doubt not your care, yet methinks the preparations for it go but ſlowly on. The occaſion is the fitter for me now to mention, becauſe of the arrival of two lords from Scotland, who come inſtructed from my council there (who now by act of parliament have full power for that purpoſe) to anſwer that demand, which it pleaſed both houſes to make me by way of petition, that met me at Berwick; and which the duke of Richmond ſent back my command, to my Scotiſh council. Therefore my deſire is, that both houſes would appoint a ſelect committee to end this buſineſs with theſe noblemen.

‘I muſt conclude in telling you, that I ſeek my people's happineſs; for their flouriſhing is my greateſt glory, and their affections my greateſt ſtrength.’

It was not without great reaſon that the king reſolved to teſtify an extreme zeal for the publick good, ſince the remonſtrance of the commons plainly taught him, that endeavours were uſing to make him forfeit the love of the people. It was, therefore, neceſſary to countermine the deſigns of his enemies, by repeated aſſurances of a great affection for his people, and by intimating, he had entirely changed his principles and maxims. But herein he had one great diſadvantage, in that, for his future behaviour, he could give no other ſecurity than his word, which, his enemies pretended to demonſtrate, was not to be relied on. They chiefly urged, that tho' the king had ſolemnly given his aſſent to the petition of right, he had never executed what he promiſed. The conſequence they drew from this non-performance was ſo much the ſtronger, as the king had nothing to oppoſe to it but bare promiſes, which were of no more force than thoſe he had made with regard to that petition.

A committee to treat about the Scotch ſuccours. Ruſhw. Nalſon.

As the king had earneſtly recommended to the parliament the conſideration of the affairs of Ireland, both houſes immediately appointed a committee to treat with the Scots about ſuccours. The commons in particular paſſionately deſired to negotiate with Scotland. In their preſent belief, that the king was willing to engage them to ſend an army into Ireland, in order to be more at eaſe in England, they could not find a more effectual way to break his meaſures, than to employ Scotiſh troops in the relief of that kingdom. As they had already taken the reſolution, tho' ſecretly, of deveſting the king of great part of his power, they eaſily foreſaw, that a breach would infallibly follow, and then they ſhould want the troops, the king had a mind to engage them to ſend into Ireland.

Great likelihood of a breach.

After the remonſtrance, every thing manifeſtly tended to a rupture between the king and the parliament, and the commons loſt no opportunity to infuſe ſuſpicions into the people againſt the king. To this end, Daniel O Neal, who was concerned in the plot to ſeduce the army, was voted guilty of a ſecond attempt, in June, or July laſt, to perſuade the chief officers of the army to declare for the king, againſt the parliament. This tended to ſhew, that the king had not relinquiſhed his project, to make uſe of force to awe the parliament.

The Iriſh demand a toleration. Ruſhw.

On the other hand, the rebels of Ireland having, by the lord Coſtelough, preſented to the lords juſtices of that kingdom, a letter in the nature of a remonſtrance, wherein they demanded "the free exerciſe of their religion, "and a repeal of all laws to the contrary," the commons made a great noiſe about it. They knew the lord Coſtelough, with the lord Taaff, were on their way to England, with propoſitions to be offered to the king concerning means for procuring the peace of Ireland. So, fearing, or pretending to fear, the king would grant liberty of conſcience to the Iriſh Papiſts, they deſired a conference with the lords. After which, it was ſolemnly declared by both houſes, that they would never conſent to any toleration of the Popiſh religion in Ireland, or any other his majeſty's dominions. It is eaſy to ſee how much this tended to breed ſuſpicions of the king.

Motives of the commons proceedings.

If it is ſuppoſed, as I have inſinuated, that the view of the commons, or, at leaſt, of the greateſt part of the houſe, was to put it out of the king's power to govern for the future, as he had governed before this parliament, and that, to prepare the people for this change, it was neceſſary to fill them with fears and ſuſpicions, the motives of all their proceedings, and the king's ſad ſituation, will be perfectly underſtood. His ſubjects were prejudiced againſt him, and he had given but too much occaſion. Every ſtep taken by the commons tended to increaſe this prejudice, and the king, to remove it, could alledge only the ſincerity of his intentions, of which many people were not convinced. This gave his enemies an advantage, which they did not fail on all occaſions to improve; nay, they deſcended even to the meaneſt trifles, to cheriſh the people's fears. For upon information, that amongſt ſome barrels of ſoap, ſent by a merchant of London to Dorcheſter, there was found a barrel of gun-powder, the houſe appointed a committee to make a ſtrict inquiſition, as into a thing of the greateſt conſequence.

A meſſage from the king about eight condemned prieſts. Nalſon.

About the ſame time, another affair happened, which gave ſome advantage againſt the king. The 8th of December, he ſent to acquaint both houſes, that ſeven prieſts having been condemned that week, the French ambaſſador had deſired him to change the ſentence of death, into that of baniſhment, upon which he deſired to have their advice. Some days after, the commons voted, that the ſeven prieſts ſhould be executed, and the lords concurring with this vote, both houſes petitioned the king to order the execution. The king replied, he would baniſh the ſeven prieſts, if both houſes would give their conſent. As they did not think proper to anſwer, the king took occaſion from their ſilence, to ſuſpend the execution. Two months after, the king communicated a letter to them, which ſecretary Nicholas had received from Venice, wherein he was told, that the Pope threatened to ſend an army into Ireland, if the prieſts were executed. Upon this menace, both houſes prayed the king once more to execute the ſeven prieſts; but he thought not proper to grant their deſire. His reaſon was, the fear of repriſals, and that this rigour might be extremely prejudicial to the Engliſh Proteſtants in Ireland, who ſhould fall into the hands of the rebels. This reaſon was ſo much the weaker, as it ſerved not only for the preſent caſe, but alſo for all that ſhould offer hereafter, and tended to render the laws of no effect. Beſides, the Iriſh having already maſſacred above 40,000 Engliſh Proteſtants without any cauſe, the fear of repriſals from them ſeems to have been a weak motive for pardoning theſe prieſts. Accordingly, it was generally thought to be owing to the ſollicitations of the queen. Be this as it will, the prieſts were not executed, for tho', afterwards, the king left it to both houſes to ſave or put them to death, they did not think fit either to pardon or execute. All this was extremely prejudicial to the king, ſince, at the very time that he ſolemnly proteſted, he was reſolved to execute the laws, he granted his protection to theſe ſeven prieſts, legally convicted, and had no regard to the inſtances of both houſes.

At this time, I mean in December, 1641, two affairs ſucceſſively employed the houſe of commons, viz. the ſuccours for Ireland, and the accuſation preſented to the lords againſt the biſhops. I ſhall only ſpeak of the firſt at preſent.

Cauſes of the backwardneſs to aſſiſt Ireland. Clarend.

The king and parliament equally granted the neceſſity of relieving Ireland, and all the advices from thence were a demonſtration of it. The Iriſh army was at the gates of Dublin, and had cut in pieces a body of troops ſent to Drogheda; ſo, in all likelihood, the lords juſtices, with their few troops, could not long reſiſt the rebels. The Scotch commiſſioners that were come to London to treat with the parliament, had offered an aid of 5000 men, who could eaſily be ſent from Scotland into the north of Ireland, to make a diverſion, and the commons had prevailed with them to treat for 10,000. The deſign of the commons was to employ only Scotch troops in the reduction of Ireland, that England might not be unprovided. The king did not refuſe the aſſiſtance of Scotland, but would have England ſend into Ireland the like number of Engliſh forces, on pretence, that there was danger of the Scots ſeiſing upon Ireland when the Iriſh ſhould be ſubdued. He had found means to gain the peers, ſo that when the motion was made to the lords, for ſending 10,000 Scots into Ireland, they conſented to it, provided the ſame number of Engliſh were alſo ſent thither.

Nalſon.

The Scotch commiſſioners complaining by a memorial, that in a fortnight they had no poſitive anſwer to their offers, the commons preſſed the lords to diſpatch the affair, declaring, if they neglected it, the whole blame would fall upon them. They farther declared, that unleſs the bill for preſſing of ſoldiers paſſed, it was impoſſible for England to raiſe troops for this ſervice. Whereupon the lords debated the three following queſtions, which were all reſolved in the negative.

Votes of the peers concerning Ireland. Nalſon.

1. Whether this houſe ſhall conſent to ſend 10,000 Scots into Ireland, before it can be aſcertained that 10,000 Engliſh will be ſent thither alſo?

2. Whether this houſe ſhall conſent to ſend 10,000 Scots before the bill for preſſing be paſſed?

3. Whether this houſe ſhall join with the commons, in ſending now 10,000 Scots into Ireland?

Sharp anſwers of the commons.

The commons replied to theſe votes in a conference, that for the certainty their lordſhips deſire of ſending 10,000 Engliſh into Ireland, the commons were not uſed to be capitulated with: That their actions are free, as well without conditions as capitulations, and deſire it may be ſo no more: That they had already given ſufficient certainty by a vote communicated to their lordſhips, and ſee no neceſſity of voting it again: That they deſire their lordſhips would vote the ſending 10,000 Scots, without any relation to the 10,000 Engliſh, and that ſpeedily, the preſervation of Ireland depending upon it: That they have the more reaſon to deſire this, as the Engliſh troops cannot go, unleſs the bill for preſſing paſſes. But this was not capable of making the lords depart from their former reſolutions.

The commons impriſon the two lords ſent from Ireland. Ruſhw.

In the interim, the commons, who had already committed to priſon the lords Coſtelough, and Taaff, (ſent to the king with propoſitions about procuring the peace of Ireland) cauſed all their papers to be examined, in their diſtruſt of the king, and, no doubt, in expectation of finding ſomething which might do him a prejudice.

The king offers to raiſe 10,000 men. Nalſon. Clarend.

At the ſame time, the king acquainted the lords, that he would engage to raiſe 10,000 men for Ireland, if the commons would promiſe to pay them. But they were far from accepting this propoſition, knowing the king meant to grant the commiſſions, and would give them to ſuch officers only as ſhould be at his devotion. So, the commons choſe rather to riſque the entire loſs of Ireland, than ſend thither 10,000 Engliſh in ſuch a juncture; and the lords choſe rather to run the hazard of ſeeing all the Engliſh driven out of that kingdom, than of ſeeing the Scots in condition to ſeiſe it. The king perfectly knew the motive of the commons proceedings, whilſt they were not ignorant, that the lords acted wholly by the king's direction.

A committee to examine the cauſe of the delay of the aid. Ruſhw. Nalſon.

In the interim, the aſſiſtance for Ireland being ſtill retarded by theſe quarrels, the commons appointed a committee to examine, from whence came the obſtacles that occurred in this affair. It was really difficult for thoſe who were not acquainted with the ſecret motives of the king and commons, to know where the blame lay, that Ireland was not relieved, ſince they ſeemed equally deſirous that a ſpeedy aid ſhould be ſent thither. The king's friends ſaid, his majeſty's offer to raiſe 10,000 men, provided the commons would engage to pay them, was a clear evidence, that the obſtructions did not proceed from him. His enemies, on the contrary, affirmed, that the refuſal of the lords, or rather of the king who directed them, to accept of the aid of 10,000 Scots, on a frivolous pretence, plainly ſhewed, that the difficulties did not come from the houſe of commons, ſince they were very ready to promiſe to pay theſe auxiliaries. For my part, I am of opinion, that both king and commons thought leſs ſeriouſly of aſſiſting Ireland, than of drawing from the Iriſh rebellion private advantages, with regard to their differences. The king wiſhed the parliament would ſend a ſtrong army into Ireland, that they might find it more difficult to raiſe forces in caſe of a breach with him, of which there was but too much appearance. The commons, on their part, had prevailed with the Scots to offer 10,000 men, in the belief, that if they were accepted, they ſhould be freed from the trouble and danger of ſending an Engliſh army into Ireland; and if they were refuſed, the delay of relief would be imputed to the king.

Remarks on this ſubject.

January 1. 1641-2 Proclamation declaring the Iriſh to be rebels and traitors. Nalſon. Ruſhw.

However this be, the houſe, upon the report of the committee, found that one great obſtruction of relief to Ireland, was, that the Iriſh had not been declared rebels by proclamation. Wherefore, on the 1ſt of January, 1641-2, the king publiſhed a proclamation, wherein the Iriſh were expreſly called traitors and rebels. But there were only 40 copies printed, which were all ſent to ſecretary Nicholas, according to an order received by the printer, to this effect:

Order to the printer. Ruſhw.

> "It is his majeſty's pleaſure, that you forthwith print, on very good paper, and ſend unto me, for his majeſty's ſervice, 40 copies of the proclamation incloſed, leaving convenient ſpace for his majeſty to ſign above, and to affix the privy-ſignet underneath. And his majeſty's expreſs command is, that you print not above the ſaid number of 40 copies, and forbear to make any farther publication of them till his pleaſure be farther ſignified."

For his majeſty's
printer *, ED. NICHOLAS.

It will hereafter be ſeen, what uſe the commons made of this order, the original whereof they had in their hands, and the king's anſwer.

Proceedings of the king and parliament.

I have already obſerved, that ſince the king's return from Scotland, there were between him and the commons ſeeds of diviſion, which threatened an approaching rupture. This appeared on all occaſions, and the mutual diſtruſt continually encreaſed; but with this difference, that the commons did not take the leaſt ſtep, but what tended to their end of filling the people with fears and jealouſies; whereas, the king having yet formed no project, managed according to the preſent emergencies, without propoſing to himſelf a fixed and certain end, which was a great diſ-

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* Nalſon has omitted this order to the printer, tho' the king denied it not. Rapin.

The king ſets a guard near the parliament. Decemb. 8. The commons diſmiſs them. Ruſhw. Nalſon.

advantage to him. Soon after his return from Scotland, upon notice that there was to be a tumultuous concourſe of people at Weſtminſter, he ſent a writ to the ſheriff to ſet a guard near the parliament. The commons took offence at it, and after ſome enquiry, to ſhew it was done by the king's order, diſmiſſed the guard.

Proclamation concerning divine ſervice. Ruſhw. Nalſon. Clarend.

Two days after, the king publiſhed a proclamation, ſtrictly commanding, that divine ſervice ſhould be performed in all the churches of England and Wales, according to the law and ſtatutes of the realm. This proclamation, which, indeed, contained nothing contrary to law, was, however, unſeaſonable, when the commons publickly ſhewed, that in the laws concerning divine ſervice, there were things offenſive to the conſciences of many people. But the king had the misfortune to forget ſometimes the ſituation of his affairs, and remember only his former ſtate, when his proclamations met with a ready compliance. He could eaſily ſee, that this would be, at leaſt, of no uſe, and, conſequently, he ſhould not have publiſhed it at ſuch a juncture: But he gave his enemies a much greater advantage againſt him, in another affair, which created him no ſmall mortification.

Bill for preſſing of ſoldiers. Nalſon. Clarend.

The commons had voted, as I ſaid, that a body of troops ſhould be ſent into Ireland. But as they were extremely jealous of the king, they ſought an expedient to hinder him from being concerned in the raiſing of theſe forces. They were apprehenſive, if theſe levies were made in the uſual manner, that is, by liſting volunteers, theſe troops would be too much at the king's devotion. This expedient was to levy ſoldiers by way of compulſion, called in England, preſſing, and to paſs an act for that purpoſe. A bill was accordingly brought in, and ſent up to the lords. Very likely, there was ſome clauſe in this bill contrary to the prerogative royal, to hinder the king from being concerned in levying theſe troops. The king having notice of it, came to the parliament, and made the following ſpeech to both houſes.

The king's ſpeech to the parliament. Dec. 4. Ruſhw. Nalſon.

My lords and gentlemen,

'THE laſt time I was in this place, and 'the laſt thing that I recommended unto 'you, was the buſineſs of Ireland; whereby 'I was in good hope, that I ſhould not have 'needed again to have put you in mind 'of that buſineſs. But ſtill ſeeing the ſlow 'proceedings therein, and the daily diſpatches 'that I have out of Ireland, of the lamentable eſtate of my Proteſtant ſubjects there, 'I cannot but again earneſtly recommend the 'diſpatch of that expedition unto you; for it 'is the chief buſineſs that at this time I take 'to heart, and there cannot almoſt be any buſineſs that I can have more care of.

'I might now take up ſome of your time in 'expreſſing my deteſtation of rebellions in general, and of this in particular; but knowing that deeds and not declarations muſt 'ſuppreſs this great inſolency, I do here, in a 'word, offer you whatſoever my power, 'pains or induſtry can contribute to this good 'and neceſſary work, of reducing the Iriſh 'nation to their true and wonted obedience.

'And that nothing may be omitted on my 'part, I muſt here take notice of the bill for 'preſſing of ſoldiers, now depending among 'you, my lords; concerning which, I here 'declare, that in caſe it come ſo to me, as it 'may not infringe or diminiſh my prerogative, 'I will paſs it. And farther, ſeeing there is 'a diſpute raiſed, (I being little beholding 'to him whoſoever at this time began it) concerning the bounds of this antient and undoubted prerogative; to avoid farther debate at this time, I offer, that the bill may 'paſs, with a ſalvo jure, both for king and 'people, leaving ſuch debates to a time that 'may better bare them. If this be not accepted, the fault is not mine that this bill 'paſs not, but theirs that refuſe ſo fair an offer.

'To conclude, I conjure you by all that is 'or can be dear to you or me, that laying aſide all diſputes, you go on chearfully and 'ſpeedily for the reducing of Ireland.'

Tho' it clearly appeared, that in this ſpeech the king had no intention to violate the privilege of parliament, but only to remove the obſtacles which occurred on account of this bill, both houſes were equally offended. They appointed a joint committee to examine the king's ſpeech, and upon their report, the houſe of lords unanimouſly voted,

Votes of the lords. Nalſon.

1. That the privileges of parliament were broken by his majeſty's taking notice of the bill for preſſing of ſoldiers, being in agitation in both houſes, and not agreed on.

2. That his majeſty in propounding a limitation and proviſional clauſe to be added to the bill, before it was preſented unto him by the conſent of both houſes, was a breach of the privilege of parliament.

3. That his majeſty expreſſing his diſpleaſure againſt ſome perſons, for matters moved in the parliament, during the debate and preparation of that bill, was a breach of the privilege of parliament.

Declaration of both houſes. Ruſhw. Nalſon.

Theſe votes were alſo readily paſſed in the houſe of commos, after which, both houſes united in a ſolemn declaration, importing, 'That the king ought not to take notice of 'any matter in agitation or debate in either 'houſe of parliament, but by their information or agreement: And that his majeſty 'ought not to propound any condition, proviſion, or limitation to any bill or act in debate, or preparation in either houſes of parliament; or to manifeſt or declare his 'conſent or diſſent, approbation or diſlike 'of the ſame, before it be preſented to his 'majeſty in due courſe of parliament; and 'that every particular member of either houſe 'hath free liberty of ſpeech to propound or 'debate any matter according to the order 'and courſe in parliament: And that his 'majeſty ought not to conceive diſpleaſure againſt any man for ſuch opinions and propoſitions as ſhall be delivered in ſuch debate, 'it belonging to the ſeveral houſes of parliament reſpectively to judge and determine

‘ ſuch errors and offences in words or actions, as ſhall be committed by any of their members, in the handling or debating any matters depending: And that his majeſty will be pleaſed to declare the authors of this miſinformation and evil counſel.

Petition to the king, and his anſwer. Nalſon. Clarend.

Purſuant to this declaration, both houſes preſented to the king a more extenſive petition, which the king within few days anſwered in writing. The ſtrength of his anſwer conſiſted in, that he had no intention to infringe the privilege of parliament, and meant only to haſten the relief of Ireland. Both houſes were ſatisfied with this explication, and the affair was carried no farther. But there ſtill remained upon the king, a blemiſh for violating the privilege of parliament, which was then of great conſequence. This ſhews, the king had not then about him any very able counſellors. For if they had perceived the commons intention, ſince the re-aſſembling of the parliament, they would have been careful not to adviſe the king to take ſo many not only unneceſſary ſteps, but ſuch as gave his enemies great advantages. Of this nature was the proclamation concerning divine ſervice. In the ſame rank I place alſo the great zeal he expreſſed for the church of England, which ſerved only to alienate ſtill farther from him all the adherents of the commons, and to ſhew them what they were to expect, if he ſhould be reſtored to his former ſtate. In a word, nothing could be more unſeaſonable than this laſt ſpeech to both houſes, as if the bare threat of not paſſing the bill was ſufficient to awe them, whereas, at leaſt, in regard to the commons, it was a very ſtrong argument to cauſe them to inſiſt upon their demand. Beſides, the breach of privilege muſt have been evident, ſince there was not a ſingle member in both houſes, but what thought the king had violated it by his propoſition.

Faults of the king or his council.

The king removes Balfour, lieutenant of the tower. Dec. 20. Ruſhw. Clarend. and gives his place to Lunſford, which raiſes ſuſpicions againſt him.

Six or ſeven days after, the king gave a freſh occaſion of complaint by removing Sir William Balfour, lieutenant of the tower, from his place, with whom he had no reaſon to be pleaſed, on account of his evidence concerning the deſign of promoting the earl of Strafford's eſcape. Every one ſaw, this was the ſole cauſe of Balfour's diſgrace. But, perhaps, his removal would not have been of ſo ill conſequence to the king, had he not truſted that important place to colonel Lunsford, known to be a man of profligate manners, and fit for any purpoſe. This change made the commons believe, the king deſigned to ſecure the tower, in order to awe the city and parliament. As their jealouſy of him was very great and as, beſides, it is certain, they ſought occaſions to perſuade the people, the king had ill deſigns, they failed not to improve the preſent. The ſame day that Lunsford was put in poſſeſſion of the tower, a great number of Londoners, ſome of whom were common-council-men, preſented a petition to the lower houſe, repreſenting, ‘ That the whole ſtate is deeply intereſted in the ſafe cuſtody of the tower, but more eſpecially the city of London: That colonel Lunsford is a man outlawed, and moſt notorious for outrages, and therefore fit for any dangerous attempt. For which reaſon the petitioners, and many more who have intelligence of his having the office of lieutenant beſtowed on him, are put into ſuch a height of fear and jealouſy, as makes them reſtleſs till they have repreſented the ſame to the houſe of commons, humbly deſiring them to take this affair into ſuch conſideration, as may ſecure both the city and kingdom.’

The petition of ſeveral citizens of London. Dec. 23. Ruſhw. Nalſon.

It cannot be denied, that the king made a very ill choice in beſtowing this poſt on Lunsford, and thereby gave occaſion for diſadvantageous ſuſpicions. Beſides, it ſeems to be almoſt inexcuſable, to give the command of the tower to a perſon of ſo ill a character, at a time when his enemies loſt no opportunity to inſpire the people with jealouſies. The moſt favourable thing that can be ſaid for the king is, that there being but few perſons who would be at his devotion, for fear of the indignation of the commons, he thought himſelf obliged to chuſe for lieutenant of the tower, one leſs ſcrupulous, and of a deſperate fortune, who would depend on him, and it was not eaſy to find many ſuch.

The commons deſire the lords concurrence for the removal of Lunsford. Dec. 23. Ruſhw. Nalſon.

The commons having taken into conſideration the petition preſented to them, deſired a conference with the lords, where they repreſented, ‘ That colonel Lunsford is an unfit perſon for ſo great a truſt, as the lieutenancy of the tower. But if his majeſty think cauſe that there ſhould be a lieutenant of the tower, the ſame being already under the command of the earl of Newport, who is conſtable thereof by his majeſty's appointment, then that Sir John Conyers may be recommended to his majeſty for that place.’ The lords anſwered, they could not concur with the commons in an addreſs to the king to remove colonel Lunsford, becauſe they conceived the ſame would be an intrenchment upon his majeſty's prerogative.

The lords refuſe it. Dec. 24.

Votes againſt Lunsford. Ruſhw. Nalſon. The commons declaration, ſent to the lords, who adjourn the debate of it.

The commons, vexed at the refuſal of the lords, unanimouſly voted, “That colonel Lunſford was unfit to be lieutenant of the tower, as being a perſon the commons could not confide in.” At the ſame time they made a declaration, ſhewing their reaſons of fear and diſtruſt, as the conſpiracy to ſeduce the army, a former plot of poſſeſſing the tower, the Iriſh rebellion, and the continual delays and interruptions they received in the houſe of peers, by reaſon of the great number of biſhops and Popiſh lords; and, therefore, they held themſelves bound in conſcience to proteſt, that they were innocent of the blood which was like to be ſpilt, and the confuſions which might overwhelm the ſtate, if Lunsford were continued in his charge. Moreover, they hoped, that ſuch of the lords as had the ſame apprehenſions, would likewiſe take ſome courſe to make the ſame known to his majeſty. This declaration being communicated to the lords, it was reſolved by the majority of votes, that the debate thereof ſhould be adjourned till next Monday. But 22 lords entered their proteſt againſt that vote.

22 lords proteſt. Ruſhw.

The earl of Newport deſired to reſide in the tower.

The ſame day the commons ſent and deſired the earl of Newport to reſide within the tower as conſtable, and to take the cuſtody of that place.

Petition of the prentices. Ruſhw. Nalſon.

Beſides the inhabitants of London, whoſe petition had occaſioned the commons declaration, the apprentices had flocked together in great numbers, and preſented a petition to the king, praying him to concur with the commons in rooting out Papiſts, innovators, biſhops, as having all combined to ſubvert the government, and introduce Popery.

The lord-mayor informs the king of the diſpoſition of the people. Ruſhw.

On the morrow, the 26th of December, being Sunday, the lord-mayor, Sir Richard Gurney, ſeeing the apprentices begin to reaſſemble, and knowing they intended to go the next day to Whitehall, for an anſwer to their petition, waited upon the king to inform him of it. He repreſented withal, that great miſchiefs might enſue if Lunsford was not removed, adding, the people of London were reſolved to attempt the tower, to put him out. Whereupon the king that ſame evening took the keys from Lunsford, but at the ſame time diſcharged the earl of Newport of the conſtableſhip of the tower.

Lunsford removed as well as the earl of Newport.

Pretence againſt Newport. Ruſhw. Nalſon.

The reaſon, or, perhaps, the pretence of that earl's diſgrace was, that the king had been told, that at a meeting at Kenſington, whilſt he was in Scotland, the earl of Newport, upon diſcourſe of ſome plots in that kingdom, ſhould ſay, “If there be ſuch a plot, yet there are his wife and children.” But the earl hearing ſuch a rumour had reached the queen, waited upon her majeſty, and with many proteſtations aſſured her, that never any ſuch words were ſpoken, not the leaſt thought conceived of any ſuch thing, with which the queen ſeemed to reſt ſatisfied. Nevertheleſs, ſeveral months after, and the ſame day Sir William Balfour was removed from the lieutenancy of the tower, the king asked him, whether he had heard any debate at Kenſington, about ſeiſing upon the queen and her children? The earl ſtrongly denied it; to which the king replied, “That he was ſorry for his lordſhip's memory.” This is what the earl of Newport poſitively affirmed himſelf in the houſe of peers.

Dec. 23.

Petition of the lords.

The lords being convinced, that the king, upon a falſe rumour, had entertained ſuſpicions of the earl of Newport, eſpouſed his cauſe, and preſented a petition to the king, praying him to declare the reporter of thoſe words. The earl of Bath, the 30th of December, reported his majeſty's anſwer as follows:

The king's anſwer. Nalſon.

“It is true, that I have heard rumours of ſome propoſition that ſhould have been made at Kenſington, for the ſeiſing of the perſons of my wife and children; and in things of ſo high a nature, it may be fit for any prince to enquire, even where he hath no belief nor perſuaſion of the thing; ſo I have asked Newport ſome queſtions concerning that buſineſs, but far from that way of expreſſing a belief of the thing, which Newport hath had the boldneſs and confidence to affirm; which I could eaſily make appear, but that I think it beneath me, to conteſt with any particular perſon. But let this ſuffice, that I aſſure you, I neither did nor do give credit to any ſuch rumour. As for telling the name of him who informed me, I do ſtick to the anſwer which I gave to your laſt petition upon the like particular.”

What colour ſoever the king put upon his behaviour to the earl of Newport, it plainly appeared, that he had quarrelled with that lord, on purpoſe to remove him from the conſtableſhip of the tower, at the very time he was deſired by the commons to reſide there. This did not help to cure the commons ſuſpicions.

New meaſures of the commons.

I have already mentioned the project formed by the leaders and managers of the houſe of commons againſt the king, viz. the deveſting him of great part of his power. To compaſs this end, it was neceſſary to remove the obſtacles which inceſſantly occured in the houſe of peers, where the biſhops and Popiſh lords were always able, by the number of their voices, to oppoſe the execution of this deſign. Hitherto the commons had endeavoured in vain to exclude the biſhops from the upper-houſe, and there was no likelihood that their ſollicitations would produce any greater effect for the future. They were, therefore, either to relinquiſh their project, or take more effectual methods to obtain by force what would never have been obtain'd by fair means. I am very ſenſible, ſome will take it ill that I poſitively affirm, the tumults I am going to ſpeak of, were the effect of the intrigues of the contrary party to the king, and that ſeveral pretend it was all owing to accident, and the diſcontents of the people. The reader will be able to judge, when he has ſeen what paſſed in the latter end of December.

Concourſe of people at Weſtminſter. Ruſhw. Clarend.

On Monday the 27th of this month, there was a great concourſe of people at Weſtminſter, where they who had preſented the petition of the Londoners, the apprentices, and an infinite number of others, flocked, on pretence of waiting for the king's and the parliament's anſwer. Among theſe multitudes, many were heard to cry aloud, No biſhops! No biſhops! This correſponded with the petition of the apprentices. Dr. Williams, biſhop of Lincoln, lately nominated to the ſee of York, coming with the earl of Dover to the houſe of peers, and obſerving a youth to cry out louder than the reſt againſt biſhops, ſtept to him and ſeiſed him, in order to have him committed to priſon; but the people reſcued the youth, and gathering about the biſhop, hemmed him in, that he could not ſtir, ſo that he was like to be preſſed to death. But at the laſt, they let him go, ſtill crying out as loud as they could, No biſhops!

Origin of the name of Roundheads. Ruſhw. Clarend.

At the ſame time, three or four officers, who had ſerved in the late army againſt the Scots, walking near Weſtminſter-Hall, one of them, captain David Hide, drew his ſword, ſaying, he would cut the throats of thoſe roundheaded cropp'd-ear'd dogs that bawled againſt the biſhops. But the other officers refuſing to ſecond him, he was apprehended by the citizens, and brought before the houſe of commons and ſent to priſon. There is no other known origien of the name of Roundheads, which from that time was given to the Parliamentarians *.

Lunsford and others wound the citizens. Ruſhw.

The ſame day colonel Lunsford, with 30 or 40 officers coming through Weſtminſter-Hall, and meeting the multitudes, drew their ſwords and wounded ſome 20 apprentices and citizens. The news being carried into the city, great numbers of apprentices and others, ran to Weſtminſter with ſwords and ſtaves, which cauſed a dreadful uproar both in London and Weſtminſter. The lord mayor, to prevent any farther diſorders, commanded the city gates to be ſhut, and put the trained-bands in arms, whilſt on the other hand, the king ordered ſome of the militia of Middleſex and Weſtminſter to come by turns and guard his perſon.

The lords try in vain to appeaſe the tumults. Ruſhw. Nalſon.

The lords ſeeing ſo great a tumult, ordered the gentleman-uſher of the black rod, to command the people to depart to their home. But the people anſwered they could not, becauſe Lunsford, with other ſwordſmen, lay in wait for them in Weſtminſter-Hall, and had already wounded ſeveral. Whereupon the lords appointed a committee to examine, what warrant Lunsford and the other officers had to come to Weſtminſter, and likewiſe what notice had been given to any others to come in multitudes about the parliament-houſe. They tried once more to ſend away the people, but not ſucceeding, deſired the commons to join with them in publiſhing a declaration againſt tumults, and in petitioning the king for a guard. The commons anſwered, it was now ſo late, that they had not time to take this requeſt into conſideration. In the interim, upon information that ſome of the people were ſent to priſon, they appointed a committee to examine, by whoſe authority they were impriſoned, with power to releaſe them, if it was thought proper. A clear evidence that this tumult was not diſagreeable to the commons.

The tumults continue. Ruſhw.

On the morrow, the 28th the tumult continued in the ſame manner as the day before, and the commons made no more haſte to appeaſe it. On the contrary, they adjourned the debate of the lords requeſt till next day: At laſt, on the 29th, the populace being again aſſembled they acquaint the lords, that they were ready to join in all lawful ways and means to appeaſe the tumults, but for printing a declaration, it was a matter that would require ſome farther deliberation.

Remark on the proceedings of the commons. Nalſon.

It is very evident, the commons did not deſire theſe tumults ſhould be ſo ſoon ended, eſpecially if what is ſaid of Mr. Pym, one of the leading members, be true; for it is affirmed, he anſwered to one that perſuaded him to endeavour to prevent theſe tumultuous aſſemblies, "God forbid the people ſhould be hindered from obtaining their juſt deſires." Indeed the houſe in general cannot be accuſed of taking any reſolution to encourage theſe tumults. However it is but too probable, not to ſay certain, that they were cauſed by the intrigues and direction of ſome of the leaders of the oppoſite party to the king.

To be ſatisfied of this truth, a man need only conſider, what was the ſituation of affairs at the end of December, 1641. The redreſs of grievances was no longer the point; that was now compleated without any oppoſition from the king. He could therefore affirm, that his conſent to the acts paſſed in this parliament, was the effect of his love for his people, with as much reaſon as his enemies could ſay, it was only by compulſion and diſſimulation. It is certain, that after the king's return from Scotland, there were in the parliament many members who wiſhed the reform might be carried no farther, perſuaded as they were, that what was already done ſufficed for the ſafety of the kingdom, and prevention of an arbitrary government for the future. This was the prevailing opinion in the houſe of peers, chiefly becauſe of the biſhops and Popiſh lords, who always made the balance incline to the king's ſide, when this capital point was directly or indirectly in queſtion.

It was otherwiſe in the houſe of commons. Moſt of the members, not contenting themſelves with having redreſſed the grievances, were alſo for leſſening the royal authority, and putting it out of the king's power to govern for the future, as he had done before this parliament. Some acted out of pure diſtruſt of the king's ſincerity: Others out of fear of being expoſed to his reſentment, if he ſhould ever be in a condition to make them feel the effects of it. Beſides theſe two motives, the Presbyterians, had a third, viz, to alter the government of the church, which they plainly ſaw could never be effected, but by diſabling the king to oppoſe it. All theſe members were united in the project of depriving the king of good part of his power. But there was a great difference between them with reſpect to the animoſity againſt the king, and the zeal wherewith they purſued the execution of their deſign. The Presbyterians were the moſt paſſionate; whilſt others, who acted only from motives of diſtruſt and jealouſy, behaved with leſs warmth. They could not, without a ſort of remorſe, contribute to the throwing of the whole kingdom into confuſion, upon the foundation of a bare diſtruſt, or of a fear, to which it was impoſſible to apply any remedy. This had cauſed great debates in the houſe about the remonſtrance of the ſtate of the kingdom. Many conſidered it as unneceſſary, and others ſupported it, becauſe they ſaw no ſurer means to beget a rupture between the king and parliament, without which rupture they looked upon themſelves as undone, for without it, they could not hope to execute their projects. Oliver Cromwell, who as yet made no figure in the houſe, told the lord Falkland, "That if "the remonſtrance had been rejected, he "would have ſold all he had the next morning, "and never ſeen England more."

Clarend.

After this remonſtrance was preſented to

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* The apprentices, it ſeems, wore the hair of their head cut round, and the queen obſerving out of a window, Samuel Barnardiſton among them, cry'd out: See what a handſome young roundhead is there: and the name came from thence, and, perhaps, was firſt publickly uſed by captain Hide.

the king, his enemies loſt no opportunity to cheriſh the fears and jealouſies of the people, in which they had a double view. Firſt, they prepared them for the change they were meditating, by intimating the abſolute neceſſity of diminiſhing the king's power. Secondly, by provoking the king, they hoped to engage him in ſome violent meaſures, proper to confirm the ſuſpicions they were ſtriving to infuſe into the people, in which they ſucceeded but too well, the king being ſo unfortunate, as not to have any able council about him, who might warn him of the ſnares that were laid for him. However, they were ſtill very far from their end, by reaſon of the obſtacles they met with in the houſe of peers, where the biſhops and Popiſh lords broke all their meaſures.

Probably, this ſort of conteſt between the two houſes would have laſted much longer, if the tumultuous concourſe of the Londoners about Weſtminſter, had not come very ſeaſonably to frighten the biſhops and Popiſh lords, as will be ſeen preſently. When, therefore, ſuch multitudes were ſeen flocking to Weſtminſter, exclaiming againſt the biſhops and Catholick lords, inſulting the peers of the king's party, in ſhort acting ſo agreeably to the deſires and intentions of the commons, one can hardly help thinking, they were countenanced and encouraged by ſome of the members of that houſe; and the rather, as there can be no other probable reaſon aſſigned of ſo ſudden a commotion.

As to the juſtice of the project, formed by the commons, to diſable the king from doing for the future, what he had done for 15 years, it is a queſtion not eaſily to be decided. The point is to know, whether, at the time I am ſpeaking of, in reſtoring the king to all his rights, there was juſt ground to confide in him, without any fear of his abuſing his power for the future. But there is ſo much to be ſaid, on both ſides of the queſtion, that the impartial muſt be at a loſs, and the more, as the thing is to know perfectly what the king's intention was, which no man can diſcover. It is, therefore, upon bare conjectures that ſome decide, that, after the king's conceſſions in this parliament, in favour of his ſubjects, it was reaſonable to rely on his word; and that others affirm, it was imprudent to conſider the king's aſſent to the acts, as a proof of his intention to govern according to law, ſince this aſſent was not altogether voluntary. On this queſtion run all the papers whch were afterwards publiſhed, either by the king or the parliament.

The tumults continue. Ruſhw. Nalſon.

The tumults ſtill continuing about the parliament-houſe, and the commons not appearing very urgent to appeaſe them, 12 biſhops met at the archbiſhop of York's, to conſult together upon what was to be done. Here, by the advice of the archbiſhop, they reſolved to go no more to the houſe of peers, but preſent to the king and the lords the following proteſtation.

To the king's moſt excellent majeſty, and the lords and peers, now aſſembled in parliament; the humble petition and proteſtation of all the biſhops and prelates now called by his majeſty's writs to attend the parliament, and preſent about London and Weſtminſter for that ſervice.

‘THAT whereas the petitioners are called up by ſeveral and reſpective writs, and under great penalties, to attend in parliament, and have a clear and indubitate right to vote in bills, and other matters whatſoever, debateable in parliament, by the antient cuſtoms, laws and ſtatutes of this realm, and ought to be protected by your majeſty, quietly to attend and proſecute that great ſervice.

‘They humbly remonſtrate and proteſt before God, your majeſty, and the noble lords and peers, now aſſembled in parliament, that as they have an indubitate right to ſit and vote in the houſe of the lords, ſo are they (if they may be protected from force and violence) moſt ready and willing to perform their duties accordingly. And that they do abominate all actions and opinions tending to Popery, and the maintenance thereof; as alſo all propenſion and inclination to any malignant party, or any other ſide or party whatſoever, to the which their own reaſon and conſciences ſhall not move them to adhere.

‘But whereas they have been at ſeveral times violently menaced, affronted, and aſſaulted by multitudes of people, in their coming to perform their ſervices in that honourable houſe; and lately chaſed away, and put in danger of their lives, and can find no redreſs or protection, upon ſundry complaints made to both houſes in theſe particulars.

‘They likewiſe humbly proteſt before your majeſty, and the noble houſe of peers, that ſaving unto themſelves all their rights and intereſt of ſitting and voting in the houſe at other times, they dare not ſit nor vote in the houſe of peers, until your majeſty ſhall farther ſecure them from all affronts, indignities, and dangers in the premiſes.

‘Laſtly, whereas their fears are not built upon phantaſies and conceits, but upon ſuch grounds and objects, as may well terrify men of good reſolutions, and much conſtancy, they do in all duty and humility, proteſt before your majeſty, and the peers of that moſt honourable houſe of parliament, againſt all laws, orders, votes, reſolutions, and determinations, as in themſelves null, and of none effect; which in their abſence, ſince the 27th of this inſtant month of December, 1641, have already paſſed; as likewiſe, againſt all ſuch as ſhall hereafter paſs in that moſt honourable houſe, during the time of this their forced and violent abſence from the ſaid moſt honourable houſe; not denying, but if their abſenting themſelves were wilful and voluntary, that moſt honourable houſe might proceed in all theſe premiſes, their abſence, or this their proteſtatton notwithſtanding.

‘And humbly beſeeching your moſt excellent majeſty to command the clerk of that 'houſe of peers, to enter this their petition and proteſtation amongſt his records.'

They will ever pray to God to bleſs, &c.

Jo. Eborac: Tho. Dureſme: Rob. C. & Lich: Joſ. Norwich: Jo. Aſaphen: Guil. Ba. & Wells: Geo. Hereford; Rob. Oxon: Mat. Ely: Godfr. Gloceſt: Jo. Peterburg: Morg. Landaff.

It muſt be obſerved, that among theſe 12 biſhops, there were nine of the 13 accuſed by the commons, on account of the canons of the late convocation.

Remark on the biſhops proteſtation.

It is manifeſt, this proteſtation tended to diſſolve the parliament, without the king's interpoſing; for if, according to the proteſtation, the houſe of peers could do nothing but what in in itſelf was null, without the concurrence of the biſhops, it was no leſs certain that the houſe of commons could do nothing valid without the concurrence of the peers; whence it followed, that the parliament was become uſeleſs, or ſuſpended, in the intention of the biſhops by this proteſtation. It appears alſo, that the king had the ſame thought, by his haſte to communicate the proteſtation to the lords, probably, before his council had examined it. Very likely, he imagined, the lords would eſpouſe the cauſe of the biſhops, as making, according to his notion, a third eſtate of parliament, and that this affair might occaſion the diſſolution of the parliament. But he found that this houſe of peers, hitherto ſo favourable to him, was no longer in the ſame diſpoſitions, ſince the biſhops and Popiſh lords were frightened away by the tumults. The majority of voices not being now for the king, the houſe looked upon this proteſtation with a very different eye from what the king expected. They deſired a conference with the commons, where the lord-keeper told them in the name of all the peers, 'That this proteſtation containing matters of dangerous conſequence, extending to the deep intrenching upon the fundamental privileges and being of parliaments, the lords had thought fit to communicate it to the commons, as a thing of great and general concernment.

Ruſhw. Nalſon.

The commons accuſe the biſhops of high-treaſon, and they are ſent to the tower. Ruſhw. Nalſon. Clarend.

The commons had no ſooner received the report of this conference, but they immediately reſolved to accuſe the 12 biſhops of high-treaſon, for endeavouring to ſubvert the fundamental laws and the very being of parliaments. This reſolution ought not to ſeem ſtrange, after having ſeen how the commons ſtood affected to the biſhops. They took care not to loſe ſo fair an opportunity, of freeing themſelves from the obſtacles they continually met with from the biſhops in the upper-houſe, and beſides, the lords ſeemed diſpoſed to come into their meaſures; ſo, that very moment, Mr. Glyn was ſent to the houſe of peers, to accuſe, in form, the 12 biſhops of high-treaſon, and to deſire they might be put into ſafe cuſtody *. Whereupon, the lords ordered the black-rod to bring the 12 biſhops to the bar of their houſe, which was done by eight a-clock at night, and 10 of them were committed to the tower; Moreton, biſhop of Durham, and Wright, biſhop of Coventry and Litchfield, in regard of their age, remaining with the black-rod.

On the morrow, the 31ſt of December, the commons ſent and deſired the lords to take into conſideration the bill ſent up ſome months ſince for taking away the biſhops votes, to which the lords anſwered, they would take the ſame into conſideration in convenient time.

The commons deſire a guard. Nalſon. Ruſhw.

The ſame day the commons ſent a committee to the king, to repreſent to him, 'That the houſe was under great apprehenſion, by reaſon of a malignant party who were continually forming pernicious deſigns; nay, that ſome of them had imbrued their hands in the blood of his ſubjects, at the gates of his palace, and in the face, and at the doors of the parliament. That, therefore, they humbly beſought his majeſty, that they might have a guard out of the city, commanded by the earl of Eſſex, of whoſe fidelity there could be no ſuſpicion.'

They cauſe arms to be brought into their houſe. Ruſhw.

As the populace of London were diſperſed, and the officers ſtill kept about Weſtminſter, the houſe was under ſome apprehenſions of inſults from theſe reformadoes, and particularly, Lunsford, who was a deſperate man; ſo, the king deſiring to have this meſſage in writing, which was delivered by word of mouth only, and not returning an anſwer the ſame day, the commons ordered, that 30 or 40 halberts ſhould be brought into the houſe, for their better ſecurity.

The Inns of Court gentlemen come and offer to guard the king.

Their fear was farther encreaſed, upon notice, that the young gentlemen of the Inns of Court were aſſembled, and gone to Whitehall, to offer their ſervice to the king, who had received them very graciouſly, and ordered them to be handſomely entertained at tables provided for them.

The king orders the lord-mayor to prevent the diſorder. Ruſhw.

The king, on his part, was not without uneaſineſs. He was afraid, the tumultuous concourſe of the people would be renewed on New-year's-day; and, therefore, ſent orders to the common council of London, to take good meaſures for prevention of the like diſorders, as had happened on the foregoing days, in which he was punctually obeyed.

The parliament having adjourned from Friday till Monday, becauſe the morrow was New-year's-day †, and the next day, Sunday, it was the 3d of January before the king returned an anſwer to the commons meſſage concerning a guard, which was to this effect:

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* The lord Clarendon ſays, the biſhops friends took ſo great offence at this indiſcreet proteſtation, that tho' they deſired to preſerve their function, they had no compaſſion or regard of their perſons, or what became of them; inſomuch as in the whole debate, there was only one gentleman who ſpoke in their behalf, and ſaid, "He did not believe they were guilty of high-treaſon; but that they were ſtark mad, and, therefore, deſired they might be ſent to Bedlam."

† In England, where the old ſtyle is uſed, the year begins the 25th of March. This ſtyle is made uſe of in all publick acts, deeds, writings, hiſtories, and elſewhere. But, however, in the dates, the difference of the two ſtyles is ſet down from the 1ſt of January, to the 25th of March, in this manner, 1641-2, that is, the year 1641 according to the old, and the year 1642 according to the new ſtyle. So the 1ſt of January is acknowledged for the 1ſt day of the year according to the new ſtyle. Rapin.

The king's anſwer concerning the guards. Nalſon. Ruſhw.

‘That it was with great grief of heart, that he found the commons, inſtead of reaping the fruits of his grace and affection to his people, ſhould ſuffer jealouſies, diſtruſts and fears, to be ſo prevalent among them, as to induce them to declare them unto him in ſo high a meaſure as they had done: That he was wholly ignorant of the grounds of their apprehenſions; but if he had any knowledge or belief of the leaſt deſign in any, of violence againſt them, he would purſue them with the ſame ſeverity and deteſtation, as he would do the greateſt attempt upon his crown. And he engaged ſolemnly, on the word of a king, that the ſecurity of all and every of them, from violence, was, and ſhould ever be, as much his care, as the preſervation of himſelf and his children. And if this general aſſurance ſhould not ſuffice to remove their apprehenſions, he would command ſuch a guard to wait upon them, as he would be reſponſible for to him, who had charged him with the ſafety and protection of his ſubjects.’

Before we proceed, it will be neceſſary to ſhew exactly the ſituation of the king's affairs, in the beginning of the year 1641-2. There was in the houſe of commons a ſtrong party, who were labouring to deprive the king of good part of his prerogatives, ſome through fear or diſtruſt, others for more hidden deſigns. But theſe laſt took care not to diſcover their intentions; they pretended to act only upon the ſame motives of diſtruſt, which influenced the firſt, in expectation of engaging them by degrees to ſecond them in their projects; for this reaſon, they loſt no opportunity to inflame this diſtruſt of the king, by aggravating whatever could be blamed in his government, during the firſt 15 years of his reign; and by referring all his actions, ſince the beginning of this parliament, to the ſame principles by which he had governed before. In ſhort, their view was to ſhew, that the king was ſtill the ſame, and had not altered his maxims: That his condeſcenſion for the parliament had been forced, and full of diſſimulation; that he only waited for a proper ſeaſon to return to his old courſes, and when once he was reſtored to his authority, he would uſe it, to be revenged of thoſe by whom he thought himſelf injured, and to take juſter meaſures to eſtabliſh an arbitrary government.

Indeed, as all theſe things depended upon the king's ſecret intention, they could not be evidently proved; but, however, ſuch indications were given, as ſerved to make impreſſion on many people. It was obſerved that the king always talked of his aſſent to the acts of this parliament, as being of pure grace and not of juſtice; from whence it was eaſy to infer, that he reſerved to himſelf the power of revoking them, when he ſhould find occaſion: That there was but too much reaſon to ſuſpect he was concerned in the Iriſh rebellion, conſidering in what juncture of time it broke out, and the rebels declaration, that they had the king and queen's authority for what they did: That it was very probable, he ſhewed a regard to the Papiſts, to make uſe of them on occaſion: That he could not reſolve to execute the ſeven prieſts legally condemned, tho' he had been earneſtly deſired by both houſes of parliament: That notwithſtanding his conſtant promiſes to put the laws in execution againſt recuſants, it had never been performed; but, on the contrary he truſted recuſants with the moſt important poſts: That the conſpiracy to ſeduce the army, plainly diſcovered his deſigns: That very lately he had violated the privileges of parliament in ſo evident a manner, that there was not a ſingle member in both houſes, but what was perſuaded of the reality of this violation: That nevertheleſs, inſtead of ſatisfaction, he had anſwered, “That he himſelf did not believe he had violated the privileges of parliament, nor ever intended it:” That, therefore, it was abſolutely neceſſary to limit his power, and diſable him to govern for the future according to his pleaſure, as he had done for 15 years.

Theſe reaſons produced various effects in the minds of people, according to the temper, underſtanding, and principles of thoſe to whom they were addreſſed. To ſome they appeared too uncertain to ground thereon the project of diminiſhing the regal power, and, conſequently, of altering the conſtitution of the government. Others thought them unanſwerable. But there were many members who wavered between their diſtruſt of the king, and their fear of involving the kingdom in troubles, on a doubtful foundation. Theſe, however, were eaſily perſuaded to join in proceedings, which were repreſented to them as neceſſary precautions, without being told their real deſign; as for inſtance, to conſent to the bill for excluding the biſhops. If the leaders of the Presbyterian party had diſcovered to them, that it was their intention to diminiſh the royal power, in order more eaſily to eſtabliſh presbytery upon the ruins of epiſcopacy, they would never have ſucceeded; nay, they would have grown ſo ſuſpected, that their credit would have been entirely forfeited; for it muſt be obſerved, that the heads of the oppoſite party to the king, tho', moſtly Presbyterians, had not yet acted as ſuch, but only as zealous aſſertors of the people's rights, and as enemies to tyranny, in which the whole party were perfectly united. When, therefore, they moved any thing againſt the biſhops, they intimated, that it was not in hatred of epiſcopacy, but to leſſen the credit of the biſhops, which they had abuſed, in ſupporting arbitrary power, and to hinder them from doing ſo any more. Unfortunately, there were biſhops who had given too much cauſe of complaint, and by their conduct, engaged many church of England men themſelves to concur with the others, in the deſign of limiting the authority of the whole body.

Before the biſhops and Popiſh lords had abſented themſelves from the houſe of peers, the party I have juſt mentioned, met with inſuperable obſtacles in that houſe; nay, even after that, thoſe that remained were not equally engaged in this party. There were ſtill many lords, who, tho' oppoſite to the king, and extremely jealous of him, could not, however,

ever, reſolve to do any thing that ſtruck at the government of the church and ſtate, or at leaſt that tended to alter the conſtitution; ſo, ever ſince the re-aſſembling of the parliament, the Presbyterians had yet been only ſtruggling, as I may ſay, with the reſt of the oppoſite party to the king, to induce them by degrees to concur in humbling the regal power. They had cauſed to be paſſed the remonſtrance of the ſtate of the kingdom, ſpread ſuſpicions of the king concerning the rebellion of Ireland, and hindered the ſending of an Engliſh army thither. Their intrigues had bred great diſtruſt, concerning the Popiſh party countenanced and protected by the king, and produced mortifying addreſſes to the king upon the breach of the privileges of parliament, and the lieutenancy of the tower; tumultuous aſſemblies of the people at Weſtminſter; the petition for a guard, as if the houſe of commons was in great danger from the king's party. In ſhort, the biſhops, their principal enemies, were in the tower. In all this Presbyterianiſm hardly appeared, and if ſome ſuſpected it to be the chief cauſe of the troubles, at leaſt, it was not eaſy to prove it.

Notwithſtanding all theſe advantages, the Presbyterians ſtill ſaw themſelves very far from their end. They had ſufficient credit to cauſe to paſs in the houſe of commons votes agreeable to the general deſign of the whole party; but were themſelves very ſenſible, they durſt not yet venture openly to diſcover their particular end, I mean the deſtruction of the church of England, and the eſtabliſhment of Presbyterianiſm. It was neceſſary before all things to diſable the king to oppoſe it. For that purpoſe, the members of both houſes were to be gained, who ſtill wavered between their diſtruſt of the king, and the fear of involving the kingdom in great troubles, if the conſtitution ſhould be attacked. Theſe members were numerous enough to raiſe invincible obſtacles to this project, by joining with the king's party; for it muſt not be imagined, that all who oppoſed the king were of the ſame character, and acted upon the ſame principles and motives. They were only united in this ſingle point, viz. that tyranny being equally odious to them, they wiſhed with the ſame ardor to be entirely freed from it.

The king orders a peer and five commoners to be accuſed of high-treaſon. Ruſhw. Nalſon.

Things being in this ſituation, the king, by the lord Digby's advice, who was then his chief counſellor, took a ſtep the moſt imprudent and moſt fatal to his affairs that he could poſſibly take in ſuch a juncture. The 3d of January, 1641-2, Sir Edward Herbert, attorney-general, coming to the houſe of peers, acquainted them that the king had commanded him to accuſe of high-treaſon the lord Kimbolton, and five commoners, viz. Denzil Hollis, Sir Arthur Haſlerig, John Pym, John Hampden, and William Stroud. At the ſame time he delivered the general articles of impeachment, given him by the king with his own hand, viz.

The articles againſt them.

1. That they had traiterouſly endeavoured to ſubvert the fundamental laws and government of the kingdom of England, to deprive the king of his royal power, and to place in ſubjects an arbitrary and tyrannical power over the lives, liberties, and eſtates of his majeſty's leige people.

2. That they had traiterouſly endeavoured, by many foul aſperſions upon his majeſty and his government, to alienate the affections of his people, and to make his majeſty odious unto them.

3. That they had endeavoured to draw his majeſty's late army to diſobedience to his majeſty's command, and to ſide with them in their traiterous deſigns.

4. That they had traiterouſly invited and encouraged a foreign power to invade his majeſty's kingdom of England.

5. That they had traiterouſly endeavoured to ſubvert the rights, and the very being of parliaments.

6. That for the compleating of their traiterous deſigns, they had endeavoured, ſo far as in them lay, by force and terror, to compel the parliament to join with them in their traiterous deſigns; and to that end had actually raiſed and countenanced tumults againſt the king and parliament.

7. That they had traiterouſly conſpired to levy, and actually had levied, war againſt the king.

Then Mr. Attorney ſaid, that he was farther charged to deſire on his majeſty's behalf:

1. That a ſelect committee, under a command of ſecrecy, may be appointed to take the examination of ſuch witneſſes as the king will produce in this buſineſs, as formerly hath been done in caſes of like nature, according to the juſtice of this houſe.

2. Liberty to add and alter, if there ſhould be cauſe.

3. That their lordſhips would take care for the ſecuring of the perſons as in juſtice there ſhould be cauſe.

Conſiderations on this ſtep of the king's.

It is very hard to conceive what the king's view could be in this extraordinary accuſation, and what he could expect from it, conſidering the numberleſs difficulties which preſented themſelves, and which it was hardly poſſible not to forſee.

In the firſt place, the king demanded juſtice of the lords againſt five members of the houſe of commons, the parliament ſitting, which was a very manifeſt irregularity, ſince the peers were not the proper judges of the members of the lower-houſe, whilſt the parliament was aſſembled, without the conſent of that houſe, which the king could not be ignorant of. Conſequently they had no power to commit the five members. Why then was it deſired?

Secondly, In this accuſation the king attacked five members of the commons, who were the leading men in that houſe. How, therefore, could he expect, in ſuch junctures, that the commons would deliver up their leaders, on pretence of a general accuſation which deſcended not to any particulars?

Thirdly, The king, in accuſing theſe five members, properly accuſed the whole houſe of treaſon, as it was eaſy to perceive by the bare reading of the articles.

Laſtly, How could he expect, that the parliament who had preſented the Scots with 300,000 pounds, as a reward for their brotherly aſſiſtance, would conſider as high-treaſon, the inviting them into the kingdom, ſuppoſing he had been able to prove his aſſertion ?

All this ſhews, the king had been very ill-adviſed when he undertook this affair at ſuch a juncture. Accordingly there is not a ſingle hiſtorian, even among thoſe that are moſt devoted to him, but what owns, at leaſt, it was a moſt imprudent and unſeaſonable ſtep.

The peers examine the regularity of the king's proceedings. Ruſhw. Nalſon.

After the reading of the articles of accuſation, the lord Kimbolton ſtood up and prayed, that as he had a publick charge, he might have a publick clearing. But the peers proceeded not ſo haſtily as the king expected. The firſt thing they did, was to appoint a committee to examine the regularity of this accuſation, and to ſearch the records, whether there ever had been any ſuch proceeding before, and whether an accuſation againſt a peer might be brought into their houſe by the attorney-general. As to the accuſation againſt the five commoners, they did not ſo much as take it into conſideration, whether they ſhould receive it, but contented themſelves with acquainting that houſe, that ſome of their members were accuſed of high-treaſon by the attorney-general.

The papers, &c. of the parties accuſed are ſealed up by the king. Nalſon. Ruſhw.

At the ſame time the commons were informed, that ſeveral perſons were at Mr. Hollis's and Mr. Pym's, ſealing up their trunks, doors, and papers. The ſame thing was done in the houſes of the three other parties accuſed; whereupon the commons ordered their ſerjeant to break open the ſeals, and apprehend thoſe that put them on. Moreover they paſſed an order, "That if any perſons whatever ſhould come to the lodgings of any member of the houſe, and there offer to ſeal the doors, trunks, or papers, that then ſuch member ſhould require the aſſiſtance of the conſtable to keep ſuch perſons in ſafe cuſtody, till the houſe ſhould give farther order. "That if any perſon ſhould offer to arreſt or detain any member, without firſt acquainting the houſe therewith, it was lawful for ſuch member to ſtand upon his guard of defence, and for any perſon to aſſiſt him, according to the proteſtation taken to defend the privileges of parliament."

A conference between the two houſes. Nalſon.

Preſently after, the commons repreſented to the lords in a conference, that the king had ordered the trunks, chambers, and ſtudies of ſeveral of their members to be ſealed up, and had ſet a guard in a warlike manner at Whitehall: And, therefore, they deſired, that ſuch a guard might be placed about the parliament alſo as ſhould be approved by both houſes, or elſe to join with them to adjourn to a place of ſafety. During this conference, a ſerjeant at arms came to the houſe of commons from the king, and required the five members, accuſed by his majeſty. The ſerjeant being ordered to withdraw, the commons appointed ſome of their members to wait upon the king, and acquaint him, "That his meſſage was a matter of great conſequence, that it concerns the privilege of parliament, and of all the commons of England: That they will take it into conſideration, and attend his majeſty with an anſwer, with as much ſpeed as the greatneſs of the buſineſs will permit: And in the mean time the five members ſhall be ready to anſwer any legal charge made againſt them." Then they diſmiſſed the ſerjeant who had brought the meſſage. At the ſame time they enjoined the five members to give their daily attendance on the houſe.

Reſolution of the peers agreeable to the commons requeſt. Ruſhw.

In the interim, the peers had made an order, to open the doors and trunks of the members of both houſes which were ſealed, and reſolved to join with the commons in a petition to the king, for ſuch a guard as both houſes ſhould approve of. They had ordered, moreover, that two of their body, with ſome members of the commons, ſhould go and repreſent to the king, that the privileges of parliament had been violated.

A report of the king's anſwer.

The next morning, January the 4th, the lord Falkland reported the king's anſwer to the meſſage of the commons concerning the breach of privilege. He ſaid, the king aſked him, whether the houſe did expect an anſwer? And before the lord Falkland replied, told him, he would ſend an anſwer to morrow as ſoon as the houſe was ſet. In the interim, he bid him acquaint the houſe, that the ſerjeant had done nothing but what he had directions from himſelf to do.

A demand of the commons to the lords.

Preſently after this report, the commons ſent and deſired a conference with the lords, to acquaint them, that there was a ſcandalous paper publiſhed, containing articles of high-treaſon againſt the lord Kimbolton, &c. and to deſire that they would concur in puniſhing the authors and publiſhers thereof.

The gentlemen of the Inns of Court examined. Nalſon.

Then the gentlemen of the Inns of Court, who offered themſelves to be a guard to his majeſty, were ſent to and examined, upon a rumour that they were bid to be ready the 4th of January. Thoſe of Lincoln's-Inn anſwered, "That laſt week they went to Whitehall to offer their ſervice to the king, upon hearing that his perſon was in danger. That yeſter-night, they had received a meſſage from his majeſty by Sir William Killigrew and Sir William Flemming, that they ſhould keep within to morrow, and be ready at an hour's warning if the king ſhould have occaſion to uſe them. That they brought to them likewiſe a paper of articles of accuſation againſt the lord Kimbolton and five members of the houſe of commons. That they had only an intent to defend the king's perſon, and would do their utmoſt alſo to defend the parliament; being not able to make any diſtinction between the king and his parliament." The gentlemen of the other Inns anſwered to the ſame effect.

The king himſelf goes to the houſe of commons. Nalſon.

In the afternoon the five accuſed members came into the houſe according as they were enjoined. They were no ſooner in their places, but one captain Langriſh informed the houſe, that the king was coming with a guard of military men, commanders and ſoldiers. As there was room to believe, the king intended to ſeiſe the five members, they were immediately ordered to depart the houſe. They were hardly gone out when the king appeared, and going up to the chair he ſaid, “by your leave, Mr. Speaker, I muſt borrow your chair a little.” When he was in the chair he looked round to ſee if he could diſcern any of the five members, and then made the following ſpeech to the houſe, his guard waiting at the door.

The king's ſpeech to the houſe of commons. Ruſhw. Nalſon.

Gentlemen,

‘I Am ſorry for this occaſion of coming unto you: Yeſterday I ſent a ſerjeant at arms upon a very important occaſion, to apprehend ſome that by my command were accuſed of high-treaſon; whereunto I did expect obedience, and not a meſſage. And I muſt declare unto you here, that albeit no king that ever was in England, ſhall be more careful of your privileges, to maintain them to the uttermoſt of his power, than I ſhall be; yet you muſt know, that in caſes of treaſon, no perſon hath a privilege; and, therefore, I am come to know if any of theſe perſons that were accuſed are here; for I muſt tell you, gentlemen, that ſo long as theſe perſons that I have accuſed (for no ſlight crime, but for treaſon) are here, I cannot expect that this houſe will be in the right way that I do heartily wiſh it; therefore I am come to tell you, that I muſt have them whereſoever I find them. Well, ſince I ſee all the birds are flown, I do expect from you, that you ſhall ſend them unto me, as ſoon as they return hither. But I aſſure you, on the word of a king, I never did intend any force, but I ſhall proceed againſt them in a legal and fair way, for I never meant any other.

‘And now ſince I ſee I cannot do what I came for, I think this no unfit occaſion to repeat what I have ſaid formerly, that whatſoever I have done in favour, and to the good of my ſubjects, I do mean to maintain it.

‘I will trouble you no more, but tell you I do expect as ſoon as they come to the houſe, you will ſend them to me; otherwiſe I muſt take my own courſe to find them.’

The houſe adjourns. Ruſhw.

The king was no ſooner gone, but many members cried out aloud, ſo as he might hear them, Privilege! Privilege! and forthwith the houſe adjourned till the next day at one o' clock.

Vote that the king had violated the privilege of parliament.

The commons aſſembling on the morrow, the 5th of January, at the appointed hour, immediately voted, that the king had violated the privileges of the houſe, and that they could not ſit any longer there, without a full vindication of ſo high a breach, and a guard for the ſafety of their perſons. Then it was reſolved to adjourn till the 11th of the ſame month, and a committee of 24 was appointed, during the adjournment to ſit at Guild-Hall, and to conſider of all things concerning the good and ſafety of the city and kingdom, and particularly how their privileges might be vindicated, and their perſons ſecured. The committee for the Iriſh affairs was ordered likewiſe to ſit at the ſame place during the adjournment. That done, a meſſage was ſent to the lords, to acquaint them with what had paſſed the day before, with their adjournment and committee appointed to ſit at Guild-Hall.

The king goes to the common-council of London. Clarend.

The ſame day the king, having ordered the lord-mayor to aſſemble the common-council, came to Guild-Hall. As he paſſed along the ſtreets, he had the mortification to hear people cry, “Privileges of parliament! Privileges of parliament!” Nay, one Henry Walker, an iron-monger and pamphleteer, was ſo inſolent as to throw into his coach a paper, wherein was written, “To your tents, O Iſrael.” His majeſty being come to Guild-Hall, made the following ſpeech to the common-council.

The king's ſpeech to the common-council. Ruſhw.

Gentlemen,

‘I Am come to demand ſuch perſons as I I have already accuſed of high-treaſon, and do believe are ſhrowded in the city. I hope no good man will keep them from me; their offences are treaſon, and miſdemeanours of an high nature. I deſire your loving aſſiſtance herein, that they may be brought to a legal tryal.

‘And whereas there are divers ſuſpicions raiſed, that I am a favourer of the Popiſh religion; I do profeſs, in the name of a king, that I did and ever will, and that to the utmoſt of my power, be a proſecutor of all ſuch as ſhall any ways oppoſe the laws and ſtatutes of this kingdom, either Papiſts or Separatiſts; and not only ſo, but I will maintain and defend that true Proteſtant religion which my father did profeſs, and I will continue in it during my life.’

A remark on this ſpeech.

The king ſeems to have forgot the ſituation of his affairs, and to imagine he was ſtill in the ſame ſtate as before the war with Scotland. Certainly he could not be ignorant that the city of London was not very well affected to him, nor had reaſon to be ſo. He believed, however, they would eſpouſe his cauſe againſt the parliament, and deliver up the five members, of which there was not the leaſt probability. On the other hand, he could be ſtill leſs ignorant, that it was chiefly in London that the Presbyterians were numerous and powerful, and yet he affected to ſay, he would maintain and defend the Proteſtant religion which the king, his father, had profeſſed, and proſecute to the utmoſt of his power as well Separatiſts as Papiſts. I own I cannot ſee the neceſſity or uſe of ſuch a declaration, before the common-council of a city much more inclined to Presbyterianiſm than to the church of England, as it manifeſtly appeared ſoon after.

The committee is very buſy. Ruſhw. Clarend.

In the interim, the committee which ſat at Guild-Hall, were diligently taking informations of what paſſed the 4th of January, and preparing matters for their report to the houſe againſt their meeting. The committee was informed, that Sir John Byron, who was made lieutenant of the tower, in the room of Lunſford,

ford, had ſent to Whitehall 100 arms, and two barrels of powder. Ruſhworth, who relates this particular, affirms, that the matter being farther inquired into, was found to be true. But I cannot tell whether we may give entire credit to his teſtimony, tho' what he ſays is not improbable.

Petition of the city of London. Ruſhw.

On the 7th, the city of London preſented a petition to the king, which plainly ſhewed they were more inclined to the parliament than to him. ‘They repreſented their great fears and diſtractions, by reaſon of the progreſs of the rebels in Ireland, fomented by the Papiſts in England, and their adherents: The want of aid to ſuppreſs them, and the intimations received from abroad and at home, of a deſign to extirpate the Proteſtants: The putting out perſons of honour and truſt from being conſtable and lieutenant of the tower: The preparations there lately made: The fortifying of Whitehall in an unuſual manner: The endeavours uſed to the Inns of Court: The calling divers cannoneers into the tower: The diſcovery of divers fireworks in the hands of a Papiſt: The miſunderſtanding betwixt his majeſty and parliament, by reaſon of miſinformation: His majeſty's late going to the houſe of commons, attended with a great multitude of armed men, beſides his ordinary guard, for the apprehending of divers members, contrary to the privileges of parliament.’

This petition was very capable to ſhew the king, how much he was miſtaken in his opinion that the city of London was well diſpoſed in his favour. He returned, however, a very mild anſwer to each of the articles, to this effect.

The king's anſwer. Ruſhw.

‘That as for the buſineſs of Ireland, there was nothing on his part unoffered or undone; and he hoped, by the ſpeedy advice and aſſiſtance of his parliament, that great and neceſſary work would be put in a ſure forwardneſs, to which he would contribute all his power.

‘For the tower; he wondered, that having removed a ſervant of good truſt and reputation from that charge, only to ſatisfy the fears of the city, and put in another of unqueſtionable reputation and known ability, the petitioners ſhould ſtill entertain thoſe fears; and, whatever preparations were there made, it was with as great an eye of ſafety and advantage to the city as to his own perſon.

‘For the fortifying of Whitehall with men and munition; he doubted not, but the petitioners had obſerved the ſtrange provocation he had received to entertain that guard; and if any citizens were wounded or ill treated, he was confidently aſſured, that it happened by their own evil and corrupt demeanours.

‘That he knew no other endeavours to the Inns of Court than a gracious intention; that he received the tender of their loyal and dutiful affections, with very good approbation and acceptance, and an encouragement given them to continue the ſame upon all occaſions.

‘For his going to the houſe of commons; he was verily perſuaded, that if the petitioners knew the clear grounds upon which thoſe perſons ſtood accuſed of high-treaſon, they would believe his going thither was an act of grace and favour to that houſe, and the moſt peaceable way of having that neceſſary ſervice, for the apprehenſion of thoſe perſons, performed; eſpecially, if ſuch orders had been made, which he was not willing to believe, for the reſiſtance of all lawful authority as were diſcourſed of. And for the proceedings againſt thoſe perſons, he ever intended the ſame ſhould be with all juſtice and favour, according to the laws of the realm.”

He concluded with theſe words, ‘And this extraordinary way of ſatisfying a petition of ſo unuſual a nature, his majeſty is confidently perſuaded, will be thought the greateſt inſtance can be given of his majeſty's clear intentions to his ſubjects, and of the ſingular eſtimation he hath of the good affections of this city, which he believes, in gratitude, will never be wanting to his juſt commands and ſervice.”

Jan. 8. Proclamation to apprehend the five members. Ruſhw.

On the morrow, the 8th of January, the king publiſhed a proclamation, commanding all magiſtrates and officers of juſtice, to apprehend the accuſed members, and carry them to the tower.

Whilſt the committee was aſſembled at Guild-hall, they took the information of two witneſſes, who depoſed, that they heard captain Hide ſay things, which ſhewed, he had ſome ill deſign againſt the houſe of commons.

Reſolution of the committee.

Then it was reſolved, that the ſheriffs of London and Middleſex ſhould raiſe the Poſſe Comitatus for their ſafe coming to Weſtminſter, the day the parliament ſhould meet. Whereupon the watermen came and tendered their ſervice, to guard the committee by water to the parliament-houſe, which was accepted of; but the offer of the apprentices to accompany them by land was refuſed.

In the interim, the committee of twenty-four having appointed a ſub-committee to examine the affairs in queſtion, they made their report, January the 10th, of what reſolutions had been taken; viz.

That the publiſhing ſeveral articles of high-treaſon againſt the lord Kimbolton, and the five members of the houſe of commons, was a high breach of the privileges of parliament, a ſeditious act, tending to the ſubverſion of the peace of the kingdom.

That the privileges of parliament, ſo violated and broken, could not be fully and ſufficiently vindicated, unleſs his majeſty would be pleaſed to diſcover the names of thoſe perſons who adviſed him to ſeal the chambers and ſtudies of the accuſed members; to ſend a ſerjeant at arms to the houſe of commons to demand them; to iſſue warrants under his own hand to apprehend them; to come in perſon to the houſe; to publiſh the articles of accuſation in the form of a proclamation, to the end ſuch pernicious counſellors might receive condign puniſhment.

The king retires from London.

The committee of 24 reſolving to return on the morrow to the parliament with a numerous guard, the king thought not proper to be expoſed to the danger of receiving ſome affront from the populace; and, therefore, choſe to withdraw to Hampton-Court, and two days after to Windſor.

The committee return to the houſe.

January the 11th, the commons being aſſembled at Weſtminſter, the committee of 24 came thither by water, conducted by great numbers of ſeamen and others, whilſt the train'd-bands of London marched through the city in arms, to guard them alſo by land.

The king repents of his proceedings.

Then it was that the king found he had taken wrong meaſures, and that his imprudent proceedings could not but grieve him, and ruin his affairs. He repented of what he had done, and wiſhed he could appeaſe the diſorder raiſed by himſelf. To this end, the next day, January the 12th, he ſent the following meſſage to both houſes.

The king's meſſage to both houſes. Ruſhw. Nalſon.

"His majeſty taking notice, that ſome conceive it diſputable, whether his proceedings againſt the lord Kimbolton, Mr. Hollis, Sir Arthur Haſlerig, Mr. Pym, Mr. Hampden, Mr. Strode, be legal and agreeable to the privileges of parliament; and being very deſirous to give ſatisfaction to all men, in all matters that may ſeem to have relation to privilege, is pleaſed to wave his former proceedings, and all doubts by this means being ſettled, when the minds of men are compoſed, his majeſty will proceed thereupon in an unqueſtionable way, and aſſures his parliament, that upon all occaſions he will be as careful of their privileges, as of his life or his crown."

Conſiderations on the imprudent accuſation of the five members in reſpect to the time.

Had there not been a ſettled deſign againſt the king, this meſſage would have been capable to pacify all, ſince he plainly ſhewed, he repented of what he had done, and in ſome meaſure confeſſed his fault. But he had given his enemies too great an advantage, for them to neglect to improve it. I have obſerved, there were many members in both houſes, not yet determined to join with thoſe who ſought only to throw all into diſorder and confuſion. Some began to diſcover the deſigns of the Preſbyterians. Others had ſcruples, which they could not overcome, when they conſidered, that the deſtruction of the kingdom would be endangered, by a bare diſtruſt which could not be well-grounded. But their doubts were changed into certainty, after what the king had lately done. Before the accuſation of the ſix members, it was doubtful, whether the king thought of being revenged of thoſe who had offended him, but this accuſation rendered this intention very probable. It was doubtful whether his condeſcenſion for the parliament was conſtrained; but this accuſation diſcovered, that he believed himſelf deprived of part of his lawful authority, and conſidered what the parliament had done with reſpect to himſelf, as high-treaſon. For if the depriving him of part of his authority was treaſon, thoſe who had voted for triennial parliaments, and the continuance of this, could not be innocent. If the endeavouring to render the king odious to his people was treaſon, certainly the ſix members were not alone guilty. If the inviting the Scotch army into England was treaſon, how could the houſe of commons clear themſelves after having rewarded the Scots for their invaſion, with a preſent of 300,000 pounds? If it was treaſon to endeavour to ſubvert the rights, and the very being of parliaments, both houſes were guilty of this crime, when they aſſumed by an act, the power of not being diſſolved or prorogued without their own conſent, ſince this was altering the nature of parliaments. If raiſing tumults was treaſon, the countenancing and encouraging theſe ſame tumults, was no leſs ſo, and of this the whole houſe of commons was guilty. In a word, the charge againſt theſe particular members for conſpiring to levy, and for actually levying war againſt the king, neceſſarily aimed at the whole houſe, who had countenanced the tumultuous aſſemblies, ſet themſelves a guard, and provided themſelves with arms.

Theſe things put thoſe upon conſidering, who till then had preſerved ſome good-will for the king, and entertained equitable thoughts of him. They plainly ſaw what judgment the king made of the parliament's actions, tho' he attacked but ſix members. The ſhallow artifice of throwing upon a few the fault of the whole houſe, had been proper with regard to former parliaments, whilſt the king was maſter. But it was ineffectual with the preſent parliament, and at ſuch a juncture. After the redreſs of paſt grievances, the point was to know, whether the king's word was to be relied on, and he reſtored to his natural ſtate. Many were of this ſentiment, as they could not imagine, that after what had paſſed in this parliament, the king would endeavour to govern for the future as he had done before. They could not reſolve, from a bare motive of fear and diſtruſt, to alter the conſtitution of the government, by abridging the king's power. Others maintained, that the king's condeſcenſion was all diſſimulation, and his word not to be relied on. Theſe men, to bring the reſt to their opinion, were forced to uſe various artifices, to aggravate and miſinterpret the king's actions, and nevertheleſs, were not yet able to compaſs their ends. But by the accuſation of the ſix members, the king himſelf ſupplied them with arguments, which were not eaſy to anſwer. They had no more occaſion to uſe ſigns and conjectures to prove what they advanced, ſince the king gave them himſelf ſuch evident proofs. So it may be ſaid, the king never followed more pernicious advice, than that lately given him. If the lord Digby, as it is ſaid, was his counſellor, it may be affirmed, that he threw him into a precipice, from whence it was not poſſible ever to extricate himſelf.

From that time, the queſtion was not to know, whether it was neceſſary to limit the regal power, but to know within what bounds it ſhould be confined; they who had hitherto been moſt moderate, having entirely loſt their doubts concerning the king's ſincerity. So the party which was moſt oppoſite to him, being grown very ſuperior in both houſes, and meeting with little oppoſition, they who wiſhed to do the king ſervice, thought it ſafeſt, either to abſent themſelves from the parliament, or to keep ſilence, in the expectation of an opportunity to ſerve him effectually, if affairs ſhould take a new turn, and thereby the oppoſite party became ſtill more powerful.

Declaration of the commons. Ruſhw. Clarend.

It is therefore evident, that in the preſent diſpoſition of the parliament, the king's laſt meſſage was not a ſufficient means to oblige his enemies to alter their meaſures. Eſpecially, as by this meſſage he did not deſiſt from the accuſation, but only from the manner of proceeding, tho' it was eaſie to perceive, he took this method only to come off with the leſs diſhonour. Accordingly, the commons did not much regard it. The 17th of January, they came to the like reſolutions with thoſe taken by the committee in London, and digeſted them into a declaration. They only added, the depoſitions of ſome witneſſes concerning the number of armed men, who attended the king when he came to the houſe, and who, acccording to theſe depoſitions, were about 500; concerning the inſolent behaviour of ſome of the officers who accompanied his majeſty; and the words they uſed at the door of the houſe, which ſeemed to denote, that they waited only for a ſignal to fall upon the members. There is no queſtion, all theſe things were highly aggravated; but theſe aggravations were ſubſervient to the end propoſed by the commons. They declared, however, "That they meant not to ſcreen their "members, when accuſed of treaſon or miſ"demeanour, and proſecuted according to "law and the privileges of parliament: On "the contrary, they ſhould be always ready "to bring them to a ſpeedy and due trial; "being ſenſible, that it equally imported "them, as well to ſee juſtice done againſt "criminals, as to defend the juſt rights and "liberties of the ſubjects and parliament of "England."

Before this declaration was publiſhed, the king had ſent the following meſſage to both houſes, which ſhewed how deſirous he was of giving them content, and ending this unfortunate affair:

The king's ſecond meſſage to the parliament. Jan. 14. Ruſhw. Nalſon.

"His majeſty being no leſs tender of the pri"vileges of parliament, and thinking himſelf no "leſs concerned that they be not broken, and "that they be aſſerted and vindicated when"ſoever they are ſo, than the parliament it"ſelf, hath thought fit to add to his laſt meſ"ſage this profeſſion; that in all his proceed"ings againſt the lord Kimbolton, and the "reſt of the accuſed members, he had never "the leaſt intention of violating the leaſt pri"vilege of parliament: And in caſe any doubt "of breach of privilege remains, will be will"ing to clear that, and aſſert thoſe by any "reaſonable way that this parliament ſhall "adviſe him to; upon confidence of which, "he no way doubts his parliament will forth"with lay by all jealouſies, and apply them"ſelves to the publick and preſſing affairs, and "eſpecially to thoſe in Ireland, wherein the "good of this kingdom and the true religion "(which ſhall ever be his majeſty's firſt care) "are ſo highly and ſo nearly concerned. And "his majeſty aſſures himſelf, that his care of "the privileges will encreaſe their tenderneſs "of his lawful prerogative, which are ſo neceſſary to the mutual defence of each other; "and both which will be the foundation of a "perpetual perfect intelligence between his "majeſty and parliament, and of the happi"neſs and proſperity of his people."

The commons impeach the attorney-general. Ruſhw. Nalſon.

This meſſage (for the reaſon before given) was not capable of ſatisfying the commons. On the contrary, the next day they cauſed Sir Edward Herbert, the attorney-general, to be examined at the bar of the houſe of lords. His anſwers being ſent to the commons, they ordered him to be accuſed of ſeveral high crimes and miſdemeanours, that is to ſay, of having violated the privileges of parliament, in exhibiting to the houſe of lords the articles he received from the king's own hand, with an expreſs command to exhibit them.

Petition that the king would ſhew what proof there was againſt the ſix members. Jan. 21. The king's anſwer. Ruſhw.

Two days after, both houſes petitioned his majeſty, that they might be informed what proof there was againſt the ſix members, to the end they might ſpeedily be proceeded againſt in a parliamentary way. The king anſwered, "he thought it unuſual or unfit to "diſcover what proof was againſt them, before "he was certain of the way he was to proceed, "leſt a new miſtake ſhould breed more delays. "That it ſhould, therefore, be reſolved, whe"ther his majeſty was bound in reſpect of pri"vilege, to proceed againſt them by im"peachment in parliament; or whether he "was at liberty to prefer an indictment at "common law, in the uſual way, or have his "choice of either."

The parliament inſiſt upon their demands. Feb. 2. Ruſhw.

This anſwer could not but embarraſs the two houſes, ſince the king was willing to follow their directions in the proſecution of the ſix members. Accordingly, they thought not proper to reſolve upon either of the ways propoſed by the king. They contented themſelves with replying in a ſecond petition, "that finding "there was ſtill no legal and parliamentary "proceedings againſt the accuſed members "they thought it their duty, once more to "beſeech his majeſty, to inform the parlia"ment what proof there was againſt them, "that they might be called to a legal trial, it "being the undoubted right and privilege of "parliament, that no member can be pro"ceeded againſt without the conſent of par"liament."

The king plainly perceiving, there would be no end, and that new difficulties would be perpetually ſtarted, endeavoured to terminate the affair at once by the following anſwer.

The king's third meſſage Ruſhw.

"That as he once conceived that he had "ground enough to accuſe them, ſo now his "majeſty finds as good cauſe wholly to deſert "any proſecution of them. And for a far"ther teſtimony of his majeſty's real intenti"on towards all his loving ſubjects, (ſome of "whom haply may be involved in ſome un"knowing and unwilling errors) for the bet"ter compoſing and ſettling of all fears and "jealouſies of what kind ſoever, his majeſty "is ready to grant as free and general a par"don for the full contentment of all his loving "ſubjects, as ſhall by the approbation of both "houſes of parliament be thought convenient "for that purpoſe."

The parliament requires the perſons who adviſed the king. Ruſhw.

It was not difficult to perceive, the king offered this general pardon only to have it ſaid, that the ſix members were exempted from the rigour of the law by vertue of the pardon. But the parliament not being ſatisfied with the king's offer, addreſſed a third petition to him, deſiring, that, accordig to two acts of the 37th and 38th years of the reign of Edward III, his majeſty would be pleaſed to ſend the perſons, that had made ſuggeſtion or information to him of the crimes of the ſix members to the parliament, that ſo the rights and privileges of parliament might be vindicated, which of juſtice ought not to be denied.

Sentence upon the attorney-general. April 23.

The king returning no anſwer to this petition, the affair reſted here, except that in April following, the houſe of peers gave ſentence againſt the attorney-general, declaring him uncapable of all offices, but that of attorney-general, and committing him to the priſon of the Fleet during the pleaſure of the houſe.

Tho' this affair ſeemed to be ended, the king was upbraided with it afterwards a thouſand times. But before I finiſh it entirely, I believe it will not be amiſs to make ſome remarks on this ſubject, that I may not be obliged to reſume it hereafter.

Remarks on the conduct of the commons.

Tho' the commons made a great noiſe about the breach of their privileges, that was not the thing which moſt incenſed them. Their great grievance was, that the king had choſen, to accuſe of high-treaſon, five members of the houſe, who were the chief leaders and directors. So, to accuſe theſe five members was, as I obſerved, to accuſe the whole houſe. Now if the king did believe the houſe guilty of treaſon, for having done what he accuſed but five members of, what aſſurance could there be, that he would religiouſly obſerve his promiſes, which in his opinion, were extorted from him by traitors? There was reaſon, therefore, to ſuſpect, that the king had ſome grand deſign, and before the execution, was willing to ſecure thoſe who were moſt capable to obſtruct it, as well by their abilities as by their great credit in the parliament and with the people. This is the impreſſion made by this unſeaſonable accuſation on the members of the parliament. And to this contributed alſo the king's zeal to ſeiſe the five members, even to his coming in perſon to the houſe of commons to apprehend them, which no king of England had ever done before him; nay, very likely, had they been in the houſe, and made any reſiſtance, he would have employed armed men, who attended him to the number of about 500, to carry them away. This was ſufficient to incenſe againſt him thoſe who had hitherto conſidered as a doubtful point, whether his promiſes were to be relied on. It could not be conceived, that at a time when the moderate members began to unite in his favour, to eſtabliſh a ſolid peace, he ſhould be induced to an action ſo odious, and ſo deſtructive of it, had he not intended to ſubdue the parliament by force. Thus the complaints of both houſes about the breach of their privileges, was properly only a pretence to cover the true reaſon of their fears. As this reaſon was not of ſufficient evidence to convince the people, who could regard it but as a bare ſuſpicion, they inſiſted only upon their privileges, till they ſhould engage the king to declare himſelf more openly. Their real piew was, therefore, to oblige the king to take ſome new ſtep, that might ſhew the people, it was not without cauſe that the king was accuſed of having ill-deſigns. This certainly was the motive of the parliament's petition, to be informed of the proofs before the way of proceeding ſhould be reſolved. This was a ſnare laid for the king, to engage him to produce proofs of a crime, whereof the whole parliament was no leſs guilty than the members accuſed, and thereby the people would have been convinced, that he aimed at the parliament itſelf. But the king avoided the ſnare, by dropping the proſecution rather than be obliged to produce proofs, which muſt have been prejudicial to him, after miſſing his aim. It was not the preach of privilege, but the king's ſecret intention, that was chiefly in queſtion. By his late proceedings he had given occaſion to think, that a rupture between him and the parliament was not very remote, ſince he had deſtroyed the confidence, on which alone peace and a good underſtanding could be founded. In this light muſt the accuſation of the ſix members be viewed, and not as a ſeparate fact relating only to the privileges of parliament.

It is, therefore, very needleſs, in my opinion, that ſome have undertaken to diſcuſs exactly this queſtion, whether the two houſes could lawfully refuſe ſending to priſon their members accuſed of high-treaſon? However, I ſhall briefly ſpeak to this point for the reader's information.

It is certain, the privileges of parliament do not extend to crimes of high-treaſon, and in ſuch caſes the commons have no more right than the peers; but it is alſo an undoubted maxim, that no member can be proceeded againſt without the conſent of his houſe. When a peer is accuſed, it belongs to the houſe of lords to examine, whether the proſecution ought to be conſented to, and in caſe of conſent, whether the party accuſed is to be confined or let free to anſwer the accuſation. The lords are determined to one or other, by the nature or circumſtances of the crime. It is the ſame with reſpect to the members of the lower-houſe. In the preſent caſe, the commons thought there was no reaſon to ſend the members accuſed to priſon, becauſe the accuſation was too general. The king pretended, on the contrary, that upon a bare accuſation, under colour that it was for high-treaſon, he had power to apprehend the accuſed, without the conſent of their houſe, and to commit them to the tower. It is eaſy to perceive, the king carried this principle a little too far, that the privileges of parliament take not place in caſes of high-treaſon, ſince he extended it to a bare accuſation of treaſon. But a bare accuſation cannot deprive the houſes of parliament, of the right to examine, if there be reaſon to conſent to the proſecution, whether by direct proof, probable ſigns, or publick evidence. Otherwiſe, the king might have pitched upon, not only five, but a hundred members of the lower-houſe, and ſent them to priſon, upon the bare accuſation of treaſon, which would render the privileges of parliament entirely uſeleſs. Nevertheleſs, the king acted as if his right had been undeniable, tho' that was, at leaſt, the point in queſtion. I ſhall not undertake to illuſtrate this point any farther, which has difficulties, the ſolution whereof depends on the knowledge of the laws and cuſtoms of England. I ſhall only add, that the king did himſelf a very great injury by this unſeaſonable ſtep, and that his enemies received by it advantages, which in the end occaſioned his ruin.

The commons very much miſtruſt the king's ſincerity.

Whilſt the affair of the accuſed members was in hand, the commons continued to expreſs an extreme diſtruſt of the king. This diſtruſt daily encreaſed, till, at laſt, it produced an entire rupture.

Byron refuſes to be examined by the commons. Nalſon. Ruſhw.

January the 12th, the commons ſent an order to Sir John Byron, lieutenant of the tower, to come and anſwer to ſuch queſtions as ſhould be put to him, concerning the arms and amunition ſent to Whitehall, the day the king came to the houſe of commons; but he excuſed himſelf, for that he had the king's expreſs warrant not to go out of the tower.

Commons appoint themſelves a guard. Nalſon.

The king had anſwered the petition of both houſes concerning a guard, that he would appoint 1 or 200 men out of the trained-bands of the city (ſuch as the lord-mayor ſhould be anſwerable for to him) under the command of Robert Bertie, earl of Lindſey; but the commons refuſed this offer, and ordered, that two companies of the trained-bands ſhould every day attend upon the houſe as a guard, under the command of ſerjeant major Skippon.

Aſſembly of officers at Kingſton. Ruſhw.

The parliaments diſtruſt of the king was daily enflamed by ſucceſſive accidents, which the king's enemies knew how to improve. Whilſt things were in this ſtate, the parliament received information, that the lord Digby, colonel Lunsford, and other diſbanded officers were at Kingſton upon Thames, with about 200 horſe. Whereupon it was ordered by both houſes, that the ſheriffs, calling to their aſſiſtance the trained-bands of the ſeveral counties of England and Wales, ſhould ſuppreſs all unlawful aſſemblies gathered together to the diſturbance of the peace of the kingdom. They were afraid, the king intended to ſecure Portſmouth, and, perhaps, their fears were not groundleſs. However that be, they ſent an order to colonel Goring, governor of Portſmouth, requiring him not to deliver up the town, nor receive any forces into it, but by his majeſty's authority ſignified by both houſes of parliament. At the ſame time, the lords ſent an expreſs order to the lord Digby, to give his attendance in the houſe. But he thought fit to withdraw out of the kingdom. There had now been information, that he was the perſon who adviſed the king to accuſe the ſix members of parliament. Beſides, the commons were exaſperated againſt him, on account of his ſpeech againſt the bill of attainder of the earl of Strafford, whilſt he was member of that houſe; ſo that the leaſt pretence was ſufficient to draw their reſentment upon him.

The lord Digby goes out of the kingdom.

The commons made great noiſe about the Kingſton affair, to perſuade the people his majeſty intended to ſecure Portſmouth; nay, they cauſed ſeveral witneſſes to be examined, but this affair was carried no farther. They were contented with ſending for admiral Pennington, who reported that the lord Digby had ſhewn him a warrant under the king's own hand, to convey him ſafely into France or Holland, and that he durſt not diſobey the order.

The commons ſend Hotham to ſecure Hull. Jan. 1. Ruſhw. Nalſon.

The parliament's fears about Portſmouth made them think of Hull, a very important place in the county of York. The commons inſtead of concealing, affected rather to diſcover their fears. Wherefore, they ſent a meſſage to the lords, that there was at Hull a magazine of arms for 16,000 men, and ammunition proportionable. That the town being weakly garriſoned, and the adjacent country full of Papiſts and diſaffected perſons, they deſired their concurrence in an order, that ſome of the trained-bands of Yorkſhire ſhould be put into Hull, under the command of Sir John Hotham, member of the houſe of commons, with orders not to deliver up the place, or magazine, without the king's authority ſignified by both houſes. To this the lords readily conſenting, young Hotham, ſon to Sir John, was ſent immediately to Hull to execute this order, till his father ſhould be ready to take the government of that place.

Nothing ſhews more clearly the parliament's diſtruſt, than this order about Hull, ſince it could not be but upon the ſuppoſition of an urgent neceſſity, that they could pretend to place governors in the towns, and it was alſo this neceſſity that they deſired to inſinuate to the people. However, the ſequel ſhewed, the parliament had reaſon to take this precaution.

Bill for the parliament's adjournment to any other place. Ruſhw. Nalſon.

Since the accuſation of the ſix members, ſcarce a day had paſſed but the parliament expreſſed their ſuſpicions of the king, ſo that every thing manifeſtly tended to a rupture. The better to perſuade the people that both houſes were apprehenſive of ſome violence from the king, and not ſafe at Weſtminſter, a bill was paſſed to enable them to adjourn to any place they pleaſed.

A guard ſet about the tower. Ruſhw. Nalſon.

They ordered likewiſe the earl of Newport, maſter of the ordnance, and the lieutenant of the tower, not to ſuffer any cannon or ammunition to be carried from thence. And for the better ſafe-guard of the tower, the ſheriffs of London and Middleſex were ordered to ſet a ſufficient guard both by land and water about it. The ſame day the commons cauſed ſome great ſaddles to be ſeiſed, that were to be ſent to Kingſton.

Falſe information given to the houſe. Ruſhw.

Moreover, Mr. Bagſhaw of Windſor, member of the houſe of commons, informed them, that laſt night as he was going to Windſor where the king then was, he ſaw divers troops of horſe, and that there came thither a waggon loaded with ammunition, and another waggon loaded with the ſame, was ſent from thence to Portſmouth; adding, there were at Windſor 400 horſe, with about 40 officers. Whereupon Skippon was ordered to detatch ſome horſemen towards Windſor for intelligence. But in all appearance there was no great diſcovery made, ſince nothing more was ſaid of it.

The lords decline petitioning againſt Byron. Jan. 15.

After that, the commons deſired the lords to join with them in a petition to the king, for the removal of Sir John Byron from the lieutenancy of the tower, and offered their reaſons. But the lords thought fit to decline it.

The peers forbid Eſſex and Holland to go to the king. Nalſon. Ruſhw.

In the interim, the lords being informed by the earl of Eſſex, that the king had laid his commands upon him and the earl of Holland, to attend his majeſty at Hampton-Court as lord-chamberlain, and groom of the ſtole, they would not diſpenſe with their abſence, alledging that their attendance in parliament about the high affairs of the realm, was truer ſervice to his majeſty, than any they could do him at court. The king ſoon after removed both theſe lords from their places.

Differences between the two houſes about the Scotch ſuccours. Ruſhw.

During theſe differences between the king and the parliament, Ireland remained unaſſiſted. The commons would not pay 10,000 men, who ſhould be levied by the king's commiſſions. They pretended, theſe troops ſhould be raiſed by way of preſſing, in order to chuſe ſuch for ſoldiers as ſhould be leaſt attached to the king, and that the king ſhould not be concerned in the levies. The bill for preſſing had been ſent up to the lords, who had not yet paſſed it, of which the commons very much complained. At laſt, the Scotch commiſſioners ſeeing, that the differences between the king and the parliament retarded the concluſion of the treaty for which they were ſent, bethought themſelves of offering their mediation to the king and both houſes, to procure an agreement. But the king was offended at their offer, becauſe they had not firſt communicated their intentions to him in private. The two houſes, on the contrary, thanked them for this mark of their affection.

The Scots ſend 2500 men into Ireland. Nalſon. Ruſhw.

In the interim, the committee for the Iriſh affairs finding, that kingdom wanted a ſpeedy aſſiſtance, and that the treaty for the 10,000 Scots was not likely to be concluded ſoon enough, made a propoſal to the Scotch commiſſioners, that the Scots ſhould ſend into Ireland 2500 men, who were ready, till the treaty for the 10,000 ſhould be ended; to which the commiſſioners of Scotland agreed. To that purpoſe, they propounded certain conditions, which were approved by both houſes. But the king objected to one of the conditions, which was, that Carrick Fergus, a ſeaport in the north of Ireland, ſhould be delivered to the Scots. He ſaid, it was too great a truſt for auxiliary forces. Nevertheleſs, ſeeing the parliament willing to confide in the Scots, he thought he ſhould not refuſe his confidence to his native ſubjects. It muſt be obſerved, that the king and commons expreſſed an equal deſire to aſſiſt Ireland, but each would have it in their own way. The king wiſhed to have an Engliſh army ſent thither, and blamed the commons for not haſtening the levies. The commons, on their ſide, ſuſpected, that the king's view was to leave England unprovided of men, arms and ammunition, and therefore inſiſted upon the treaty of Scotland for 10,000 men; and charged the king with being the ſole cauſe of the obſtacles to the concluſion of the treaty; nay, they plainly intimated, that tho' the king ſeemed to preſs the relief of Ireland, he had no real intention that kingdom ſhould be relieved. Neceſſity, however, obliged the king and both houſes to accept, at length, of the 2500 Scots, who were ſent into the north of Ireland, where they did good ſervice.

Remark on the commons diſtruſt.

The commons ceaſed not to ſhew openly their diſtruſt of the king. This was abſolutely neceſſary to the execution of the deſigns of thoſe who had then the chief management of the affairs of the houſe. But it does not follow, becauſe it was neceſſary to make known this diſtruſt, that, therefore, it was not real. The leading men of this party did not believe, indeed, they had reaſon to truſt the king, and withal, it was their intereſt to ſhew the publick the grounds of their diſtruſt. This they did in a ſolemn manner by means of a ſpeech ſpoken by Mr. Pym at a conference with the lords. This ſpeech deſerves to be inſerted at length, becauſe it ſhews by what ſteps the commons endeavoured to compaſs their ends.

Mr. Pym's ſpeech to the lords. Ruſhw. Clarend.

My lords,

‘I Am commanded by the knights, citizens, and burgeſſes, aſſembled for the commons in parliament, to preſent to your lordſhips divers petitions, which they have received from ſeveral parts concerning the ſtate of the kingdom: Whereunto they are chiefly moved by that conſtant affection which they have always expreſſed, of maintaining a firm union and good correſpondence with your lordſhips; wherein they have ever found much advantage, and contentment; but never held it more important and neceſſary, than at this time, wherein the wiſdom and reſolution of parliament have as many great dangers and difficulties to paſs thro', as ever heretofore.

‘We are united in the publick truſt, which is derived from the commonwealth, in the common duty and obligation whereby God doth bind us to the diſcharge of that truſt; and the commons deſire to impart to your lordſhips, whatſoever information or intelligence, whatſoever encouragement or aſſiſtance they have received from thoſe ſeveral counties which they repreſent, that ſo likewiſe we may be united in the ſame intentions and endeavours of improving all to the ſervice of his majeſty, and the common good of the kingdom.

‘The petitions which I am directed to communicate to your lordſhips, are four; from London, Middleſex, Eſſex, and Hertfordſhire. We have received many more, but it would take up too much time, and be too great a trouble to peruſe all: And in theſe four, you may perceive the effect and

‘ ſenſe of all: Firſt, I am to deſire your lordſhips to hear them read, and then I ſhall purſue my inſtructions in propounding ſome obſervations out of them.’

The petition of the lord-mayor and aldermen of London.

Sheweth,

Ruſhw. ‘THAT the committee of this honourable houſe, upon Saturday the 22d of this inſtant, January, ſent a meſſage to the petitioners, for the loan of 100,000 pounds, or of ſo much thereof as could conveniently be forthwith raiſed, for levying of forces to ſuppreſs the rebels in Ireland: To which meſſage ſomething was then anſwered, and a farther anſwer in writing promiſed.

‘In performance whereof, they humbly preſent the anſwer following, together with the reaſon thereof, deſiring that the ſame (being the beſt that for the preſent they are able to give) may favourably be accepted.’

As this anſwer is very long, and contains ſeveral particulars not abſolutely neceſſary, I ſhall content myſelf with inſerting here what is moſt material.

‘That how ſenſible ſoever they were of the great miſeries of their brethren in Ireland, and of the imminent danger, not only of the total loſs of that kingdom, but of the ruin of this alſo, if that of Ireland ſhould be loſt; yet they are compelled to declare, “That they have no power to raiſe any ſums by way of tax for any foreign uſe;” and that they have no means to do it, otherwiſe than by the immediate perſonal conſent of every particular lender, which they cannot hope to obtain, in regard of theſe obſtructions following.

‘1. That immediately before the parliament, and ſince, divers great ſums for the ſervice of the king and kingdom, have been already lent by the citizens of London, beſides 50,000 l. for the ſupply of Ireland in particular; a great part whereof ſome of the lenders were compelled to borrow, and cannot to this day repay.

‘2. That ſuch part of thoſe monies as ſhould have been repaid out of the poll-money and ſubſidies, is not yet done.

‘3. That the ſaid ſum of 50,000 pounds, lent for Ireland, was haſtened and ſpeedily paid, upon account of the urgent neceſſities of that kingdom; and yet no conſiderable forces are ſent thither to this day.

‘4. The general with-holding of very great ſums of money from the petitioners, and many others, doth render divers perſons of good eſtate and credit, hardly able to go on with trade, or to pay their debts, and maintain their charge.

‘5. The refuſing to accept the offers of Scotland, to ſend 10,000 men into Ireland, diſcourageth moſt men from lending any money, were they never ſo able.

‘6. The not paſſing the bill for preſſing of ſoldiers puts many men into fears, that there may be ſome deſign there to loſe Ireland, and to conſume this kingdom in the loſing of Ireland, than to preſerve either the one or the other; for that it cannot be conceived, that the rebels (being grown ſo powerful) will be ſuppreſſed by volunteers.

‘7. The ſlow iſſuing of commiſſions to thoſe, who being in Ireland, or going thither, are willing to enter the field againſt the rebels, diſables them from doing any effectual execution upon the enemy, unleſs in their own defence; and ſo all the monies that have been, or may be ſent thither, are exhauſted to maintain our forces, to do little or nothing worthy of them, rather than employed to chaſtiſe the rebels: By means whereof, thoſe rebels are ſo much emboldened, that they boaſt they will extirpate the Britiſh nation there, and then make England the ſeat of war.

‘8. The not diſarming of Papiſts here in England, after many diſcoveries of their treacheries and bloody deſigns; the great decays of fortifications, block-houſes, and other ſea-forts; the not managing of them, nor furniſhing them with ordnance and ammunition; the not placing all of them in ſuch hands, in whom the parliament may confide; and the not ſettling this kingdom in a poſture of defence, in times of ſo many fears and jealouſies of foreign invaſions, and inteſtine conſpiracies; the not removing the preſent lieutenant of the tower, and putting ſuch a perſon into that place, as may be well approved of by the parliament, notwithſtanding the earneſt petitions exhibited to the houſe of commons for that purpoſe, which hath produced a forbearance to bring bullion into the tower, in this time of ſcarcity of monies; all which cannot but overthrow trading more and more, and make monies yet more ſcarce in the city and kingdom.

‘9 The king's ſhips are not fitted and employed, as the preſent condition of this kingdom and Ireland requires, but ſome of them for conveying away of delinquents.

‘10. The not queſtioning thoſe many thouſands of unknown perſons, who are ſheltered in Covent-Garden, and thereabouts, which do not employ themſelves in any lawful calling, and it is very probable, lie in a readineſs to adventure upon ſame deſperate attempt.

‘11. The miſunderſtanding between the king and the parliament; the not vindicating the privileges of parliament; the not ſuppreſſing of protections; the not puniſhing of delinquents; and the not executing of all prieſts and Jeſuits legally condemned, while others, contrary to privilege of parliament, have been charged with treaſon.

‘12. By means of the premiſſes, there is ſuch decay of trading, and ſuch ſcarcity of money, as it is likely, in very ſhort time, to caſt innumerable multitudes of poor artificers into ſuch a depth of poverty and extremity, as may enforce them upon ſome dangerous and deſperate attempts.

‘Theſe are the evils under which the petitioners do exceedingly labour and languiſh, which they humbly conceive to have ſprung from the employing of ill-affected perſons in places of truſt and honour in the ſtate, and near to the ſacred perſon of his majeſty; and that theſe evils are ſtill continued by means of the votes of biſhops and Popiſh lords in the houſe of peers.'

The petitioners of the county of Eſſex thanked the commons for their extraordinary care, repreſenting to them withal, that they were ſtill apprehenſive of a great ſtop of reformation in matters of religion, and of the whole kingdom's being in great danger from the Papiſts; nor could they expect any redreſs, unleſs the biſhops and Popiſh lords were removed out of the houſe of peers.

The petitioners of the county of Hertford prayed, that the Papiſts might be (fully) diſarmed; the kingdom put into a poſture of defence; the forts and ſtrong places committed to ſuch hands, as the parliament might confide in; the privileges of parliament repaired; endeavours uſed to take away the votes of Popiſh lords and biſhops; Ireland ſpeedily relieved; delinquents brought to farther puniſhment; preſſures and grievances in church and ſtate removed; and whatever ſhall be amiſs reformed.

Theſe petitions being read, Mr. Pym continued his ſpeech in this manner:

My lords,

'IN theſe four petitions you may hear the voice, or rather the cry of all England, and you cannot wonder if the urgency, the extremity, of the condition wherein we are, do produce ſome earneſtneſs and vehemency of expreſſion more than ordinary, the agony, terror, and perplexity in which the kingdom labours is univerſal, all parts are affected with it; and therefore in theſe, you may obſerve the groans and miſerable complaints of all. Divers reaſons may be given, why thoſe diſeaſes which are epidemical, are more dangerous than others: The cauſe of ſuch diſeaſes is univerſal and ſupernatural, not from an evil conſtitution, or evil diet, or any other accident; and ſuch cauſes work with more vigour and efficacy, than thoſe which are particular and inferior. 2. In ſuch diſeaſes there is a communicative quality, whereby the malignity of them is multiplied and enforced. 3. They have a converting, transforming power, that turns other diſeaſes and evil affections of mens bodies into their own nature.

'The common and epidemical diſeaſe wherein this commonwealth lies now gaſping, hath a ſuperior and univerſal cauſe from the evil counſels and deſigns of thoſe, who under his majeſty bear the greateſt ſway in government. 2. It hath a contageous and infectious quality, whereby it is diffuſed and diſperſt through all parts of the kingdom. 3. It is apt to take in the diſcontents, evil affections and deſigns of particular perſons, to encreaſe and fortify itſelf.

'I ſhall take occaſion, from ſeveral branches of thoſe petitions which your lordſhips have heard, to obſerve:

'1. The variety of dangers to which this kingdom is now ſubject.

'2. The manifold diſtempers which are the cauſe of thoſe dangers.

'3. The multiplicity of thoſe evil influences, which are the cauſes of thoſe diſtempers.

'The firſt danger is from enemies abroad: This may ſeem a cauſeleſs and impertinent obſervation at this time, ſeeing we are at peace with all nations about us: But (my lords) you may be pleaſed to conſider, that the ſafety of the kingdom ought not to depend upon the will and diſpoſition of our neighbours, but upon our own ſtrength and proviſion: Betwixt ſtates there are often ſudden changes from peace to war, according to occaſion and advantage: All the ſtates of Chriſtendom are now armed, and we have no reaſon to believe, but that thoſe of greateſt power have an evil eye upon us in reſpect of our religion: And if their private differences ſhould be compoſed, how dangerouſly, how ſpeedily might thoſe great armies and other preparations now ready, be applied to ſome enterprize, and attempt againſt us? And if there were no other cauſe, this were ſufficient to make us ſtand upon our guard; but there are divers more eſpecial ſymptoms of dangers of this kind. We may perceive, by ſeveral advertiſements from abroad, that they did foreſee our dangers many months before they broke out; they could foretel the time and manner of them, which is a clear evidence, they held intelligence with thoſe which were the contrivers and workers of the preſent troubles. We have many dangerous traytors and fugitives now in other parts, who can diſcover the weakneſs and diſtemper of the kingdom; who hold intelligence with the ill-affected party here, and by all cunning and ſubtle practices, endeavour to incite and provoke other princes againſt us. Some of the miniſters of our neighbour princes may be juſtly ſuſpected to have had a more immediate hand and operation in the inſurrection and rebellion of Ireland; many of the commanders, and moſt of the ſoldiers levied for the ſervice of Spain, are now joined with the rebels there; and thoſe Iriſh friers which were employed by the Spaniſh ambaſſador, for the making of thoſe levies, are known to have been the chief incendiaries of this rebellion, and are ſtill very active in the proſecution and encouragement of it. The rebels have a ready and ſpeedy ſupply from ſome of our neighbours. Two convoys of munition and arms we are certainly informed of; one from Dunkirk, the other from Nants in Britany; and certainly thoſe that are ſo forward to enable others to hurt us, will not forbear to hurt us themſelves, as ſoon as they ſhall have means and opportunity to do it.

'Another danger is from the Papiſts and ill-affected party at home. The Papiſts here

‘ are acted by the ſame principles with thoſe in Ireland, many of the moſt active of them have lately been there; which argues an intercourſe and communication of council. They have ſtill ſtore of arms and munition at their diſpoſing, notwithſtanding all our endeavours to diſarm them; they have a free reſort to the city and to the court; they want no opportunity to conſult together; they have the ſame or greater encouragement from above, and from about *, than ever, in reſpect of the example and ſucceſs of the rebels in Ireland, and the great confuſions and diviſions which by their cunning and ſubtle practices are raiſed and fomented among ourſelves at home.

‘ A third danger is of tumults and inſurrections of the meaner ſort of people, by reaſon of their ill vent of cloth and other manufactures, whereby great multitudes are ſet on work, who live for the moſt part by their daily gettings, and will, in a very ſhort time, be brought to great extremity, if not employed: Nothing is more ſharp and preſſing than neceſſity and want; what they cannot buy they will take, and from them the like neceſſity will quickly be derived to the farmers and husbandmen; and ſo grow higher and involve all in an equality of miſery and diſtreſs, if it be not prevented. And at this time ſuch tumults will be dangerous, becauſe the kingdom is full of disbanded ſoldiers and officers, which will be ready to head and to animate the multitude to commit violence with more ſtrength and advantage; and if they once grow into a body, it will be much more difficult to reduce them into order again, becauſe neceſſity and want, which are the cauſe of this diſturbance, will ſtill encreaſe as the effects do encreaſe.

‘ A fourth danger is from the rebels in Ireland, not only in the reſpect of that kingdom, but in reſpect of this. They have ſeiſed upon the body of that kingdom already: they abound in men of very able bodies; they encreaſe in arms and munition; they have great hopes of ſupplies from abroad, of encouragement here, and are ſure of good entertainment from the Popiſh party, ſo that they begin to ſpeak already there of tranſporting themſelves hither, and making this kingdom the ſeat of the war. The diſtemper which hath produced theſe dangers is various and exceeding violent. Whenſoever nature is hindered in her operations and faculties, diſtempers will neceſſarily follow.

‘ The obſtructions which have brought us into this diſtemper, are very many, ſo that we cannot wonder at the ſtrength and malignity of it. Some of the chiefeſt of theſe obſtructions I ſhall endeavour to remember.

‘ 1. The obſtruction of reformation in matters of religion: No grievances are ſharper than thoſe that preſs upon the tender conſciences of men; and there was never church or ſtate afflicted with more grievances of this kind than we have been. And tho’ they are, by the wiſdom of this parliament, partly eaſed and diminiſhed, yet many ſtill remain; and as long as the biſhops and the corrupt part of the clergy continue in their power, there will be little hopes of freedom, either from the ſenſe of thoſe which continue, or the fear of thoſe which are removed. And of this obſtruction, (my lords,) I muſt clear the commons, we are in no part guilty of it; ſome good bills have paſſed us, and others are in preparation, which might have been paſſed before this, if we had not found ſuch ill ſucceſs in the other. Whatſoever miſchief this obſtruction ſhall produce, we are free from it; we may have our part in the miſery, we can have no part in the guilt or diſhonour.

‘ 2. An obſtruction in trade: It is the trade that brings food and nouriſhment to the kingdom: It is that which preſerves and encreaſes the ſtock of the whole, and diſtributes a convenient portion of maintainance to every part of it; therefore ſuch an obſtruction as this muſt needs be dangerous; the freedom of trade being ſo neceſſary, the benefit ſo important, as that it gives life, ſtrength, and beauty to the whole body of the commonwealth; but I muſt proteſt, the houſe of commons have given no cauſe to this obſtruction; we have eaſed trade of many burthens and heavy taxes, which are taken off; we have freed it from many hard reſtraints by patents and monopolies; we have been willing to part with our own privileges to give encouragement; we have ſought to put the merchants into ſecurity and confidence in reſpect to the tower of London, that ſo they might be invited to bring in their bullion to the mint, as heretofore they have done; and we are no way guilty of the troubles, the fears, and publick dangers which make men withdraw their ſtocks, and keep their money by them, to be ready for ſuch ſudden exigents, as in theſe great diſtractions we have too much cauſe to expect.

‘ 3. The obſtructions in the relief of Ireland. It muſt needs be accounted a great ſhame and diſhonour to this kingdom, that our neighbours have ſhewed themſelves more forward to ſupply the rebels, than we have been to relieve our diſtreſſed brethren and fellow ſubjects. But I muſt declare, that we are altogether innocent of any neglect herein. As ſoon as the firſt news of the rebellion came over, we undertook the war, not by way of ſupply and aid, as in former rebellions the ſubjects have uſed to do, but we undertook the whole charge of it, and we ſuffered not 24 hours to paſs, before we agreed to a great levy of money and men, to be employed againſt the rebels, even in a larger proportion than the lords juſtices and counſel there did deſire; and from time to time we have done all for the furtherance thereof, tho’ in the midſt of many diſtractions and diverſions; but the want of commiſſion for levying of men, for iſſuing arms, and divers other impediments, have been the cauſes of that obſtruction; and I wiſh

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* That is to ſay, from the king, queen, and miniſtry. Rapin.

‘wiſh we had not only found impediments to ourſelves, but alſo encouragements to them. Many of the chief commanders, now in the head of the rebels, after we had, with your lordſhips concurrence, ſtopt the ports againſt the Iriſh Papiſts, have been ſuffered to paſs by his majeſty's immediate warrant, much to the diſcouragement of the lords juſtices and the council there, and this procured, as we believe, by ſome evil inſtrument too near his regal perſon, without his majeſty's knowledge and intentions.

‘4. The obſtruction in proſecution of delinquents: Many we have already brought unto your lordſhips; divers others we have been diſcouraged to tranſmit; ſuch difficult proceedings have we met withal; ſuch terrors and diſcountenance have been caſt upon ourſelves and our witneſſes, and thoſe who have ſhewed themſelves their friends and patrons, have found it the moſt ready way to preferment[*]; yea his majeſty's own hand hath been obtained, his majeſty's ſhips been employed for the tranſporting of divers of thoſe who have fled from the juſtice of the parliament[†].

‘5. A general obſtruction and interruption of the proceedings of parliament, by thoſe manifold deſigns of violence (which thro' God's mercy we have eſcaped) by the great and frequent breaches of privilege, by the ſubtle endeavours to raiſe parties in our houſe, and jealouſies betwixt the two houſes.

‘6. The obſtruction in providing for the defence of the kingdom, that we might be enabled to reſiſt a foreign enemy, to ſuppreſs all civil inſurrections; and what a preſſing neceſſity there is of this, the exceeding great decays in the navy, in the forts, in the power of ordering the militia of the kingdom, and means of furniſhing them with munition, are ſufficient evidences, known to none better than to your lordſhips; and what endeavour we have uſed to remove them (but hitherto without the ſucceſs and concurrence which we expect) and where the ſtop hath been, and upon what good grounds, we may claim our own innocency and faithfulneſs in this; we deſire no other witneſſes but yourſelves.

‘Laſtly, I come to the evil influences which have cauſed this diſtemper, and I ſhall content myſelf to mention ſome few of thoſe which are moſt apparent and important.

‘1. In the firſt place, I ſhall remember the evil counſels about the king, whereof we have often complained. Diſeaſes of the brain are moſt dangerous; becauſe from thence ſenſe and motion are derived to the whole body. The malignity of evil counſels will quickly be infuſed into all parts of the ſtate. None can doubt but we have exceedingly laboured under moſt dangerous and miſchievous counſels. This evil influence hath been the cauſe of the preparation of war with Scotland, of the procuring a rebellion in Ireland, of corrupting religion, ſuppreſſing the liberty of this kingdom, and of many fearful and horrid attempts, to the ſubverting the very being of parliaments, which was the only hopeful means of oppoſing and preventing all the reſt: And this doth appear to be a moſt predominant evil of the time; whereat we need not wonder when we conſider how counſellors have been preferred and prepared. And I appeal to your lordſhips own conſciences, whether the giving, and the countenancing of evil counſels, hath not been almoſt the only way to farther advancement.

‘2. The diſcouragement of good counſels. Divers honeſt and approved counſellors have been put from their places; others ſo diſcountenanced, as that the way of favour hath been ſhut againſt them, and that of danger and deſtruction only open to them.

‘3. The great power that an intereſted and factious party hath in the parliament, by the continuance of the votes of the biſhops and Popiſh lords in your lordſhips houſe; and the taking in of others both out of the houſe of commons, and otherwiſe, to increaſe their ſtrength.

‘4. The fomenting and cheriſhing of a malignant party throughout the whole kingdom.

‘5. The manifold jealouſies betwixt the king, his parliament, and good ſubjects, whereby his protection and favour hath in a great meaſure been with-held from them; their inclinations and reſolution to ſerve and aſſiſt him, hath been very much hindered and interrupted; we have often ſuffered under the miſinterpretation of good actions, and falſe imputation of evil, which we never intended. So that we may juſtly purge ourſelves from all guilt of being authors of this jealouſy and miſunderſtanding: We have been and are ſtill ready to ſerve his majeſty with our lives and fortunes, with as much chearfulneſs and earneſtneſs of affection, as ever any ſubjects were, and we doubt not but our proceedings will ſo manifeſt this, that we ſhall be as clear in the apprehenſion of the world, as we are in the teſtimony of our own conſciences.

‘I am now come to a concluſion, and I have nothing to propound to your lordſhips by way of requeſt or deſire from the houſe of commons. I doubt not but your judgments will tell you what is to be done; your conſciences, your honours, your intereſt will call upon you for the doing of it; the commons will be glad to have your help and concurrence in ſaving of the kingdom; but if they ſhould fail of it, it ſhould not diſcourage them in doing their duty. And whether the kingdom be loſt or ſaved (as thro' God's bleſſing I hope it will be) they ſhall be ſorry that the ſtory of this preſent parliament, ſhould tell poſterity, that in ſo great a danger and extremity, the houſe of commons ſhould be inforced to ſave the kingdom a-

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[*] The lord Digby is chiefly meant. Rapin.

[†] Jermyn and Digby. Rapin.

‘ lone, and that the houſe of peers ſhould have no part in the honour of the preſervation of it, you having ſo great an intereſt in the good ſucceſs of thoſe endeavours, in reſpect of your great eſtates, and high degrees of nobility.

‘ My lords, conſider what the preſent neceſſities and dangers of the commonwealth require, what the commons have reaſon to expect, to what endeavours and counſels the concurrent deſires of all the people do invite you: So that applying yourſelves to the preſervation of the king and kingdom, I may be bold to aſſure you, in the name of all the commons of England, that you ſhall be bravely ſeconded.’

Remarks on this ſpeech.

I thought proper to inſert this whole ſpeech, becauſe the reſolution taken by the commons to diveſt the king of great part of his prerogatives, which they termed ſaving the kingdom, manifeſtly appears in it. In the next place, is ſeen here the plan they were forming, under colour of applying a cure to the epidemical diſeaſe, whoſe dangers, cauſes and evil influences were methodically deſcribed by Mr. Pym. Tho' he did not explain the manner of curing it, it was eaſy to infer from his ſpeech, that it was neceſſary to prevent the dangers, remove the cauſes, and apply ſtrong antidotes againſt the evil influences which inflamed the diſeaſe.

The firſt remark I ſhall make on this ſpeech, is, that it was a preparative to diſpoſe the people to ſee, without ſurpriſe, the violent remedies which were intended to be uſed to remove a diſeaſe that was induſtriouſly repreſented as almoſt incurable. It would be eaſy to ſhew that all the ſubſequent proceedings of the commons were intimated in this long ſpeech, if I was not apprehenſive it would lead me too far.

I ſhall add another remark, no leſs important and requiſite; and that is, if the projects of the commons had been founded only upon idle notions and chimera's, they would never have met with ſo many adherents ready and eager to accompliſh them. Had the people of England been never oppreſſed, vain would have been the endeavours to perſuade them to think ſo. Had not the king attempted to eſtabliſh an arbitrary power, had not his miniſters, his counſellors, all perſons in publick offices, helped to execute this deſign, how would it have been poſſible to convince the people of its reality? If the biſhops and high-commiſſion had not abuſed their power, if in order to be farther removed from the Presbyterians, they had not introduced ceremonies and innovations, wherein there was but too much affectation of imitating the Romiſh religion, never could the people have been perſuaded that there was a deſign to introduce Popery. Had the king always ſtrictly kept his word, how would it have been practicable to inſpire the people with ſo great a diſtruſt of him? By what band would the members of parliament have been united together in the deſign of leſſening the king's power? How ſhould ſuch a thought have come into their minds? It may therefore be affirmed, that theſe projects were founded on very real and true facts, but which the Presbyterians artfully improved, to the accompliſhment of their private ends. Nevertheleſs, it muſt be owned, that moſt of theſe facts were aggravated, miſinterpreted, and even inflamed with groundleſs inſinuations.

I ſhall farther obſerve, that they who ſay, theſe petitions, preſented to the houſe of commons, were all begged, ſeem to ſay it very juſtly, or, at leaſt, with great probability. It is difficult to believe, that the people to whom theſe petitions were aſcribed, could have uſed a language ſo agreeable to the view and intentions of the commons, if they had not been drawn up by perſons fully informed of their deſigns. Indeed, in anſwer to this objection, it is alledged, that theſe petitions were not formed upon the views of the commons, but that the houſe framed their reſolutions upon theſe petitions, which informed them of the nation's deſires. But we do not find, they ever framed their reſolutions upon other petitions directly contrary to theſe, which were alſo preſented to them from time to time, and which agreed not with their principles. On the contrary, we ſee that for the moſt part theſe laſt were rejected or not regarded by the houſe.

The commons thank Mr. Pym.

The commons were ſo pleaſed with Mr. Pym's ſpeech, that Mr. Speaker was ordered to give him thanks for it, and deſire him to print it, that it might be diſperſed among the people. But the king took great offence at it, particularly at what Mr. Pym ſaid concerning paſſes granted for Ireland, “ That ſince the ſtop upon the ports againſt all Iriſh Papiſts, by both houſes, many of the chief commanders, now in the head of the rebels, have been ſuffered to paſs by his majeſty's immediate warrant.” The king ſaid, it was a black calumny, and demanded by a meſſage, that the houſe ſhould make him a ſolemn reparation, and diſavow what Pym had aſſerted; but the commons, who were not then diſpoſed to oblige the king, anſwered, that what Mr. Pym had ſaid was agreeable to the ſenſe of the houſe. That it was true, ſince the ſtop upon the ports by both houſes, ſeveral perſons who were now commanders among the rebels, had paſſed into Ireland with his majeſty's immediate warrant, ſome of whom they named. The king replied that theſe paſſes were obtained whilſt he was in Scotland, and before he knew of the order of parliament, and inſiſted upon the vindication he had already required. The commons anſwered by a declaration, maintaining what they had advanced, and adding, that his majeſty's paſſes were not only for thoſe they had before named, but alſo “ for ſuch a one and his company, for ſuch a one and four other perſons.” The king replied, theſe were only inferences drawn from the paſſports, which could not ſerve for foundation to Pym's aſſertion in his ſpeech. He inſiſted again upon reparation; but the commons thought not proper to return any anſwer.

The king complains of ſome words in it. Feb. 7. Ruſhw. Clarend.

The houſe ſtands by what Pym had ſaid. Ruſhw. Clarend.

But this diſpute between the king and the parliament was of little importance, in compariſon

1641-2.

Difference between the king and parliament about the militia. Ruſhw. Clarend.

riſon of another at the ſame time, concerning the militia and command of the forts. But for the better underſtanding this affair, which is one of the principal of the preſent reign, it is abſolutely neceſſary to know what had already paſſed about it.

After the king's return from Scotland, it was eaſy for him to perceive, that the commons intended to deprive him of great part of his authority. The remonſtrance of the ſtate of the kingdom, preſented to him at a time, when, without ſuch a deſign, it ſeemed very needleſs, was as the ſignal of the war preparing againſt him. Whatever had been ſince done, tended to the ſame end, that is, to diſcredit the king's government, and to impute to him ſundry deſigns, under the name of his counſellors, of the Papiſts, and of an ill-affected party. It is not very ſtrange, that finding himſelf in this ill ſituation, he thought betimes of providing againſt the attacks to which he was likely to be ſoon expoſed. But who can affirm, that if he had ſucceeded in putting himſelf in a condition to reſiſt, he would have remained upon the defenſive? However this be, the precautions he would have taken againſt his enemies, ſerved but to render their accuſations more plauſible.

In January, 1641-2, when the affair of the members accuſed and the breach of privileges was warmly debating, the king, not knowing how it might end, formed the deſign of ſecuring Hull. This place was very conſiderable, as well by its ſituation, as a large magazine of arms and ammunition, which could procure a great advantage to him, that ſhould have it in his power, in caſe of a rupture. To this end, William Cavendiſh, earl of Newcaſtle, by the king's order, came to Hull under a counterfeit name, to conſult with ſome of the king's friends, and amongſt others with captain Legg, how to oblige the mayor to deliver to him the town and magazine, or to obtain it by force, if the mayor would not give his conſent. The ſecret being diſcovered, the peers ordered the earl of Newcaſtle to attend the ſervice of the houſe, which he did, after receiving the king's pleaſure, without being asked at his return, where he had been. But ſome days after the commons, as I have ſaid, moved that Sir John Hotham might be ſent to Hull, to which the lords agreed the more readily, as they were not ignorant upon what deſign the earl of Newcaſtle had been diſpatched thither. The order was therefore given to Hotham by both houſes, to command in Hull, without the king's being acquainted with it.

Ruſhw. Clarend.

Jan. 11. Nalſon. Ruſhw.

Soon after, the affair of the militia being now commenced, the king formed once more the deſign of ſecuring Hull and Portſmouth. To that purpoſe, colonel Goring, governor of Portſmouth, whom the king had ſecretly gained, was to receive the queen into Portſmouth, after which, he had orders to go and take the command of Hull. Probably, there was ſome courſe taken for the ſurrender of that place to him. This deſign was diſcovered, tho' it was communicated but to three perſons, and the king thought not proper to purſue it, for fear of a diſappointment.

1641-2.

If to this be added the ſuſpicions entertained by the parliament, that the late aſſembly at Kingſton was in order to ſurpriſe Portſmouth, and the queen's intended journey thither had the ſame motive; that the lieutenancy of the tower given to Lunsford might be in purſuance of the king's deſign to ſecure at once the three ſtrongeſt places in the kingdom, it will not be ſurpriſing hereafter, to ſee the parliament full of fears and jealouſies. For tho' the commons had given the king but to much reaſon to take precautions for his defence, theſe very precautions had they ſucceeded, would have been no leſs prejudicial to the publick, than if they had been without a plauſible foundation. So, as the king had reaſon to fear that the parliament intended to deprive him of his authority, the parliament had no leſs cauſe to ſuſpect that the king was privately labouring to ſubdue them. In this diſpoſition, neither the one nor the other took any ſtep which was not ſuſpected to cover ſome ill deſign; conſequently every thing tended to a rupture. The ſole concern of both parties was to gain the people to their intereſt. The parliament ſtrenuouſly endeavoured it by rendering the king odious, and cheriſhing the fears and ſuſpicions already infuſed into the people; their view was to convince the nation of the neceſſity of extraordinary proceedings, in a caſe ſo uncommon. The king, on his part, carefully repreſented, that the parliament did nothing but violate the laws, and ſubvert the conſtitution of the government, under colour of maintaining them. Thus much it was neceſſary to premiſe, before I entered upon the affair of the militia, that the reader may underſtand the motives of the king's and the parliament's proceedings.

Eight days after young Hotham's departure for Hull where his father Sir John came within a few weeks, the king ſent a meſſage to both houſes, with the following propoſal:

The king's meſſage to both houſes. Jan. 20. Ruſhw. Clarend.

'That they will with all ſpeed fall into a ſerious conſideration of all thoſe particulars, which they ſhould hold neceſſary, as well for the upholding and maintaining of his majeſty's juſt and regal authority, and for the ſettling of his revenue, as for the preſent and future eſtabliſhment of their privileges; the free and quiet enjoying of their eſtates and fortunes; the liberties of their perſons; the ſecurity of the true religion now profeſſed in the church of England, and the ſettling of ceremonies in ſuch a manner, as may take away all juſt offence; which, when they ſhall have digeſted and compoſed one entire body, that ſo his majeſty and themſelves may be able to make the more clear judgment of them, it ſhall then appear, by what his majeſty ſhall do, how far he hath been from intending, or deſigning any of thoſe things, which the too great fears and jealouſies of ſome perſons ſeem to apprehend, and how ready he will be to exceed the greateſt examples of the moſt indulgent princes in their

‘ acts of grace and favour to their people.’

The king's views in this meſſage.

It is evident, the king had three views in making this propoſition. The firſt, to find the houſes employment, and procure himſelf time to prepare. The ſecond was, to know, at once, how far the deſigns of his enemies reached, which could not but be advantageous to him, and injurious to them, with regard to the people. His third view was, to ſhew his ſubjects how willing he was to conſent to whatever ſhould be capable of procuring a perfect reconciliation between him and his parliament. As to his ſaying, “ How ready he ſhould be, “ &c.” it was only a general promiſe, liable to numberleſs reſtrictions and explications, and which properly bound him to nothing.

The anſwer of the houſe of commons. Ruſhw. Nalſon. Clarend.

The commons fully perceived the ſnare laid for them by the king; but they perplexed him no leſs by their anſwer to his propoſition. They told him in a petition, ‘ That they returned to his majeſty their moſt humble thanks, reſolving to take this meſſage into ſpeedy and ſerious conſideration; and to enable them with ſecurity to diſcharge their duties therein, they deſired the peers to join with them, in humbly beſeeching his ſacred majeſty, to raiſe up unto them a ſure ground of ſafety and confidence, by putting the tower and other principal forts of the kingdom, and the whole militia thereof, into the hands of ſuch perſons as the parliament might confide in, and as ſhould be recommended unto his majeſty by both houſes of parliament.’

The commons views.

By this anſwer, the commons made a preliminary of the moſt important point, to be ſettled between the king and the parliament, and which being granted, would have put it in the parliament's power to do whatever they pleaſed. In the ſecond place, they inſinuated to the people, that the parliament's diſtruſt of the king, muſt have been grounded upon ſtrong preſumptions, ſince there was no way to labour a reconciliation, and ſettle the rights of the nation, ſo long as the king ſhould be maſter of the forts and militia.

The king's anſwer. Jan. 28. Ruſhw. Annals. Clarend.

The king anſwered, concerning the tower of London; ‘ That having preferred a perſon of a known fortune, and unqueſtionable reputation to that truſt, he did not expect he ſhould be preſſed to remove him, without any particular charge againſt him: That notwithſtanding, if upon due examination any particular ſhould be preſented to his majeſty, whereby it might appear, that he was miſtaken in his opinion of Byron, and that he was unfit for the truſt committed to him, he would make no ſcruple of diſcharging him. But otherwiſe, he was obliged in juſtice to himſelf, to preſerve his own work, leſt his favour and good opinion might prove a diſadvantage and misfortune to his ſervants, without any other accuſation.

‘ For the forts and caſtles of the kingdom, he was reſolved they ſhould always be in ſuch hands, (and only ſuch) as the parliament might ſafely confide in; but the nomination of any perſons to thoſe places (being ſo principal and inſeperable a flower of his crown, veſted in him, and derived unto him from his anceſtors, by the fundamental laws of the kingdom) he would reſerve to himſelf; and in beſtowing of them, he ſhould not be induced to expreſs that favour ſo ſoon to any perſon, as to thoſe whoſe good demeanour ſhould be eminent in, or to his parliament; and if he ſhould at any time confer ſuch a truſt upon an undeſerving perſon, he would always be ready to leave him to the wiſdom and juſtice of his parliament.

‘ As for the militia of the kingdom, which by the law was ſubject to no command, but of his majeſty, and of authority lawfully derived from him, when any particular courſe for the ordering the ſame ſhould be conſidered and digeſted by his parliament, and propoſed to him, he would return ſuch an anſwer, as ſhould be agreeable to his honour, and the ſafety of his people, being reſolved only to deny thoſe things, the granting whereof would alter the fundamental laws.’

Remark on the king's anſwer.

So general an anſwer was not capable of ſatisfying the commons; nay, it ſeemed to intimate very clearly, that the king would not grant what was intended to be asked; and yet he removed Sir John Byron from the lieutenancy of the tower, and gave it to Sir John Conyers, recommended to him by the commons. But this was a favour he readily granted, as it did not prejudice his right. Neverthelefs, a few days after the following petition was preſented to him by both houſes.

To the king's moſt excellent majeſty, the humble petition of the lords and commons aſſembled in parliament.

Petition of both houſes to the king. Feb. 2. Ruſhw. Clarend.

Moſt gracious ſovereign,

‘ THE preſent evils and calamities wherewith your kingdoms are moſt miſerably entangled, the imminent dangers which threaten your royal perſon, and all your people, have cauſed us, your moſt faithful and obedient ſubjects, the lords and commons in this preſent parliament, with thankfulneſs to entertain, and with all earneſtneſs of affection and endeavours to purſue the gracious propoſition and direction, which not long ſince we have received from your majeſty. And we have thereupon taken into our moſt ſerious conſideration the ways and means of ſecuring the ſafety of your royal perſon, preſerving the honour and authority of your crown, removing all jealouſies betwixt your majeſty and your people, ſuppreſſing the rebellion in Ireland, preventing the fears and dangers of this kingdom, and the miſchievous deſigns of thoſe who are enemies to the peace of it. And that we may with more comfort and ſecurity accompliſh our duties herein, we moſt humbly beſeech your majeſty, that you will be pleaſed forthwith to put the tower of London, and all other forts, and the whole militia of the kingdom, into the hands of ſuch perſons as ſhall be recommended to your majeſty by both houſes of parliament. Which they aſſure themſelves, ‘will be a hopeful entrance into thoſe courſes, which (through God's bleſſing) ſhall be effectual for the removing of all diffidence and miſapprehenſion betwixt your majeſty and your people, and for eſtabliſhing and enlarging the honour, greatneſs and power of your majeſty and royal poſterity, and for the reſtoring and confirming the peace and happineſs of your loyal ſubjects in all your dominions. And to this our moſt neceſſary petition, we in all humility expect your majeſty's ſpeedy and gracious anſwer, the great diſtractions and diſtempers of the kingdom, not admitting any delay.’

The parliament always ſuppoſed the kingdom to be in extreme danger, and the Papiſts and diſaffected party, or rather, the king himſelf, to have ill-deſigns; tho' after all, their ſuppoſition was founded only upon conjectures, of which the king had given ſome occaſion, by endeavouring to ſecure Hull, as the houſe had been well informed. The king's anſwer to this petition was as follows:

Ruſhw. Clarend.

“His majeſty having well conſidered of this petition, and being deſirous to expreſs how willing he is to apply a remedy, not only to your dangers, but even to your doubts, and fears, he, therefore, returns this anſwer, that when he ſhall know the extent of power, which is intended to be eſtabliſhed in thoſe perſons whom you deſire to be commanders of the militia in the ſeveral counties, and likewiſe to what time it ſhall be limited, that no power ſhall be executed by his majeſty alone, without the advice of parliament, then he will declare, that (for the ſecuring you from all dangers or jealouſies, if any) his majeſty will be content to put in all the places, both of forts and militia in the ſeveral counties, ſuch perſons as both the houſes of parliament ſhall either approve or recommend unto him, ſo that you declare before unto his majeſty the names of the perſons whom you approve or recommend, unleſs ſuch perſons ſhall be named, againſt whom he ſhall have juſt and unqueſtionable exception.”

Obſervations on this anſwer.

The king ſeemed, by this anſwer, to grant entirely the deſire of both houſes, and yet the ſequel ſhewed, it was neither his intention nor thought. For the better underſtanding this anſwer, it will be neceſſary to know how the king then ſtood diſpoſed. His deſign was to withdraw to York, and levy troops in thoſe parts, in order to ſeiſe Hull, with the magazine there. So, that very likely, from that time he thought of war, whether defenſive or offenſive. And, therefore, he had determined to ſend the queen into Holland, under colour of conducting thither the princeſs Mary her daughter, who had eſpouſed the prince of Orange, and of going to the Spa. But withal, he had put into her hands the crown-jewels, which were afterwards uſed in buying arms and ammunition. When the parliament preſented this petition to him, he was upon the point of ſending away the queen, after which he intended to retire to York. It was not, therefore, his intereſt abſolutely to reject the parliament's requeſt in ſuch a juncture, for fear of raiſing a ſtorm too ſoon, which might have obſtructed the execution of his two deſigns, and eſpecially that relating to Hull. For this reaſon, he returned the parliament ſeemingly ſo ſatisfactory an anſwer, but which, however, was not an abſolute conſent, becauſe of ſome additional reſtrictions, from whence he meant to draw, afterwards, a pretence to render his engagement ineffectual. Nevertheleſs, the terms of this engagement were ſo well choſen, that tho' of themſelves, they ſignified not that the king reſerved to himſelf a power to recede from his word, ſuch a ſenſe, however, might by inference be fixt upon them. So in the king's intention, this anſwer was ſolely deſigned to gain time. A few days after, he gave the lieutenancy of the tower to Sir John Conyers, the better to perſuade both houſes, he intended to ſatisfy them.

Annals. Whiteloc. Ludlow. Clarend.

The parliament preſents to the king the form of an ordinance for the militia. Ruſhw.

The parliament did not doubt, the king was reſolved to put the militia into the hands of ſuch as ſhould be recommended to him; and, therefore, they ordered the draught of an ordinance for regulating the militia, to be prepared, with the names of the commanders in each county, on a ſeperate paper, and preſented it to his majeſty, with a petition to deſire his conſent.

The king's anſwer.

The king anſwered, the queen and princeſs being upon their departure for Holland, he had not time to conſider of ſo important an affair, but would ſend an anſwer at his return. He was then upon the road, accompanying the queen to Dover.

In the interim, the parliament believing to have reaſon to ſuſpect, the king only ſought to amuſe them, and fearing he had formed ſome private deſign which he intended to execute before the regulation of the militia, preſented this other petition to him:

Petition of both houſes to the king. Clarend.

‘May it pleaſe your moſt excellent majeſty, your humble and loyal ſubjects, the lords and commons, have with a great deal of grief received your majeſty's anſwer to their juſt and neceſſary petition, concerning the militia of this kingdom; which your majeſty, by a gracious meſſage formerly ſent unto them, was pleaſed to promiſe ſhould be put into ſuch hands as your parliament ſhould approve of, or recommend unto you; the extent of their power, and the time of their continuance being likewiſe declared. That being done, and the perſons by both houſes nominated, your majeſty, nevertheleſs, refers your reſolution herein to a longer and a very uncertain time, which (the preſent dangers and diſtractions ſo great and preſſing) is as unſatisfactory and deſtructive as an abſolute denial.

‘Therefore, we once again beſeech your majeſty, to take our deſire into your royal thoughts, and to give us ſuch an anſwer, as may raiſe in us a confidence that we ſhall not be expoſed to the practices of thoſe, who thirſt after the ruin of this kingdom, and the kindling that combuſtion in England, which they have in ſo great a meaſure

ſure effected in Ireland; from whence (as we are daily informed,) they intend and endeavour to invade us, with the aſſiſtance of the Papiſts here amongſt us.

‘ Nothing can prevent theſe evils, nor enable us to ſuppreſs the rebellion in Ireland, and ſecure ourſelves, but the inſtant granting of that humble petition, which we hope your majeſty will not deny to thoſe, who muſt in the diſcharge of their duties both to your majeſty and the commonwealth, repreſent unto your majeſty what they find ſo abſolutely neceſſary for the preſervation of both, which the laws both of God and man enjoyn them to ſee put in execution, as ſeveral counties by their daily petitions have deſired of us, and in ſome places begun already to do it of themſelves.’

Remark.

The parliament wiſhed to have the king's conſent to this regulation of the militia. This would have been advantageous to them upon all accounts. But however, in the caſe they ſuppoſed the kingdom to be, they did not mean, that the king's conſent was ſo abſolutely neceſſary that this regulation could not be done and executed, without his approbation. And, therefore, to ſhew the king, it would be in vain to oppoſe it, they had ſo ordered it, that in ſome places the people had, of their own accord, divided themſelves into companies, choſen officers; in a word, had began to regulate the militia, without ſtaying for the king's orders. It is not likely, the people would have ventured upon ſuch an undertaking, had they not been ſure of the parliament's approbation.

The king ſeeing himſelf thus preſſed, ſought other evaſions to amuſe the parliament, without openly declaring however that his intention was to deny the deſire of both houſes. His anſwer to the laſt petition was as follows:

The king's anſwer. Ruſhw.

‘ His majeſty having, with his beſt care and underſtanding, peruſed and conſidered, that which was ſent him from both houſes, for the ordering of the militia, preſented unto him to be made an ordinance of parliament, by the giving of his royal aſſent; as he can by no means do it for the reaſons hereafter mentioned, ſo he doth not conceive himſelf obliged, by any promiſe made in his anſwer of the ſecond of this month to the petition of both houſes, to yield the ſame.

‘ His majeſty finds great cauſe to except againſt the preface or introduction to that order, which confeſſeth a moſt dangerous and deſperate deſign upon the houſe of commons, of late ſuppoſed to be an effect of the bloody counſels of Papiſts and other ill-affected perſons, by which many may underſtand (looking upon other printed papers to that purpoſe) his coming in perſon to the houſe of commons on the 4th of January, which begat ſo unhappy a miſunderſtanding between him and his people; and for that tho' he believes it upon the information ſince given, to be an apparent breach of their privilege, and hath offered to repair the ſame for the future, by any act that ſhall be deſired of his majeſty, yet he muſt declare, and require to be believed, that he had no other deſign upon that houſe, or any member of it, than to require (as he did) the perſons of thoſe five gentlemen his majeſty had the day before accuſed of high-treaſon; and to declare, that he meant to proceed againſt them legally and ſpeedily, upon which he believes that houſe would have delivered them up; and his majeſty calls the almighty God to witneſs, that he was ſo far from any intention or thought of force or violence; altho' that houſe had not delivered them according to his demand, or in any caſe whatſoever; that he gave thoſe his ſervants, and others, that waited on his majeſty, expreſs charge and command, that they ſhould give no offence to any man; nay, if they received any provocation or injury, that they ſhould bear it without return; and his majeſty neither ſaw or knew, that any perſon of his train had any other weapons, but his penſioners and guards thoſe with which they uſually attend his majeſty, and the other gentlemen, ſwords. And therefore his majeſty doubts not, but his parliament will be regardful of his honour herein, that he ſhall not undergo any imputation, by the raſh or indiſcreet expreſſions of any young men then in his train, or by any deſperate words uttered by others, who might mingle with them without his conſent or approbation.

‘ For the perſons nominated to be lieutenants of the ſeveral counties of England and Wales, his majeſty is contented to allow that recommendation; only concerning the city of London, and ſuch corporations, as by antient charters have granted unto them the power of the militia, his majeſty doth not conceive, that it can ſtand with juſtice or polity to alter their government in that particular.

‘ And his majeſty is willing forthwith to grant every of them, (that of London, and thoſe other corporations excepted) ſuch commiſſions, as he hath done during this parliament, to ſome lord-lieutenants by your advice; but if that power be not thought enough, but that more ſhall be thought fit to be granted to thoſe perſons named, than by the law is in the crown itſelf; his majeſty holds it reaſonable, that the ſame be by law firſt veſted in him, with power to transfer it to thoſe perſons, which he will willingly do; and whatever that power ſhall be, to avoid all future doubts and queſtions, his majeſty deſires, it may be digeſted into an act of parliament rather than an ordinance; ſo that all his loving ſubjects may thereby particularly know, both what they are to ſuffer and what they are not to ſuffer, for their neglect, that there be not the leaſt latitude for his good ſubjects to ſuffer under any arbitrary power whatever.

‘ As to the time deſired for the continuance of the powers to be granted, his majeſty giveth this anſwer, that he cannot conſent to diveſt himſelf of the juſt power, which God and the laws of this kingdom have placed in him for the defence of his people, and to put it into the hands of any other for any indefinite time. And ſince the ground of this requeſt from his parliament, was to ſecure their preſent fears and jealouſies that they might with ſafety apply themſelves to the matter of his meſſage of the 20th of January: His majeſty hopeth, that his grace to them, ſince that time, in yielding to ſo many of their deſires, and in agreeing to the perſons now recommended to him by his parliament, and the power before expreſſed to be placed in them, will wholly diſpel thoſe fears and jealouſies; and aſſureth them, that as his majeſty hath now applied this unuſual remedy to their doubts, ſo (if there ſhall be cauſe) he will continue the ſame, to ſuch time as ſhall be agreeable to the ſame care he now expreſſeth toward them.

'And in this anſwer, his majeſty is ſo far from receding from any thing he promiſed, or intended to grant in his anſwer to the former petition; that his majeſty hath hereby conſented to all was then aſked of them by that petition concerning the militia of the kingdom, (except that of London, and thoſe other corporations) which was to put the ſame into the hands of ſuch perſons as ſhould be recommended unto him by both houſes of parliament: And his majeſty doubts not, but the parliament upon well weighing the particulars of this his anſwer, will find the ſame more ſatisfactory to their ends, and the peace and welfare of all his good ſubjects, than the way propoſed by this intended ordinance, to which, for theſe reaſons his majeſty cannot conſent.

'And whereas his majeſty obſerves by the petition of both houſes, preſented to him by the earl of Portland, Sir Thomas Heal, and Sir William Savile, that in ſome places ſome perſons begin already to intermeddle of themſelves with the militia, his majeſty expecteth that his parliament ſhould examine the particulars thereof, it being a matter of high concernment and very great conſequence.

'And his majeſty requireth, that if it ſhall appear to his parliament, that any perſons whatſoever have preſumed to command the militia without lawful authority, they may be proceeded againſt according to law.'

There were in this anſwer, ſeveral things which could not but diſpleaſe the parliament. 1. The exception of London and ſuch other corporations, as by charters had the power of the militia, which was taking away with one hand, what he ſeemed to give with the other, ſince there were very few towns of any note, but what had the like charters. Beſides, it did not appear that either London or any other corporation deſired to be maintained in this privilege. The king ſuppoſed it without conſulting them. 2. The king in complaining there was no fixed time for the continuance of the powers of the lieutenants, offered none himſelf. So it was a point to be debated, which might long amuſe. 3. As to his promiſing to prolong the time, if there ſhould be cauſe, it was properly nothing, ſince it is certain his general promiſes were not relied on, eſpecially when attended with ſuch reſtrictions. 4. The king did not mention the government of the forts, which was, however, a point of great moment. 5. He abſolutely rejected the ordinance, and in perſuading the parliament to change it into an act, he would have indirectly obliged them to own, they had no power to make it, which was entirely contrary to the pretenſions of both houſes. 6. In ſuppreſſing the ordinance and turning it into an act, the bill muſt have been drawn his own way, otherwiſe, he tacitely reſerved to himſelf the power of rejecting it, a power that hitherto had been indiſputable. It was, therefore, very eaſy to perceive, that by all theſe reſtrictions the king ſought only to gain time, and put off the parliament with bare words. Accordingly both houſes having taken his anſwer into conſideration, voted that it was not ſatisfactory, and preſented a third petition to him at Theobalds, where he then was.

Petition of both houſes to the king. March 1. Ruſhw.

Moſt gracious ſovereign,

'YOUR majeſty's moſt loyal and obedient ſubjects, the lords and commons in parliament, do find their juſt apprehenſions of ſorrow and fear, in reſpect of the publick dangers and miſeries like to fall upon your majeſty and the kingdom, to be much increaſed, upon the receipt of your unexpected denial of their moſt humble and neceſſary petition, concernig the militia of the kingdom, eſpecially grieving, that wicked and miſchievous counſellors ſhould ſtill have that power with your majeſty, as in this time of imminent and approaching ruin, rather to encline your reſolutions to that which is apt to further the accompliſhment of the deſires of the moſt malignant enemies of God's true religion, and the peace and ſafety of yourſelf and your kingdom, than to the dutiful and faithful counſel of your parliament: Wherefore they are enforced in all humility to proteſt, that your majeſty ſhall perſiſt in that denial, the dangers and diſtempers of the kingdom are ſuch as will endure no longer delay: But unleſs you ſhall be graciouſly pleaſed to aſſure them by theſe meſſengers, that you will ſpeedily apply your royal aſſent to the ſatisfaction of their former deſires, they ſhall be inforced, for the ſafety of your majeſty and your kingdom, to diſpoſe of the militia by the authority of both houſes, in ſuch manner as hath been propounded to your majeſty, and they reſolve to do it accordingly.

'They likewiſe moſt humbly beſeech your majeſty to believe, that the dangerous and deſperate deſign upon the houſe of commons, mentioned in their preamble, was not inſerted with any intention to caſt the leaſt aſperſion upon your majeſty, but herein they reflected upon that malignant party, of whoſe bloody and malicious practices they have had ſo often experience, and from which they can never be ſecure, unleſs your majeſty will be pleaſed to put from you thoſe wicked and unfaithful counſellors, who interpoſe their own corrupt and malicious deſigns betwixt your majeſty's goodneſs and wiſdom, and the proſperity and contentment of yourſelf, and of your people: And that for the diſpatch of the great affairs of the kingdom, the ſafety of your perſon, the protection and comfort of your ſubjects, you will be pleaſed to continue your abode near to London, and the parliament, and not to withdraw yourſelf to any the remoter parts; which if your majeſty ſhould do, muſt needs be a cauſe of great danger and diſtraction.

'That your majeſty will likewiſe be graciouſly pleaſed to continue the prince his highneſs in theſe parts at St. James's or any other of your houſes near London, whereby the deſigns which the enemies of the religion and peace of this kingdom may have upon his perſon, and the jealouſies and fears of your people, may be prevented. And they beſeech your majeſty to be informed by them, that by the laws of the kingdom, the power of raiſing, ordering, and diſpoſing of the militia, within any city, town, or other place, cannot be granted to any corporation by charter, or otherwiſe, without the authority and conſent of parliament; and that thoſe parts of the kingdom which have put themſelves in a poſture of defence againſt the common danger, have therein done nothing but according to the declaration and direction of both houſes, and what is juſtifiable by the laws of the kingdom.

'All which, their moſt humble counſel and deſires, they pray your majeſty to accept, as the effect of that duty an allegiance which they owe unto you, and which will not ſuffer them to admit of any thoughts, intentions, or endeavours, but ſuch as are neceſſary and advantageous for your majeſty's greatneſs and honour, and the ſafety and proſperity of the kingdom, according to that truſt and power which the laws have repoſed in them.'

Before I relate the king's anſwer, it will not be improper to make ſome remarks on this petition. My deſign being in this ſecond part of the reign of Charles I, to give the readers a true idea of the differences between the king and the parliament, that they may the better perceive the real grounds of the enſuing civil wars, I hope it will not be taken amiſs, that by remarks on the papers of both ſides, I point out ſome things which, perhaps, would not be generally obſerved.

Remarks on this petition.

In the firſt place, the imminent danger, the approaching ruin ſo much talked of by the parliament, was not ſo evident as they pretended; but they always ſuppoſed, there was a Popiſh and malignant party, who had formed a deſign to ruin the kingdom and the Proteſtant religion, and that the king's evil counſellors adviſed him to whatever could be advantageous to that party. I do not ſay this ſuppoſition was entirely falſe; but it may be ſaid, at leaſt, to be grounded upon bare conjectures; beſides, theſe were only generals, under which the parliament concealed the true cauſe of their fears. They were apprehenſive, that the king by ſecret practices, would ſecure the forts and magazines, as it was well known he intended it, and raiſe an army; nay it could not be doubted, that conſidering his preſent ſtate, he would have done it, had it been in his power. It will be ſeen hereafter that he had thought of it, before the time I am ſpeaking of. But when this petition was preſented to him, he was only ſuſpected to have ſome great deſign in hand. He was, therefore, to be prevented by diſpoſing of the militia, by the authority of both houſes, in order to be ready to oppreſs ſuch as ſhould declare for him, or to hinder them from declaring. But all this was coloured with the pretence of putting the kingdom in a poſture of defence againſt the plots of the malignants. For this reaſon, the pretended deſign of this malignant party was always expreſſed in general terms, without mention of any particulars, and great care was taken to refer to it all the king's actions, and all the events which could have any relation thereto. But it muſt be remembered, as I have often ſaid, that the parliament's intention was to diveſt the king of the greateſt part of his authority, and that the king's deſign was to ſcreen himſelf from the impending misfortunes, and in ſo doing, he would have put himſelf alſo in a ſtate of attacking, had he been ſuffered to do it. This is properly the key to the papers which were publiſhed on both ſides, concerning the militia, tho' the king and parliament endeavoured to varniſh their reſpective proceedings with pretences capable of dazzling the people.

I ſhall remark in the ſecond place, that the parliament in this petition, took no notice of the reaſons alleged by the king in his former anſwer. They were contented with always ſuppoſing the deſign of ſubverting religion and the laws, and with referring to that deſign the removal of the prince of Wales, and the abſence of the king from his parliament, to inſinuate, that the king's reſtrictions to his promiſe, were intended only to gain time, in order to favour the malignants.

Thirdly, the parliament's fears, that the king's abſence concealed ſome hidden deſign, were not groundleſs, as I ſaid, and as will appear hereafter.

All this ſhews, that the king and the parliament had but too much cauſe to miſtruſt one another. If the parliament, under colour of imminent danger to the kingdom, thought it incumbent on them to require, that the militia ſhould be put into ſuch hands as they could confide in, the king had no leſs reaſon to endeavour to hinder both houſes from uſurping a power, which was to ſerve to oppreſs him.

The king returned the following anſwer to the parliament's laſt petition:

The king's anſwer.
March 2.
Ruſhw.
Clarend.

'I am ſo much amazed at this meſſage, that I know not what to anſwer: You ſpeak of jealouſies and fears: Lay your hands to your hearts, and aſk yourſelves, whether I may not likewiſe be diſturbed with fears and jealouſies; and if ſo, I aſſure you this meſſage hath nothing leſſened them.

'For the militia, I thought ſo much of it before I ſent that anſwer, and am ſo much aſſured that the anſwer is agreeable to what in juſtice or reaſon you can aſk, or I in honour grant, that I ſhall not alter it in any point.

‘For my reſidence near you, I wiſh it might be ſo ſafe and honourable, that I had no cauſe to abſent myſelf from Whitehall; aſk yourſelves whether I have not.

‘For my ſon, I ſhall take that care of him, which ſhall juſtify me to God as a father, and to my dominions as a king.

‘To conclude, I aſſure you upon my honour, that I have no thought but of peace and juſtice to my people, which I ſhall by all fair means ſeek to preſerve and maintain, relying upon the goodneſs and providence of God, for the preſervation of myſelf and rights.’

Remark on this anſwer.

It muſt be obſerved upon this anſwer, that the reaſon alledged by the king to juſtify his abſence from Whitehall, viz. the riotous aſſemblies of the people of London, was plauſible. But it was extremely weak, to prove the neceſſity of his reſiding at York. However, he artfully confounded, under one and the ſame reaſon, his removal to York, and his abſence from London. We ſhall ſee preſently the true reaſon of his retiring to York.

It is very likely, the king wiſhed for peace, provided his prerogatives were untouched. But the parliament thought, in order to a laſting peace, the king's power was to be curbed.

Upon this anſwer, it was reſolved by the houſe of commons:

Votes of the commons. Ruſhw.

‘1. That this anſwer of his majeſty is a denial to the deſires of both houſes of parliament concerning the militia.

‘2. That thoſe that adviſed his majeſty to give this anſwer, are enemies to the ſtate, and miſchievous projectors againſt the defence of the kingdom.

‘3. That this denial is of that dangerous conſequence, that if his majeſty ſhall perſiſt in it, it will hazard the peace and ſafety of all his kingdoms, unleſs ſome ſpeedy remedy be applied by the wiſdom and authority of both houſes of parliament.

‘4. That ſuch parts of this kingdom as have put themſelves into a poſture of defence againſt the common danger, have done nothing but what is juſtifiable, and is approved by the houſe.

‘5. That if his majeſty ſhall remove into any remote parts from his parliament, it will be a great hazard to the kingdom, and a great prejudice to the proceedings of the parliament.

‘6. That this houſe holds it neceſſary, that his majeſty may be deſired, that the prince may come unto St. James's, or to ſome other convenient place near or about London, and there to continue.

‘7. That the lords be deſired to join with this houſe in an humble requeſt unto his majeſty, that he will be pleaſed to reſide near his parliament, that both houſes may have a convenience of acceſs unto him upon all occaſions.

‘8. That the lords be moved to join with this houſe in ſome fit courſe of examination, to find who were the perſons that gave his majeſty this advice, that they may be removed from his majeſty, and brought to condign puniſhment.

‘9. That no charter can be granted by the king, to create a power in any corporation over the militia of that place, without conſent of parliament.

‘10. That the lords ſhall be moved to join with this houſe in theſe votes.

‘11. That the lords ſhall be deſired to appoint a ſelect committee that may join with a committee of a proportionable number of this houſe, to conſider and prepare what is fit to be done upon theſe votes, or upon any thing elſe that may ariſe upon this anſwer of his majeſty concerning the militia, and concerning the prince.’

The ſame day it was reſolved in the houſe of commons,

‘That the kingdom be forthwith put into a poſture of defence, by authority of both houſes, in ſuch a way as is already agreed upon by both houſes of parliament.’

In purſuance of this reſolution, both houſes publiſhed the following ordinance for ſettling the militia.

The parliament's ordinance for the militia. March 5. Ruſhw.

‘Whereas there hath been of late a moſt dangerous and deſperate deſign upon the houſe of commons, which we have juſt cauſe to believe to be an effect of the bloody counſels of Papiſts, and other ill-affected perſons, who have already raiſed a rebellion in the kingdom of Ireland, and by reaſon of many diſcoveries, we cannot but fear they will proceed not only to ſtir up the like rebellion and inſurrections in this kingdom of England, but alſo to back them with forces from abroad.

‘For the ſafety therefore of his majeſty's perſon, the parliament and kingdom, in this time of imminent danger; it is ordained by the lords and commons now in parliament aſſembled, that Henry, earl of Holland, ſhall be lieutenant of the county of Berks, Oliver, earl of Bullingbrooke, ſhall be lieutenant of the county of Bedford, &c. and the ſaid lord lieutenants ſhall ſeverally and reſpectively have power to aſſemble and call together all and ſingular his majeſty's ſubjects, within the ſaid ſeveral and reſpective counties and places, as well within liberties as without, that are meet and fit for the wars, and them to train and exerciſe and put in readineſs, and them, after their abilities and faculties, well and ſufficiently from time to time, to cauſe to be arrayed and weaponed, and to take the muſter of them in places fit for that purpoſe. And that they ſhall ſeverally and reſpectively have power, within the ſeveral and reſpective counties and places aforeſaid, to nominate and appoint ſuch perſons of quality, as to them ſhall ſeem meet, to be their deputy-lieutenants, to be approved of by both houſes of parliament. And be it farther ordained, that Sir John Gayre, Sir Jacob Garret, knights, &c. ſhall have ſuch power and authority within the city of London, as any of the lieutenants beforenamed, are authoriſed to have by this ordinance, within the ſaid ſeveral and reſpective counties, (the nomination and appointment of deputy-lieutenants only excepted.) And it is farther ordained, that ſuch perſons as ſhall not obey in any of the premiſſes, ſhall anſwer their neglect and contempt to the lords and commons in a parliamentary way, and not otherwiſe, nor elſewhere; and that every the powers granted as aforeſaid, ſhall continue, until it be otherwiſe ordered or declared by both houſes of parliament, and no longer.'

Theſe forces from abroad, mentioned in the ordinance, were a chimera, framed to amuſe the people, and make them believe, the king would cauſe the kingdom to be invaded by foreigners; for, tho', very probably, the pope and cardinal Richelieu countenanced the Iriſh rebellion, it could not, however, be affirmed, they had formed a deſign to invade England in favour of the king.

The 9th of March, the king being at Newmarket, both houſes preſented the following declaration to him, which ſerved for reply to his anſwer.

Declaration of both houſes preſented to the king at Newmarket, March 9, 1641-2.

May it pleaſe your majeſty,

Ruſhw. ‘ALtho' the expreſſions in your majeſty's meſſage, of the 2d of this inſtant March, do give juſt cauſe of ſorrow to us, your faithful ſubjects, the lords and commons in parliament, yet it is not without ſome mixture of confidence and hope, conſidering the proceeded from the miſapprehenſion of our actions and intentions, which having no ground of truth or reality, may, by your majeſty's juſtice and wiſdom, be removed, when your majeſty ſhall be fully informed, that thoſe fears and jealouſies of ours, which your majeſty thinks to be cauſeleſs, and without any juſt ground, do neceſſarily and clearly ariſe from thoſe dangers and diſtempers, into which the miſchievous and evil councils about you have brought this kingdom; and that thoſe other fears and jealouſies, by which your favour, your royal preſence and confidence have been withdrawn from your parliament, have no foundation or ſubſiſtance in any action, intention, or miſcarriage of ours, but are merely grounded upon the falſhood and malice of thoſe, who, for the ſupporting and fomenting their own wicked deſigns againſt the religion and peace of the kingdom, do ſeek to deprive your majeſty of the ſtrength and affection of your people, them of your grace and protection, and thereby to ſubject both your royal perſon and the whole kingdom to ruin and deſtruction.

‘To ſatisfy your majeſty's judgment and conſcience in both theſe points, we deſire to make a clear and free declaration of the cauſes of our fears and jealouſies, which we offer to your majeſty in theſe particulars:

‘1. That the deſign of altering religion in this, and in your other kingdoms, hath been potently carried on by thoſe in greateſt authority about you, for divers years together; the queen's agent at Rome, and the pope's agent or nuncio here, are not only evidences of this deſign, but have been great actors in it.

‘2. That the war with Scotland was procured to make way for this intent, and chiefly invited and fomented by the Papiſts, and others popiſhly affected, whereof we have many evidences, eſpecially their free and general contribution to it.

‘3. That the rebellion in Ireland was framed and contrived here in England, and that the Engliſh Papiſts ſhould have riſen about the ſame time, we have ſeveral teſtimonies and advertiſements from Ireland; and that it is a common ſpeech amongſt the rebels, wherewith concur other evidences and obſervations of the ſuſpicious meetings and conſultations, the tumultuary and ſeditious carriage of thoſe of that religion, in divers parts of this kingdom, about the time of the breaking out of the Iriſh rebellion; the depoſition of O Conolly; the information of Mr. Cole, miniſter; the letter of Triſtram Whitecombe; the depoſition of Thomas Grant, and many others, which we may produce, do all agree in this: The publick declarations of the lords, gentlemen, and others of the pale, that they would join with the rebels, whom they call the Iriſh army, or any other, to recover unto his majeſty his royal prerogative, wreſted from him by the Puritan faction in the houſes of parliament in England, and to maintain the ſame againſt all others, as alſo to maintain epiſcopal juriſdiction, and the lawfulneſs thereof: Theſe two being quarrels, upon which his majeſty's late army in the north ſhould be incenſed againſt us.

‘The great cauſe we have to doubt, that that late deſign, ſtiled the queen's pious intention, was for the alteration of religion in this kingdom; for ſucceſs whereof, the pope's nuncio, the count Roſetti, enjoyned faſting and praying to be obſerved every week by the Engliſh Papiſts, which appeared to us, by one of the original letters, directed by him to a prieſt in Lancaſhire.

‘The boldneſs of the Iriſh rebels in affirming they do nothing but by authority from the king; that they call themſelves the queen's army; that the prey or booty which they take from the Engliſh they mark with the queen's mark; that their purpoſe was to come to England after they had done in Ireland, and ſundry other things of this kind, proved by O Conolly, and divers others, eſpecially in the fore-mentioned letters from Triſtram Whitecombe, the mayor of Kinſale, to his brother Benjamin Whitecombe, wherein there is this paſſage, “that many other ſtrange ſpeeches they utter about religion and our court of England, which he dares not commit to paper.

‘The manifold attempts to provoke your majeſty's late army, and the army of the Scots, and to raiſe a faction in the city of London, and other parts of the kingdom;

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that thoſe who have been actors in thoſe buſineſſes, have had their dependance, their countenance and encouragement from the court; witneſs the treaſon whereof Mr. Jermyn and others ſtand accuſed, who was tranſported beyond ſea, by warrant under your majeſty's hand, after your majeſty had given aſſurance to your parliament, that your majeſty had laid a ſtrict command upon all your ſervants, that none of them ſhould depart from court; and that dangerous petition delivered to captain Legg by your majeſty's own hand, accompanied with a direction ſigned with C. R.

‘The falſe and ſcandalous accuſation againſt the lord Kimbolton, and the five members of the houſe of commons, tendered to the parliament by your majeſty's own command, endeavoured to be juſtified in the city by your own preſence and perſuaſion, and to be put in execution upon their perſons by your majeſty's demand of them in the houſe of commons, in ſo terrible and violent a manner, as far exceeded all former breaches of privileges of parliament acted by your majeſty or any of your predeceſſors; and whatſoever your intentions were, divers bloody and deſperate perſons which attended your majeſty, diſcovered their affections and reſolutions to have maſſacred and deſtroyed the members of that houſe, if the abſence of thoſe perſons accuſed, had not, by God's providence, ſtopped the giving of that word which they expected, for the ſetting them upon that barbarous and bloody act; the liſting of ſo many officers and ſoldiers, and others, putting them into pay, and under command of colonels; feaſting and careſſing them in an unuſual manner at Whitehall, thereby maintaining them in the violent aſſaults and other injuries which they offered to divers of your ſubjects, coming that way in a lawful and peaceable manner; the carrying them out of town, after which they were told by the lord Digby, that the king removed on purpoſe that they might not be trampled in the dirt; and keeping them ſo long in pay, endeavouring to engage the gentlemen of the Inns of Court in the ſame courſe; the plotting and deſigning of a perpetual guard about your majeſty; the labouring to infuſe into your majeſty's ſubjects an evil opinion of the parliament through the whole kingdom, and other ſymptoms of a diſpoſition of raiſing arms, and dividing your people by a civil war; in which combuſtion Ireland muſt needs be loſt, and this kingdom miſerably waſted and conſumed, if not wholly ruined and deſtroyed.

‘That after a vote had paſſed in the houſe of commons, declaring, that the lord Digby had appeared in a warlike manner at Kingſton upon Thames, to the terror and fright of your majeſty's good ſubjects, and diſturbance of the publick peace of the kingdom; and that therefore the lords ſhould be moved to require his attendance, he ſhould nevertheleſs be of that credit with your majeſty, as to be ſent away by your own warrant to Sir John Pennington, to land him beyond the ſea, from whence he vented his own traiterous conceptions, that your majeſty ſhould declare yourſelf, and retire to a place of ſtrength in this kingdom, as if your majeſty could not be ſafe among your people; and withal took that tranſcendent boldneſs to write to the queen, offering to entertain correſpondence with her majeſty by cyphers, intimating ſome ſervice which he might do in thoſe parts, for which he deſired your majeſty's inſtructions, whereby in probability he intended the procuring of ſome foreign force to ſtrengthen your majeſty in that condition, into which he would have brought you; which falſe and malicious counſel and advice, we have great cauſe to doubt, made too deep an impreſſion in your majeſty, conſidering the courſe you are pleaſed to take of abſenting yourſelf from your parliament, and carrying the prince with you, which ſeems to expreſs a purpoſe in your majeſty, to keep yourſelf in a readineſs for the acting of it.

‘The manifold advertiſements which we have had from Rome, Venice, Paris, and other parts, that they ſtill expect, that your majeſty has ſome great deſign in hand, for the altering of religion, the breaking the neck of your parliament, that you will yet find means to compaſs that deſign; that the pope's nuncio hath ſollicited the kings of France and Spain, to lend your majeſty 4000 men a-piece, to help to maintain your royalty againſt the parliament; and this foreign force, as it is the moſt pernicious and malignant deſign of all the reſt, ſo we hope it is, and ſhall always be fartheſt from your majeſty's thoughts, becauſe no man can believe, you will give up your people and kingdom, to be ſpoiled by ſtrangers, if you did not likewiſe intend to change both your own profeſſion in religion and the publick profeſſion of the kingdom, that ſo you might ſtill be more aſſured of thoſe foreign ſtates of the Popiſh religion, for your future ſupport and defence.

‘Theſe are ſome of the grounds of our fears and jealouſies, which make us ſo earneſtly to implore your royal authority and protection for our defence and ſecurity, in all the ways of humility and ſubmiſſion, which being denied by your majeſty, ſeduced by evil counſel, we do with ſorrow, for the great and unavoidable miſery and danger, which thereby is like to fall upon your own perſon and your kingdoms, apply ourſelves to the uſe of that power, for the ſecurity and defence of both, which by the fundamental laws and conſtitutions of this kingdom reſides in us; yet ſtill reſolving to keep ourſelves within the bounds of faithfulneſs and allegiance to your ſacred perſon, and your crown; ſo as to the ſecond ſort of jealouſies and fears of us expreſſed by your majeſty, we ſhall give a ſhorter, but as true and as faithful an anſwer.

‘Whereas your majeſty is pleaſed to ſay, that for your reſidence near the parliament, you wiſh it may be ſo ſafe and honourable, that you had no cauſe to abſent yourſelf from Whitehall; this we take as the greateſt breach of privilege of parliament that can be offered, as the heavieſt miſery to yourſelf, and imputation upon us, that can be imagined, and the moſt miſchievous effects of evil counſels: It roots up the ſtrongeſt foundation of the ſafety and honour which your crown affords; it ſeems as much as may be to caſt upon the parliament ſuch a charge, as is inconſiſtent with the nature of that great council, being the body, whereof your majeſty is the head; it ſtrikes at the very being both of king and parliament, depriving your majeſty, in your own apprehenſions, of their fidelity, and them of your protection, which are the mutual bands and ſupports of government and ſubjection.

‘We have according to your majeſty's deſire laid our hands upon our hearts; we have aſked ourſelves in the ſtricteſt examination of our conſciences; we have ſearched our affections, our thoughts; conſidered our actions, and we find none that can give your majeſty any juſt occaſion to abſent yourſelf from Whitehall, and the parliament; but that you may with more honour and ſafety, continue there than in any other place.

‘Your majeſty lays a general tax upon us; if you will be graciouſly pleaſed to let us know the particulars, we ſhall give a clear and ſatisfactory anſwer; but what hope can we have of ever giving your majeſty ſatiſfaction, when thoſe particulars which you have been made to believe were true, yet being produced, and made known to us, appeared to be falſe, and your majeſty notwithſtanding, will neither puniſh, nor produce the authors, but go on to contract new jealouſies and fears upon general and uncertain grounds, affording us no means or poſſibilty of particular anſwer, to the clearing of ourſelves? For proof whereof, we beſeech your majeſty to conſider theſe inſtances:

‘The ſpeeches alledged to be ſpoken in a meeting of divers members of both houſes at Kenſington, concerning a purpoſe of reſtraining the queen and prince, which after it was denied and diſavowed, yet your majeſty refuſed to name the authors, tho' humbly deſired by both houſes.

‘The report of articles framed againſt the queen's majeſty, given out by ſome of near relation to the court; but when it was publickly and conſtantly diſclaimed, the credit ſeemed to be withdrawn from it; but the authors being kept ſafe, will always be ready for exploits of the ſame kind, wherewith your majeſty and the queen will be often troubled, if this courſe be taken to cheriſh and ſecure them in ſuch wicked and malicious ſlanders.

‘The heavy charge and accuſation of the lord Kimbolton, and the five members of the houſe of commons, who refuſed no tryal or examination which might ſtand with the privilege of parliament; yet no authors, no witneſſes produced, againſt whom they may have reparation, for the great injury and infamy caſt upon them; notwithſtanding three ſeveral petitions of both houſes, and the authority of two acts of parliament, vouched in the laſt of thoſe petitions.

‘We beſeech your majeſty to conſider in what ſtate you are, how eaſy and fair a way you have to happineſs, honour, greatneſs, plenty, and ſecurity; if you will join with the parliament, and your faithful ſubjects, in defence of the religion and publick good of the kingdom: This is all we expect from you, and for this we ſhall return to you our lives, fortunes, and uttermoſt endeavours to ſupport your majeſty, your juſt ſovereignty and power over us; but it is not words that can ſecure us in theſe our humble deſires: We cannot but too well, and ſorrowfully, remember, what gracious meſſages we had from you this ſummer, when with your privity, the bringing up the army was in agitation; we cannot but with the like affections recall to your mind, how, not two days before you gave directions for the above-mentioned accuſation, and your own coming to the commons houſe; that houſe received from your majeſty a gracious meſſage, that you would always have a care of their privileges, as of your own prerogative, of the ſafety of their perſons, as of your own children. That which we expect, which will give us aſſurance that you have no thought but of peace and juſtice to your people, muſt be ſome real effect of your goodneſs to them, in granting thoſe things, which the preſent neceſſity of the kingdom doth enforce us to deſire: And in the firſt place, that your majeſty will be graciouſly pleaſed to put from you thoſe wicked and miſchievous counſellors, which have cauſed all theſe dangers and diſtractions, and to continue your own reſidence, and the prince's, near London, and the parliament, which we hope will be a happy beginning of contentment and confidence betwixt your majeſty and your people, and be followed with many ſucceeding bleſſings of honour and greatneſs to your majeſty, and of ſecurity and proſperity to them.

‘The lords and commons have commanded us to preſent unto your majeſty this farther addition, to their former declaration.

‘That your majeſty's return and continuance near the parliament, is a matter in their apprehenſion of ſo great neceſſity and importance, toward the preſervation of your royal perſon and your kingdoms, that they cannot think they have diſcharged their duties, in the ſingle expreſſion of their deſire, unleſs they add ſome farther reaſons to back it with.

‘1. Your majeſty's abſence will cauſe men to believe, that it is out of deſign to diſcourage the undertakers, and hinder the other proviſions for raiſing money for defence of Ireland.

‘2. It will very much hearten the rebels there, and diſſaffected perſons in this kingdom, as being an evidence and effect of the jealouſies and diviſions betwixt your majeſty and your people.

‘ 3. That it will much weaken and withdraw the affection of the ſubjects from your majeſty, without which a prince is deprived of his chiefeſt ſtrength and luſtre, and left naked to the greateſt dangers and miſeries, that can be imagined.

‘ 4. That it will invite and encourage the enemies of our religion, and the ſtates in foreign parts, to the attempting and acting their evil deſigns and intentions towards us.

‘ 5. That it cauſeth a great interruption in the proceedings of parliament.

‘ Theſe conſiderations threaten ſo great dangers to your majeſty's perſon, and to all your dominions, that, as your majeſty's great council, they hold it neceſſary to repreſent to you this their faithful advice, that ſo whatſoever followeth, they may be excuſed before God and man.’

It is needleſs to make any particular remarks on this declaration; the following anſwers and replies, will beſt explain the nature of the quarrel between the king and the parliament, and the arguments of both.

It muſt only be obſerved in general, that, according to the cuſtom of contending parties, each inſiſted largely upon the points that were favourable, and lightly touched upon ſuch as were diſadvantageous, or even paſſed them over entirely in their anſwers and replies.

Thus much is certain, that in the preſent ſituation of affairs, the king and the parliament had but too much cauſe to miſtruſt one another, and that each laboured to procure ſuch advantages, as might enable them to attack or defend. As for the declarations, meſſages, anſwers, replies, theſe were only for the people, it being the intereſt of each to gain and amuſe them. But herein the parliament had a great advantage, by reaſon of the people's prejudice againſt the king, to which he oppoſed only general promiſes, whereof he could give no aſſurance. This was very advantageous to the parliament, who pretended, that in order to truſt in ſuch promiſes, it was neceſſary the king ſhould begin with diveſting himſelf of what enabled him to break them. Hence may be ſeen how perplexed this affair was.

When the committees of both houſes preſented to the king the foregoing declaration, and after it was read in his preſence, he returned this extempore general anſwer.

The king's anſwer given extempore. Ruſhw. Clarend.

‘ I Am confident that you expect not I ſhould give you a ſpeedy anſwer to this ſtrange and unexpected declaration; and I am ſorry (in the diſtraction of this kingdom) you ſhould think this way of addreſs to be more convenient, than that propoſed by my meſſage of the 20th of January laſt, to both houſes.

‘ As concerning the grounds of your fears and jealouſies, I will take time to anſwer particularly, and doubt not but I ſhall do it to the ſatisfaction of all the world. God in his good time, will, I hope, diſcover the ſecrets and bottoms of all plots and treaſons; and then I ſhall ſtand right in the eyes of my people; in the mean time I muſt tell you, that I rather expected a vindication for the imputation laid on me in Mr. Pym's ſpeech; than that any more general rumours and diſcourſes ſhould get credit with you.

‘ For my fears and doubts, I did not think they ſhould have been thought ſo groundleſs or trivial, while ſo many ſeditious pamphlets and ſermons are looked upon, and ſo great tumults are remembered, unpuniſhed, uninquired into: I ſtill confeſs my fears, and call God to witneſs, that they are greater for the true Proteſtant profeſſion *, my people, and laws, than for my own rights or ſafety; tho' I muſt tell you, I conceive that none of theſe are free from danger.

‘ What would you have? Have I violated your laws? Have I denied to paſs any bill for the eaſe and ſecurity of my ſubjects? I do not aſk you, what you have done for me.

‘ Have any of my people been tranſported with fears and apprehenſions? I have offered as free and general pardon, as yourſelves can deviſe. All this conſidered, there is a judgment from heaven upon this nation if theſe diſtractions continue.

‘ God ſo deal with me and mine, as all my thoughts and intentions are upright, for the maintenance of the true Proteſtant profeſſion, and for the obſervation and preſervation of the laws of this land; and I hope God will bleſs and aſſiſt thoſe laws for my preſervation.

‘ As for the additional declaration, you are to expect an anſwer to it, when you ſhall receive the anſwer to the declaration itſelf.’

On the morrow, the king gave the general anſwer to the committee in writing, which he had delivered by word of mouth the day before.

The king gives the deputies this anſwer in writing. Ruſhw.

The king's raſh anſwer to the earl of Pembroke. Clarend.

After that, the earl of Pembroke, one of the committee, aſking him, whether he would grant the militia, as was deſired by the parliament, for a time? "No, anſwered the king, "by God, not for an hour." This anſwer did him great injury. His principal concern was to ſatisfy the people, that his word might be relied upon, and yet he ſhewed, he had no intention to keep his promiſe to the parliament, to grant the militia, when he ſhould know for how long a term, ſince he refuſed to grant it even for an hour.

If the parliament had hitherto placed but little confidence in the king's promiſes, this did not help to increaſe it. On the other hand, the harſh and diſreſpectful treatment of the king, by both houſes, in their declaration, very much incenſed him, and rendered a rupture unavoidable. For my part, I verily believe, that the hard things ſaid by the parliament to the king in the declaration, were inſerted by the direction of ſome of the leaders of the party, on purpoſe to widen the breach, and make a reconciliation impracticable. For, it is to be preſumed, if the king had then granted the militia for two or three months, both houſes

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* He meant the church of England, in oppoſition to Preſbyterianiſm. Rapin.

would have ſcarce known what uſe to have made of it. They would have had no pretence to employ it againſt him, ſince he would have clearly ſhewed, it was not his fault that their fears were not removed. But it is certain, he had to deal with abler heads than himſelf, and his council; beſides, he was then full of his deſign to ſeiſe Hull, which hindered him, doubtleſs, from ſeriouſly attending to what was moſt for his advantage.

The king informs the houſe of his deſign to reſide at York. Ruſhw. Clarend.

March the 15th, the king being at Huntington, ſent a meſſage to both houſes, to inform them, that he intended to reſide at York for ſome time. He recommended to them withal the affairs of Ireland. As to the militia, he told them, "That as he had always been ſo tender of the privileges of parliament, that he had been ready and forward to retract any act of his own, which he had been informed had trench'd upon their privileges; ſo he expected an equal tenderneſs in them, of his known and unqueſtionable privileges; amongſt which, he was aſſured it is a fundamental one, "That his ſubjects cannot be obliged to obey any act, order, or injunction, to which his majeſty hath not given his conſent." That, therefore, he expected and required obedience from all his ſubjects, to the laws eſtabliſhed, being reſolved to keep the laws himſelf, and to require obedience to them from all his ſubjects.'

Next day the commons paſſed the following votes, which were approved by the lords.

Votes of the houſe of commons. March 16. Ruſhw.

'That the houſe ſhould inſiſt upon their former votes concerning the militia.

'That the king's abſence, ſo far remote from his parliament, was not only an obſtruction, but might be a deſtruction to the affairs of Ireland.

'That when the parliament, which is the ſupreme court of judicature in the kingdom, ſhall declare what the law of the land is, to have this not only queſtioned and controverted, but contradicted; and a command that it ſhould not be obeyed, is a high breach of the privilege of parliament. (1).

REMARK (1). The commons uſe here the equivocal word (parliament) in an improper ſenſe. It is true, the parliament, which conſiſts of the king and the two houſes, has a right to declare what is law; to make new and repeal old laws, becauſe the authority of both houſes,, with the royal aſſent, is deemed the authority of the whole kingdom. But before now, the two houſes alone had never enjoyed this right; nay, in ſtrictneſs, the two houſes cannot be called the parliament, becauſe the parliament is a body compoſed of three members, and not two only, viz. king, lords, and commons.

'That a committee ſhall be appointed by the houſe to join with a committee of lords to enquire where this meſſage was framed.

'That thoſe perſons that did adviſe his majeſty to abſent himſelf from the parliament are enemies to the peace of this kingdom, and juſtly ſuſpected to be favourers of the rebellion in Ireland, as are alſo thoſe that adviſed his majeſty to this meſſage.

It was at the ſame time unanimouſly reſolved upon the queſtion by the lords in parliament,

Votes of the lords. Ruſhw. Clarend.

'That the ordinance of the lords and commons in parliament for the ſafety and defence of the kingdom of England and dominion of Wales, is not any way againſt the oath of allegiance.

'That the ſeveral commiſſions granted under the great ſeal to the lieutenants of the ſeveral counties, are illegal and void.

'That whoſoever ſhall execute any power over the militia of this kingdom and dominion of Wales, by colour of any commiſſion of lieutenancy, without conſent of both houſes of parliament, ſhall be accounted a diſturber of the peace of this kingdom.

'Moreover, both houſes voted with one common conſent, that the kingdom hath been of late, and ſtill is in ſo evident and imminent danger, both from enemies abroad, and a Popiſh party at home, that there is an urgent and inevitable neceſſity of putting his majeſty's ſubjects into a poſture of defence, for the ſafeguard both of his majeſty and his people.

'That the lords and commons fully apprehending this danger, and being ſenſible of their own duty, to provide a ſuitable prevention, have in ſeveral petitions addreſſed themſelves to his majeſty for the ordering and diſpoſing of the militia of the kingdom, in ſuch a way, as was agreed upon by the wiſdom of both houſes to be moſt effectual and proper for the preſent exigents of the kingdom; yet could not obtain it, but his majeſty did ſeveral times refuſe to give his royal aſſent thereunto.

'That in this caſe of extreme danger, and of his majeſty's refuſal, the ordinance agreed on by both houſes for the militia, doth oblige the people, and ought to be obeyed by the fundamental laws of this kingdom.

'That ſuch perſons as ſhall be nominated deputy-lieutenants, and approved of by both houſes, ſhall receive the commands of both houſes to take upon them to execute their offices.'

Theſe reſolutions were taken with great precipitation, for the two houſes had not yet received the king's anſwer to their declaration of the 9th of March. But as by his laſt meſſage the king had ſufficiently ſhewn, he intended not to depart from his right concerning the militia, they thought it needleſs to wait for a more particular notification. Some time after, the king ſent them this anſwer in form of declaration.

The king's declaration to both houſes of parliament, in anſwer to that preſented to him at Newmarket, March 9, 1641-2.

Ruſhw. Clarend.

'THO' the declaration lately preſented to us at Newmarket from both our houſes of parliament, be of ſo ſtrange a nature, in reſpect of what we expected, (after ſo many acts of grace and favour to our people) and ſome expreſſions in it ſo different ‘from the uſual language to princes, that we might well take a very long time to conſider it; yet the clearneſs and uprightneſs of our conſcience to God, and love to our ſubjects, hath ſupplied us with a ſpeedy anſwer, and our unalterable affection to our people, prevailed with us to ſuppreſs that paſſion, which might well enough become us upon ſuch an invitation.

‘We have conſidered our anſwer of the firſt of this month at Theobalds, which is urged to have given juſt cauſe of ſorrow to our ſubjects. Whoſoever looks over that meſſage, (which was in effect to tell us, that if we would not join with them in an act we conceived prejudicial and dangerous to us and the whole kingdom, they would make a law without us, and impoſe it upon our people) will not think that ſudden anſwer can be excepted to.

‘We have little encouragement to replies of this nature, when we are told of how little value our words are like to be with you; tho' they come accompanied with all the actions of love and juſtice, (where there is room for actions to accompany them) yet we cannot but diſavow the having any ſuch evil council and counſellors to our knowledge, as are mentioned; and if any ſuch be diſcovered, we will leave them to the cenſure and judgment of our parliament: In the mean time we could wiſh, that our own immediate actions which we avow, and our honour might not be ſo roughly cenſured and wounded, under that common ſtile of evil counſellors.

‘For our faithful and zealous affection for the true Proteſtant profeſſion, and our reſolution to concur with our parliament in any poſſible courſe for the propagation of it, and the ſuppreſſion of Popery, we can ſay no more than we have already expreſſed in our declaration to all our loving ſubjects, publiſhed in Ireland by the advice of our privy-council, in which we endeavoured to make as lively a confeſſion of ourſelf in this point, as we were able, being moſt aſſured, that the conſtant practice of our life hath been anſwerable thereunto; and therefore we did rather expect a teſtimony and acknowledgment of ſuch our zeal and piety, than thoſe expreſſions we met with in this declaration of any deſign of altering religion in this kingdom; and we do (out of the innocence of our ſoul) wiſh, that the judgments of heaven may be manifeſted upon thoſe who have, or had any ſuch deſign (1).

Remark (1). This article of the king's anſwer ſeems very weak; for the parliament having ſet forth, in their declaration, the reaſons why they believed there was a ſettled deſign to alter religion in England, and that the king encouraged the authors, his majeſty only anſwers in generals.

‘As for the Scotch troubles, we had well thought, that thoſe unhappy differences had been wrapt up in perpetual ſilence by the act of oblivion, which being ſolemnly paſſed in the parliaments of both kingdoms, ſtops our mouth from any other reply, than to ſhew our great diſlike for reviving the memory thereof (2).

Rem. (2). It is very viſible, the king avoids entering into particulars upon this head, tho' being attacked by the parliament, he might have vindicated himſelf without infringing the peace between the two kingdoms, or the act of oblivion.

‘If the rebellion in Ireland, (ſo odious to all Chriſtians) ſeems to have been framed and maintained in England, or to have any countenance from hence, we conjure both our houſes of parliament, and all our loving ſubjects whatſoever, to uſe all poſſible means to diſcover and find ſuch out, that we may join in the moſt exemplary vengeance upon them that can be imagined; but we muſt think ourſelves highly and cauſeleſly injured in our reputation, if any declaration, action or expreſſion of the Iriſh rebels, any letters from count Roſetti to the Papiſts for faſting and praying, or from Triſtram Whitecombe, of ſtrange ſpeeches uttered in Ireland, ſhall beget any jealouſy or miſapprehenſion in our ſubjects, of our juſtice, piety and affection, it being evident to all underſtandings, that thoſe miſchievous and wicked rebels are not ſo capable of great advantage, as by having their falſe diſcourſes ſo far believed, as to raiſe fears and jealouſies to the diſtraction of this kingdom, the only way to their ſecurity; and we cannot expreſs a deeper ſenſe of the ſuffering of our poor Proteſtant ſubjects in that kingdom, than we have done in our often meſſages to both houſes, by which we have offered, and are ſtill ready to venture our royal perſon for their redemption; well knowing, that as we are (in our own intereſt) more concerned in them, ſo we are to make a ſtrict account to almighty God, for any neglect of our duty, or their preſervation (3).

Rem. (3). The king continues here to clear himſelf from the ſuſpicions conceived of him with regard to Ireland, by generals and his own teſtimony. But theſe proofs taken from his word, and his other outward demonſtrations, were not ſufficient to ſatisfy every one. The parliament did not accuſe him of being wanting in expreſſions of zeal for the reducing of Ireland, but of really neglecting it.

‘For the manifold attempts to provoke our late army, and the army of the Scots, and to raiſe the faction in the city of London, and other parts of the kingdom; if it be ſaid, as relating to us, we cannot without great indignation ſuffer ourſelves to be reproached, to have intended the leaſt force or threatening to our parliament, as the being privy to the bringing up of the army would imply; whereas we call God to witneſs, we never had any ſuch thought, or knew of any ſuch reſolution concerning our late army (4).

Rem. (4). We have ſeen in the account of that conſpiracy, what were the ſeveral projects of the conſpirators, and that, indeed, they came to no reſolution, particularly as to

1641-2. the bringing up the army to London. The king certainly knew all the circumſtances of the plot, but as there was nothing reſolved, he artfully confines himſelf here to the denying that he was privy to any reſolution, which is very true, for there was no reſolution taken. But, however, he knew of the deſign in general to gain the army, of which he ſays not a word.

'For the petition ſhewed to us by captain Legg, we well remember the ſame, and the occaſion of that conference: Captain Legg being lately come out of the north, and repairing to us at Whitehall; we aſked him of the ſtate of our army, (and after ſome relation made of it) he told us, that the commanders and officers of the army had a mind to petition the parliament, as others of our people had done, and ſhewed us the copy of a petition, which we read, and finding it to be very humble, deſiring the parliament might receive no interruption in the reformation of the church and ſtate, to the model of queen Elizabeth's days; we told him, we ſaw no harm in it; whereupon he replied, that he believed all the officers in the army would like it, only he thought Sir Jacob Aſhly would be unwilling to ſign it, out of fear that it might diſpleaſe us. We then read the petition over again, and then obſerving that neither in matter or form, we conceived it could poſſibly give juſt cauſe of offence, we delivered it to him again, bidding him give it to Sir Jacob Aſhly, for whoſe ſatisfaction we had written C. R. upon it, to teſtify our approbation; and we wiſh that the petition might be ſeen and publiſhed, and then we believe it will appear no dangerous one, nor a juſt ground for the leaſt jealouſies or miſapprehenſion (5).

Rem. (5). If we compare what the king ſays here of the contents of this petition, with that inſerted by the lord Clarendon in his Hiſtory, we ſhall find the lord Clarendon's petition cannot be the ſame as that ſigned by the king with C. R. The king's word muſt be taken, to believe that this petition had nothing in it prejudicial to the parliament. For hitherto it has never appeared.

'For Mr. Jermyn, it is well known that he was gone from Whitehall, before we received the deſires of both houſes for the reſtraint of our ſervants, neither returned he thither, or paſſed over by any warrant granted by us after that time (*6*).

Rem. (*6*). It is certain, Jermyn went beyond ſea by the king's warrant. It may be, the king had granted the warrant before he received the parliament's petition; but the parliament pretended the warrant was antedated.

'For the breach of privilege in the accuſation of the lord Kimbolton, and the five members of the houſe of commons, we thought we had given ſo ample ſatisfaction in our ſeveral meſſages to that purpoſe, that it ſhould be no more preſſed againſt us; being confident, if the breach of privilege had

1641-2. been greater than ever before offered, our acknowledgment and retraction hath been greater than ever king hath given; beſides the not examining how many of our privileges have been invaded in defence and vindication of the other, and therefore we hoped our true and earneſt proteſtation in our anſwer to your order concerning the militia, would ſo far have ſatisfied you of our intentions then, that you would no more have entertained any imagination of any other deſign than we there expreſſed (7).

Rem. (7). The king was much miſtaken in imagining that bare proteſtations were capable of ſatisfying the parliament of the ſincerity of his intentions; nay, the very declaration he was anſwering, might have convinced him of the contrary, ſince it was there ſaid, in plain terms, his word was not to be relied upon.

'But why the liſting of ſo many officers, and entertaining them at Whitehall, ſhould be miſ-conſtrued, we much marvel, when it is notoriouſly known, the tumults at Weſtminſter were ſo great, and their demeanors ſo ſcandalous and ſeditious, that we had good cauſe to ſuppoſe our own perſon, and thoſe of our wife aad children to be in apparent danger, and therefore we had great reaſon to appoint a guard about us, and to accept the dutiful tender of the ſervices of any of our loving ſubjects, which was all we did to the gentlemen of the Inns of Court.

'For the lord Digby, we aſſure you in the word of a king, that he had not our warrant to paſs the ſeas, and had left our court before we ever heard of the vote of the houſe of commons, or had any cauſe to imagine, that his abſence would be excepted againſt.

'What your advertiſements are from Rome, Venice, Paris, and other parts, or what the pope's nuncio ſollicits the kings of France or Spain to do, or from what perſons ſuch informations come to you, or how the credit and reputation of ſuch perſons have been ſifted and examined, we know not; but are confident, no ſober honeſt man in our kingdoms can believe, that we are ſo deſperate, or ſo ſenſeleſs to entertain ſuch deſigns, as would not only bury this our kingdom in ſudden diſtraction and ruin, but our own name and poſterity in perpetual ſcorn and infamy; and therefore we could have wiſhed, that in matters of ſo high and tender a nature (wherewith the minds of our good ſubjects muſt needs be ſtartled) all the expreſſions were ſo plain and eaſy, that nothing might ſtick with them with reflection upon us, ſince you thought fit to publiſh it all.

'And having now dealt thus plainly and freely with you by way of anſwer to the particular grounds of your fears; we hope, (upon a due conſideration, and weighing both together) you will find not the grounds to be of that moment to beget, or longer to continue a miſunderſtanding betwixt us, or force you to apply yourſelves to the uſe of any other power than what the law hath given you, the which we always intend ſhall be the meaſure of our own power, and expect it ſhall be the rule of our ſubjects obedience.

‘Concerning our fears and jealouſies; as we had no intention of accuſing you, ſo are we ſure no words ſpoken by us (on the ſudden) at Theobalds, will bear that interpretation. We ſaid, for our reſidence near you, we wiſh it might be ſo ſafe and honourable, that we had no cauſe to abſent ourſelf from Whitehall; and how this can be a breach of privilege of parliament we cannot underſtand. We explained our meaning in our anſwer at Newmarket, at the preſentation of this declaration, concerning the printed ſeditious pamphlets and ſermons, and the great tumults at Weſtminſter; and we muſt appeal to you and all the world, whether we might not juſtly ſuppoſe ourſelf in danger of either: And if we were now at Whitehall, what ſecurity have we that the like ſhall not be again, eſpecially if any delinquents of that nature have been apprehended by the miniſters of juſtice, and being reſcued by the people, and ſo as yet eſcape unpuniſhed? If you have not been informed of the ſeditious words uſed in, and the circumſtances of thoſe tumults, and will appoint ſome way for the examination of them, we will require ſome of our learned council to attend with ſuch evidence as may ſatisfy you, and till that be done, or ſome other courſe be taken for our ſecurity, you cannot (with reaſon) wonder that we intend not to be, where we moſt deſire to be.

‘And can there yet want evidence of our hearty and importunate deſire to join with our parliament and all our faithful ſubjects, in defence of the religion and publick good of the kingdom? Have we given you no other earneſt but words, to ſecure you of theſe deſires? The very remonſtrance of the houſe of commons (publiſhed in November laſt) of the ſtate of the kingdom, allows us a more real teſtimony of our good affections, than words: That remonmonſtrance valued our acts of grace and juſtice (8) at ſo high a rate, that it declared the kingdom to be then a gainer, tho' it charged itſelf by bills of ſubſides, and poll-money, with the levy of 600,000 pounds, beſides the contracting of a debt to our Scotch ſubjects of 220,000 pounds (9).

Rem. (8). Hitherto the king had ſpoken of his aſſent to the acts of this parliament, but as acts of grace. He began in this paper to add, of juſtice.

Rem. (9). It is true the nation had been great gainers by theſe acts of grace and juſtice. But the king could not repreſent as a convincing proof of his love for his people, his conſent that the illegal taxes of his own impoſing ſhould be aboliſhed, and the monopolies authoriſed by himſelf, ſuppreſſed; eſpecially as it was not entirely in his power to refuſe his aſſent.

‘Are the bills for the triennial parliament, relinquiſhing our title of impoſing upon merchandize, and power of preſſing ſoldiers, for the taking away the ſtar-chamber, and high-commiſſion-courts, for the regulating of the council-table, but words? Are the bills for the foreſts, the ſtannery-courts, the clerk of the market, and the taking away the votes of the biſhops out of the lords houſe, but words? Laſtly, what greater earneſt of our truſt and reliance on our parliament, could or can we give, than the paſſing of a bill for the continuance of this preſent parliament? The length of which we hope will never alter the nature of parliaments, and the conſtitution of this kingdom, or invite our ſubjects ſo much to abuſe our confidence, as to eſteem any thing fit for this parliament to do, which were not, if it were in our power to diſſolve it to morrow. And after all theſe, and many other acts of grace on our part (that we might be ſure of a perfect reconciliation betwixt us and all our ſubjects) we have offered, and are ſtill ready to grant a free and general pardon, as ample as yourſelves ſhall think fit. Now if theſe be not real expreſſions of the affection of our ſoul, for the publick good of our kingdom; we muſt confeſs that we want ſkill to manifeſt them (10).

Rem. (10). A ſort of ſophiſtry runs quite through this article, conſiſting in the ſuppoſition that the king had conſented to all theſe acts, out of love and affection for his people, which few perſons believed. Beſides, all theſe acts having been made only to ſuppreſs the abuſes introduced by the king himſelf, there was no occaſion, it ſeems, to talk ſo much of them.

‘To conclude, (altho' we think our anſwer already full to that point) concerning our return to London; we are willing to declare, that we look upon it as a matter of ſo great weight, as with reference to the affairs of this kingdom, and our own inclinations and deſires, that if all we can ſay or do, can raiſe a mutual confidence (the only way with God's bleſſing to make us all happy) and by your encouragement the laws of the land, and the government of the city of London, may recover ſome life for our ſecurity, we will overtake your deſires, and be as ſoon with you as you can wiſh; and in the mean time we will be ſure that neither the buſineſs of Ireland, or any other advantage for this kingdom ſhall ſuffer through our default, or by our abſence; we being ſo far from repenting the acts of our juſtice and grace, which we have already performed to our people, that we ſhall with the ſame alacrity be ſtill ready to add ſuch new ones, as may beſt advance the peace, honour, and proſperity of this nation.'

Before the parliament received this anſwer, they ſent another petition to the king in reply to his ſudden anſwer to the declaration delivered at Newmarket. Tho' theſe anſwers and replies be long and full of repetitions, yet I think it neceſſary to inſert them at large, that the reader may be able to paſs an impartial judgment upon this quarrel. For in affairs

1641-2. of this nature, and eſpecially in this which has given birth to two parties ſtill ſubſiſting in England, there is great danger of being miſled, if the honeſty and prejudices of the hiſtorians, who are all of one or other party, be relied on. It will be better therefore to leave the reader at liberty to judge upon the parties own papers. Here follows the parliament's petition.

1642. The reply of both houſes to the king's anſwer given to their declaration. March 26. Ruſhw. Clarend.

May it pleaſe your majeſty,

‘YOUR majeſty's loyal ſubjects, the lords and commons in parliament, cannot conceive, that the declaration, which your majeſty received from us at Newmarket, was ſuch as did deſerve that cenſure, your majeſty was pleaſed to lay upon us in that ſpeech, which your majeſty made to our committees there, and ſent in writing to both houſes; our addreſs therein being accompanied with plainneſs, humility, and faithfulneſs, we thought more proper for the removing the diſtraction of the kingdom, than if we had then proceeded according to your majeſty's meſſage of the 20th of January, by which your majeſty was pleaſed to deſire, that we would declare, what we intended to do for your majeſty, and what we expected to be done for ourſelves; in both which we have been very much hindered by your majeſty's denial to ſecure us and the whole kingdom, by diſpoſing the militia as we had divers times moſt humbly petitioned; and yet we have not been altogether negligent of either, having lately made good proceedings, in preparing a book of rates, to be paſſed in a bill of tunnage and poundage; and likewiſe the moſt material heads of thoſe humble deſires, which we intended to make to your majeſty, for the good and contentment of your majeſty, and your people; but none of theſe could be perfected before the kingdom, be put into ſafety, by ſettling the militia: And until your majeſty ſhall be pleaſed to concur with your parliament in theſe neceſſary things, we hold it impoſſible for you to give the world, or your people, ſuch ſatisfaction concerning the fears and jealouſies which we have expreſſed, as we hope your majeſty hath already received, touching that exception, which you were pleaſed to make to Mr. Pym's ſpeech.

‘As for your majeſty's fears and doubts, the ground whereof is from ſeditious pamphlets and ſermons, we ſhall be as careful to endeavour the removal, as ſoon as we ſhall underſtand what pamphlets and ſermons are by your majeſty intended, as we have been to prevent all dangerous tumults. And if any extraordinary concourſe of people out of the city of Weſtminſter, had the face and ſhew of tumult and danger, in your majeſty's apprehenſion, it will appear to be cauſed by your majeſty's denial of ſuch a guard to your parliament, as they might have cauſe to confide in; and by taking into Whitehall, ſuch a guard for yourſelf, as gave juſt cauſe of jealouſy to the parliament, and of terror and offence to your people; we ſeek nothing but your majeſty's honour, and the peace and proſperity of your kingdoms; and we are heartily ſorry we have ſuch plentiful matter of an anſwer to that queſtion, Whether you had violated our laws? 1642.

‘We beſeech your majeſty to remember, that the government of this kingdom, as it was in a great part managed by your miniſters, before the beginning of this parliament, conſiſted of many continued and multiplied acts of violation of the laws; the wounds whereof were ſcarcely healed, when the extremity of all thoſe violations was far exceeded, by the late ſtrange and unheard-of breach of our laws, in the accuſation of the lord Kimbolton, and five members of the commons houſe, and in the proceedings thereupon, for which we have received no full ſatisfaction.

‘To your majeſty's next queſtion, whether you had denied any bill, for the eaſe and ſecurity of your ſubjects, we wiſh we could ſtop in the midſt of our anſwer; that with much thankfulneſs we acknowledge, that your majeſty hath paſſed many good bills, full of contentment and advantage to your people; but truth and neceſſity inforceth us to add this, that even in or about the time paſſing thoſe bills, ſome deſign or other hath been on foot; which if it had taken effect, would not only have deprived us of the fruit of thoſe bills, but have reduced us to a worſe condition of confuſion, than that wherein the parliament found us.

‘And if your majeſty had asked us the third queſtion, intimated in that ſpeech, what we had done for yourſelf? Our anſwer would have been much more eaſy, that we had paid two armies, wherewith the kingdom was burthened laſt year; and have undergone the charge of the war in Ireland, at this time, when through many other exceſſive charges and preſſures, your ſubjects have been exhauſted, and the ſtock of the kingdom very much diminiſhed; which great miſchiefs, and the charges thereupon enſuing, have been occaſioned by the evil counſels ſo powerful with your majeſty, which have, and will, coſt this kingdom more than 200,000, all which, in juſtice, ought to have been borne by your majeſty.

‘As for that free and general pardon your majeſty has been pleaſed to offer, it can be no ſecurity to our fears and jealouſies, for which your majeſty ſeems to propound it, becauſe they ariſe not from any guilt of our own actions, but from the evil deſigns and attempts of others.

‘To this our humble anſwer to that ſpeech, we deſire to add an information, which we lately received from the deputy-governor of the merchant-adventurers at Rotterdam in Holland, that an unknown perſon, appertaining to the lord Digby, did lately ſollicit one James Henely, a mariner, to go to Eleſnore, and to take charge of a ſhip in the fleet of the king of Denmark, there prepared, which he ſhould conduct to Hull, in which fleet likewiſe, he ſaid, a great army was to be tranſported: And altho' we are not apt

‘ to give credit to informations of this nature; yet we cannot altogether think it fit to be neglected, but that it may juſtly add ſomewhat to the weight of our fears and jealouſies, conſidering with what circumſtances it is accompanied, with the lord Digby's preceding expreſſions in his letter to her majeſty and Sir Lewis Dives, and your majeſty's ſucceeding courſe of withdrawing yourſelf northwards from your parliament, in a manner very ſuitable and correſpondent to that evil council, which we doubt will make much deeper impreſſion in the generality of your people; and therefore, we moſt humbly adviſe and beſeech your majeſty, for the procuring and ſettling the confidence of your parliament, and all your ſubjects, and for the other important reaſons concerning the recovery of Ireland, and ſecuring this kingdom, which have been formerly preſented to your majeſty; you will be graciouſly pleaſed (with all convenient ſpeed) to return to theſe parts, and to cloſe with the counſel and deſire of your parliament, where you ſhall find their dutiful affections and endeavours ready to attend your majeſty with ſuch entertainment, as ſhall not only give your majeſty juſt cauſe of ſecurity in their faithfulneſs, but other manifold evidences of their earneſt intentions and endeavours to advance your majeſty's ſervice, honour, and contentment, and to eſtabliſh it upon the ſure foundation of the peace and proſperity of all your kingdoms.

This petition was preſented to the king at York, the 26th of March. He had now ſent his anſwer to the declaration of both houſes, and, therefore, mentions it in his anſwer to this laſt petition.

The king's anſwer.

Ruſhw. ‘IF you would have had the patience to have expected our anſwer to your laſt declaration, (which conſidering the nature of it, hath not been long in coming) we believe you would have ſaved yourſelves the labour of ſaying much of this meſſage; and we could wiſh, that our privileges in all parts were ſo ſtated, that this way of correſpondence might be preſerved with that freedom which hath been uſed of old; for we muſt tell you, that if you may aſk any thing of us by meſſage or petition, and in what language (how unuſual ſoever) you think fit, and we muſt neither deny the thing you aſk, nor give a reaſon why we cannot grant it, without being taxed with breaking your privileges, or being counſelled by thoſe who are enemies of the peace of the kingdom, and favourers of the Iriſh rebellion (for we have ſeen your printed votes, upon our meſſage from Huntington) you will reduce all our anſwers hereafter into a very little room: In plain Engliſh, it is to take away the freedom of our vote, which were we but a ſubject were high injuſtice; but being your king, we leave all the world to judge what it is(1).

Remark (1). The parliament ſuppoſed an imminent danger, which obliged them to act in an unuſual manner, and the king ſuppoſed the government to be in its uſual and natural ſtate. This miſunderſtanding continually returns in the papers of both ſides.

‘ Is this the way to compoſe all miſ-underſtandings? We thought we ſhewed you one by your meſſage of the 20th of January; if you have a better, or a readier, we ſhall willingly hearken to it, for hitherto you have ſhewed us none: But why the refuſal to conſent to your order, (which you call a denial of the militia) ſhould be any interruption to it, we cannot underſtand; for the militia, (which we always thought neceſſary to be ſettled) we never denied the thing, (as we told you in our anſwer of the 28th of January, to the petition of the houſe of commons) for we accepted the perſons, (except for corporations) we only denied the way: You aſk it by way of ordinance, and with ſuch a preface, as we can neither with juſtice to our honour or innocence conſent to: You exclude us from any power in the diſpoſition, or execution of it, together with you, and for a time utterly unlimited. We tell you, we would have the thing done; allow the perſons (with that exception) deſire a bill, (the only good old way of impoſing on our ſubjects) we are extremely unſatiſfied what an ordinance is; but well ſatiſfied, that without our conſent it is nothing, not binding; and it is evident, by the long time ſpent in this argument, the necſſity and danger was not ſo imminent, but a bill might have well been prepared; which, if it ſhall yet be done with that due regard to us, and care of our people, in the limitation of the power, and other circumſtances, we ſhall recede from nothing we formerly expreſſed in that anſwer to your order; otherwiſe, we muſt declare to all the world, that we are not ſatiſfied with, or ſhall ever allow our ſubjects, to be bound by your printed votes of the 15th or 16th of this month, or that under pretence of declaring what the law of the land is, you ſhall without us make a new law, which is plainly the caſe of the militia; and what is this, but to introduce an arbitrary way of government? (2).

Rem. (2). It is no wonder the king and parliament could not agree upon any one thing, ſince they reaſoned upon different principles. The king ſuppoſed, that the ordering of the militia, deſired by both houſes, ought to be done after the uſual manner; whereas the parliament pretended, that the danger the kingdom was in, and of which the king was the cauſe, gave them a right to demand an extraordinary regulation, wherein the king ſhould not be concerned. On the other hand, it is manifeſt, the reſtrictions propoſed by the king in this article, left him at liberty to diſpute eternally, and to refuſe the bill which ſhould be preſented to him, unleſs it was wholly ineffectual for the deſigns of the parliament.

‘ Concerning Pym's ſpeech, you will have found, by what the lord Compton, and Mr. Bainton brought from us, in anſwer to that meſſage they brought to us, that as yet we reſt nothing ſatisfied in that particular.

‘As for the ſeditious pamphlets and ſermons, we are both ſorry and aſhamed in ſo great variety, and in which our rights, honour, and authority, are ſo inſolently ſlighted and vilified, and in which the dignity and freedom of parliament is ſo much invaded and violated, it ſhould be aſked of us to name any; the mentioning of the proteſtation proteſted, the apprentices proteſtation, to your tents O Iſrael! or any other, would be too great an excuſe for the reſt: If you think them not worth your inquiry, we have done: But we think it moſt ſtrange to be told, that our denial of a guard, (which we yet never denied, but granted in another manner, and under a command that time moſt accuſtomed in the kingdom,) or the denial of any thing elſe, (which is in our power legally to deny) which in our underſtanding (of which God hath ſurely given us ſome uſe) is not fit to be granted, ſhould be any excuſe for ſo dangerous a concourſe of people; which, not only in our apprehenſion, but (we believe) in the interpretation of the law itſelf, hath always held moſt tumultuous and ſeditious. And we moſt wonder what, and from whence come the inſtructions and informations that thoſe people have, who can ſo eaſily think themſelves obliged by the proteſtation, to aſſemble in ſuch a manner, for the defence of privileges, which cannot be ſo clearly known to any of them, and ſo negligently paſs over the conſideration, and defence of our rights, ſo beneficial and neceſſary for themſelves, and ſcarce unknown to any of them, which by their oaths of allegiance and ſupremacy, (and even by the ſame proteſtation) they are at leaſt equally obliged to defend. And what interruptions ſuch kind of aſſemblies may be to the freedom of future parliaments, (if not ſeaſonably diſcountenanced and ſuppreſſed) we muſt adviſe you to conſider, as likewiſe whether both our powers may not by ſuch means be uſurped, by hands not truſted by the conſtitution of this kingdom. For our guard, we refer you to our anſwer to that declaration.

‘By that queſtion of violating your laws; by which we endeavoured to expreſs our care and reſolution to obſerve them; we did not expect you would have been invited to have looked back ſo many years, for which you have had ſo ample reparation: Neither looked we to be reproached with the actions of our miniſters (then againſt the laws) whilſt we expreſs ſo great a zeal for the preſent defence of them, it being our reſolution, upon obſervation of the miſchief which then grew by arbitrary power, (tho' made plauſible to us by the ſuggeſtions of neceſſity and imminent danger; and take you heed you fall not into the ſame error upon the ſame ſuggeſtions) hereafter to keep the rule ourſelf, and to our power require the ſame from all others (3): But above all, we muſt be moſt ſenſible of what you caſt upon us, for requital of thoſe good bills you cannot deny. We have denied any ſuch deſign, and as God almighty muſt judge in that point between us, who knows our upright intentions at the paſſing thoſe laws: So, in the mean time, we defy the devil to prove, that there was any deſign (with our knowledge or privity) in or about the time of paſſing thoſe bills, that had it taken effect, could have deprived our ſubjects of the fruit of them: And therefore we demand full reparation in this point, that we may be cleared in the ſight of all the world, and chiefly in the eyes of our loving ſubjects, from ſo notorious and falſe an imputation as this is.

Rem. (3). Thoſe that undertake to vindicate king Charles's government, during the firſt 15 years of his reign, do more than ever he pretended to do himſelf, as appears by this clauſe of his anſwer.

‘We are far from denying what you have done; for we acknowledge the charge our people have ſuſtained in keeping the two armies, and in relieving Ireland, of the which we are ſenſible, that in regard of thoſe great burthens our people have undergone, we have, and do patiently ſuffer thoſe extreme perſonal wants, as our predeceſſors have been ſeldom put to, rather than we would preſs upon them; which we hope (in time) will be conſidered on your parts (4).

Rem. (4). The king gloried in having ſuffered patiently, ſince this parliament, perſonal wants, which it had not been in his power to help.

‘In our offer of a general pardon, our intent was to compoſe and ſecure the general condition of our ſubjects, conceiving, that in theſe times of great diſtractions, the good laws of the land have not been enough obſerved; but it is a ſtrange world, when princes proffered favours are accounted reproaches; yet if you like not this our offer, we have done.

‘Concerning any diſcourſes of foreign forces, tho' we have given you a full anſwer in ours to your laſt declaration, yet we muſt tell you, we have neither ſo ill an opinion of our own merit, or the affections of our good ſubjects, as to think ourſelf in need of any foreign force to preſerve us from oppreſſion, (and we ſhall not need for any other purpoſe) but are confident (through God's providence) not to want the good wiſhes and aſſiſtance of the whole kingdom, being reſolved to build upon that ſure foundation, the law of the land. We take it very ill, that any general diſcourſes between an unknown perſon and a mariner, or inferences upon letters, ſhould be able to prevail in matters ſo improbable in themſelves, and ſcandalous to us; for which we cannot but likewiſe aſk reparation, not only for the vindicating of our own honour, but alſo thereby to ſettle the minds of our ſubjects, whoſe fears and jealouſies would ſoon vaniſh, were they not fed and maintained by ſuch falſe and malicious rumours as theſe.’

‘For our return to our parliament, we have ‘given you a full anſwer in ours to your declaration, and you ought to look on us as not gone, but driven (we ſay not by you, yet) from you. And if it be not ſo eaſy for you to make our reſidence in London ſo ſafe as we could deſire, we are, and will be contented, that our parliament be adjourned to ſuch a place, where we may be fitly and ſafely with you. For altho' we are not pleaſed to be at this diſtance, yet ye are not to expect our preſence, until ye ſhall both ſecure us, concerning our juſt apprehenſions of tumultuary inſolencies; and likewiſe give us ſatisfaction for thoſe inſupportable and inſolent ſcandals that are raiſed upon us (5).

REM. (5). The king took care not to return to London, at a time when he was going to try to ſecure Hull. The terms he required for his return were ſo undeterminate, that they would have afforded room for a long diſpute.

‘To conclude, as we have, or ſhall not refuſe any way agreeable to juſtice or honour, which ſhall be offered to us for the begetting a right underſtanding between us; ſo we are reſolved, that no ſtraits or neceſſities (to which we may be driven) ſhall ever compel us to do that, which the reaſon and underſtanding that God hath given us, and our honour and intereſt, with which God hath truſted us for the good of our poſterity and kingdom, ſhall render unpleaſant and grievous unto us.

‘And we aſſure you that (how meanly ſoever you are pleaſed to value the diſcharge of our publick duty) we are ſo conſcious to ourſelf of having done our part ſince this parliament, that in whatſoever condition we now ſtand, we are confident of the continued protection of almighty God, and the conſtant gratitude, obedience and affection of our people, and we ſhall truſt God with all.'

All theſe papers were not capable of obliging the king or the parliament to alter their meaſures. The parliament was reſolved to diveſt the king of the command of the militia, and the king was as fully determined not to give up that point.

Both houſes name the earl of Warwick to command the fleet. March 28. Clarend.

After this anſwer, both houſes ſent a meſſage to the king, directing the lord-keeper to incloſe it in a letter to the ſecretary attending his majeſty at York, to inform him that the lord admiral's indiſpoſition diſabling him for commanding the fleet in his own perſon, they had recommended to his lordſhip the earl of Warwick to ſupply his place. But underſtanding ſince that his majeſty had appointed for that employment Sir John Pennington, they beſought him not to prefer this laſt to the earl of Warwick.

He is received againſt the king's will. March 31.

The king was very angry at this meſſage, which was not by way of petition or declaration, and ſent the lord-keeper word, that his reſolution was not to alter the perſon whom he had appointed. But he was not maſter; for, by the connivance of Algernoon Percy, earl of Northumberland, who was lord-admiral, Robert Rich, earl of Warwick, was acknowledged commander of the fleet, againſt the king's will.

Paper publiſhed touching the militia. Ruſhw.

About the ſame time a paper was diſperſed, wherein the author examined, “How laws are to be underſtood, and obedience yielded? A queſtion neceſſary for the preſent ſtate of things touching the militia. His majeſty (ſays he) is intruſted by law with the militia; but it is for the good and preſervation of the people, and not againſt them. So that when there is a well-grounded ſuſpicion that the king intends to employ the militia againſt the people, he is not to be obeyed, for it is not likely that the intent of the law is to inveſt the king with a power to be uſed againſt his ſubjects.” This is the ſum of the author's reaſoning, which was properly that of both houſes. The king having peruſed this paper, ſent a meſſage to the lords to require them to find out the author of ſo pernicious a doctrine, and puniſh him according to his deſerts. But he objected nothing in particular againſt the author's principles and arguments.

Whilſt the affair of the militia was in agitation, the king came to the gates of Hull with ſome troops; but Sir John Hotham denied him admittance, as will be ſeen preſently. It is eaſy to judge, this proceeding of the king ſerved not to remove the parliament's fears and ſuſpicions, and the rather as having paſſed a bill for ſettling the militia, as the king deſired, this bill had been rejected. The affair of Hull happening ſoon after, the parliament thought there was no more ceremony to be uſed, imagining the king ſought only to amuſe them, and make them loſe time. In the interim, the king, five or ſix days after his diſappointment at Hull, ſent a meſſage to the parliament, dated April the 28th, containing his reaſons for not conſenting to the militia-bill, which had been preſented to him. The meſſage was expreſſed in the following manner:

The king rejects the militia-bill.

The king's meſſage to both houſes of parliament. April 28. Ruſhw. Clarend.

‘WE have with great deliberation and patience weighed and conſidered (it concerning us much to weigh the conſequences of every law before we paſs it) your bill lately ſent to us, for the ſettling of the militia; and tho' it hath not been uſual to give any reaſons for our refuſal to paſs any bill (it being abſolutely in our power to paſs or not paſs, any act ſent unto us by you, if we conceive it prejudicial to ourſelf, or inconvenient for our ſubjects, for whom we are truſted, and muſt one day give an account;) yet in this buſineſs of the militia, which being miſunderſtood amongſt our good ſubjects, hath been uſed as an argument, as if we were not vigilant enough for the publick ſafety: And leaſt we ſhould be thought leſs conſtant in our reſolutions, and this bill to be the ſame we ſent unto you; we have thought fit to give you and all the world particular ſatisfaction, why we muſt not, ought not, cannot paſs this bill, being the firſt publick bill, to our remembrance, we have refuſed this parliament; and therefore we muſt complain, that having expreſſed ourſelf ſo clearly and particularly to you in this point, you ſhould preſs any thing upon ‘us, which you could not but foreſee that we muſt refuſe, except we departed from thoſe reſolutions, grounded upon ſo much reaſon, which we had ſo earneſtly before acquainted you with, and againſt which you have not given one argument to ſatisfy our judgment.

‘We are pleaſed that you have declined the unwarrantable courſe of your ordinance, (to the which we are confident our good ſubjects would never have yielded conſent) and choſen this only right way of impoſing on our people, which we would have allowed, but for the reaſons hereafter mentioned.

‘We refuſed to conſent to your ordinance, as for other things, ſo for that the power was put into the perſons nominated therein by direction of both houſes of parliament, excluding us from any power in the diſpoſition or execution of it together with you. We then adviſed you for many reaſons, that a bill ſhould be prepared, and after, in our anſwer of the 26th of March laſt to the petition of both houſes, we told you, if ſuch a bill ſhould be prepared with that due regard to us, and care of our people in the limitation of the power, and other circumſtances, we ſhould recede from nothing we formerly expreſſed (1).

REMARK (1). Whether the king was in the right or in the wrong concerning the affair of the militia, it is certain his deſign at firſt was only to amuſe the parliament, and this is what he ſtrives to conceal in this article.

‘What paſſed (enough to have diſcouraged us from being farther ſollicitous in that argument) after our full and gracious anſwers, we are content to forget. When we reſolved of our journey into Ireland, (ſo that by reaſon of our abſence there might be no want of ſettling that power) beſides complying with your fears, we ſent, together with a meſſage of that our purpoſe, a bill for the ſettling that power for a year, hoping in that time to return to you; and being ſure that in much leſs time you might do the buſineſs for which you ſeemed at firſt to deſire this, which was, that you might ſecurely conſider our meſſage of the 20th of January laſt. By that bill we conſented to thoſe names which were propoſed in your ordinance, and in the limitation of the power, provided that ourſelf ſhould not be able to execute any thing but by your advice, and when we ſhould be out of the kingdom, the ſole execution to be in you; with many other things of ſo arbitrary and uncircumſcribed a power, that we ſhould not have conſented to, but with reference to the abſence of our own perſon out of the kingdom, and thought it the more ſufferable, in reſpect the time was but for a year. Whether this be the bill you have now ſent to us to paſs, let all the world judge (2).

Clarend.

REM. (2). The lord Clarendon freely owns, that the king's offer to go into Ireland was all a ſtratagem. Since, therefore, the king had no deſign to go thither, it follows, that the bill he had ſent to both houſes, and which he pretended he ſhould not have conſented to, but with reference to his abſence, was no more than an amuſement. We ſee here, that the general limitations he had annexed to his firſt engagement, were not without deſign. He knew how to particulariſe them in the bill, he ſent to the parliament, and was very ſenſible it would not be received with all theſe reſtrictions. Thus his view in this clauſe was only to colour the pretence he had uſed in his firſt promiſe concerning the militia.

‘You have by this bill now tendered to us, (without taking notice of us) put the power of the whole kingdom, the life and liberties of the ſubjects of all degrees and qualities, into the hands of particular men for two years. Can you imagine we will truſt ſuch an abſolute power in the hands of particular perſons, which we refuſed to commit to both houſes of parliament? Nay, is not the power itſelf too abſolute, too unlimited to be committed to any private hands? Hath not Sir John Hotham's high inſolence ſhewed us, what we may expect from an exorbitant legal power, when he by a power not warranted by law, dares venture upon a treaſonable diſobedience? (3). But we would willingly know, (and indeed ſuch an account in ordinary civility we might have expected) why we are by this act abſolutely excluded from any power or authority in the execution of this militia. Sure your fears and jealouſies are not of ſuch a nature, as are capable of no other remedy, than by leaving us no power in a point of the greateſt importance, in which God and the law hath truſted us ſolely, and which we are contented to ſhare with you by our bill, by putting it, and a greater, into the hands of particular ſubjects? What would all Chriſtian princes think of us, after we had paſſed ſuch a bill? How would they value our ſovereignty? And yet ſure our reputation with foreign princes, is ſome ground of your ſecurity; nay, we are confident, by that time you have thoroughly conſidered the poſſible conſequence of the bill upon yourſelves, and the reſt of our good ſubjects, you and they will give us thanks for not conſenting to it, finding their condition (had it paſſed) not to have been ſo pleaſing unto them. We hope this animadverſion will be no breach of your privileges in this throng of buſineſs, and diſtemper of affections; it is poſſible that ſecond thoughts may preſent ſomething to your conſideration, which eſcaped you before.

REM. (3). It was but five or ſix days ſince Sir John Hotham denied him entrance into Hull.

‘We paſſed this parliament, at your entreaty, a bill concerning the captives of Algier, and waved many objections of our own to the contrary, upon information, that the buſineſs had been many months conſidered by you. Whether it prove ſuitable to your intentions, or whether you have not by ſome private order ſuſpended that act of parliament, upon view of the miſtakings, you

‘ beſt know; as likewiſe, what other great alterations you have made in other bills paſſed this ſeſſion. We cannot paſs over the putting their names out of this bill, whom before you recommended to us in your ordinance, it ſeems, not thinking fit to truſt thoſe who would obey no guide but the law of the land, (we imagine you would not wiſh we ſhould in our eſtimation of others follow that your rule;) and the leaving out by ſpecial proviſion the preſent lord-mayor of London, as a perſon in your disfavour; whereas we muſt tell you, his demeanour hath been ſuch, that the city and the whole kingdom is beholding to him for his example (4).

REM. (4). It was Sir Richard Gurney that was then lord-mayor of London, and entirely devoted to the king.

‘ To conclude, we do not find ourſelf poſſeſſed with ſuch an exceſs of power, that it is fit to transfer, or conſent it ſhould be in other perſons, (as is directed by the bill;) and therefore we ſhall rely upon that royal right and juriſdiction which God and the law hath given us, for the ſuppreſſing of rebellion, and reſiſting foreign invaſion, which hath preſerved this kingdom in the time of all our anceſtors, and which, we doubt not, but we ſhall be able to execute; and, not more for our own honour and right, than for the liberty and ſafety of our people, we cannot conſent to paſs this bill.

The declaration of the lords and commons concerning his majeſty's laſt meſſage about the militia.

Ruſhw.

‘ THE lords and commons holding it neceſſary for the peace and ſafety of this kingdom, to ſettle the militia thereof, did, for that purpoſe, prepare an ordinance of parliament, and with all humility did preſent the ſame to his majeſty for his royal aſſent; who, notwithſtanding the faithful advice of his parliament, and the ſeveral reaſons offered by them of the neceſſity thereof, for the ſecuring of his majeſty's perſon, and the peace and ſafety of his people, did refuſe to give his conſent; and thereupon they were neceſſitated, in diſcharge of the truſt repoſed in them, as the repreſentive body of the kingdom, to make an ordinance by authority of both houſes, to ſettle the militia warranted thereunto by the fundamental laws of the land (1).

REMARK (1). This fundamental law was no other than the law of nature, which allows every man to provide for his own defence when he ſees himſelf expoſed to danger, and ſuch was the caſe the parliament ſuppoſed themſelves in; for, otherwiſe, there was no poſitive law which gave this power to the two houſes of parliament.

‘ His majeſty taking notice thereof, did by ſeveral meſſages invite them to ſettle the ſame by act of parliament; affirming, in his majeſty's meſſage ſent in anſwer to the petition of both houſes preſented to his majeſty at York, March 26, that he always thought it neceſſary the ſame ſhould be ſettled, and that he never denied the thing, only denied the way; and for the matter of it, took exceptions only to the preface, as a thing not ſtanding with his honour to conſent to, and that himſelf was excluded in the execution, and for a time unlimited: Whereupon the lords and commons, being deſirous to give his majeſty all ſatisfaction that might be, even to the leaſt tittle of form and circumſtance; and when his majeſty was pleaſed to offer them a bill ready drawn, did, for no other cauſe, than to manifeſt their hearty affection to comply with his majeſty's deſires, and obtain his conſent, entertain the ſame; in the mean time no way declining their ordinance, and to expreſs their earneſt zeal to correſpond with his majeſty's deſire, (in all things that might conſiſt with the peace and ſafety of the kingdom, and the truſt repoſed in them) did paſs that bill, and therein omitted the preamble inſerted before the ordinance, limited the time to leſs than two years, and confined the authority of the lieutenants to theſe three particulars, namely, rebellion, inſurrection and foreign invaſion, and returned the ſame to his majeſty for his royal aſſent; but all theſe expreſſions of affection and loyalty, all thoſe deſires and earneſt endeavours to comply with his majeſty, hath (to their great grief and ſorrow) produced no better effect than an abſolute denial, even of that which his majeſty by his former meſſages, as we conceive, had promiſed; the advice of evil and wicked councils receiving ſtill more credit with him than that of his great council of parliament, in a matter of ſo high importance, that the ſafety of his kingdom, and the peace of his people depends upon it (2).

REM. (2). If the king on his part ſuppoſed the government to be in its natural ſtate, and that conſequently he ought to enjoy all his prerogatives, the parliament made here a ſuppoſition which was not liable to fewer objections. That is, in the preſent juncture, the king ought to conſider them as his great council, and be guided by their directions.

‘ But now what muſt be the exceptions to this bill? Not any, ſure, that were to the ordinance; for a care was taken to give ſatisfaction in all theſe particulars. Then the exception was, becauſe that the diſpoſing and execution thereof was referred to both houſes of parliament, and his majeſty excluded; and now that by the bill the power and execution is aſcertained, and reduced to particulars, and the law of the realm made the rule thereof, his majeſty will not truſt the perſons. The power is too great, too unlimited to truſt them with (3).

REM. (3). The parliament pretends to ſhew here that they had regarded the king's complaints, and yet the king had refuſed to paſs the bill. They own that one of his majeſty's complaints againſt the ordinance was his being wholly excluded from having any thing to do in ſettling the militia. To ſhew, therefore, that the king had reaſon to be ſatisfied with the bill, it ſhould have been ſaid, " And "now that by the bill he is joined in the execution with the two houſes." But inſtead of this, they ſay, "And now that the execution is aſcertained, and the law of the realm made the rule." It is eaſy to ſee that this is not the direct contrary to the king's complaint.

'But what is that power? Is it any other, but in expreſs terms to ſuppreſs rebellion, inſurrection, and foreign invaſion? And who are thoſe perſons? Are they not ſuch as were nominated by the great council of the kingdom, and aſſented to by his majeſty? And is it too great a power to truſt thoſe perſons with the ſuppreſſion of rebellion, inſurrection, and foreign invaſion? Surely the moſt wicked of them that adviſed his majeſty to this anſwer, cannot ſuggeſt, but that it is neceſſary for the ſafety of his majeſty's royal perſon, and the peace of the kingdom, ſuch a power ſhould be put in ſome hands, and there is no pretence of exception to the perſons: His majeſty, for the ſpace of above 15 years together, thought not a power far exceeding this to be too great to intruſt particular perſons with, to whoſe will the lives and liberties of his people by martial laws were made ſubject; for ſuch was the power given to lord-lieutenants and deputy-lieutenants in every county of this kingdom, and that without the conſent of his people, or authority of law; but now in caſe of extreme neceſſity, upon advice of both houſes of parliament, for no longer ſpace than two years, a leſſer power, and that for the ſafety of the king and people, is thought too great to truſt particular perſons with, tho' named by both houſes of parliament, and approved of by his majeſty himſelf. And ſurely, if there be a neceſſity to ſettle the militia (which his majeſty was pleaſed to confeſs) the perſons cannot be truſted with leſs power than this, to have it at all effectual: And the precedents of former ages, when there happened a neceſſity to raiſe ſuch a power, never ſtraitened that power to a narrow compaſs; witneſs the commiſſions of array in ſeveral kings reigns, and often iſſued out by the conſent and authority of parliament. The lords and commons therefore, intruſted with the ſafety of the kingdom, and peace of the people (which they call God to witneſs is their only aim) finding themſelves denied theſe their ſo neceſſary and juſt demands, and that they can never be diſcharged before God and man, if they ſhould ſuffer the ſafety of the kingdom, and peace of the people, to be expoſed to the malice of the malignant party at home, or the fury of enemies from abroad; and knowing no other way to encounter the imminent and approaching danger, but by putting the people into a fit poſture of defence, do reſolve to put their ſaid ordinance in preſent execution, and do require all perſons in authority, by virtue of the ſaid ordinance, forthwith to put the ſame in execution, and all others to obey it, according to the fundamental laws of the kingdom in ſuch caſes, as they tender the upholding of the true Proteſtant religion, the ſafety of his majeſty's perſon, and his royal poſterity, the peace of the kingdom, and the being of this commonwealth.

His majeſty's anſwer to the parliament's declaration.

Ruſhw. Clarend.

'WE very well underſtand how much it is below the high and royal dignity, (wherein God hath placed us) to take notice, much more to trouble ourſelf with anſwering thoſe many ſcandalous, ſeditious pamphlets, and printed papers, which are ſcattered with ſuch great licenſe throughout the kingdom, (notwithſtanding our earneſt deſire, ſo often in vain preſſed for a reformation) tho' we find it evident, that the minds of many of our weak ſubjects have been, and ſtill are, poiſoned by thoſe means, and that ſo general a terror hath poſſeſſed the minds and hearts of all men, that while the preſſes ſwarm, (and every day produceth new tracts againſt the eſtabliſhed government of the church and ſtate) moſt men want the courage, or the conſcience, to write, or the opportunity and encouragement to publiſh, ſuch compoſed, ſober animadverſions, as might either preſerve the minds of our good ſubjects from ſuch infection, or reſtore and recover them when they are ſo infected; but we are contented to let ourſelf fall to any office, that may undeceive our people, and to take more pains this way by our own pen, than ever king hath done, when we find any thing that ſeems to carry the authority or reputation of either, or both houſes of parliament, and will not have the ſame refuted, or diſputed, by common and vulgar pens, till we are thoroughly informed, whether thoſe acts have in truth, that countenance and warrant they pretend; which regard of ours, we doubt not but in time, will recover that due reverence, (the abſence whereof we have too much reaſon to complain of) to our perſon, and our meſſages, which in all ages hath been paid, (and no doubt is due) to the crown of England.

'We have therefore taken notice of a printed paper, intituled, "A declaration of both houſes of parliament, in anſwer to our laſt meſſage concerning the militia," publiſhed by command; the which we are unwilling to believe, (both for the matter of it, the expreſſions in it, and the manner of publiſhing it,) can reſult from the conſent of both houſes; neither do we know, by what lawful command ſuch uncomely, irreverent mention of us, can be publiſhed to the world. And tho' declarations of this kind have of late, (with too much boldneſs) broken in upon us, and the whole kingdom, when one, or both houſes, have thought fit to communicate their counſels and reſolutions to the people; yet we are unwilling to believe, that ſuch a declaration as this, ſhould be publiſhed in anſwer to our meſſage, without vouchſafing at leaſt to ſend it to us as their anſwer. Their buſineſs, for which they are met by our writ and authority, being to counſel us, for the good of our people, not to write againſt us to our people, and no conſent of ours, for their long continuing together, enabling them to do any, thing, but what they were firſt ſummoned by our writ to do. At leaſt, we will believe, though miſ-underſtanding and jealouſy, (the juſtice of God will overtake the fomenters of that jealouſy, and the promoters and contrivers of that miſ-underſtanding) might produce, (to ſay no worſe) thoſe very untoward expreſſions, that if thoſe houſes had contrived that declaration, as an anſwer to our meſſage, they would have vouchſafed ſome anſwer to the queſtion propoſed in ours; which we profeſſed did, and muſt evidently, prevail over our underſtanding; and in their wiſdom and gravity, they would have been ſure to have ſtated the matters of fact, as (at leaſt to ordinary underſtanding) might be unqueſtionable, neither of which is done by that declaration.

‘We deſire to know, why we were by that act abſolutely excluded from any power or authority in the execution of the militia; and we muſt appeal to all the world, whether ſuch an attempt be not a greater and juſter ground for fear and jealouſy in us, than any one that is avowed for thoſe deſtructive fears and jealouſies, which are ſo publickly owned, almoſt to the ruin of the kingdom. But we have been told, that “we muſt not be jealous of our great council of both houſes of parliament;” we are not, no more than they are of us, their king; and as hitherto they have not avowed any jealouſy of, or diſaffection to, our perſon; imputed all to our evil counſellors, to a malignant party, that are not of their minds; ſo we do, (and we do it from our ſoul) profeſs no jealouſy of our parliament, but ſome turbulent, ſeditious, and ambitious natures, which (being not ſo clearly diſcerned) may have an influence, even upon the actions of both houſes. And if this declaration hath paſſed by ſuch conſent which we are not willing to believe) it is not impoſſible, but that the apprehenſion of ſuch tumults, which have driven us from the city of London, for the ſafety of our perſon, may make ſuch an impreſſion in other men, (not able to remove from the danger) to make their conſent, or not to own a diſſent in matters not agreeable to their conſcience or underſtanding.

‘We mentioned, in that our anſwer, our diſlike of the putting their names out of the bill, whom before they recommended to us, in their pretended ordinance; and the leaving out, by ſpecial proviſion, the preſent lord-mayor of London; to all which, the declaration affords no anſwer to that our meſſage, and therefore we cannot ſuppoſe it was intended for an anſwer to that our meſſage; which, whoſoever looks upon, will find to be in no degree anſwered by that declaration.

‘But it informs all our ſubjects, after the mention with what humility the ordinance was prepared, and preſented to us, (a matter very evident in the petitions and meſſages concerning it) and our refuſal to give our conſent, notwithſtanding the ſeveral reaſons offered of the neceſſity thereof, for the ſecuring of our perſon, and the peace and ſafety of our people, (whether any ſuch reaſons were given, the weight of them, and whether they were not clearly and candidly anſwered by us, the world will eaſily judge) and that they were at laſt neceſſitated to make an ordinance by authority of both houſes to ſettle the militia, warranted thereunto by the fundamental laws of the land. But if that declaration had indeed intended to have anſwered us, it would have told our good ſubjects, what thoſe fundamental laws of the land are, and where to be found; and would at leaſt have mentioned one ordinance, from the firſt beginning of parliaments to this preſent parliament, which endeavoured to impoſe any thing upon the ſubjects, without the king's conſent; for of ſuch, all the enquiry we can make could never produce us one inſtance (1).

REMARK (1). The king and the parliament equally abuſed the term, fundamental law. The parliament gave the name of fundamental law to the truſt placed in them by the people, which obliged the two houſes to take care of the publick ſafety, when the kingdom was in danger, which was not properly a law. The king, on his ſide, would own none for fundamental, but poſitive, expreſs, and particular laws upon the caſe in queſtion, and required ſuch to be produced. It is eaſy for unbiaſſed perſons to ſolve this difficulty. If it is ſuppoſed with the parliament, that the king intended to eſtabliſh an arbitrary government, it is certain the parliament had a right to oppoſe it, by vertue of the truſt put in them by the people, and as the repreſentative body of the nation; and in ſuch caſe it might be ſaid, they were ſupported by a fundamental law, or ſomething equivalent. But if it is ſuppoſed with the king, that the government was in its ordinary and natural ſtate, and there was no reaſon to ſuſpect him, it is certain, the parliament had no right to meddle with the militia, without the king's conſent. The whole conſiſts therefore in the truth or falſehood of theſe two ſuppoſitions.

‘And if there be ſuch a ſecret of the law, which hath lain hid from the beginning of the world to this time, and now is diſcovered to take away the juſt, legal power of the king, we wiſh there be not ſome other ſecret (to be diſcovered when they pleaſe) for the ruin and deſtruction of the liberty of the ſubject; for, no doubt, if the votes of both houſes have any ſuch authority to make a new law, it hath the ſame authority to repeal the old, and then what will become of the long eſtabliſhed rights and liberties of the king and ſubject, and, particularly, of Magna Charta, will be eaſily diſcerned by the moſt ordinary underſtanding (2).

Rem. (2). Never were the liberties of the people in more danger of being deſtroyed than in the reign of Charles I, notwithſtanding Magna Charta, and the laws of the land; ſo, that whatever the king ſaid againſt the parliament, was no leſs ſtrong againſt himſelf. Beſides, his reaſoning could ſubſiſt but in vertue of the ſuppoſition mentioned in the foregoing article, which was very far from being proved.

‘It is true, we did (out of the tenderneſs of the conſtitution of the kingdom, and care of the law which we are bound to defend, and being moſt aſſured of the unjuſtifiableneſs of the pretended ordinance) invite and deſire both our houſes of parliament, to ſettle whatſoever ſhould be fit of that nature by act of parliament; but were we therefore obliged to paſs whatſoever ſhould be brought to us of that kind? We did ſay, in our anſwer to the petition of both houſes, preſented to us at York the 26th of March laſt, (and we have ſaid the ſame in other meſſages before) that we always thought it neceſſary, the buſineſs of the militia ſhould be ſettled, and that we never denied the thing, only denied the way; and we ſay the ſame ſtill, ſince the many diſputes and votes upon lord-lieutenants and their commiſſions (which were begun by us or our father) had ſo diſcountenanced that authority, which for many years together was happily looked upon with reverence and obedience by the people. We did, and do think it very neceſſary, that ſome wholeſome law be provided for that buſineſs; but we declared, in our anſwer to the pretended ordinance, we expected that that neceſſary power ſhould be firſt inveſted in us, before we conſented to transfer it to other men (3): Neither could it ever be imagined, that we could conſent, that a greater power ſhould be in the hands of a ſubject, than we were thought worthy to be truſted with ourſelf. And if it ſhall not be thought fit to make a new act or declaration in this point, we doubt not but we ſhall be able to grant ſuch commiſſions, which ſhall very legally enable thoſe we truſt, to do all offices for the peace and quiet of the kingdom, if any diſturbance ſhall happen.

Rem. (3). There was no occaſion to inveſt the king with power to ſuppreſs rebellions and inſurrections, and repel invaſions, in order to his transferring that power to others, ſince he was of courſe inveſted with it. But the king endeavours to colour his denial by repreſenting that power as exorbitant.

‘But that declaration ſaith, we were pleaſed to offer them a bill ready drawn; and that the (to expreſs their earneſt zeal to correſpond with our deſire) “did paſs that bill; yet all that expreſſion of affection and loyalty, all that earneſt deſire of theirs to comply with us, produced no better effect than an abſolute denial, even of what by our former meſſages (as that declaration conceives) we had promiſed;” and ſo proceeds (under the pretence of mentioning evil and wicked councils) to cenſure and reproach us, in a dialect, that we are confident our good ſubjects will read with much indignation on our behalf. But ſure, if that declaration had paſſed the examination of both houſes of parliament, they would never have affirmed, that the bill we refuſed to paſs was the ſame we ſent to them, or have thought that our meſſage, wherein the difference and contrariety between the two bills is ſo particularly ſet down, would be anſwered with the bare averring them to be one and the ſame bill; no more would they have declared (when our exceptions to the ordinance and the bill are ſo notoriouſly known to all our people) that care being taken to give ſatisfaction in all the particulars we had excepted againſt in the ordinance, we had found new exceptions in the bill: And yet this very declaration confeſſes, that our exception to the ordinance was, that in the diſpoſing and execution thereof, we were excluded; and was not this an expreſs reaſon in our anſwer for refuſal of the bill, which this declaration will needs confute? but the power was no other than to ſuppreſs rebellion, inſurrection and foreign invaſion; and the perſons truſted no other than ſuch as were nominated by the great council of the kingdom, and aſſented to by us; and that declaration asks, if that be too great a power to truſt theſe perſons with? Indeed, while ſo great liberty is uſed in voting and declaring men to be enemies to the commonwealth, (an Engliſh phraſe we ſcarcely underſtand) and in cenſuring men for their ſervice and attendance upon our perſon, and in our lawful commands, great heed muſt be taken into what hands we commit ſuch a power to ſuppreſs inſurrection and rebellion; and if inſurrection and rebellion have found other definitions, than what the law hath given them, we muſt be ſure that no lawful power ſhall juſtify thoſe definitions; and if there be learning found out to make Sir John Hotham's taking arms againſt us, and keeping our town and fort from us, no treaſon and rebellion, we know not whether a new diſcovery may not find it rebellion in us to defend ourſelves from ſuch arms, and ſo endeavour to recover what is ſo taken from us (4); and therefore it concerns us, (till the known law of the land be allowed to be judge between us) to take heed into what hands we commit ſuch power.

Rem. (4). The king always reaſoned upon the ſuppoſition, that the government was in its natural ſtate, and that there was no cauſe to ſuſpect him, a ſuppoſition which was not granted.

‘Beſides, can it be thought, that becauſe we are willing to truſt certain perſons, that we are obliged to truſt them in whatſoever they are willing to be truſted? We ſay, no private hands are fit for ſuch a truſt; neither have we departed from any thing (in the leaſt degree) we offered, or promiſed before; though we might with as much reaſon have withdrawn our truſt from ſome

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‘ perſons we before had excepted, as they did from others whom they recommended. For the power which we are charged to have committed to particular perſons, for the ſpace of 15 years, by our commiſſions of lieutenancy, it is notoriouſly known, that it was not a power created by us, but continued very many years, and in the moſt happy times this kingdom hath enjoyed; even thoſe of our renowned predeceſſors queen Elizabeth, and our father of happy memory (5), and whatever authority was granted by thoſe commiſſions, which were kept in the old forms, the ſame was determined at our pleaſure, and we know not, that they produced any of thoſe calamities, which might give our good ſubjects cauſe to be ſo weary of them, as to run the hazard of ſo much miſchief, as that bill we refuſed might poſſibly have produced.

Rem. (5). The example of king James I. is no good evidence. I very much queſtion that in times of peace, queen Elizabeth ever made her ſubjects liable to be tried by martial law.

‘ For the precedents of former ages in the commiſſions of array, we doubt not, but when any ſuch are iſſued out, that the king's conſent was always obtained, and the commiſſions determinable at his pleaſure, and then what the extent of power was, will be nothing applicable to this caſe of the ordinance.

‘ But whether that declaration hath refuted our reaſons for our refuſal to paſs the bill, or no, it hath reſolved and required all perſons in authority, thereby to put the ordinance in preſent execution, and all others to obey it according to the fundamental laws of the land. But we, whom God hath truſted to maintain and defend thoſe fundamental laws (which we hope he will bleſs to ſecure us) do declare, that there is no legal power in either, or both houſes, upon any pretence whatſoever, without our conſent, to command any part of the militia of this kingdom; nor hath the like ever been commanded by either or both houſes, ſince the firſt foundation of the laws of the land; and that the execution of, or the obedience to, that pretended ordinance, is againſt the fundamental laws of the land, againſt the liberty of the ſubject, and the right of parliaments, and a high crime in any that ſhall henceforth execute the ſame. And we do therefore charge and command all our loving ſubjects, of what degree or quality ſoever, upon their allegiance, and as they tender the peace of this kingdom, from henceforth, never to muſter, levy, array, ſummon, or warn any of our trained-bands to riſe, muſter, or march, by vertue, or under colour of that pretended ordinance. And to this declaration and command of ours, we expect and require full ſubmiſſion and obedience from all our loving ſubjects, upon their allegiance, as they will anſwer the contrary at their perils; and as they tender the upholding of the true Proteſtant religion, the ſafety of our perſon, and our royal poſterity, the peace and being of this kingdom.’

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Having given moſt of the papers, publiſhed on both ſides, concerning the militia, I ſhall endeavour, for the reader's better information, to illuſtrate a little more fully, the ground of the quarrel between the king and the parliament, which could be done but very briefly, in my ſhort remarks on ſeveral paſſages of theſe papers.

The ſtate of the queſtion between the king and the parliament.

The parliament did not deny, that in the ordinary courſe of the government, the right of ſettling the militia, and appointing thoſe who were to command it under him, was ſolely in the king. But they affirmed, that in the preſent extraordinary caſe, it was incumbent on them to take care the kingdom periſhed not by the king's fault. The caſe they ſuppoſed was this: The king, for the ſpace of 15 years, had endeavoured to eſtabliſh an abſolute government, and had actually eſtabliſhed it on divers occaſions: He had pretended, that he might govern without parliaments, and accordingly, had called none for 12 years together: During which interval, he had violated ſundry laws, and ruled after an arbitrary manner. Being forced by the neceſſity of his affairs to call this preſent parliament, he had ſeemed to acknowledge the injuſtice of his former conduct, by giving his conſent to the good acts made for the redreſs of paſt, and the prevention of future, grievances. But at the very time that he expreſſed ſo great condeſcenſion for his ſubjects, and an outward repentance for his faults, he ceaſed not to deviſe means to become abſolute as before. The parliament inferred from this his conduct, that the king's condeſcenſion was only apparent; that at the firſt opportunity, he would revoke the acts he had conſented to, and which he affected to term always acts of grace, tho' they were really acts of juſtice. Conſequently, it was neceſſary to put it out of his power to recede from what he had done, if he ſhould deſire it. The only way to hinder ſuch a deſign, was to put the militia of the kingdom into ſafe hands, who ſhould not depend upon the king, and prevent him from having any power over the militia, for fear this power, either in him alone, or jointly with the two houſes, might enable him to break all the meaſures which ſhould be taken, to hinder the execution of his deſigns.

It is manifeſt, the parliament was in the right or the wrong, according as their ſuppoſition was true or falſe. Let it be granted for a moment, that their ſuppoſition was well-grounded, and that the king had really a deſign to render himſelf abſolute; ought the parliament, out of pure reſpect to the antient laws, leave the king a power which enabled him to alter the conſtitution of the government, and ſubvert once more theſe very laws, wherein the ſafety of the people entirely conſiſted? Is it not evident, that in ſuch a caſe, it was neceſſary to violate theſe laws, in order to eſtabliſh them more firmly? When, therefore, the king objected to the parliament, the laws which gave the kings of England certain prerogatives, he manifeſtly ſuppoſed the government to be in its natural ſtate; but the parliament ſuppoſed the contrary. Conſequently, the king's arguments could not make any impreſſion, becauſe they were not applicable to the caſe ſuppoſed by the parliament. Unfortunately, the king was forced to uſe againſt the parliament, the very reaſons alleged formerly by the parliament and people againſt him, when he uſurped an abſolute power. He complained, that the parliament founded their right upon a pretended neceſſity which was never proved, and himſelf had formerly made uſe of a neceſſity ſtill more imaginary, to impoſe arbitrary taxes without the conſent of parliament, contrary to the laws of the land.

But if on the other hand, we ſuppoſe the parliament's ſuſpicions to be chimerical, and that the king never gave any room for them, at leaſt, ſince the beginning of this parliament, and that his intention to govern according to law, was ſincere, it is certain, his arguments from the laws, cuſtoms, royal prerogatives, were invincible, becauſe in that caſe, there would not have been any the leaſt juſt pretence to diveſt him of his rights. The whole queſtion, therefore, was reduced to this ſingle point, Whether the king was ſincere, and his word to be relied on? But unhappily for him, a fifteen years experience had convinced moſt of his ſubjects, that he would have eſtabliſhed an arbitrary government; the motives of his condeſcenſion in the acts paſſed this parliament, were dubious, and his proteſtations with regard to the future, uncertain. Thus, the parliament had a great advantage over him, becauſe they had for warrant of their ſuſpicions, the paſt, which was but too certain, whereas the king could only offer the future, which had not the ſame certainty.

Proclamation againſt the ordinance. Ruſhw.

Declaration of both houſes againſt it.

It was time for the declarations, anſwers, and replies concerning the militia, to end, ſince there was nothing new to be ſaid on that ſubject. Beſides, the parliament's ordinance was now executing in all places, where the people were willing to obey it. At laſt, May the 27th, the king publiſhed a proclamation, forbidding to execute the ordinance of the parliament, on pain to offenders, of being declared diſturbers of the publick peace. The parliament, on their part, publiſhed a declaration, forbidding all perſons to obey the king's proclamation as being contrary to the laws. As this might appear very ſtrange, both houſes grounded their prohibition upon reaſons, of which I ſhall only relate the ſubſtance, becauſe, flowing from the principles abovementioned, it is eaſy to conceive them. They ſaid therefore:

'That the queſtion is not, whether it belong to the king or no, to reſtrain the levying of the militia; but if the king ſhall refuſe to diſcharge that duty and truſt, whether there be not a power in the two houſes to provide for the ſafety of the parliament, and peace of the kingdom? That tho' the law affirms that power to be in the king, it does not exclude thoſe in whom the law hath placed a power for that purpoſe, as in the courts of juſtice, yet can it not be reſtrained by his majeſty's command, by his great ſeal, or otherwiſe; much leſs can the power of parliament be concluded by his majeſty's command.

'That tho' the king is the fountain of juſtice and protection, yet the acts of juſtice and protection are not exerciſed in his own perſon, but by his courts and his miniſters; who muſt do their duty therein, tho' the king, in his own perſon, ſhould forbid them; and, therefore, if judgment ſhould be given by them againſt the king's will, and perſonal command, yet are they the king's judgments. Thus alſo, the high-court of parliament declares the king's pleaſure in thoſe things that are requiſite thereunto, and what they do herein hath the ſtamp of royal authority, altho' his majeſty do in his own perſon oppoſe or interrupt the ſame; for the king's ſupreme and royal pleaſure, is exerciſed and declared in this high-court of law and council, after a more eminent and obligatory manner, than it can be by any perſonal act or reſolution of his own.

'That by the conſtitution and policy of this kingdom, the king by his proclamation cannot declare the law, contrary to the judgment and reſolution of any of the inferior courts of juſtice, much leſs againſt the high-court of parliament; for if it were admitted, that the king by his proclamation may declare law, thereby his proclamations will in effect become laws, which would turn to the ſubverting of the law of the land, and the rights and liberties of the ſubjects.'

Defect in the reaſoning of the two houſes.

Theſe are the principal arguments alledged by the parliament, to ſhew, that the king's proclamation was contrary to the laws. But there was a very manifeſt defect in this reaſoning. They repreſented the two houſes as alone compoſing the parliament, whereas it is certain, the parliament is compoſed of the king and both houſes, joined together and making but one body. What the parliament ſaid is therefore ſtrictly true, if the word parliament be underſtood in the ſenſe I have mentioned, as a body conſiſting of the king and the two houſes. For, the king cannot, by his ſole will, ſubvert what has been ordained by the parliament, becauſe himſelf making a part, and the nobleſt part of the parliament, he would contradict himſelf, in forbidding a thing he had already ordained. But if by the parliament be meant the two houſes alone, without the king, it cannot be ſaid that their declarations are the king's, or that they are more ſolemn and obligatory than the king's private will; for if they were, the conſtitution of the government would be entirely overthrown. This is ſo true, that by retorting the argument alledged by both houſes againſt the king, it might be demonſtrated by the ſame reaſon, that they have power to make laws without the concurrence of the king, which would be full as true as their ſaying, that the king's proclamations would be ſo many laws. It is, therefore, certain, that by the arguments they alledged againſt the king's proclamation, they furniſhed invincible reaſons againſt their own ordinance. Nevertheleſs, upon this ſophiſtry it was that they grounded all the authority they aſſumed to themſelvs afterwards. They did themſelves therefore great injury, by relying on ſuch weak arguments. Their right ſolely conſiſted in the ſuppoſition, that the king would have altered the conſtitution of the government, which they had a lawful power to oppoſe by extraordinary methods, ſince the laws of the land, inſtead of affording them effectual remedies, countenanced rather the king's deſigns. The king, on his part, founded his right upon the contrary ſuppoſition, viz. that there was no danger from him; but that the parliament had undertaken to ſubvert the conſtitution of church and ſtate. Such was then the melancholy ſituation of England.

I have related without interruption the affair of the militia, which, laſted, however, ſeveral months, that I might not be obliged to break the thread of the narration; this affair being of the utmoſt importance, ſince it was the moſt immediate cauſe of the civil wars, which quickly enſued; but it was not the only affair during that time. Wherefore, it will be neceſſary to go back to the time when I began to ſpeak of the militia, to ſee other affairs, no leſs material, and whereof ſome contributed no leſs to the rupture.

Bills for excluding the biſhops and preſſing of ſoldiers, paſſed. The king's meſſage to both houſes. Ruſhw.

The king having paſſed in February the two acts, ſo earneſtly deſired by the commons, viz. for the excluſion of the biſhops, and for preſſing of ſoldiers, ſent the following meſſage to both houſes:

‘That his having paſſed theſe two bills, being of ſo great importance, and ſo earneſtly deſired by both houſes, will ſerve to aſſure his parliament, that he deſires nothing more than the ſatisfaction of his kingdom; yet, that he may farther manifeſt to both houſes how impatient he is, till he find out a full remedy to compoſe the preſent diſtempers, he is pleaſed to ſignify:

‘That he will by proclamation require, that all ſtatutes made concerning recuſants, be with all care, diligence, and ſeverity, put in execution.

‘That his majeſty is reſolved, that the ſeven condemned prieſts ſhall be immediately baniſhed, if his parliament ſhall conſent thereunto, And he will give preſent order, that a proclamation iſſue to require all Romiſh prieſts within 20 days to depart the kingdom; and if any ſhall be apprehended after that time, his majeſty aſſures both houſes, on the word of a king, that he will grant no pardon to any ſuch, without conſent of his parliament.

‘And becauſe great and different troubles are obſerved to ariſe, concerning the government and liturgy of the church, his majeſty declares, that he will refer that whole conſideration to his parliament: But deſires not to be preſſed to any ſingle act on his part, till the whole be ſo digeſted and ſettled by both houſes, that his majeſty may clearly ſee what is fit to be left, as well as what is fit to be taken away.

‘For Ireland, he will not refuſe to venture his own perſon in that war, if his parliament ſhall think it convenient, for the reduction of that kingdom.

‘That he will moſt readily concur in any reſolution their wiſdoms ſhall find out, which may conduce to promote the trade of the kingdom.’

The two houſes contented themſelves with thanking his majeſty for paſſing the two bills, without returning any anſwer upon the other points.

The parliament clear themſelves from a deſign to accuſe the queen. Ruſhw.

The queen being miſinformed that there was a deſign to accuſe her of high-treaſon, the parliament had notice of it, and ſent the earl of Newport and the lord Seymour, to vindicate themſelves from this aſperſion. The queen anſwered, it was true, there was ſuch a report, but that ſhe gave little credit to it.

Letters from the lord Digby intercepted. Clarend.

Some letters of the lord Digby, directed to the queen, to Sir Lewis Dives, his brother-in-law, and to ſecretary Nicholas, being intercepted, the parliament cauſed them to be opened. It was found, that the lord Digby, who was then at Middleburgh in Zealand, adviſed the king to betake himſelf to a ſafe place, and deſired the queen to ſend him a cypher, that he might hold a correſpondence with her. There were alſo in the letters ſome ſharp expreſſions againſt the parliament. The two houſes ſent copies of theſe letters to their majeſty's, aſſuring them, that they were far from reflecting any thing upon the queen, only they beſought her not to correſpond with the lord Digby. Some day's after, it was reſolved by the commons, that the lord Digby ſhould be accuſed of high-treaſon.

Meſſage to the king concerning the prince.

February the 24th, a meſſage was ſent from both houſes to his majeſty, to acquaint him with the reaſons why they deſired, that the prince of Wales ſhould reſide at Hampton-court. The chief was, that the prince's removal might be a cauſe to promote jealouſies and fears in the minds of his ſubjects; for the parliament loſt no opportunity to let the people ſee, there was occaſion to be alarmed. The king intimated to them by his anſwer, that he did not think himſelf accountable for his conduct, with regard to the prince his ſon; and concluded with ſaying, “He could not imagine from what grounds theſe fears and jealouſies proceeded; but if any information had been given to that purpoſe, he deſired the ſame might be examined to the bottom; and then hoped their fears would be hereafter continued only with reference to his rights and honour.”

The king's anſwer. Ruſhw.

Propoſals about Ireland. Clarend.

About the ſame time, propoſals were made to the parliament, for the ſpeedy raiſing of money for the reduction of Ireland. Theſe propoſals were, that ſuch perſons as ſhould be willing to advance money for that ſervice, ſhould be allotted, according to a certain proportion, the rebels lands that ſhould be confiſcated, which was approved of by both houſes,

ſes, and an act paſſed accordingly, to which the king gave the royal aſſent*.

The queen goes into Holland.

The queen departed for Holland about the end of February.

The king iſſues a proclamation againſt Papiſts. Ruſhw.

March the 16th, the king being at Stanford in his way to York, iſſued a proclamation for ſtrictly executing the laws againſt Papiſts. This proclamation was very needleſs, and ſerved only to ſhew, that hitherto theſe laws had been ill-executed. But the king had a mind thereby to repel the imputation of his protecting and countenancing the Catholicks, ſo much inſiſted upon by his enemies among the people, as if this protection was a proof of his deſign to introduce Popery.

The king informs the parliament of his deſign to go into Ireland, and raiſing a guard. April 8. Ruſhw.

The king, as I ſaid, intended to ſecure Hull, with the magazine there; but his intention was yet a ſecret, and means were deviſing to put it in practice. To this end, very probably, he ſent a meſſage to the parliament, to acquaint them, that he had firmly reſolved to go into Ireland, and head the Engliſh troops. That, therefore, he intended to raiſe by his commiſſions, in the counties near Weſt-Cheſter, a guard for his own perſon (when he ſhould come into Ireland) conſiſting of 2000 foot, and 200 horſe, to be armed from his magazine of Hull, the charge of paying whereof he deſired them to take upon them. It was eaſy to foreſee, that this propoſition would not be accepted, in the preſent juncture; for it was at the very time that the affair of the militia was moſt warmly debating. But the king hoped to reap ſome advantage, either from the approbation, or the denial. If the parliament conſented to it, the king found he ſhould be able to employ this pretended guard of 2200 men, to render himſelf maſter of Hull; at leaſt, one can hardly help thinking he had ſuch an intention, conſidering what paſſed very ſoon after. If his propoſition was rejected, he flattered himſelf, at leaſt, that he ſhould thereby convince the people of his ſincere deſire to reduce Ireland, and diſpel the rumours that were ſpread on that head, which would afford him opportunity to throw all the blame on the parliament. Accordingly this was the only uſe he afterwards made of this offer, which was but a ſtratagem, as the earl of Clarendon owns in his Hiſtory. But whether both houſes conſidered this propoſition of the king, as a ſnare, or as a real and ſincere offer, they thought not fit to conſent to it. Indeed, as things then ſtood, it was by no means proper to ſet the king at the head of an army in Ireland, and ſtill leſs, that he ſhould raiſe in England, a guard of 2200 men, when they were labouring with all their power to take from him the command of the militia, upon the foundation of the jealouſies conceived of him. For tho' hitherto they had been contented to accuſe only his counſellors, and a malignant party, of contriving plots againſt the ſtate, it was, however, but an artifice to accuſe him himſelf. So, as they neither could nor would approve of the king's propoſition, they preſented a petition to him, ſetting forth:

The two houſes petition the king. Ruſhw.

'That having duly conſidered his majeſty's 'meſſage concerning his purpoſe of going into 'Ireland to proſecute the war, which he was 'pleaſed to propound to them, not as a matter wherein he deſired the advice of the parliament, but as already firmly reſolved on, 'and forthwith to be put in execution, by 'granting out commiſſions for the levying of '2000 foot and 200 horſe, for a guard for 'his perſon; they could not but wonder, that 'a buſineſs of ſo great importance, and wherein they had a ſpecial intereſt, by thoſe great 'ſums which they had diſburſed, and for which 'they ſtood engaged, ſhould be concluded 'and undertaken without their advice. And 'therefore they held it their duty to declare, 'that his going into Ireland would very much 'endanger the ſafety of his royal perſon and 'kingdoms, for the following reaſons.

'1. Becauſe his royal perſon would be ſubject not only to the caſualty of war, but to 'the ſecret practices and conſpiracies of the 'Papiſts.

'2. It would exceedingly encourage the rebels, who did generally profeſs and declare, 'that his majeſty countenanced their proceedings, and that this inſurrection was undertaken by the warrant of his commiſſion.

'3. It would much encreaſe the charge of 'the war, and hinder the advance of money 'for ſupporting it; many adventurers, who 'had already ſubſcribed, upon hearing his 'majeſty's intention, declaring their reſolution not to pay in their money; and others who 'were willing to have ſubſcribed, now profeſſing the contrary.

'4. His abſence would very much interrupt 'the good proceedings of parliament.

'5. It would exceedingly increaſe, and 'render more probable, the jealouſies and fears 'of his people, of ſome force intended by 'evil counſels near his majeſty, in oppoſition 'to the parliament.

'6. It would bereave the parliament of that 'advantage, whereby they were induced to 'undertake that war, upon his majeſty's promiſe, that it ſhould be managed by their 'advice; which could not be done, if his majeſty, contrary to their own counſels, ſhould 'undertake to order and govern it in his own 'perſon.

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* It was propoſed, that 2,500,000 of thoſe acres might be aſſigned, and divided amongſt the adventurers after this proportion, viz.

	l.	
For each adventure of	200	1000 acres in Ulſter.
	300	1000 acres in Conaught.
	450	1000 acres in Munſter.
	600	1000 acres in Leinſter.

All according to Engliſh meaſure, conſiſting of meadow, arable, and paſture, the bogs, woods, and barren mountains being caſt in over and above to be holden in free and common ſoccage of the king, with the conſtant rent of one penny each acre in Ulſter, two pence half-penny in Conaught, two pence farthing in Munſter, and three pence in Leinſter. Ruſhworth.

‘ Upon which reaſons both houſes declared, that they could not conſent to any levies of ſoldiers to be made by his majeſty for his intended expedition into Ireland, or to the payment of any army or ſoldiers there, but ſuch as ſhould be employed and governed according to their advice and direction : That if any ſuch levies ſhould be made by any commiſſion of his majeſty, (not agreed to by both houſes of parliament) they ſhould be forced to interpret the ſame to be raiſed to the terror of the people, and diſturbance of the publick peace, and hold themſelves bound by the laws of the kingdom, to apply the authority of parliament to ſuppreſs the ſame. And they farther declared, that if his majeſty ſhould by ill counſel be perſuaded to go contrary to this advice of his parliament, they ſhould not in that caſe hold themſelves bound to ſubmit to any commiſſioners which his majeſty ſhould chuſe ; but did reſolve to preſerve and govern the kingdom by the counſel and advice of parliament, for his majeſty and his poſterity, according to their allegiance and the laws of the land.’

Ruſhw.

The king returned a long anſwer to this petition, and confuted all the parliament's reaſons, which indeed, conſidered in themſelves ; were very weak. But if it is obſerved that it was but ſix days ſince the king had reſolved to ſecure Hull, when the parliament preſented their petition to him, it will not be thought ſtrange that they rejected the king's offer. Wherefore they loſt no time in replying to the king, and the affair reſted there, without any farther mention of his majeſty's pretended expedition into Ireland. Only he made this advantage of it, that he could ſay he had offered to go in perſon and endeavour the reduction of Ireland, but that his offer was rejected.

Extreme diſtruſt between the king and parliament.

Hitherto we have ſeen how the breach between the king and the parliament daily grew wider. The diſtruſt was ſo great on both ſides, that it was hardly poſſible they ſhould come to an agreement. The king could not doubt, there was a deſign to deprive him of great part of his authority ; and the parliament, perceiving, the king was not ignorant of this deſign, could ſcarce queſtion, he would privately take all poſſible meaſures to prevent the execution thereof. But this was not all. The parliament had alſo reaſon to fear, the king would not confine himſelf to the defenſive, but under colour of ſtanding upon his guard, would put himſelf in a condition to attack. Before the accuſation of the members of parliament, whilſt the reſolution of depriving the king of his power was not abſolutely taken, and many members were yet wavering, it would not, perhaps, have been impoſſible to find expedients for a peace. But by this fatal accuſation, and his coming to the houſe of commons, the king gave ſuch an advantage to his enemies, who knew but too well how to improve it, that it was no longer practicable for him to recover the confidence of thoſe who till then had preſerved ſome good-will towards him. Before this, the deſign of diveſting the king of his authority was a ſecret among ſome of the leaders of the party, who were labouring to accompliſh it by degrees, without daring to be too open, ſo that it was not eaſy to know perfectly, they had really ſuch a deſign. But it was not ſo eaſy to deceive the king, who was chiefly concerned. He ſaw, that his authority was gradually undermining, and readily perceived, where this mine would end at laſt, if ſuffered to continue. In this perplexity, he found it incumbent upon him to take precautions, in order to oppoſe his enemies ; but on the other hand, he was ſenſible he ſhould make his cauſe bad, if he fell upon the parliament itſelf, which was ſeduced by theſe able leaders, and thereby ſet the whole nation againſt him. This conſideration, very likely, induced him to attack in particular the lord Kimbolton, with five of the moſt powerful commoners, imagining they would be ſent to the tower upon his accuſation, and then the parliament; as being no longer directed by theſe men, would be better inclined in his favour. He was not only deceived in his conjecture, but did himſelf alſo an irretrievable injury, in that the precaution he would have taken to ſecure himſelf from the ſecret practices of ſome private perſons, paſſed for a ſettled deſign upon the whole parliament. He thereby confirmed the ſuſpicions which were infuſing into the people, that he was ſeeking to render himſelf abſolute, as he had formerly been ; and from thence it naturally followed, that, therefore, it was neceſſary to put it out of his power to execute this deſign.

Then it was that this reſolution, taken firſt by ſome few, was approved by the majority, and endeavoured to be effectually executed, by beginning with the important affair of the militia. For, depriving the king of the power to command the militia, and lodging this power in the hands of perſons devoted to the parliament, was properly diſarming him entirely. The king's condition growing much worſe, he eaſily perceived, that, as his enemies managed, there was no medium for him, between being a ſlave, or rendering himſelf maſter. He was unwilling to be a ſlave, and it was difficult to become maſter, in his circumſtances, and eſpecially, having to deal with very able and watchful enemies. Very probably, in the belief of the impoſſibility to free himſelf from his preſent danger, but by a war, he reſolved to ſend the queen into Holland to buy arms and ammunition, to retire to York himſelf, and to try to ſecure Hull, tho' he coloured his deſigns with other pretences. He ſaw that the parliament reckoned among the pretended malignants, not only ſuch as openly appeared for the king, but alſo thoſe who were for preſerving any moderation, and that many ſuffered themſelves to be drawn into the ſame plot, out of fear, and becauſe they could not be ſecure of protection, in caſe they declared againſt the two houſes. He thought, therefore, he ſhould chiefly endeavour to render himſelf able to protect thoſe who dared to eſpouſe his cauſe openly. But, moreover, as the parliament never ceaſed to infuſe ſuſpicions into the people, it was abſolutely neceſſary for the king to try to efface theſe impreſſions, ſo prejudicial to him. Hence flowed, in all the papers publiſhed by him concerning the militia, thoſe ſo frequent expreſſions of his affection for his people, and his attachment to the laws. His view was to ſhew the nation, that the parliament acted directly contrary to law, in uſurping an authority which belonged not to them. As it was by the very ſame thing that the king had given occaſion to the people to be prejudiced againſt him, he hoped, the uſurpations of the parliament would produce the ſame effect. But herein he was much miſtaken. The people were perſuaded, that the king, without any provocation, had invaded the privileges of the ſubject, during the firſt 15 years of his reign, whereas if the parliament had in any thing incroached upon the rights of the king, it was in maintenance of the nation's liberties, and for the revival of the laws.

Tho' it was hard to prove by unqueſtionable evidence, that the king had formed the project of ſeiſing at once, the tower of London, Portſmouth, and Hull, there were, however, ſo great ſigns of it, that it would have been very imprudent in the parliament, not to think of ſecuring thoſe places in the preſent ſituation of affairs. Sir John Byron, lieutenant of the tower, was a man devoted to the king. The earl of Newcaſtle had been ſent to Hull, under a borrowed name, and information was given, that he would have perſuaded the mayor, to deliver that place to him. As for Portſmouth, the journey the queen was to take thither on ſome pretence, and the meeting of the officers at Kingſton, were more than ſufficient to breed ſtrong ſuſpicions on that account. In a word, the lord Clarendon freely owns the king's deſigns upon Portſmouth and Hull, tho' he mentions not the tower. Had theſe deſigns ſucceeded, the king would have been maſter of the three principal forts of the kingdom, with the magazines of the tower and Hull, and thereby enabled to ſubdue the parliament. Theſe projects failing, as I have ſaid, the king endeavoured, as well as he could, to ſtifle them, and make them paſs for imaginary. But the two houſes judged otherwiſe of them. Accordingly, the commons never reſted till the lieutenancy of the tower was given to one they could confide in, and Hotham ſent to Hull. As for Portſmouth, the parliament not miſtruſting Goring, the governor, becauſe he was the perſon that diſcovered the plot to ſeduce the army, were contented with ſending him ſufficient orders, as they thought, for the preſervation of the place. From that time, there was no more mention of Portſmouth, for the king found means to gain colonel Goring, who promiſed to declare for him at a proper time, as he did accordingly.

Notwithſtanding the king's ill ſucceſs in his ſecret undertaking, he perſiſted in his deſign to free himſelf, by force, from the ſlavery to which it was intended to reduce him, perceiving, it would be impoſſible for him to ſucceed any other way. To this end, doubtleſs, he ſent the queen to Holland, and having but little money to give her, put into her hands the crown-jewels, which were uſed in buying arms and ammunition. If the queen's voyage had been only to conduct the princeſs Mary to the prince, her ſpouſe, and to drink the waters of the Spa, there would have been no occaſion to give her wherewithal to buy arms and ammunition. Very probably, therefore, the king from this time thought of war, whether it were offenſive or defenſive only. But his attempt upon Hull, where was a magazine of arms for 16000 men, is a ſtill clearer evidence. The king himſelf had cauſed theſe arms to be brought to Hull, when he had reſolved to make war upon Scotland.

The king's deſign upon Hull. Ruſhw.

When the parliament ſent Sir John Hotham down to Hull, the king complained not of it, whether he was apprehenſive of being reproached with attempting to ſecure that place, or to amuſe the parliament, and hinder them from taking greater precautions. In the interim, both houſes finding the king at a diſtance from London, and fearing for Hull, on account of the magazine there, petitioned him, to order the magazine to be removed to the tower of London. The king anſwered, 'He rather expected, that both houſes would have given him an account, why a governor and garriſon had been placed in Hull without his knowledge, than to be moved to conſent for the removal to the tower of a magazine (which were his own proper goods) upon ſuch general reaſons, as gave no ſatiſfaction to his judgment: That in ſhort, he would not agree to the removal of theſe arms, till he knew for what ſervice they were intended: And if any attempt ſhould be made in this matter without his approbation, he ſhould eſteem it as the greateſt violation of his right.' A little after, ſome gentlemen of the county of York, petitioned the king, that the magazine might not be removed, by reaſon they conceived the kingdom, and particularly the north, to be in danger. This petition was probably begged, ſince affairs were not yet in ſuch a ſituation, that private perſons ſhould dare to preſent an addreſs to the king, directly contrary to that of the parliament, had they not been encouraged thereto. It is certain, the king intended to ſeiſe Hull, with the magazine. He was deſirous to have a place, which would enable him to protect his adherents, and depend upon this magazine, to arm them in due time. This was the cauſe of his refuſing to remove the arms to the tower, tho' he alledged other reaſons. The parliament alſo, on their part, urged for the removal, reaſons that were not the true ones. At laſt, finding the king would not conſent to it, they ordered moſt of the magazine to be brought to the tower, without aſking his approbation any more.

Both houſes petition the king to remove the magazine at Hull to the tower.

The king's anſwer.

Petition of ſome of the gentry againſt removing the magazine.

Part of the magazine removed to the tower by the parliament. Clarend.

The king and the parliament uſed all poſſible endeavours to make the people believe, that in all their proceedings, they had no other motive than their good, and the kingdom's advantage. From theſe proteſtations it is, that the hiſtorians take their ſtrongeſt arguments to demonſtrate the innocence and ſincerity

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ſincerity of the party, whoſe cauſe they undertake to ſupport. But the impartial reader muſt peruſe the manifeſtoes, and all the papers of that kind, with great caution, for fear of being drawn into error. It is certain, the king intended to become maſter of Hull, that he might not be at the parliament's mercy. But it is not ſo certain, that herein his view was only to maintain the conſtitution of the government, that the laws might be punctually executed. On the other hand, the parliament had ſent Hotham to Hull, to hinder the king from ſeiſing the town. But who can affirm, that their real view was to prevent the malignant party from making uſe of it, to eſtabliſh an arbitrary power, and enſlave the kingdom?

The king comes before Hull. Clarend.

The king's deſign broke out the 23d of April, when the affair of the militia was agitated with great heat on both ſides. The day before, he had ſent to Hull the duke of York, his ſecond ſon, with the young elector Palatine, his nephew, under colour of ſeeing the place, and, very likely, theſe two princes had a pretty numerous retinue. Hotham and the mayor received them with all the reſpect due to their rank. The princes were entertained the firſt day by the mayor, and invited to dine with the governor on the morrow, being St. George's-day. But the entertainment was diſturbed by an officer, Sir Lewis Dives, who came a little before dinner, and told the governor, that his majeſty intended to dine with him, being then within four miles of the town, with a train of above 300 horſe. Hotham ſurpriſed at this meſſage, conſulted with ſome of his friends, and it was reſolved among them, that a meſſenger ſhould be diſpatched to the king, humbly to beſeech him to forbear to come, foraſmuch as he could not, without betraying the truſt committed to him, ſet open the gates to ſo great a guard as he came attended withal. The meſſenger returning with a doubtful anſwer, and certifying of the king's advance to the town, Hotham drew up the bridge, ſhut the gates, and commanded the ſoldiers to ſtand to their arms round the walls. The king being come to Beverly-gate, called for the governor, who appearing on the walls, he commanded him to open the gate. The governor anſwered, ‘He was intruſted by the parliament for the ſecuring of the town, for his majeſty's honour, and the kingdom's uſe, which he intended by God's help to do; profering, however, that if his majeſty would be pleaſed to come in with 12 more, he ſhould be welcome, otherwiſe, he could not, without betraying his truſt to the ſtate, admit entrance to ſo great a guard. But the king refuſing to enter on theſe terms, repeated ſeveral times his command to open the gate, and ſtill received the ſame anſwer. Preſently after, the duke of York, and the prince elector, went out of the town, and came to the king, who was pleaſed to give the governor one hour more to conſider what he did. But Hotham perſiſting in his reſolution, the king offered, at laſt, to enter with 30 horſe only, which was refuſed. In a word, about five in the evening, the king returning to the gate, commanded Hotham once more to open it, and, upon his refuſal, cauſed him to be proclaimed traitor by two heralds he had brought with him. This done, he retired to Beverly, where he paſſed the night. The next morning he ſent a herald to Hotham, to ſummon him once more to open the gates of Hull, with promiſe of pardon for what was paſt, but could not prevail; ſo that he was forced to return to York.

Reflection on this event.

When it is conſidered, the king had formed a deſign to ſecure Hull, from the time he reſolved to retire to York, as the lord Clarendon expreſly owns, one would imagine, that, at leaſt, he had contrived proper means to accompliſh this undertaking, the ſucceſs whereof was ſo very important. But one knows not what to think, when this attempt is ſeen to be ſo ill-managed, that it was neither plauſible nor likely. The king was not ignorant, that Hotham was member of the houſe of commons, that this houſe had choſen him for the government of Hull, as a man they could confide in; that Hotham knew, he was to keep the place againſt the king, however his commiſſion might be worded. And yet, he imagines, that this man will be awed by his preſence alone, and not dare to deny him entrance with 300 horſe, beſides the train of the two princes already admitted. That he will ſuffer himſelf to be deprived of his government, upon the bare ſcruple of diſobeying the king, he who probably was choſen by the commons as one of the leaſt ſcrupulous. I own, I cannot conceive how the king could be adviſed to declare himſelf ſo openly, in attempting to ſeiſe Hull, and indeed, from this time, all confidence entirely vaniſhed. It ſignified nothing to colour this proceeding, and to ſay, he had no other deſign than to viſit the place, and examine the magazine, to know what might be taken for the ſervice of Ireland, and for arming the Scots, who were to ſerve in that country. This was not capable of deceiving the parliament, who ſaw but too plainly what was the king's deſign, and of what conſequence the execution would have been. There were no fewer papers, meſſages, anſwers, replies, about this affair, than about the militia.

The king demands juſtice upon Hotham. Ruſhw.

The king was extremely troubled at this diſappointment, and ſeeing no other way to palliate his proceedings, he reſolved expreſly to deny, he had ever intended to become maſter of Hull. By this ſuppoſition, he meant to repreſent Sir John Hotham's action as a manifeſt treaſon, and accordingly demanded an authentick reparation of the parliament. He cited the laws and ſtatutes which placed in the king the care of defending the realm, and the command of the forts and magazines. But he conſtantly ſuppoſed the kingdom to be in a ſtate of tranquillity, as it was when theſe laws were made, which was by no means the preſent caſe. He pretended, the forts and magazines were his own proper goods; and particularly that of Hull, being purchaſed with his own money, could not be with-held from him, without rendering his condition worſe than that of his meaneſt ſubject.

Ruſhw.

But the parliament did not grant theſe ſuppoſitions. They pretended, that the forts and magazines were committed to the king, as a truſt to be employed for the preſervation, and not for the deſtruction of the people, and that the king's claim to the property of the forts and magazines was groundleſs. It is no wonder, that upon ſuch different principles, the papers ſhould abound on both ſides, without producing any great effects. The king, however, had this advantage, that the parliament could not evidently prove their aſſertions againſt him, and that the authority aſſumed by both houſes, was founded only on bare ſuſpicions of the king's ill-deſigns, which would have rendered it plauſible, had they been averred. But they did not think proper to wait for demonſtrations, to be aſſured of the king's ſecret intentions. It was enough to have reaſons to ſuſpect him, which to them appeared ſufficiently ſtrong, to oblige them to take precautions, which might come too late, in caſe more convincing proofs were expected.

This is the ſubſtance of all the papers publiſhed on both ſides, concerning Hull. As I have already inſerted a great many about the militia, I think it convenient to ſave the reader the pains of peruſing thoſe which were publiſhed on the preſent affair, and which run upon the ſame principles and ſuppoſitions ſo often mentioned.

The king tries to ſeiſe Hull by intelligence. Ruſhw.

The parliament openly ſupported Sir John Hotham; ſo that after many meſſages, declarations, anſwers and replies, the king had no way left to become maſter of Hull, but by ſurpriſe or force. The laſt of theſe ways was not very practicable, becauſe he could depend but on a very ſmall number of troops, and had no artillery, arms or ammunition. It is true, he expected ſome from Holland, but the time was very uncertain; and, therefore, he attempted to take Hull by correſpondence. In the execution of this deſign, he made uſe of Mr. Beckwith, a gentleman of Beverly, who had a ſon-in-law, officer in Hull. But this officer diſcovered the plot to the governor, who was ſo civil as to ſend the king word, he might ſave himſelf the trouble of carrying on the contrivance, and at the ſame time ſent an expreſs to the parliament. Beckwith retiring to the king at York, the parliament diſpatched a meſſenger to ſeiſe and bring him to London; but the meſſenger was not permitted to execute his orders.

The king and parliament prepare for war, and ſtrive to gain the people. Ruſhw.

From that time, the king and the parliament prepared for war, it being very eaſy to foreſee, they ſhould, at laſt, be forced to it. But as each ſtood in need of the people to bear the expence, ſo each uſed all poſſible endeavours to gain them, by demonſtrating the injuſtice of the contrary party, and by ſtriving to convince them, that their good was only intended. The parliament pretended, that the malignants, by whom the king ſuffered himſelf to be guided, had formed a deſign to inſlave the nation, wherein they could not ſucceed, but by inflaming the miſunderſtanding between the king and the parliament, in order to engage them in a civil war, which they hoped would prove ſucceſsful to the king. This was the parliament's ſuppoſition, from whence they inferred, that, therefore, it was neceſſary to prevent by good meaſures the execution of this deſign, and to put themſelves in a poſture of defence, in caſe the king continued to be directed by theſe malignants.

The king, on his ſide, pretended, that the parliament, in feigning to have only in view the good of the kingdom, really meant to alter the conſtitution of church and ſtate; that they deſigned to aboliſh the regal power, or render the king but a ſhadow, whilſt both houſes ſhould be poſſeſſed of the government. He inferred from this ſuppoſition, that he ought to expoſe himſelf to the greateſt hazards, rather than receive law from his ſubjects; his conſcience and the care of the realm, which God had entruſted him with, nor permitting him to ſuffer the alterations deſigned to be made in church and ſtate. Whatever ſecret motives both might have, the reaſons they alledged were very plauſible, and thoſe who ſought only juſtice, were not a little embarraſſed which ſide to eſpouſe. But the parliament ſeemed to have a great advantage upon the king, in that their party was much more numerous, and the forts and militia in their poſſeſſion, with plenty of arms and ammunition, whilſt the king was wholly unprovided. Nevertheleſs, the king was not without hopes. He had, as I have ſaid, privately gained colonel Goring, governor of Portſmouth. The queen was now buſy in Holland in procuring artillery, arms, ammunition, and ſeveral officers of the Engliſh troops in the Dutch ſervice. Moſt of the Yorkſhire gentlemen, the largeſt county in England, were for him, and he did not queſtion, but by their means he ſhould engage the whole county to declare in his favour. With this aſſiſtance, he hoped to prevent the parliament, and raiſe a ſufficient number of forces to take Hull, before the parliament ſhould be able to oppoſe it. He expected alſo, that when he was maſter of Hull and Portſmouth, and had received arms from Holland, many, who were ſtill reſtrained by the fear of wanting protection, would openly take his part. Moreover, he gave private notice to all his friends, that it was time to repair to York, and ordered letters to be ſent in his name to ſuch members as adhered to him, to abſent themſelves from the parliament, and retire to York, or to other places where they could be ſerviceable to him.

The king ſummons all the gentry of Yorkſhire. Ruſhw.

All theſe meaſures could not be taken ſo privately but the parliament had ſome information, and, therefore, the king endeavoured to give them ſome colour, to hinder his deſigns from being diſcovered. After his diſappointment at Hull, he ſummoned all the Yorkſhire tenants in chief, to appear at York the the 12th of May.

Soon after, both houſes ſent a committee to York, under pretence of bringing the king

A committee is ſent to York, who ſtay there in ſpight of the king. Ruſhw.

meſſage about Hull and the militia, but, in reality, to be ſpies upon his actions. This meſſage was the more diſagreeable to him, as having returned an anſwer, and diſmiſſed the committee, they told him, they had orders to ſtay at York. Tho' it was eaſy for him to ſee with what view the parliament had ſent this committee, he thought not proper to uſe any violence to drive them from the city.

The king's propoſal to the gentry of Yorkſhire. Clarend.

The 12th of May, the gentry of the county being come to York, his majeſty made a ſpeech to them, wherein he proteſted, "That the enjoying of quiet was the chief cauſe of his coming among them in the north, and not to make that part of the kingdom a ſeat of war, as malice would make them believe." He added, "That both houſes of parliament did, by their meſſengers, brave him even in York; and that, as his magazine of Hull was going, directly againſt his will, to be taken from him, and the militia to be put in execution againſt law and his conſent; and laſtly, as Sir John Hotham's treaſon was countenanced, none could blame him for apprehending danger; therefore, he was reſolved to have a guard, in which he deſired their concurrence and aſſiſtance."

He receives four different anſwers. Ruſhw.

The Yorkſhire gentry being variouſly diſpoſed, it was not poſſible for the hearers of the king's ſpeech to agree in the ſame anſwer; nay, it is ſaid, ſome violence was uſed by the court, to exclude from the debate ſuch as were known to be oppoſite to the king, and that theſe were forced to aſſemble elſewhere. For this reaſon the king received four different anſwers to his propoſition, two whereof were favourable, and the other two beſought him to hearken to the advice of his parliament. The guard, however, was raiſed, and the command thereof given to the prince of Wales.

The parliament hinders the king from removing the courts of juſtice to York.

The king would have alſo removed the courts of juſtice from Weſtminſter to York, and even ſent a proclamation to the lord-keeper Littleton for that purpoſe, with orders to publiſh it; but the parliament having notice of it, forbid him to execute the orders.

He ſends for Skippon, and the parliament will not let him go. Ruſhw.

Serjeant-major-general Skippon being an excellent officer, and the king knowing the parliament deſigned to employ him, ſent for him to attend him at York; but the parliament gave him orders to the contrary, which Skippon obeyed. This, doubtleſs, was foreſeen by the king, but he was very glad to ſhew that the parliament deſired a war, ſince they ſo haughtily contradicted his orders.

As matters ſtood between the king and the parliament, a war ſeemed unavoidable, and probably it was determined on both ſides. The ſole concern was to amuſe the publick with good or bad reaſons, and try to caſt the blame on the oppoſite party. In the interim, the king's two anſwers of March the 9th, and the 20th, not being replied to, the parliament was apprehenſive, their ſilence would produce an ill effect in the minds of the people; wherefore they took occaſion, in anſwering theſe two meſſages, to publiſh a manifeſto, under the name of remonſtrance or declaration, the 19th of May. As this manifeſto, and the king's anſwer, are very proper to inform the reader of the reaſons of both parties, or, at leaſt, of thoſe they alledged to ſupport their cauſe, and vindicate their conduct, I think it neceſſary to inſert theſe two papers, for fear the abridging them may be an injury to either.

The declaration or remonſtrance of the lords and commons in parliament aſſembled, May 19th, 1642.

Ruſhw.

'THE infinite mercy and providence of the almighty God hath been abundantly manifeſted ſince the beginning of this parliament, in great variety of protections and bleſſings, whereby he hath not only delivered us from many wicked plots and deſigns, which, if they had taken effect, would have brought ruin and deſtruction upon this kingdom; but out of thoſe attempts hath produced divers evident and remarkable advantages to the furtherance of thoſe ſervices, which we have been deſirous to perform to our ſovereign lord the king, and to this church and ſtate, in providing for the publick peace and proſperity of his majeſty, and all his realms, which in the preſence of the ſame all-ſeeing Deity, we proteſt to have been, and ſtill to be, the only end of all our counſels and endeavours, wherein we have reſolved to continue freed and enlarged from all private aims, perſonal reſpects or paſſions whatſoever (1).

REMARK (1). It may be preſumed, there were in both houſes, many members who acted with ſincerity, and believed, they really ſerved the publick in whatever they did againſt the king. But it is hard to conceive, how both houſes, conſiſting of ſo many members, who were ignorant of one another's inward ſentiments, could call God to witneſs, that they acted only by juſt motives, free from paſſion and private views.

'In which reſolution we are nothing diſcouraged, altho' the heads of the malignant party, diſappointed of that prey, the religion and liberty of this kingdom, which they were ready to ſeiſe upon and devour before the beginning of this parliament, have ſtill perſiſted, by new practices, both of force and ſubtilty, to recover the ſame again; for which purpoſe they have made ſeveral attempts for the bringing up of the army; they afterwards projected the falſe accuſation of the lord Kimbolton and the five members of the houſe of commons, which being in itſelf of an odious nature, they yet ſo far prevailed with his majeſty, as to procure him to take it upon himſelf; but when the unchangeable duty and faithfulneſs of the parliament could not be wrought upon by ſuch a fact as that, to withdraw any part of their reverence and obedience from his majeſty, they have, with much art and induſtry, adviſed his majeſty, to ſuffer divers unjuſt ſcandals and imputations upon the parliament, to be publiſhed in his name, whereby they might make it odious to the people, and by their help to deſtroy that which hath hitherto been the only means of their own preſervation.

‘ For this purpoſe, they have drawn his majeſty into the northern parts, far from the parliament, that ſo falſe rumours might have time to get credit, and the juſt defences of the parliament find a more tedious, difficult, and diſadvantageous acceſs, after thoſe falſe imputations and ſlanders had been firſt rooted in the apprehenſion of his majeſty, and his ſubjects; which the more ſpeedily to effect, they have cauſed a preſs to be tranſported to York, from whence ſeveral papers and writings of that kind are conveyed to all parts of the kingdom, without the authority of the great-ſeal, in an unuſual and illegal manner, and without the advice of his majeſty's privy-council; from the greater and better part whereof having withdrawn himſelf, as well as from his great council of parliament, he is thereby expoſed to the wicked and unfaithful counſels of ſuch as have made the wiſdom and juſtice of the parliament dangerous to themſelves; and this danger they labour to prevent, by hiding their own guilt under the name and ſhadow of the king, infuſing into him their own fears, and as much as in them lies, aſperſing his royal perſon and honour with their own infamy, from both which it hath always been as much the care, as it is the duty of the parliament, to preſerve his majeſty, and fix the guilt of all evil actions and counſels, upon thoſe who have been the authors of them.

‘ Amongſt divers writings of this kind, we the lords and commons in parliament, have taken into our conſideration two printed papers; the firſt containing a declaration, which they received from his majeſty, in anſwer of that which was preſented to his majeſty from both houſes of parliament at Newmarket, the 9th of March, 1641. The other, his majeſty's anſwer to the petition of both houſes, preſented to his majeſty at York, the 26th of March, 1642, both which are filled with harſh cenſures, and cauſeleſs charges upon the parliament; concerning which, we hold it neceſſary to give ſatisfaction to the kingdom, ſeeing we find it very difficult to ſatisfy his majeſty, whom to our great grief, we have found to be ſo engaged to, and poſſeſſed by thoſe miſapprehenſions, which evil counſellors have wrought in him, that our moſt humble and faithful remonſtrances have rather irritated and imbittered, than any thing allayed or mitigated the ſharp expreſſions, which his majeſty hath been pleaſed to make in anſwer to them; for the manifeſtation whereof, and of our own innocency we deſire that all his majeſty's loving ſubjects may take notice of theſe particulars.

‘ We know no occaſion given by us, which might move his majeſty to tell us, that in our declaration preſented at Newmarket, there were ſome expreſſions different from the uſual language to princes.

‘ Neither did we tell his majeſty, either in words or in effect, that if he did not join with us in an act, which his majeſty conceived might prove prejudicial and dangerous to himſelf and the whole kingdom, we would make a law without him, and impoſe it upon the people. That which we deſired was, that in regard of the imminent danger of the kingdom, the militia, for the ſecurity of his majeſty and his people, might be put under the command of ſuch noble and faithful perſons, as they had all cauſe to confide in: And ſuch was the neceſſity of this preſervation, that we declare, that if his majeſty ſhould refuſe to join with us therein, the two houſes of parliament, being the ſupreme court, and higheſt council of the kingdom, were enabled, by their own authority, to provide for the repulſing of ſuch imminent and evident danger, not by any new law of their own making, as hath been untruly ſuggeſted to his majeſty, but by the moſt antient law of this kingdom, even that which is fundamental and eſſential to the conſtitution and ſubſiſtence of it.

‘ Altho' we never deſired to encourage his majeſty to ſuch replies, as might produce any conteſtation betwixt him and his parliament, of which, we never found better effect than loſs of time, and hindrance of the publick affairs; yet we have been far from telling him, of how little value his words would be with us, much leſs when they are accompanied with actions of love and juſtice. His majeſty hath more reaſon to find fault with thoſe wicked counſellors, who have ſo often bereaved him of the honour, and his people of the fruit, of many gracious ſpeeches which he made to them, ſuch as thoſe in the end of the laſt parliament; “ That in the word of a king, and as he was a gentleman, he would redreſs the grievances of his people, as well out of parliament as in it.” Were the ſearching the ſtudies and chambers, yea, the pockets of ſome, both of the nobility and commons, the very next day; the commitment of Mr. Bellaſis, Sir John Hotham, and Mr. Crew; the continued oppreſſions by ſhip-money, coat and conduct-money; with the manifold impriſonments, and other vexations thereupon, and other enſuing violations of the laws and liberties of the kingdom, (all which were the effects of evil counſel, and abundantly declared in our general remonſtrance of the ſtate of the kingdom) actions of love and juſtice, ſuitable to ſuch words as thoſe?

‘ As gracious was his majeſty's ſpeech in the beginning of this parliament; “ That he was reſolved to put himſelf freely and clearly upon the love and affection of his Engliſh ſubjects.” Whether his cauſeleſs complaints and jealouſy, the unjuſt imputations ſo often caſt upon his parliament, his denial of their neceſſary defence by the ordinance of the militia, his dangerous abſenting himſelf from his great council, like to produce ſuch a miſchievous diviſion in the kingdom, have not been more ſuitable to other mens evil counſels, than to his own words, will eaſily appear to any indifferent judgment.

‘Neither have his latter ſpeeches been better uſed and preſerved by theſe evil and wicked counſellors. Could any words be fuller of love and juſtice, than thoſe in his anſwer to the meſſage ſent the houſe of commons, the 31ſt of December, 1641? “We do engage unto you ſolemnly, on the word of a king, that the ſecurity of all, and every one of you from violence, is, and ever ſhall be as much our care, as the preſervation of us and our children.” And could any actions be fuller of injuſtice and violence than that of the attorney-general, in falſly accuſing the ſix members of parliament, and the other proceedings thereupon, within three or four days after that meſſage? For the full view whereof let the declaration made of thoſe proceedings be peruſed; and by thoſe inſtances (we could add many more) let all the world judge, who deſerves to be taxed with diſvaluing his majeſty's words, they, who have as much as in them lies ſtained and ſullied them with ſuch foul counſels, or the parliament, who have ever manifeſted, with joy and delight, their humble thankfulneſs for thoſe gracious words and actions of love and juſtice which have been conformable thereunto.

‘The king is pleaſed to diſavow the having any ſuch evil council or counſellors, as are mentioned in our declaration, to his knowledge; and we hold it our duty, humbly to avow there are ſuch, or elſe we muſt ſay, that the ill things done of late in his majeſty's name, have been done by himſelf, wherein we ſhould neither follow the direction of the law, nor the affection of our own hearts, which is, as much as may be, to clear his majeſty from all imputation of miſ-government, and to lay the fault upon his miniſters; the falſe accuſing of ſix members of parliament; the juſtifying of maſter attorney in that falſe accuſation; the violent coming to the houſe of commons; the denial of the militia; the ſharp meſſages to both houſes, contrary to the cuſtoms of former kings; the long and remote abſence of his majeſty from parliament; the heavy and wrongful taxes upon both houſes; the cheriſhing and countenancing a diſcontented party in the kingdom againſt them: Theſe certainly are the fruits of very ill counſel, apt to put the kingdom into a combuſtion, to hinder the ſupplies of Ireland, and to countenance the proceedings and pretenſions of the rebels there; and the authors of thoſe evil counſels, we conceive, muſt needs be known to his majeſty. And we hope our labouring with his majeſty to have theſe diſcovered and brought to a juſt cenſure, will not ſo much wound his honour, in the opinion of his good ſubjects, as his labouring to preſerve and conceal them.

‘And whereas his majeſty ſaith, he could wiſh that his own immediate actions, which he avows on his own honour, might not be ſo roughly cenſured under that common ſtile of evil counſellors: We could alſo heartily wiſh, that we had not cauſe to make that ſtile ſo common: But how often and undutiful ſoever theſe wicked counſellors fix their diſhonour upon the king, by making his majeſty the author of thoſe evil actions, which are the effects of their own evil counſels, we his majeſty's loyal and dutiful ſubjects can uſe no other ſtile, according to that maxim in the law, “The king can do no wrong;” but if any ill be committed in matter of ſtate, the council; if in matter of juſtice, the judges muſt anſwer for it.

‘We lay no charge upon his majeſty, which ſhould put him upon that apology, concerning his faithful and zealous affection of the Proteſtant profeſſion: Neither doth his majeſty endeavour to clear thoſe in greateſt authority about him, by whom (we ſay) that deſign hath been potently carried on for divers years; and we rather wiſh, that the mercies of heaven, than the judgments, may be manifeſted upon them; but that there hath been ſuch, there are ſo plentiful and frequent evidences, that we believe there is none, either Proteſtant or Papiſt, who hath had any reaſonable view of the paſſages of latter times, but either in fear or hope, did expect a ſudden iſſue of this deſign.

‘We have no way tranſgreſſed againſt the act of oblivion, by remembering the intended war againſt Scotland, as a branch of that deſign to alter religion, by thoſe wicked counſels, from which God did then deliver us, which we ought never to forget.

‘That the rebellion in Ireland was framed and cheriſhed by the Popiſh and malignant party in England, is not only affirmed by the rebels, but may be cleared by many other proofs: The ſame rebellious principles of pretended religion, the ſame politick ends, are apparent in both, and their malicious deſigns and practices are maſked and diſguiſed with the ſame falſe colour, of their earneſt zeal to vindicate his majeſty's prerogative from the ſuppoſed oppreſſion of the parliament. How much theſe treacherous pretences have been countenanced by ſome evil counſellors about his majeſty, may appear in this, that the proclamation whereby they were declared traitors, was ſo long with-held as to the 2d of January, tho' the rebellion broke forth in October before, and then no more bnt 40 copies appointed to be printed, with a ſpecial command from his majeſty not to exceed that number; and that none of but ſhould be publiſhed, till his majeſty's pleaſure were farther ſignified, as by the warrant appears, a true copy whereof is hereunto added, ſo that a few only could take notice of it; which was made more obſervable, by the late contrary proceedings againſt the Scots, who were in a very quick and ſharp manner proclaimed; and thoſe proclamations forthwith diſperſed, with as much diligence as might be, thro' all the kingdom, and ordered to be read in all churches, accompanied with publick prayers and execrations.

‘Another evidence of favour and countenance to the rebels, in ſome of power about his majeſty, is this, that they have put forth in his name a cauſleſs complaint againſt the parliament, which ſpeaketh the ſame language of the parliament which the rebels do, whereby to raiſe a belief in men's minds, that his majeſty's affections are alienated, as well as his perſon is removed from that great council; all which doth exceedingly retard the ſupplies of Ireland, and more advance the proceedings of the rebels, than any jealouſy or miſapprehenſion, begotten in his ſubjects, by the declaration of the rebels injunctions of Roſetti, or information of Triſtram Whitecombe; ſo that, conſidering the preſent ſtate and temper of both kingdoms, his royal preſence is far more neceſſary here than it can be in Ireland, for redemption or protection of his ſubjects there.

‘And whether there be any cauſe of his majeſty's great indignation, for being reproached to have intended force or threatning to the parliament, we deſire them to conſider, who ſhall read our declaration, in which there is no word tending to any ſuch reproach; and certainly we have been more tender of his majeſty's honour in this point, than he, whoſoever he was, that did write this declaration, where, in his majeſty's name, he doth call God to witneſs, he never had any ſuch thought, or knew of any ſuch reſolution of bringing up the army; which truly will ſeem ſtrange to thoſe, who ſhall read the depoſition of Mr. Goring, the information of Mr. Percy, and divers other examinations of Mr. Wilmot, Mr. Pollard, and others; the other examinations of captain Legg, Sir Jacob Aſhley, Sir John Conyers,; and conſider the condition and nature of the petition which was ſent unto Sir Jacob Aſhley, under the approbation C. R. which his majeſty doth now acknowledge to be his own hand; and being full of ſcandal to the parliament, might have proved dangerous to the whole kingdom, if the army ſhould have interpoſed betwixt the king and them, as was deſired.

‘We do not affirm, that his majeſty's warrant was granted for the paſſage of Mr. Jermyn, after the deſire of both houſes for reſtraint of his ſervants, but only that he did paſs over, after that reſtraint, by vertue of ſuch a warrant. We know the warrant bears date the day before our deſire; yet it ſeems ſtrange to thoſe who know how great reſpect and power Mr. Jermyn had in court, that he ſhould begin his journey in ſuch haſte, and in apparel ſo unfit for travel, as a black ſatten ſuit, and white boots, if his going away were deſigned the day before.

‘The accuſation of the lord Kimbolton, and the five members of the houſe of commons, is called a breach of privilege; and truly ſo it was, and a very high one, far above any ſatisfaction that hath been yet given: How can it be ſaid to be largely ſatisfied, ſo long as his majeſty laboured to preſerve maſter attorney from puniſhment, who was the viſible actor in it; ſo long as his majeſty hath not only juſtified him, but by his letters declared, that it was his duty to accuſe them, and that he would have puniſhed him, if he had not done it; ſo long as thoſe members have not the means of clearing their innocency, and the authors of that malicious charge undiſcovered, tho' both houſes of parliament have ſeveral times petitioned his majeſty to diſcover them, and that not only upon grounds of common juſtice, but by act of parliament, his majeſty is bound to do it; ſo long as the king refuſes to paſs a bill for their diſcharge, alledging, that the narrative in that bill is againſt his honour, whereby he ſeems ſtill to avow the matter of that falſe and ſcandalous accuſation, tho' he deſerts the proſecution, offering to paſs a bill for their acquittal; yet with intimation, that they muſt deſert the avowing their own innocency, which would more wound them in honour, than ſecure them in law.

‘And in vindication of this great privilege of parliament, we do not know that we have invaded any privilege belonging to his majeſty, as is alledged in this declaration.

‘But we look not upon this only in the notion of a breach of privilege, which might be, tho' the accuſation were true or falſe, but under the notion of a heinous crime in the attorney, and all other ſubjects who had a hand in it, a crime againſt the law of nature, againſt the rules of juſtice, that innocent men ſhould be charged with ſo great an offence as treaſon, in the face of the higheſt judicatory of the kingdom, whereby their lives and eſtates, their blood and honour are endangered, without witneſs, without evidence, without all poſſibility of reparation in a legal courſe, yet a crime of ſuch a nature, that his majeſty's command can no more warrant, than it can any other acts of injuſtice. It is true, that thoſe things which are evil in their own nature, ſuch as falſe teſtimony or falſe accuſation, cannot be the ſubject of any command, or induce any obligation of obedience upon any man, by any authority whatſoever; therefore the attorney in this caſe was bound to refuſe to execute ſuch a command, unleſs he had ſome ſuch evidence or teſtimony, as might have warranted him againſt the parties, and be liable to make ſatisfaction if it ſhould prove falſe; and it is ſufficiently known to every man, and adjudged in parliament, that the king can be neither the relator, informer, or witneſs. If it reſt as it is, without farther ſatisfaction, no future parliament can be ſafe, but that the members may be taken and deſtroyed at pleaſure; yea the very principles of government and juſtice will be in danger to be diſſolved.

‘We do not conceive, that numbers do make an aſſembly unlawful, but when either the end or manner of their carriage ſhall be unlawful. Divers juſt occaſions might draw the citizens to Weſtminſter, where many publick and private petitions, and other cauſes, were depending in parliament; and why that ſhould be found more faulty in the citizens, than the reſort of great numbers e-

‘ very day in the term to the ordinary courts of juſtice, we know not: That thoſe citizens were notoriouſly provoked and aſſaulted at Weſtminſter, by colonel Lunsford, captain Hide, with divers others, and by ſome of the ſervants of the archbiſhop of York, is ſufficiently proved; and that afterward they were more violently wounded, and moſt barbarouſly mangled with ſwords, by the officers and ſoldiers near Whitehall, many of them being without weapons, and giving no cauſe of diſtaſte, as is likewiſe proved by ſeveral teſtimonies; but of any ſcandalous or ſeditious miſdemeanors of theirs, that might give his majeſty good cauſe to ſuppoſe his own perſon, or thoſe of his royal conſort, or children, to be in apparent danger, we have had no proof ever offered to either houſe; and if there had been any complaint of that kind, it is no doubt the houſes would have been as forward to join in an order for the ſuppreſſing ſuch tumults, as they were not long before upon another occaſion, when they made an order to that purpoſe. Whereas thoſe officers and ſoldiers, which committed that violence upon ſo many of the citizens at Whitehall, were cheriſhed and foſtered in his majeſty's houſe: And when, not long after, the common-council of London preſented a petition to his majeſty, for reparation of thoſe injuries; his majeſty's anſwer was, (without hearing the proof of the complaints) that if any citizen were wounded or ill-treated, his majeſty was confidently aſſured, that it happened by their own evil and corrupt demeanours.

‘ We hope it cannot be thought contrary to the duty and wiſdom of parliament, if many concurring, and frequently reiterated and renewed advertiſements from Rome, Venice, Paris, and other parts; if the ſollicitations of the pope's nuncio, and our own diſcontented fugitives, do make us jealous and watchful for the ſafety of the ſtate. And we have been very careful to make our expreſſions thereof ſo eaſy and ſo plain to the capacity and underſtanding of the people, that nothing might juſtly ſtick with them, with reflection upon the perſon of his majeſty. Wherein we appeal to the judgment of any indifferent perſon, who ſhall read and peruſe our own words. We muſt maintain the ground of our fears to be of that moment, that we cannot diſcharge the truſt and duty which lies upon us, unleſs we do apply ourſelves to the uſe of thoſe means which the law hath enabled us in caſes of this nature, for the neceſſary defence of the kingdom; and as his majeſty doth graciouſly declare, the law ſhall be the meaſure of his power; ſo do we moſt heartily profeſs, that we ſhall always make it the rule of our obedience.

Prudent omiſſions in the king's anſwer.

‘ The next point of our declaration was with much caution artificially paſſed over by him who drew his majeſty's anſwer, it being indeed the foundation of all our miſery, and his majeſty's trouble, that he is pleaſed to hear general taxes upon his parliament, without any particular charge to which they may give ſatisfaction, and that he hath often conceived diſpleaſure againſt particular perſons upon miſinformation; and altho' thoſe informations have been clearly proved to be falſe, yet he would never bring the accuſers to queſtion, which layeth an impoſſibility upon honeſt men of clearing themſelves, and gives encouragement unto falſe and unworthy perſons to trouble with untrue and groundleſs informations; three particulars we mentioned in our declaration, which the penner of that anſwer had good cauſe to omit; the words ſuppoſed to be ſpoken at Kenſington; the pretended articles againſt the queen; and the groundleſs accuſation of the ſix members of parliament, there being nothing to be ſaid in defence or denial of any of them.

‘ Concerning his majeſty's deſire to join with his parliament, and with his faithful ſubjects, in defence of religion, and publick good of the kingdom; we doubt not but he will do it fully, when evil counſellors ſhall be removed from about him; and until that be, as we have ſhewed before of words, ſo muſt we alſo ſay of laws, that they cannot ſecure us; witneſs the petition of right, which was followed with ſuch an innundation of illegal taxes, that we had juſt cauſe to think, that the payment of 820,000 pounds was an eaſy burthen to the commonwealth, in exchange of them; and we cannot but juſtly think, that if there be a continuance of ſuch ill counſellors, and favour to them, they will by ſome wicked device or other, make the bill for the triennial parliament, and thoſe other excellent laws mentioned in his majeſty's declaration, of leſs value than words.

‘ That excellent bill for the continuance of this parliament was ſo neceſſary, that without it, we could not have raiſed ſo great ſums of money for the ſervice of his majeſty and the commonwealth as we have done, and without which the ruin and deſtruction of the kingdom muſt needs have followed. And we are reſolved, the gracious favour of his majeſty expreſſed in that bill, and the advantage and ſecurity which thereby we have from being diſſolved, ſhall not encourage us to do any thing, which otherwiſe had not been fit to have been done. And we are ready to make it good before all the world, that altho' his majeſty hath paſſed many bills very advantageous for the ſubject, yet in none of them have we bereaved his majeſty of any juſt, neceſſary, or profitable prerogative of the crown. We ſo earneſtly deſire his majeſty's return to London, for that upon it, we conceive, depends the very ſafety and being of both his kingdoms: And therefore we muſt proteſt, that as for the time paſt, neither the government of London, nor any laws of the land, have loſt their life and force for his ſecurity; ſo for the future, we ſhall be ready to do or ſay, any thing that may ſtand with the duty or honour of a parliament, which may raiſe a 'mutual confidence betwixt his majeſty and us, as we do wiſh, and as the affairs of the kingdom do require.

'Thus far the anſwer to that which is called his majeſty's declaration, hath led us. Now we come to that which is intitled, "His majeſty's anſwer to the petition of both houſes, preſented to him at York the 26th of March, 1642." In the beginning whereof his majeſty wiſheth, that our privileges on all parts were ſo ſtated, that this way of correſpondency might be preſerved, with that freedom which hath been uſed of old. We know nothing introduced by us that gives any impediment hereunto; neither have we affirmed our privileges to be broken, when his majeſty denies us any thing, or gives us a reaſon why he cannot grant it, or that thoſe who adviſed ſuch denial, were enemies to the peace of the kingdom, and favourers of the Iriſh rebellion, in which aſperſion, that is turned into a general aſſertion, which in our votes is applied to a particular caſe; wherefore we muſt maintain our votes, that thoſe who adviſed his majeſty to contradict that which both houſes, in the queſtion concerning the militia, had declared to be law and command, it ſhould not be obeyed, is a high breach of privilege; and that thoſe who adviſed his majeſty to abſent himſelf from his parliament, are enemies to the peace of the kingdom, and juſtly to be ſuſpected to be favourers of the rebellion in Ireland. The reaſons of both are evident, becauſe in the firſt there is as great a derogation from the truſt and authority of parliament; and in in the ſecond, as much advantage to the proceedings and hopes of the rebels as may be: And we hold it a very cauſeleſs imputation upon the parliament, that we have herein any way impeached, much leſs taken away, the freedom of his majeſty's vote, which doth not import a liberty for his majeſty to deny any thing, how neceſſary ſoever, for the preſervation of the kingdom, much leſs a licenſe to evil counſellors, to adviſe any thing, tho' never ſo deſtructive to his majeſty and his people (2).

Rem. (2). I do not think, it was ever decided to what acts the king may, or may not, deny his aſſent; ſo there ariſes an inexhauſtible fountain of diſputes, when the king and parliament do not agree.

'By the meſſage of the 20th of January, his majeſty did propound to both houſes of parliament, that they would with all ſpeed fall into a ſerious conſideration of all thoſe particulars, which they thought neceſſary, as well for the upholding and maintaining his majeſty's juſt and regal authority, and for the ſettling his revenue, as for the preſent and future eſtabliſhing our privileges, the free and quiet enjoying our eſtates, the liberties of our perſons, the ſecurity of the true religion profeſſed in the church of England, and the ſettling of ceremonies in ſuch a manner as may take away all juſt offence, and digeſt it into one entire body.

'To that point of upholding and maintaining his royal authority, we ſay, nothing hath been done to the prejudice of it, that ſhould require any new proviſion: To the other of ſettling the revenue, the parliament hath no way abridged or diſordered his juſt revenue; but it is true that much waſte and confuſion of his majeſty's eſtate hath been made by thoſe evil and unfaithful miniſters, whom he hath employed in the managing of it, whereby his own ordinary expences would have been diſappointed, and the ſafety of the kingdom more endangered, if the parliament had not in ſome meaſure provided for his houſhold, and for ſome of the forts, more than they were bound to do; and they are ſtill willing to ſettle ſuch a revenue upon his majeſty, as may make him live royally, plentifully, and ſafely; but they cannot in wiſdom and fidelity to the commonwealth do this, till he ſhall chuſe ſuch counſellors and officers as may order and diſpoſe it to the publick good, and not apply it to the ruin and deſtruction of his people, as heretofore it hath been. But this and the other matters concerning ourſelves, being works of great importance, and full of intricacy, will require ſo long a time of deliberation, that the kingdom might be ruined before we ſhould effect them. Wherefore we thought it neceſſary, firſt to be ſuitors to his majeſty, ſo to order the militia, that the kingdom being ſecured, we might with more eaſe and ſafety apply ourſelves to debate of that meſſage wherein we have been interrupted by his majeſty's denial of the ordinance concerning the ſame, becauſe it would have been in vain for us to labour in other things, and in the mean time to leave ourſelves naked to the malice of ſo many enemies both at home and abroad; yet we have not been altogether negligent of thoſe things which his majeſty is pleaſed to propound in that meſſage: We have agreed upon a book of rates in a larger proportion than hath been granted to any of his majeſty's predeceſſors, which is a conſiderable ſupport of his majeſty's publick charge; and have likewiſe prepared divers propoſitions and bills for preſervation of our religion and liberties, which we intend ſhortly to preſent to his majeſty, and to do whatſoever is fit for us to make up this unpleaſant breach betwixt his majeſty and his parliament.

'Whereas divers exceptions are here taken concerning the militia; firſt, that his majeſty never denied the thing, but accepted the perſons (except for corporations) only that he denied the way. To which we anſwer, that that exception takes off London, and all other great towns and cities, which makes a great part of the kingdom; and for the way of ordinance it is antient, more ſpeedy, more eaſily alterable, and, in all theſe and other reſpects, more proper and more applicable to the preſent occaſion, than a bill which his majeſty calls the only good old way of impoſing upon the ſubjects. It ſhould ſeem that neither his majeſty's royal predeceſſors, nor our anceſtors have heretofore been of that opinion; 37 Ed. 3. we find this record,

‘cord, “The chancellor made declaration of the challenge of the parliament; the king deſires to know the griefs of his ſubjects, and to redreſs enormities. The laſt day of the parliament, the king demanded of the whole eſtates, whether they would have ſuch things as they agreed on, by way of ordinance, or ſtatute? Who anſwered, by way of ordinance; for that they might amend the ſame at their pleaſure, and ſo it was.”

‘But his majeſty objects farther, that there is ſomewhat in the preface, to which he could not conſent with juſtice to his honour and innocence, and that thereby he is excluded from any power in the diſpoſing of it. Theſe objections may ſeem ſomewhat, but indeed will appear nothing, when it ſhall be conſidered, that nothing in the preamble lays any charge upon his majeſty, or in the body of the ordinance, that excludes his royal authority in the diſpoſing or execution of it; but only it is provided, that it ſhould be ſignified by both houſes of parliament, as that channel thro' which it will be beſt derived, and moſt certainly to thoſe ends for which it is intended, and let all the world judge, whether we have not reaſon to inſiſt upon it, that the ſtrength of the kingdom ſhould rather be ordered according to the direction or advice of the great council of the land, equally intruſted by the king, and by the kingdom, than that the ſafety of the king, parliament, and kingdom, ſhould be left at the devotion of a few unknown counſellors, many of them not intruſted at all by the king in any publick way, not at all confided in by the kingdom.

‘We wiſh the danger were not imminent, or not ſtill continuing, but cannot conceive, that the long time ſpent in this debate is evidence ſufficient that there was no ſuch neceſſity or danger, but a bill might eaſily have been prepared; for when many cauſes do concur, to the danger of a ſtate, the interruption of any one may hinder the execution of the reſt, and yet the deſign be ſtill kept on foot for better opportunities. Who knows whether the ill ſucceſs of the rebels in Ireland had not hindered the inſurrection of the Papiſts here? Whether the preſervation of the ſix members of the parliament falſely accuſed, hath not prevented that plot of the breaking the neck of the parliament, of which we were informed from France, not long before they were accuſed? Yet ſince his majeſty hath been pleaſed to expreſs his pleaſure rather for a bill than an ordinance, and that he ſent in one for that purpoſe, we readily entertained it, and with ſome ſmall and neceſſary alterations, ſpeedily paſſed the ſame: But, contrary to the cuſtom of parliament, and our expectations grounded upon his majeſty's own invitation of us to that way, and the other reaſons manifeſted in our declaration concerning the militia of the 5th of May, inſtead of his royal aſſent, we met with an abſolute refuſal.

‘If the matter of theſe our votes of the 15th and 16th of March, be according to law, we hope his majeſty will allow the ſubjects to be bound by them, becauſe he hath ſaid, he will make the law the rule of his power; and if the queſtion be, whether that be law which the lords and commons have once declared to us ſo, who ſhall be the judge? Not his majeſty; for the king judgeth not of matters of law, but by his courts; and his courts, tho' ſitting by his authority, expect not his aſſent in matters of law: Nor any other cours, for they cannot judge in that caſe, becauſe they are inferior; no appeal lying to them from parliament, the judgment whereof is, in the eye of the law, the king's judgment in his higheſt court; tho' the king in his perſon be neither preſent nor aſſenting thereunto (3).

Rem. (3). I obſerved elſewere, the defect of this reaſoning, which is a mere fallacy, grounded upon the equivocal word parliament; for under pretence, that in a certain ſenſe, the two houſes alone are called the parliament, they aſſume here to themſelves the rights belonging ſolely to the parliament compoſed of king, lords, and commons.

‘The votes at which his majeſty takes exceptions, are theſe:

“That the king's abſence ſo far remote from the parliament, is not only an obſtruction, but may be a deſtruction to the affairs of Ireland.

“That when the lords and commons ſhall declare what the law of the land is, to have this not only queſtioned and controverted, but contradicted, and a command that it ſhould not be obeyed, is a high breach of the privilege of parliament.

“That thoſe perſons that adviſed his majeſty to abſent himſelf from the parliament, are enemies to the peace of the kingdom, and juſtly may be ſuſpected to be favourers of the rebellion in Ireland.

“That the kingdom hath been of late, and ſtill is in ſo imminent danger, both from enemies abroad, and a Popiſh and diſcontented party at home, that there is an urgent and inevitable neceſſity of putting his majeſty's ſubjects into a poſture of defence, for the ſafeguard both of his majeſty and his people.

“That the lords and commons fully apprehending this danger, and being ſenſible of their own duty, to provide a ſuitable prevention, have in ſeveral petitions addreſſed themſelves to his majeſty, for the ordering and diſpoſing of the militia of the kingdom, in ſuch a way as was agreed upon by the wiſdom of both houſes, to be moſt effectual and proper for the preſent exigents of the kingdom, yet could not obtain it; but his majeſty did ſeveral times refuſe to give his royal aſſent thereunto.

“That in this caſe of extreme danger, and his majeſty's refuſal, the ordinance of parliament agreed upon by both houſes for the militia, doth oblige the people, and ought to be obeyed by the fundamental laws of this kingdom.”

‘By all which it doth appear, that there is 'no colour that by this tax we go about to introduce a new law, much leſs to exerciſe an arbitrary power, but indeed to prevent it; for this law is as old as the kingdom, that the kingdom muſt not be without a means to preſerve itſelf; which that it may be done without confuſion, this nation hath intruſted certain hands with a power to provide, in an orderly and regular way, for the good and ſafety of the whole; which power, by the conſtitution of this kingdom, is in his majeſty and in his parliament together: Yet ſince the prince, being but one perſon, is more ſubject to accidents of nature and chance, whereby the commonwealth may be deprived of the fruit of that truſt which was in part repoſed in him; in caſes of ſuch neceſſity, that the kingdom may not be inforced preſently to return to its firſt principles, and every man left to do what is right in his own eyes, without either guide or rule, the wiſdom of this ſtate hath intruſted the houſes of parliament with a power to ſupply what ſhall be wanting on the part of the prince; as is evident by the conſtant cuſtom and practice thereof in caſes of nonage, natural diſability, and captivity; and the like reaſon doth and muſt hold for the exerciſe of the ſame power in ſuch caſes, where the royal truſt cannot be, or is not diſcharged, and that the kingdom runs an evident and imminent danger thereby; which danger having been declared by the lords and commons in parliament, there needs not the authority of any perſon of court to affirm; nor is it in the power of any perſon or court to revoke that judgment (4).

REM. (4). All theſe reaſonings of both houſes are founded upon the ſuppoſition of an imminent danger. When they come to give proofs of the reality of this danger, they alledge only ſuſpicions, whereof they explain the cauſes; after which, they affirm the danger to be real, becauſe they have declared it ſo, and becauſe there is no ſuperior authority to contradict their judgment. But this declaration does not make the danger real, if it be not ſo indeed; wherefore it is eaſy, to perceive, by their way of proceeding, that they are embarraſſed by this article.

'We know the king hath ways enough in his ordinary courts of juſtice to puniſh ſuch ſeditious pamphlets and ſermons, as are any way prejudicial to his rights, honour, and authority; and if any of them have been ſo inſolently violated and villified, his majeſty's own council and officers have been to blame, and and not the parliament. We never did reſtrain any proceedings of this kind in other courts, nor refuſe any fit complaint to us. The proteſtation proteſted was referred by the commons houſe to a committee, and the author being not produced, the printer was committed to priſon, and the book voted by that committee to be burnt; but Sir Edward Deering, who was to make that report of the votes of that committee, neglected to make it. The apprentices proteſtation was never complained of; but the other ſeditious pamphlet (To your tents O Iſrael) was once queſtioned, and the full proſecution of it was not interrupted by any fault of either houſe, whoſe forwardneſs to do his majeſty all right therein, may plainly appear in that a committee of lords and commons were purpoſely appointed to take ſuch information as the king's council ſhould preſent, concerning ſeditious words, practices, or tumults, pamphlets or ſermons, tending to the derogation of his majeſty's rights or prerogative; and his council were enjoyned by that committee to enquire and preſent them; who ſeveral times met thereupon, and received this anſwer and declaration from the king's council, that they knew of no ſuch thing as yet.

'If his majeſty had uſed the ſervice of ſuch a one in penning this anſwer, who underſtood the laws and government of this kingdom, he would not have thought it legally in his power to deny his parliament a guard, when they ſtood in need of it, ſince every ordinary court hath it; neither would his majeſty, if he had been well informed of the laws, have refuſed ſuch a guard as they deſired, it being in the power of inferior courts to command their own guard, neither would he have impoſed upon them ſuch a guard, under a commander which they could not confide in; which is clearly againſt the privileges of parliament, and of which they found very dangerous effects, and therefore deſired to have it diſcharged. But ſuch a guard, and ſo commanded, as the houſes of parliament deſired, they could never obtain of his majeſty; and the placing of a guard about them, contrary to their deſire, was not to grant a guard to them, but in effect, to ſet one upon them. All which conſidered; we believe, in the judgments of any indifferent perſons, it will not be thought ſtrange, if there were a more than ordinary reſort of people at Weſtminſter, of ſuch as came willingly of their own accord to be witneſſes and helpers of the ſafety of them, whom all his majeſty's good ſubjects are bound to defend from violence and danger; or that ſuch a concourſe as this, they carrying themſelves quietly and peaceably (as they did) ought, in his majeſty's apprehenſion, or can, in the interpretation of the law, be held tumultuary and ſeditious.

'When his majeſty in that queſtion of violation of the laws, had expreſſed the obſervation of them indefinitely, without any limitation of time, altho' we never ſaid or thought any thing that might look like a reproach to his majeſty, yet we had reaſon to remember that it had been otherwiſe, leſt we ſhould ſeem to deſert our former complaints and proceedings thereupon, as his majeſty doth ſeem but little to like or approve of them; for altho' he doth acknowledge here, that great miſchief that grew by that arbitrary power then complained of, yet ſuch are continually preferred and countenanced as were friends or favourers, or related unto the chief authors and actors of 'that arbitrary power, and of thoſe falſe colours, ſuggeſtions of imminent danger and neceſſity, whereby they did make it plauſible unto his majeſty. And on the other ſide, ſuch as did appear againſt them, are daily diſcountenanced and diſgraced; which, whilſt it ſhall be ſo, we have no reaſon to judge the diſeaſe to be yet killed and dead at root, and therefore no reaſon to bury it in oblivion. And whilſt we behold the ſpawns of thoſe miſchievous principles cheriſhed and foſtered in that new generation of counſellors, friends and abettors of the former, or, at leaſt, concurring with them in their malignancy againſt the proceedings of this parliament, we cannot think ourſelves ſecure from the like or a worſe danger.

'And here the penner of this anſwer beſtows an admonition upon the parliament, bidding us take heed we fall not upon the ſame error, upon the ſame ſuggeſtions. But he might have well ſpared this, till he could have ſhewed wherein we had exerciſed any power, otherwiſe than by the rule of the law, or could have found a more authentick or higher judge in matters of law, than the high court of parliament.

'It is declared in his majeſty's name, that he is reſolved to keep the rule himſelf, and to his power to require the ſame of all others. We muſt needs acknowledge, that ſuch a reſolution is like to bring much happineſs and bleſſing to his majeſty, and all his kingdom; yet with humility we muſt confeſs, we have not the fruit of it, in that caſe of my lord Kimbolton, and the other five members, accuſed contrary to law, both common law and the ſtatute law, and yet remain unſatisfied; which caſe was remembered in our declaration, as a ſtrange and unheard of violation of our laws. But the penner of this anſwer thought fit to paſs it over, hoping that many would read his majeſty's anſwer, (which hath been ſo carefully diſperſed) which would not read our declaration.

'Whereas, after our ample thanks and acknowledgement of his majeſty's favour in paſſing many good bills, we ſaid, that truth and neceſſity inforced us to add this, that in or about the time of paſſing thoſe bills, ſome deſign or other had been on foot, which, if it had taken effect, would not only have deprived us of the fruit of thoſe bills, but would have reduced us to a worſe condition of confuſion, than that wherein the parliament found us. It is now told us, that the king muſt be moſt ſenſible of what we caſt upon him, for requital of thoſe good bills; whereas out of our uſual tenderneſs of his majeſty's honour, we did not mention him at all: But ſo injurious are thoſe wicked counſellors to the name and honour of their maſter and ſovereign, that, as much as they can, they lay their own infamy and guilt upon his ſhoulders.

'Here God alſo is called to witneſs his majeſty's upright intentions at the paſſing of thoſe laws; this we will not queſtion, neither did we give any occaſion for ſuch a ſolemn aſſeveration as this is. The devil is likewiſe defied to prove, there was any deſign with his majeſty's knowledge or privity. This might well have been ſpared, for we ſpoke nothing of his majeſty: But ſince we are ſo far taxed, as to have it affirmed, that we laid a notorious and falſe imputation upon his majeſty, we have thought it neceſſary, for the juſt defence of our own innocency, to cauſe the oaths and examinations which had been taken concerning the deſign, to be publiſhed in a full narration, for ſatisfaction of all his majeſty's ſubjects; out of which we ſhall now offer ſome few particulars, whereby the world may judge, whether we could have proceeded with more tenderneſs towards his majeſty than we have done. Mr. Goring confeſſeth, that the king firſt asked him, whether he was engaged in any cabal concerning the army? And commanded him to join with Mr. Percy and Mr. Jermyn, and ſome others, whom they ſhould find within at Mr. Percy's chamber; where they took the oath of ſecreſy, and then debated of a deſign propounded by Mr. Jermyn, to ſecure the tower, and to conſider of bringing up the army to London, and captain Legg confeſſed, he had received the draught of a petition in the king's preſence; and his majeſty acknowledged it was from his own hand: And whoſoever reads the ſum of that petition, as it was proved by the teſtimony of Sir Jacob Aſhly, Sir John Conyers, and captain Legg, will eaſily perceive ſome points in it, apt to beget in them ſome diſcontent againſt the parliament. And can any man believe, there was no deſign in the accuſation of the lord Kimbolton, and the reſt, in which his majeſty doth avow himſelf to be both a commander and an actor? Theſe things being ſo, it will eaſily appear to be as much againſt the rule of prudence, that the penner of this anſwer ſhould entangle his majeſty in this unneceſſary apology; as it is againſt the rules of juſtice, that any reparation from us ſhould be either yielded or demanded.

'It is profeſſed in his majeſty's name, that he is truly ſenſible of the burdens of his people, which makes us hope, that he will take that courſe which will be moſt effectual to eaſe them of theſe burdens; that is, to join with his parliament in preſerving the peace of the kingdom; which by his abſence from them hath been much endangered, and which by hindering the voluntary adventures for the recovery of Ireland, and diſabling the ſubjects to diſcharge the great tax laid upon them, is like to make the war much more heavy to the kingdom. And for his majeſty's wants, the parliament hath been no cauſe of them; we have not diminiſhed his juſt revenue, but have much eaſed his publick charge, and ſomewhat his private. And we ſhall be ready, in a parliamentary way, to ſettle his revenues, in ſuch an honourable proportion, as may be anſwerable to both, when he ſhall put himſelf into ſuch a poſture of government, that his ſubjects may be ſe-

‘cure to enjoy his juſt protection for their religion, laws and liberties.

‘We never refuſed his majeſty's gracious offer of a free and general pardon, only we ſaid it could be no ſecurity to our preſent fears and jealouſies: And we gave a reaſon for it, that thoſe fears did not ariſe out of any guilt of our own actions, but out of the evil deſigns and attempts of others; and we leave it to the world to judge, whether we herein have deſerved ſo heavy a tax and exclamation, “(That it was a ſtrange world, when princes proffered favours are counted reproaches;” ſuch are the words of his majeſty's anſwer) who do eſteem that offer as an act of princely grace and bounty, which, ſince this parliament began, we have humbly deſired we might obtain, and do ſtill hold it neceſſary and advantageous for the generality of the ſubjects, upon whom theſe taxes and ſubſidies lie heavieſt; but we ſee, upon every occaſion, how unhappy we are in his majeſty's miſapprehenſions of our words and actions.

‘We are fully of the king's mind, as it is here declared, that he may reſt ſo ſecure of the affections of his ſubjects, that he ſhould not ſtand in need of foreign force to preſerve him from oppreſſion, and are confident, that he ſhall never want an abundant evidence of the good wiſhes and aſſiſtance of his whole kingdom, eſpecially if he ſhould be pleaſed to hold to that gracious reſolution, of building upon that ſure foundation, the law of the land: But why his majeſty ſhould take it ill, that we having received information ſo deeply concerning the ſafety of the kingdom, ſhould think them fit to be conſidered of, we cannot conceive; for altho' the name of the perſon was unknown, yet that which was more ſubſtantial to the probability of the report was known (that is) that he was ſervant to the lord Digby, who in his preſumptuous letter to the queen's majeſty, and other letters to Sir Lewis Dives, had intimated ſome wicked propoſition, ſuitable to that information; but that this ſhould require reparation, we hold it as far from juſtice as it is from truth, that we have mixed any malice with theſe rumours, thereby to feed the fears and jealouſies of the people.

‘It is affirmed, his majeſty is driven, (but not by us yet) from us; perchance hereafter, if there be opportunity of gaining more credit, there will not be wanting who will ſuggeſt unto his majeſty, that it is done by us. And if his majeſty were driven from us, we hope it was not by his own fears, but by the fears of the lord Digby, and his retinue of Cavaliers (5); and that no fears of any tumultuary violence but of their juſt puniſhment for their manifold inſolence, and intended violence againſt the parliament.

Rem. (5). By the lord Digby's Cavaliers were meant the officers and gentlemen who aſſembled at Whitehall, to guard the king, in the head of whom was the lord Digby. I do not believe, that when this declaration was publiſhed, the term Cavaliers was commonly uſed to denote the royal party. Perhaps this word, uſed here by the parliament, was the occaſion of calling the king's party Cavaliers, as the parliament's adherents were named Round-heads. Theſe two names were afterwards changed into Tories and Whiggs.

‘And this is expreſſed by the lord Digby himſelf, when he told thoſe Cavaliers, that the principal cauſe of his majeſty's going out of town, was to ſave them from being trampled in the dirt; but of his majeſty's perſon there was no cauſe of fear in the greateſt heat of his people's indignation, after the accuſation, and his majeſty's violent coming to the houſe; there was no ſhew of any evil intention againſt his regal perſon, of which there can be no better evidence than this, that he came the next day without a guard into the city, where he heard nothing but prayers and petitions, no threatenings nor irreverent ſpeeches, that might give him any juſt occaſion of fear, that we have heard of, or that his majeſty expreſt: For he ſtaid near a week after at Whitehall, in a ſecure and peaceable condition, whereby we are induced to believe, that there is no difficulty or doubt at all, but his majeſty's reſidence near London, may be as ſafe as in any part of the kindom. We are moſt aſſured of the faithfulneſs of the city and ſuburbs; and for ourſelves, we ſhall quicken the vigour of the laws, the induſtry of the magiſtrates, the authority of the parliament, for the ſuppreſſing of all tumultuary inſolences whatſoever, and for the vindicating of his honour from all inſupportable and inſolent ſcandals, if any ſuch ſhall be found to be raiſed upon him, as are mentioned in this anſwer; and therefore we think it altogether unneceſſary, and exceeding inconvenient, to adjourn the parliament to any other place.

‘Where the deſire of a good underſtanding betwixt the king and the parliament, is on both parts ſo earneſt, as is here profeſſed by his majeſty, to be in him, and we have ſufficiently teſtified to be in ourſelves, it ſeems ſtrange we ſhould be ſo long aſunder, it can be nothing elſe but evil and malicious counſel, miſrepreſenting our carriage to him, and indiſpoſing his favour to us: And as it ſhall be far from us, to take any advantage of his majeſty's ſuppoſed ſtraits, as to deſire, much leſs to compel, him to that which his honour or intereſt may render unpleaſant and grievous to him; ſo we hope, that his majeſty will not make his own underſtanding or reaſon the rule of his government, but will ſuffer himſelf to be aſſiſted with a wiſe and prudent council, that may deal faithfully betwixt him and his people; and that he will remember that his reſolutions do concern kingdoms, and therefore ought not to be moulded by his own, much leſs by any other private perſon, which is not alike proportionable to ſo great a truſt. And therefore we ſtill deſire and hope, that his majeſty will not be guided by his own underſtanding, or think thoſe courſes, ſtraits, and neceſſities, to which he ſhall be adviſed by the wiſdom of both 'houſes of parliament, which are the eyes in this politick body, whereby his majeſty is, by the conſtitution of this kingdom, to diſcern the differences of thoſe things which concern the publick peace and ſafety thereof.

'We have given his majeſty no cauſe to ſay, that we do meanly value the diſcharge of his publick duty. Whatſoever acts of grace or juſtice have been done, they proceed from his majeſty by the advice and counſel of his parliament; yet we have, and ſhall always anſwer them with conſtant gratitude, obedience, and affection: And altho' many things have been done ſince this parliament, of another nature, yet we ſhall not ceaſe to deſire the continued protection of almighty God upon his majeſty; and moſt humbly petition him, to caſt from him all thoſe evil and contrary counſels, which have, in many particulars formerly mentioned, much detracted from the honour of his government, the happineſs of his own eſtate, and proſperity of his people.

'And having paſſed ſo many dangers from abroad, ſo many conſpiracies at home, and brought on the publick work ſo far, through the greateſt difficulties that ever ſtood in oppoſition to a parliament, to ſuch a degree of ſucceſs, that nothing ſeems to be left in our way, able to hinder the full accompliſhment of our deſires and endeavours of the publick good; unleſs God in his juſtice do ſend ſuch a grievous curſe upon us, as to turn the ſtrength of the kingdom againſt itſelf, and to effect that by their own folly and credulity, which the power and ſubtilty of their and our enemies could not attain, that is, to divide the people from the parliament, and to make them ſerviceable to the ends and aims of thoſe who who would deſtroy them. Therefore we deſire the kingdom to take notice of this laſt and moſt deſperate and miſchievous plot of the malignant party, that is acted and proſecuted in many pars of the kingdom, under plauſible notions of ſtirring them up to a care of preſerving the king's prerogative, maintaining the diſcipline of the church, upholding and continuing the reverence and ſolemnity of God's ſervice, and encouraging of learning. And upon theſe grounds, divers mutinous petitions have been framed in London, Kent, and other counties, and ſundry of his majeſty's ſubjects have been ſolicited to declare themſelves for the king againſt the parliament: And many falſe and foul aſperſions have been caſt upon our proceedings, as if we had been not only negligent, but averſe in theſe points: Whereas we deſire nothing more, than to maintain the purity and power of religion, and to honour the king in all his juſt prerogatives; and for encouragement and advancement of piety and learning, we have very earneſtly endeavoured, and ſtill do, to the utmoſt of our power, that all pariſhes may have learned, pious, and ſufficient preachers, and all ſuch preachers competent livings (6).

Rem. (6). The king complained, that the church of England was going to be deſtroyed to make way for presbytery. The parliament dares not ſay the contrary, for fear of diſcouraging the Presbyterians, nor own it, becauſe it was not yet time to diſcover themſelves ſo openly. They endeavour, therefore, to get off, by general terms, which ſignify nothing, that is, they have reſolved to place in every pariſh pious miniſters, and provide for their ſubſiſtence.

'Many other bills and propoſitions are in preparation for the king's profit and honour, the people's ſafety and proſperity: In the proceedings whereof we are much hindered by his majeſty's abſence from the parliament, which is altogether contrary to the uſe of his predeceſſors, and the privileges of parliament, whereby our time is conſumed by a multitude of unneceſſary meſſages, and our innocency wounded by cauſeleſs and ſharp invectives. Yet we doubt not, but we ſhall overcome all this at laſt, if the people ſuffer not themſelves to be deluded with falſe and ſpecious ſhews, and ſo drawn to betray us to their own undoing, who have ever been willing to hazard the undoing of ourſelves, that they might not be betrayed by our neglect of the truſt repoſed in us: But if it were poſſible they ſhould prevail herein, yet we would not fail, through God's grace, ſtill to perſiſt in our duties, and to look beyond our own lives, eſtates, and advantages, as thoſe who think nothing worth the enjoying, without the liberty, peace, and ſafety of the kingdom; nor any thing too good to be hazarded in diſcharge of our conſciences, for the obtaining of it: And ſhall always repoſe ourſelves upon the protection of almighty God, which we are confident ſhall never be wanting to us, (while we ſeek his glory,) as we have found it hitherto wonderfully going along with us in all our proceedings.'

The king quickly anſwered this manifeſto. He had ſtrong reaſons to prevent betimes, the impreſſions it might make upon the minds of the people. As a war was unavoidable, the king and the parliament were equally concerned to gain the people, and for this theſe papers were intended. We have ſeen in the parliament's manifeſto, the objections againſt the king reiterated, and we ſhall ſee in the king's, the ſame anſwers he had before given to each of the articles. Theſe two papers, therefore, may be conſidered as a recapitulation of whatever had been alledged pro and con, in the diſpute between the king and the parliament. Both flattered themſelves, that their reaſons were unanſwerable, and propoſed them with great confidence. Nor was this entirely without foundation, for both ſides, reaſoning upon different principles, might be in the right, according to their reſpective ſuppoſitions.

His majeſty's anſwer to a book, entitled, The declaration or remonſtrance of the lords and commons, May 19, 1642.

'IF we could be weary of taking any pains for the ſatisfaction of our people, and to undeceive them of thoſe ſpecious miſchievous infuſions Ruſhw.

'infuſions which are daily inſtilled into them, to ſhake and corrupt their loyalty and affection to us and our government, after ſo full and ample declaration of ourſelf and intentions, and ſo fair and ſatisfactory anſwers to all ſuch matters as have been objected to us by a major part preſent of both houſes of parliament, we might well give over thislabour of our pen, and ſit ſtill till it ſhall pleaſe God ſo to enlighten the affections and underſtandings of our good ſubjects on our behalf, (which we doubt not but that in his good time he will do) that they may ſee our ſufferings are their ſufferings. But ſince, inſtead of applying themſelves to the method propoſed by us, of making ſuch ſolid particular propoſitions as might eſtabliſh a good underſtanding between us, or of following the advice of our council of Scotland (with whom they communicate their affairs) in forbearing all means that may make the breach wider and wound deeper; they have choſen to purſue us with new reproaches, or rather to continue and improve the old, by adding and varying little circumſtances and language, in matters formerly urged by them, and fully anſwered by us. We prevailed with ourſelf, upon very mature and particular conſideration of it, to anſwer the late priuted book, entitled, A declaration or remonſtrance of the lords and commons, which was ordered the 19th of May laſt to be printed and publiſhed, hoping then, that they would put us to no more of this trouble, but that that ſhould have been the laſt of ſuch a nature they would have communicated to our people, and that they would not, as they have done ſince, thought fit to aſſault us with a newer declaration, indeed of a very new nature and learning, which muſt have another anſwer (1).

Remark (1). This was another declaration of the ſecond of June, whence it may be inferred, that this anſwer of the king to the firſt was not publiſhed till after that time.

'And we doubt not, but that our good ſubjects in ſhort time will be ſo well inſtructed in the differences and miſtakings between us, that they will plainly diſcern, without reſigning their reaſon and underſtanding to our prerogative, or the infallibility of a now major part of both houſes of parliament (infected by a few malignant ſpirits) where the fault is (2).

Rem. (2). The king begins in this paper to repreſent the reſolutions of the parliament, not as being agreeable to the ſentiments of the nation, but as coming only from a diſaffected party which prevailed in both houſes.

'Tho' we ſhall, with humility and alacrity, be always forward to acknowledge the infinite mercy and providence of almighty God, vouchſafed ſo many ſeveral ways to ourſelf and this nation, yet ſince God himſelf doth not allow that we ſhould fancy and create dangers to ourſelf, that we might manifeſt and publiſh his mercy in our deliveranc, we muſt profeſs we do not know thoſe deliverances mentioned in the beginning of that declaration, from ſo many wicked plots and deſigns ſince the beginning of this parliament, which if they had taken effect, would have brought ruin and deſtruction upon this kingdom. We well know the great labour and ſkill hath been uſed to amaze and affright our good ſubjects with fears and apprehenſions of plots and conſpiracies, the ſeveral pamphlets publiſhed, and letters ſcattered up and down, full of ſuch ridiculous contemptible animadverſions to that purpoſe, as (tho' they found, for what end God knows, very unuſual countenance) no ſober man would be moved with them. But we muſt confeſs, we have never been able to inform ourſelf of any ſuch pernicious formed deſign againſt the peace of this kingdom, ſince the beginning of this parliament, as is mentioned in that declaration, or might be any warrant to thoſe great fears, both our houſes of parliament ſeem to be tranſported with; but we have great cauſe to believe, more miſchief and danger hath been raiſed and begotten to the diſturbance of this kingdom, than cured or prevented by thoſe fears and jealouſies. And therefore, however the rumour and diſcourſe of plots and conſpiracies may have been neceſſary to the deſigns of particular men, they ſhall do well not to pay any falſe devotions to almighty God, who diſcerns whether our dangers are real or pretended.

'For the bringing up of the army to London, as we have heretofore (by no other direction than the teſtimony of a good conſcience) called God to witneſs, we never had, or knew any ſuch reſolution; ſo upon the view of the depoſitions now publiſhed with that declaration, it is not evident to us, there was ever ſuch a deſign, unleſs very looſe diſcourſe or argument be inſtance enough of a deſign (3).

Rem. (3). The king ſeems to vindicate himſelf very weakly upon this article. His whole anſwer lies in the ambiguity of the word deſign, which may ſignify, either a bare project, or a ſettled and formed deſign. It is certain, there was a deſign or project to bring up the army to London, which the king knew of, and was propoſed by Jermyn; but no reſolution was taken thereon. The king denies, he knew of any ſuch reſolution, becauſe indeed there was none; but he dares not deny, he was informed of the deſign or project to march the army to London. Wherefore, after having ſpoken of the deſign in general, he immediately changes the word into that of reſolution. Charles I, was very ſkilful in ſuch ſort of ambiguities.

'And it is apparent, that what was ſaid of it, was near three months before the diſcovery to both houſes of parliament: So that if there were any danger threatned that way, it vaniſhed without any reſiſtance or prevention, by the wiſdom, power, or authority of them (4).

Rem. (4). The parliament inſiſted chiefly upon the king's intention, and endeavoured to prove the fact, in order to ſhew this intention;

ſo it was not a proof of the king's having no ill intention, that the deſign of ſeducing the army, and bringing it up to London was not purſued.

'It ſeems the intention of that declaration (whatſoever other end it hath) is to anſwer a declaration they received from us, in anſwer to that which was preſented to us at Newmarket the 9th of March laſt; and likewiſe to our anſwer to the petition of both houſes, preſented to us at York, the 26th of March laſt. But before that declaration falls upon any particulars of our ſaid declaration or anſwer, it complains that the heads of the malignant party have, with much art and induſtry, adviſed us to ſuffer divers unjuſt ſcandals and imputations upon the parliament, to be publiſhed in our name, whereby they might make it odious to the people, and by their help deſtroy it: But not inſtancing in any one ſcandal or imputation ſo publiſhed by us, we are ſtill to ſeek for the heads of that malignant party. But our good ſubjects will eaſily underſtand, that if we were guilty of that aſperſion, we muſt not only be active in raiſing the ſcandal, but paſſive in the miſchief begotten by that ſcandal, we being an eſſential part of the parliament (5).

Rem. (5). This is only a ſubtlety grounded upon the ambiguity of the word parliament. In the declaration which the king is anſwering, by the term, parliament, is meant both houſes, without including the king, and here the king means both houſes and the king together.

'And we hope the juſt defence of ourſelf and our authority, and the neceſſary vindication of our innocence and juſtice, from the imputation laid on us by a major part then preſent, by either of both houſes, ſhall no more be called a ſcandal upon the parliament, than the opinion of ſuch a part be reputed an act of parliament. And we hope our good ſubjects will not be long miſled by that common expreſſion, in all the declarations, wherein they uſurp the word parliament, and apply it to countenance any reſolution or vote ſome few have a mind to make, by calling it, the reſolutiou of parliament, which can never be without our conſent; neither can the vote of either, or both houſes, make a greater alteration in the laws of this kingdom (ſo ſolemnly made by the advice of their predeceſſors, with the concurrence of us and our anceſtors) either by commanding or inhibiting any thing (beſides the known rules of the law) than our ſingle direction or mandate can do, to which we do not aſcribe the authority (6).

Rem. (6). This reaſon is invincible, ſuppoſing the government in its natural ſtate, but it could not make any impreſſion upon thoſe who believed the king intended to eſtabliſh an arbitrary power..

'But that declaration informs our people, that the malignant party hath drawn us into the northern parts far from our parliament: It might more truly and properly have ſaid, that it hath driven, than drawn us hither (7).

Rem. (7). The parliament underſtood by the malignant party, the king's party; and here the king gives the ſame name to that of the parliament.

'For we confeſs our journey hither (for we have no other reaſon to be ſorry, than with referrence to the cauſe of it) was only forced upon us by the true malignant party, which contrived and countenanced thoſe barbarous tumults, and other ſeditious circumſtances, of which we have ſo often complained, and hereafter ſhall ſay more, and which indeed threatens ſo much danger to our perſon and laid ſo much ſcandal upon the whole privilege and dignity of parliament, that we wonder it can be mentioned without bluſhes or indignation; but of that anon. But why the malignant party ſhould be charged with cauſing a preſs to be tranſported to York, we cannot imagine; neither have any papers or writings iſſued from thence, to our knowledge, but what have been extorted from us by ſuch provocations, as have not been before offered to a king. And no doubt, it will appear a moſt trivial and fond exception, when all preſſes are open to vent whatſoever they think fit to ſay to the people, (a thing unwarranted by former cuſtom) that we ſhould not make uſe of all lawful means to publiſh our juſt and neceſſary anſwers thereunto. As for the authority of the great-ſeal, (tho' we do not know that it hath been neceſſary to things of this nature) the ſame ſhall be more frequently uſed hereafter, as occaſion ſhall require (8); to which we make no doubt the greater and better part of our privy-council will concur, and whoſe advice we are reſolved to follow, as far as it ſhall be agreeable to the good and welfare of the kingdom.

'Rem. (8). The parliament's declaration was publiſhed the 19th of May, and three days after the lord-keeper Littleton went privately from London with the great-ſeal to the king; ſo the king had it in his hands when he publiſhed his anſwer. For this reaſon, he ſays, the ſame ſhall be more frequently uſed hereafter.

'Before that declaration vouchſafes to inſiſt on any particulars, it is pleaſed to cenſure both our declaration and anſwer, to be filled with harſh cenſures, and cauſeleſs charges upon the parliament (ſtill miſapplying the word parliament to the vote of both houſes) concerning which they reſolve to give ſatisfaction to the kingdom, ſince they find it very difficult to ſatisfy us. If, as in the uſage of the word parliament, they have left us out of their thoughts; ſo by the word kingdom, they intend to exclude all our people, who are out of the walls, (for that's grown another phraſe of the time, the vote of the major part of both houſes, and ſometimes of one, is now called, the reſolution of the whole kingdom,) we believe it may not be hard to give ſatisfaction to themſelves; otherwiſe we are confident (and our confidence proceeds from the uprightneſs of our own conſcience) they will

‘ never be able to ſever the affections of us and our kingdom, that what cannot be ſatisfaction to the one, ſhall be to the other. Neither will the ſtile of humble and faithful, and telling us, that they will make us a great and glorious king, in their petitions and remonſtrances, ſo deceive our good ſubjects, that they will paſs over the reproaches, threats and menaces they are ſtuffed with, which ſure could not be more gently reprehended by us, than by ſaying, their expreſſions were different from the uſual language to princes, which that declaration tells you we had no occaſion to ſay. But we believe, whoſoever looks over that declaration preſented to us at Newmarket, to which ours was an anſwer, will find the language throughout it to be ſo unuſual, that, before this parliament, it could never be paralleled; whilſt under pretence of juſtifying their fears, they give ſo much countenance to the diſcourſe of the rebels of Ireland, as if they had a mind our good ſubjects ſhould give credit to it; otherwiſe, being warranted by the ſame evidence, which they have ſince publiſhed, they would have as well declared, that thoſe rebels publickly threaten the rooting out the name of the Engliſh, and that they will have a king of their own, and no longer be governed by us; as that they ſay, that they do nothing but by our authority, and that they call themſelves the queen's army. And therefore we have great reaſon to complain of the abſence of juſtice and integrity in that declaration, beſides the unfitneſs of other expreſſions. Neither did we miſtake the ſubſtance or logick of the meſſage to us at Theobalds, concerning the militia, which was no other, and is ſtated to be no other (even by that declaration which reproved us) than a plain threat, “ that if we refuſed to join with them, they would make a law without us.” Nor hath the practice ſince that time been other, which will never be juſtified to the moſt ordinary (if not partial) underſtandings, by the mere averring it to be according to the fundamental laws of this kingdom, without giving any direction, that the moſt cunning and learned men in the laws may be able to find thoſe foundations (*9*).

Rem. (*9*). There is here an ambiguity in the term fundamental law. The parliament had clearly expreſſed what they meant by this fundamental law, viz. if the king failed in the diſcharge of his duty, the nation ought not, however, to be without defence, and in that caſe, it belonged to the parliament to take care of it. Inſtead, therefore, of aſking where this law was, it ſeems, that the king ſhould have ſhewn, either that, tho' he neglected his duty, it belonged not to the parliament to meddle with the government of the ſtate, or that he never had neglected, nor did ſtill neglect it. For, according to the parliament, tho' this law was not expreſſed in any particular ſtatute, it naturally flowed from the conſtitution of the government. The king ſeems, by requiring this law to be produced, to inſinuate, that the parliament, in no caſe whatever, could intermeddle with the government of the ſtate, unleſs authoriſed by an expreſs law, and yet the parliament had alledged two caſes, viz. the captivity and nonage of a king, wherein they might have the management of the government, and they reckoned the king's negligence in the ſame claſs. To this the king ſhould have returned an anſwer.

‘ And we muſt appeal to all the world, whether they might not, with as much juſtice, and by as much law, have ſeiſed upon the eſtate of every member of both houſes, who diſſented from that pretended ordinance, (which much the major part of the houſe of peers did two or three ſeveral times) as they have invaded that power of ours over the militia, becauſe we (upon reaſons they have not ſo much as pretended to anſwer) refuſe to conſent to that propoſition (10).

Rem. (10). The authority aſſumed by the parliament, was not an ordinary authority, nor pretended to be ſo. It was extraordinary for the preſent ſuppoſed caſe, that there was great danger from the king. As, therefore, they had not the ſame ſuſpicions of thoſe who had, at firſt, refuſed their conſent to the ordinance, they could not ſeiſe their eſtates upon the ſame foundation. Thus the conſequence drawn by the king from the parliament's uſurpation, does not ſeem juſt.

‘ And if no better effects, than loſs of time, and hindrance of the publick affairs, have been found by our anſwers and replies, let all good men judge, by whoſe default, and whoſe want of duty ſuch effects have been; for as our end (indeed only end) in thoſe anſwers and replies, hath been the ſettlement and compoſure of publick affairs, ſo we are aſſured, and moſt men do believe, that if that due regard and reverence had been given to our words, and that conſent and obedience to our counſels, which we did expect, there had been before this time a chearful calm upon the face of the whole kingdom, every man enjoying his own, with all poſſible peace and ſecurity that can be imagined; which ſurely thoſe men do not deſire, who (after all thoſe acts of juſtice and favour paſſed by us this parliament, all thoſe affronts and ſufferings endured and undergone by us) think fit ſtill to reproach us with ſhip-money, coat and conduct-money, and other things ſo abundantly declared (as that declaration itſelf confeſſes) in the general remonſtrance of the ſtate of the kingdom, publiſhed in November laſt, which we wonder to find now avowed to be the remonſtrance of both houſes, and which we are ſure, was preſented to us only by the houſe of commons; and did never, and we are confident, in that time could never have paſſed the houſe of peers; the concurrence and authority of which was not then thought neceſſary. Shall we believe thoſe reproaches to be the voice of the kingdom of England? That all our loving ſubjects, eaſed, refreſhed, ſtrengthened, and abundantly ſatisfied with our acts of grace and favour towards them, are willing to be involved in theſe unthankful expreſſions? We muſt appeal to the thanks and acknowledgments publiſhed in the petitions of moſt of the counties of England, to the teſtimony and thanks we have received from both houſes of parliament, how ſeaſonable, how agreeable this uſage of us is to our merit, or their former expreſſions.

‘We have not in the leaſt ſwerved or departed from our reſolution, or words, in the beginning of this parliament. We ſaid, we were reſolved to put ourſelf freely and clearly upon the love and affection of our Engliſh ſubjects; and we ſay ſo ſtill, as far as concerns England. And we call almighty God to witneſs all our complaints and jealouſies, which have never been cauſeleſs, not out of our houſes of parliament (but of ſome few ſchiſmatical, factious, and ambitious ſpirits, and upon ſuch grounds, as ſhort time, we fear, will juſtify to the world) our denial of the militia, our abſenting ourſelf from London, have been the effects of an upright and faithful affection to our Engliſh ſubjects, that we may be able (thro' all the inconveniencies we are compelled to wreſtle with) at laſt, to preſerve and reſtore their religion, laws, and liberties unto them.

‘Since the proceedings againſt the lord Kimbolton, and the five members, is ſtill looked upon, and ſo often preſſed as ſo great an advantage againſt us, that no retraction made by us, nor no actions ſince that time committed againſt us, and the law of the land, under the pretence of vindication of privilege, can ſatisfy the contrivers of that declaration, but that they would have our good ſubjects believe, the accuſation of thoſe ſix members muſt be a plot, for the breaking the neck of the parliament, (a ſtrange arrogance, if any of thoſe members had the penning of that declaration, and that it is ſo often urged againſt us, as if, by that ſingle caſual miſtake of ours, (in form only) we had forfeited all duty, credit and allegiance from our people; we muſt, without endeavouring to excuſe that, which in truth was an error, (our going to the houſe of commons) give our people a clear and full narration of the matter of fact, aſſuring ourſelf that our good ſubjects will not find our carriage in that buſineſs ſuch as hath been reported.

‘When he reſolved, upon ſuch grounds, as when they ſhall be publiſhed, will ſatisfy the world, that it was fit for our own ſafety and honour, and the peace of the kingdom, to proceed againſt thoſe perſons (11); tho' we well know there was no degree of privilege in that caſe, yet (to ſhew our deſire of correſpondency with the two houſes of parliament) we choſe, rather than to apprehend their perſons by the ordinary miniſters of juſtice, (which, according to the opinion and practice of former times, we might have done) to command our attorney-general to acquaint our houſe of peers with our intention, and the general matter of our charge, (which was yet more particular than a mere accuſation) and to proceed accordingly; and at the ſame time ſent a ſworn ſervant, a ſerjeant at arms to our houſe of commons, to acquaint them, that we did accuſe, and intended to proſecute the five members of that houſe for high-treaſon, and did require that their perſons might be ſecured in cuſtody.

Rem. (11). I have already ſaid, that the parliament was chiefly offended, that the articles of the accuſation exhibited by the attorney-general, were levelled at the whole houſe of commons, and a great number of lords, as much as at the perſons accuſed. Here the king maintains the matter of the accuſation, ſince it was for the peace of the kingdom, and paſſes over in ſilence the reaſons which he reſerved for another time, and thereby his vindication cannot be full and perfect.

‘This we did, not only to ſhew that we intended not to violate or invade their privileges, but to uſe more ceremony towards them, than we then conceived in juſtice might be required of us; and expected, at leaſt, ſuch an anſwer as might inform us, if we were out of the way: But we received none at all; only in the inſtant, without offering any thing of their privileges to our conſideration, an order was made, (and the ſame night publiſhed in print) that if any perſon whatſoever ſhould to offer arreſt the perſon of any member of that houſe, without firſt acquainting that houſe therewith, and receiving further orders from that houſe, that it ſhould be lawful for ſuch members, or any perſon, to aſſiſt them, and to ſtand upon his or their guard of defence, and to make reſiſtance according to the proteſtation taken, to defend the privileges of parliament. And this was the firſt time that we heard the proteſtation might be wreſted to ſuch a ſenſe; or that in any caſe, (tho' of the moſt undoubted and unqueſtionable privilege) it might be lawful for any perſon to reſiſt, and uſe violence againſt a publick miniſter of juſtice, armed with lawful authority, tho' we well know, that even ſuch a miniſter might be puniſhed for executing ſuch authority.

‘Upon viewing this order we muſt confeſs we were ſomewhat amazed, having never ſeen or heard of the like, tho' we had known members of either houſe committed, without ſo much formality as we had uſed, and upon crimes of a far inferior nature to thoſe we had ſuggeſted; and having no courſe propoſed to us for our proceeding, we were upon the matter only told, that againſt thoſe perſons we were not to proceed at all: That they were above our reach, or the reach of the law. It was not then eaſy for us to reſolve what to do (12).

Rem. (12). This is a little diſguiſed. The king was not told, that theſe members were above the reach of the law; but only, that the parliament ſitting, the members could not be impriſoned without the conſent of their houſe, and that it was expected the grounds of the accuſation ſhould be made known, in order to this conſent.

‘ If we employed our miniſters of juſtice in the uſual way for their apprehenſion, (who, without doubt, would not have refuſed to execute our lawful commands) we ſaw what reſiſtance and oppoſition was like to be made, which very probably might coſt ſome blood. If we ſate ſtill, and deſiſted upon this terror, we ſhould at the beſt have confeſſed our own want of power, and the weakneſs of the law. In this ſtrait we put on a ſudden reſolution to try, whether our own preſence, and a clear diſcovery of our intentions (which haply might not have been ſo well underſtood) could remove thoſe doubts, and prevent thoſe inconveniences, which ſeemed to have been threatened; and thereupon we reſolved to go in our own perſon to our houſe of commons, which we diſcovered not till the very minute of our going; when we ſent out, that our ſervants, and ſuch gentlemen as were then in our court, ſhould attend us to Weſtminſter; but giving them expreſs command (as we have expreſſed in our anſwer to the ordinance) that no accidents of provocation ſhould draw them to any ſuch action as might imply a purpoſe of force in us; and ourſelf (requiring thoſe of our train not to come within the door) went into the houſe of commons: The bare doing of which, we did not then conceive would have been thought more a breach of privilege, than if we had gone to the houſe of peers, and ſent for them to come to us, which is the uſual cuſtom. We uſed the beſt expreſſions we could, to aſſure them, how far we were from any intention of violating their privileges; that we intended to proceed legally and ſpeedily againſt the perſons we had accuſed, and deſired, therefore, if they were in the houſe, that they might be delivered to us; or, if abſent, that ſuch courſe might be taken for their forth-coming, as might ſatisfy our juſt demands; and ſo we departed, having no other purpoſe of force, if they had been in the houſe, than we have before proteſted before God, in our anſwer to the ordinance. You have an account of our part of this ſtory fully, let our people judge freely of it. What followed on their part, (tho' this declaration tells you, “ it could not withdraw any part of their reverence and obedience from us;” it may be any part of theirs it did not) we ſhall have too much cauſe hereafter to inform the world.

‘ There will be no end of the diſcourſe, and upbraiding us with evil counſellors, if, upon our conſtant denial of knowing any, they will not vouchſafe to inform us of them; and after eight months amuſing the kingdom with the expectation of a diſcovery of a malignant party, and of evil counſellors, they will not at laſt name any, nor deſcribe them. Let the actions and lives of men be examined, who have contrived, counſelled, actually conſented to grieve and burden our people: And if ſuch be about us, or any againſt whom any notorious malicious crime can be proved; if we ſhelter and protect any ſuch, let our injuſtice be publiſhed to the world; but till that be done, particularly and manifeſtly, (for we ſhall never conclude any man, upon a bare general vote of the major part of either, or both houſes, till it be evident, that major part be without paſſion or affection) we muſt look upon the charge this declaration puts on us, of cheriſhing and countenancing a diſcontented party of the kingdom againſt them, as a heavier and unjuſter tax upon our juſtice and honour, than any we have, or can lay upon the framers of that declaration (13).

Rem. (13). With ſuch reſtrictions one may eternally diſpute; for who ſhould be judge, whether the major part of the houſe were without paſſion or prejudice?

‘ And now to countenance thoſe unhandſome expreſſions, whereby uſually they have implied our connivance at, or want of zeal againſt the rebellion of Ireland, (ſo odious to all good men) they have found a new way of exprobration; “ That the proclamation againſt thoſe bloody traitors came not out till the beginning of January, tho' that rebellion broke out in October; and then by ſpecial command from us, but 40 copies were appointed to be printed.” It is well known where we were at that time, when that rebellion brake forth, in Scotland; that we immediately from thence recommended the care of that buſineſs to both houſes of parliament here, after we had provided for all fitting ſupplies from our kingdom of Scotland: That after our return hither, we obſerved all thoſe forms for that ſervice, which we were adviſed to by our council of Ireland, or both houſes of parliament here; and if no proclamations iſſued out ſooner, (of which for the preſent we are not certain, but think that others before that time were iſſued by our direction) it was, becauſe the lords juſtices of the kingdom deſired them no ſooner, and when they did, the number they deſired was but 20, which they adviſed might be ſigned by us; which we for expedition of the ſervice, commanded to be printed, (a circumſtance not required by them) thereupon we ſigned more than our juſtices deſired. All which was very well known to ſome members, of one or both houſes of parliament, who have the more to anſwer, if they forbore to expreſs it at the paſſing of this declaration: And if they did expreſs it, we have the greater reaſon to complain, that ſo envious an aſperſion ſhould be caſt on us to our people, when they know well how to anſwer their own objections (14).

Rem. (14). This anſwer appears ſomething weak; for ſuppoſing 40 copies would have been ſufficient for Ireland, why was not the proclamation publiſhed in England? The king returns no anſwer to what the parliament ſaid of the proclamation againſt the Scots.

‘ What that complaint is againſt the parliament, put forth in our name, which is ſuch an evidence and countenance to the rebels, and ſpeaks the ſame language of the parliament

liament which the rebels do, we cannot underſtand. All our anſwers and declarations have been, and are owned by us, and have been atteſted under our own hand; if any other had been publiſhed in our name, and without our authority, it would be eaſy for both houſes of parliament to diſcover and apprehend the authors. And we wiſh, that whoſoever was truſted with the drawing and penning of that declaration, had no more authority or cunning to impoſe upon, or deceive the major part of thoſe votes by which it paſſed, than any man hath to prevail with us to publiſh in our own name any thing, but the ſenſe and reſolution of our own heart: Or, that the contriver of that declaration could, with as good a conſcience, call God to witneſs, that all his counſels and endeavours have been free from all private aims, perſonal reſpects or paſſions whatſoever, as we have done and do, that we never had or knew of ſuch reſolutions of bringing up the army to London. And ſince this new device is found out, inſtead of anſwering our reaſons, or ſatisfying our juſt demands, to blaſt our declarations and anſwers, as if they were not our own (a bold ſenſeleſs imputation) we are ſure, that every anſwer and declaration publiſhed by us, is much more our own, than any one of thoſe bold, threatening, and reproachful petitions and remonſtrances are the acts of either, or both houſes. And if the penner of that declaration had been careful of the truſt repoſed in him, he would never have denied, (and thereupon found fault with our juſt indignation) in the text or margin, that we had never been charged with the intention of any force; and that in their whole declaration, there is no word tending to ſuch a reproach; the contrary whereof is ſo evident, that we are in expreſs terms charged in that declaration, that we ſent them gracious meſſages, when, with our privity, bringing up the army was in agitation. And even in this declaration they ſeek to make our people believe, ſome ſuch thing to be proved in the depoſitions now publiſhed, wherein, we doubt not, they will as much fail, as they do in their cenſure of that petition ſhewed formerly to us by captain Legg, and ſubſcribed by us with C. R. which, notwithſtanding our full and particular narration of the ſubſtance of that petition, the circumſtances of our ſeeing and approving it, this declaration is pleaſed to ſay, was full of ſcandal to the parliament, and might have proved dangerous to the whole kingdom. If they have this dangerous petition in their hands, we have no reaſon to believe any tenderneſs to us-ward hath kept them from communicating it: If they have it not, we ought to have been believed. But that all good people may compute their other pretended dangers by their clear underſtanding of this, the noiſe whereof hath not been inferior to any of the reſt, we have recovered a true copy of the very petition we ſigned with C. R. which ſhall in fit time be publiſhed; and which we hope will open the eyes of our good people (15). Concerning our warrant for Mr. Jermyn's paſſage, our anſwer was true and full; but for his black ſattin ſuit, and white boots, we can give no account.

Rem. (15). This whole article of the anſwer ſeems very weak, ſince the king's defence conſiſts only of his own teſtimony. There could not be a more proper occaſion to publiſh this petition, of which he ſaid he had a true copy. But in deferring the publication to a more convenient time, he gave room to ſuſpect, there were ſome things in the petition which were not favourable to him.

‘We complained in our declaration, and as often as we have occaſion to mention our return and reſidence near London, we ſhall complain, of the barbarous and ſeditious tumults at Weſtminſter and Whitehall, which indeed were ſo full of ſcandal to our government, and danger to our perſon, that we ſhall never think of our return thither, till we have juſtice for what is paſt, and ſecurity for the time to come. And if there were ſo great a neceſſity, or deſire of our return as is pretented, in all this time, upon ſo often preſſing our deſires, and upon cauſes ſo notorious, we ſhould, at leaſt, have procured ſome order for the future. But that declaration tells us, we are upon the matter miſtaken; the reſort of the citizens to Weſtminſter was as lawful as the reſort of great numbers every day in the term to the ordinary courts of juſtice. They knew no tumults. Strange! Was the diſorderly appearance of ſo many thouſand people with ſtaves and ſwords, crying thro' the ſtreets, Weſtminſter-Hall, the paſſage between both houſes, (inſomuch as the members could hardly paſs to and fro) “No biſhops, down with the biſhops;” no tumults? What member is there of either houſe that ſaw not thoſe numbers, and heard not thoſe cries? And yet lawful aſſemblies! Were not ſeveral members of either houſe aſſaulted, threatened and ill treated? And yet no tumults! Why made the houſe of peers a declaration, and ſent it down to the houſe of commons, for the ſuppreſſing of tumults, if there were no tumults? And if there were any, why was not ſuch a declaration conſented to and publiſhed? When the attempts were ſo viſible, and the threats ſo loud to pull down the abbey at Weſtminſter, had we not cauſe to apprehend that ſuch people would continue their work to Whitehall? Yet no tumults! What a ſtrange time are we in! That a few impudent, malicious (to give them no worſe term) men, ſhould caſt ſuch a ſtrange miſt of error before the eyes of both houſes of parliament, as that they either cannot, or will not ſee, how manifeſtly they injure themſelves by maintaining theſe viſible untruths? We ſay no more. By the help of God, and the law, we will have juſtice for thoſe tumults (16).

Rem. (16). The parliament's declaration contained two things upon this article; firſt, that the concourſe of people at Weſtminſter was no tumult. Secondly, that the king's perſon was in no danger, ſince on the morrow he went thro' the city without a guard, and moreover ſtaid ſeveral days at Whitehall in ſafety. The king anſwers here to the firſt of theſe things, and leaves the other without reply, only he draws a conſequence, that Whitehall was in danger, becauſe the people threatened to pull down Weſtminſter-Abbey, a circumſtance which no where appears in the accounts of theſe tumults.

'From excepting (how weightily let every man judge) to what we have ſaid, that declaration proceeds to cenſure us for what we have not ſaid, for the prudent omiſſions in our anſwer: We forbore to ſay any thing of the words ſpoken at Kenſington, or the articles againſt our deareſt conſort, and of the accuſation of the ſix members: Of the laſt we had ſpoken often, and we thought enough of the other two; having never accuſed any (tho' God knows what truth there might be in either) we had no reaſon to give any particular anſwer.

'We do not reckon ourſelf bereaved of any part of our prerogative, which we are pleaſed freely for a time to part with by bill; yet we muſt ſay, we expreſſed a great truſt in our two houſes of parliament, when we diveſted ourſelf of the power of diſſolving this parliament, which was a juſt, neceſſary, and proper prerogative; but we are glad to hear their reſolution, that it ſhall not encourage them to do any thing, which otherwiſe had not been fit to have been done; if it do, it will be ſuch a breach of truſt, God will require an account for at their hands.

'For the militia, we have ſaid ſo much in it heretofore, and the point is ſo well underſtood by all men, that we will waſte time no more in that diſpute. We never ſaid there was no ſuch thing as an ordinance, (tho' we know that they have been long diſuſed) but that there was never any ordinance, or can be, without the king's conſent; and that is true, and the unneceſſary precedent cited in that declaration doth not offer to prove the contrary. But enough of that, God and the law muſt determine that buſineſs.

'Neither hath this declaration given us any ſatisfaction concerning the votes of the 15th and 16th of March laſt, which we muſt declare, and appeal to all the world in the point, to be the greateſt violation of our privilege, the law of the land, the liberty of the ſubject, and the right of parliament, that can be imagined. One of theſe votes is, (and there needs no other to deſtroy the king and people) "That when the lords and commons (it is well the commons are admitted to their part in judicature) ſhall declare what the law of the land is, the ſame muſt be aſſented to, and obeyed;" that is the ſenſe in few words. Where is every man's property; every man's liberty? If a major part of both houſes declare that the law is, that the younger brother ſhall inherit, what is become of all the families and eſtates in the kingdom? If they declare, that by the fundamental law of the land, ſuch a raſh action, ſuch an unadviſed word ought to be puniſhed by perpetual impriſonment, is not the liberty of the ſubject, durante bene placito, remedileſs? That declaration confeſſeth, they pretend not to a power of making new laws; that without us they cannot do that. They need no ſuch power, if their declaration can ſuſpend this ſtatute from being obeyed or executed, and make this order, which is no ſtatute, to be obeyed and executed. If they have power to declare the lord Digby, waiting on us to Hampton-Court, and thence viſiting ſome officers at Kingſton, with a coach and ſix horſes, to be levying of war and high-treaſon; and Sir John Hotham's defying us to our face, keeping our town, fort, and goods againſt us by force of arms, to be an act of affection and loyalty, what needs a power of making new laws? Or is there ſuch a thing as law left? We deſire our good ſubjects to mark the reaſon and conſequence of theſe votes, the progreſs they have already made, and how infinite that progreſs may be. Firſt, they vote the kingdom is in imminent danger, (it is above three months ſince they diſcerned it) from enemies abroad, and a Popiſh and diſcontented party at home: This is matter of fact, the law follows. This vote hath given them authority by law (the fundamental laws of the kingdom) to order and diſpoſe of the militia of the kingdom, and with this power, and to prevent that danger, to enter into our towns, ſeiſe upon our magazine, and by force keep both from us. Is not this our caſe? Firſt, they vote we have an intention to levy war againſt our parliament *, that is matter of fact: Then they declare, ſuch as ſhall aſſiſt us, to be guilty of high-treaſon; that is the law, and proved by two ſtatutes, themſelves know to be repealed: No matter for that, they declare it. Upon this ground they exerciſe the militia, and ſo actually do that upon us, which they have voted we intend to do upon them. Who doth not ſee the confuſion that muſt follow upon ſuch a power of declaring? If they ſhould now vote, that we did not write this declaration, but that ſuch an one did it, which is ſtill matter of fact; and then declare, that for ſo doing he is an enemy to the commonwealth; what is become of the law that man was born to? And if all their zeal for the defence of the law, be but to defend that which they declare to be law, their own votes, it will not be in their power to ſatiſfy any man of their

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* Theſe votes paſſed in the interval between the publication of the parliament's declaration, and that of the anſwer, Rapin.

‘good intentions to the publick peace, but ſuch who are willing to relinquiſh their titles to Magna Charta, and hold their lives and fortunes by a vote of a major part of both houſes. In a word, we deny not, but that they may have power to declare, in a particular doubtful caſe, regularly brought before them, what law is; but to make a general declaration, whereby the known rule of the law may be croſſed or altered, they have no power, nor can exerciſe any, without bringing the life and liberty of the ſubject, to a lawleſs and arbitrary ſubjection (17).

REM. (17). It muſt have been a great mortification to the king, to be forced to ſhew by ſuch good arguments, the miſchiefs that flow from arbitrary power. The ſame reaſons uſed by the king, to demonſtrate that arbitrary power was a natural conſequence of the parliament's maxims, ſerved to prove, that it was equally hazardous to leave, not every king of England, but Charles I, in particular, inveſted with the authority allowed him by the laws, conſidering the uſe he had already made of that power.

‘We complained, (and let the world judge of the juſtice and neceſſity of that complaint) of the multitude of ſeditious pamphlets and ſermons. And that declaration tells us, they know we have ways enough in our ordinary courts of juſtice to puniſh thoſe; ſo we have to puniſh tumults and riots, and yet they will not ſerve our turn to keep our towns, our foreſts, and parks from violence *. And it may be, tho' thoſe courts have ſtill the power to puniſh, they may have loſt the skill to define what riots and tumults are; otherwiſe a jury in Southwark, legally impanelled to examine a riot there, would not have been ſuperſeded, and the ſheriff enjoyned not to proceed, by vertue of an order of the houſe of commons, which it ſeems at that time had the ſole power of declaring. But it is no wonder, that they who could not ſee the tumults, do not conſider the pamphlets and ſermons, tho' the author of the proteſtation proteſted, be well known to be Burton (that infamous diſturber of the peace of this church and ſtate) and that he preached it at Weſtminſter, in the hearing of divers members of the houſe of commons: But of ſuch pamphlets, and ſeditious preachers (divers whereof have been recommended, if not impoſed upon ſeveral pariſhes, by ſome members of both houſes, by what authority we know not) we ſhall hereafter take a farther account (18).

REM. (18). Theſe ſermons contained, for the moſt part, the maxims which the parliament would have eſtabliſhed, or pretended to be agreeable to the laws; but which the king looked upon as ſeditious, and for that reaſon affirmed the parliament ought to puniſh the authors. This Burton was the ſame whoſe ears were cut off by the ſtar-chamber, and who was baniſhed to Guernſey, for publiſhing a treatiſe againſt the church of England. It ſeems here, that the king was not pleaſed with the parliament's reverſing his ſentence.

‘We confeſs we have little skill, in the laws, and thoſe that we have had moſt, we now find are much to ſeek. Yet we cannot underſtand or believe, that every ordinary court, or any court, hath power to raiſe what guard they pleaſe; and under what command they pleaſe; neither can we imagine what dangerous effects they found by the guard we appointed them, or (indeed) any the leaſt occaſion why they needed a guard at all.

‘But of all the imputations ſo cauſeleſly and unjuſtly laid upon us by that declaration, we moſt wonder at that charge ſo apparently and evidently untrue, that ſuch are continually preferred and countenanced by us, who are friends and favourers or related unto the chief authors and actors of that arbitrary power, heretofore practiſed or complained of: And on the other ſide, that ſuch as did appear againſt it, are daily diſcountenanced and diſgraced. We would know one perſon that contributed to the ills of thoſe times, or had dependance upon thoſe that did, whom we do, or lately have countenanced or preferred. Nay, we are confident (and we look for no other at their hands) as they have been always moſt eminent aſſertors of the publick liberties; ſo if they found us inclined to any thing not agreeable to honour and juſtice, they would leave us to morrow: Whether different perſons have not and do not receive countenance elſewhere, and upon what grounds, let all men judge; and whether we have not been forward enough to honour and prefer thoſe of the moſt contrary opinion, how little comfort ſoever we have had of thoſe preferments; in beſtowing of which hereafter we ſhall be more guided by men's actions than opinions. And, therefore, we had good cauſe to beſtow that admonition (for we aſſure you it was an admonition of our own) upon both our houſes of parliament, to take heed of inclining, under the ſpecious ſhews of neceſſity and danger, to the exerciſe of ſuch an arbitrary power they before complained of: The advice will do no harm, and we ſhall be glad to ſee it followed.

‘And are all the ſpecious promiſes, and loud profeſſions of making us a great and glorious king, of ſettling a greater revenue upon us than any of our anceſtors have enjoyed; of making us to be honoured at home, and feared abroad, reſolved into this, that they will be ready to ſettle our revenue in an honourable proportion, when we ſhall put ourſelf in ſuch a poſture of government, that our ſubjects may be ſecure to enjoy our juſt protection for their religion, laws, and liberties? What poſture of government they intend we know not, nor can

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* This alludes to a diſturbance which happened in the park and foreſt of Windſor. Rapin.

‘we imagine what ſecurity our good ſubjects can deſire for their religion, laws, and liberties, which we have not offered, or fully given (19).

REM. (19). Unhappily, ſince the violation of the petition of right, neither the king's word nor promiſes, nor even acts of parliament, had been deemed a ſufficient ſecurity; at leaſt, plauſible reaſons were alledged not to confide in them. Nothing but the militia could ſatisfy the parliament, and that was what the king would not willingly grant.

‘And it is ſuitable to the duty and dignity of both houſes of parliament, to anſwer our particular weighty expreſſions of the cauſes of our remove from London (ſo generally known to the kingdom) with a ſcoff, that they hope we were driven from thence, not by our own fears, but by the fears of the lord Digby, and his retinue of Cavaliers? Sure the penner of that declaration inſerted that ungrave and inſolent expreſſion, (as he hath done divers others) without the conſent or examination of both houſes, who would not ſo lightly have departed from their former profeſſions of duty to us.

‘Whether the way to a good underſtanding between us and our people, hath been as zealouſly preſſed by them, as it hath been profeſſed and deſired by us, will be eaſily diſcerned by thoſe who obſerve, that we have left no publick act undone on our part, which in the leaſt degree might be neceſſary to the peace, plenty, and ſecurity of our ſubjects, and that they have not diſpatched one act, which hath given the leaſt evidence of their particular affection and kindneſs to us: but on the contrary, have diſcountenanced and hindered the teſtimony other men would give to us of their affections; witneſs, the ſtopping and keeping back the bill of ſubſidies granted by the clergy almoſt a year ſince; which, tho' our perſonal wants are ſo notoriouſly known, they will not to this time paſs: So not only forbearing to ſupply us themſelves, but keeping the love and bounty of other men from us, and afford no other anſwers to all our deſires, all our reaſons (indeed not to be anſwered) than, that we muſt not make our underſtanding or reaſon, the rule of our government, but ſuffer ourſelf to be aſſiſted (which we never denied) by our great council. We require no other liberty to our will, than the meaneſt of them do, (we wiſh they would always uſe that liberty) not to conſent to any thing evidently contrary to our conſcience and underſtanding; and we have and ſhall always give as much eſtimation and regard to the advice and counſel of both our houſes of parliament, as ever prince hath done; but we ſhall never (and we hope our people will never) account the contrivance of a few (factious, ſeditious perſons, a malignant party, who would ſacrifice the commonwealth to their own fury and ambition) the wiſdom of parliament: And that the juſtifying and defending ſuch perſons (of whom, and of their particular ſiniſter ways to compaſs their own bad ends, we ſhall ſhortly inform the world) is not the way to preſerve parliaments, but is the oppoſing and preferring the conſideration of a few unworthy perſons, before their duty to their king, or their care of the kingdom. They would have us remember, that our reſolutions do concern kingdoms, and therefore are not to be moulded by our own underſtanding. We well remember it, but we would have them remember, that when their conſultations endeavour to leſſen the office and dignity of a king, they meddle with that which is not with in their determination, and of which we muſt give an account to God and our other kingdoms, and muſt maintain with the ſacrifice of our life.

‘Laſtly, that declaration tells you, of a preſent deſperate and malicious plot, the malignant party is now acting, under the plauſible notions of ſtirring men up to a care of preſerving the king's prerogative, maintaining the diſcipline of the church, upholding and continuing the reverence and ſolemnity of God's ſervice, and encouraging learning, (indeed plauſible and honourable notions to act any thing upon) and that upon theſe grounds divers mutinous petitions have been framed in London, Kent, and other places. Upon what grounds would theſe men have petitions framed? Have ſo many petitions (even againſt the form and conſtitution of the kingdom, and the laws eſtabliſhed) been joyfully received and accepted? And ſhall petitions framed upon theſe grounds be called mutinous? Hath a multitude of mean, unknown, inconſiderable, contemptible perſons, about the city and ſuburbs of London, had liberty to petition againſt the government of the church, againſt the book of Common-Prayer, againſt the freedom and privilege of parliament, and been thanked for it? And ſhall it be called mutiny in the graveſt and beſt citizens of London, in the gentry and commonality of Kent, to frame petitions upon theſe grounds, and to deſire to be governed by the known laws of the land, not by orders or votes of either, or both houſes? Can this be thought the wiſdom and juſtice of both houſes of parliament? Is it not evidently the work of a faction within or without both houſes, who deceive the truſt repoſed in them, and have now told us, what mutiny is? To ſtir up men to a care of preſerving our prerogative, maintaining the diſcipline of the church, upholding and continuing the reverence and ſolemnity of God's ſervice, encouraging of learning, is mutiny. Let heaven and earth, God and man, judge between us and theſe men. And however ſuch petitions are there called mutinous, and the petitioners threatened, diſcountenanced, cenſured, and impriſoned; if they bring ſuch lawful petitions to us, we will graciouſly receive them, and defend them and their rights againſt what power ſoever, with the uttermoſt hazard of our being.

‘We have been the longer, (to our very

'great pain) in this anſwer, that we might give the world ſatisfaction, even in the moſt trivial particulars which have been objected againſt us; and that we may not be again reproached with any more prudent omiſſions. If we have been compelled to ſharper language than we affect, let it be conſidered, how vile, how inſufferable, our provocations have been: And except to repel force, be to aſſault, and to give punctual and neceſſary anſwers to rough and inſolent demands, be to make invectives, we are confident the world will accuſe us of too much mildneſs, and all our good ſubjects will think we are not well dealt with, and will judge of us, and of their own happineſs and ſecurity in us, by our actions; which we deſire may no longer proſper, or have a bleſſing from God upon them and us, than they ſhall be directed to the glory of God, in the maintenance of the true Proteſtant profeſſion, to the preſervation of the property, and the liberty of the ſubject, in the obſervation of the laws, and to the maintenance of the rights and freedom of parliament, in the allowance and protection of all their juſt privileges.'

Explication of the differences between the king and parliament.

After all theſe papers in this ſecond part of the reign of Charles I, one ſhould, it ſeems, have a perfect knowledge of the differences between the king and the parliament, and the ſubject be exhauſted. Nevertheleſs, if the reader ſhould keep to the papers publiſhed on both ſides, he would not have a very clear idea of the cauſe of theſe differences. To this end, he muſt underſtand the motives which they took care not to diſcover in their manifeſto's, publiſhed only with deſign to gain the approbation of the people. The following recital will, in my opinion, ſerve to give a clear and plain idea of theſe differences. I ſhall ſay nothing but what has been ſaid in ſeveral places, and yet, I believe, it will not be ſuperfluous, briefly, to recapitulate the whole, which may be of ſervice to ſhew the grounds and cauſes of the civil wars.

It muſt be laid down as an undeniable fact, after what has been ſaid, that the king had formed a deſign to eſtabliſh an arbitrary government in England. They who deny this, have only to ſeek in their imagination, a more natural cauſe of the people's diſcontent againſt his government. But it is certain, whatever their ſyſtem may be, they will never be able, without this, ſo to reconcile it with the events, as to ſatisfy the impartial. The four preceding parliaments conſidered all the king's proceedings, from the beginning of his reign, as tending to eſtabliſh an abſolute power. This was what they called their grievances, the redreſs whereof they had frequently, tho' in vain, demanded.

Charles I, inherited the king his father's mortal averſion to the Puritans or Presbyterians. He was, like him, perſuaded, that their principles concerning church-government, were directly oppoſite to monarchy. They both went ſtill farther; they believed not only, that all the Puritans were antimonarchial, but alſo, that all thoſe who were againſt a deſpotick power were truly Puritans. This made Charles I, reſolve to ruin ſuch as were not ſubmiſſive enough to his will, by confounding them all under the name of Puritans. To that purpoſe he admitted into his council, and publick offices, ſuch only as were of his principles. Hence ſprung all the ſeverities exerciſed by the council, the ſtar-chamber, the high-commiſſion, the judges, and all the magiſtrates, upon thoſe that, according to the notions of the court, were infected with Puritaniſm, tho' many of theſe men were ſincerely attached to the church of England. Herein the king, contrary to his intention, did a very conſiderable ſervice to the true Presbyterians, ſince he confounded their intereſts with thoſe of a great number of people, who, otherwiſe, would have had no inclination to Presbyterianiſm. The truth is, they were both threatened with the ſame deſtruction; and, therefore; in the elections for this laſt parliament, many were returned of contrary principles to the king and court. Among theſe, the Presbyterians were the moſt ardent, perceiving their ruin was determined, and would ſoon approach, if the king ſucceeded in his deſigns. Thus, the Presbyterian party, which before made an inconſiderable figure in the kingdom, grew very powerful, by the junction of the other ſort of Puritans, whom the court was pleaſed to confound with them.

On the other hand, archbiſhop Laud and ſome of the court-biſhops, deviſed a means, which could not fail to afford them occaſions to perſecute the Puritans. This was to enjoin, with great rigour, the obſervance of certain practices, which moſt people looked upon as indifferent; nay, they added ſundry innovations, which offended not only the Presbyterians, but alſo many church of England-men. This produced great murmurs; but people were not ſatisfied with complaining, they openly diſobeyed, and their diſobedience afforded a pretence to puniſhment. Hereby the biſhops, who were the chief authors of theſe innovations, made themſelves ſo odious, that many believed to have juſt reaſon, to ſuſpect a deſign to reſtore the Popiſh religion, ſince the eſtabliſhment of theſe innovations was ſo ardently purſued, which ſeemed to tend only to draw the church of England nearer to that of Rome. If to this diſcontent be added that, occaſioned by the king's government, with regard to the liberties of the people and the privileges of the parliament, it will not be difficult to conceive, that the nation in general was extremely diſſatisfied.

Tho', in this laſt parliament there were many Presbyterians for the reaſon above-mentioned, they were not, however, ſtrong enough to form a party capable of oppoſing that of the church, had they at firſt diſcovered their intentions. So, it may be affirmed, that in general, the deſign of this parliament, when they met, was not to overthrow the church of England, and eſtabliſh Presbyterianiſm in its room, tho' it can ſcarce be doubted, that this was the private view of the Presbyterians. But, as their number was too ſmall to oppoſe all the reſt of the parliament, they reſolved to join with the oppoſite party to the king, for procuring the redreſs of grievances. Among theſe grievances, ſome concerned religion, as the innovations which offended the church-men no leſs than the Presbyterians themſelves. Upon this ſubject, theſe laſt ſcrupled not to declaim ſtrenuouſly when occaſion offered, and to repreſent theſe grievances as being of very dangerous conſequence. They could do it without diſcovering themſelves too openly, becauſe, as I ſaid, moſt of the members of parliament were already prejudiced againſt the innovations and the conduct of the biſhops. As the king was extremely zealous for the church of England, and of the number of thoſe who conſidered the innovations and ſome other trifles as neceſſary to the ſolemnity of the publick worſhip, he oppoſed their ſuppreſſion as much as poſſible, not directly, but by means of the biſhops, Popiſh lords, and others of his party. Wherefore the Presbyterians endeavoured to convince all the reſt of the contrary party, that as long as the biſhops ſhould ſit in the houſe of lords, it would be almoſt impoſſible to attain an entire redreſs of grievances. The houſe of commons perſiſted, therefore, in ſo ordering it, that the biſhops votes ſhould be taken away, wherein they met with great obſtacles. But, at length, by means of the tumults they frightened them away, and induced them to preſent the proteſtation, which occaſioned the ſending of 12 of them to the tower. By the ſame means, the Popiſh lords were alſo forced to abſent themſelves from the parliament. From that time the king's party became very weak, and the Presbyterians acquired new ſtrength.

Afterwards, the Presbyterian party having gained ſo much ground, diligently applied themſelves to cheriſh the diſſention between the king and the parliament. It was they that cauſed the remonſtrance of the ſtate of the kingdom to be paſſed, which was preſented to the king at his return from Scotland, and was as the ſignal of the rupture. Unhappily, there was in the Presbyterian party, another party which concealed themſelves, and were afterwards known by the name of Independents. This party, as they could not accompliſh their ſecret deſigns without diſorder and confuſion, affected a rigid Presbyterianiſm, and ſtrove to carry things to extremities, under colour of maintaining Presbyterianiſm, tho' in truth their intention was to deſtroy it as well as the church of England.

In the interim the king retiring to York, and perceiving a war unavoidable, ſent private notice to all whom he thought his friends in both houſes, to leave the parliament and repair to York or elſewhere. Many obeyed, and by their retreat, the Presbyterian party became ſuperior in the two houſes. Before that time, when any thing was moved by the Presbyterians, tending to the ſubverſion of the church of England, thoſe who had any regard for the church did not fail to oppoſe it, and of this number were all the king's friends. But as ſoon as theſe were retired, the Presbyterian party, by their ſuperiority in both houſes, paſſed whatever they pleaſed. This is what the king obſerved in ſeveral paſſages of his anſwer. Thus, the Presbyterian party prevailing in both houſes, and ſecretly intending to alter the church-government; but the thing being impracticable, ſo long as the king ſhould preſerve his power, it is evident, that according to this project it was the parliament's intereſt, which was directed by the Presbyterians, carefully to avoid whatever tended to an accommodation, which would have broken all their meaſures. But they took care not to diſcover entirely their deſigns. It was not yet time, till they had put it out of the king's power to prevent the execution. So, tho' they rendered their fears and jealouſies of the king as plauſible as poſſible, and tho' it ſhould be granted, they had reaſon to ſuſpect and fear, there is, however, room to think, that the danger they repreſented as being ſo near an imminent, was not ſo real as they pretended. Their grand view was to induce the king to begin the breach, wherein the king ſeems not to have ſoon enough perceived the ſnare that was laid for him.

As for the king, it is almoſt impoſſible to know perfectly his ſecret motives and intentions, becauſe, ſince the opening of the parliament, it had never been in his power to ſhew them evidently, by any effects. It is true, he gave his aſſent to ſeveral advantageous bills to the people, and thereby ſeemed to expreſs a kind of repentance for his paſt conduct. But his ſituation, when he paſſed theſe acts, made it ſomething doubtful, whether he ſincerely conſented to the redreſs of grievances, or whether it was only to accommodate himſelf to the times. He aſſured, that his intention was to govern for the future according to law, and called God to witneſs his ſincerity; but they would not rely on his word. Thus much is certain, that whatever he ſaid or did in favour of the laws, was little agreeable to the principles he had followed for 15 years. If any were perſuaded, that his aſſeverations and promiſes were ſufficient for the nation's ſecurity, others thought to have juſt cauſe to queſtion their ſincerity, becauſe they came at a time when he had no other refuge than the laws to ſupport himſelf, nor other means than his promiſe to obſerve them, to hinder the whole nation from entirely deſerting him. I ſhall not pretend to decide ſo difficult a queſtion, which is beyond human reach, there being none but God alone who knows perfectly what paſſes in the heart. I believe it raſh to affirm, that Charles I, was not ſincere in his promiſes; but I believe alſo, his ſincerity may be doubted, ſince he had never opportunity to demonſtrate it by effects.

Whatever was the king's private intention, he fully perceived that of the prevailing party in the parliament, and ſaw that force alone could free him from his danger. His propoſals for an agreement were rejected, and his promiſes to keep the laws for the future, conſidered as ſo many ſnares, and unfortunately for him he had given but too much cauſe for diſtruſt. He could not diſown it with reſpect to what had paſſed before this parliament; and even during this parliament, he had taken ſome ſteps, which his enemies knew how to turn to their advantage. Such was the plot to ſeduce the army, in which, probably, he was concerned, tho' he could affirm, he knew of no reſolution to bring up the army to London. Such was the accuſation of the ſix members of parliament, which could not but breed a ſuſpicion of ſome hidden deſign. The project to ſecure Hull, his withdrawing to York, the queen's voyage into Holland, the motive whereof was diſcovered in time, were things that helped not to cure the people's ſuſpicions. So both houſes ſteddily keeping to the occaſions of jealouſy, fear and diſtruſt, which they had, or pretended to have of the king, made uſe of them to convince the people, that there was no depending on his promiſes, unleſs it was put out of his power to break them. This occaſioned the affair of the militia, on account of which the king was drawn into a ſtreight, from whence he could not get clear. For, by granting the militia, he would himſelf have been ſubſervient to the execution of the parliament's deſigns, and by refuſing it, he gave occaſion to ſay, he was willing to agree with both houſes, without giving them other ſecurity than his word, which, as they pretended, could not be relied on. It is alſo true, that the king would not recede from any of his rights, neither would he offer other aſſurance than his word, to ſatisfy the parliament.

After what has been ſeen, it will not be hard to perceive the ground of the quarrel, and the difficulties of an accommodation. That concerning the government of the church, was one of the principal, tho' it may not be clearly explained in the manifeſto's of both parties. If the king's intereſts had been ſolely in queſtion, perhaps, he would have agreed to ſome conceſſions, at leaſt, for a time. But he found, that one chief reaſon of his enemies deſiring to leſſen his authority, was, the more eaſily to accompliſh a change in the eccleſiaſtical government, which he thought himſelf bound in conſcience to oppoſe to the utmoſt of his power. He was ſo ſtrongly, and ſo ſincerely attached to the church of England, that he looked upon any condeſcenſion which might tend to her ruin, as the blackeſt crime he could be guilty of, and perſiſted in this opinion, even when his affairs were grown deſperate. All his counſellors were of the ſame principles. They believed the epiſcopal government of the church ſo abſolutely neceſſary, that a church without biſhops was no true church in their opinion. On the other hand, the Presbyterians were no leſs poſſeſſed with their notions, and without diſtinguiſhing what is eſſential in religion from what is only external, they conſidered the uſages and practices of the church of England as a ſort of Popery. Beſides, they were ſo convinced of the king's enmity to them, that they could not think themſelves ſafe, ſo long as it was in his power to oppreſs them. Matters ſtanding thus, it is evident, that force of arms alone was capable of obliging one or other party to yield.

The earl of Briſtol in vain propoſes an accomodation. Ruſhw.

A war being almoſt unavoidable, the earl of Briſtol, tho' he had no great reaſon to be pleaſed with the king, made his laſt effort to procure an accommodation, by a ſpeech in the houſe of peers. He repreſented, that the thing was not impoſſible, if it was ſincerely endeavoured. After having enumerated all the miſchiefs of a civil war, and the calamities it is uſually attended with, he moved to appoint a ſelect committee of both houſes, truly to ſtate all the differences between the king and the parliament, with the moſt probable ways of reconciling them; what the king ought to do to ſatisfy the people, and what ſecurity he ſhould give. He added ſeveral other things, which plainly ſhewed, he inclined to the king's ſide, and becauſe, withal, he mentioned religion but very ſlightly and in general terms, his ſpeech had no great effect.

The commons votes. Clarend.

The ſame, or the next day, the commons voted:

‘1. That it appeared, that the king, ſeduced by wicked counſels, intended to make war againſt the parliament, who, in all their conſultations and actions, had propoſed no other end unto themſelves, but the care of his kingdoms, and the performance of all duty and loyalty to his perſon.

‘2. That whenſoever the king made war upon the parliament, it would be a breach of the truſt repoſed in him by his people, contrary to his oath, and tending to the diſſolution of the government.

‘3. That whoſoever ſhould ſerve or aſſiſt him in ſuch wars, would be traytors by the fundamental laws of the kingdom; and had been ſo adjudged by two acts of parliament, and ought to ſuffer as traytors, 11 Rich. II. 1 Hen. IV.’ *.

The king gets the great-ſeal. Clarend.

May the 22d, the lord-keeper Littleton delivered the great-ſeal to be carried to the king, and followed it himſelf the next morning, before the parliament had any knowledge of it.

The parliament's petition to the king to diſband his forces. Ruſhw.
The king's anſwer. Clarend.

The 23d, both houſes ſent a petition to the king, to deſire him to diſband the horſe and foot raiſed under colour of a guard for his perſon. They told him, if he did not diſmiſs theſe forces, they ſhould be obliged to preſerve the peace of the kingdom by the moſt proper means. The king returned a very ſharp anſwer to this petition, reproaching both houſes, that they had raiſed a guard for themſelves, and ordered the ſheriffs to oppoſe with the power of the counties, ſuch as ſhould be drawn together by the king's command.

A war, as I ſaid, was reſolved on both ſides; but each ſtill proceeded with ſome caution, in order to caſt the blame on the contrary party. For, in a civil war, it is chiefly the people that are wanted, becauſe in them lies the ſtrength of the two parties. The earl of

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* Theſe votes were paſſed before the king's anſwer to the parliament's manifeſto, and, therefore, are mentioned by him in that anſwer. Rapin.

Briſtol, in his ſpeech to the lords, the 20th of May, obſerved, that it was not impoſſible to propound and ſettle the differences between the king and the parliament; but that the great difficulty conſiſted in finding ſuch ſecurity, as might ſtand with the king's honour, and the people's ſatisfaction. He chiefly inſiſted upon this, that the king offering to give reaſonable ſecurity, they were not to reject the offer, and charge themſelves with the events of a war. As this offer, tho' made in very general terms, appeared plauſible, the parliament was apprehenſive, it would make ſome impreſſion on the people; and, therefore, they judged it neceſſary, to ſhew that the king, by this general offer, did, however, offer only his word for ſecurity, which could not be a firm foundation of a good agreement. To this end, they ſent him, the 2d of June, 19 propoſitions, which they conſidered as proper to eſtabliſh a good peace, and ſtrict union between the king and the parliament. The propoſitions were theſe:

Nineteen propoſitions ſent to the king by the parliament. Clarend.

'1. That the lords, and others of your majeſty's privy-council, and ſuch great officers and miniſters of ſtate, either at home or beyond the ſeas, may be put from your privy-council, and from thoſe offices and employments, excepting ſuch as ſhall be approved of by both houſes of parliament; and that the perſons put into the places and employments of thoſe that are removed, may be approved of by both houſes of parliament; and that the privy-council ſhall take an oath for the due execution of their places, in ſuch forms as ſhall be agreed upon by both houſes of parliament.

'2. That the great affairs of this kingdom may not be concluded or tranſacted by the advice of private men, or by any unknown or unſworn counſellors, but that ſuch matters as concern the publick, and are proper for the high-court of parliament, which is your majeſty's great and ſupreme council, may be debated, reſolved, and tranſacted only in parliament, and not elſewhere; and ſuch as ſhall preſume to any thing to the contrary, ſhall be reſerved to the cenſure and judgment of parliament: And ſuch other matters of ſtate, as are proper for your majeſty's privy-council, ſhall be debated and concluded by ſuch of the nobility and others, as ſhall from time to time be choſen for that place, by approbation of both houſes of parliament: And that no publick act concerning the affairs of the kingdom, which are proper for your privy-council, may be eſteemed of any validity, as proceeding from the royal authority, unleſs it be done by the advice and conſent of the major part of the council, atteſted under their hands; and that your council may be limited to a certain number, not exceeding 25, nor under 15. And if any counſellor's place happen to be void in the interval of parliament, it ſhall not be ſuppled without the aſſent of the major part of the council; which choice ſhall be confirmed, at the next ſitting of parliament, or elſe to be void.

'3. That the lord high-ſteward of England, lord high-conſtable, lord-chancellor, or lord-keeper of the great ſeal, lord-treaſurer, lord privy-ſeal, earl-marſhal, lord-admiral, warden of the Cinque-ports, chief governor of Ireland, chancellor of the exchequer, maſter of the wards, ſecretaries of ſtate, two chief juſtices and chief baron, may always be choſen with the approbation of both houſes of parliament; and, in the intervals of parliament, by aſſent of the major part of the council, in ſuch manner as is before expreſſed in the choice of counſellors.

'4. That he or they, unto whom the government and education of the king's children ſhall be committed, ſhall be approved of by both houſes of parliament; and, in the intervals of parliament, by aſſent of the major part of the council, in ſuch manner as is before expreſſed in the choice of counſellors; and that all ſuch ſervants as are now about them, againſt whom both houſes ſhall have any juſt exceptions, ſhall be removed.

'5. That no marriage ſhall be concluded, or treated for any of the king's children, with any foreign prince or other perſon whatſoever, abroad or at home without the conſent of parliament, under the penalty of a Præmunire, upon ſuch as ſhould conclude, or treat of any marriage as aforeſaid; and that the ſaid penalty ſhall not be pardoned or diſpenſed with, but by the conſent of both houſes of parliament.

'6. That the laws in force againſt Jeſuits, prieſts, and Popiſh recuſants, be ſtrictly put in execution, without any toleration or diſpenſation to the contrary; and that ſome more effectual courſe may be enacted by authority of parliament, to diſable them from making any diſturbance in the ſtate, or eluding the law by truſts or otherwiſe.

'7. That the votes of Popiſh lords in the houſe of peers may be taken away, ſo long as they continue Papiſts; and that your majeſty will conſent to ſuch a bill as ſhall be drawn, for the education of the children of Papiſts by Proteſtants, in the Proteſtant religion.

'8. That your majeſty will be pleaſed to conſent, that ſuch a reformation be made of the church-government, and liturgy, as both houſes of parliament ſhall adviſe; wherein they intend to have conſultations with divines, as is expreſſed in their declaration to that purpoſe, and that your majeſty will contribute your beſt aſſiſtance to them, for the raiſing of a ſufficient maintenance for preaching-miniſters thro' the kingdom; and that your majeſty will be pleaſed to give your conſent to laws, for the taking away of innovations and ſuperſtition, and pluralities, and againſt ſcandalous miniſters.

'9. That your majeſty will be pleaſed to reſt ſatisfied with that courſe that the lords and commons have appointed for ordering of the militia, until the ſame ſhall be farther ſettled by a bill, and that your majeſty will recal your declarations and proclamations

' againſt the ordinance made by the lords and commons concerning it.

10. That ſuch members of either houſe of parliament, as have, during the preſent parliament, been put out of any place or office, may either be reſtored to that place and office, or otherwiſe have ſatisfaction made for the ſame, upon the petition of that houſe, whereof he or they are members.

' 11. That all privy-counſellors and judges may take an oath, the form whereof to be agreed on and ſettled by act of parliament, for the maintaining of the petition of right, and of certain ſtatutes made by the parliament, which ſhall be mentioned by both houſes of parliament; and that an enquiry of all the breaches and violations of thoſe laws may be given in charge, by the juſtices of the king's-bench every term, and by the judges of aſſize in their circuits, and juſtices of the peace at the ſeſſions to be preſented and puniſhed according to law.

' 12. That all the judges, and all the officers placed by approbation of both houſes of parliament, may hold their places, quamdiu bene ſe geſſerint.

' 13. That the juſtice of parliament may paſs upon all delinquents, whether they be within the kingdom, or fled out of it; and that all perſons cited by either houſe of parliament, may appear and abide the cenſure of parliament.

' 14. That the general pardon offered by your majeſty may be granted, with ſuch exceptions as ſhall be adviſed by both houſes of parliament.

' 15. That for the forts and caſtles of this kingdom may be put under the command and cuſtody of ſuch perſons as your majeſty ſhall appoint, with the approbation of your parliament; and in the intervals of parliament, with the approbation of the major part of the council, in ſuch manner as is before expreſſed in the choice of counſellors.

' 16. That the extraordinary guards, and military forces now attending your majeſty, may be removed and diſcharged; and that for the future you will raiſe no ſuch guards or extraordinary forces, but according to the law, in caſe of actual rebellion or invaſion.

' 17. That your majeſty will be pleaſed to enter into a more ſtrict alliance with the ſtates of the United-provinces, and other neighbour princes and ſtates of the Proteſtant religion, for the defence and maintenance thereof, againſt all deſigns and attempts of the pope and his adherents to ſubvert and ſuppreſs it, whereby your majeſty will obtain a great acceſs of ſtrength and reputation, and your ſubjects be much encouraged and enabled in a parliamentary way, for your aid and aſſiſtance, in reſtoring your royal ſiſter and her princely iſſue to thoſe dignities and dominions which belong unto them, and relieving the other Proteſtant princes who have ſuffered in the ſame cauſes.

' 18. That your majeſty will be pleaſed, by act of parliament, to clear the lord Kimbolton, and the five members of the houſe of commons, in ſuch mannr, that future parliaments may be ſecured from the conſequence of that evil precedent.

' 19. That your majeſty will graciouſly be pleaſed to paſs a bill, for reſtraining peers made hereafter, from ſitting or voting in parliament, unleſs they be admitted thereunto with the conſent of both houſes of parliament.

' And theſe our humble deſires being granted by your majeſty, we ſhall forthwith apply ourſelves to regulate your preſent revenue, in ſuch ſort as may be for your beſt advantage, and likewiſe to ſettle ſuch an ordinary and conſtant increaſe of it, as ſhall be ſufficient to ſupport your royal dignity in honour and plenty, beyond the proportion of any former grants of the ſubjects of this kingdom to your majeſty's royal predeceſſors. We ſhall likewiſe put the town of Hull into ſuch hands as your majeſty ſhall appoint, with the conſent and approbation of parliament, and deliver up a juſt account of all the magazine; and chearfully imploy the uttermoſt of our power and endeavours in the real expreſſion and performance of our moſt dutiful and loyal affections, to the preſerving and maintaining the royal honour, greatneſs and ſafety of your majeſty and your poſterity.

The king made to theſe propoſitions, a long anſwer, that is to ſay, with ſo long periods, and ſo frequent parentheſis, that it is no eaſy task to tranſlate it without loſing ſomething of its force.

The king's anſwer to the 19 propoſitions.

Ruſhw. Clarend.

' Before we ſhall give you our anſwer to your petition and propoſitions, we ſhall tell you, that we are now clearly ſatisfied why the method which we traced out to you by our meſſage of the 20th of January, and have ſince often preſſed upon you, as the proper way to compoſe the diſtractions of this kingdom, and rendred it truly happy, hath been hitherto declined, and is at length not thought fit to be looked upon. We now ſee plainly, (and deſire that you and all other our good ſubjects ſhould do ſo too) hat the cabaliſts of this buſineſs have with great prudence reſerved themſelves until due preparations ſhould be made for their deſign. If they had unſeaſonably vented ſuch propoſitions, as the wiſdom and modeſty of your predeceſſors never thought fit to offer to any of our progenitors; nor we in honour or regard to our regal authority; (which God hath intruſted us with for the good of our people) could receive without juſt indignation (and ſuch many of your preſent propoſitions are) their hopes would ſoon have been blaſted, and thoſe perſons, to whom offices, honours, power and commands were deſigned, by ſuch ill-triming of their buſineſs, would have failed of their expectation, not without a brand upon the attempt. Therefore, before any thing of this nature ſhould appear, they have (certainly with great wiſdom in the conduct of it thought fit to remove a troubleſome rub in their way, the law, to this end, (that they might undermine the very foundations of it) a new power hath been aſſumed to interpret and declare laws without us by extemporary votes, without any caſe judicially before either houſe, (which is in effect the ſame thing as to make laws without us:) orders and ordinances made only by both houſes, tending to a pure arbitrary power) were preſſed upon the people as laws, and their obedience required to them.

‘Their next ſtep was, to erect an upſtart authority without us (in whom, and only in whom the laws of this realm have placed that power) to command the militia, (very conſiderable to this their deſign). In farther order to it, they have wreſted from us our magazine and town of Hull, and abetted Sir John Hotham in his bold-faced treaſon. They have prepared, and directed to the people, unprecedented invectives againſt our government, thereby (as much as lay in their power) to weaken our juſt authority and due eſteem among them; they have, as injuriouſly, as preſumptuouſly, (tho' we conceive by this time, impudence itſelf is aſhamed of it) attempted to caſt upon us aſperſions of an unheard-of nature, as if we had favoured a rebellion in our own bowels. They have likewiſe broached a new doctrine, that we are obliged to paſs all laws that ſhall be offered to us by both houſes, (howſoever our own judgment and conſcience ſhall be unſatisfied with them) a point of policy as proper for their preſent buſineſs, as deſtructive to all our rights of parliament, and ſo with ſtrange ſhameleſſneſs will forget a clauſe in law ſtill in force, made in the ſecond year of king Henry V, wherein both houſes of parliament do acknowledge, that it is of the king's regality to grant or deny ſuch of their petitions as pleaſeth himſelf. They have interupted our neceſſary guard, legally aſſembled, for the defence of us and our children's perſons, againſt a traitor in open rebellion againſt us*, to be with intent to levy war againſt the parliament, (the thought whereof our very ſoul abhorreth) thereby to render us odious to our people.

‘They have ſo awed our good ſubjects with purſevants, long chargeable attendances, heavy cenſures, and illegal impriſonments, that few of them durſt offer to preſent their tenderneſs of our ſufferings, their own juſt grievances, and their ſenſe of thoſe violations of the law, (the birth-right of every ſubject in this kingdom) tho' in an humble petition directed to both houſes; and if any did, it was ſtifled in the birth, called ſedition, and burnt by the common hangman.

‘They have reſtrained the attendance of our ordinary and neceſſary houſhold ſervants*, and ſeiſed upon thoſe ſmall ſums of money, which our credit had provided to buy us bread, with injunctions that none ſhould be ſuffered to be conveyed, or returned to us to York, or any of our peers or ſervants with us; ſo that (in effect) they have blocked us up in that county.

‘They have filled the ears of the people with the noiſe of fears and jealouſies, (tho' taken up upon truſt) tales of ſkippers, ſalt-fleets, and ſuch like, by which alarms they might prepare them to receive ſuch impreſſions as might beſt advance this deſign when it ſhould be ripe. And now it ſeems they think we are ſufficiently prepared for theſe bitter pills. We are in a handſome poſture to receive theſe humble deſires (which probably are intended to make way for a ſuperfetation of a (yet) higher nature, if we had not made this diſcovery to you) for they do not tell us this is all. In them we muſt obſerve, that theſe contrivers (the better to advance their true ends) diſguiſed as much as they could their intents, with a mixture of ſome things, really to be approved by every honeſt man; others, ſpecious and popular; and ſome which are already granted by us, all which are cunningly twiſted and mixed, with thoſe other things of their main deſign of ambition and private intereſt; in hope, that at the firſt view, every eye may not ſo clearly diſcern them in their proper colours.

‘We would not be underſtood, that we intend to fix this deſign upon both or either houſe of parliament: We utterly profeſs againſt it, being moſt confident of the loyalty, good affection, and integrity of the intentions of that great body; and knowing well, that very many of both houſes were abſent, and many diſſented from all thoſe particulars we complain of: But we do believe, and accordingly profeſs to all the world, that the malignity of this deſign (as dangerous to the laws of this kingdom, the peace of the ſame, and the liberties of all our good ſubjects, as to ourſelf and our juſt prerogative) hath proceeded from the ſubtle informations, miſchievous practices, and evil counſels of ambitious turbulant ſpirits, diſaffected to God's true religion, and the unity of the profeſſors thereof, our honour and ſafety, and the publick peace and proſperity of our people; not without a ſtrong influence upon the very actions of both houſes. But how faulty ſoever others are, we ſhall (with God's aſſiſtance) endeavour to diſcharge our duty with uprightneſs of heart; and, therefore, ſince theſe propoſitions come to us in the name of both houſes of parliament, we ſhall take a more particular notice of every of them,

‘If the 1ſt, 2d, 3d, 4th, 5th, 9th, 10th 15th, 16th, 19th demands, had been writ and printed in a tongue unknown to us and our people, it might have been poſſible we and they might have charitably believed the propoſitions to be ſuch, as might have been in order to the ends pretended in the petition (to wit) the eſtabliſhing of our honour and ſafety, the welfare and ſecurity of our ſubjects and dominions, and the removing thoſe

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* Sir John Hotham. Rapin.

* The earls of Eſſex and Holland.

jealouſies an differences, which are ſaid to have unhappily fallen betwixt us and our people, and procuring both us and them a conſtant courſe of honour, peace, and happineſs: But being read and underſtood by all, we cannot but aſſure ourſelf, that this profeſſion, joined to theſe propoſitions, will rather appear a mockery and a ſcorn, the demands being ſuch; as tho' we were unworthy of the truſt repoſed in us by the law, and of our deſcent from ſo many great and famous anceſtors, if we could be brought to abandon that power, which only can enable us to perform what we are ſworn to, in protecting our people and the laws, and ſo aſſume others into it, as to diveſt ourſelf of it, although not only our preſent condition (which it can hardly be) were more neceſſitous than it is, and we were both vanquiſhed, and a priſoner, and in a worſe condition than ever the moſt unfortunate of our predeceſſors have been reduced to, by the moſt criminal of their ſubjects. And tho' the bait laid to draw us to it, and keep our ſubjects from indignation at the mention of it, the promiſes of a plentiful and unparalleled revenue were reduced from generals (which ſignify nothing,) to clear and certain particulars; ſince ſuch a bargain would have but too great a reſemblance of that of Eſau's, if we ſhould part with ſuch flowers of a crown, as are worth all the reſt of the garland, and have been tranſmitted to us from ſo many anceſtors, and have been found ſo uſeful and neceſſary for the welfare and ſecurity of our ſubjects, for any preſent neceſſity, or for any low and ſordid conſiderations of wealth and gain. And therefore all men knowing that thoſe accommodations are moſt eaſily made, and moſt exactly obſerved, that are grounded upon reaſonable and equal conditions, we have great cauſe to believe, that the contrivers of theſe had no intention of ſettling any firm accommodation, but to increaſe thoſe jealouſies, and widen that diviſion, which (not by our fault) is now unhappily fallen between us and both houſes.

‘ It is aſked, that all the lords and others of our privy-council, and ſuch (we know not what you mean by ſuch, but we have cauſe to think you mean all) great officers and miniſters of ſtate, either at home or beyond the ſeas, (for care is taken to leave out no perſon or place, that our diſhonour may be ſure not to be bounded within this kingdom, tho' no ſubtle inſinuations at ſuch a diſtance can probably be believed to have been the cauſe of our diſtractions and danger) ſhould be put from our privy-council, and from thoſe offices and employments, unleſs they be approved by both houſes of parliament, how faithful ſoever we have found them to us and the publick, and how far ſoever they have been from offending againſt any law, the only rule they had, or any others ought to have, to walk by. We, therefore, to this part of this demand return you this anſwer, that we are willing to grant, that they ſhall take a larger oath than yourſelves deſire in your 11th demand, for maintaining not of any part, but of the whole law (1).

Remark (1). This is ſaid, becauſe in the whole body of the law were contained thoſe laws, which aſcribed to the king the prerogatives they had a mind to deprive him of.

‘ And we have and do aſſure you, that we will be careful to make election of ſuch perſons in thoſe places of truſt, as ſhall have given good teſtimony of their abilities and integrities, and againſt whom there can be no juſt cauſe of exception, whereon reaſonably to ground a diffidence; that if we have or ſhall be miſtaken in our election, we have and do aſſure you, that there is no man ſo near to us in place or affection, whom we will not leave to the juſtice of the law, if you ſhall bring a particular charge and ſufficient proofs againſt him; and that we have given you (the beſt pledge of the effects of ſuch a promiſe on our part, and the beſt ſecurity for the performance of their duty on theirs) a triennial parliament, the apprehenſion of whoſe juſtice will, in all probability, make them wary how they provoke it, and us wary how we charge ſuch, as by the diſcovery of their faults may in any degree ſeem to diſcredit our election, but that without any ſhadow of a fault objected, only perhaps becauſe they follow their conſciences, and preſerve the eſtabliſhed laws, and agree not in ſuch votes, or aſſent not unto ſuch bills, as ſome perſons, who have now too great an influence even upon both houſes, judge, or ſeem to judge to be for the publick good, and as are agreeable to that new Utopia of religion and government, into which they endeavour to transform this kingdom (2).

Rem. (2). This alludes to Sir Thomas Moor's Utopia.

‘ For we remember what names, and for what reaſons, you left out in the bill offered us concerning the militia, which you had yourſelves recommended in the ordinance. We will never conſent to the diſplacing of any, whom, for their former merits from, and affection to us and the publick, we have intruſted; ſince we conceive, that to do ſo would take away both from the affection of our ſervants, the care of our ſervice, and the honour of our juſtice; and we the more wonder it ſhould be aſked by you of us, ſince it appears by the 12th demand, that you yourſelves count it reaſonable, after the preſent turn is ſerved, that the judges and officers who are then placed, may hold their places quamdiu ſe bene geſſerint; and we are reſolved to be as careful of thoſe we have choſen, as you are of thoſe you would chooſe, and to remove none till they appear to us to have otherwiſe behaved themſelves, or ſhall be evicted by legal proceedings to have done ſo.

‘ But this demand, as unreaſonable as it is, is but one link of a great chain, and but the firſt round of that ladder, by which our juſt, antient, regal power, is endeavoured to be fetched down to the ground. For it appears plainly, that it is not with the perſons now choſen, but with our chuſing, that you are diſpleaſed; for you demand, that the perſons put into the places and employments of thoſe who ſhall be removed, may be approved by both houſes; which is ſo far (as to ſome at firſt ſight it may appear) from being leſs than the power of nominating, that of two things (of which we will never grant either) we would ſooner be content, that you ſhould nominate, and we approve, than you approve, and we nominate; the mere nomination being ſo far from being any thing, that if we could do no more, we would never take the pains to do that, when we ſhould only hazard thoſe whom we eſteemed, to the ſcorn of a refuſal, if they happened not to be agreeable, not only to the judgment but to the paſſion, intereſt, or humour, of the preſent major part of either houſe.

‘Not to ſpeak now of the great factions, animoſities, and diviſions, which this power would introduce in both houſes, between both houſes, and in the ſeveral counties, for the choice of perſons to be ſent to that place where that power was, and between thoſe perſons that were ſo choſen. Neither is this ſtrange potion preſcribed to us only for once, for the cure of a preſent preſſing deſperate diſeaſe, but for a diet to us and our poſterity: It is demanded, that our counſellors, all chief officers, both of law and ſtate, commanders of forts and caſtles, and all peers hereafter made (as to voting, without which, how little is the reſt?) be approved of (that is, choſen) by them from time to time; and rather than it ſhould ever be left to the crown, (to whom it doth and ſhall belong) if any place fall void in the intermiſſion of parliament, the major part of the approved council is to approve them; neither is it only demanded, that we ſhould quit the power and right our predeceſſors have had, of appointing perſons in theſe places, but for counſellors we are to be reſtrained, as well in the number as in the perſons, and a power muſt be annexed to theſe places, which their predeceſſors had not; and indeed, if this power was paſſed to them, it were not fit we ſhould be truſted to chuſe thoſe who were to be truſted as much as we.

‘It is demanded, that ſuch matters as concern the publick, and are proper for the high court of parliament, (which is our great and ſupreme council) may be debated, reſolved, and tranſacted, only in parliament, and not elſewhere; and ſuch as preſume to do any thing to the contrary, ſhall be reſerved to the cenſure and judgment of the parliament; and ſuch other matters of ſtate, as are proper for our privy council, ſhall be debated and concluded, by ſuch of our nobility, (tho' indeed, if being made by us, they may not vote without the conſent of both houſes, we are rather to call them your nobility) and others, as ſhall be from time to time choſen for that place, by approbation of both houſes of parliament; and that no publick act concerning the affairs of the kingdom, which are proper for our privy-council, may be eſteemed of any validity, as proceeding from the royal authority, unleſs it be done by the advice and conſent of the major part of our council, atteſted under their hands; which demands were of that nature, that to grant them, were in effect, at once to depoſe both ourſelf, and our poſterity.

‘Theſe being paſt, we may be waited on bare-headed, we may have our hand kiſſed, the ſtile of majeſty continued to us, and the king's authority declared by both houſes of parliament, may be ſtill the ſtile of your commands; we may have ſwords and maces carried before us, and pleaſe ourſelf with the ſight of a crown and ſcepter; (and yet even theſe twigs would not long flouriſh, when the ſtock upon which they grew were dead) but as to true and real powre, we ſhould remain but the outſide, but the picture, but the ſign of a king. We were ever willing that our parliament ſhould debate, reſolve, and tranſact, ſuch matters as are proper for them, as far as they are proper for them, and we heartily wiſh, that they would be as careful not to extend their debates and reſolutions, beyond what is proper to them, that multitudes of things puniſhable, and cauſes determinable by the ordinary judicatures, may not be entertained in parliament, and ſo cauſe a long, chargeable and fruitleſs attendance of our people, and (by degrees) draw to you, as well all the cauſes, as all the faults, of Weſtminſter-Hall, and divert your proper buſineſs: That the courſe of law be no ways diverted, much leſs diſturbed, as was actually done by the ſtop of the proceedings againſt a riot in Southwark, by order of the houſe of commons, in a time ſo riotous and tumultuous, as much increaſed the danger of popular inſolencies, by ſuch a countenance to riots, and diſcountenance of law: That you deſcend not to the leiſure of recommending lecturers to churches, nor aſcend to the legiſlative power, by commanding (the law not having yet commanded it) that they whom you recommend be received, altho' neither the parſon nor biſhop do approve of them; and that the refuſers (according to the courſe ſo much formerly complained of to have been uſed at the council-table) be not ſent for to attend to ſhew cauſe at leaſt, that you would conſider conveniency, if not law, and recommend none but who are well known to you to be orthodox, learned, and moderate, or at leaſt ſuch as have taken orders, and are not notorious depravers of the book of Common-Prayer; a care which appeareth by the diſcourſes, ſermons, and perſons of ſome recommended by you, not to have been hitherto taken; and it highly concerns both you in duty, and the commonwealth in the conſequences, that it ſhould have been taken: That neither one eſtate tranſact what is proper for two, nor two what is proper for three; and conſequently, that contrary to our declared will) our forts may not be ſeiſed, our arms may not be removed, our monies may not be ſtopt, our legal directions may not be countermanded by you, nor we deſire to countermand them ourſelf; nor ſuch entrances made upon a real war againſt us, upon pretence of an imaginary war againſt you, and a chimera of neceſſity. So far do you paſs beyond your limits, whilſt you ſeem by your demand, to be ſtrangely ſtraitened within them; at leaſt we could have wiſhed, you would have expreſſed what matters you meant as fit to be tranſacted only in parliament, and what you meant by only in parliament.

'You have of late been perſuaded, by the new doctrine of ſome few, to think that proper for your debates, which hath not uſed to be at all debated within thoſe walls, but been truſted wholly with our predeceſſors and us; and to tranſact thoſe things, which, without the regal authority, ſince there were kings of this kingdom, were never tranſacted: It therefore concerns us the more, that you ſpeak out, and that both we and our people may either know the bottom of your demands, or know them to be bottomleſs. What concerns more the publick, and is more, indeed, proper for the high-court of parliament, than the making of laws, which not only ought there to be tranſacted, but can be tranſacted no where elſe? But then you muſt admit us to be a part of the parliament; you muſt not (as the ſenſe is of this part of the demand, if it have any) deny the freedom of our anſwer, when we have as much right to reject what we think unreaſonable, as you have to propoſe what you think convenient or neceſſary: Nor is it poſſible our anſwers, either to bills, or any other propoſitions, ſhould be wholly free, if we may not uſe the liberty of every one of you, and of every ſubject, to receive advice (without their danger who ſhall give it) from any perſon, known or unknown, ſworn or unſworn, in theſe matters, in which the manage of our vote is truſted by the law, to our own judgment and conſcience; which how beſt to inform, is (and ever ſhall be) left likewiſe to us: And moſt unreaſonable it were, that two eſtates propoſing ſomething to the third, that third ſhould be bound to take no advice, whether it were fit to paſs, but from thoſe two that did propoſe it. We ſhall ever in theſe things, which are truſted wholly to us by the law, not decline to hearken to the advice of our great council, and ſhall chuſe to hear willingly the free debates of our privy-council, (whenſoever we may be ſuffered to have them for ſending for, and they ſhall not be terrified from that freedom by votes, and brands of malignants and enemies to the ſtate, for adviſing what no law forbids to adviſe) but we will retain our power, of admitting no more to any council than the nature of the buſineſs requires, and of diſcourſing with whom we pleaſe, of what we pleaſe, and informing our underſtanding by debate with any perſons, who may be well able to inform and adviſe us in ſome particulars, tho' their qualities, education, or other abilities, may not make them ſo fit to be of our ſworn council; and not tie ourſelf up not to hear any more than 25 (and theſe not choſen abſolutely by us) out of a kingdom ſo repleniſhed with judicious and experienced perſons of ſeveral kinds. And tho' we ſhall (with the proportionable conſideration due to them) always weigh the advices both of our great and privy-council, yet we ſhall alſo look upon their advices as advices, not as commands or impoſitions; upon them as our counſellors, not as our tutors and guardians; and upon ourſelf as their king, not as their pupil or ward: For whatſoever of regality were, by the modeſty of interpretation, left us, in the firſt part of the ſecond demand, as to the parliament, is taken from us in the ſecond part of the ſame, and placed in this new-fangled kind of counſellors, whoſe power is ſuch, and ſo expreſſed by it, that in all publick acts concerning the affairs of this kingdom, which are proper for our privy-council (for whoſe advice all publick acts are ſometimes proper, tho' never neceſſary) they are deſired to be admitted joint patentees with us in the regality; and it is not plainly expreſſed, whether they mean us ſo much as a ſingle vote in theſe affairs; but it is plain, they mean us no more at moſt, than a ſingle vote in them, and no more power than every one of the reſt of our privy-counſellors only leave to us, out of their reſpect and duty, (and that only is left of all our antient power) a choice, whether theſe that are thus to be joined with (or rather ſet over) us, ſhall be 15 or 25: And great care is taken that the oath which theſe men ſhall take, ſhall be ſuch, in the framing the form of of which (tho' ſure we are not wholly unconcerned in it) we may be wholly excluded, and that wholly reſerved to be agreed upon by both houſes of parliament.

'And to ſhew that no more care is taken of our ſafety, than of our power, after ſo great indignities offered to us, and countenanced by thoſe who were moſt obliged to reſent them: After our town and fort kept from us, (from which, if it were no otherwiſe ours, than the whole kingdom is, we can no more legally be kept out of our whole kingdom, which ſure yourſelves will not deny to be treaſon) our arms, our goods ſent away, and our money ſtopped from us, our guards (in which we have no other intention, than to hinder the end of theſe things from being proportionable to their beginnings) are not only deſired to be diſmiſſed, before ſatisfaction for the injury, puniſhment of the injurors, and care taken for our future ſecurity from the like. But it is likewiſe deſired (and for this, law is pretended, and might as well have been for the reſt, which yet with ſome ingenuity, are it ſeems acknowledged to be but deſires of grace) that we ſhall not for the future raiſe any guards, or extraordinary forces, but in caſe of actual rebellion or invaſion; which if it had been law, and ſo obſerved in the time of our predeceſſors, few of thoſe victories, which have made theſe nations famous in other parts, could have been legally atchieved: Nor could our bleſſed predeceſſor queen Elizabeth have ſo defended herſelf in 88. And if no forces muſt be levied till rebellions and invaſions (which will not ſtay for the calling of parliaments, and their conſent for raiſing of forces) be actual, they muſt undoubtedly (at leaſt moſt probably) be effectual and prevalent.

‘And as neither care is taken for our rights, honour nor ſafety, as a prince; ſo our rights, as a private perſon, are endeavoured to be had from us; it being aſked, that it may be unlawful and puniſhable, not only to conclude, but even to treat of any marriage with any perſon for our own children, or to place governors about them, without conſent of parliament; and in the intermiſſion of theſe, without the conſent of our good lords of the council; that we may not only be in a more deſpicable ſtate than any of our predeceſſors, but in a meaner and viler condition than the loweſt of our ſubjects, who value no liberty they have more, than that of the free education and marriage of their children, from which we are aſked to debar ourſelf; and have the more reaſon to take it ill that we are ſo, becauſe of our choice of a governor for our ſon, and a huſband for our daughter, (in which the Proteſtant religion was our principal conſideration) we conceived we had reaſon to expect your preſent thanks, and the increaſe of your future truſts.

‘We hope theſe demands by this time to appear ſuch, as the demanders cannot be ſuppoſed to have any ſuch real fear of us, has hath been long pretended; they are too much in the ſtile, not only of equals, but of conquerors; and as little to be intended for removing of jealouſies, (for which end they are ſaid to be aſked; and that is, not as merchants aſk at firſt, much more than they will take, but as moſt neceſſary to effect it, which (if they be) God help this poor kingdom, and thoſe who are in the hands of ſuch perſons, whoſe jealouſies nothing elſe will remove) which indeed is ſuch a way, as if their being differences and ſuits between two perſons, whereof one would have from the other ſeveral parcels of his antient land, he ſhould propoſe to him by way of accommodation, that he would quit to him all thoſe in queſtion, with the reſt of his eſtate, as the moſt neceſſary and effectual means to remove all thoſe ſuits and differences: But we call God to witneſs, that as for our ſubjects ſake theſe rights are veſted in us, ſo, for their ſakes as well as for our own, we are reſolved not to quit them, nor to ſubvert) tho' in a parliamentary way) the antient, equal, happy, well-poiſed, and never-enough commended conſtitution of the government of this kingdom; nor to make ourſelf a king of England, a duke of Venice, and this of a kingdom, a republick.

‘There being three kinds of government among men, abſolute monarchy, ariſtocracy, and democracy; and all theſe having their particular conveniencies and inconveniencies; the experience and wiſdom of our anceſtors, hath ſo moulded this out of a mixture of theſe, as to give to this kingdom (as far as human prudence can provide) the conveniencies of all three, without the inconveniencies of any one, as long as the balance hangs even between three eſtates, and they run jointly on in their proper channel, (begetting verdure and fertility in the meadows on both ſides) and the overflowing of either on either ſide, raiſe no deluge or inundation. The ill of abſolute monarchy, is tyranny; the ill of ariſtocracy, is faction and diviſion; the ills of democracy, are tumults, violence, and licentiouſneſs. The good of monarchy, is the uniting a nation under one head, to reſiſt invaſion from abroad, and inſurrection at home: The good of ariſtocracy, is the conjunction of council in the ableſt perſons of a ſtate for the publick benefit: The good of democracy, is liberty, and the courage and induſtry which liberty begets.

‘In this kingdom, the laws are jointly made by a king, by a houſe of peers, and by a houſe of commons, choſen by the people, all having free votes and particular privileges. The government, according to theſe laws, is truſted to the king; power of treaties, of war, and peace, of making peers, of chuſing officers and counſellors for ſtate, judges for law, commanders for forts and caſtles; giving commiſſions for raiſing men; to make war abroad, or to prevent or provide againſt invaſions or inſurrections at home; benefit of confiſcations, power of pardoning, and ſome more of the like kind are placed in the king. And this kind of regulated monarchy, having this power to preſerve that authority, without which it would be diſabled to preſerve the laws in their force, and ſubjects in their liberties and properties, is intended to draw to him ſuch a reſpect and relation from the great ones, as may hinder the ills of diviſion and faction; and ſuch a fear and reverence from the people, as may hinder tumults, violence, and licentiouſneſs.

‘Again, that the prince may not make uſe of this high and perpetual power to the hurt of thoſe for whoſe good he hath it; and make uſe of the name of publick neceſſity, for the gain of his private favourites and followers, to the detriment of his people, the houſe of commons, (an excellent conſerver of liberty, but never intended for any ſhare in government, or the chuſing of them that ſhould govern) is ſolely intruſted with the firſt propoſitions concerning the levies of monies, (which is the ſinews as well of peace as of war) and the impeaching of thoſe, who for their own ends, though countenanced by any ſurreptitiouſly-gotten command of the king, have violated that law, which he is bound (when he knows it) to protect; and to the proſecution of which ‘they were bound to adviſe him, at leaſt not to ſerve him in the contrary. And the lords being truſted with a judicatory power, are an excellent ſkreen and bank between the prince and people, to aſſiſt each againſt any incroachments of the other; and by juſt judgments to preſerve that law, which ought to be the rule of every one of the three. For the better enabling them in this, beyond the examples of any of our anceſtors, we were willingly contented to oblige ourſelf, both to call a parliament every three years, and not to diſſolve it in fifty days: And for the preſent exigent, the bettet to raiſe money, and to avoid the preſſure, (no leſs grievous to us than them) our people muſt have ſuffered by a longer continuance of ſo vaſt a charge as two great armies; and for their greater certainty of having ſufficient time to remedy the inconveniences ariſen, during ſo long an abſence of parliaments, and for the puniſhment of the cauſers and miniſters of them, we yielded up our right of diſſolving this parliament, expecting an extraordinary moderation from it, in gratitude for ſo unexampled a grace, and little looking that any malignant party ſhould be encouraged, or enabled to have perſuaded them, firſt, to countenance the injuſtices and indignities we have endured, and then by a new way of ſatisfaction for what was taken from us, to demand of us at once to confirm what was ſo taken, and to give up almoſt all the reſt.

‘Since therefore the power, legally placed in both houſes, is more than ſufficient to prevent and reſtrain the power of tyranny; and without the power, which is now asked from us, we ſhall not be able to diſcharge that truſt, which is the end of monarchy, ſince this would be a total ſubverſion of the fundamental laws, that excellent conſtitution of this kingdom, which hath made this nation, ſo many years, both famous and happy to a great degree of envy; ſince to the power of puniſhing, (which is already in your hands according to law) if the power of preferring be added, we ſhall have nothing left for us but to look on, ſince the encroaching of one of theſe eſtates upon the power of the other, is unhappy in the effects, both to them and all the reſt; ſince this power, of at moſt a joint government in us with our counſellors (or rather our guardians) will return us to the worſt kind of minority, and make us deſpicable both at home and abroad, and beget eternal factions and diſſentions (as deſtructive to publick happineſs as war) both in the choſen, and in the houſes that choſe them, and the people who choſe the chuſers; ſince ſo new a power will undoubtedly intoxicate perſons who were not born to it, and beget not only diviſions among them as equals, but in them contempt of us, as become an equal to them, and inſolence and injuſtice toward our people, and now ſo much their inferior, which ſhall be the more grievous unto them, as ſuffering from thoſe who were ſo lately of a nearer degree to themſelves: And being to have redreſs only from thoſe that placed them; and fearing they may be inclined to preſerve what they have made, both out of kindneſs and policy, ſince all great changes are extremely inconvenient, and almoſt infallibly beget yet greater changes, which beget yet greater inconveniences.

‘Since as great an one in the church, muſt follow this of the kingdom; ſince the ſecond eſtate would in all probability follow the fate of the firſt, and by ſome of the turbulent ſpirits, jealouſies would ſoon be raiſed againſt them, and the like propoſitions for reconciliation of differences would be then ſent to them, as they now have joined to ſend to us till (all power being veſted in the houſe of commons, and their number making them incapable of tranſacting affairs of ſtate with the neceſſary ſervice and expedition, thoſe being re-truſted to ſome cloſe committee) at laſt the common people (who in the mean time muſt be flattered, and to whom licenſe muſt be given in all their wild humours, how contrary ſoever to eſtabliſhed law, or their own real good) diſcover this arcanum imperij. That all this was done by them, but not for them; and grow weary of journey-work, and ſet up for themſelves, call parity and independence liberty; devour that eſtate which had devoured the reſt; deſtroy all rights and properties, all diſtinctions of families and merit; and by this means this ſplendid and excellently diſtinguiſhed form of government, end in a dark equal chaos of confuſion, and the long line of our many noble anceſtors in a Jack Cade, or a Wat Tyler.

‘For all theſe reaſons, to all theſe demands our anſwe ris, Nolumus leges Angliæ mutari: But this we promiſe, that we will be as careful of preſerving the laws, in what is ſuppoſed to concern wholly our ſubjects, as in what moſt concerns ourſelf: For, indeed, we profeſs to believe, that the preſervation of every law concerns us, thoſe of obedience being not ſecure, when thoſe of protection are exalted, and we being moſt of any, injured to the leaſt violation of that, by which we enjoy the higheſt rights and greateſt benefits, and are therefore obliged to defend no leſs by our intereſt, than by our duty, and hope that no jealouſies to the contrary ſhall be any longer nouriſhed in any of our good people, by the ſubtle inſinuations, and ſecret practices of men, who, for private ends, are diſaffected to our honour and ſafety, and the peace and proſperity of our people. And to ſhew you, that no juſt indignation at ſo reproachful offer, ſhall make us refuſe to grant what is probable to conduce to the good of our good people, becauſe of the ill company it comes in, we will ſearch carefully in this heap of unreaſonable demands, for ſo much as we may (complying with our conſcience, and the duty of our truſt) aſſent unto, and ſhall accordingly agree to it.

‘In purſuance of which ſearch in the fourth 'propoſition, under a demand, which would take from us that truſt, which God, nature, and the laws of the land have placed in us, and of which none of you could endure to be deprived, we find ſomething to which we give this anſwer, that we have committed the principal places about our children to perſons of quality, integrity and piety, with ſpecial regard that their tender years might be ſo ſeaſoned with the principles of the true Proteſtant religion, as (by the bleſſing of God upon this our care) this whole kingdom may in due time reap the fruits thereof: And as we have been likewiſe very careful in the choice of ſervants about them, that none of them may be ſuch, as by ill principles, or by ill examples, to croſs our endeavours for their pious and virtuous education; ſo if there ſhall be found (for all our care to prevent it) any perſon about our children, (or about us, which is more than you aſk) againſt whom both houſes ſhall make appear to us any juſt exception, we ſhall not only remove them, but thank you for the information; only we ſhall expect that you ſhall be likewiſe careful, that theſe be no underhand dealing by any, to ſeek faults, to make room for others to ſucceed in their places.

'For the fifth demand, as we will not ſuffer any to ſhare with us in our power of treaties, which are moſt improper for parliaments, and leaſt of all in thoſe treaties in which we are neareſt concerned, not only as a king, but as a father; yet we do (ſuch is our deſire to give all reaſonable ſatisfaction) aſſure you by the word of a king, that we ſhall never propoſe or entertain any treaty whatſoever for the marriage of any of our children, without due regard to the true Proteſtant profeſſion, the good of our kingdom, and the honour of our family.

'For the ſixth demand, concerning the laws in force againſt Jeſuits, prieſts, and Popiſh recuſants, we have, by many of our meſſages to you, by our voluntary promiſes to you ſo ſolemnly made, never to pardon any Popiſh prieſt, by our ſtrict proclamations lately publiſhed in this point, and by the pubick examples which we have made in that caſe ſince our reſidence at York, and before at London, ſufficiently expreſſed our zeal herein. Why do you then aſk that in which our own inclination hath prevented you? And if you can yet find any more effectual courſe to diſable them from diſturbing the ſtate, or eluding the law by truſt or otherwiſe, we ſhall willingly give our conſent to it.

'For the ſeventh demand, concerning the votes of the Popiſh lords; we underſtand, that they in diſcretion have withdrawn themſelves from the ſervice of the houſe of peers, (and had done ſo when uſe was publickly made of their names to aſperſe the votes of that houſe, which was then counted as malignant as thoſe, who are called our unknown and unſworn counſellors, are now;) neither do we conceive, that ſuch a poſitive law againſt the votes of any whoſe blood gives them that right, is ſo proper in regard of the privileges of parliament, but are content, that ſo long as they ſhall nor be conformable to the doctrine and diſcipline of the church of England, they ſhall not be admitted ſit in the houſe of peers, but only to give their proxies to ſuch Proteſtant lords as they ſhall chooſe, who are to diſpoſe of them as they themſelves ſhall think fit, without any reference at all to the giver.

'As to the deſires for a bill for the education of Papiſts by Proteſtants in the Proteſtant profeſſion, many about us can witneſs with us, that we have often delivered our opinion, that ſuch a courſe (with God's bleſſing upon it) would be the moſt effectual for the rooting Popery out of this kingdom; we ſhall therefore thank you for it, and encourage you in it, and when it comes unto us, do our duty: And we heartily wiſh for the publick good, that the time you have ſpent in making ordinances without us, had been employed in preparing this and other good bills for us.

'For the eighth, touching the reformation to be made of the church-government and liturgy, we had hoped, that what we had formerly declared concerning the ſame, had been ſo ſufficiently underſtood by you, and all good ſubjects, that we ſhould not need to have expreſſed ourſelf further in it. We told you in our anſwer to your petition, preſented to us at Hampton-Court the firſt of December, that for any illegal innovations which may have crept in, we ſhould willingly concur in the removal of them; and if our parliament ſhould adviſe us to call a national ſynod, which may duly examine ſuch ceremonies as give juſt cauſe of offence to any, we ſhould take it into conſideration, and apply ourſelf to give due ſatisfaction therein; that we were perſuaded in our conſcience, that no church could be found upon the earth, that profeſſeth the true religion with more purity of doctrine than the church of England doth, nor where the government and diſcipline are jointly more beautified, and free from ſuperſtition, than as they are here eſtabliſhed by law. Which, (by the grace of God) we will with conſtancy maintain (while we live) in their purity and glory, not only againſt all invaſions of Popery; but alſo from the irreverence of thoſe many ſchiſmaticks and ſeparatiſts, wherewith of late this kingdom and our city of London abounds, to the great diſhonour and hazard both of church and ſtate, for the ſuppreſſion of whom we required your timely and active aſſiſtance. We told you in our firſt declaration, printed by the advice of our privy-council, "That for differences amongſt ourſelves for matters indifferent in their own nature concerning religion, we ſhould, in tenderneſs to any number of our loving ſubjects, very willingly comply with the advice of our parliament, that ſome law might be made for the exemption of tender conſciences from puniſhment, or proſecution for ſuch ceremonies, and in ſuch caſes, “which by the judgment of moſt men are held to be matters indifferent, and of ſome to be abſolutely unlawful; provided that this eaſe ſhould be attempted and purſued with that modeſty, temper, and ſubmiſſion, that in the mean time the peace and quiet of the kingdom be not diſturbed, the decency and comelineſs of God's ſervice diſcountenanced, nor the pious, ſober, devout actions of thoſe reverend Perſons who were the firſt labourers in the bleſſed reformation, or of that time, be ſcandaliſed and defamed.” And we heartily wiſh, that others whom it concerned, had been as ready as their duty bound them, tho' they had not received it from us, to have purſued this caution, as we were, and ſtill are willing and ready to make good every particular of that promiſe. Nor did we only appear willing to join in ſo good a work, when it ſhould be brought us, but preſſed and urged you to it by our meſſage of the 14th of February, in theſe words: “And becauſe his majeſty obſerves great and different troubles to ariſe in the hearts of people, concerning the government and liturgy of the church, his majeſty is willing to declare that he will refer the whole conſideration to the wiſdom of his parliament, which he deſires them to enter into ſpeedily, that the preſent diſtractions about the ſame may be compoſed; but deſires not to be preſſed to any ſingle act on his part till the whole be ſo digeſted and ſettled by both houſes, that his majeſty may clearly ſee what is fit to be left, as well as what is fit to be taken away:” Of which we the more hoped of a good ſucceſs to the general ſatisfaction of our people becauſe you ſeem in this propoſition to deſire but a reformation, and not, as is daily preached for as neceſſary in thoſe many conventicles, which have within theſe 19 months begun to ſwarm, and which, tho' their leaders differ from you in this opinion yet appear to many as countenanced by you, by not being puniſhed by you (few elſe, by reaſon of the order of the houſe of commons of the 9th of September, daring to do it) a deſtruction of the preſent diſcipline and liturgy. And we ſhall moſt chearfully give our beſt aſſiſtance for raiſing a ſufficient maintenance for preaching miniſters, in ſuch courſe as ſhall be moſt for the encouragement and advancement of piety and learning.

‘For the bills you mention, and the conſultation you intimate, knowing nothing of the particular matters of the one (tho' we like the titles well) nor of the manner of the other, but from an informer, (to whom we give little credit, and we wiſh no man did more) common fame, we can ſay nothing till we ſee them.

‘For the 11th, we would not have the oath of all privy-counſellors and judges ſtraitned to particular ſtatutes of one or two particular parliaments, but extend to all ſtatutes of all parliaments, and the whole law of the land; and ſhall willingly conſent, that an enquiry of all the breaches and violations of the law may be given in charge by the juſtices of the king's-bench every term, and by the judges of aſſize in their circuits, and juſtices of the peace at the ſeſſions, to be preſented and puniſhed according to law.

‘For the 17th, we ſhall ever be moſt ready, (and we are ſorry it ſhould be thought needful to move us in it) not only to join with any (particularly with the ſtates of the United-Provinces, of which we have given a late proof in the match of our daughter) for the defence and maintenance of the Proteſtant religion againſt all deſigns and attempts of the pope and his adherents; but ſingly (if need were) to oppoſe with our life and fortune all ſuch deſigns in all other nations, were they joined: And that for conſiderations of conſcience, far more than any temporal end of obtaining acceſs of ſtrength and reputation, or any natural end of reſtoring our royal ſiſter and her princely iſſue to their dignities and dominions, tho' theſe be likewiſe much conſidered by us.

‘For the 18th, it was not our fault that an act was not paſſed to clear the lord Kimbolton, and the five members of the houſe of commons, but yours, who inſerted clauſes into both the preamble and act, (perhaps perſuaded to it by ſome who wiſh not that you ſhould in any thing receive ſatisfaction from us) as by paſſing the preamble, we muſt have wounded our honour againſt our conſcience, and by another clauſe have admitted a conſequence, from which we could never have been ſecured, by declaring, that no member of either houſe, upon any accuſation of treaſon, could have his perſon ſeiſed without the conſent of that houſe of which he is a member; tho' the known law be, “That privilege of parliament extends not to treaſon;” and if it did, any member (the houſe being for a ſhort time adjourned, and ſo their conſent not being ſo had) how treaſonable ſoever his intentions were, how clearly ſoever known, and how ſuddenly ſoever to be executed, muſt have fair leave given him to go on and purſue them; no way, how legal ſoever, after the paſſing ſuch a clauſe, being left to prevent it (3).

Rem. (3). The king, in ſhewing the inconveniencies of this clauſe, lays down a caſe different from that of the ſix members accuſed; for he ſuppoſes, to demonſtrate theſe inconveniencies, that the treaſon is manifeſt, and juſt going to be executed. Whereas the difference between the king and the parliament conſiſted, in that the parliament deſired to ſee the proofs, before they conſented to the proſecution of their members. Beſides, this maxim, that the privileges of parliament extend not to treaſonable caſes, is very ambiguous; for it may ſignify, either that in caſe of real, manifeſt, or apparent treaſon, the members of parliament have no more privilege than the reſt of the ſubjects, or elſe that by a bare accuſation of treaſon, true or falſe, a member may be committed to priſon like any other private perſon. The king took it, and would have it taken, in this laſt ſenſe, but

1642. the parliament would admit it only in the firſt. But that the king's ſenſe was wrong, evidently appears, in that when, for inſtance, a peer is accuſed of treaſon, he is not ſent to the tower, according to the uſual courſe of juſtice, as a private perſon would be, but by order of his houſe, which thinks proper to conſent to his proſecution. Without this conſent, the king cannot ſend him to the tower by his own authority, and upon a bare accuſation. In ſhort, no leſs inconveniencies would attend the king's ſenſe, ſince in that caſe the king, upon bare accuſations, true or falſe, might impriſon all the principal members of both houſes.

'To conclude, we conjure you, and all men, to reſt ſatisfied with the truth of our profeſſions, and the reality of our intentions, not to aſk ſuch things as deny themſelves; that you declare againſt tumults and puniſh the authors; that you allow us our propriety in our towns, arms and goods, and our ſhare in the legiſlative power, which would be counted in us not only breach of privilege, but tyranny and ſubverſion of parliaments, to deny to you. And when you ſhall have given us ſatisfaction upon thoſe perſons who have taken away the one, and recalled thoſe declarations (particularly that of the 26th of May) and thoſe in the point of the militia our juſt rights, (wherein we will no more part with than with our crown, leſt we enable others by them to take that from us) which would take away the other, and declined the beginnings of a war againſt us, under pretence of our intention of making one againſt you; as we have never oppoſed the firſt part of the 13th demand, ſo we ſhall be ready to concur with you in the latter.

'And being then confident, that the credit of thoſe men, who deſire a general combuſtion, will be ſo weakened with you, that they will not be able to do this kingdom any more harm, we ſhall be willing to grant our general pardon, with ſuch exceptions as ſhall be thought fit, and ſhall receive much more joy in the hope of a full and conſtant happineſs of our people in the true religion, and under the protection of the law, by a bleſſed union between us and our parliament (ſo much deſired by us) than any ſuch encreaſe of our revenue, (how much ſoever beyond former grants) as (when our ſubjects were wealthieſt) our parliament could have ſettled upon us.'

I ſhall make but one general remark upon this anſwer of the king, and which to me ſeems abſolutely neceſſary, viz. that all the beginning, which includes two thirds, is entirely needleſs, ſince the king treats not of the point in diſpute between him and the parliament. The queſtion was not to know, whether the laws aſcribed ſuch and ſuch power to the king, but to know, whether the king having abuſed this power, his promiſe, that he would govern according to the law of the land, was to be depended upon for the future. The king throughout the beginning of his anſwer, ſuppoſes an ignorance of what is due to a king of England, or a cauſeleſs denial of the ſame. As to the firſt point, he pretends to acquaint the publick with the nature of the Engliſh conſtitution, which was very needleſs, ſince no body diſagreed with him. He keeps to the general poſition acknowledged by all the world, but ſays not a word to the particular queſtion, which was the ſole ſubject of the diſpute. As to the ſecond point, he does not deny that he had abuſed his power, but makes no other anſwer to the conſequence drawn by the parliament from this abuſe, than that he promiſes to behave better for the future.

It is eaſy to ſee, that neither the parliament's propoſitions, nor the king's anſwer, were proper to beget an accommodation. Accordingly, it may be affirmed, that neither ſide thought of any ſuch thing. When the king publiſhed his anſwer, he had received ſome arms, ammunition, and pieces of ordnance from Holland, and beſides that, was preparing to beſiege Hull. Tho' great part of the arms were now removed to London, he hoped ſtill to find there ſufficient for his moſt urgent occaſions. Moreover, this place, which was one of the ſtrongeſt in the kingdom, could be of great ſervice to him, to keep the adjacent country in his intereſt.

The motives of the Preſbyterians in the rupture.

On the other hand, the Preſbyterian party, who then prevailed in the parliament, had almoſt attained their deſire, that is, had brought things to a rupture, which gave them room to hope, they ſhould quickly have opportunity to accompliſh the reſt of their project. Indeed, this rupture between the king and the parliament being ſuppoſed, it was manifeſt, the kingdom was to be governed by the parliament and the king, ſeparately, and not jointly, as before, that is, they would each govern thoſe of their party; in which caſe, the parliament would have no more occaſion for the king's conſent, who would be looked upon as an enemy, and conſequently, they might ordain whatever they pleaſed, without any oppoſition. This was preciſely the point to which all the proceedings of the Preſbyterian party had tended, without their diſcovering themſelves however, any more than was neceſſary to ſupport the expectations of their adherents. For till now it highly concerned them to make the publick, and the members who were not of their ſide, believe, that they acted in conjunction with the other members, only with the view of vindicating the common liberty, againſt the encroachments of the king.

Double views of the Preſbyterians.

It is certain, that from the beginning, there was in this parliament, a Preſbyterian party, whoſe view was to alter the church-government. But that this was the ſole aim of the Preſbyterians, as many aſſert, is what does not to me appear evident. Why might not theſe men, in ſtriving to erect their diſcipline upon the ruins of the church, have another end, I mean, the prevention of the king's and his party's incroachments upon the publick liberty? There were, certainly, in this very parliament, members who were very far from being Preſbyterians, and yet had the ſame end: Why might not the Presbyterians have it too, jointly with that which was peculiar to them? Is it ſo uncommon a thing, to ſee people propoſe to themſelves two different ends, in one and the ſame undertaking? I confeſs I do not ſee the improbability of ſuch a ſuppoſition. The Presbyterian party, therefore, muſt be conſidered as acting with thoſe two views, and this is ſo true, that undeniable proofs of it will appear in the ſequel of this reign. But their enemies have been pleaſed to aſcribe to them the firſt only, in order to charge them with putting the kingdom in a flame, for the ſake of eſtabliſhing the Presbyterian government in the church. I do not deny, that this motive contributed very much to it. But it does not follow, that the reaſons on which the parliament refuſed to confide in the king, were frivolous. The contrary may be rather inferred. For if theſe reaſons had not been plauſible, the Presbyterians would never have been able to execute their projects, and form ſo ſtrong a party in a kingdom, where, at the beginning of this parliament, they made ſo inconſiderable a figure. But they politickly made uſe of the general diſcontent, which actually ſubſiſted, to bring matters to the point they deſired. They cannot be ſaid to have cauſed this univerſal diſcontent, tho' it is certain, they helped to inflame it, becauſe it was neceſſary to their views.

Order of the houſe concerning the ſale of the crown-jewels. Ruſhw.

The parliament having received advice from Holland, that the queen had pawned or ſold ſome of the crown-jewels at Amſterdam, publiſhed the 2d of June an order, declaring, that whoſoever was concerned in the ſelling or pawning theſe jewels, or in the bringing any money to the king, by way of bill of exchange, or otherwiſe, ſhould be accounted an enemy to the ſtate. But the queen had already laid out the money in purchaſing arms and ammunition, which ſhe had conveyed to the king, in a ſmall ſhip called the Providence, which, the very day the parliament publiſhed this order, ſafely arrived in Burlington Bay, after having been warmly purſued by part of the parliament's fleet, commanded by the earl of Warwick.

The king receive arms from Holland. Ruſhw.

The king orders his party to leave the parliament.

Some time before, the king finding a war unavoidable, had ordered his friends in both houſes, to abſent themſelves from the parliament. He hoped, by leſſening ſo conſiderably the number of the members, to leſſen the credit of theparliament. But this policy turned not to his advantage. It is true, both houſes were conſiderably leſſened in number. But withal, the king's party there grew ſo weak that they could no longer oppoſe the reſolutions taken againſt the king. Tho' the two houſes were not ſorry to be rid of theſe ſpies, they believed, however, it was neceſſary to take ſome meaſures, either to hinder a greater deſertion, or to convince the people, it was not their fault if the parliament was ſo numerous as hitherto. The commons, therefore, ordered all the ſheriffs of the kingdom, to give notice to the repreſentatives, to attend the houſe by the 16th of June, on the forfeiture of 100 pounds to be employed in the wars in Ireland, and on pain of undergoing ſuch farther puniſhment as the houſe ſhould think fit.

Precaution of the commons.

Severity of the peers againſt nine abſent lords. Ruſhw.

But the lords went ſtill farther, for they ordered nine of their members, who had repaired to the king at York, to appear at the bar the 8th of June as delinqueuts. Theſe nine lords having ſent their excuſe by a letter, the commons forthwith prepared an impeachment againſt them, and ſent it up to the lords. The 27th of the ſame month, the peers pronounced ſentence againſt the nine lords, declaring, that they ſhould not ſit or vote in the houſe during the preſent parliament, and ſhould ſtand committed to the tower during the pleaſure of the houſe.

The parliament takes np money upon loans. Ruſhw.

Theſe were little preludes to the war, which was going to be kindled. But the 10th of June, both houſes gave a more evident proof of their deſign; for upon receiving advice that the king was actually giving out commiſſions to levy forces, they publiſhed propoſals for the bringing in of money or plate, at eight per Cent for the defence of the kingdom *, This is what the king's friends will have to be conſidered as the firſt declaration of war on the parliament's ſide, and pretend thereby to ſhew, that both houſes were the aggreſſors. But it is certain, the king long before, had taken meaſures to prepare for war, and there is no doubt the parliament had done the ſame, tho' perhaps, more ſecretly than the king. Be this as it will, after having ſeen what where the true grounds and cauſes of the war, it ſeems of little moment to know, which of the two parties firſt diſcovered the meaſurestaken, whether to attack or defend; for that at moſt is the meaning of the queſtion, "Which of the parties "began the war.

The king's letter to the mayor of London. Ruſhw.

The parliament's declaration thereupon. June 21.

The king having notice of what the parliament had done for the ſpeedy raiſing of money, wrote to the lord-mayor of London, commanding him to publiſh his letter wherein he forbid the citizens to lend any money to both houſes. This letter occaſioned their publiſhing a declaration, the view whereof was to ſhew the people, that the parliament was under an abſolute neceſſity of preparing for their defence. They ſaid, his majeſty having ſo often threatned them about Hull and the militia, they could not but conſider his preparations as a deſign to levy a war againſt his parliament.

The king's anſwer.

The king made to this declaration a long anſwer, full of reproaches of the illegal proceedings of both houſes againſt him. He did not deny, that he intended to have juſtice in the caſes of Hull and the militia, or loſe his life in requiring it; and affirmed, that this was no proof of a deſign to make war againſt the parliament; but only of his intention to defend himſelf againſt their attacks. The parliament ſaid the ſame thing on their part, and

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* The people were ſo ready to comply with the parliament's propoſals that the ſums brought including plate, &c. amounted to above 11,000,000. Dugdale's View.

each endeavoured to caſt the blame of the war on the oppoſite party. I did not think it neceſſary to inſert theſe laſt papers, there being nothing new in them. They contain the ſame reproaches, and the ſame vindications on both ſides, as were ſeen in the former declarations. I ſhall only obſerve, that even when the war was going to commence, and there was no more hopes of an accommodation, the king thought it very ſtrange, that his prerogatives ſhould be violated, and the parliament raiſe forces without his approbation. He always uſed the ſame ſtile, even in the very midſt of the war. In ſhort, the parliament, weary of theſe paper-ſkirmiſhes, of which there was no end, and which conſumed a great deal of time, prohibited, by a printed order, the publiſhing any declarations or papers in the king's name, that ſhould be contrary to the ordinances of the parliament. After that, there was no hope of peace, and accordingly, all thoughts of it were laid aſide by both parties.

Projects of the king's to become maſter of the fleet. Clarend.

The king, before he came to an open declaration, had a mind to execute two deſigns he had formed. The firſt was, to become maſter of the fleet; the ſecond, to beſiege Hull. The project of the fleet was ſolely founded in the expectation, that the captains of the ſhips would declare for him as ſoon as commanded. In this belief, he wrote to each captain in particular, requiring him, without delay, and without demanding the orders of his ſuperiors, to bring away his ſhips to Burlington bay, and yield no farther obedience to the earl of Warwick. He ſent withal a letter to the earl of Warwick, to diſcharge him from the command of the fleet. The letters to the captains were to be delivered, as indeed they were, before that directed to the earl of Warwick. The king diſpatched at the ſame time a meſſenger to London, to carry to the earl of Northumberland a revocation of his commiſſion of admiral, under the great ſeal. The earl of Warwick, who was then on ſhore, having notice of what paſſed in the fleet, went immediately on board his ſhip, and ſummoned all the captains to attend him at a council of war. All obeyed, notwithſtanding the king's orders, except five, who united together to make their defence, in caſe they ſhould be attacked. The reſt proteſted to their admiral, they would obey his commands. As ſoon as he had ſecured theſe laſt, he cauſed them to come to an anchor round the five others, to force them to ſubmit. But three of them thought fit to come in upon a ſummons. The two that ſtill remained obſtinate, ſuffered themſelves to be ſhamfully taken by unarmed boats, and were ſent to London. Thus the king was diſappointed of his view, for which, tho' of great importance, he had not, doubtleſs, taken very proper meaſures, as appeared by the event.

The king prepares for war. Clarend.

After this fruitleſs attempt, the king believed it in vain to diſſemble any longer, and that he muſt at laſt begin the war. To that end he ordered, William Cavendiſh, earl of Newcaſtle, to ſecure the town of Newcaſtle; which was performed, tho' with ſome difficulty, and then he cauſed alſo Tinmouth caſtle to be ſeiſed. At the ſame time, he ſent many lords and gentlemen into their reſpective ſhires, to levy forces, and by a patent under the great ſeal, appointed William Seymour, earl of Hertford, his lieutenant-general of the weſtern counties. He kept near his perſon, Robert Bartu, earl of Lindſey, to be, under him, general of his army. Sir Jacob Aſhley was general of the foot; and the place of general of the horſe was reſerved for prince Rupert, the king's nephew, and brother to the elector Palatine, who was daily expected.

He marches to beſiege Hull. Ruſhw.

Tho' the king had pretended to raiſe only a guard for his perſon, it was found, however, that in the beginning of July, he had about 3000 foot, and 7 or 800 horſe, with which he reſolved to march to Hull. He ſtayed ſome days at Beverley, and publiſhed a proclamation, to ſignify his intention to beſiege Hull, and the reaſon that induced him thereto. As they have already been mentioned, it is needleſs to repeat them. Three days after, he ſent the proclamation to the parliament, with a meſſage, requiring them, that the town of Hull might be forthwith delivered to him.

The parliamen's petition to the king. July 15. Ruſhw.

Before the parliament received this meſſage, they had reſolved to preſent a petition to his majeſty, to pray him, in a very humble manner to forbear all preparations for war; to remove his forces from about Hull; to diſmiſs his troops; to ſend away his garriſons from Newcaſtle, Tinmouth, and other places; for which they promiſed alſo, on their part, to diſcontinue all the preparations they had been forced to make for their defence. The king returned a long anſwer in writing to this petition, wherein he repeated great part of what he had ſaid in his declarations. He made likewiſe ſome propoſitions to both houſes, allowing them to the 27th of July for a full and poſitive anſwer.

He beſieges Hull in vain. Ruſhw.

The parliament having returned an unſatiſfactory anſwer to the propoſitions, the king reſolved to begin the ſiege of Hull. But this enterpriſe was ſo unſucceſsful, that after having been ſome time before the town, without making any progreſs, he was obliged to raiſe the ſiege, or rather blockade, and return to York. The earl of Clarendon ſays, the king undertook the ſiege of Hull, upon the aſſurance given him by Sir John Hotham, that he would ſurrender the town at the firſt ſhot, but that it was not poſſible for Hotham to perform his word.

Goring governor of Portſmouth declares for the king. Ruſhw.

The king, as I before ſaid, had ſome months ſince, gained colonel Goring, governor of Portſmouth, who feigning to keep the place for the parliament, held it indeed for the king. He received money from both ſides, to reinforce the garriſon and raiſe new works, the parliament not miſtruſting him, and the king relying on his word. At laſt, about the time the king was before Hull, Goring openly declared for him. This happened in the beginning of Auguſt, but three weeks after the parliament had iſſued orders for levying an army, to be commanded by Robert Devereux, earl of Eſſex. This army not being yet ready, both houſes, tho' aſtoniſhed at Goring's defection, were not however, diſcouraged. As it was of the utmoſt importance to recover this place, the ſtrongeſt in the kingdom, before the king ſhould be able to relieve it, they haſtily diſpatched a committee, whom they empowered to aſſemble the militia of the neighbouring counties, to block up Portſmouth by land, whilſt the earl of Warwick, by their order, blocked it up by ſea. Happily for the parliament, Goring, tho' he had received from them 3000 pounds, and the like ſum from the king, had neglected to lay in the neceſſary proviſions for a ſiege, and particularly corn and ſalt, ſo that in the very beginning of the blockade, he perceived, he could not reſiſt long. This made him reſolve to capitulate. He ſurrendered the place to the committee, only for liberty to retire into Holland, and for his officers to repair to the king.

Portſmouth ſurrendered to the parliament.

The king's manifeſto. Ruſhw.

During the blockade of Portſmouth, the king not doubting but Goring was in condition to defend that place, publiſhed, at laſt, a declaration that had long been prepared, wherein he ſums up all the complaints he had already made againſt both houſes. As the reader is ſufficiently informed, there is no occaſion to inſert here this new declaration, only it muſt be remarked, that the king declared both houſes guilty of high-treaſon, and forbid all his ſubjects to obey them. At the ſame time was alſo publiſhed a proclamation, requiring all men who could bear arms, to repair to him by the 25th of Auguſt, at Nottingham, where he intended to ſet up his royal ſtandard, which all good ſubjects were obliged to attend. The ſetting up of the royal ſtandard, was the antient manner of making known to the people the king's urgent occaſion for their aid, and the place to which they were to repair to aſſiſt him. The king could not forbear thinking, he was ſtill to be conſidered as an ordinary king, and to have the ſame reſpect and obedience paid to him, as if he had never given his people any cauſe of complaint. He imagined, that the acts of grace he had paſſed in this parliament, and his promiſes to behave better for the future, had effaced all the ill impreſſions made by his paſt government upon his ſubjects, and that, tho' there was a powerful party againſt him in the parliament, it was otherwiſe among the people. He thought, therefore, the ſetting up of his ſtandard would make a ſtrong impreſſion on the people, and induce them to appear in arms at Nottingham; but the prejudices were too deeply rooted in the minds of moſt of the ſubjects, for a bare ceremony to remove them.

The king gives out new commiſſions. Ruſhw.

Whilſt the day appointed for the ſetting up of the ſtandard was expected, the king endeavoured to augment the number of his forces. He gave out freſh commiſſions, and ſent the earl of Hertford and ſome other lords, and gentlemen, to manage his concerns, and raiſe troops, in the weſtern parts. For himſelf, he departed from York, ſome days before the 25th of Auguſt, and in his way took Lincoln, from whence he drew the arms of the trained-bands for his troops, after which he came to Nottingham, and the next day reviewed his horſe.

He takes Lincoln.

Coventry gates are ſhut againſt him. Ruſhw.

The review was no ſooner ended, but he was informed that two regiments of foot were marching to Coventry by the earl of Eſſex's orders. Whereupon he haſted thither with his cavalry, conſiſting of 7 or 800 horſe, in hopes of preventing the parliament's forces, and poſſeſſing himſelf of that city. Accordingly he arrived there the day before the two regiments; but the mayor of the city, tho' without a garriſon, ſhut the gates againſt him, and fired upon his men. He was very ſenſibly touched with this indignity; but as there was no remedy, he was forced to return to Nottingham, leaving the command of his cavalry to commiſſary-general Wilmot.

Wilmot loſes an opportunity of defeating a body of the parliament's forces. Clarend.

The next day, his horſe being upon a plain of five or ſix miles extent, where nothing incumbered them, had a clear view of a body of 1200 of the enemies foot, guarded only by one troop of horſe. Wilmot, it ſeemed, could not have wiſhed for a fairer opportunity to attack with advantage this body of foot, who had nothing to ſecure them. But, for what reaſon it is not known, inſtead of attacking the enemies, he thought only of avoiding them, and even retreated with ſome precipitation. This was a bad omen to a war juſt commenced.

The king ſets up his ſtandard at Nottingham. Clarend. Ruſhw. Is blown down.

At laſt, on the 25th of Auguſt, the king cauſed his ſtandard to be erected on a turret of Nottingham-caſtle, having with him only ſome unarmed trained-bands. His proclamation had produced ſo little effect, that few were come to attend the royal ſtandard; nay, it happened, the very day the ſtandard was erected, to grow ſo tempeſtuous, that it was blown down, and could not be fixed again in a day or two. This was looked upon by many as a fatal preſage of the war.

THE HISTORY OF ENGLAND.

BOOK XXI.

Containing the third and laſt Part of the Reign of CHARLES I.

1642.
CHARLES I.
Aug. 2.
Condition of the king at Nottingham.
Clarend.

1642.

THE king had imagined, that the ſetting up of his ſtandard would draw great numbers of people to Nottingham, who would come and offer him their ſervice; but he was very much diſappointed. He had with him but 300 foot, and ſome trained-bands drawn together by Sir John Digby, ſheriff of the county. His cavalry conſiſted only of 800 horſe, and his artillery was ſtill at York, from whence it was difficult to bring it, many things being yet wanted to prepare and form it for marching, and beſides, there were no foot to guard it. Nevertheleſs, as he had given out many commiſſions, and ordered his forces to repair to Nottingham, he expected them in that town, tho' not without danger, the parliament having at Coventry 5000 foot, and 1500 horſe. Thus the king was in a very melancholy ſtate before the war was well begun. He had appointed Robert Bartu, earl of Lindſey, for general; but had yet no army. The princes Rupert and Maurice, his nephews, brothers to the elector Palatine, being come to offer him their ſervice in the beginning of September, he made prince Rupert general of his horſe, quartered at Leiceſter, whether the prince went and took upon him the command.

He is in great danger.
Clarend.

The king, it is certain, was in extreme danger at Nottingham. That town was not in condition to make a long reſiſtance, and the king having ſcarce any forces, if the parliament's troops, which were within 20 miles of the place, had marched directly to him, he muſt have been forced to retire with diſhonour to York, unleſs he would have riſqued his being made priſoner. All thoſe about him ſaw the danger, it being ſo evident; but it was not eaſy to avoid it, without quitting Nottingham, which could not but be very prejudicial to him; for this reaſon it was moved in the council, to ſend a meſſage to both houſes, with ſome overture to incline them to a treaty. The intent of this propoſition, was, doubtleſs, to intimate to the king, that his affairs were in ſuch a ſituation, that peace alone could free him from the perplexity and danger he was expoſed to. But the mover of this advice could hardly think, that a bare offer of peace was able to effect it, after what had paſſed before the rupture. Very likely, therefore, his deſign was that, in propoſing a peace, ſomething more ſhould be offered, than what had been offered before. The king eaſily perceived the intimation, and was ſo offended at it, that he broke up the council, that it might be no longer urged.

He is adviſed to propoſe a peace upon the likelihood of its being rejected.
Clarend.

However, the next day the ſame motion was renewed, but under a different view. As it was, doubtleſs, perceived, that what had offended the king, was the plain meaning of propoſing a peace, viz. that his majeſty muſt depart from ſome of his pretenſions, care was taken to remove this odious meaning, and it was adviſed only to ſend a meſſage to both houſes, in order to gain time. The king ſtill oppoſed it, alledging, to offer peace in ſuch a juncture, would be diſcovering his weakneſs: That his enemies would reject the offer with inſolence, and nothing but diſhonour would thereby reflect on himſelf. But it was repreſented to him, that ſuch a meſſage might do good, but could do no harm: That indeed, both houſes, very likely, would reject the offer, but they would thereby render themſelves odious to the people, who were deſirous of peace, and who would be the more inclined to ſerve his majeſty, for his endeavours to procure it: That if the overture was accepted, the king would have an opportunity of demonſtrating, that the war, on his part, was purely defenſive: In ſhort, that the bare offer of peace would of courſe retard the preparations of the parliament, becauſe men's minds would be in ſuſpence, whilſt the king's levies might be continued by vertue of the commiſſion already ſent out.

He yields to it.

Remark on the forego-ing reaſons.

The king yielded to theſe reaſons, becauſe the point was not to offer any new conditions, but only to lay a ſnare for the parliament, and retard their preparations. This was the ſole motive of the meſſage, wherein, as we ſhall ſee preſently, the king propoſed nothing new, and, which, however, he repreſented afterwards as an evident ſign of his ſincere deſire of peace. But tho' ſome pretend, that his majeſty's meſſage, and the parliament's refuſal, contributed very much to facilitate the king's levies and undeceive the people of their good opinion of the intentions of both houſes, I cannot believe, that ſuch weak reaſons were able to produce ſo great effects. It is true, if by the people, be meant only thoſe who were devoted to the king, it is not unlikely, that the refuſal of peace might render the parliament odious to them, and promote their taking arms for the king. But if by the people, be underſtood the parliament's party, or rather all the people in general, and without diſtinction, it is not eaſy to conceive how the refuſal of a bare propoſition, without any thing new in it, could produce ſuch an effect. The people, no doubt, wiſhed for peace rather than war; but they would have a ſolid peace, ſupported by other foundations than the king's bare word, and not a peace in general, ſuch as his majeſty propoſed. They had already rejected ſuch a peace; and upon this ſenſe of the nation it was, that the parliament's whole authority was founded. This was no new thing, it had been long diſputed without coming to any concluſion. How, therefore, could the bare propoſal of a treaty, without any particular offer, incline the people ſo ſtrongly to the king, and render the parliament more odious, if it was rejected? And yet upon this foundation the king conſtantly built, from the beginning of the war, as will appear in the ſequel. The ſecond reaſon was wholly on the prejudice of the privy-counſellors. For, ſuppoſing the negotiation had been entered into, by what freſh evidence would the king have been able to demonſtrate, that the war was wholly defenſive on his part, ſince he had already alledged all that could be ſaid on that ſubject, and ſince his papers were publick? The third reaſon was of no greater force. For if the bare overture of a treaty was capable of keeping people in ſuſpence, and retarding the parliament's levies, it might alſo have the ſame effect with regard to the king's. But the counſellors ſuppoſed his majeſty's levies would be continued with vigour, whilſt the parliament's preparations would be interrupted; that is to ſay, the parliament's friends would fall into the ſnare, whilſt care ſhould be taken privately to warn the king to avoid it. Nothing more clearly ſhews with what ſpirit they adviſed the king to ſend this meſſage to the parliament.

Be this as it will, the meſſage was ſent the 25th of Auguſt, (three days after the ſetting up of the ſtandard) by Thomas Wriotheſly, earl of Southampton, Sir John Culpepper, and ſome others.

The king's meſſage to both houſes of parlia-ment. Ruſhw. Clarend.

He propounded to both houſes, 'That ſome perſons might be by them enabled, to treat with the like number authoriſed by him, in ſuch a manner, and with ſuch freedom of debate, as might beſt tend to the peace of the kingdom. He aſſured them, that nothing ſhould be wanting on his part, which might advance the Proteſtant religion, oppoſe Popery, ſecure the laws of the land, and confirm all juſt power and privileges of parliament. If this propoſition ſhould be rejected, he proteſted, he had done his duty ſo amply, that God would abſolve him from any of the guilt of that blood which muſt be ſpilt.'

The king's deputies ill received. Clarend.

As the war was ſufficiently proclaimed by the erecting of the ſtandard, it ſeems the king ſhould have demanded a ſafe-conduct for his meſſengers. But tho' he had neglected to take this precaution, they pretended, on what grounds I know not, to go and ſit in their reſpective places, without any previous notice. The lords offended at the earl of Southampton's boldneſs, called upon him to withdraw, and ordered him to ſend his meſſage in writing, and wait for an anſwer out of London. The commons alſo obliged Culpepper to deliver his meſſage at the bar; at which the king took great offence.

The par-liament's anſwer. Ruſhw.

The anſwer of both houſes to his majeſty's meſſage was, 'That notwithſtanding their endeavours to prevent the diſtracted eſtate of the kingdom, nothing had followed but proclamations and declarations againſt both houſes of parliament, whereby their actions were declared treaſonable, and their perſons traitors. So that until theſe proclamations were recalled, and the ſtandard taken down, they could not by the fundamental privileges of parliament give his majeſty any other anſwer to his meſſage.'

The king's ſecond meſſage. Ruſhw.

The king's meſſengers being returned to Nottingham with this anſwer, "His majeſty, ſays the lord Clarendon, was contented to make ſo much farther uſe of their pride and paſſion, as to give them occaſion, by another meſſage, to publiſh more of it to the people." It is eaſy to judge from hence, whether the king's real motive was a ſincere deſire of peace, ſince his meſſages were intended only to render the parliament odious. He ſaid in his reply: "That he never deſigned to declare both houſes of parliament traitors, or ſet up his ſtandard againſt them, and much leſs to put them and the kingdom out of his protection; he utterly profeſſed againſt it before God and the world. But he

“ promiſed, that if a day were appointed by them, for the revoking of their declarations againſt all perſons as traitors or otherwiſe for aſſiſting him, he would, with all chearfulneſs, upon the ſame day, recall his proclamations and declarations, and take down his ſtandard.”

In this meſſage, as in all his other papers, may be obſerved the genius and character of Charles I. He always made uſe of obſcure expreſſions, the interpretation whereof he reſerved to himſelf. It is true, he had not in expreſs terms declared both houſes traitors; but he called their members by that name, as the earl of Eſſex and others. So, according to his way of reaſoning, thoſe that executed the orders of both houſes were traitors and rebels, tho' the houſes themſelves were not ſo. It may be affirmed, that thoſe little artifices were one of the principal cauſes of this prince's misfortunes, as they made him forfeit the truſt and confidence of his ſubjects. They inſpired the parliament with a perpetual jealouſy of being intangled by treaties, wherein it would have been impoſſible to avoid ſuch ambiguous expreſſions.

The anſwer of both houſes. Ruſhw.

The two houſes anſwered, ‘ That his majeſty not having taken down his ſtandard, recalled his proclamations and declarations, whereby he had declared the actions of both houſes of parliament to be treaſonable, and their perſons traitors, and having publiſhed the ſame ſince his meſſage of the 25th of Auguſt, they could not recede from their former anſwer. That if his majeſty would recall his declarations, and return to his parliament, he ſhould find ſuch expreſſions of their fidelities and duties, that his ſafety, honour, and greatneſs could only be found in the affections of his people, and the ſincere counſels of his parliament, who deſerved better of his majeſty, and could never allow themſelves, repreſenting likewiſe the whole kingdom, to be balanced with thoſe who gave evil counſels to his majeſty.’

Ruſhw.

In the interim, both houſes perceiving, that the king's view was to keep the people in ſuſpence by an uncertain expectation of peace, publiſhed a declaration, proteſting, they would never lay down their arms till his majeſty had left the delinquents to the juſtice of the parliament.

The king's third meſſage. Ruſhw.

The king, on his part, failed not, purſuant to his purpoſe, to make uſe of the anſwers of both houſes to his two meſſages, in a third which he ſent to them, ſaying, ‘ That let all the world judge who had uſed moſt endeavours to prevent the preſent diſtractions, either he who had condeſcended to deſire and preſs it, or the two houſes, who had refuſed to enter into a negotiation. That for the future, if they deſired a treaty of him, he ſhould remember that the blood which was to be ſpilt in this quarrel was that of his ſubjects, and, therefore, would return to his parliament, as ſoon as the cauſes which had made him abſent himſelf from it ſhould be removed.’

Both houſes finding, the king's deſign was to render their refuſal to treat, odious to the people, returned a ſtronger and more particular anſwer to this meſſage than they had made to the two firſt. The ſubſtance whereof was as follows:

The parliament's reply. Ruſhw.

‘ That at the very time his majeſty propounded a treaty, his ſoldiers were committing numberleſs oppreſſions and rapines.

‘ That they could not think his majeſty had done all that in him lay to remove the preſent diſtractions, as long as he would admit of no peace, without ſecuring the authors and inſtruments of theſe miſchiefs from juſtice.

‘ That they beſought his majeſty to conſider his expreſſions, “ That God ſhould deal with him and his poſterity, as he deſired the preſervation of the juſt rights of parliament.” That nevertheleſs, his intention was not to deny the parliament the privilege of declaring to be delinquents thoſe they deemed ſuch, a privilege which belonged to the meaneſt court of juſtice in the kingdom.

‘ That his majeſty hath no cauſe to complain, that he was denied a treaty, when they offered all that a treaty could produce, ſecurity, honour, ſervice, obedience, ſupport, and ſought nothing but that their religion and liberty might be ſcreened from the open violence of a wicked party.

‘ That if there were any cauſe of treaty, “ they knew no competent perſon to treat betwixt the king and the parliament.”

‘ That beſides, the ſeaſon was altogether unfit, whilſt his majeſty's ſtandard was up, his proclamations and declarations recalled, whereby his parliament was charged with treaſon.

‘ That indeed his majeſty had often proteſted his tenderneſs of the miſeries of Ireland, and his reſolution to maintain the Proteſtant religion, and the laws of this kingdom. But that theſe proteſtations could give no ſatisfaction to reaſonable and indifferent men, when at the ſame time ſeveral of the Iriſh rebels, the known favourers of and agents for them, were admitted to his majeſty's preſence with grace and favour, nay, ſome of them employed in his ſervice: When the cloaths, munition, horſe, bought by his parliament for the ſupply of the Iriſh war, were violently taken away, and applied to the maintenance of an unnatural war againſt his people.

‘ That if his majeſty would be pleaſed to come back to his parliament, they ſhould be ready to ſecure his royal perſon, crown and dignity, with their lives and fortunes.’

The king did not leave this anſwer without a reply. But inſtead of doing it by way of meſſage, he publiſhed a declaration to this effect:

The king's declaration. Ruſhw.

‘ In the firſt place, he alledged the laws in his favour.

‘ He denied that his ſoldiers had committed any diſorders or violences, and affirmed, he had never ſuffered them to oppreſs any perſon whatever.

‘He recriminated upon the parliament. He denied that there were any Iriſh about him, and maintained, that it was a notorious calumny, like that caſt upon him heretofore by Mr. Pym.

‘He ſaid, the artillery-horſes he had taken at Cheſter were few in number, and of ſmall value. And for the cloaths, if his ſoldiers had taken any that were deſigned for the ſervice of Ireland, it was done without his order; and tho' he might have ſeiſed 3000 ſuits which were going thither, yet he refuſed to do it, and gave order for their ſpeedy tranſportation.

‘That the parliament made no ſcruple to employ in the war againſt their king, 100,000 pounds particularly appointed for the relief of Ireland.

‘That of near 500 members, of which the lower-houſe conſiſted, there remained not above 300, the reſt having been driven away by tumults and threats, or withdrawn themſelves, out of conſcience, from their deſperate conſultations. That of above 100 peers, there remained but 15 or 16 in the upper-houſe.

‘That it was not the body of the parliament, but only the violent leading members that were the authors of the war.’

I omit ſeveral general aſſertions which might then be neceſſary to the king's deſigns, but which have been already ſeen in the foregoing papers.

The earl of Eſſex heads the parliament's army. Ruſhw.

During theſe paper-ſkirmiſhes, both ſides prepared for war. The earl of Eſſex having ordered his forces to aſſemble at Northampton, departed from London the 9th of September to head the army; and having reviewed them, found about 16,000 men well armed, and well appointed with a good train of artillery. Then the king, perceiving he could no longer remain at Nottingham with ſafety, marched towards the borders of Wales with his troops, which were yet ſo few in number, that they did not deſerve the name of an army. He was unreſolved in what place to expect the forces that were to come to him from ſeveral parts; but intended to ſecure, if poſſible, Shrewſbury or Cheſter, without knowing, however, whether either of theſe towns would receive him, the parliament having in all thoſe parts very active and vigilant agents, who employed all their pains to procure them adherents. For this reaſon the king marched but very ſlowly. When he came to Wellington, about ſeven miles from Shrewſbury, he drew his little army together, and cauſed his military orders for the diſcipline thereof to be read before them; after which he took occaſion to make a ſpeech to his ſoldiers, and the better to ſatisfy them of his good intentions to the publick, he made the following proteſtation.

The king's proteſtation at the head of his army. Ruſhw.

‘I do promiſe, in the preſence of almighty God, and as I hope for his bleſſing and protection, that I will, to the utmoſt of my power, defend and maintain the true reformed Proteſtant religion eſtabliſhed in the church of England, and by the grace of God, in the ſame will live and die.

‘I deſire to govern by all the known laws of the land, and that the liberty and property of the ſubject may be by them preſerved, with the ſame care as my own juſt rights. And if it pleaſe God, by a bleſſing upon this army, raiſed for my neceſſary defence, to preſerve me from this rebellion, I do ſolemnly and faithfully promiſe, in the ſight of God, to maintain the juſt privileges and freedom of parliament, and to govern by the known laws of the land to my utmoſt power, and particularly to obſerve inviolably the laws conſented to by me this parliament.

‘In the mean while, if this time of war, and the great neceſſity and ſtraits I am now driven to, beget any violation of thoſe, I hope it ſhall be imputed by God and man to the authors of this war, and not to me, who have ſo earneſtly laboured for the preſervation of the peace of this kingdom.

‘When I willingly fail in theſe particulars, I will expect no aid or relief from any man, or protection from heaven; but in this reſolution, I hope for the chearful aſſiſtance of all good men, and am confident of God's bleſſing.’

The king was not contented with making this proteſtation to his army, but moreover, in all the conſiderable places he paſſed through, he aſſembled the inhabitants, and endeavoured to convince them of the ſincerity of his intentions. Theſe were neceſſary precautions, at a time when the chief point was to gain the people to his intereſt, for on the people depended the ſtrength of both parties.

He is received at Shrewſbury. Clarend.

From Wellington the king marched to Shrewſbury, having received the agreeable news that the town had declared in his favour, and the inhabitants would give him a joyful reception. Here he reſolved to fix his head quarters, and appoint the rendezvous of his army. This was a very convenient place to expect the troops which were levying for him in Wales, Yorkſhire, and Lancaſhire, and to ſend for his ordnance, which had not been able to follow him to Nottingham for want of horſes. This had forced him to make uſe of 100 draught horſes ſent by the parliament to Cheſter, to be tranſported into Ireland. He deſired to have the earl of Leiceſter's conſent, who was appointed lord-lieutenant of Ireland; and was then with him at Nottingham. But the earl conſtantly refuſing to give any orders about theſe horſes, bought with the parliament's money, the king gained one Errington, a ſervant of the earl's, who took them in his maſter's name, and delivered them to the king. This the parliament, as hath been ſeen, taxed the king with. As for arms, the king not having a ſufficient quantity for all the troops that were to come from divers parts, had taken the arms of the militia in all the places thro' which he paſſed; but it was by way of loan, that is, he obtained the conſent of the officers of the militia to take away their

The king forms an army of 14000 men. Ruſhw:

arms, on promiſe of reſtoring them. As ſoon as the king came to Shrewſbury, the number of his troops ſo conſiderably increaſed, that in a few days he had an army of 10,000 foot, and 4000 horſe, with which he was entirely ſecured from the danger he was in, whilſt his army was forming.

The parliament's negligence in ſending the earl his inſtructions. Clarend.

It is ſomething ſtrange, that the earl of Eſſex ſhould neither moleſt the king whilſt at Nottingham, nor in his march to Shrewſbury. Probably, if preſently after his arrival at Northampton he had marched directly againſt him, he would have greatly embarraſſed him, and, perhaps, diſabled him from aſſembling an army. This neglect can be aſcribed only, to his not having power to act directly againſt the king's perſon, till he received his inſtructions, which he expected every day, which came too late. Both houſes, it ſeems, could not believe, the king would be able to be ready ſo ſoon as he was, and imagined, that his inability to raiſe men and money, would compel him to retire to ſome corner of the kingdom, or to throw himſelf into their arms. At leaſt, this is what they ſtrove to infuſe into the people, for fear of terrifying them with the notion of a war, the event whereof might be doubtful. The king made an advantage of this error, to aſſemble all his forces at Shrewſbury, and provide himſelf with money, which he wanted extremely. His friends at London had taken care of this laſt article, and privately ſent conſiderable ſums to Oxford. Moreover, the univerſity, which had always been firmly attached to the king, had engaged to deliver to him all the plate belonging to the colleges, which was very conſiderable. The point was only how to convey this aid ſafely to his majeſty. To that end, the king ſent thither Sir John Byron, with a ſmall detachment of horſe, not daring to give him a ſtronger, for fear of raiſing a ſuſpicion, that it was for ſome conſiderable affair. Byron coming to Oxford, received the money, and plate, and returned towards Shrewſbury, by way of Worceſter, taking all poſſible precautions not to be attacked in his march. For this aid of money, which the king could not be without, was of the utmoſt importance to him. Wherefore the better to ſecure it, he detached prince Rupert with a body of horſe, who marched on the other ſide of the Severn to Worceſter, to expect Byron, and guard him to Shrewſbury.

The univerſity of Oxford give the king their plate.

A fight at Powick-bridge near Worceſter. Sept. 22. Clarend.

In the interim, the earl of Eſſex, after ſtaying ſome days at Northampton, and ſecuring Warwick, reſolved to fix his head-quarters at Worceſter. To that purpoſe, he ſent colonel Nathaniel Fiennes before, who came to Worceſter at break of day, ſome hours after Sir John Byron was entered with his convoy. Fiennes, at his arrival being told, that there were ſome of the king's horſe in the town, the number whereof he did not know, haſtily retreated, without making any attempt. Preſently after, Prince Rupert arrived, and to ſecure Byron's convoy, who was reſting himſelf in order to march on, paſſed through the town, and poſted himſelf, with his horſe, at ſome diſtance on the other ſide. As he did not believe there were any enemies in thoſe parts, he was not very careful to hinder many of his troopers from ſtaying in the town. When he came to the place he had choſen, he unlighted with his brother prince Maurice, and moſt of the officers, repoſing themſelves on the ground. On a ſudden they perceived, within muſquet-ſhot, 500 horſe of the enemy marching up a narrow lane. Theſe were a body commanded by colonel Sandys, whom the earl of Eſſex had ſent before to take poſſeſſion of Worceſter. Prince Rupert inſtantly mounting his horſe, without a moment's heſitation, charged theſe troops, as they came out of the lane, and the charge was ſo vigorous, that the enemy was entirely routed, and Sandys ſlain, with 30 of his men. This action gained the prince a great name, not only for the valour he ſhewed, but chiefly for his ſudden and very ſeaſonable reſolution, in attacking his enemies as they came out of the lane, and when they leaſt expected it. Some hiſtorians in relating this ſkirmiſh, ſeem to repreſent prince Rupert, as one of thoſe romantick heroes, who with five or ſix perſons, attacked and routed whole armies. But, after all, there is nothing wonderful in this action of the prince's, who had not poſted himſelf beyond Worceſter, without having with him his detachment. Beſides, it is not ſaid, what was the number of the body he commanded. Nevertheleſs, this action, how little important ſoever it was, failed not to ſtrike great terror into the parliament's troops, chiefly by reaſon of prince Rupert's activity and courage, who afterwards gave them cauſe to be confirmed in their high opinion of his valour, for he was one of the braveſt princes in Europe. But tho' he had gained ſome little advantage, he did not think fit to expect the enemy at Worceſter. He went from thence ſome hours after, and ſafely conducted the convoy of money to Shrewſbury, where the king immediately ordered the plate to be coined. The next day, the earl of Eſſex poſſeſſed himſelf of Worceſter, and making ſome ſtay there, ſecured in the interim, Hereford, Glouceſter, and Briſtol.

The earl of Eſſex takes ſeveral places.

It would, doubtleſs, be very ſtrange, that in the 20 days the king ſtayed at Shrewſbury, his army ſhould ſo greatly increaſe, if, as ſome ſay, it was the effect of the parliament's denial to treat with his majeſty. For, ſo ſhort a ſpace does not ſeem ſufficient to determine the people to repair to the places where they were liſted, and to conduct theſe new raiſed troops to Shrewſbury. It may, at leaſt, be affirmed, that it is much leſs ſurpriſing, that the king's new levies, which could not be ready whilſt his majeſty was at Nottingham, or which did not care to go to a place ſo expoſed, ſhould be in condition to march during his ſtay at Shrewſbury, tho' it was but of 20 days, ſince he had iſſued his commiſſions before he left York.

The king marches towards London. Clarend.

However this be, the king finding himſelf at the head of an army little inferior in number to the earl of Eſſex's, and perceiving, it was not ſufficient to remain in quiet at Shrewſbury, whilſt the enemy was taking, without reſiſtance, the principal towns in the heart of the kingdom, believed he ought to ſeek means

to

Eſſex follows him.

Ruſhw. Clarend.

to put a ſpeedy concluſion to the war. There were two; one was to fight the enemies, the other, to gain ſome marches upon them, and appear before London, before they could arrive. The king took this laſt courſe, in the expectation that he ſhould raiſe an univerſal conſternation in London, which might afford his friends opportunity to ſerve him effectually. So, on a ſudden beginning to march the 12th of October, with his army, which was not much incumbered with baggage, there being not one tent, and but little artillery, he quartered that night at Bridgenorth, ten miles from Shrewsbury, next day he came to Wolverhampton, the third day to Bermingham, and the fourth to Kenelworth, where he reſted one day. It was two days before the earl of Eſſex had notice of his march, and began to follow him. It evidently appears by the king's rout, that if he was not in queſt of the enemies, at leaſt, he feared them not, ſince he could not be ignorant how eaſy it was for the earl of Eſſex, either to put himſelf in his way, or overtake him. In all likelihood, he imagined the earl would not dare to riſque a battle, or that being much more incumbered with baggage and artillery, his march would be conſiderably retarded. Be this as it will, it was not till the 22d of October, that the two armies came within ſix miles of one another, without having received any notice of each other's march, till that day, which appears very ſtrange. But what is ſtill more ſurpriſing, is, that the king, to whom ſpeed was ſo neceſſary, had ſo little advanced in five days; ſince, leaving Kenelworth the 17th, he was on the 22d, but four miles north of Banbury, and that the earl of Eſſex, who departed the 15th from Worceſter, ſhould be only at Keinton the 22d, which is not above twenty miles. The king, till then knew not where the earl of Eſſex was, lay incamped near a village called Edgcot, where he had intelligence the 22d in the night, that the enemies were at Keinton, about ſix miles diſtant. He found then it would be very difficult to execute his deſign upon London, whilſt he ſhould be ſo cloſely followed by the enemies; and, therefore, he reſolved to give them battle. To that end, he drew up his army on Edge-hill, from whence might be ſeen all Keinton plain, where the parliament's army ſtood in battle array, the 23d in the morning. The fight began not, however, till three in the afternoon. It is not known what induced the king to defer it ſo long: But for the earl of Eſſex, he had a very ſtrong reaſon not to be in haſte. For, not imagining himſelf ſo near a battle, he had left behind 2000 foot, and 500 horſe, with his artillery, and conſequently, delay could not but be advantageous to him.

Battle of Keinton, or Edge-hill, in Warwickſhire. Oct. 23. Ruſhw. Clarend. Ludlow. Manley.

Prince Rupert, who commanded the king's right wing of horſe, marching down the hill, and advancing to charge the enemies left wing, on a ſudden, Sir Faithful Forteſcue, who commanded a troop of the parliament's horſe, moving forward with his whole troop from the groſs of the cavalry, and joining prince Rupert, with his highneſs charged thoſe he had deſerted. This unexpected accident inſpired the parliament's horſe with ſuch a terror, each man looking upon his companion as upon an enemy, that they were entirely routed, and purſued above two miles from the field of battle, By this unadviſed purſuit, the king was in danger of the ſame fate which his predeceſſor Henry III, had at the battle of Lewes. The parliament's right wing ſtood their ground no better than the left. They ran away full ſpeed, and were purſued with the ſame fury and imprudence. What was moreover fatal to the king was, that his reſerve of a regiment of horſe, thinking the victory unqueſtionable, by the flight of the enemies cavalry, with ſpurs and looſe reins followed the chace, and could not be hindred by their commanders.

All this while, the foot of both armies were engaged without victory's inclining to either ſide. But at laſt, Sir William Balfour, to whom the earl of Eſſex had given the command of the reſerve, turned the ſcale. As ſoon as he ſaw the king's horſe employed in the purſuit of the flying troops, he went and charged the foot in the flank, and put them into ſuch diſorder, that the king, with the two princes his ſons, were in danger of being made priſoners. The earl of Lindſey, the king's general, was taken, having been ſhot in the thigh, of which he died the next day; and the ſtandard, which was always near the king's perſon, was loſt by the death of the ſtandard-bearer, Sir Edmund Verney, but it was recovered afterwards in ſome unknown manner.

The return of prince Rupert, with his horſe, prevented the king's entire defeat; for Balfour, who had only a ſmall body of reſerve, ſeeing the cavalry returning from the chace, ſuddenly quitted the fight, and ſecured himſelf near the earl of Eſſex's foot. Could the king and prince Rupert have perſuaded their horſe to charge the parliament's infantry, who had ſcarce any cavalry to ſupport them, very probably they would have routed them, and obtained a complete victory; but the horſe that were returned from the purſuit in extreme diſorder, could never be brought to charge the enemies, who ſtood in good order, tho' they were in great danger. As ſoon as the earl of Eſſex ſaw the enemies cavalry returning, he had drawn off his infantry from the battle, and ranged them in the beſt manner he could, in order the better to ſupport the charge of the king's horſe, who, in all appearance, would come and attack them. But it was not his buſineſs to renew the fight. It was ſufficient for him to keep his ground, as he did, till night, which freed him from his uneaſineſs.

When the battle began, there remained not above two or three hours day, and as the king's horſe had ſpent ſome time in the purſuit of the run-aways, and, after their return, could not be prevailed with to renew the fight, it was too late for the king to rally his infantry, who were in great diſorder, and whereof above two thirds were miſſing. Both armies

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kept their poſts all night, and in the morning neither thought themſelves in condition to renew the battle. It is true, the forces left behind by the earl of Eſſex, arrived in the night with his artillery. However, as he had no other cavalry than the 500 horſe that were newly come, and the ſmall body commanded by Balfour, he did not think he ought to riſque a ſecond battle againſt a body of cavalry that had been victorious the day before, and were ſtill facing his army. The king, on his ſide, finding himſelf without infantry, and conſidering that his troops had ſuffered very much by the cold, which was extremely ſharp that night, believed it ſufficient to let his enemies ſee he feared them not. In this diſpoſition, the two armies faced one another the whole day, without any deſire to engage. At laſt, the earl of Eſſex ordering his baggage to be drawn off, the king retired to the quarters he had taken the day before the battle, and the earl of Eſſex marched towards Warwick. The number of the ſlain on the field of battle was about 5000. But what the earl of Clarendon ſays, that two days after, the king reviewing his army, found there were not above 300 men loſt, is hardly credible, even according to his own deſcription of this battle. But without dwelling upon the particular circumſtances of the battle, which were extremely diſguiſed or exaggerated by both parties, who equally claimed the victory, the conſequences demonſtrate, that they might have more juſtly owned, that each had been worſted. The king went from Shrewsbury with deſign to make an attempt upon London; but after the battle, he relinquiſhed that thought, tho' the road to London was open, and believed it more proper to retire to Oxford. On the other hand, the earl of Eſſex follows the king to obſtruct his going to London, but after the battle leaves the way open to him, and retiring to Warwick, puts it out of his power to prevent or ſtop him. I believe this ſuffices to ſhew, it was a drawn battle, which afforded no real matter of triumph either to the king or the parliament. Indeed, three or four days after the battle, the king took Banbury caſtle, where was a garriſon of 800 foot, and a troop of horſe. But if the circumſtances of taking this place be well conſidered, it will be found, that it was far from being a conſequence or effect of victory. For firſt, the king ſummoned the caſtle, contrary to the opinion of all his generals, who believed his army little able to undertake the ſiege. Secondly, he alledged for reaſon, that he could not determine what courſe to take, till he was informed of the intention of the enemies, and that if they deſigned to attack him, he could not fight in a more advantageons place. From hence it may be inferred, that he was not himſelf fully ſatisfied of the reality of his victory, ſince he imagined the earl of Eſſex in condition to attack him. In ſhort, Banbury-caſtle ſurrendered at the firſt ſhot, which leaves it uncertain, whether the king would have perſiſted in the ſiege in caſe of reſiſtance, and whether the earl of Eſſex would have ſuffered him to do it unmoleſted. The taking of Banbury determined the king to withdraw to Oxford, the only place in thoſe parts at his devotion, by means of the univerſity, whoſe members were extremely attached to his intereſt.

Ruſhw. Clarend. Doubtful iſſue of this battle.

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The king retires to Oxford. Clarend.

Tho' the parliament challenged alſo the victory, they were very ſenſible they had no great reaſon to triumph. They were obliged however to make a parade of this pretended victory, as if it had been real, to contradict the king's friends who were trying to ſtrike terror into the Londoners, and induce them to ſue for peace, on account of this pretended ſucceſs of his majeſty's arms. The king had ſtill many friends in the city, there having been yet no meaſures taken to drive them away. Nay, in the parliament itſelf, there were not a few who ſtayed there on purpoſe to do the king ſervice when occaſion ſhould offer, and who failed not to improve the preſent. The news concerning the battle of Edge-Hill or Keinton, being very various at firſt, the king's friends at London, induſtriouſly magnified all the circumſtances which might give room to believe that the king was victorious, in order to diſpoſe the people to peace. For it muſt be obſerved, that ſince the breach, the king's grand view had ever been to dazzle the people with the ſpecious terms of peace, and he had never ceaſed to hope that the nation would oblige the parliament to come to an agreement by leaving him in poſſeſſion of all his prerogatives. This was his favourite project, from which he never ſwerved, not even when his affairs were moſt proſperous. It will hereafter appear on ſundry occaſions, with what conſtancy he endeavoured to execute this ſcheme. The preſent occaſion was the firſt ſince the beginning of the war. When both houſes had perfect information of the ſucceſs of the late battle, what publick demonſtrations ſoever they made, to cauſe the people to believe their army victorious, they were very ſenſible ſuch victories were little capable to oblige the king to throw himſelf into their arms, tho' the people had been amuſed with ſuch hopes. Then the king's adherents who were ſtill in the houſe of commons, obſerving the conſternation expreſſed by moſt of the members, grew more bold, and ſcrupled not to propoſe a peace, as the only means to free themſelves from trouble. Very probably, this was done with the king's conſent, who at the ſame time was uſing his utmoſt endeavours to perſuade the publick, that he had obtained at Edge-Hill a complete victory.

Great conſternation in the parliament. The king's friends take occaſion to propoſe a peace.

The day before the battle, both houſes had publiſhed a declaration, of which I ſhall content myſelf with relating the ſubſtance; for having given ſo many of tehſe papers, I am afraid I ſhall tire my readers if I inſert here at large thoſe that follow.

The two houſes proteſted in the firſt place, 'That no private paſſion or reſpect, no evil 'intention to his majeſty's perſon, no deſign 'to the prejudice of his juſt honour and authority, engaged them to raiſe forces, and 'take up arms.

The parliament's declaration before the battle. Ruſhw.

'That

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'That his majeſty had refuſed to receive an humble and dutiful petition, which they had directed the earl of Eſſex to deliver to him.

'That they were fully convinced, that the king was ſo engaged to the Popiſh party, that all hopes of peace were excluded.

'That great numbers of Papiſts had in ſhew conformed themſelves to the Proteſtant religion, in order to qualify themſelves for poſts in the king's army.

'That his majeſty endeavoured at firſt to keep off all jealouſies and ſuſpicions, by many fearful oaths and imprecations, concerning his purpoſe of maintaining the Proteſtant religion, and the laws of the kingdom, cauſing ſome profeſſed Papiſts to be diſcharged out of his army, and none to be received that would not come to church, receive the ſacrament, and take the oaths. But that afterwards his confidence in the prieſts did more clearly appear; perſons impriſoned for prieſts and Jeſuits having been releaſed out of the goal of Lancaſter, and commiſſions granted to profeſſed Papiſts.

Here 14 of them were named.

'That the lord Herbert, ſon to the earl of Worceſter, a notorious Papiſt, was made general of the king's troops in all South-Wales.

'That thoſe who raiſed forces for his majeſty in the north of England, did arm and employ Papiſts.

'That men had been ſent to Hamburg and Denmark to raiſe forces there, and to bring them over to join with the earl of Newcaſtle and the army of Papiſts which was intended to be raiſed in Newcaſtle.

'That the king had received in his court divers Papiſts in Ireland; ſome of which were indicted of high treaſon for their rebellion there; viz. the lord Taffe, &c.

'That divers Engliſh traitors were the chief counſellors and actors in this unnatural war, as the lord Digby, O Neal, Wilmot, Pollard, Aſhburnham, &c.

'That divers Jeſuits and prieſts, in foreign parts, made great collections of money for the relief of the Papiſts in Ireland, and the furthering of his majeſty's deſigns againſt the parliament.

'For all which reaſons they were reſolved to enter into a ſolemn oath and covenant, and expected that their brethren of Scotland would help and aſſiſt them, according to the act of pacification between the two kingdoms.'

The king anſwered this declaration with two others, which were publiſhed after the battle of Edge-hill. In the firſt he ſaid:

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'That notwithſtanding the ſolemn proteſtation of both houſes, of having no evil intention to his perſon, yet they had uſed their utmoſt power, by the ſtrengh of their army, to have deſtroyed him,

'That if he refuſed to give admittance to the petition ſent by the earl of Eſſex, it was becauſe it was ſent by perſons whom he had particularly accuſed of high-treaſon. [Here he gave a long account of this whole matter.]

'He denies his ever having had any inclination to the Papiſts, or that he had releaſed any prieſts or Jeſuits out of the goal of Lancaſter.

'He ſays, that the Papiſts ſuppoſed to have commiſſions were not ſo much as known to him, and that they had no command, to his knowledge, in his army.'

[It muſt be obſerved upon theſe two laſt articles, 1ſt, that the priſoners he had releaſed out of the goal of Lancaſter, had been impriſoned as Papiſts, prieſts and Jeſuits, but had not been convicted as ſuch. And therefore the king thought he might deny he had releaſed any prieſts, &c.

2dly, The king, when he ſaid there were no Popiſh officers in his army, meant by his army, that which he commanded in perſon, and the parliament underſtood that which was commanded by the earl of Newcaſtle. It might, therefore, be true, that the Popiſh officers, commiſſiond by the earl of Newcaſtle, were not known to the king: But the army in the north was as much his army, as that commanded by himſelf.]

'He expreſly denied, that he ever ſent to raiſe forces in Hamburg or Denmark.

'He affirmed, the parliament entertained ſeveral Papiſts in their troops, and of this he ſpoke knowingly, as having taken ſeveral of them priſoners at the battle of Edge-hill.'

The ſecond declaration was intitled, His majeſty's declaration to all his loving ſubjects, after his late victory againſt the rebels on Sunday the 23d of October, 1642. This title was prefixed on purpoſe to cheriſh the fears, the king's friends were endeavouring to infuſe into the people, on account of the pretended victory lately obtained by the king againſt the parliament's army.

The intent of this declaration was to vindicate the king upon three principal articles, viz. 1. That his majeſty favoured Popery, and employed Papiſts in his army. 2. That his deſign was to root out parliaments. 3. That it was his intention, by the commiſſion of array, to take away part of gentlemens eſtates from them. I ſhall ſpeak here of the firſt only, becauſe, after what has been ſeen, it would be needleſs to repeat what the king alledged in his vindication upon the two laſt. As to the firſt therefore he ſaid:

The king's anſwer concerning his employing Papiſts.

'That altho' he ſhould employ Papiſts, no one would wonder, who conſidered the hardſhips and ſtreights he was driven to, and the little ſcruple the parliament made to employ Popiſh officers and ſoldiers, who ſerved in great numbers in their army; the induſtry they uſed to corrupt their loyalty; the private promiſes they allured them with to their ſervice, even to the aſſuring them that all the penal laws ſhould be repealed. That notwithſtanding the artifices of his enemies, and the weakneſs of his own condition, he could not prevail with himſelf to recall his proclamation, againſt receiving into his army ſuch as had not taken the oaths. He owned, however, that he had ſwerved from this ge-

‘neral rule, in favour of ſome of eminent abilities in command and conduct.’

We ſhall find hereafter, that tho' this proclamation was not recalled, it was very far from being punctually obſerved.

Preſently after, both houſes returned an anſwer to this declaration, the ſubſtance whereof was as follows:

The reply of both houſes. Ruſhw.

‘That it was aſtoniſhing, the king, having affirmed ſo poſitively, that a far greater number of Papiſts ſerved in their army than in his, ſhould not have been pleaſed to name a ſingle inſtance: That they ſhould have been glad of knowing their names, as it would have afforded means to remove thoſe of that religion, who under the profeſſion of Proteſtants, might have crept into the army without their privity.’

Then they pretended to ſhew, by ſeveral reaſons, the abſurdity of ſaying, that the parliament endeavoured to corrupt the loyalty of the Papiſts, with the promiſe of repealing the penal laws, and alledged divers inſtances of their ſeverity againſt them, during the ſitting of the preſent parliament.

But for a demonſtration, ſaid they, that the king acted not with ſincerity, when he alledged, in his vindication, that he had ordered no recuſant to be received into his troops, and that this order was a mere illuſion, they named ſeveral Popiſh officers, who had commiſſions under the king's own hand, which commiſſions then remained in the houſe of commons. Moreover, they annexed to this declaration a petition, preſented to the king by the Popiſh inhabitants of the county of Lancaſhire, deſiring leave to provide themſelves with arms for his ſervice, and the king's anſwer granting their requeſt. This petition, and his majeſty's anſwer, ſeem to me ſo deciſive upon the preſent caſe, which was ſo often repeated, that I think they ought to be inſerted in their own terms.

To the king's moſt excellent majeſty.

The humble petition of us the inhabitants of Lancaſhire, whoſe names are under-written, in behalf of ourſelves and divers others, being recuſants,

Humbly ſheweth,

The petition of the Lancaſhire recuſants. Ruſhw.

‘THAT whereas we, and the reſt of this county, your majeſty's moſt loyal ſubjects, are diſarmed, and not ſufficiently provided for the defence of your royal perſon and our own families, our moſt humble ſupplication to your majeſty is, that we may be received into your moſt gracious protection from violence, have our arms, taken from us, re-delivered in this time of actual war, and by your majeſty's ſpecial directions, be enabled further to furniſh ourſelves with competency of weapons for the ſecurity of your royal perſon, (if we be thereto required) our countries and families, who now are, not only in danger of the common diſturbances, but alſo menaced by unruly people to be robbed: And when, by the Almighty's aſſiſtance, your majeſty's kingdom ſhall be ſettled, in caſe we be again diſarmed, that a full value of money in lieu thereof may be reſtored.’

The king's anſwer.

To our truſty and well-beloved, Sir William Gerrard baronet, Sir Cecil Trafferd knight, Thomas Clifton, Charles Townley, Chriſtopher Anderton, and John Clansfield, and other of our ſubjects, eſquires, in the county of Lancaſhire.

Charles R.

The king's order for Papiſts to provide arms. Sept. 27. Ruſhw.

‘TRUSTY and well-beloved, we greet you well. Whereas by reaſon of the laws and ſtatutes of our realm, by which all recuſants convicted are to be without arms, your arms have been taken from you: So that now, in this time of imminent danger, wherein there are armies raiſed againſt our commands, and contrary to our proclamations, and are marching againſt us, and divers of our good ſubjects, for obeying our lawful commands, and oppoſing the rebellious proceedings of others ill-affected, they are by a ſtrong hand ſeiſed upon and impriſoned, their houſes plundered, and their goods taken away; and the like is threatened to ourſelves, who, as all other our ſubjects, ought to have our protection againſt unlawful violence and force: And the laws made for diſarming recuſants, were made only for a proviſion to prevent danger in time of peace, and were not intended to bar you from a neceſſary uſe of arms in time of actual war, for your own ſafety, or for the defence of our perſon againſt all rebels and enemies, which by your duty and allegiance you are bound unto; which is not, nor ever was meant to be diſcharged, or taken away by any act: And whereas, the arms which were taken from you, ought by law to have been kept and preſerved, to have been made uſe of by you in ſuch time of open war, or by ſuch others as you ſhould provide, yet under the ſpecious pretence of diſarming recuſants, and perſons ill-affected, your arms have been diſpoſed and diſperſed into the hands of ſeveral perſons ill-affected, and for the moſt part, fomenters and exciters of the commotions now raiſed in this kingdom; our will and command therefore is, and we charge and require you, upon your allegiance, and as you tender the ſafety of our perſon, and the peace and welfare of our kingdom, that you with all poſſible ſpeed, provide ſufficient arms for yourſelves, your ſervants, and your tenants, which we authoriſe and require, during the time of open war raiſed againſt us, to keep and uſe for the defence of us, and of yourſelves, and of your country, againſt all forces and arms raiſed, or to be raiſed againſt us, or againſt our conſent, or contrary to our proclamations, by colour of any order, or ordinance, or authority whatſoever: And we ſhall (according as we are bound to all our ſubjects) uſe our utmoſt powers for the protection of you and yours, 'againſt all injuries and violence. And whenſoever theſe arms which you ſhall ſo provide (after it ſhall pleaſe God to put an end to theſe dangers and diſtractions) ſhall be taken away from your cuſtody, by reaſon of our laws now in force, we do hereby aſſure you, we will allow you for the ſame, ſo much as you ſhall have diſpenſed in proviſion thereof.'

A remark on this ſubject.

It is proper to obſerve, concerning theſe two papers, that the queſtion between the king and both houſes was not, whether the king might lawfully, or not, employ Papiſts in his ſervice, but whether he did really employ them? Care, therefore, muſt be taken, not to confound the right with the fact, the laſt only being the point in queſtion. Now theſe two papers demonſtrate, that the king actually employed Papiſts in his ſervice, even at the beginning of the war, and before any effuſion of blood; for this petition was preſented to him, whilſt he was yet at Shrewsbury.

Ruſhw.

For a greater conviction, both houſes annexed alſo to their declaration, a liſt of the names of 28 officers, colonels, lieutenant-colonels, ſerjeants, majors, captains, and lieutenants, that were Papiſts, and actually in the king's ſervice, in the earl of Newcaſtle's army.

The king offers a pardon to the city of London. Ruſhw.

The king and the parliament were in this ſtate of animoſity, when his majeſty's private friends in the houſe of commons moved to ſue for peace, under colour of the parliament's inability to continue the war, after their late loſs at Edge-hill. The king, on his part, to confirm the opinion his friends were ſtriving to infuſe into the people, that the parliament's army was entirely routed, and to encourage his well-wiſhers in London to join with thoſe in the parliament, ſent an offer of pardon to the cities of London and Weſtminſter; thereby inſinuating to the inhabitants, that ſuch an offer could not but proceed from the ſuperiority he had acquired by his victory. He practiſed the ſame thing with regard to ſome other towns. It is certain, there was then a great agitation in London, cauſed by the king's friends, who under pretence of dreading a war, which, according to them, was ſo unfortunately begun, uſed their utmoſt endeavours to induce the people openly to demand a peace. Againſt theſe ſecret practices, it was the buſineſs of the leading men in the parliament to provide; and as they were no leſs able than their adverſaries, they quickly found means to baffle this project. Inſtead of oppoſing the motion to ſue to the king for peace, they ſupported it with all their power. They ſaid, "That the parliament had not taken arms for the ſake of going to war, but only to procure a good peace, the moſt deſirable thing in the world: That both houſes ought not to be aſhamed to make the firſt advances, and humbly ſue for peace to their ſovereign, but withal, care was to be taken, that a too great zeal for peace might not be a means to leave them at the mercy of their enemies: That in order to make ſuch a peace as was neceſſary to the welfare of the kingdom, the king was to be told, that they were not yet reduced to the point, of being forced to accept of ſuch terms as he ſhould pleaſe to impoſe, and, therefore, if they would have a peace wherein every man might find his ſafety, it was neceſſary to take good meaſures for the continuance of the war: That among all the means which could be uſed, they ſaw none more proper, than to invite their brethren of Scotland to their aſſiſtance, purſuant to the treaty between the two nations. Not that they actually wanted them, the parliament's affairs not being reduced to ſuch an extremity, that foreigners were to be haſtily introduced into the kingdom, but that the Scots would doubtleſs ſo anſwer their requeſt, as to convince the king, this refuge would not fail the two houſes in caſe of need: That thereby they ſhould become more formidable, and if the king was really deſirous of a peace, he would be forced to grant it upon reaſonable terms, which was all that ought to be expected."

The parliament reſolves to demand aid of the Scots. Clarend.

As this advice was very plauſible, and beſides, propoſed by men in whom the majority had great confidence, it was approved by the houſe. Indeed, none could be ignorant, that by the peace which the king had hitherto offered, and which his friends moved to ſue for, could be meant only a peace that ſhould put him in poſſeſſion of all his prerogatives, and that his word ſhould be taken for ſecurity that he would abuſe them no more; but tho' the members of parliament doubted not that the king would grant an act of oblivion, ſuch as they ſhould deſire, they did not believe, that ſuch a peace could be advantageous to the kingdom, becauſe they did not believe the king's word to be a ſufficient ſecurity. Beſides, the Presbyterians were no better pleaſed than they had been hitherto, with a peace which would of courſe reſtore epiſcopacy in all its former luſtre. Wherefore things not being yet brought to that ſtate, that the parliament ſhould be induced to wiſh for ſuch a peace, it was reſolved, 1. That his majeſty ſhould be addreſſed for ſettling the peace of the kingdom. 2. That the preparations of forces and other neceſſary means for defence ſhould be proſecuted with all vigour, if an honourable and ſafe peace might not be obtained. 3. That the Scots ſhould be applied to for aſſiſtance, if there ſhould be occaſion. Theſe reſolutions entirely broke all the meaſures of the king's friends, who had flattered themſelves, that the pretended victory of Edge-hill would produce ſome great effect.

A declaration for encouraging apprentices to liſt themſelves in the parliament's army. Ruſhw.

Purſuant to theſe reſolutions, the parliament took care to recruit the earl of Eſſex's army, and to that end it was ordained, that ſuch apprentices as ſhould be liſted for ſoldiers, ſhould reckon the time ſpent in the wars, as part of their apprenticeſhip. Whereupon great numbers of apprentices engaged in the parliament's ſervice.

After that, both houſes ſent a declaration into Scotland, wherein they did not demand indeed an immediate aid; but ſaid, "That they

The parliament's declaration to the Scots. Clarend. Ruſhw.

“they did not doubt but the Scots would aſſiſt them, if there ſhould be occaſion, according to the treaty of amity and alliance between the two nations. That, therefore, they deſired them to raiſe ſuch forces, as they ſhould think ſufficient to ſecure their own borders againſt the attempts of the army of Papiſts, levied by the earl of Newcaſtle in the north of England. To engage them the more to what they deſired, they ſaid, the enemies of the Proteſtant religion were ſo prevalent with his majeſty, that he had rejected all the petitions preſented to him. That the preſent war was for the maintenance of religion, againſt the efforts of thoſe who had projected its deſtruction, and that in order to preſerve it more effectually, they had willingly embraced the invitation of the Scots, to a nearer degree of union in matters of religion and church-government, which they had accordingly reſolved to purſue.”

A remark on the propoſition to unite the two churches. Ruſhw.

It was now ſome months, ſince the Scotch commiſſioners reſiding at London, had intimated in a memorial preſented to the parliament, that the Scots paſſionately deſired an union of the churches of England and Scotland in the ſame worſhip and diſcipline. As this propoſition was expreſſed by way of wiſh only, and beſides was worded in ſuch a manner, that it might be underſtood, either that the Scots deſired the Engliſh to embrace the worſhip and diſcipline of the church of Scotland, or that they themſelves were willing to conform to the church of England, the parliament had, in the ſame ambiguous terms, civilly anſwered, that they alſo wiſhed the ſame thing, and would heartily concur in accompliſhing the project. This anſwer was, doubtleſs, framed by the leading Preſbyterians, to ſerve as a corner-ſtone, of which they hoped one day to make good uſe. But it was not yet time to declare their intention more openly, for fear of loſing all the church of England-men that were againſt the king. Probably theſe men would have been alarmed, if they had clearly known, that the Preſbyterians meant to eſtabliſh their worſhip and diſcipline upon the ruins of the church. For the ſame reaſon alſo, in the declaration above-mentioned, both houſes, or rather the directors, thought not proper to ſpeak more plainly, and in ſaying, that both houſes intended to purſue this union, the propoſition was left in all its ambiguity, tho' it was eaſy for the Scots to perceive, that in time they ſhould receive ſatisfaction. For it is not to be imagined, there were none but Preſbyterians in the parliament's party, tho' this may be the notion ſome would give us of that party, their view being to inſinuate, that the war between the king and the parliament was, properly, a religious war, and that the parliament's ſole deſign was to deſtroy the church of England, and eſtabliſh Preſbyterianiſm in its room. As this deſign was unjuſt in itſelf, they would infer, that the war againſt the king was unjuſt. This reaſoning would be ſolid and convincing, were it true, that the oppoſite party to the king had propoſed to themſelves no other end. But as it is certain, the Preſbyterians were not the only perſons that had cauſe to complain of the king, it is no leſs ſo, that the party of his enemies conſiſted not of Preſbyterians alone, but alſo of a very great number of church-men, who ſaw, that under colour of deſtroying Preſbyterianiſm, an arbitrary power was going to be eſtabliſhed. It is eaſy to conceive, that theſe men were ill-affected to the king, had joined with the parliament, and as yet were attached to their party. But it is inconceivable, that the Preſbyterians, who at the beginning of the parliament made ſo inconſiderable a figure in both houſes, as well as in the kingdom, ſhould be grown ſo very numerous in the ſpace of two years, or that the members of the church of England, who complained of the king's former adminiſtration, ſhould have entirely renounced the church, and embraced Preſbyterianiſm. It is certain, therefore, tho' the Preſbyterian party, conſidered as a religious party, had prevailed in the parliament, there were, however, in that ſame party, conſidered as enemies to the king, many church-men who had no other view than the reformation of the civil government, and the ſecurity of the nation's liberties. Theſe were the men the parliament were to manage, for fear of alarming them, till they could be engaged to turn Preſbyterians, whether by the ſuperiority the parliament ſhould acquire in the courſe of the war, or by the abſolute neceſſity they ſhould be under of relinquiſhing the people's liberties, or of recurring to the aſſiſtance of the Scots, which could be obtained but by changing the government of the church. On the other hand, the church of England-men could not take it ill, that the parliament managed the Scots, ſince their aſſiſtance might happen to be abſolutely neceſſary. The ambiguous expreſſions, therefore, in the declaration, with reſpect to the union of the two churches, ſerved to manage all thoſe who were concerned for the parliament's affairs. The Scots were gladly ſuffered to think, that the propoſition was underſtood in the ſenſe they themſelves gave it, and the church of England-men were told, that the parliament was properly bound to nothing, in promiſing to endeavour an union, becauſe there was no more reaſon for the church of England to conform to that of Scotland, than for this laſt to conform to that of England. That, however, great advantage would accrue from this pretended engagement, in that the king, from the apprehenſion of ſeeing the parliament cloſely united with Scotland, would be induced to make peace upon reaſonable terms.

New projects of the king's friends in London. Clarend.

Tho' on this occaſion, the king's enemies had gained ſome advantage in the parliament, his friends did not think themſelves vanquiſhed. They plainly ſaw, that ſo long as both houſes ſhould be able to act with freedom, the king's adverſaries would always be ſuperior, and that it was ſcarce poſſible to take away this freedom without an extraordinary aſſiſtance. Wherefore whilſt men were ſtill in the agitation occaſioned by the battle of Edge-hill, they

The king marches to Reading.

Both houſes petition for a treaty Ruſhw.

Difficulty about a ſafe-conduct. Clarend.

The earl of Eſſex marches to London;

and the king to Colebrook.

He receives the committee. Ruſhw. Clarend.

He aſſaults Brentford. Ruſhw. Ludlow.

they ſent the king word, that if he would appear before London with his army, they did not queſtion, ſuch commotions would be raiſed in the city, as would turn to his advantage, in which his friends would not fail to exert themſelves to the utmoſt of their power. This made him reſolve to march to London. To that end, he ordered a body of horſe to go before, who advancing to Reading, the parliament's troops, quartered there, were ſeiſed with ſuch a terror, that they entirely abandoned the place, and the king came thither ſoon after with his army. Both houſes were alarmed when they heard the king was within 30 miles of London. So, whether for that reaſon, or with deſign to amuſe him, they ſent and deſired a ſafe-conduct for a committee of lords and commons to attend his majeſty with a petition for peace, purſuant to a reſolution taken ſome days before. The king granted a ſafe-conduct for the committee, excepting only Sir John Evelyn, becauſe he was proclaimed traytor. In the interim, both houſes had advice that the earl of Eſſex was marching towards London with the utmoſt ſpeed. For this cauſe they were in no haſte to ſend the committee to the king, on pretence of his ſcrupling to admit Evelyn. It is hard to conceive why the king, who could not be ignorant that the execution of his project depended upon his diligence, ſtayed long enough at Reading to give the earl of Eſſex time to come to London as ſoon as himſelf. However this be, he marched the 11th of November to Colebrook, 15 miles from London. In the interim, the earl of Eſſex's army arrived about the ſame time, in the neighbourhood of London. But whether it was not ready ſoon enough, or the parliament was alarmed, the committee was ſent to his majeſty the ſame day, with a very humble petition to appoint a place for the treaty. The king returned a gracious anſwer to this petition, teſtifying, he wiſhed for nothing more than a peace, and to that end, was content to enter into treaty. The committee returning to London with this anſwer, the parliament immediately ſent orders to their forces not to exerciſe any hoſtility. But preſently after the departure of the committee, the king began to march towards Brentford, which is but ſeven miles from London, and arriving there the 12th in the morning, attacked the town, where ſome of the parliament's troops were quartered, and became maſter of it, after ſome reſiſtance. Immediately after, he ſent a meſſage to both houſes to inform them, that ſince his anſwer to their petition laſt night, he had received advice that the earl of Eſſex was drawing his forces out of London towards him, which had obliged him to march to Brentford: That, however, he was ſtill deſirous of peace, and expected their committee, at Brentford, that night, or early the next morning.

He retires to Kingſton. Clarend.

The earl of Eſſex's army was indeed arrived near London the 7th, and the earl himſelf was actually in the houſe of peers the 12th, during the aſſault of Brentford. Whereupon both houſes ordered the lord-mayor to ſend out the trained-bands, to join with the earl of Eſſex's army, and by that became much ſuperior to the king's. The ſame day the general made the neceſſary preparations for battle; but the king not thinking fit to expect him, retired towards Kingſton.

The parliament complains. Clarend.

The king tries to vindicate his march to Brentford. Ruſhw.

The parliament complained, the king had deceived them under the falſe ſhew of deſiring to treat of a peace, ſince immediately after the departure of the committee, he marched to ſurpriſe Brentford. The king juſtified himſelf two ways. He ſaid firſt, that not only there was no truce agreed upon, but none ſo much as deſired. Secondly, that after the committee's departure, he received certain information, that the earl of Eſſex had ſent forces to Kingſton, Acton, and other places, to ſurround him, which had obliged him to advance to Brentford. The former of theſe reaſons was the beſt, for there being no ceſſation of arms, he might juſtly take all advantages as he thought proper. But he inſiſted the leaſt upon this, for being diſappointed, he would not have it appear that his deſign was to become maſter of London, or, at leaſt, to raiſe commotions there in his favour, for fear of expoſing his friends to a ſtrict inquiſition. The latter was not of the ſame force; for if he was afraid of being ſurrounded at Colebrook, he did not avoid that inconvenience, by advancing eight miles nearer London. He rather made it greater by that march, unleſs he advanced with deſign to attack the enemy, which did not appear by his conduct.

The king is furniſhed with another reaſon, not contained in a ſort of a manifeſto, publiſhed by himſelf on this occaſion. Prince Rupert, it is ſaid, had advanced to Hounſlow with the horſe, without the king's order, and when there, was informed that the parliament had ſent forces to Kingſton, Acton, and other places; ſo, finding he was going to be ſurrounded, ſent to the king to deſire him to advance his infantry to diſengage him. This reaſon to me ſeems ſo very weak, that I ſhould think it needleſs to refute it, if it did not come from the illuſtrious author of the hiſtory of thoſe times. I will not ſay that it does not much redound to prince Rupert's honour to affirm he had advanced without the king's order with his cavalry, which too is not very likely. But firſt, if the prince did think himſelf in danger, it was much eaſier for him to retire to the king, than for the king to march to his relief. Secondly, what probability was there that the parliament's forces, which are ſuppoſed to have been detached to ſurround the prince, ſhould poſt themſelves between him and the king? Thirdly, the earl of Eſſex's army came near London; but that very day, and was not in condition to march 10 or 12 miles farther to attack the prince.

It is, therefore, extremely probable that the king, when he left Oxford, intended to ſurpriſe London, or hoped, that his friends would ſo manage, that he ſhould be received there without oppoſition, before the earl of Eſſex could arrive; but he either loſt too much time at Reading, or was prevented by the earl's expedition. Nevertheleſs, ſince he was not ignorant that the parliament's forces were now very near London, one cannot well ſee what it ſignified to attack Brentford, unleſs it was to brave the parliament, or having firſt deſigned to give battle, he had altered his mind upon hearing that the trained-bands of London were ſent out to join the earl of Eſſex. Be this as it will, having miſſed his aim, he was forced to frame reaſons to colour his attack of Brentford, and to try to perſuade the people, it was done only in his own defence. After all, it is very likely, that when he ſent back the committee from Colebrook, he was determined to march to Brentford, and was not ſorry the parliament amuſed themſelves with the hopes of a treaty. At leaſt, the reaſons he alledged in his vindication did not prove the contrary.

Military actions in ſeveral places. Whitelock.

This war continued all the winter in ſeveral parts of the kingdom, there being ſcarce a county free from it. My deſign is not to deſcend to the particulars of all the ſkirmiſhes and conflicts during the war. Such circumſtances may be agreeable to the Engliſh, who are acquainted with the ſituation of the places, or concerned for the honour of thoſe who ſignaliſed themſelves on theſe occaſions; but foreigners, for whom I write, being little concerned, I ſhall confine myſelf, briefly, to relate ſome of the principal actions.

In the north. Ruſhw.

In the beginning of December, the earl of Newcaſtle, who had levied an army for the king in the northern parts, began his march towards York. He was ſtopped at the paſſage of the river Tees, which parts the biſhoprick of Durham from Yorkſhire, by young Hotham, who had with him a detachment of the little army commanded by the lord Fairfax in that county for the parliament; but the earl forced the paſſage, and came to York, with about 8000 men.

Tadcaſter and Giſborough fights.

There were likewiſe during this winter, in the ſame county, two pretty warm actions. The firſt at Tadcaſter, where the lord Fairfax was intrenched, and where he was attacked by the earl of Newcaſtle, who, after an obſtinate diſpute, was obliged at laſt to retreat. The ſecond was at Giſborough, where Sir Hugh Cholmley defeated 600 of the king's party, commanded by colonel Slingſby, who was taken priſoner, with a good number of his men.

Taking of Leeds.

Some days after, Sir Thomas Fairfax, the general's ſon, attacked the town of Leeds, defended by Sir William Savil with 1500 men, carried it by ſtorm, and took 500 priſoners. Theſe were the moſt remarkable actions in the north, during the winter that followed the firſt campaign.

In the ſouth Waller takes Farnham and Chicheſter. Ruſhw.

In the ſouth, Sir William Waller, commander for the parliament, blew up Farnham-caſtle, and made the garriſon priſoners of war. Soon after he took Wincheſter, and then Chicheſter, after an eight days ſiege.

In the midland counties Wilmot takes Marlborough.

In the midland counties ſeveral notable actions, tho' little deciſive, were alſo performed. The 5th of December, Wilmot, commiſſary-general of the king's horſe, the lord Digby, and others, attacked the town of Marlborough, fortified by the parliament, where was a numerous garriſon. The town being carried by ſtorm, was plundered and burnt, and about 1000 of the garriſon ſlain and taken priſoners.

Cirenceſter taken.

February the ſecond, prince Rupert took Cirenceſter by ſtorm, and made 1200 priſoners.

Litchfield taken. The lord Brooke's death.

March the firſt, the lord Brooke attacked ſome of the king's forces intrenched in the cloſe of the cathedral of Litchfield, and was there ſlain; but after his death his men carried the cloſe.

Battle of Hopton or Salt-heath. Northampton's death.

The 19th of the ſame month, a battle was fought at Salt-Heath near Stafford, which was maintained on both ſides four hours, till at laſt Spencer Compton, earl of Northampton, who commanded the king's forces, being ſlain, the parliament's troops became victorious.

Waller defeats the lord Herbert. Clarend.

The ſame day Sir William Waller ſurpriſed the lord Herbert, who was beſieging Glouceſter, killed 500 of his men, and took about 1000 priſoners. After that he took Chepſtow in Monmouthſhire, and then the town of Monmouth itſelf.

Affairs of the weſt. Ruſhw.

I proceed now to what paſſed in the weſtern counties, from the beginning of the war to March the next year, 1643. As the war was always very ſharp in thoſe parts, and as the ſuperiority was there obſtinately diſputed, it will be neceſſary, for the better underſtanding theſe events, to give a particular account of what paſſed in theſe counties.

From the time the king was at Beverley, after having failed of his attempt upon Hull, he ſent the marqueſs of Hertford into the weſt, to try to raiſe a party capable to give the parliament's forces a diverſion. He granted him a commiſſion to command all the weſtern parts, and the marqueſs made Sir Ralph Hopton his general of horſe. The marqueſs being come into Somerſetſhire, fixed his quarters at the Bath, where he could raiſe but few men, by reaſon of the vigilance of the committee of the militia, who greatly obſtructed his levies. At laſt, the earl of Bedford, who commanded in thoſe parts for the parliament, having drawn together much more numerous forces than were thoſe of the king, the marqueſs of Hertford was obliged to retire into Wales. He ſent however, Sir Ralph Hopton, with about 150 horſe into Cornwal, to endeavour to gain that county to the king's intereſt. The earl of Bedford neglected to purſue this little troop, not doubting but the committe of the militia, would be able to diſperſe them, and went and joined the earl of Eſſex. This paſſed before the battle of Edge-hill.

Hopton was well received in Cornwal, and ſeconded by Sir Bevil Greenvil, a Corniſh gentleman, who ſo ordered it, that the county declared for the king. Then Hopton drew together 3000 of the trained-bands, and marched towards Launceſton, from whence they chaced the committee of the militia, who had aſſembled ſome troops; but endeavouring to lead theſe trained-bands into Devonſhire, they refuſed to march out of their county. For which reaſon he diſmiſſed them, having firſt driven the committee from the little town of Saltaſh.

In the interim, with the aſſiſtance of the gentlemen of the county, he found means to levy 1500 regular troops, with whom he became abſolute maſter of all Cornwal, and even made incurſions into Devonſhire.

Ruthen defeated by Hopton.

The parliament having intelligence of Hopton's progreſs in Cornwal, ordered all their forces in Dorſet and Somerſet to join with thoſe of Devon, and gave the command of this army to Henry Grey, earl of Stamford. The earl heading theſe troops, ſent Ruthen, a Scotchman, governor of Plymouth, with a detachment into Cornwal. He was no ſooner there, but was met by Sir Ralph Hopton, who put him to rout, killed many of his men, and took above 1200 priſoners. Ruthen, after his defeat, retired to Saltaſh, where he endeavoured to fortify himſelf, and the earl of Stamford threw himſelf into Taviſtock.

Hopton taking advantage of the terror, he had ſtruck into the Parliamentarians, divided his forces into two bodies; with one of which he marched towards Ruthen, and beat him out of Saltaſh, and thereby remained again maſter of Cornwal. The other body moved towards Taviſtock, which the earl of Stamford alſo quitted, and retiring to Plymouth, enabled Hopton with the more eaſe to fix quarters in Devonſhire. But ſoon after, both parties having agreed to obſerve an exact neutrality in the two counties of Devon and Cornwal, in order to remove the war into other parts, Hopton retired with his forces into Cornwal.

Civil affairs of the year 1642.

Having related the principal military actions of the firſt campaign, and the following winter, it will be neceſſary to mention ſome other things, which indeed flowed from the war, but were not decided by arms.

Remark on the levies of money on both ſides.

Money being the ſinews of war, it is not ſtrange the king and the parliament ſhould do their utmoſt to raiſe all they could. But the wonder is, that they ſhould upbraid each other with the expedients made uſe of to that end. According to the laws of the land, the king cannot levy money on the ſubject, without conſent of parliament; but it is no leſs certain, that the parliament cannot impoſe taxes without the royal aſſent. Taxes are laid by acts, to which the king and both houſes muſt neceſſarily give their approbation. But what is to be done when the king and parliament are at war with one another? Neither of them, according to the laws, muſt levy money upon the people, and then it will be almoſt impoſſible to wage war, or elſe both muſt be left at liberty to raiſe it, without regarding each other's conſent. This was what the king and the parliament practiſed, and yet they reproached one another with breach of the laws. If we believe the authors who wrote in favour of the king, his majeſty had no other money than what he was ſupplied with voluntarily by gift or loan. If he ſometimes taxed the counties in his power, it was always with the conſent of the inhabitants. But this is a kind of artifice to deceive the reader. For it means nothing more, than that ſome of the leading men of a town or county were gained, by whom it was reſolved to give the king ſuch a ſum, after which it would have been in vain for the reſt to oppoſe it, or refuſe to pay their ſhare. The parliament proceeded in much the ſame manner. They demanded for the maintenance of the war contribtuions, which they termed voluntary, but which were very far from being ſo. This very clearly appeared in an ordinance of the 29th of November, for aſſembling ſuch as had not freely contributed. The king, conſidering this ordinance as an expreſs breach of the law, iſſued out a proclamation, enjoining all his ſubjects not to ſubmit to it. He publiſhed another of the ſame nature, to command all perſons not to execute the ordinance of parliament for paying tunnage and poundage to the two houſes. All this was founded upon the laws, requiring the royal aſſent for the impoſition of taxes. But ſuch were the times, that a ſtrict obſervance of the laws was become impracticable. The parliament anſwered this laſt proclamation, not by acknowledging, the laws were violated by their ordinance, but by ſaying, that the ſtatute urged by the king, was made to hinder the king from impoſing any tax, without conſent of both houſes, and not to diveſt the parliament of a right to impoſe what they thought proper. It is eaſy to perceive, that this was only a cavil, ſince the king's conſent was no leſs neceſſary for impoſing a tax, than that of both houſes. Or rather, they had no right, neither the one nor the other ſeperately, if the laws had been kept to; and yet the king, in the next February, publiſhed another proclamation, ordering that the cuſtoms upon goods imported, ſhould be paid him at Oxford, which, in all appearance, was not performed. This ſubject ſo often returns, not only with reſpect to levies of money, but alſo with regard to every thing enjoined ſeparately by the king or both houſes, that it will not be amiſs to have ſome knowledge of the principles of both parties, in order to avoid paſſing a wrong judgment.

Clarend.

Ruſhw.

Clarend.

Ruſhw.

Remark on the principles the king would eſtabliſh.

Ever ſince the beginning of this parliament, the king had conſtantly profeſſed a ſtrict adherence to the laws of the land. This he perpetually oppoſed to the conduct and pretenſions of the parliament. When the war was begun, he pretended in the like manner, that the laws were to be obſerved with the ſame ſtrictneſs as in full peace. It is very viſible, how advantageous to him this principle was. According to the law, the two houſes could raiſe neither men nor money, much leſs employ them againſt their ſovereign; for he always ſuppoſed the war was only defenſive on his part. He found, therefore, no better way to reſtore the publick tranquillity, than to adhere to the laws, on the obſervance whereof depended the nation's happineſs. Nothing was truer than this principle, taken in general, and independently of the particular caſe the kingdom was in. But, as the king himſelf owned, the laws being only an empty name, if not kept, and the executive power being lodged in the king's hands, the point was to know, whether the king could be relied upon for the diſcharge of this truſt, after what paſſed the 15 firſt years of his reign? There lay the difficulty of the queſtion between the king and the parliament; to ſolve which the king offered only his bare word, whereon the parliament could not, or would not rely. It is, therefore, evident, that when the king urged the laws in his behalf, he ſaid nothing that in the leaſt prejudiced the parliament's claims. The thing was not to know, whether the laws aſcribed ſuch or ſuch prerogatives to the ſovereign? The parliament did not deny it; but the queſtion was to know, whether the king was to be truſted with the executive power, after what had paſſed? So the whole difficulty conſiſted in knowing, by what means the execution of theſe ſame laws, agreed to by both parties, might be ſecured. The king carefully avoided the examination of this point, whether the people had a right to demand ſecurity of him, and uſed his utmoſt endeavours to reduce the diſpute to this, "Whether this or that were enjoined "by the laws?" This is the reigning principle in all his papers, without one exception.

On the other hand, the parliament were no leſs embarraſſed. It is true, they clearly ſhewed, the king had abuſed his prerogatives, whilſt he fully enjoyed them, and from thence inferred, it was neceſſary to reduce his power within certain bounds. But they ſuppoſed, that in order to reduce him within theſe bounds, there was no other way than to ſtrip him entirely of this ſame power, by depriving him of the command of the militia, and ſome other prerogatives. The queſtion in this reſpect was therefore, whether it was poſſible to find expedients, which being added to the king's word and oath, might ſecure to the nation their liberties. But the two houſes induſtriouſly avoided to enter upon that queſtion. They were contented to ſuppoſe, without alledging any poſitive proof, that the king had taken arms to deſtroy the privileges of the people and parliament, and conſequently the war was but defenſive on their part. By that they pretended to vindicate their daily manifeſt breaches of the laws, repreſenting them as abſolutely neceſſary to attain the end they propoſed to themſelves, of ſettling the peace of the kingdom. One can ſcarce help perceiving in this conduct, the view of certain men, who laboured to render an accommodation impracticable, the better to execute the project of altering the government of the church, to which a peace would have brought inſuperable obſtacles. Could the king have prevailed with himſelf to conſent to that change, expedients would not have been wanted to adjuſt the other points. We ſhall be convinced of this hereafter, when we come to ſee the difficulties of the peace reduced, as I may ſay, to this ſingle article.

Aſſociation of the northern counties for the king. Ruſhw.

The king, as I ſaid, had ſent the earl of Newcaſtle into the north, to gain to his party the biſhoprick of Durham, with the counties of Northumberland, Cumberland, and Weſtmoreland, and to levy an army. The earl happily executed the king's deſign. He ſo managed, that theſe four counties entered into aſſociation to furniſh him at the common expence, with men and money, ſo that he raiſed an army of 8000 men. But at the ſame time, he taught the king's enemies to form the like aſſociations, which, perhaps, they would never have thought of. As ſoon as the parliament was informed of this aſſociation, they ordered the like to be entered into by the counties that owned their authority, and appointed generals to command their forces. The lord Fairfax was made general of Yorkſhire, Sir William Brereton of Cheſhire, Sir William Waller of Hampſhire, the lord Gray of Lancaſhire, major-general Brown of Berkſhire, the earl of Denbigh of Shropſhire, colonel Middleton of Wales, and the earl of Mancheſter of Eſſex and the counties adjoining, called the eaſtern counties, viz. Eſſex, Cambridge, Iſle of Ely, Hertford, Norfolk, Suffolk, and the city of Norwich. By means of theſe aſſociations, the parliament had forces always ready, who indeed were deſigned only for the defence of the aſſociated counties, but were however imployed ſometimes in other ſervices. The king frequently tried to prevent theſe aſſociations in counties where he knew he had a good number of friends, as for inſtance, in Kent, and ſome others. But when both houſes perceived the king's practices were like to prevail in any of the counties where they were ſuperior, they obliged them to aſſociate with others, and furniſh their quota.

The like aſſociation for the parliament.

Neutralities. Ruſhw.

Beſides theſe aſſociations between the counties of the ſame party, there were alſo at the beginning of the war, private agreements between neighbouring counties of different parties, to obſerve, between them, an exact neutrality. Theſe agreements were founded on the common advantages of the contracting counties, as they removed the war from their own doors, and ſettled a mutual commerce between them, which they could not well be without. I have given an inſtance in the counties of Devon and Cornwal. The like agreement was made between the two parties in Yorkſhire and Cheſhire. But the parliament refuſed to authoriſe theſe private agreements, becauſe they were too advantageous to the king, who in the end would have been able, by this means, to aſſemble all his forces in one place, whereas he was obliged to diſperſe them throughout the whole kingdom. Beſides, the king's party had ſo well managed his concerns, that theſe agreements were made only in places where it was for his advantage; as for example, in Yorkſhire, where the ſole view was to ſtop the inroads of the garriſon of Pontfret-caſtle, which very much annoyed the city of York.

The parliament ſets them aſide. Clarend.

The king cauſes ſome priſoners to be condemned. Dec. 6. Ruſhw.

The king retiring to Oxford, after the Brentford affair, carried thither the priſoners taken at Brentford and Edge-hill. Within few days after his return, he granted to Sir Robert Heath a commiſſion of Oyer and Terminer, to try ſome of theſe priſoners, among whom was captain John Lilburn, who with ſome others was condemned to die, for being taken in arms againſt the king. The parliament having notice of this ſentence before its execution, declared, that if any priſoner of war ſhould be put to death at Oxford, or elſewhere, they would inflict the like puniſhment upon ſuch priſoners as were or ſhould be taken hereafter. This declaration ſaved the lives of the condemned, the king not thinking proper to expoſe his officers to the ſame fate.

1642-3
The king's friends try to ſow diſcord in London. Clarend.

They deſire leave to petition the king.

The parliament oppoſe it.

Petition of the mayor and aldermen of London. Clarend.

Tho' the meaſures of the king's friends to oblige the parliament to make peace were broken, as I ſaid, they were not diſcouraged. As the king, after the buſineſs of Brentford, had fortified Reading, and left there a ſtrong garriſon, they pretended the inhabitants of London had cauſe to be extremely alarmed at their neighbourhood. So under colour of preventing the danger, they drew a petition, to which they procured as many hands as poſſible, to deſire leave of both houſes to preſent to the king ſome propoſitions which he might conſent to with honour. Many of the inhabitants of Weſtminſter, and of the pariſhes of St. Martin's and Covent-garden, known to be the king's adherents, prepared alſo the like petition. It was a very uncommon thing, and of dangerous conſequence, for private perſons, without the interpoſition or approbation of the magiſtrates, to take upon them to make overtures of peace to the king. Accordingly the parliament would not receive their petition, nay, ordered that the authors ſhould be brought to juſtice. Probably, they did not expect, the parliament would make uſe of their mediation for a peace; but in the publiſhing this petition, wherein they called themſelves the richeſt and moſt conſiderable inhabitants of London, their view was to inſinuate to the people, that the honeſt part of the citizens wiſhed for peace upon more moderate terms than the parliament, but were reſtrained by the magiſtrates. The two houſes fully perceiving the motives of this petition, ordered it ſo, that the mayor, aldermen, and common-council of London, ſent a very humble petition to the king, wherein they took care to clear themſelves from all diſloyalty, and expreſſed an earneſt deſire of peace. To that purpoſe, they beſought his majeſty to return to his parliament, accompained with his royal not martial attendance, to the end whatſoever was amiſs in church and ſtate might be reformed by the advice of both houſes, and ſuch a peace obtained, as ſhould be for the honour of his majeſty, and the welfare of his ſubjects. This petition ſhewed, that the city of London deſired no other peace than what the parliament ſhould pleaſe to agree upon the king. It had this advantage of the firſt, that it came from the mayor and common-council, whereas the other was ſubſcribed only by pivate hands.

The king's anſwer.

The king's anſwer read in publick;

and replied to by Pym.

The kingwas really perſuaded, that the Londoners deſired and would accept of ſuch a peace as he ſhould be pleaſed to grant, but that the magiſtrates, in concert with the parliament did their utmoſt to prevent it. This petition being preſented to him the 10th of January, 1642-3. he returned a very gracious anſwer, and gave it in writing to the committee of aldermen. ‘He ſaid, that he never entertained any miſapprehenſion of the loyalty of his city of London, or of the inhabitants in general, but could not ſay the ſame with regard to their magiſtrates, and particularly alderman Pennington, their pretended lord-mayor, and two or three more, who endeavoured with all their power, to prevent the people, and excite them to rebellion. Then he enumerated all the outrages exerciſed at London upon himſelf and the laws, and aſſured, he was ready to return to them, when they ſhould be in a fit poſture to receive him with honour and ſafety, and had apprehended the diſturbers of the publick peace, that they might be proceeded againſt by courſe of law, as guilty of high-treaſon.’ The king greatly flattered himſelf with reſpect to his papers, which he readily believed to be unanſwerable; but the wonderful effects he hoped from thence did not always anſwer his expectations. In this belief, when he delivered his anſwer in writing to the committee of aldermen, he told them it was his deſire, that it ſhould be read publickly at a common-hall, and before the people. The lord-mayor with the conſent of both houſes, willingly gave his majeſty this ſatisfaction, and his anſwer was accordingly read in publick. But the parliament had ſent a committee of lords and commons to be preſent at the reading, and afterwards reject the king's anſwer. This did Mr. Pym, one of the committee, in a ſet ſpeech, the deſign whereof was to ſhew, that the king's whole anſwer was full of ſcandalous and injurious aſperſions upon the city and parliament. So the king had little reaſon to be ſatisfied with the ſucceſs of his anſwer, on which, however, he had much depended, imagining it would be capable of ſowing diſcord between the people of London and the magiſtrates.

The king's order to the ſheriffs of London. Ruſhw.

Some days after, the king ſent to the ſheriffs of London a declaration, grievouſly complaining of Pym's ſpeech, and of a publication of a pamphlet in the city in his name, as if he retracted his former promiſes. He required alſo the maſter and wardens of the ſeveral companies of the city, to ſummon all their members, and read this declaration with his fore-mentioned anſwer, publickly in their ſeveral halls. He declared that Iſaac Pennington not being regularly elected according to their charter, or lawfully admitted, could not be looked upon as lord-mayor of London, and ordered the ſheriffs to commit him to ſafe cuſtody, with ſome other aldermen. But the parliament perceiving, the king's view was to excite the people of London againſt their magiſtrates, commanded the ſheriffs not to execute this order.

Order of both houſes concerning ſpies.

As ths king frequently ſent private agents to London, to correſpond with his friends there, and to be fully informed of what paſſed in the city and parliament, both houſes thought proper, in order to render this practice more difficult, to declare that all perſons coming from the king's quarters to London without a ſafe-conduct, ſhould be treated as ſpies.

Diſputes about the Papiſts in both armies.

During this winter, before the opening of the ſecond campaign, the conteſt about the number of Papiſts in the ſervice of the king and of the parliament was renewed, on occaſion of ſome papers publiſhed by the earl of Newcaſtle and the lord Fairfax againſt each other. The earl of Newcaſtle did not deny that he had Papiſts in his army; but maintained, they were few in number, and beſides, it was lawful to employ them, ſince it was not becauſe of their religion, but for their loyalty. On the other hand, he affirmed, there were great numbers in the parliament's army, and appealed for the truth of what he ſaid to their muſter-rolls. I confeſs this proof to me ſeems of no weight; for beſides, that theſe rolls were not publiſhed, and conſequently not eaſy to be examined by every body, probably, the religion of the officers and ſoldiers was not ſpecified. However this be, the king and the earl of Newcaſtle openly aſſerted, there were many Papiſts in the parliament's army. The earl of Clarendon has advanced the ſame thing; but in all their writings, there is not a ſingle Catholick named: Whereas the parliament produced liſts of Popiſh officers in the king's ſervice, with their names, quality, and employs. Beſides, it is eaſy to ſee, that the king, according to his principles and behaviour to the Papiſts, from the beginning of his reign, made no ſcruple to employ them, and that they could themſelves expect ſome advantage in ſerving him. But what intereſt the parliament could have to employ Catholicks, or what advantage could accrue to them from that ſervice, does not ſo clearly appear. Nevertheleſs, the imputation perpetually caſt upon him afterwards of having Popiſh armies, becauſe he refuſed not the aſſiſtance of Papiſts, and the conſequence drawn from thence, that his deſign was to deſtroy the Proteſtant religion, muſt be deemed a very great aggravation, and a mere calumny to render the king odious.

Supplies ſent to the king from Holland. Clarend. The parliament ſends Strickland to the Hague. Ruſhw.

Since the queen was in Holland, ſhe had not been idle, ſhe laboured effectually to procure the king officers, arms and ammunition, which was facilitated by the prince of Orange her ſon-in-law's credit. September, 1642, both houſes ſent an agent, Walter Strickland, to the Hague, to complain to the ſtates-general of the preparations making in Holland for the king, and of the ſupplies that were ſent him. But Strickland was received very coldly, by reaſon of the prince of Orange's credit in the aſſembly of the ſtates. Beſides, the ſtates-general did not conſider him as a publick miniſter, becauſe hitherto the parliament had never ſent agents abroad in their own name. They were contented, therefore, to depute one of the members of their aſſembly, to know what he had to ſay. Strickland put into their hands a declaration from the parliament, to this effect:

He delivers to the ſtates a declaration of both houſes. Clarend.

‘That the lords and commons underſtood by an intercepted letter of the lord Digby's, that he had addreſſed himſelf to the prince of Orange, and by his countenance and help made proviſion of great quantities of ordnance, powder, arms, and divers other ſorts of warlike proviſion: And the ſaid prince, the better to encourage divers commanders of Engliſh regiments in the ſervice of the ſtates, to reſort to the king's aid againſt the parliament, had promiſed to reſerve their places for them in their abſence.

‘That they could not believe, this was done by any authority of the ſtates, conſidering the great help they had received from England, when they lay under the heavy oppreſſion of their princes. Neither could they think, that they would be forward to help to make thoſe ſlaves, who had been uſeful and aſſiſtant in making them freemen; or, that they would forget, that the troubles and dangers of them both iſſued from the ſame fountain, and that thoſe who were ſet at work to undermine religion and liberty in England, were the ſame, which by open force had ſought to do the like in the Low-countries.

‘That it could not be unknown to them, that the Jeſuitical faction had corrupted the king's counſels, and the conſciences of a great part of the clergy, plotted to deſtroy the parliament, raiſed a cruel rebellion in Ireland, endeavoured to divide the king from his parliament and people, and by falſe ſlanders incenſed his majeſty ſo, as that he had reſolved to ſet up his ſtandard, and draw his ſword for the deſtruction of his people, whom by the laws and conſtitutions of the kingdom he is bound to preſerve and protect.

‘That the queſtion was not, whether the king ſhould enjoy the ſame prerogative and power which belonged to former kings his predeceſſors; but whether that prerogative and power ſhould be employed to the defence or the ruin of the kingdom.

‘That it could not be denied, but that it would be more honour and wealth, ſafety and greatneſs to his majeſty, in concurring with his parliament, than in the courſe he was in; but that his counſellors lookt more upon the prevailing of their own party, than upon any of thoſe great advantages, which he might obtain by joining with his people.

‘That both houſes had lately expreſſed ſo earneſt inclinations to a national love and amity with the United-Provinces, that they had petitioned his majeſty, that they might be joined with them in a more near and ſtrait league and union: And they could not but expect ſome returns from them of the like expreſſions; therefore deſired, that they would be ſo far from blowing the fire which began to kindle amongſt them, that they would rather endeavour to quench it by ſtrengthening and encouraging them, who had no other deſign but not to be deſtroyed, and to preſerve their religion.’

Holland and Zealand promiſe to ſtand neuter. Ruſhw.

This declaration was long neglected, the ſtates-general not vouchſafing to return any anſwer. At length, Strickland having preſented it to the ſtates of Holland, they promiſed to obſerve a ſtrict neutrality, and engaged the province of Zealand to take the ſame reſolution. They even arreſted ſome ſhips laden with ammunition and ſoldiers for the king. Then the ſtates-general could no longer help taking notice of the parliament's declaration, and returned in anſwer: “That they would expreſly forbid every body to tranſport any weapons or warlike ammunition into England, and would gladly employ their mediation for putting an end to the troubles.”

Supplies are ſent, however, to the king from Holland. Ruſhw. Clarend.

But this could not hinder the indirect ſupplies that were ſent to the king, by reaſon of the prince of Orange's great credit. During the winter, general King, a Scotchman, brought his majeſty ordnance and ammunition, and general Goring brought over ſome Engliſh officers that were in the ſervice of the ſtates. It is true, that from time to time the Engliſh ſhips ſeiſed ſome of thoſe veſſels that were ſent to the king. Strickland made frequent complaints of theſe ſupplies; but the ſtates-general took no notice of them; nay, they granted the queen, who was preparing to return to England, ſo large and general a paſs-port, that by vertue thereof ſhe might tranſport into England troops, ordnance, arms and ammunition, in what quantities ſhe pleaſed. Nevertheleſs the ſtates of Holland, whom it concerned to keep fair with the parliament, ſtopped one of the queen's veſſels laden with ammunition; whereupon ſhe delivered in a proteſtation. In all probability, they had a mind thereby to manage both parties, the parliament by ſeiſing one of the ſhips, and the queen, by ſtopping but one out of many. We ſhall ſee hereafter, that the ſupply brought to the king by the queen was very conſiderable. She arrived about the middle of February in Burlington-Bay, and from thence went to York, where ſhe made ſome ſtay.

The king would adjourn the courts of juſtice to Oxford.

The king, as I ſaid, conſtantly inſiſted upon the laws of the land, and urged that they ought to be obſerved in time of war as in time of peace. The admitting of this principle would have turned greatly to his advantage, for the laws, not ſuppoſing an actual diviſion between the king and parliament, aſcribed to the king ſundry prerogatives which he could have made uſe of againſt his enemies. For inſtance, by vertue of the prerogative, he pretended to adjourn the courts of juſtice to Oxford during Hilary-Term, but the parliament would not conſent to it.

The parliament ſuſpend the holding the aſſizes againſt the king's will. Ruſhw.

On the other hand, the counties being divided between the two parties, the parliament addreſſed his majeſty, repreſenting the inconveniencies that would follow the holding of the aſſizes in the ſeveral counties, ſome whereof were for the king, and ſome for the parliament, beſought him to agree to their being deferred to a more convenient ſeaſon. But the king poſitively refuſed it, under colour of the neceſſity of puniſhing malefactors at all times. Had he gained this point, he might have condemned as rebels all thoſe that had taken arms againſt him, for the judges muſt have adminiſtred juſtice according to the law, which not ſuppoſing an open war between the king and the parliament, condemn, without diſtinction, all that are in arms againſt the king. But the caſe, the kingdom was then in, being wholly extraordinary and unexpected, the parliament pretended, the laws could not be executed in that reſpect, without ſome reſtriction and explication. For this reaſon, they deſired the aſſizes might be ſuſpended, till ſome means might be agreed upon, for the impartial rendering of juſtice. But finding, the king refuſed to conſent to it, they publiſhed an ordinance, forbidding the aſſizes to be held till farther order.

A plot to deliver up Briſtol to the king. March 7. Clarend.

Tho' the war was begun in April, 1642, and a battle, with ſeveral ſkirmiſhes, had been fought, the king could hardly be perſuaded, that the very perſons who were in arms againſt him, could or dared refuſe the obedience that was due to him. Of this notion he gave an evident proof in March, 1642-3, on the following occaſion. The city of Briſtol being in the hands of the parliament, the king had gained Mr. Robert Yeoman, the laſt year ſheriff, and one of the principal citizens, and ſent him a commiſſion to raiſe forces, and appoint what commanders he thought proper, Yeoman's deſign being to ſurrender the city to the king. To that purpoſe he joined with one Bourchier, another citizen, and they both formed a plot, into which many of the inhabitants entered, to ſeiſe the city for the king. This plot being diſcovered the very night it was to be executed, the conſpirators were impriſoned, and the parliament ſent down a commiſſion to colonel Nathaniel Fiennes, the governor, to call a council of war, and proceed againſt the priſoners by martial law. The conſpirators being condemned to die, the king wrote to the governor, by general Ruthen, earl of Forth, that if he put theſe men to death, ſome priſoners in his hands ſhould undergo the ſame fate. Fiennes returned the general a civil anſwer; but in ſhewing him, however, the difference between priſoners of war, and ſecret ſpies and conſpirators, he threatened, in his turn, there would be frequent opportunities in the courſe of the war, for the parliament to uſe repriſals. Whereupon the king wrote a thundering letter to the mayor and aldermen of Briſtol, commanding them, as well as all the inhabitants, to riſe againſt the governor and garriſon, and free the condemned priſoners. It was eaſy to foreſee the mayor would ill obey this order. Accordingly the priſoners, Yeoman and Bourchier, were executed, without the king's thinking proper to proceed in the like manner againſt the priſoners in his power.

How matters ſtood with the king and the parliament.

Before I relate what paſſed in the ſecond campaign of the year 1643, I think it abſolutely neceſſary to ſhew the diſpoſition of the king and parliament to peace and war. Military actions depending upon many circumſtances of time, place, number and bravery of the troops, conduct and abilities of the officers, theſe things, indeed, are ingredients of hiſtory, but not the chief. If in the recital of warlike exploits, the end of hiſtory was to teach the art of war, all the circumſtances of the ſieges, battles, ſkirmiſhes, would be eſſential; but there is another end more material to the generality of readers, viz. to know

1642-3. the cauſes and grounds of the beginning and continuance of wars, and conſequently the intereſts, motives, and artifices of the parties concerned, from whence military actions ſpring. This is the reaſon why I reſolved to be brief in the deſcription of battles, in order to be more large upon the fore-mentioned points, which I look upon as what is moſt conſiderable. Nothing, in my opinion, is more proper to ſhew the real diſpoſitions of the king and parliament, than the treaty at Oxford in March and April, 1643, concerning a peace. And, therefore, I reſolved to give a particular account of that negotiation, and the rather as I ſhall thereby avoid the neceſſity of explaining afterwards many things, which otherwiſe might not be well underſtood.

The parliament deſire a ſafe-conduct to treat of a peace. Ruſhw.

Both houſes of parliament having conſidered that the king made ſome advantage of the inclination he had conſtantly ſhewn for peace, ſent and deſired a ſafe-conduct for commiſſioners they intended to ſend to him, which the king granting, the commiſſioners preſented to his majeſty certain propoſitions as proper to ſerve for foundation to a peace. Ruſhworth has preſerved in his Collections two ſpeeches made in council upon this occaſion, the earl of Briſtol's to perſuade the king to continue the war, and the earl of Dorſet's to demonſtrate the advantages and neceſſity of a peace. The ſubſtance of the earl of Briſtol's reaſons was as follows:

The earl of Briſtol's ſpeech for the continuation of the war. Feb. 1.

‘1. That the parliament had declared divers of the greateſt and moſt eminent among the nobility delinquents, in the higheſt nature; ſo that there could not be an accommodation, without the utter ruin of themſelves and their families.

‘2. But granting that this article were removed, his majeſty could not condeſcend with his honour to beg peace of his ſubjects.

‘3. That no mention could be found in the Hiſtory of Spain of inteſtine and civil wars, becauſe they were truly ſubjects, and their ſovereign truly a ſovereign. But ſince in England the ſtate would neither be ſo to the king, nor ſuffer the king to be ſo to them, he thought they ſhould be compelled to it.

‘4. That it was no diſhonour for ſubjects to condeſcend to their king, but it was an exceſſive diminution to his majeſty's royalty, to ſubmit himſelf to his ſubjects.

‘5. His opinion therefore was, that his majeſty ſhould neither propound to the parliament, or receive from them any conditions for peace, but ſuch as ſhould abſolutely comply with the regal dignity and prerogative, and ſuch as might be no way prejudicial to his majeſty's ſervants and counſellors, or their eſtates.

‘6. That there was an army on foot which could by force compel that, which fair words could not effect.’ On the other ſide the earl of Dorſet repreſented,

The earl of Dorſet's ſpeech for an accommodation. Ruſhw.

‘1. That peace, and a ſudden one, was abſolutely neceſſary betwixt his majeſty and the parliament.

‘2. That he would not adviſe them to embrace a peace that ſhould be more diſadvantageous than the war, a peace which 1642-3. would deſtroy the eſtates and families of the nobility. But it was to be conſidered, that the parliament declared that only againſt delinquents, ſuch as they conjectured had miſcounſelled his majeſty, and were the authors of the tumults in the commonwealth. But this declaration of theirs, except ſuch crimes could be proved againſt them, were of no validity; the parliament would do nothing unjuſtly, nor condemn the innocent; and certainly innocent men needed not fear to appear before any judges whatſoever. He who ſhould, for any cauſe, prefer his private good before the publick utility, was but an ill ſon of the commonwealth.

‘3. That the buſineſs of the kingdom was to ſtudy to reconcile all differences between his majeſty and his parliament, and ſo to reconcile them, that they ſhould no way prejudice his royal prerogative, of which the parliament being a loyal defender (knowing the ſubject's property dependent on it) would never endeavour to be an infringer; ſo that if doubts and jealouſies were taken away by a fair treaty between his majeſty and the parliament, no doubt a means might be deviſed to rectify differences.

‘4. That in Spain, the ſubjects were ſcarcely removed a degree from ſlaves, nor the ſovereign from a tyrant. But in England the ſubjects had, by a long and received liberty, made their freedom reſult into a ſecond nature: Neither was it ſafe for the kings to ſtrive to introduce the Spaniſh government upon this freee-born nation, nor juſt for the people to ſuffer that government to be inforced upon them; which he was certain his majeſty's goodneſs never intended.

‘5. Granting that his majeſty had an army of gallant and able men, yet he had infinite diſadvantages on his ſide, the parliament having double his number, and ſurely perſons of as much bravery, nay, and ſure to be daily ſupplied when any of their number, failed, a benefit which his majeſty could not boaſt of, they having the moſt popular part of the kingdom at their devotion; all, or moſt of the cities, conſiderable towns, and ports, together with the maineſt pillar of the kingdom's ſafety, the ſea, at their command, and the navy; and, which was moſt material of all, an unexhauſted Indies of money to pay their ſoldiers, out of the liberal contribution of coin and plate, ſent people of all conditions, who accounted the parliament's cauſe their own.

‘6. All which things conſidered, he concluded it neceſſary, to beſeech his majeſty, to take ſome preſent order for a treaty of peace betwixt himſelf, and his high-court of parliament.’

It is not ſaid, what was the reſult of the council's deliberations; but it may be judged by what followed, that the king reliſhed the earl of Briſtol's reaſons better than the earl of Dorſet's. I return to the treaty at Oxford.

1643. The parliament having to guard againſt the artifices

The parliament demand a peace, but deſire it not. Clarend.

artifices of the king's friends, who were ſtrenuouſly endeavouring to perſuade the people, that the war was waging only for the ſake of ſome of their members, could not better contradict them, than by openly ſuing to the king for peace, and by publiſhing the terms on which they were ready to conclude it. They meant to ſhew by theſe terms, that it was not the private intereſt of ſome of their members that put them upon action, but ſolely the welfare and ſecurity of the nation: However, they knew at the ſame time the king would not accept them.

The king does not deſire it neither.

His majeſty, on his part, was obliged to ſhew he wiſhed for peace, ſince he had always pretended to take arms only in his own defence. But the truth is, he deſired it no more than the parliament, becauſe he ſaw, it was no favourable juncture to obtain ſuch a peace as he expected, with a full reſtoration of all his prerogatives. Thus, tho' neither the king nor the parliament had any intention ſincerely to endeavour a peace, they were, however, both indiſpenſably obliged to expreſs their deſire of it, not to give the people occaſion to believe, they preferred their private intereſt, to the good of the kingdom. For this reaſon the king continually inſiſted upon reſtoring the laws to their former vigour, and the parliament, upon ſecurity for the obſervance of the ſame laws, and thereby both rendered a peace impracticable. The ſubſtance of the propoſitions preſented to the king by the parliament was to this effect:

The parliament's propoſitions. Feb. 2. Ruſhw. Clarend.

‘ I. That the armies on both ſides be diſbanded, and his majeſty be pleaſed to return to his parliament.

‘ II. That he leave delinquents to a legal trial and judgment of parliament.

‘ III. That the Papiſts be diſbanded and diſarmed.

‘ IV. That his majeſty be pleaſed to give the royal aſſent to the following bills:

‘ 1. For taking away ſuperſtitious innovations.

‘ 2. For the utter aboliſhing of archbiſhops, biſhops, deans, &c.

‘ 3. Againſt ſcandalous miniſters.

‘ 4. Againſt pluralities.

‘ 5. For conſultation with godly, religious, and learned divines. That his majeſty be pleaſed to promiſe to paſs ſuch other bills for ſettling of church-government, as, upon conſultation with the aſſembly of the ſaid divines, ſhall be reſolved on by both houſes of parliament.

‘ V. That his majeſty be pleaſed to give his conſent, that an oath may be eſtabliſhed by act of parliament to be adminiſtred in ſuch manner, as by both houſes ſhall be agreed on; wherein they ſhall abjure and renounce the pope's ſupremacy; the doctrine of tranſubſtantiation, purgatory, worſhipping of the conſecrated hoſt, crucifixes, and images; and that the refuſing the ſaid oath, being tendered in ſuch manner as ſhall be appointed by act of parliament, ſhall be a ſufficient conviction in law of recuſancy.

‘ And that his majeſty be pleaſed to conſent to,

‘ 1. A bill for the education of the children of Papiſts by Proteſtants.

‘ 2. To a bill for the true levying of the penalties againſt recuſants, and ſuch manner as both houſes of parliament ſhall agree on.

‘ 3. To a bill whereby the practice of Papiſts againſt the ſtate may be prevented.

‘ VI. That the earl of Briſtol and the lord Herbert may be removed from his majeſty's councils and court, and that they may not bear any office, or have any employments concerning the ſtate or commonwealth.

‘ VII. That the militia be ſettled in ſuch a manner as ſhall be agreed on by both houſes.

‘ VIII. That his majeſty be pleaſed to appoint for judges, ------ with the clauſe Quam diu ſe bene geſſerint.

‘ IX. That all ſuch perſons as have been put out of the commiſſion of peace, &c. ſince the firſt day of April, 1642, may again be put into them; and that ſuch perſons may be removed, as ſhall be excepted againſt by both houſes of parliament.

‘ X. That his majeſty be pleaſed to paſs the bill preſented to him to vindicate and ſecure the privileges of parliament, from the ill conſequence of the late precedent in the charge and proceeding againſt the lord Kimbolton, and the five members of the houſe of commons.

‘ XI. That his majeſty's royal aſſent may be given unto ſuch acts as ſhall be adviſed by both houſes of parliament, for the ſatiſfying and paying the debts and damages wherein the two houſes of parliament have engaged the publick faith of the kingdom.

‘ XII. That his majeſty be pleaſed to enter into a ſtrict alliance with the ſtates of the United-provinces, and other neighbouring princes and ſtates of the Proteſtant religion.

‘ XIII. That in the general pardon which his majeſty hath been pleaſed to offer to his ſubjects, all offences and miſdemeanours committed before the 10th of January, 1641, which have been, or ſhall be queſtioned in parliament before the 10th of January, 1643, ſhall be excepted; which offences and miſdemeanours ſhall nevertheleſs be taken and adjudged to be fully diſcharged againſt all other inferior courts: That likewiſe there ſhall be an exception of offences committed by any perſons, which have had any hand in the rebellion of Ireland: And an exception of William, earl of Newcaſtle, and George, lord Digby.

‘ XIV. That his majeſty will be pleaſed to reſtore ſuch members of either houſe of parliament to their ſeveral places, out of which they have been put ſince the beginning of the parliament; that they may receive ſatisfaction and reparation for thoſe places; and that all others may be reſtored to their offices and employments, who have been put out of the ſame upon any diſpleaſure conceived againſt them, for any aſſiſtance given to both houſes of parliament, or obeying their commands, or forbearing to leave their at-

‘ tendance upon the parliament without licenſe, or for any other occaſion ariſing from the differences betwixt his majeſty, and his parliament.’

The king conſents to a treaty.

Theſe propoſitions plainly ſhewed, that tho’ both houſes ſued for a treaty in order for a peace, they were, however, very far from it, ſince they inſiſted upon things which the king would ſcarce have granted, had his condition been much worſe than it was at that time. Nevertheleſs, as he had talked very much of his offer in Auguſt laſt to treat of a peace, and of the refuſal of both houſes, he did not think it adviſable, abſolutely, to reject theſe propoſitions. He conſented, therefore, that they ſhould be diſcuſſed in a treaty; but gave ſix others on his part; viz.

The king’s propoſitions. Ruſhw. Clarend.

‘ 1. That his majeſty’s own revenue, magazines, towns, forts and ſhips which have been taken or kept from him by force, be forthwith reſtored unto him.

‘ 2. That whatſoever had been done or publiſhed contrary to the laws of the land, or derogatory to his majeſty’s power and rights be renounced and recalled.

‘ 3. That whatſoever illegal power hath been claimed and exerciſed by both or either houſe, over his ſubjects, as impriſoning their perſons without law, ſtopping their Habeas Corpus’s, and impoſing upon their eſtates without act of parliament, be diſclaimed, and all ſuch perſons ſo committed forthwith diſcharged.

‘ 4. That a bill be framed for the better preſerving of the Book of Common-Prayer from the ſcorn and violence of Browniſts, Anabaptiſts, and other ſectaries, with proper clauſes for the eaſe of tender conſciences.

‘ 5. That all ſuch perſons, as, upon the treaty, ſhall be excepted out of the general pardon, ſhall be tried, per pares, according to the uſual courſe and known law of the land.

‘ 6. And to the intent this treaty may not ſuffer interruption by any intervening accidents, that a ceſſation of arms and free trade, for all his majeſty’s ſubjects, be firſt agreed upon.’

The king deſires a ceſſation may be ſettled firſt.

Some days after, the king ſent a meſſage to both houſes, to deſire that his laſt propoſition might be firſt taken into conſideration, to the end that during the ceſſation of arms, the peace might be treated of with the greater tranquillity, to which they conſented.

It was the 28th of February before both houſes ſent the terms to the king, on which they propoſed to conclude a ſuſpenſion of arms during the treaty, viz.

Articles for a ceſſation ſent by the parliament. Ruſhw.

‘ 1. That all manner of arms, ammunition, victuals, money, bullion, and all other commodities paſſing without ſuch a ſafe-conduct as may warrant their paſſage, may be ſtayed and ſeiſed on, as if no ſuch ceſſation were agreed on at all.

‘ 2. The ſame with regard to all manner of perſons paſſing without ſuch a ſafe-conduct.

‘ 3. That his majeſty’s forces in Oxfordſhire ſhall advance no nearer to Windſor than Wheatly, and in Buckinghamſhire no nearer to Aylesbury than Brill; and that in Berks the forces reſpectively ſhall not advance nearer the one to the other than now they are: And that the parliament-forces in Oxfordſhire ſhall advance no nearer to Oxford than Henley; and thoſe in Buckingham no nearer to Oxford than Aylesbury: And that his majeſty’s forces ſhall take no new quarters above 12 miles from Oxford any way; and that the parliament-forces ſhall take no new quarters above 12 miles from Windſor any way.

‘ 4. That no ſiege ſhall be begun or continued againſt Glouceſter, and that his majeſty’s forces now employed in the ſiege ſhall return to Cirenceſter, and Malmsbury, or to Oxford, as ſhall be moſt for their conveniency; and the parliament-forces which are in Glouceſterſhire, ſhall remain in the cities of Glouceſter, Briſtol, and the caſtle and town of Berkley, or retire nearer to Windſor, as they ſhall ſee cauſe; and that thoſe of Wales which are drawn to Glouceſter, ſhall return into their quarters, where they were before they drew down to Glouceſterſhire.

‘ 5. That in caſe it be pretended on either ſide, that the ceſſation is violated, no act of hoſtility is immediately to follow; but firſt, the party complaining is to acquaint the lord general on the other ſide, and to allow three days after notice given for ſatisfaction. And in caſe ſatisfaction be not given, or accepted, then five days notice to be given before hoſtility begin: And the like to be obſerved in the remoter armies by the commanders in chief.

‘ 6. Laſtly, That all the other forces in the kingdom of England and dominion of Wales, and not before-mentioned, ſhall remain in the ſame quarters and places as they are at the time of the publiſhing this ceſſation, and under the ſame conditions as are mentioned in the articles before, and that this ceſſation ſhall not extend to reſtrain the ſetting forth, or employing of any ſhips for the defence of his majeſty’s dominions.’

The king’s anſwer to theſe propoſitions. March 6.

The king replied to theſe propoſitions by a meſſage to both houſes complaining, ‘ That he had been left without an anſwer almoſt a month, from the 3d to the 28th of February. He conceived, that the articles of the ceſſation now preſented to him, were ſo ſtrict, that ſuch of his good ſubjects who were not of his army would receive no benefit by the ſuſpenſion, which he would ever inſiſt on: And therefore he had returned the articles with ſuch alterations as he doubted not but both houſes would conſent to ſince they ſufficiently maniſeſted how ſollicitous he was for the good of his people, and how deſirous to prevent any more effuſion of his ſubjects blood. He deſired the ceſſation might begin the 12th of March, or ſooner, if the conditions ſhould be ſooner agreed on, and was willing the ſame ſhould continue for 20 days, in which time he hoped by the treaty a full peace might be eſtabliſhed throughout the kingdom.’

It muſt be obſerved, that the king in this negotiation, propoſed to himſelf three advantages, as will hereafter evidently appear. 1. To gain time to make his preparations. 2. To ſet on foot, by means of a ceſſation of arms, a free commerce and correſpondence between the quarters of both armies, and particularly between London and Oxford, which would help to provide himſelf of many things neceſſary for the enſuing campaign, by ſending for them from London or elſewhere. 3. To convey ſafely from York the forces and ammunition that were come from Holland. All this was concealed under the pretence of procuring the eaſe of his people by a free commerce throughout the kingdom. Theſe are the articles which he ſent to both houſes with the alteration he mentioned.

Propoſals made by the king for a ceſſation of arms.

‘ I. That all manner of arms, ammunition money, bullion, and victuals paſſing for the uſe of either army, without a paſs or ſafe-conduct, from the generals of each army, may be ſtayed and ſeiſed on, as if no ceſſation were agreed on at all.’

The king omitted here the words [and other commodities]

‘ II. That all officers and ſoldiers of either army paſſing without licenſe or ſafe-conduct as aforeſaid, may be apprehended and detained, as if no ſuch ceſſation were agreed upon at all: And that all manner of perſons, his majeſty's ſubjects, of what quality or condition ſoever (except officers and ſoldiers of either army) ſhall paſs to and from the cities of Oxford and London, and back again at their pleaſure, during this ceſſation, as likewiſe to and from any other parts of his majeſty's dominions, without any ſearch, ſtay or impriſonment of their perſons, or ſeizure and detention of their goods or eſtates: And that all manner of trade, traffick, and commerce, be free and open between his majeſty's ſubjects, excepting as aforeſaid, between the officers and ſoldiers of either army, or for arms, ammunition, money, bullion, or victuals, for the uſe of either army, without a paſs or ſafe-conduct, as aforeſaid, which may be a good beginning to renew the trade and correſpondence of the kingdom, and whereby his good ſubjects may be reſtored to that liberty and freedom they were born to and have ſo happily enjoyed, till theſe miſerable diſtractions, and which, even during this war, his majeſty hath to his utmoſt laboured to preſerve, opening the way by moſt ſtrict proclamations, to the paſſage of all commodities, even to the city of London itſelf.’

III. The beginning of this article is the ſame as in the parliament's, but the end is different, viz.

‘ And that the forces of neither army ſhall advance the quarters nearer to each other, than they ſhall be upon the day agreed on for the ceſſation to begin; otherwiſe in paſſage and communication between their ſeveral quarters reſpectively, without any acts of hoſtility each to other, but may enlarge themſelves within their own quarters reſpectively, as they ſhall find convenient.’

Hereby the king was at liberty to ſend for his forces from York to Oxford, without any oppoſition from the parliament's army.

‘ IV. That the forces of either army in Glouceſterſhire, Wiltſhire, and Wales, as likewiſe in the cities of Glouceſter, Briſtol, and the caſtle and town of Berkley, ſhall be guided by the rule expreſſed in the latter part of the precedent article.’

V. This article is exactly the ſame with the parliament's.

VI. That all other forces in the kingdom of England and dominion of Wales, not before mentioned, ſhall remain in the ſame quarters and places, as they are at the time of publiſhing this ceſſation, otherwiſe than in paſſage and communication between their ſeveal quarters as is mentioned in the latter part of the ſaid article, and that this ceſſation ſhall not extend to reſtrain the ſetting forth, or employing any ſhips for the defence of his majeſty's dominions, “ provided that his majeſty be firſt acquainted with the particulars, and that ſuch ſhips as ſhall be ſet forth be commanded by ſuch perſons as his majeſty ſhall approve of.

‘ VII. Laſtly, That during the ceſſation, none of his majeſty's ſubjects be impriſoned, otherwiſe than according to the known laws of the land; and that there ſhall be no plundering or violence offered to any of his majeſty's ſubjects. And his majeſty is very willing, if there be any ſcruples made concerning theſe propoſitions and circumſtances of the ceſſation, that the committee for the treaty neverthleſs may immediately come hither, and ſo all matters concerning the ceſſation may be ſettled by them.’

Clarend. Ruſhw.

Tho' both houſes were by no means pleaſed with the king's alterations in their articles, yet as he offered to treat upon that ſubject, they deſired a ſafe-conduct for ſix commiſſioners, viz. the earl of Northumberland, the lord Say, and four commoners. The king immediately granted it, excepting the lord Say, becauſe he was proclaimed traytor. When he ſent the ſafe-conduct, he ſignified to them by a meſſage, that he was content his propoſition concerning the magazines, &c. and theirs for disbanding the armies ſhould be firſt treated of and agreed, and then the ſecond of his majeſty's, and the ſecond of theirs, and ſo in order; and that the time of the treaty might not exceed 20 days.

The parliament's laſt articles for a ceſſation. Ruſhw.

The parliament's five commiſſioners repairing to Oxford, preſented to the king freſh articles concerning the ceſſation of arms. But they were ſo little different from the firſt, that the king was not ſatisfied with them. And, therefore, he delivered to the commiſſioners the following objections againſt the laſt articles.

The king's objections to them. Clarend.

1. They are in effect the ſame his majeſty formerly excepted to, and there is not the leaſt mention of freedom of commerce between his ſubjects, and conſequently they have no eaſe or benefit by this ceſſation, tho' that is his majeſty's chief view.

2. The putting the ſhips that may be employed under the command of perſons approved of by his majeſty, is not conſented to by

theſe articles; and by that means the conveying of any number of forces from one place to another (which is an act of hoſtility) remains free to both houſes.

3. The army raiſed by the parliament is ſpoken of, as if his majeſty were no part of the parliament, or himſelf to have raiſed that army. Now in order to prevent any inconveniencies that might ariſe upon real differences or miſtakes, upon the latitude of expreſſions, and to avoid delays, his majeſty deſired that the committee might have liberty to debate any ſuch differences and expeſſions, and yet no ſuch power is given in theſe articles, and the committe confeſſed to his majeſty they have no liberty, but are ſtrictly bound to the very words of the articles now ſent.

4. His majeſty's deſire, that during the ceſſation none of his ſubjects might be impriſoned otherwiſe than according to the laws of the land, is in no degree conſented to.

5. His majeſty's deſire againſt violence is not at all taken notice of, nor is his deſire againſt plundering any way ſatisfied; his majeſty not only meaning thereby the robbing of the ſubject by the unrulineſs of the uncommanded ſoldiers, but particularly the violence and plundering uſed to his ſubjects, for not ſubmitting to impoſitions required from them by ordinances of one or both houſes, which are contrary to the known laws of the land.

6. Beſides, as there is no conſent given to thoſe alterations offered by his majeſty, ſo where an abſolute conſent may be ſuppoſed, becauſe the very words of his majeſty's articles are wholly preſerved, yet by reaſon of the relation of ſomewhat going before that is varied by them, the ſenſe of thoſe words is wholly varied too. So that upon the matter, all the propoſitions made by his majeſty (which did not in terms agree with thoſe preſented to him) are utterly rejected. For theſe reaſons his majeſty deſires that the committee now ſent may ſpeedily have liberty to debate and agree upon the articles of ceſſation.

Both houſes perceiving, the king concealed under the little alterations he had made in their articles, more than appeared at firſt ſight, thought proper to tell him, they were not wholly ignorant what advantages he intended to draw from ſuch a ceſſation of arms as he propoſed. To that end, they ſent him their reaſons in writing why they were obliged to reject his additions to their articles. The ſubſtance of their reaſons was to this effect:

The parliament's reaſons why they cannot agree to the articles of the ceſſation. March 27. Ruſhw. Clarend.

'1. That if they ſhould grant ſuch a free trade as your majeſty deſireth to Oxford, and other places, where your forces remain, it would be very difficult, if not impoſſible, to keep arms, ammunition, money and bullion, from paſſing into your majeſty's army, without very ſtrict and frequent ſearches, which would make it ſo troubleſome, chargeable and dangerous to the ſubjects, that the queſtion being but for 20 days for ſo few places, the miſchiefs and inconveniencies to the whole kingdom would be far greater, than any advantage which that ſmall number of your ſubjects (whom it concerns) can have by it.

'The caſe then is much otherwiſe than is expreſſed by your majeſty's anſwer; for whereas they are charged not to give the leaſt permiſſion of this liberty and freedom of trade during the ceſſation, the truth is, that they do grant it as fully to the benefit of the ſubjects even in time of war; and that your majeſty, in preſſing this for the people's good, doth therein deſire that which will be very little beneficial to the ſubject, but exceeding advantageous to your majeſty, in ſupplying your army with many neceſſaries, and making your quarters a ſtaple for ſuch commodities as may be vented in the adjacent counties, and ſo draw money thither, whereby the inhabitants will be better enabled by loans and contributions to ſupport your majeſty's army. And as your majeſty's army may receive much advantage, and the other army much danger, if ſuch freedom ſhould be granted to thoſe places; ſo there is no probability that the army raiſed by the lords and commons, ſhall have any return of commodities and other ſupplies from thence, which may be uſeful for them; and they conceive, that in a treaty for a ceſſation, thoſe demands cannot be thought reaſonable which are not indifferent, that is, equally advantageous to both parties.

'As they have given no interruption to the trade of the kingdom, but in relation to the ſupply of the contrary army, which, the reaſon of war requires; ſo they beſeech your majeſty to conſider, whether your ſoldiers have not robbed the carriers in ſeveral parts, where there hath been ſuch reaſon; and your ſhips taken many ſhips, to the great damage, not only of particular merchants, but of the whole kingdom. And whether your majeſty have not declared your own purpoſe, and endeavoured by your miniſters of ſtate, to embark the merchants goods in foreign parts, which hath been in ſome meaſure executed upon the eaſtland merchants in Denmark, and is a courſe which will much diminiſh the wealth of the kingdom, violate the law of nations, make other princes arbiters of the difference between your majeſty and your people, break off the intercourſe between this and other ſtates, and like to bring us into quarrels and diſſention with all the neighbouring nations.

'2. To demand the approving of the commanders of the ſhips, is to deſire the ſtrength of one party to the other, before the difference be ended, and againſt all rules of treaty; to make a ceſſation at ſea, would leave the kingdom naked to thoſe foreign forces, which they have great cauſe to believe have been ſollicited againſt them, and the ports open for ſuch ſupplies of arms and ammunition as ſhall be brought from beyond the ſeas; but for conveying any number of forces by thoſe means from one port to another, they ſhall obſerve the articles of the ceſſation by which that is reſtrained.

‘3. As for the expreſſions of the army raiſed by the parliament, they are contented it ſhould be altered thus (raiſed by both houſes of parliament,) as not deſiring to differ upon words; but to give any concluſive power in this caſe to the committee upon ſuch differences as may ariſe, wherein the houſes have given no expreſs direction, is neither ſafe for the committe to undertake, nor fit for the two houſes to grant; yet to debate, and to preſs the reaſon of their deſires, whereby an agreement from your majeſty may be procured, is granted to them; and altho' the two houſes did think it moſt proper, the ceſſation ſhould be firſt agreed on, and that it was unfit to treat in blood, yet to ſatisfy the world of their earneſt longing after peace, they have given power to the committee, to enter into the treaty upon the two firſt propoſitions, notwithſtanding the ceſſation be not yet aſſented to; and thoſe being agreed, they hope the foundation will be laid not only of a ſuſpenſion, but a total abolition of all hoſtility in the kingdom.

‘4. If the nature of war be duly conſidered, it muſt needs be acknowledged, that it is incompatible with the ordinary rules of a peaceable government: Your majeſty would have them commit none, but according to the known laws of the land, whereby they conceive your majeſty underſtands, that it muſt be by the ordinary proceſs of law; which being granted, it will follow, that no man muſt be committed by them for ſupplying your majeſty with arms, powder, ammunition: For by the law of the land, the ſubject may carry ſuch goods from London or any other place to Oxford, the ſoldiers muſt not be committed if they run from their colours, and refuſe any duty in the army, “No man ſhall be committed for not ſubmitting to neceſſary ſupplies of money:” So that if this be yielded in your majeſty's ſenſe, they ſhall be diſabled to reſtrain ſupplies from their enemies, and to govern or maintain their own ſoldiers. It cannot be thought reaſonable, that under the diſguiſe of a ceſſation, they ſhould admit that which will neceſſarily produce the diſſolving of the army, and the deſtruction of the cauſe.

‘It ſeems not probable, that your majeſty doth intend, that if any be taken with ſupplies for this army, or mutinying in your own, ſuch perſons ſhall not be committed, but according to the known laws of the land, that is, by proceſs of law; but rather that your majeſty will ſo interpret this limitation of known laws, that tho' it lays ſtrait bonds upon both houſes, yet it leaves your generals as much liberty as before: For it hath been denied by your majeſty, that theſe known laws give any power to the two houſes of parliament to raiſe arms, and ſo conſequently their general cannot exerciſe any martial law in thoſe caſes; and it is not unlike, but that it will be affirmed, that the generals conſtituted by your majeſty's commiſſion, have that power by the ſame known laws; ſo that this article, under the ſpecious ſhew of liberty and law, would altogether diſable them to defend their liberties and laws, and would produce to your majeſty an abſolute victory and ſubmiſſion, under pretence of a ceſſation and treaty.

‘5. Being, by neceſſity inevitable on their part, enforced to a defenſive war in this unhappy breach between your majeſty and them, and that they are therein warranted both by the laws of God and man, it muſt needs follow, that by the ſame laws they are enabled to raiſe means to ſupport that war; and, therefore, till it ſhall pleaſe God to incline your majeſty to afford them ſuch a peace as may ſecure them, they cannot relinquiſh the power of laying taxes upon thoſe who ought to join with them in that defence, and the neceſſary ways of levying thoſe taxes upon them, in caſe of refuſal, for otherwiſe their army muſt needs be diſſolved. But if your majeſty ſhall conſent to diſband the armies, the cauſe of the war being taken away, the conſequences will likewiſe be removed, and the ſubject reſtored to the benefit of thoſe laws which the neceſſity of arms hath in ſuch caſes ſuſpended.

‘6. They deny any pretence of conſenting to thoſe alterations and additions offered by your majeſty; only in the preamble they ſay, they have conſidered of thoſe articles, with ſuch alterations and additions; unto which articles they profeſs they were ready to agree, not as they were accompanied with thoſe alterations and additions, but in ſuch manner as they expreſſed. As for the clauſe left out in the third article, it implied a freedom of paſſage and communication of quarters, which is contrary to the nature of the ceſſation, whereby matters ſhould be preſerved in the ſtate they are, and neither party have liberty ſo much to advantage himſelf, as it is evident your majeſty might do, if your forces in the north and weſt might join with thoſe at Oxford, and bring thoſe ſupplies of treaſure or arms thither, which were brought out of Holland; or at leaſt it ſhould be ſo indifferent, as to give a proportionable advantage to the other ſide, which this doth not. For the forces under the power of both houſes are ſo diſpoſed, that they have an eaſy paſſage from one to the other; but your majeſty's forces are ſevered the one from the other, by many large counties, ſtrong paſſes, and competent armies; and if they had admitted this clauſe, they had bereaved themſelves of one of the greateſt advantages, and freed your majeſty's party of one of the greateſt inconveniences which your majeſty or they have in this war.

‘For the reaſons already alledged, they cannot agree to the alterations and enlargements of the ceſſation propounded, or to transfer any ſuch power to the committees, of treating, debating, and agreeing upon thoſe articles in any other manner than the houſes have directed. But that a fair and ſpeedy paſſage may be opened to a ſecure and happy peace, they have enabled their 'committees to treat and debate upon the two propoſitions concerning his majeſty's own revenue, the delivery of his towns, caſtles, magazines, and ſhips, and the diſbanding of the armies; which being agreed upon, a preſent peace and ſecurity will follow, and the treaty upon the other propoſition be facilitated, without fear of interruption, by the confuſion of war, or exaſperation of either party by the bloody effects thereof.'

The king's anſwer. April 4. Ruſhw.

The king failed not to reply to this paper. But as his anſwer was very long, I ſhall content myſelf with inſerting the moſt material part of each article.

1. Concerning the freedom of trade.

His majeſty denies that he has any private benefit by it, and aſſures, that the good of the people is the only advantage he has in view. He ſlightly paſſes over the objection, that the ceſſation of arms not being to laſt but 20 days, the freedom of commerce could not be, for ſo ſhort a ſpace, of any great benefit to the nation.

His majeſty affirms, that no complaint concerning the robbing of carriers by his ſoldiers has been made to him, which he has not received to the relief and reparation of the ſufferers.

He owns, he is reſolved not to grant his protection to ſuch perſons abroad, who aſſiſt or conſent to actions of diſloyalty to him at home.

2. Concerning the ſhips.

He ſays, as the ſetting out of the preſent fleet is pretended to be for the defence of his dominions, it is moſt neceſſary for his majeſty to know both the deſigns, and to approve of the commanders. He cannot ſee how a ceſſation at ſea ſhould leave the kingdom naked to foreign forces; and is willing to concur in the reſiſtance of all ſuch, of what kind ſoever, and expects, that during the ceſſation, the conveying of all forces from one part to another by ſea, for the aſſiſtance of the earl of Eſſex, be reſtrained, which both houſes ſeem now to conſent to, tho' it be not at all expreſſed in their former articles.

3. Concerning the power of the committee.

His majeſty had, and hath great reaſon to deſire, that the committee may have liberty to debate and conclude any differences and expreſſions in the articles, in order to prevent loſs of time. Of this there is a clear evidence, in the conſent which his majeſty now underſtands to be given by both houſes, that no forces ſhall, during the ceſſation, be ſent by ſea, for the relief of any places held by them; which clauſe might in much leſs time have been agreed here, if there had been that liberty. And much time muſt ſtill be loſt, as the committee have not power to explain the meaning of both houſes concerning communication of quarters.

4. Concerning impriſonment.

It was no part of his majeſty's intention, that his article againſt impriſonment of his ſubjects, otherwiſe than according to the known laws of the land, ſhould extend to the deſtruction of the military diſcipline of either army. This is an inſtance of the neceſſity of enabling ſome perſons to conclude upon theſe articles, ſince a limitation of half a dozen words would have ſaved moſt of this fourth reaſon.

5. Concerning taxes.

His majeſty inſiſts very much, upon the two houſes not having a legal power to impoſe taxes without his conſent. And adds, he is very well pleaſed to find, they have need of force and rapine to raiſe them. He ſays, he has reaſon to inſiſt, that no ſuch violence be uſed towards his ſubjects, for not ſubmitting to illegal impoſitions, being willing to be obliged from the like courſe, and to rely wholly upon the juſtice of his cauſe, and the affection of his people.

6. Concerning communication of quarters.

The king's anſwer upon this article was very general and obſcure. He ſays, it highly concerns him, that this and every other clauſe be ſo clear, that no after-differences may ariſe upon any diſputable point, ſince they, whoſe induſtry and malice could perſuade any of his people, that in the buſineſs of Brentford, he had broken a ceſſation before any was made or offered, would have a much eaſier work to lay the breach of a made ceſſation to his charge, if the ground of the breach would bear the leaſt diſpute. He agrees, that in a ceſſation the advantages ſhould be equal, but from this principle draws the inference, that, therefore, Sir Ralph Hopton, and the earl of Newcaſtle, ought to have the ſame liberty to come to him, as the earl of Stamford, and the lord Fairfax, had to come to the earl of Eſſex (1).

Remark (1). This advantage not accruing to both houſes by the ceſſation of arms, ſince they had it before, the king could not pretend to the ſame by vertue of the ſuſpenſion.

He concluded his anſwer with ſaying, 'Notwithſtanding all this, his majeſty, to ſhew his abundant deſire of peace, is contented to admit a ceſſation upon the matter of their own articles, ſo that his majeſty may not be underſtood to conſent to any impoſing upon his ſubjects, or impriſoning them, to force them to contribute; ſo that there may not be a liberty for any rapine, plundering, or ſeiſing upon his ſubjects by the parliament's ſoldiers, for not ſubmitting to ſuch illegal impoſitions; for otherwiſe both houſes may, during the ceſſation, impoſe new taxes, not only to the 19th part, but if they pleaſe, to the half of, or all their eſtates; and their army would then be at leiſure to be employed as collectors, as well of the old as the new impoſitions, and vaſt ſums would and might by this means be raiſed, to their own extraordinary advantage, and great diſadvantage of his majeſty, who can neither obtain his own conſent to take the like courſes, nor, in caſe he could, is he ſo quartered as to have within the power of his army, any ſuch city as London, or ſo many and rich counties as they have to retire to on ſuch an occaſion.'

The parliament refuſes to treat any longer about the ceſſation. Ruſhw.

Both houſes having examined the king's anſwer, ſent their committee new inſtructions, wherein they ſaid, ‘ His majeſty's expreſſions in his anſwer were ſo doubtful, that they did not think good to conſume any more time in debates upon the ceſſation, and the rather, as the remainder of the whole time for the treaty was but ſeven days, and if the ceſſation were preſently agreed, it would not yield any conſiderable advantage to the kingdom. Wherefore they ſhould deſire his majeſty, to give a ſpeedy and poſitive anſwer to their firſt propoſition concerning the diſbanding, that ſo the people might not have the ſhadow, but the ſubſtance of peace.’

Theſe inſtructions being communicated to the king, he returned an anſwer, wherein he endeavoured to ſhew, it was not his fault that a ceſſation of arms was not concluded. He preſſed again, that whatever was thought doubtful in the articles might be expounded, whatever was excepted at might be debated, ceſſation concluded, and power given to the committee to that end.

Theſe are all the tranſactions concerning the ſuſpenſion of arms propoſed by the king, and by which, probably, he had hoped to reap great advantages, had the two houſes been leſs upon their guard. As the conferences on the peace were not to commence till the 25th of March, whatever was done before that day concerning the ceſſation, is to be conſidered, rather as a preparative, than as part of the conferences, tho' the negotiation concerning the ſuſpenſion was continued till the 7th of April.

Negotiation upon the other propoſitions.

I muſt now ſpeak of the eſſential part of the treaty, relating to the terms offered on both ſides for a peace. As it was agreed to begin with the diſcuſſion of the two firſt reſpective propoſitions, his majeſty's firſt was immediately conſidered. The propoſition was, that his revenue, magazines, towns, ſhips, and forts, ſhould be reſtored. I ſhall relate the principal things urged upon each of theſe heads.

Concerning the revenue.

Ruſhw. Clarend.

March the 26th, the commiſſioners preſented to the king a memorial containing,

‘ That the two houſes of parliament had not made uſe of his majeſty's own revenue, but in a very ſmall proportion, which for a good part had been employed in the maintenance of his majeſty's children, according to the allowance eſtabliſhed by himſelf: That they would ſatiſfy what ſhould remain due to his majeſty, of thoſe ſums received out of his own revenue; and would leave the ſame to his majeſty for the time to come. But they likewiſe propoſed, that he would reſtore what had been taken for his uſe, upon any of the bills aſſigned to other purpoſes, by ſeveral acts of parliament, or out of the proviſion made for the war of Ireland.’

The king's anſwer.

‘ That he was well contented to allow whatſoever had been employed in the maintenance of his children, and to receive the arrears due to himſelf, and to be ſure of his own for the future.

‘ That he was willing to reſtore all moneys taken for his uſe by any authority from him, upon any bills aſſigned to other purpoſes, being aſſured he had received very little or nothing that way.

‘ But he expected ſatiſfaction for all thoſe ſeveral ſums received and diverted to other purpoſes, by orders of one or both houſes, which ought to have bee paid upon the act of pacification with Scotland, or employed for the diſcharge of the debts of the kingdom, and by other acts of parliament for the relief of his Proteſtant ſubjects of Ireland.’

The next day, the commiſſioners deſired to know of his majeſty, if he would not account his own revenue to be ſure for the future, if both houſes of parliament did leave it in the ſame way as it was before the troubles begun.

The king anſwered, ‘ That by thoſe words (of being ſure of his own for the future) he meant, that no reſtraints or interruption ſhould be made by one or both houſes, in and upon his majeſty's revenue, but that it ſhould be left in the ſame way it was before the troubles begun.’

It is eaſy to ſee, there were no difficulties upon this article capable of preventing a peace.

Concerning the magazine.

The parliament's commiſſioners offered in writing, ‘ That all the arms and ammunition taken out of his majeſty's magazines, ſhould be delivered into his ſtores, and whatſoever ſhould be wanting, they would in convenient time ſupply in kind. But they likewiſe propoſed, that the perſons to whoſe charge thoſe publick magazines ſhould be committed, being nominated by his majeſty, might be ſuch as the two houſes of parliament could confide in. And that he would reſtore all ſuch arms and ammunition, as had been taken for his uſe from the ſeveral counties, cities, and towns.’

The king's anſwer.

‘ The magazines ſhall be committed to, and continued in the cuſtody of, the ſworn officers, to whoſe places the ſame belong. And if any the ſaid officers ſhall forfeit that truſt by any miſdemeanours, his majeſty will by no means defend them from the juſtice of the law.

‘ His majeſty will reſtore again, and recompence out of his own ſtores, ſuch arms and ammunition as have been taken for his uſe out of the ſeveral counties, &c.

‘ He expects, that the arms and ammunition which have been taken from the ſeveral counties and cities, for the uſe of the armies under the command of the earl of Eſſex, be likewiſe reſtored to them.’

Without entring into a more particular diſcuſſion of this article, it ſuffices to ſay, that the whole difficulty lay in both houſes reſerving to themſelves the power of approving ſuch as ſhould be entruſted with the cuſtody of the magazines, and in the king's pretending, that the legal oath of ſuch perſons was a ſufficient ſecurity. And this rendered the concluſion of it impracticable.

Concerning the reſtitution of the towns and forts.

The ſame difficulty occurred upon this article. The two houſes offered to reſtore the towns and forts, but pretended, that they ſhould be delivered into the hands of ſuch perſons as both houſes could confide in, which the king would not agree to. As the commiſſioners urged the neceſſity of giving ſatisfaction to the people, with reſpect to their fears and jealouſies, the king anſwered, that he rather expected, their reaſons ſhould have had ſome foundation in the law of the land, than they ſhould only have inſiſted upon fears and jealouſies, of which as he did not know the ground, ſo was he ignorant of the cure.

Concerning the ſhips.

It was the ſame with this as with the two foregoing articles. Both houſes required, that the lord high admiral and all commanders of ſhips ſhould take a particular oath, to uſe their utmoſt power to preſerve the true Proteſtant religion, and the peace of the kingdom, againſt all foreign forces and all other forces raiſed without his majeſty's authority and conſent of the two houſes of parliament. But the king would not conſent to it, alledging, the oaths which all thoſe officers were by law already obliged to take, were very ſufficient. Only he ſaid, if any thing ſhould be made appear to him neceſſary to be added, when there ſhould be a full and peaceable convention of parliament, he would readily conſent to an act for ſuch addition.

If it is conſidered, what was the occaſion of the war, it will eaſily be perceived, that the execution and not the injunction of the laws was the queſtion. Wherefore the king, in pretending that every thing ſhould be ſettled by the laws, did not meddle in the leaſt with the queſtion to be decided in his diſpute with the parliament.

Ruſhw.

The king's firſt propoſition having been thus debated in vain, they proceeded to the firſt of the parliament's, which contained two articles; that both armies ſhould be diſbanded, and his majeſty return to his parliament.

The king's anſwer to the firſt was, ‘That he was willing all armies ſhould be diſbanded, and conceived the beſt way to it to be a ſpeedy concluſion of the treaty, and for that purpoſe he deſired, that the time given to the committee of both houſes to treat, might be enlarged.’

As to the ſecond, ‘He would repair to his parliament, as ſoon as he could poſſibly do it with his honour and ſafety.’

As the king's anſwer was too general and doubtful, the commiſſioners in writing deſired to know, ‘If by the words (a ſpeedy concluſion of the treaty) he intended a concluſion of the treaty on his firſt propoſition, and their propoſition for diſbanding the armies, or a concluſion of the the treaty on all the propoſitions of both parties.’

The king anſwered, ‘That by a ſpeedy concluſion of the treaty, he intended ſuch a concluſion of the treaty as there might be a clear evidence to himſelf and his ſubjects of a future peace, and no ground left for the continuance and growth of the preſent bloody diſſentions; which, he doubted not, might be obtained, if both houſes ſhould conſent, that the treaty might proceed without further interruption or limitation of days.’

This anſwer being no leſs ambiguous than the former, the commiſſioners inſiſted upon an explication of what they had already deſired; as alſo that he would be pleaſed to let them know, what he intended ſhould be a clear evidence to him and his ſubjects of a future peace.

The king anſwered, ‘That if the concluſion of the treaty on his firſt propoſition, and the propoſition of both houſes, ſhould be ſo full and perfectly made, that the law of the land might have a full, free, and uninterrupted courſe, for the defence and preſervation of the rights of his majeſty, both houſes, and his ſubjects, there would be thence a clear evidence of a future peace; and this would be ſuch a concluſion as he intended. He never meant, that both armies ſhould remain undiſbanded until all the propoſitions of both ſides wery fully concluded. But he was very ſorry, that in that point of the propoſition of both houſes, viz. his return to the parliament, they had yet no manner of power or inſtructions ſo much as to treat with him.’

The king uſed ſuch general expreſſions, that it was eaſy to ſee, he ſought only to prolong the conferences, or to make ſome advantage of the commiſſioners anſwers. In all appearance, he would alſo have found a freſh occaſion of delay, in the debate of that part of the propoſition concerning his return to the parliament.

April the 10th, the commiſſioners preſented another paper to his majeſty, wherein they ſaid, ‘That by new inſtructions they were commanded to inſiſt upon the diſbanding of the two armies, and that both houſes conceived his anſwer to be in effect a denial, unleſs they departed from all thoſe cautions and limitations contained in their reply to his firſt propoſition: That if they had not inſerted their deſire of his majeſty's return in their committee's inſtructions, it was becauſe they conceived the diſbanding the armies would facilitate his reſolution therein.’

A remarkable circumſtance. Whiteloc.

During the courſe of this negotiation, the king had frequent conferences in private with the commiſſioners. Whitelock relates in his Memorials, that in one of theſe conferences, the commiſſioners (of whom he was one) having been with the king till midnight, and preſſed him with their reaſons upon a very material point, his majeſty was prevailed with to give a ſatisfactory anſwer, which would have much conduced to a happy ſucceſs of the treaty, and told them, “He was fully ſatisfied, and promiſed to let them have his anſwer in writing according to their deſire;” but becauſe it was then too late to draw it up, he ordered them to wait on him the next morning at ſuch an hour. Accordingly they came, but inſtead of that anſwer, which they expected, the king gave them a paper quite contrary to what was concluded the night before, and very much tending to the breach of the treaty. Whitelock ſays, he was informed by ſome of the king's own friends, that after the commiſſioners were gone from his majeſty, and his council alſo withdrawn, ſome of his bedchamber (and they went higher) hearing from himſelf what anſwer he had promiſed, and doubting it would tend to ſuch an iſſue as they did not wiſh, they being rather for the continuance of the war, never left perſuading the king, till they prevailed with him to change his former reſolutions, and give order for his anſwer to be drawn directly contrary to what he had promiſed; it being that prince's miſfortune to prefer always the opinions of others to his own. Which is an obſervation confirmed alſo by the lord Clarendon in his character of Charles I. Indeed Whitelock does not ſay, that the king's anſwer he mentions, was the ſame with the following meſſage; but in all likelihood it was ſo, ſince it was the cauſe of breaking off the conferences. However this be, on the 12th of April the king ſent this meſſage to both houſes, notwithſtanding the endeavours of the commiſſioners to diſſuade him from it.

Subſtance of the king's meſſage to both houſes, April 12, 1643.

Ruſhw. Clarend.

‘As ſoon as his majeſty is ſatisfied concerning his own revenue, magazines, ſhips and ports, to which he deſires nothing but that the juſt, known, legal rights of his majeſty (devolved to him from his progenitors) and of the perſons truſted by him, which have violently been taken from both, be reſtored unto him, and unto them.

‘As ſoon as all the members of both houſes ſhall be reſtored to the ſame capacity of ſitting and voting in parliament as they had upon the firſt of January, 1641, the ſame of right belonging unto them by their birthrights, and the free elections of thoſe that ſent them, and having been voted from them, for adhering to his majeſty in theſe diſtractions; his majeſty not intending that this ſhould extend either to the biſhops, whoſe votes have been taken away by bill; or to ſuch, in whoſe places upon new writs, new elections have been made.

‘As ſoon as his majeſty and both houſes may be ſecured from ſuch tumultuous aſſemblies, as to the great breach of the privileges, and the high diſhonour of parliaments having formerly aſſembled about both houſes, and awed the members of the ſame, and occaſioned two ſeveral complaints from the houſe of lords, and two ſeveral deſires of that houſe to the houſe of commons, to join in a declaration againſt them; the complying with which deſire might have prevented all theſe miſerable diſtractions which have enſued. Which ſecurity, his majeſty conceives, can be only ſettled by adjourning the parliament to ſome other place, at the leaſt 20 miles from London, the choice of which his majeſty leaves to both houſes.

‘His majeſty will then moſt chearfully and readily conſent, that both armies be immediately diſbanded, and give a preſent meeting to both houſes of parliament at the ſame time and place, at, and to which, the parliament ſhall agree to be adjourned.

‘His majeſty being confident, that the law will then recover the due credit and eſtimation, and that upon a free debate, in a full and peaceable convention of parliament, ſuch proviſions will be made againſt ſeditious preaching and printing againſt his majeſty, and the eſtabliſhed laws, which hath been one of the chief cauſes of the preſent diſtractions; and ſuch care will be taken concerning the legal and known rights of his majeſty, and the property and liberty of his ſubjects, that whatſoever hath been publiſhed or done, in or by colour of any illegal declarations, ordinances, or order of one or both houſes, or any committee of either of them, and particularly, the power to raiſe arms without his majeſty's conſent, will be in ſuch manner recalled, diſclaimed, and provided againſt, that no ſeed will remain for the like to ſpring out of for the future, to diſturb the peace of the kingdom, and to endanger the very being of it.’

There was no need of much penetration, to perceive by this meſſage, that not only the king intended to break off the conferences, but alſo was not much inclined to peace. It was indeed very needleſs to enter into treaty, ſince neither king nor parliament would recede from their pretenſions. The ſhorteſt way would have been to diſcuſs the general queſtion, whether there was juſt reaſon to confide in the king, and reſtore him to his rights; for every one of the propoſitions offered by both parties neceſſarily led to that queſtion, ſo that none could be decided without this being previouſly determined. If the reſt of the propoſitions had been diſcuſſed, the difficulties would have been ſtill greater, ſince the two parties built upon quite oppoſite principles. But, in all appearance, the king and the parliament had foreſeen what came to paſs, and agreed to this negotiation only to make the people believe they were diſpoſed to a peace. This was equally neceſſary for them, becauſe in the people conſiſted the ſtrength of both ſides.

The conferences are broken off.

As ſoon as both houſes received this meſſage, they ſent their commiſſioners poſitive orders to return, and the conferences ceaſed.

The king's view in propoſing a ceſſation of arms.

It was not without reaſon that the king deſired a ceſſation of arms, on the terms by him propoſed, tho' for never ſo ſhort a ſpace, and that he inſiſted upon communication of quarters. He found himſelf at Oxford unprovided of ammunition, and the queen, who was at York, had brought him a good quantity; but the difficulty was to convey them to Oxford with a ſtrong guard. If, therefore, the ceſſation of arms had been concluded with the clauſe of communication of quarters, nothing would have hindered the king from ſending for his ammunition from York, without the parliament's being able to complain. For tho' in the firſt article of the propoſed ceſſation, it was allowed to ſtop all perſons carrying ammunition, it was not ſaid however, that ſuch a conveying was a breach of the ſuſpenſion. Since, therefore, by the article of communication of quarters, the king might have drawn as many of his troops as he pleaſed from York to Oxford; he might likewiſe, if this article had been granted, have ſent for his ammunition with a guard, which the parliament's forces could not have attacked without breaking the truce, when the guard ſhould have paſſed into their quarters.

The king detaches prince Rupert to eſtabliſh a communication between York and Oxford. Clarend.

It evidently appears, the king intended to reap this advantage by the ceſſation of arms, which, according to him, was to be only for the eaſe of the people; ſince from the beginning of April, when the treaty was negotiating at Oxford, he detached prince Rupert with 1200 horſe, and 7 or 800 foot, to eſtabliſh a communication between York and Oxford, by ſecuring certain places between theſe two cities. The prince marched by Birmingham, a town of the parliament's, garriſoned with a company of foot, and taking it by ſtorm, made the inhabitants pay a large fine, as a puniſhment for aſſiſting the garriſon to repulſe him.

The prince takes Birmingham,

and Litchfield.

After this little conqueſt, the prince marched directly to Litchfield, where he entered without difficulty, the town being open in ſeveral places: but the cathedral, with the cloſe, was a ſort of fortreſs, which he was obliged to beſiege in form, it being ſtrongly garriſoned. At laſt, he drained the moat, and ſprung two mines, one whereof taking effect, he furiouſly ſtormed the place, which was bravely defended by the garrſon; but the dread of not being able to ſtand a ſecond aſſault, cauſed them to deſire to capitulate. The prince granted them an honourable capitulation, being very glad to be freed from the trouble of continuing the ſiege, which had laſted 10 days. He intended to puſh his conqueſts farther to the north, in order to make a line of communication between York and Oxford; but the king recalled him from Litchfield, wanting him to raiſe the ſiege of Reading.

He is recalled by the king.

Siege and taking of Reading by Eſſex. Ruſhw. Clarend.

The treaty at Oxford being broken off the 15th of April, the earl of Eſſex marched that day from Windſor, and on the next, appeared before Reading. His army conſiſted of 16000 foot, and 3000 horſe; and the garriſon of 300 horſe, and 3000 foot. The king was ſo poſſeſſed with the notion, that the parliament's ſoldiers ſerved them unwillingly, and by conſtraint, that he iſſued out a proclamation, offering pardon to ſuch as were in the earl of Eſſex's army; a precaution entirely fruitleſs. At the beginning of the ſiege, the governor, Sir Arthur Aſton, being wounded in the head, and forced to keep his chamber, the command was devolved to colonel Richard Fielding, the eldeſt colonel in the garriſon.

The king no ſooner heard of the ſiege of Reading, but he ſent away a detachment of horſe, under the command of commiſſary Wilmot, who found means to throw into the town 500 men and ſome powder. But this ſupply not appearing ſufficient to colonel Fielding, he demanded to capitulate, and a truce was agreed on, during which, the beſiegers and the beſieged, mutually gave hoſtages.

The king tries in vain to relieve the town.

At the ſame time the king coming with his army within a few miles of Reading, detached Ruthen his general, lately made earl of Forth, who with 1000 muſqueteers, vigorouſly attacked a poſt, by which the king was neceſſarily to paſs, in order to relieve Reading. The earl of Forth was in hopes, that whilſt he attacked this poſt, the garriſon would ſally out upon the beſiegers. But as, without knowing it, he had made his attack juſt as the truce was agreed on, there was no ſally from the town. So not being able to force the paſs, he retreated to the king.

Fielding capitulates. April 26.

In the interim, Fielding having negotiated a capitulation with the earl of Eſſex, found means, before it was entirely concluded, to go in the night to the king, and tell him, he hoped to have liberty to march away with all their arms and baggage. The king approved of the capitulation, which was ſigned the next day, and the town ſurrendered to the beſiegers. But by one of the articles, which probably Fielding did not tell the king, and which, perhaps, was not yet agreed on; the earl of Eſſex excepted the deſerters, who could not obtain liberty to march out with the reſt of the garriſon. When the king's troops came out of the town, and were paſſing through the enemies guards, the ſoldiers were inſulted, and ſome waggons plundered, contrary to the articles of the capitulation.

Breach of of the capitulation. Ruſhw.

Fielding is condemned to die. Clarend.

The king was very well pleaſed with ſaving the garriſon of Reading, and, indeed, that was his principal view in permitting Fielding to capitulate; but when the garriſon came to Oxford, ſeveral officers complained, that Fielding was too haſty in ſurrendering a place which could have held out much longer; nay, ſome accuſed him openly of betraying the king, Whereupon he deſired to be tried by a council of war, which was granted him. The king, who, perhaps, had too readily conſented to the capitulation, and was incenſed at him, when he underſtood that the place was capable of making a longer defence, could not, however, find fault with his capitulating, ſince it was done with his approbation. But his admitting the article, whereby the deſerters were excepted, was charged to him as a crime, and the king publiſhed a declaration, proteſting he had not conſented to that exception; being very far from refuſing protection to any who ſhould leave the enemy, and betake themſelves to his ſervice. Fielding was likewiſe accuſed of not paying punctual obedience to the king's orders; but what theſe orders were I have not been able to find. However this be, Fielding was ſentenced by the council of war to loſe his head; which ſentence, after long interceſſion, was remitted by the king; but his regiment was given to another. Probably, he was too haſty to conclude the capitulation, and had not fully declared to the king, the true ſtate of the place. But as he could not be condemned for that, ſince he had the king's conſent to capitulate; other pretences were ſought. This ſentence occaſioned great diſſention in the king's army, ſome endeavouring to vindicate it, whilſt others paſſionately repreſented it as the moſt unjuſt that ever was given in the like caſe.

The king upon a falſe alarm, is going to quit Oxford. Sickneſs in the parliament's army. Clarend. Ruſhw.

The earl of Clarendon ſays, the king having received wrong intelligence, that the earl of Eſſex, after the taking of Reading, was marching directly to Oxford, reſolved to retire into the north to join the earl of Newcaſtle. But it was only a falſe alarm, the earl of Eſſex was ſo little able to beſiege Oxford, that he was forced on the contrary to remain above ſix weeks at Reading, without being able to act, by reaſon of the ſickneſs which infeſted his army.

Waller takes Hereford. Clarend.

Whilſt the treaty for peace was negotiating at Oxford, Sir William Waller continued his conqueſts along the Severn, where having defeated lord Herbert of Ragland, ſon to the marqueſs of Worceſter, he became maſter of Hereford; but in aſſaulting Worceſter he was repulſed, after which he went and joined the earl of Eſſex before Reading.

Order of the matters for the campaign of the year, 1643.

As the war was ſpread in all parts of the kingdom, the military actions of this ſecond campaign, cannot, without confuſion, be ſpoken of according to the order of time; and, therefore, I chuſe rather to follow the order of the places, and ſpeak firſt of what paſſed in the middle of the kingdom, where the two principal armies lay. I ſhall relate next the chief events that happened in the weſt; and laſtly, ſhall proceed to what paſſed in the north, and on the borders of the eaſtern counties. Theſe laſt being aſſociated by the parliament, and well provided with troops, the king had not many opportunities to carry the war thither. As for the ſouthern counties, nothing conſiderable was acted there this campaign. After this, I ſhall reſume what paſſed of any moment, with regard to civil affairs, during the courſe of the year 1643. This method has alſo its inconveniences; but I ſhall endeavour to avoid them in part, by marking the exact time of every event, that the cauſes and motives as well of the civil as military actions may be more eaſily known.

The parliament thinks of beſieging Oxford. Clarend.

The taking of Reading ſeemed to be a good omen to the parliament, for the reſt of the campaign; but, as I ſaid, the great mortality among the earl of Eſſex's ſoldiers, ſuffered him not to improve this advantage. After the ſurrender of Reading, both houſes thought of no leſs than beſieging of Oxford, where the king was in great diſtreſs for want of warlike ſtores. In all appearance, the intelligence he had received, that the earl of Eſſex was going to march thither, came from ſome friends at London, who knowing it was the parliament's deſign, did not queſtion, it would be put in execution. In the interim, the king received ſome ammunition in May, and as his enimees were not in condition to make any attempt, he remained quiet at Oxford.

The earl of Eſſex marches towards Oxford. Ruſhw.

At length, after a ſix weeks ſtay at Reading, the earl of Eſſex marched towards Oxford, rather out of condeſcenſion to the parliament, than in expectation of making any progreſs, by reaſon of the ill ſtate of the army. He advanced, however, to Thame, within 10 miles of Oxford, where he ſtopped. There was in his army a Scotch colonel named Hurry, who had ſerved in Germany with the earl of Forth, the king's general, with whom he kept a ſecret correſpondence. As ſoon as the earl of Eſſex approached Oxford, Hurry quitted the parliament's ſervice, and went over to the king, who received him very graciouſly. After that, he informed prince Rupert of the ſituation of the quarters of the parliament's army, and perſuaded him to make an attempt upon the enemy. So the prince going from Oxford in the evening with a body of horſe, took a long circuit, and at break of day came to Wickham, where beating up the quarters of two regiments, one of horſe, the other of foot, he cut them in pieces. Then he attacked another quarter with the ſame ſucceſs, after which he reſolved to retire by a bridge, where he had left a guard. But the earl of Eſſex having now taken the alarm, had detached ſome troops to intercept the prince, who was to croſs Chaldgrave field, and enter a lane, which led to the bridge. The earl of Eſſex's horſe not giving the prince, time to reach the bridge, he choſe rather to expect them in an open field, than enter the lane with the enemy in his rear. He charged, therefore, theſe horſe with ſuch bravery, that he put them to flight, towards a body of foot, which the earl of Eſſex was leading himſelf. Whilſt the horſe were flying, the prince paſſed the lane and bridge, and entered Oxford in triumph. Upon the firſt alarm at the head-quarters, Mr. Hampden, colonel of foot mounted his horſe, and rode as a volunteer in the regiment ordered to intercept the prince. He was ſhot in the ſhoulder in this action, and within few days died of the wound. He was a perſon very eminent in his party, both for his courage as an officer in the army, and for his wiſdom and capacity as a member of parliament. He had given a good proof of his firmneſs in his famous trial concerning ſhip-money.

Prince Rupert beats up two of the enemies quarters, and retires, June 18. Clarend.

Chaldgrave field. Ruſhw.

where Hampden is ſlain. June 24. Clarend.

Aftert this loſs, the earl of Eſſex, whoſe army was in a very ill ſtate, thought not proper to remain longer at Thame. He put his troops into quarters of refreſhment at St. Albans, Uxbridge, and the neighbouring parts, till they ſhould be recruited and furniſhed with many things they wanted, which the parliament did not ſeem much to regard, whether from inability, or ſome other reaſon.

The queen brings the king a great ſupply. Ruſhw. Clarend.

From that time, the king's military affairs began to flouriſh, and the parliament was extremely embarraſſed. The queen joined the king the 13th of July, and brought him 2000 foot, 1000 horſe, 100 waggons laden with ammunition of all ſorts, ſix pieces of cannon, and two mortars. On the other ſide, Sir William Waller, ſent into the Weſt by the parliament, had the ill fortune to be defeated, and his army was ſo diſperſed, that it was no longer ſerviceable. In this juncture it was, that the king reſolved to beſiege Briſtol by prince Rupert, with whom was joined the Corniſh army that had vanquiſhed Sir William Waller.

Prince Rupert beſieges Briſtol. Ruſhw.

July the 22d, prince Rupert encamped before Briſtol, and the ſame day, with the aſſiſtance of ſome ſailors, who had been gainſed, he ſeiſed the ſhips in King-road, laden with goods of great value, which the inhabitants of Briſtol had thought to ſecure there.

He ſtorms the town. Clarend.

The next day, the prince holding a council of war, it was reſolved to proceed by aſſault, and not by approach. The walls muſt have been very weak, otherwiſe, it can hardly be conceived, that the beſiegers ſhould reſolve to ſtorm two days after their arrival, eſpecially as there was a numerous garriſon in the place. However this be, on the morrow both armies attacked the city, each at three ſeveral places, ſo that the garriſon were forced to divide themſelves into ſix bodies to defend the walls. The Corniſh army was repulſed with great ſlaughter in their three aſſaults. The two diviſions of prince Rupert's were likewiſe repulſed; but the third commanded by colonel Waſhington had better ſucceſs, the colonel finding means to make a breach in the wall large enough for the prince to enter with his horſe. But this advantage only put him in poſſeſſion of the ſuburbs, beyond which was the city wall, much ſtronger than what he had paſſed. However, he marched up the ſtreet to Frome-gate, where he was forced to halt, and where he loſt many of his men, who were ſhot by the inhabitants from the walls and windows.

The governor capitulates.

Breach of the capitulation.

Fiennes the governor condemned to die. State-try. Vol. 1.

What the prince had gained was ſo inconſiderable, that probably, the ſiege would ſtill have coſt much time, and many lives, if the governor had not loſt his preſence of mind, and ordered a parley to be beaten. The governor was colonel Nathaniel Fiennes, who at the beginning of this parliament, had made in the houſe of commons ſeveral fine ſpeeches againſt the king, but who, in all appearance, was not very ſkilful in the art of war. The prince immediately granted the deſired capitulation, thinking himſelf very happy to gain a place of that importance in ſo ſhort a time. This capitulation was ill obſerved by the king's ſoldiers, who ſtripped thoſe of the garriſon, and made themſelves more than amends for the breach of the capitulation at Reading, whether it was done with or without the connivance of the generals. Fiennes was impriſoned for his cowardly ſurrender of Briſtol, and ſome months after condemned to die by a council of war. But he was reprieved by the earl of Eſſex, and paſſed the reſidue of his days beyond-ſea.

The king reſolves to beſiege Glouceſter. Clarend.

The taking of Briſtol infuſing freſh hopes into the king, he was willing to improve the preſent opportunity, whilſt the parliament had no army ready to oppoſe his progreſs. He reſolved, therefore, to beſiege Glouceſter, the poſſeſſion whereof would have been of great conſequence to him. By it he would have been maſter of all the Severn, from Briſtol to Shrewſbury, and of the whole country between that river and Wales, where there would have been only Hereford, which probably, would have quickly ſurrendered. By this means, he would not only have extended his quarters into a very good country, but alſo ſecured a communication from Cornwal to the northern counties. For as the parliament had no army in the Weſt, ſince Waller's defeat, the communication of the Weſtern-counties with Briſtol could not be interrupted. The taking of Glouceſter would have opened a communication from Briſtol to Shrewſbury, and from thence to the north, by means of Lancaſhire, which was more for him than for the parliament. Beſides this, the taking of Glouceſter would have ſecured him the poſſeſſion of Wales, where the parliament would have had no entrance but by ſea. If, therefore, even ſome of his friends have blamed him for undertaking this ſiege, it may be affirmed, the ill ſucceſs was the beſt foundation of their opinion. For my part, I believe, he had all the reaſon in the world to undertake it, at a time when there was no likelihood that the earl of Eſſex's army could be ready ſoon enough to hinder this conqueſt. The lord Clarendon pretends to diſcover a ſecret which confirmed the king in his reſolution. He ſays, the king having ſent a meſſenger to colonel Maſſy, governor of Glouceſter, to perſuade him to deliver the place, Maſſy, in publick, anſwered in a high ſtyle, but in private bid the meſſenger tell the king, 'that if he came himſelf to beſiege the 'town, he would not hold it againſt him, for 'it would not ſtand with his conſcience to fight 'againſt the perſon of the king.' But the ſequel ſhewed, either that Maſſy had altered his mind, or the king had taken a mere compliment for a poſitive promiſe, ſince in the defence of this place Maſſy was very far from expreſſing the leaſt inclination to favour the king. This Prince was ever poſſeſſed with the notion, that thoſe who bore arms againſt him acted contrary to the dictates of their conſcience, and readily believed, they only wanted an opportunity to ſerve him, wherein he was frequently miſtaken.

The parliament is alarmed.

The earl of Eſſex's army is recruited. Ruſhw.

Nothing ſhews more clearly how advantageous to the king the taking of Glouceſter would have been, than the parliament's alarm when they heard the firſt news of his marching to form the ſiege. Whereas before, the earl of Eſſex's army was ſuffered to decay, all endeavours were uſed to recruit it, the moment the king's intention was known. Care was taken to complete the regiments by freſh levies of ſoldiers, raiſed in London with all poſſible expedition. And to facilitate theſe levies, the parliament ordered the ſhops to be ſhut up till Glouceſter ſhould be relieved, and moreover, the earl of Eſſex's army was ſtrengthened with a numerous body of the city trained-bands. Theſe things were done with that diligence, that in 15 days the earl of Eſſex was ready to march to the relief of the beſieged.

The king beſieges Glouceſter. Aug. 10.

The king came before Glouceſter the 10th of Auguſt, with about 8000 horſe and foot, and immediately ordered the approaches to be begun, which, however, were not ſo vigorouſly puſhed as we expected, by reaſon of the frequent ſallies of the beſieged. Beſides, the king was obliged to go to Oxford, which

He raiſes the ſiege upon Eſſex's approach. Sept. 5. Ruſhw.

Eſſex returns. Clarend. Ruſhw.

made him loſe ſome days. The earl of Eſſex beginning to march the 26th of Auguſt, arrived in few days near Glouceſter, and advancing to Preſbury-Hills, drew up his whole army in view of the city, expecting the king would come and give him battle. But the king not thinking fit to run any riſque, raiſed the ſiege, which could not be done without great diſorder. The earl of Eſſex marching into Glouceſter, found the beſieged reduced to a ſingle barrel of powder, and no better provided with other ſtores. After ſtaying there three days, he departed towards London, paſſing through Tewkeſbury in his way. He marched two days before the king knew he was gone, and ſurpriſed the town of Cirenceſter, where lay two regiments. After that he croſſed north Wiltſhire, a deep and incloſed country, which obliged him to make very ſhort marches.

The king follows him.

Sept. 18. Ruſhw. Clarend.

The king goes to Newbury before Eſſex. Sept. 19.

As ſoon as the king had notice of the enemies march and rout, he departed alſo in order to follow them, ſending prince Rupert before with all his cavalry, conſiſting of 5000 horſe. It is likely, his intention was that the prince ſhould poſt himſelf between London and the parliament's army, whilſt he followed, and put the army between him and his cavalry. Be this as it will, for it is not eaſy to gueſs the king's deſign, prince Rupert came up with the earl of Eſſex, as he was marching over Auborn-chace, intended to have reached Newbury that night. There enſued in this place a ſharp conflict, prince Rupert having charged the earl's rear, who were put into ſome diſorder. The marqueſs of La Vieuville a Frenchman, who ſerved the king as a volunteer, was killed in this action. This conflict obliged the earl of Eſſex to quarter at Hungerford. The next day he continued his march towards Newbury, but found that the king had prevented him by two hours and poſted himſelf near the town. Prince Rupert, after the action of the foregoing day, went and joined the king.

The firſt battle of Newbury. Sept. 30. Ruſhw.

The two armies, being too near each other to part without blows, prepared for battle, and the fight begun. Prince Rupert, as uſual, performed wonders with his horſe. He quickly made the parliament's cavalry give way; but took care not to commit the ſame fault he had done at Edge-hill, by purſuing the runaways too far. After he had routed the enemies horſe, he charged their infantry, who, tho' deſtitute of the aſſiſtance of the cavalry, received him with ſuch intrepidity, that he could make no impreſſion on their ſtand of pikes, but was forced to wheel about. It was fought all the reſt of the day with pretty equal ſucceſs. But in the night the king retired with his army and left the way open to the earl of Eſſex to proceed to Newbury, where he intended to lodge the night before. Next day, the earl of Eſſex ſeeing the coaſt clear, purſued his march, and paſſing through Newbury, arrived at Reading as he had before reſolved. Prince Rupert, who followed him, ſeeing him entered in the narrow lanes, attacked his rear, put them in diſorder, and took ſome priſoners, but prevented not the earl from continuing his march. He remained two days at Reading to refreſh his troops, and without leaving a garriſon in the place, which was poſſeſſed by the king's forces after his departure, returned to his old quarters. The king loſt in this battle above 20 officers of note, and among others Henry Spencer, earl of Sunderland, Robert Dormer, earl of Carnarvan, and Lucius Carey, lord Falkland, ſecretary of ſtate, who would be preſent at the fight, tho' he had no call, not being a military officer.

Remark on the lord Clarendon's deſcription of the battle.

I have taken the deſcription of this battle from the lord Clarendon, which by many omiſſions is rendered obſcure. Among others, it does not appear what the king did with his infantry. This gives occaſion to preſume, that his foot were routed when prince Rupert charged the parliament's. For otherwiſe, it can't be conceived, how theſe laſt could have reſiſted, had they been attacked by the king's infantry and cavalry at once. Neither is it ſeen in this deſcription, why the king left the field of battle in the night, ſince it does not appear that he had received any conſiderable loſs. Nevertheleſs, the lord Clarendon endeavours to prove, tho' by weak arguments, that the king gained the victory. I believe it would be very eaſy to confute his reaſons, were there any occaſion. I ſhall content myſelf with ſaying, in general, that the earl of Eſſex's deſign, at his departure from Glouceſter, was to return to his former quarters about London, and that the battle of Newbury hindered him not from executing it, whereas the king's intention was probably to intercept the earl of Eſſex's paſſage, which he could not effect,

Sept. 23. Ruſhw.

After the battle, the king retiring to Oxford, and the earl of Eſſex to Windſor, neither had much ſhare in the actions of the reſt of the campaign. I ſhall proceed therefore to other parts of the kingdom, where the war was continued, and particularly in the weſt, where it was very ſharp.

The war in the weſt.

The earl of Stamford general for the parliament, enters Cornwal. Clarend. Ruſhw.

I have already ſaid in ſpeaking of the affairs of thoſe parts, that the parliament did not think proper to conſent to the neutrality entered into by the counties of Devon and Cornwal. On the contrary, they reſolved to carry the war into Cornwal, which had declared for the king. To that end, about the beginning of May, whilſt the king's troops were at Launceſton, few in number, and very ſhort of proviſions, Henry Grey, earl of Stamford, the parliament's general in the weſt, entered Cornwal with an army of 7000 men. He poſted himſelf on the top of a hill near Stratton, from whence he ſent a party of 1200 horſe, under the command of Sir George Chudleigh, to Bodmin, a town in the middle of the county, in order to keep it in awe, and hinder the militia from joining the king's forces as they had once before done. Sir Ralph Hopton, who commanded for the king at Launceſton, and had but 3000 men, eaſily ſaw he ſhould be driven out of the county, unleſs he found means to avoid it by ſome notable action. This made him reſolve to march to the enemies, though they were much ſuperior in number, and ad-

Battle of Stratton. Stamford defeated by Hopton. Clarend. Ruſhw.

vantageouſly poſted. The earl of Stamford thought himſelf ſo ſecure from any attack, that tho' he had frequent notice of the enemies approach, he could not believe it. Indeed it would have been raſh in Sir Ralph Hopton, to attack him with ſo great diſadvantage, had there been any other way to ſave the county for the king. However that be, May 16, approaching the hill on which the earl of Stamford was encamped, he ordered him to be attacked at four ſeveral places. As the aſſailants were reſolved to conquer or die, they gained, tho' with great difficulty, the top of the hill, which their enemies were, at length, forced to relinquiſh, after ſuſtaining the charge many hours. In this action the earl of Stamford had only 300 men killed, but left 1700 in the hands of the enemy. Among theſe priſoners was major-general Chudleigh, who being carried to Oxford, turned to the king. The earl of Stamford, whether to excuſe his defeat, or upon ſome grounds, openly complained, that Chudleigh had betrayed him, and in the heat of the battle turning againſt him, charged him with the body under his command. The earl of Clarendon pretends it was a ſcandal; but I imagine few now are concerned to know the truth.

The king ſends the marqueſs of Hertford into the weſt. Clarend.

Hopton joins him.

The marqueſs takes Bridgwater and Taunton.

After this battle the earl of Stamford throwing himſelf into Exeter, his army being diſperſed, and the party of horſe ſent to Bodmin, thinking proper to retire to Plymouth, Hopton remained maſter of Cornwal. Soon after, he was informed by a meſſenger from Oxford, that the parliament had reſolved to ſend Sir William Waller into the weſt, with forces to join the remains of the earl of Stamford's army, and ſome levies that were to be raiſed in that country; and that the king, on his part, was ſending thither the marqueſs of Hertford and prince Maurice with a body of troops, who were now upon their march. This made him think, it would be very proper for his little Corniſh army (ſo it was now called) to join the marqueſs's forces. He marched, therefore, into Devonſhire, leaving a party at Saltaſh to defend Cornwal from any incurſions of Plymouth; and advanced to Tiverton, where he expected orders from the marqueſs. Preſently after, hearing the marqueſs of Hertford was come to Chard, a town in Somerſetſhire, on the edge of Devonſhire, with 1700 horſe and 1000 foot, he went and joined him, and the two bodies together formed an army of 7000 men. Taunton, a large town in Somerſetſhire, was the firſt, the marqueſs of Hertford reſolved to attack. But the garriſon ſaved him the labour, by retiring to Bridgwater, on account of a ſedition raiſed by the inhabitants. On the morrow, the parliament's troops quitted alſo Bridgwater, and in few days Dunſtar-caſtle was ſurrendered to the king.

He marches againſt Waller. Clarend.

The marqueſs of Hertford having ſtaid about Taunton ſome days, heard, at laſt, that Sir William Waller was within two days march of him, drawing troops together with the utmoſt diligence, and expecting more from London and Briſtol. Whereupon he reſolved to attack him, without giving him time to ſtrengthen his army any more. Whilſt he was preparing to execute his deſign, the committee of the militia, who were levying forces in thoſe parts to join them with Waller's, perceiving a favourable opportunity, beat up one of the marqueſs's quarters, who was now advanced to Somerton, and gave ſo briſk an alarm to the king's troops, that the marqueſs was forced to draw out the whole army. Then the parliament's forces retired to Wells; but ſeeing they were purſued, quitted Wells, and poſted themſelves on the top of Mendip hill, which overlooks the city. The marqueſs of Hertford being come to Wells ſtayed there, the day being far ſpent. But prince Maurice, Sir Ralph Hopton, and the earl of Carnarvan, taking the enemies retreat for a flight, went out with two regiments of horſe to purſue them, and marched directly to them. Whereupon the parliament's forces being moſtly foot and few in number, retired in order to join a detachment of horſe ſent by Waller to ſupport them. But the earl of Carnarvan, who was fartheſt advanced, gave them not time to retreat in good order. As they were obliged to paſs through a lane, he entered after them, and purſued them beyond, till he met with Waller's horſe, who ſtopped his career, and compelled him to retire in his turn with great precipitation. Prince Maurice coming to his relief, a warm action enſued, wherein the prince received two cuts in his head, and was beaten off his horſe, but was fortunately relieved. Night obliged both parties to retire, the king's to Wells, and the parliament's to Bath.

An action, wherein prince Maurice is wounded.

Some days after, the marqueſs of Hertford, knowing Waller's army daily increaſed, marched towards Bath to try to draw him to an engagement. But Waller having his reaſons to defer it, becauſe he ſtill expected freſh ſupplies, the marqueſs advanced to Marſfield, five miles beyond Bath, towards Oxford. Whereupon Waller whoſe chief buſineſs was to hinder him from joining with the king, marched out of Bath, and drew up his army on Landſdown, expecting the enemies, who failed not to move towards him. As the marqueſs of Hertford was in a country diſaffected to the king, that only force could procure him any ſupply or relief, and as beſides, he was advanced beyond Bath, on purpoſe to engage them to fight, he was unwilling to loſe the opportunity. In this action which was called the battle of Lanſdown, of his 2000 horſe the marqueſs of Hertford loſt above 1500.* But on the other hand, he drove Waller from his poſt, and compelled him, to give way about demi-culvering ſhot. Next day, Waller retired to Bath, and the marqueſs entirely remained maſter of the field.

Battle of Lanſdown wherein the marqueſs of Hertford loſt moſt of his horſe. July 5. Ruſhw.

The marqueſs leaves his infantry at the Devizes, and marched to Oxford with the remains of his horſe.

But this inconſiderable advantage, gained with the loſs of almoſt of all his horſe, threw him into a very ill ſituation. He had been ſent into the weſt to drive Sir William Waller from thence, and yet, after the battle, Waller was between the king's army, and the weſtern counties, where the marqueſs could penetrate but by a ſecond battle, which he was not in a condition to hazard, as being without horſe. This made him reſolve to march to the Devizes, leave there his infantry under the command of Sir Ralph Hopton, and break through to Oxford, with the prince and the remainder of the horſe, in expectation of returning from thence with a body of cavalry ſtrong enough to bring off the foot he ſhould leave at the Devizes, which was but 30 miles from Oxford. This reſolutio nwas purſued. But as ſoon as he had quitted his infantry at the Devizes, Waller came before the town with his whole army, and inveſted theſe troops, who were in a very ill ſtate by reaſon of the ſcarcity of proviſions. As he were ſenſible, the beſieged could not remain long in ſuch a ſtate, he made them an overture of capitulating with him, which Hopton gladly embraced, in the uncertainty whether any ſupplies would come from Oxford, or would arrive ſoon enough. He entered, therefore, into treaty with Waller; but with intention to prolong it as much as poſſible, and not yield to the laſt extremity, as expecting every moment to be relieved from Oxford. Waller was ſo confident that they were at his mercy, that he had ſent the parliament word, "That their buſineſs was done, and by the next poſt, he would ſend the number and quality of his priſoners."

Wilmot ſent to relieve the Devizes. Clarend.

In the interim, the marqueſs of Hertford and prince Maurice being come to Oxford, and having repreſented to the king the diſtreſs of his troops at the Devizes, his majeſty immediately ſent the lord Wilmot with 1500 horſe, who came within two miles of the Devizes before the capitulation between Hopton and Waller was ſigned.

Battle of Roundway-down. July 5.

Waller was no ſooner informed of the enemies approach, but he drew up (without drum or trumpet) his whole army on Roundway-down, over which the king's troops were neceſſarily to paſs, in order to join thoſe in the town. Wilmot finding he could not execute his deſign without fighting, drew up within muſquet-ſhot of Waller's army. But, perhaps, he would have thought of it more than once, before he attacked with 1500 horſe an army ſo ſuperior in number, had not Waller begun the fight, by charging the enemy with a regiment of cuiraſſiers lately ſent from London, and, which, till now, had been deemed invincible. This regiment was vigorouſly repulſed, and retreating in diſorder, infuſed ſuch a terror into Waller's troops, that they made but a faint reſiſtance. In the interim, Hopton ſeeing from the town the diſorder of the enemies, came out with his foot, and bravely ſeconding Wilmot, who for his part did not give the enemies time to recover themſelves, they quickly put the whole army to rout, killed 5 or 6000 men, and took 900 priſoners: Waller, after his defeat, eſcaped to Briſtol. He complained very much of the earl of Eſſex, who lying then at Thame, had ſuffered Wilmot to paſs without ſending a party after him, or giving the alarm to Oxford, which would have cauſed Wilmot to be recalled. The earl of Eſſex, on the other hand, who was no friend to Waller, could not forbear ſaying ſome reproachful things on his defeat. This bred ſuch enmity between them, that it might have been very prejudicial to their party, had not the parliament taken care to reconcile them.

Quarrel between Eſſex and Waller. Clarend.

After ſo compleat a victory, the lord Wilmot returned in triumph to Oxford, and the marqueſs of Hertford, taking the command of the army, appeared before the city of Bath, the gates whereof were opened at the firſt ſummons. Preſently after, the king, having reſolved to beſiege Briſtol, as was before related, ordered the Corniſh army to join prince Rupert at the ſiege. As ſoon as he was maſter of Briſtol, he reſolved to ſend an army into the weſt, under the command of prince Maurice, and to keep the marqueſs of Hertford near his perſon. To that end, he gave orders to Robert Dormer, earl of Carnarvan, who was to ſerve under prince Maurice, to advance towards the weſt with a party of horſe, whilſt the prince ſhould follow with the infantry, of which the Corniſh army made the beſt part. The earl of Carnarvan marched firſt into Dorſetſhire, which declared for the parliament, and took Weymouth, Dorcheſter, and Portland-caſtle. Here prince Maurice came and joined his cavalry. When he was at the head of the army, he ſuffered his troops to uſe ſuch licenſe, and ſo ill obſerved the articles made upon the ſurrender of the towns, the earl of Carnarvan, out of indignation, being a perſon full of honour and juſtice upon all contracts, quitted his command in this army, and returned to the king before Glouceſter. In the interim, prince Maurice, after ſtaying ſome time in Dorſetſhire, entered Devonſhire, and laid ſiege to Exeter, which was ſurrendered by capitulation by the earl of Stamford.

The king ſends prince Maurice to command in the weſt,

who takes Exeter. Sept. 5. Ruſhw.

After the taking of Exeter, the prince applyed himſelf chiefly to increaſe the number of his forces by freſh levies, whilſt the parliament had no army in that country able to withſtand him. In a ſhort ſpace, he aſſembled 7000 foot, with horſe in proportion, beſides 3000 men under the command of colonel John Digby before Plymouth, the blockade of which place he had formed, till the prince ſhould come and beſiege it. There had lately been diſcovered, at Plymouth, a plot framed by Sir Alexander Carew, knight of the ſhire for Cornwal, and governor of the fort and iſland of St. Nicholas, on which depended the ſecurity of the town, to deliver the iſland and fort to the king. Carew was apprehended and ſent to London, where ſome time after he was condemned to die by a court-martial.

A plot diſcovered at Plymouth.

Prince Maurice takes Dartmouth, and beſieges Plymouth. Octob. 6. Ruſhw.

When prince Maurice had compleated his levies, inſtead of going to Plymouth, he laid ſiege to Dartmouth, which employed him more than a month. During that time, the inhabitants of Plymouth, whom the diſcovery of Carew's plot had thrown into a great conſternation, recovered themſelves, and reſolved upon an obſtinate defence. This reſolution was confirmed by a ſupply of 500 men ſent by the parliament by ſea, with a Scotch governor an experienced warrior. So, prince Maurice, when he came before the place, found the conqueſt

queſt of it much more difficult than he had expected. He continued however the ſiege, notwithſtanding the winter, which was now begun. Here I ſhall leave the affairs of the weſt, till I have farther occaſion to ſpeak of them, and proceed to the recital of what paſſed in the north during this campaign.

Military actions in the north. State of the north.

Since the earl of Newcaſtle's arrival at York, with his army levied in the north, the lord Fairfax had been obliged to keep at ſome diſtance from that city, to avoid being attacked by an army much more numerous than his own. All the northern parts from York to the borders of Scotland were for the king. The ſouthern part of Yorkſhire was for the parliament, and the war was waging in the middle parts of the country to the right and left. But little elſe was tranſacted, beſides the taking of ſmall towns, which ſerved only to enlarge the quarters of one or other army.

The lord Fairfax beats 3000 of the king's party at Wakefield. May 21. Ruſhw. Fairfax's letter.

In May, 1643, the earl of Newcaſtle took two or three of theſe places. In the ſame month, the lord Fairfax having detached 1500 men, under the command of his ſon Sir Thomas Fairfax, ordered Wakefield to be attacked, where lay 3000 men of the king's party. This aſſault was made about four in the morning, with ſuch vigour and conduct, that the king's troops were driven from the town, and many taken and ſlain. Amongſt the priſoners was general Goring the commander.

He is defeated by the earl of Newcaſtle, June 30.

Preſently after, the earl of Newcaſtle had his revenge. Having taken Howley-houſe, he marched from thence towards Bradford, and in the way was met on Atherton-moor by the lord Fairfax, whom he entirely routed. Fairfax with the remains of his army, threw himſelf into Hull, where Sir John Hotham had been lately apprehended by order of parliament, and the lord Fairfax was made governor of that important place.

In June, Gainſborough, a town in Lincolnſhire, was taken by the lord Willoughby of Parham, commander for the parliament in thoſe parts, who there made Robert Pierpoint, earl of Kingſton, priſoner; but being informed that the earl of Newcaſtle was preparing to recover Gainſborough, he ſent his priſoner in a pinnace to Hull. The earl was unfortunately ſhot by ſome of his own party, who would have ſtopped the pinnace. In the interim, the earl of Newcaſtle began, indeed, his march to beſiege Gainſborough, and at his approach, detached a party of horſe to inveſt the town. Oliver Cromwel arriving at the ſame time, with deſign to ſupply the town with proviſions, defeated this detachment, purſuing them even in ſight of their main body, which he did not think to be ſo near. As he was not in condition to face this army, he retreated in good order, and after throwing ſupplies into the town, retired at a greater diſtance. Soon after, the earl of Newcaſtle retook Gainſborough, and poſſeſſed himſelf of Lincoln, where he put a ſtrong garriſon; after which, he beſieged Hull, whilſt the king was before Glouceſter.

Cromwel throws ſupplies into Gainſborough. July 30.

Newcaſtle beſieges Hull, Septemb. 2.

A ſally that raiſes the ſiege.

The Lord Fairfax, aſſiſted by Sir John Meldrum, a Scotchman, defended the town of Hull with great bravery and conduct for five weeks, though he was vigorouſly attacked. At laſt, October the 11th, the beſieged made a grand ſally, and after a very obſtinate fight, which was ſeveral times renewed, drove the beſiegers from their trenches, and ſeiſed their cannon. This obliged the earl of Newcaſtle, now created marquiſs, to raiſe the ſiege.

The earl of Mancheſter beats the lord Widrington at Horn-Caſtle. Oct. 11.

The ſame day this famous ſally was made at Hull, a groſs body of horſe, part of the earl of Newcaſtle's army, commanded by the lord Widrington, were routed at Horn-Caſtle, by Edward Montague, earl of Mancheſter, who had with him Sir Thomas Fairfax, and Cromwell.

The reſt of the military actions during the winter, after this campaign, having a neceſſary connexion with the affairs of Scotland and Ireland, I am indiſpenſably obliged to ſpeak of what paſſed in theſe two kingdoms in the courſe of this year. I ſhall begin with Scotland.

Affairs of Scotland.

The parliament of England, when they replied to the Scots propoſition of uniting the two national churches, made their anſwer, which was no leſs ambiguous than the demand, a toothing, which they might uſe or not, as occaſion required. It is certain, there was a ſtrict correſpondence between ſome of the leading members, and the Scots. Theſe members eaſily foreſaw, that to eſtabliſh Preſbyterianiſm in England, they ſhould in the end want the Scots, who on their part, were ready to aſſiſt them when a favourable opportunity ſhould offer. Since the king, in his laſt journey to Scotland, had been forced to grant the Scots whatever they deſired, the leaders of the contrary party had taken ſuch meaſures, that all the offices of the kingdom were in the hands of their friends, whilſt thoſe that were ſuſpected of inclining to the king, were removed from all ſorts of employments. By this means, the friends of the parliament of England were in a capacity to ſecond them at a proper time, in eſtabliſhing the Presbyterian government in the church of England. It was not ſolely out of zeal for religion, but alſo out of policy, that the directors of the Scotiſh affairs, wiſhed the Engliſh would receive that form of government. They believed, they could never promiſe themſelves a perfect tranquillity, if it ſhould happen to be in the king's power to be revenged of them, and that he would be inceſſantly prompted thereto, if the biſhops were reſtored in England: Whether this belief was well grounded, or only a prejudice, it is certain they looked upon the reſtoration of epiſcopacy in England, as the firſt ſtep to their ruin. For this reaſon, they always continued a very ſtrict correſpondence with both houſes, by means of their commiſſioners reſiding in London, in order to act in concert with them, for leſſening the king's power, and deſtroying epiſcopacy. This plainly appeared in the courſe of this year 1643.

The ſtates of Scotland are convened.

The affairs of the Parliament not being in a ſituation to afford a proſpect of any great advan-

1643.

advantages upon the king this campaign, the Scots began to prepare to aſſiſt them, in caſe there ſhould be occaſion. To that purpoſe, about the beginning of May, it was moved by ſome of the leading men, that there might be a joint meeting of the council, the conſervators of the peace, and the commiſſioners for publick burthens. In the hands of all theſe was lodged the authority of the kingdom, when there was no parliament. This motion was readily complied with, all the publick offices and poſts being, as I ſaid, filled with men of that party. In this aſſembly it was propoſed, that, conſidering the danger the kingdom was in, by reaſon of armies levying in the north of England, Scotland ſhould be put in a poſture of defence. As this could not be done without a parliament, or a convention of eſtates, it was urged, that there was an abſolute neceſſity of immediately ſummoning ſuch a convention. The marqueſs of Hamilton, and ſeveral others, ſtrongly oppoſed it, aledging, that for them to appoint a convention without the king's order, was an encroachment upon the royal prerogative in the higheſt degree: That his majeſty had promiſed to call a parliament in the year 1644, and therefore to hold a convention of eſtates before that time, without his privity, was directly contrary to the laws of the land. But their arguments were in vain. It was carried by the majority, that the lord chancellor ſhould ſummon a convention of eſtates, againſt the 22d of June. They make a diſtinction in Scotland between a convention of eſtates, and a parliament. The convention of eſtates is a court conſiſting of all the members of parliament; but as they are called, and ſit without the ſtate, or formalities uſed in parliament, ſo their power extends only to raiſe money or forces, but not to make or repeal laws.

Hamilton is made a duke. Ruſhw.

The king having notice of what was projecting in Scotland, immediately ſent thither the earls of Roxborough, Kinnoul, and Lanerick, with inſtructions concerning what they were to do for his ſervice. Theſe three lords arrived at Edinburgh, May 16, and brought the marqueſs of Hamilton a patent, creating him a duke. Beſide this, they preſented to the council a declaration from the king, wherein he endeavoured to diſplay the juſtice of his cauſe againſt the parliament of England. He vindicated his innocence with regard to all the aſperſions caſt upon him, particularly concerning religion, and repreſented very pathetically, the wrongs and injuſtices done him. As we have ſeen more than once what the king alledged in his vindication, I think it unneceſſary to inſert this declaration. I ſhall only obſerve, that he concluded with ſaying, "God " ſo deal with us, and our poſterity, as we " ſhall inviolably obſerve the laws and ſtatutes " of that our native kingdom, and the Proteſtant religion, the laws of the land, the " juſt privileges and freedom of parliament."

1643.

The king conſents to a convention of eſtates, with certain limitations. June 10.

Soon after, the king hearing that a convention of eſtates was ſummoned without his order or privity, eaſily perceived, this ſtep was not taken without an intention to ſupport it. He choſe, therefore, to permit them to aſſemble, but with expreſs order to limit their conſultations to the beſt ways and means of ſupplying the Scotiſh army in Ireland, and to relieving publick burthens by preſſing a ſpeedy payment of the brotherly aſſiſtance due from England. But the convention was by no means inclined to be thus reſtrained. When the eſtates met, the firſt thing in debate was the limitation in the king's letter of licenſe. The duke of Hamilton, with the king's other friends, voted it " no convention but as regulated by his ma" jeſty's letter;" but all the reſt voted it a free convention. The king pretended afterwards, the duke of Hamilton and his brother the earl of Lanerick, had not ſerved him with ſincerity, and if they had pleaſed, they might have hindered the convention from meeting. Some time after, theſe two lords repairing to Oxford, he ordered them to be apprehended, but the earl of Lanerick found means to eſcape, and his brother the duke was ſent down to be impriſoned in the caſtle of St. Michael's Mount in Cornwal. The earl of Clarendon in his Hiſtory ſupports, to the utmoſt of his power, the king's ſuſpicions of theſe two brothers, whilſt, on the other hand, there is, in the Memoirs of the dukes of Hamilton, a large vindication upon this article.

The parliament of England cauſes an eccleſiaſtical aſſembly to be held at Weſtminſter Ruſhw.

The convention of eſtates met the 22d of June, and the general-aſſembly of the kirk, the 2d of Auguſt. It is obſervable, it was in June that an ordinance of the parliament of England, was publiſhed for calling an aſſembly of divines and others, to be conſulted by both houſes, for ſettling the government and liturgy of the church of England, and that this aſſembly held their firſt ſeſſion the 1ſt of July, a few days after the meeting of the convention of eſtates in Scotland. The ſequel ſhewed with what deſign this aſſembly was appointed.

The precaution taken by the Scots was not ineffectual. They ſeem to have foreſeen what happened ſoon after; for in the interval between the propoſing a convention of eſtates, and the time of their meeting, the earl of Eſſex's army was ſeiſed with ſickneſs after the taking of Reading; the city of Briſtol fell into the king's hands; and Sir William Waller's forces were routed at Roundway-down. If the king's ſucceſſes had not received a check, by the raiſing of the ſiege of Glouceſter, and the battle of Newbury, it is very viſible, the parliament's affairs were in a very ill ſituation about the end of July and the beginning of Auguſt, that is, at the time the convention of eſtates, and the general-aſſembly met in Scotland. Accordingly, both houſes failed not to improve the precaution taken by the Scots, and which, in all appearance, had been ſuggeſted to them. As they ſaw their affairs were declining, they applied, without farther conſideration, to the convention of Scotland for aſſiſtance, and ſent commiſſioners, with full powers to treat. Theſe commiſſioners, who came to Edinburgh whilſt the king was approaching Glouceſter, found the eſtates of Scotland as well diſpoſed as they could wiſh.

The parliament ſend for aid to the eſtates of Scotland. Ruſhw. Clarend.

Both houſes had foreſeen, that the eſtates

tates of Scotland would demand, in return for their aſſiſtance, a poſitive engagement to eſtabliſh in the church of England a Presbyterian government, like that in the kirk of Scotland. It is ſcarce to be doubted, that ſome of the directors of the parliament's affairs had made ſuch a private agreement with them, tho' it cannot be proved by any publick acts; nay, very likely, the earl of Eſſex's army had been ſuffered to decay, on purpoſe to reduce things to ſuch a ſtate, that the aſſiſtance of the Scots ſhould be abſolutely neceſſary. At leaſt, it is hard to diſcover any other reaſon, that could have induced the parliament to ſuffer that army to remain unſerviceable, from the taking of Reading to the ſiege of Glouceſter. It appeared that this proceeded not entirely from inability, ſince, when the danger grew more imminent, means were found to enable the earl of Eſſex to relieve Glouceſter. Now it was preciſely whilſt the earl of Eſſex's army was thus neglected, that the parliament reſolved to deſire the aſſiſtance of Scotland. Be this as it will, both houſes ſent, with their commiſſioners, two declarations, one directed to the convention, the other, to the general aſſembly. The firſt was, only to deſire the ſpeedy aſſiſtance of the eſtates, and to inform them, that their commiſſioners had inſtructions to treat with them, not only concerning the ſatisfaction to be made for the deſired aid, but alſo about ſettling the accounts between the two kingdoms. In the ſecond, both houſes acknowledged the great zeal and love, manifeſted by the general aſſembly of the churches of Scotland, in their endeavours for the preſervation of the true Proteſtant religion, from the attempts of the popiſh and prelatical party, to the neceſſary reformation of church government in England, and the more near union of both churches. And, therefore, they exhorted the aſſembly to ſend into England ſome of their body, for the furtherance of that work in conjunction with the aſſembly of divines now ſitting at Weſtminſter. They declared alſo, that beſides their inſtructions in the civil matters of both kingdoms, the commiſſioners had received directions to reſort to and conſult with the general aſſembly of the kirk of Scotland, in every thing relating to the reformation of the church of England; and to that end, Mr. Marſhal and Mr. Nye, miniſters of God's word, were appointed to aſſiſt the commiſſioners with their advice.

With theſe declarations the commiſſioners found no difficulty in their negotiation. On the contrary, the general aſſembly addreſſed to the eſtates a declaration, containing the reaſons which ought to induce them to aſſiſt the parliament of England. The reaſons were to this effect:

The reaſons of the general aſſembly in Scotland for aſſiſting the parliament of England.

'The controverſy now in England being between the Lord Jeſus and anti-chriſt with his followers, if we would not come under the curſe of Meroz, we ſhould come out, and help the lord againſt the mighty.

'2. There was an act paſſed by the convention of eſtates, anno 1585, wherein the eſtates found it neceſſary to enter in a league and Chriſtian confederation, with all Proteſtant princes and eſtates, againſt the bloody league at Trent. Conformed to which there followed a league between the two crowns of Scotland and England, ſubſcribed at Berwick, 1586, againſt whatſoever foreign and inteſtine powers of Papiſts ſhould arrive or riſe. And, therefore, the cauſe being the ſame, as well as the parties, and the danger, we are bound to perform now, what we promiſed then.

'3. We ſtand obliged to England for old kindneſs to us, being in the ſame poſture then, that they are in now; for in the year 1556 and 1557, the eſtates of this land, finding the reformation of religion oppoſed by their own princes with arms and violence, and themſelves oppreſſed by the Popiſh army, ſought and obtained the aſſiſtance of an army from England, whereby they expelled the French army, made the pacification at Leith, held the parliament of 1560, eſtabliſhed the religion. Therefore they got new aſſiſtance from England to ſuppreſs the general Popiſh faction, whereby they took in the caſtle of Edinburgh from the laird of Grange; and in that publick printed prayer, prefix to the Pſalm Book, we ſolemnly promiſed never to forget their kindneſs againſt the French; and if we call to mind the manifeſtation of the lawfulneſs of the expedition into England, we ſtand obliged to them for their late kindneſs; for they not only refuſed to levy arms againſt us in the laſt troubles in 1639, but alſo did mediate for a treaty, did welcome and kindly entertain our army for a year, did freely beſtow upon us their brotherly aſſiſtance of 30,000 l. whereupon we acknowledged our thankfulneſs, not to conſiſt in affection and words at that time, but in the mutual kindneſs, and real declaration to be expected from the whole kingdom of Scotland, in all time to come; beſides ſolemn promiſes and vows repeated in our late declaration and information publiſhed to the world, wherein we aſſure them of our help in their need, as in the remonſtrance of the ſtates of Scotland, 1639, pag. 28. Remonſtrance of the parliament of England, 1640, pag. 15, 16. Intentions of the army of Scotland, near the end.

'4. The common danger imminent to both kirks and kingdoms, do invite us to help them; for we and they ſail in one bottom, dwell in one houſe, are members of one body, that according to their principles, if either of the two nations or kirks be ruinated, the other cannot long ſubſiſt. We have the ſame friends and foes, and many years experience hath taught us, what influence Popery and Prelacy in England, may have upon Scotland; for from thence came the prelates, the the ceremonies, the book of Common-Prayer, Service-book, and upon our refuſal, the bloody ſword came from thence; therefore we are to take England's condition to heart, as a common cauſe, to put forth our helping hand, if we tender religion, laws and liberties.

‘5. The common advantage redounding to both kirk and kingdoms, do perſuade help; for hereby we have a fair opportunity to advance uniformity in diſcipline and worſhip, which will prove the ſureſt bond of union and bulwark to both.

‘6. If we forſake England, we forſake our deareſt friends, who can beſt help us in caſe we be reduced to the like ſtraits hereafter by the common adverſary.

‘7. If we ſuffer the parliament of England to be cut off, we have loſt our peace with England. If the popiſh and prelatical faction do over-rule the parliament, we may expect war both from king and parliament, whereunto they will not want pretences. And we have reaſon to fear, that, ſeeing ſome of the malignants at home are reported to have vented, that the king was not tied to keep what he had granted to us, becauſe by calling and keeping of our convention, we have firſt broken to him.

‘8. If we ſhould deſert them at this time, yet as Mordecai ſaid to Eſther, “Deliverance ſhall ariſe to them from elſewhere, but we and our father's houſe may look for deſtruction;” and who knoweth but we are reſtored to our religion and liberties, to a free convention at this time, and made a mirror of God's mercy to all nations and kirks, that we may help our brethren of England?

‘9. That the only means for the procuring of a happy agreement betwixt the king and the parliament, is by putting up of the ſword, and ſaving chriſtian blood from being ſhed, ſuppreſſing of Papiſts, and eſtabliſhing religion in his dominions; for humble ſupplications and remonſtrances, reached out with naked hands, will not prevail with our adverſaries, who have invironed our king, and cloſed his ear to the cry of his ſubjects.

‘But it will be objected, ſeeing our religion and liberties are eſtabliſhed according to our own deſires; and ſeeing his majeſty's declaration to the whole kingdom, and letter to every nobleman and burrough; to give aſſurance for preſervation of the ſame without altering, we have no intereſt nor hazard, however buſineſs go in England; but ſhould keep ourſelves in peace and quiet.

‘1. Anſwer. In all the proceedings of this buſineſs we have from time to time declared, that neither verbal promiſes, nor fair declarations for maintaining religion and liberty could ſecure us, becauſe we have ſo often found Facta verbis contraria. As for example, the treaty of Dunce, when we confided to verbal gracious expreſſions of his majeſty's; yet afterwards they were denied, and burnt by the hands of the hangman, and an army levied againſt us. It was the counſel of Monſieur de Thou to the queen-regent of Scotland at St. Andrews, for reverſing our firſt reformation, to grant our predeceſſors in fair promiſes and declarations all that they craved, and when thereby they ſhould be divided, to interpret theſe by herſelf, and to take order with the heads of the opponers; and this policy was uſed by Charles IX, king of France, for the ſubverting of the Proteſtant religion in France, as witneſſeth Monſieur de Thou, L. 71. p. 463.

‘2. As we have found by former experience, that the eſtabliſhment of our firſt reformation by an act of aſſembly and parliament, could not ſecure us from the violent preſſing of innovations againſt both: and in the new remonſtrance of 1640, pag. 16. we have fully expreſſed, that no aſſembly or parliament, whereunto we faſtened our hopes, can be any ſafety for us, ſo long as our enemies ſit at the helm, and govern the king's council, and make his majeſty interpret laws contrary to the advice of judicatories of kirk and ſtate. And of late out mediation between him and his parliament was rejected, and our commiſſioners ſtopt from going to London, contrary to his own ſafe-conduct.

‘3. If the parliament of England that now is, be deſtroyed, who ſhall undertake for our ſafety? As the king's declarations cannot exceed his perſon, or ſecure us at the hands of his ſucceſſors, ſo we may perceive in the late diſcovery of the plots of the Scots, Engliſh, and Iriſh Papiſts, that theſe declarations can be no ſufficient ſecurity againſt the ſurpriſing of Papiſts and malignants, if they be permitted to carry arms within any of the kingdoms.

‘Secondly, It is objected, we are a poor people, not fit for ſuch an undertaking. To which we anſwer.

‘1. The repreſentative body of the kingdom now convened, can beſt ſatisfy this objection.

‘2. When God calls his people, and makes them willing, he gives them alſo ſtrength, that thro' him they may do valiantly.

‘3. God hath helped us in all enterprizes for his cauſe, and he will yet provide for us. We hope the wiſe convention of ſtates will ſee to the conditions, that the kingdom receive as little detriment as may be.

‘Thirdly, It is objected, they will not embrace a presbyterian government in the kirk, and ſo no hope of uniformity.

‘Anſwer, 1. They have already put out epiſcopal governmentr root and branch, neither will they, nor do the proteſtant kirks know of any other but presbyterial.

‘2. If any zealous man amongſt them have their ſcruples againſt presbyterial government, we truſt the Lord will reveal the truth unto them.

‘3. They have in many declarations expreſſed their reſolutions and deſires for uniformity.’

Covenant between the two nations approved in Scotland and England.

The aſſembly and convention having reſpectively appointed committees to treat with the Engliſh commiſſioners, it was agreed at the firſt conferences, that the beſt and ſpeedieſt means for accompliſhing the union and aſſiſtance deſired, was that both nations ſhould enter into a mutual covenant or league. This covenant was prepared in a very ſhort time, ſo that Auguſt the 17th, it was preſented to the eſtates and the general aſſembly, and approved by both the ſame day. On the morrow, being the 18th, it was ſent to England by the lord Maitland, afterwards duke Lauderdale. He was accompanied with Mr. Alexander Henderſon, moderator of the general-aſſembly, and Mr. Gilleſpy, both miniſters, as commiſſioners from the aſſembly to treat with the aſſembly of divines at Weſtminſter, about the union of the two churches.

If the Scots were diſpoſed to enter into a league with the Engliſh, theſe laſt were no leſs deſirous of it. Auguſt the 28th, ten days after the departure of the Scotch commiſſioners, the parliament of England conſented to the covenant. Immediately after, the aſſembly of divines were ordered by both houſes to frame an exhortation to the taking of the covenant, to be read publickly in all the churches. That done, the covenant was ordered to be printed and publiſhed, and appointed to be taken the 22d of September by all the members of parliament, and the aſſembly of divines, which was done with great ſolemnity. The covenant was as follows.

A ſolemn league and covenant for reformation and defence of religion, the honour and happineſs of the king, and the peace and ſafety of the three kingdoms of England, Scotland, and Ireland.

'WE noblemen, barons, knights, gentlemen, citizens, burgeſſes, miniſters of the goſpel, and commons of all ſorts in the kingdoms of England, Scotland and Ireland, by the providence of God living under one king, and being of one reformed religion, having before our eyes the glory of God, and the advancement of the kingdom of our Lord and Saviour Jeſus Chriſt, the honour and happineſs of the king's majeſty and his poſterity, and the true publick liberty, ſafety and peace of the kingdoms, wherein every one's private condition is included, and calling to mind the treacherous and bloody plots, conſpiracies, attempts and practices of the enemies of God againſt the true religion and profeſſors thereof in all places, eſpecially in theſe three kingdoms, ever ſince the reformation of religion, and how much their rage, power and preſumption are of late and at this time, encreaſed and exerciſed, whereof the deplorable eſtate of the church and kingdom of Ireland, and the diſtreſſed eſtate of the church and kingdom of England, and the dangerous eſtate of the church and kingdom of Scotland, are preſent and publick teſtimonies we have (now at laſt) after other means of ſupplication, remonſtrance, proteſtations and ſufferings, for the preſervations of ourſelves and our religion from utter ruin and deſtruction, according to the commendable practice of theſe three kingdoms in former times, and the example of God's people in other nations, after mature deliberation, reſolved and determined to enter into a mutual and ſolemn league and covenant, wherein we all ſubſcribe, and each one of us for himſelf, with our hands lifted up to the moſt high God, do ſwear:

'I. That we ſhall ſincerely, really and conſtantly, through the grace of God, endeavour in our ſeveral places and callings, the preſervation of the reformed religion in the church of Scotland, in doctrine, worſhip, diſcipline, and government, againſt our common enemies, the reformation of religion in the kingdoms of England and Ireland, in doctrine, worſhip, diſcipline according to the word of God, and the example of the beſt reformed churches; and we ſhall endeavour to bring the churches of God in the three kingdoms to the neareſt conjunction and uniformity in religion, confeſſing of faith, form of church government, directory for worſhip and catechiſing, that we, and our poſterity after us may, as brethren, live in faith and love, and the lord may delight to dwell in the midſt of us.

'II. That we ſhall in like manner, without reſpect of perſons, endeavour the extirpation of popery, prelacy, (that is church-government, by archbiſhops, biſhops, their chancellors and commiſſaries, deans, deans and chapters, archdeacons, and all other eccleſiaſtical officers depending on that hierarchy) ſuperſtition, hereſy, ſchiſm, profaneneſs, and whatſoever ſhall be found to be contrary to ſound doctrine, and the power of godlineſs, leſt we partake in other men's ſins, and thereby be in danger to receive of their plagues, and that the lord may be one, and his name one, in the three kingdoms.

'III. We ſhall with the ſame ſincerity reality and conſtancy, in our ſeveral vocations endeavour with our eſtates and lives, mutually to preſerve the rights and privileges of the parliaments, and the liberties of the kingdoms, and to preſerve and defend the king's majeſty's perſon and authority, in the preſervation and defence of the true religion and liberties of the kingdoms that the world may bear witneſs with our conſciences of our loyalty, and that we have no thoughts or intentions to diminiſh his majeſty's juſt power and greatneſs.

'IV. We ſhall with all faithfulneſs endeavour the diſcovery of all ſuch as have been or ſhall be incendiaries, malignants, or evil inſtruments, by hindering the reformation of religion, dividing the king from his people, or one of the kingdoms from another, or making any factions of party among the people, contrary to this league and covenant, that they may be brought to publick trial; and receive condign puniſhment, as the degree of their offences ſhall require or deſerve, or the ſupreme judicatories of both kingdoms reſpectively, or others having power from them for that effect, ſhall judge convenient.

'V. And whereas the happineſs of a bleſſed peace between theſe kingdoms, denied in former times to our progenitors, is, by the good providence of God granted unto us, and hath been lately concluded and ſettled by both parliaments, we ſhall, each one of us, according to our place and intereſt, endeavour, that they may remain conjoined ‘in a firm peace and union to all poſterity, and that juſtice may be done upon the wilful oppoſers thereof, in manner expreſſed in the preceding articles.

‘VI. We ſhall alſo according to our places and callings, in this common cauſe of religion, liberty, and peace of the kingdoms, aſſiſt and defend all thoſe that enter into this league and covenant, in the maintaining and purſuing thereof, and ſhall not ſuffer ourſelves directly or indirectly, by whatever combination, perſuaſion or terror, to be divided or withdrawn from this bleſſed union and conjunction, whether to make defection to the contrary part, or to give ourſelves to a deteſtable indifferency or neutrality in this cauſe, which ſo much concerneth the glory of God, the good of the kingdoms, and the honour of the king, but ſhall all the days of our lives zealiouſly and conſtantly continue therein, againſt all oppoſition, and promote the ſame according to our power againſt all letts and impediments whatſoever, and what we are not able ourſelves to ſuppreſs or overcome, we ſhall reveal and make known, that it may be timely prevented or removed; all which we ſhall do as in the ſight of God.

‘And becauſe theſe kingdoms are guilty of many ſins and provocations againſt God, and his ſon Jeſus Chriſt, as is too manifeſt by our preſent diſtreſſes and dangers, the fruits thereof: We profeſs and declare before God, and the world, our unfeigned deſire to be humbled for our ſins, and for the ſins of theſes kingdoms, eſpecially that we have not, a we ought, valued the ineſtimable benefit of the goſpel; that we have not laboured for the purity and power thereof; and that we have not endeavoured to receive Chriſt in our hearts, nor to walk worthy of him in our lives, which are the cauſes of other ſins and tranſgreſſions, ſo much abounding amongſt us. And our true and unfeigned purpoſe, deſire, and endeavour, for our ſelves, and all others under our power and charge, both in publick and in private, in all duties we owe to God and man, to amend our lives, and each one to go before another in the example of a real reformation; that the Lord may turn away his wrath and heavy indignation, and eſtabliſh theſe churches and kingdoms in truth and peace. And this covenant we make in the preſence of Almighty God, the ſearcher of all hearts, with a true intention to perform the ſame, as we ſhall anſwer at that great day, when the ſecrets of all hearts ſhall be diſcloſed; moſt humbly beſeeching the Lord to ſtrengthen us by his holy ſpirit for this end, and to bleſs our deſires and proceedings with ſuch ſucceſs, as may be deliverance and ſafety to his people, and encouragement to other Chriſtian churches, groaning under, or in danger of, the yoke of anti-chriſtian tyranny, to join in the ſame, or like aſſociation and covenant. To the glory of God, the enlargment of the kingdom of Jeſus Chriſt, and the peace and tranquillity of Chriſtian kingdoms, and commonwealths.’

Reaſon why the covenant was ſo readily taken in England

I have often ſaid, that the Preſbyterian party prevailed in the parliament of England. This party impatiently waited for an opportunity to eſtabliſh the Preſbyterian government in the church, and this ſeemed to them ſo favourable, that they reſolved not to looſe it. The affairs of the parliament were in an ill way. The king was become maſter of Briſtol. The earl of Eſſex's army was unſerviceable, and Waller's entirely diſperſed by the loſs of the battle of Roundway-down. Prince Maurice was with a good army in the weſt, where he met with no oppoſition. The marqueſs of Newcaſtle was maſter of all the north, and ſuperior in number of troops to the lord Fairfax in the county of York. In a word, the king was now beſieging Glouceſter, when the parliament's commiſſioners came to Edinburgh. Had he taken that place, the parliament would have had reaſon to fear a general defection, conſidering the advantages the king would have thereby received. The two houſes had, therefore, if I may ſo call it, no other refuge than the aſſiſtance of the Scots, an aſſiſtance which could not be procured, but by yielding them the article of uniformity, ſo paſſionately deſired by them, being, in their opinion, the ſole means of ſecuring the enjoyment of their liberties. So, thoſe of the parliament's party that were moſt attached to the church of England, clearly perceived, they muſt conſent to a change of church-government, or be expoſed to the riſque of loſing the fruit of all their labours, in caſe the king ſhould be reſtored by force of arms. Things ſtanding thus, they could not think it ſtrange, that the parliament ſhould conſent to an uniformity, in order to ſatisfy the Scots for their ſo neceſſary aſſiſtance. For this reaſon the covenant was taken without murmuring, and it was not perceived, that this proceeding would increaſe the number of the king's friends, as the parliament had ever dreaded, becauſe it was done at a juncture, when the neceſſity of it ſeemed unavoidable.

The king in vain forbids taking the covenant. Octob. 9. Ruſhw.

It is ordered to be taken in Scotland under ſtrict penalties. Ruſhw.

Soon after, the king iſſued out a proclamation to forbid the taking of the covenant, but it produced no great effect. On the contrary, the committee of eſtates did, by their printed act of October 22, ordain it to be ſworn and ſubſcribed by all the ſubjects, under pain of having their goods and rents confiſcated. After that, they ſummoned all the lords of the council to come and ſign it before them. The duke of Hamilton, and ſome others, refuſing to ſubſcribe it, the committee, by another act, of the 17th of November, ordered all their lands to be ſeiſed, and their perſons to be apprehended, with permiſſion to kill ſuch as reſiſted. Notwithſtanding all this, the king, at the duke's coming to Oxford, cauſed him, as I ſaid, to be arreſted.

After both kingdoms had agreed upon the covenant, the eſtates of Scotland appointed commiſſioners to treat with the Engliſh, concerning the aid deſired. The ſubſtance of the treaty, ſigned November the 29th, is as follows:

Treaty between England and Scotland.

‘1. That the covenant be ſworn and ſubſcribed by both kingdoms.

‘2. That an army ſhall be forthwith levied in Scotland, conſiſting of 18000 foot effective, and 2000 horſe, and 1000 dragoons effective, with a ſuitable train of artillery, to be ready at ſome general rendezvous near the borders of England, to march into England with all convenient ſpeed, the ſaid foot and horſe to be well and compleatly armed, and provided with victuals and pay for 40 days.

‘3. That the army be commanded by a general appointed by the eſtates of Scotland, and ſubject to ſuch reſolutions and directions as ſhall be agreed and concluded on mutually between the two kingdoms, or by committees appointed by them in that behalf.

‘4. That the charge of levying, arming, and bringing the ſaid forces together, as alſo the fitting the train of artillery, be computed and ſet down according to the ſame rates, as if the kingdom of Scotland were to raiſe the ſaid army for themſelves; all which for the preſent is to be done by the kingdom of Scotland upon accompt, and the accompt to be delivered to the commiſſioners of the kingdom of England, and when the peace of the two kingdoms is ſettled, the ſame to be repaid or ſatisfied to the kingdom of Scotland.

‘5. That this army be likewiſe paid, as if the kingdom of Scotland were to employ the ſame for their own occaſion; and towards the defraying thereof, ſhall be monthly allowed and paid the ſum of 30,000 l. ſterling by the parliament of England, out of the eſtates and revenues of the Papiſts, prelates, malignants, and their adherents, or otherwiſe; and in caſe the ſaid 30,000 l. monthly, or any part thereof, be not paid at the time when it ſhall become due, the kingdom of England ſhall give the publick faith for the paying of the remainder unpaid with all poſſible ſpeed, allowing the rate of 8 l. per cent. for the time of the performance thereof; and in caſe that notwithſtanding the ſaid monthly ſum of 30,000 l. paid as aforeſaid, the ſtates and kingdom of Scotland ſhall have juſt cauſe to demand farther ſatisfaction of their brethren of England, when the peace of both kingdoms is ſettled, for the pains, hazard, and charges they have undergone in the ſame, they ſhall by way of brotherly aſſiſtance have due recompence made to them by the kingdom of England, and that out of ſuch lands and eſtates of the Papiſts, prelates, malignants, and their adherents; and for the aſſurance thereof the publick faith of the kingdom of England ſhall be given them.

‘6. And to the end the ſaid army may be enabled and prepared to march, the kingdom of England is to pay in ready money to their brethren of Scotland the ſum of 100,000 l. ſterling at Leith or Edinburgh, by way of advance beforehand, which is to be diſcounted back again to the kingdom of England by the kingdom of Scotland, upon the firſt monthly allowance which ſhall grow due to the Scotiſh army, from the time they ſhall make their firſt entrance into the kingdom of England.

‘7. That the publick faith of the kingdom of Scotland will be given, to be jointly made uſe of with the publick faith of the kingdom of England, for the preſent taking up 200,000 l. ſterling in the kingdom of England, or elſewhere, for the ſpeedy procuring of the ſaid 100,000 l. ſterling as aforeſaid, as alſo a conſiderable ſum for the ſatisfying in good proportion the arrears of the Scotiſh army in Ireland.

‘8. That no ceſſation, nor any pacification or agreement of peace whatſoever, ſhall be made without the mutual advice and conſent of both kingdoms.

‘9. That the publick faith of the kingdom of Scotland ſhall be given to their brethren of England, that neither their entrance into, nor their continuance in the kingdom of England, ſhall be made uſe of to any other ends than are expreſſed in the covenant, and in the articles of this treaty; and that all matters of difference that ſhall happen to ariſe between the ſubjects of the two nations, ſhall be reſolved and determined by the mutual advice and conſent of both kingdoms, or by ſuch committees as for this purpoſe ſhall be by them appointed.

‘10. That the kingdom of England do oblige themſelves to aid and aſſiſt the kingdom of Scotland, in the ſame or like caſes of ſtreights and extremities.

‘11. That during the time that the Scotiſh army ſhall be employed, as aforeſaid, for the defence of the kingdom of Scotland, there ſhall be fitted out, as men of war, eight ſhips, whereof ſix ſhall be of burthen betwixt 120 and 200 tun, the other between 3 and 400 tun; all which ſhall be maintained at the charge of the kingdom of England, to be employed for the defence of the coaſt of Scotland, under ſuch commanders as the earl of Warwick for the time of his being admiral ſhall nominate, with the approbation of the committees of both kingdoms; which commanders ſhall receive from the ſaid earl general inſtructions, that they do from time to time obſerve the directions of the committees of both kingdoms.’

An army is got ready in Scotland

Rushw.

Tho' this treaty was not ſigned till November the 29th, the eſtates of Scotland were ſo ſecure, there would be no objections to the terms, that the troops of the moſt diſtant counties were now marching to the general rendezvous, whilſt the treaty was in hand. The very day the covenant was ſent to England, viz. Auguſt the 18th, a proclamation, was publiſhed in the king's name according to the uſual ſtile, commanding all the ſubjects of Scotland, from 16 to 60 years old, to provide themſelves with ammunition, arms, and 40 days proviſions, and to be ready to march for the defence of the kingdom. The king could not bear, that an order ſhould be publiſhed in his name to his ſubjects of Scotland, to arm themſelves againſt himſelf. He wrote a vehement letter to the council, commanding them expreſly to call in the proclamation, but it was to no purpoſe. The king ſeems not to have known, that in Scotland as well as in England,

land, in all ſtate-affairs, the king is never conſidered as ſeperated from the people, and that it is the uſual practice to publiſh all publick orders in the king's name, tho' they are prejudicial to his private intereſts. Hiſtory furniſhes us with numberleſs inſtances, and the king had found, by too frequent experience for ſome time in England, that in making war upon him, it was pretended to be for his honour and true intereſt. He himſelf pretended, that he waged war with both houſes in defence of the liberties of parliament. This is an effect of the conſtitution of the government, whereby the king as the head, and the people as the body, are deemed inſeperable. If they happen to be divided, it is not ſtrange, that each pretends to act for the good of the whole, ſince this pretenſion is made the ſole cauſe of their diviſion.

Manifeſto of the Scots.

Upon this foundation it was, that the eſtates of Scotland publiſhed two manifeſto's, wherein, ſuppoſing the king to have been, and ſtill to be, guided by pernicious counſels, they pretended not only, that they might juſtly aſſiſt the two houſes againſt him, but were bound in conſcience to make war upon him. They maintained, they had no other view, than to reſcue him from the dangers he willingly expoſed himſelf to, and to labour for his happineſs and glory. After all, this maxim is not wholly peculiar to England and Scotland. It has been followed in other ſtates during civil wars. All that can be ſaid, is, that many times the welfare of the king and ſtate, is only a cloke to ambition, revenge, and other criminal paſſions. But it is not impoſſible, that what is frequently a pretence only, may ſometimes be a very ſolid reaſon. It is the part of the wiſe and unbiaſſed, who ſeek only the truth, to diſtinguiſh the real motives which engage ſubjects to take arms againſt their ſovereigns, in ſtates where an abſolute and unlimited power cannot with reaſon be aſcribed to the prince, as in England and Scotland.

The king's anſwer.

The king made a long anſwer to theſe manifeſto's, but it was upon quite contrary ſuppoſitions. He pretended, both houſes of parliament had forced him to take arms in his own defence: That his conſent to the acts of the parliament of Scotland, was more than ſufficient to ſecure their religion and liberties: That his ſubjects of Scotland could not, without being guilty of treaſon, make war upon him on any pretence whatſoever, and other the like ſuppoſitions, which the Scots did not grant, as he did not thoſe made by them in ſupport of their pretended right. There is one, among others, which frequently occurs in the authors who have wrote on this ſubject, and which is admitted, or rejected, according as they lean to either party. And this obliges me juſt to mention it, in order to arm the reader againſt the prejudices of both.

Ruſhw.

In the treaty of peace concluded at London, 1641, there was this clauſe: "That the kingdom of Scotland ſhall not denounce nor "make war againſt the kingdom of England, "or Ireland, without conſent of the parliament "of Scotland; nor, on the other hand, the "kingdom of England make war againſt Scotland, without conſent of the parliament of "England. And in caſe any of the ſubjects "of any of the kingdoms ſhall riſe in arms, "or make war againſt any other of the kingdoms and ſubjects thereof, without conſent "of the parliament of that kingdom whereof "they are ſubjects, or upon which they do depend, that they ſhall be held as traitors to "the ſtates whereof they are ſubjects. And that "both the kingdoms, in the caſes aforeſaid, be "bound to concur in the repreſſing of thoſe "that ſhall happen to riſe in arms, or make "war without conſent of their own parliament."

The king ſuppoſing that the Scots, in aiding the parliament againſt him, intended to make war upon England, inferred from this clauſe, that they were guilty of treaſon. This inference was founded not only upon the ſuppoſition above mentioned, but alſo upon the convention of eſtates not being a true parliament, and moreover upon his having given them licenſe to meet, but with ſuch limitations as had not been obſerved. The Scots ſuppoſed on the contrary, that, far from intending to make war againſt England, their deſign was to aid and defend that kingdom againſt the Popiſh and prelatical party, and reſcue the king out of their hands. Thus, what the king called invading England, the oppoſite party called aſſiſting it. This muſt always be remembered when we read the hiſtory of thoſe days.

Ruſhw.

The Scotch army entered England, January 15, 1643-4. But it is not yet time to relate what they did there; it will be neceſſary firſt, to ſpeak of what paſſed concerning relland, and of ſome other important occurrences of the year 1643.

Affairs of Ireland.

As to Ireland, the ſucceſs of the firſt campaign had been ſo equal on both ſides, that neither could boaſt of having gained any great advantage. The point was to continue the war, each rightly judging, peace would be always very remote, ſo long as things remained in a ſtate of equality; and, therefore, the king and the parliament thought of ſtrengthening themſelves againſt the enſuing campaign. The treaty of Oxford not ſucceeding, as was eaſy to foreſee, the king thought of means to employ at home the Engliſh troops that ſerved in Ireland, and to that purpoſe, of making a truce with the rebels. As this notable project could not but be odious to the Engliſh, and render ſuſpicious all the king's proteſtations with reſpect to the Iriſh rebellion, he ſaw himſelf obliged to uſe more caution, to procure an exeuſe to conclude this ceſſation. This he did by engageing the lords-juſtices of Ireland, and the council of Dublin to countenance his project. But as I may be accuſed of aſcribing to the king motives he never had, I think it incumbent on me to alledge here the unqueſtionable teſtimony of the lord Clarendon. The reader will find it in Vol. II. p. 318. Fol. Edit.

The king forms a project of making a truce with the Iriſh rebels.
Borlace.

"The king was not all this while without "a due ſenſe of the dangers that threatened "him in the growth and improvement of the "power and ſtrength of the enemy, and how "impoſſible it would be for him, without

" ſome more extraordinary aſſiſtance, to reſiſt " that torrent, which he foreſaw by the next " ſpring would be ready to overwhelm him, if " he made not proviſion accordingly. And " finding by degrees, that it was not in his " power to compoſe the diſturbances of England, or to prevent thoſe of Scotland, and " abhorring the thought of introducing a foreign nation to ſubdue his own ſubjects, he " begun to think of expedients which might " allay the diſtempers in Ireland; that ſo, " having one of his kingdoms in peace, he " might apply the power of that towards the " procuring it in his other dominions. He " was not ignorant, how tender an argument " that buſineſs of Ireland was, and how prepared men were to pervert whatſoever he " ſaid, or did in it; and therefore he reſolved to proceed with that caution, that whatſoever was done in it, ſhould be by the " council of that ſtate, who were underſtood " to be moſt skilful in thoſe affairs."

Hence it is evident, that the king's deſign in making a truce with the Iriſh rebels, was to employ the Engliſh forces which ſerved in that kingdom, to ſubdue the parliament; and that, to avoid the reproaches which might be caſt on him for it, he reſolved ſo to manage, that it ſhould appear to be done by the council of Ireland, that is, by the lords-juſtices, and the reſt of the council. In the paſſage I have quoted, the lord Clarendon inſinuates, that the king came not to this reſolution till about the end of the year 1643, that is, when he was ſure the Scots were to ſend an army into England. For, after relating what had paſſed during the campaign of 1643, the parliament's negotiations in Scotland, the covenant of both kingdoms, the reſolution taken in Scotland to aid the two houſes, the calling of the Oxford parliament, which was not done till December the ſame year; he comes, at laſt, to ſpeak of the king's reſolution, to make uſe of the Engliſh troops that were in Ireland. " The king (ſays he) was not " all this while without a due ſenſe of the " dangers that threatened him, and how impoſſible it would be for him to reſiſt that " torrent, which he foreſaw by the next ſpring " would be ready to overwhelm him. ---- He " began therefore to think of expedients which " might allay the diſtempers of Ireland." It is, however, certain, the king reſolved to make truce in Ireland long before the parliament's negotiation with Scotland, and before the Scots reſolution to levy an army. And what invincibly proves that the king was determined, before the engagement of the Scots, is, that the Iriſh truce was ſigned the 15th of September, 1643, after a long negotiation. Thus, the lord Clarendon's inſinuation, that the king did reſolve to employ the Engliſh forces of Ireland, only to ſecure himſelf againſt the torrent that was ready to overwhelm him, being very ill-grounded, confirms what will be ſeen hereafter, that he was not induced by neceſſity to make a truce with the Iriſh rebels, but by the hopes of ſubduing the parliament with theſe additional forces.

The king's pretence to conclude this truce.

To have a pretence to conclude this truce, the king believed, the beſt way was to perſuade the publick, it would be extremely advantageous, or rather was abſolutely neceſſary, to the Engliſh in Ireland, and their only refuge, to preſerve what they ſtill poſſeſſed in that country. He had complained ſeveral times, that the parliament neglected the Iriſh war, and would have had a numerous army ſent thither. But, as I ſaid before, the parliament ſuſpecting, the king's view was only to weaken them by that diverſion, were contented with ſending from time to time a few ſupplies to continue the war, beſides the Scotch troops which made a great diverſion in the north. Theſe ſupplies, tho' inconſiderable, had, however, produced this good effect, that the rebels, inſtead of making greater progreſs, had on the contrary loſt much ground, after ſeveral defeats. They were, however, ſtill much ſuperior to the Engliſh, and tho' the Engliſh and Scotch forces were able to curb them a little, they were not ſtrong enough to hope to reduce them to obedience; nay, it was to be feared, they would in the end be overpowered with numbers, eſpecially as the parliament, engaged in a war with the king, could not ſend a powerful aid into Ireland, for fear of leaving England unprovided. This was the pretence uſed by the king to conclude a truce with the rebels.

Perplexity of the lords juſtices of Ireland.

In the ſituation of affairs, ſince war had been declared between the king and the two parliaments, the lords-juſtices who governed Ireland, were greatly embarraſſed. They had been commiſſioned by the king, and conſequently from him they were to receive their orders. But on the other hand the parliament having taken upon them to pay the charges of the Iriſh war, they could not openly declare for the king, without forfeiting the aſſiſtance of the parliament, the king being not in a condition to ſupply them. A perfect neutrality was not poſſible, becauſe the king and the parliament's intereſt being oppoſite, they could not implicitely obey the one, without being ſuſpected by the other. They choſe, therefore, to try to content both, as far as it was poſſible, and the rather, as the king, and the parliament expreſſed an equal deſire to end the Iriſh war. But they could not remain long in this ſituation. Such was their caſe at laſt, that it was not poſſible for them to pleaſe both. The parliament having ſent in October, 1642, a committee to Dublin to aſſiſt the council, and ſettle with the lords-juſtices, what related to the continuance of the war, theſe commiſſioners were, at firſt, received with reſpect, but in February, 1644, by the king's expreſs orders, were ſent back to England. The king was well pleaſed the parliament ſhould ſupply what was neceſſary for continuing the war, but unwilling they ſhould have any ſhare in the government of Ireland, or their commiſſioners a place in the council of ſtate. Soon after, he removed ſome of the lords-juſtices and counſellors. Probably, he was then forming the project of a truce with the rebels, and wanted for that purpoſe, that the lords-juſtices, and all the counſellors ſhould be diſpoſed to act only

Some of the lords-juſtices and counſellors removed by the king. Borlace.

ly by his orders. Beſides, on this ſuppoſition, the parliament's commiſſioners could not but be a great impediment, had they continued to aſſiſt at the council of ſtate. From that time alſo, the inſtances of the lords-juſtices to the king and parliament for aid, became more preſſing and frequent. They repreſented the ſtate of the Engliſh in Ireland, as entirely deſperate, without a ſpeedy ſupply of men, money, and ammunition. They ſaid, the forces were very importunate for leave to return to England. In a word, they omitted nothing that was to apt create a belief, there was no remedy. On the other hand, ſome officers of the Engliſh army preſented a remonſtrance to the lords-juſtices, April the 4th, 1643, declaring, they were reduced to deſpair for want of money to ſubſiſt, and that it ought not to be thought ſtrange, if in their caſe they ſhould have recourſe to the firſt and primary law of nature, which God hath endowed men withal viz. the law of ſelf-preſervation. If to theſe ſo earneſt complaints be added, what the lord Clarendon affirms, that the king reſolved to proceed, that every thing ſhould appear to be done by the council of Ireland, the ſending back of the parliament's commiſſioners, and the changes among the lords-juſtices, and members of the council, one can ſcarce help ſuſpecting theſe complaints to be all begged, on purpoſe to ſerve for pretence to the ceſſation This ſuſpicion ſeems the more probable, as at that time the affairs of the Engliſh in Ireland were upon a very good foot, and as the marqueſs of Ormond had juſt gained at Roſs, a ſignal victory over the rebels. Accordingly the lords-juſtices, and other officers, took care not to make the progreſs of the rebels the ground of their complaints, but only the want of money, proviſions and ammunition.

Ruſhw.

Clarend.

The king impowers the marqueſs of Ormond to treat with the rebels. Ruſhw.

However this be, the remonſtrance of the officers being ſent to the king, he took occaſion from thence to ſend the marqueſs of Ormond a commiſſion, impowering him to treat with the rebels, and agree with them upon a ceſſation of arms for one year. He gave notice of it to the lords-juſtices, in a letter April the 23d, 1643, commanding them to aſſiſt the marqueſs in the execution of his commiſſiion to the utmoſt of their power. The date of this commiſſion is remarkable, for it evdently ſhews, that the Scots reſolution to aſſiſt the parliament, which was not taken till the following Auguſt, was not the cauſe of the Iriſh truce.

The lords juſtices are very urgent for aid. Ruſhw:

May the third, the king renewed his orders to the marqueſs of Ormond concerning the truce. But before the marqueſs had received theſe freſh orders, the lords-juſtices had wrote to the king, the 11th of the ſame month, a very expreſſive letter, repreſenting the miſerable condition of Ireland in ſuch terms as ſhewed, that every one was reduced to deſpair for want of money, and proviſions, tho' till then the Engliſh forces had been crowned with ſucceſs againſt the rebels.

The king ſends their letter to the parliament. Ruſhw.

The king, who meant to take an advantage from this letter, to demonſtrate to the publick, the neceſſity of the ceſſation he intended to conclude, ſent it to both houſes, who immediately took this affair into conſideration. A committee was appointed, with orders to think of ways to raiſe money for Ireland. Upon the report of the committee, the parliament reſolved to raiſe money by voluntary contributions, and offered very advantageous terms to ſuch as ſhould advance the ſums required. But notwithſtanding this, the king, July the 2d, diſpatched, freſh orders to the lords-juſtices, and the marqueſs of Ormond, to conclude a truce for one year, which they have been already endeavouring. From the 20th of June, the general council of the Iriſh, aſſembled at Kilkenny, had granted a commiſſion to treat.

The king ſends new orders about the truce. Ruſhw.

September the 7th, the king repeated his orders, to the marqueſs of Ormond, to conclude the truce as ſoon as poſſible. At the ſame time, he ordered him to ſend into England, all the Engliſh forces that could be ſpared after the concluſion of the truce. His reaſon was, and he could juſtly ſay it then, that an army was preparing in Scotland to invade England; but there was no mention of that article in the foregoing orders.

The truce ſigned.

At length, the ceſſation was ſigned the 15th of September, on the condition that both parties ſhould remain in poſſeſſion of what they held. The king founded the neceſſity of it; firſt, upon a remonſtrance preſented to him the firſt of December, 1642, by four colonels, as well as their own, as in the names of many other officers, who ſerved in the army of Ireland, wherein they told him it was impoſſible to ſubſiſt any longer, if means were not found to ſupply their preſſing wants. Secondly, upon the repeated letters ſent from the lords-juſtices to the king and parliament, ſince January, 1642-3, wherein they ſaid, the army was going to periſh in few days, for want of aſſiſtance. Thirdly upon the forementioned remonſtrance of the 4th of April, wherein they pretend a few hours delay to aſſiſt them, would be too long, nevertheleſs this army was reduced to extremity the firſt of December, 1642, found means to ſubſiſt till the 15th of September, 1643, tho' the lords-juſtices complained, they had received no ſupplies ſince November. This is a clear evidence, that all theſe complaints where very much aggravated by the private direction of the king, who meant to uſe them for pretence to the truce. This was what the parliament repreſented in a declaration publiſhed on account of the Iriſh ceſſation, before they had notice of its being concluded: They complained very ſtrongly, that they were never acquainted by the ſtates of Ireland, with a treaty of a ceſſation, much leſs was their advice demanded notwithſtanding, that by act of parliament, and by his majeſty's commiſſion under the great ſeal, both houſes were to adviſe, order, and diſpoſe of all things concerning the government and defence of that kingdom. They ſaid that to accompliſh more eaſily this diſhonourable ceſſation, thoſe of the ſtate in Dublin, who were ſo honeſt and religious as to diſſuade it, were firſt diſcountenanced, and at laſt put out of their places, and reſtrained to priſon, as

Sir William Parſons, one of the lords-juſtices, Sir John Temple, maſter of the rolls, Sir Adam Loftus, vice-treaſurer of Ireland, and Sir Robert Meredith, one alſo of the council-table. That it was made only with a view to diſcourage thoſe who had ſubſcribed to advance money upon the parliament's propoſals, in order to render impoſſible the maintenance of the army in Ireland, and to employ it in England, to the deſtruction of the parliament. For theſe and many other reaſons, which I omit to avoid tediouſneſs, both houſes declared the intended ceſſation void, promiſing to indemnify thoſe who ſhould refuſe to ſubmit to it.

Part of the Iriſh army land in England,

In the interim, the king who was aſſured of the concurrence of the lords juſtices, the council of ſtate, and the marqueſs of Ormond, general of the army, ſo ordered it, that after the concluſion of the truce all the Engliſh troops that could be ſpared were ſent to him. Theſe forces landed at Moſtyn in Flintſhire, and their firſt attempt was upon Hawarden-caſtle, which was ſurrendered to them December the 4th. Then they took ſome other ſmall places in Cheſhire; after which the lord Byron, who commanded for the king in thoſe parts, beſieged Nantwich, January the 15th, 1643-4. Three days after, making a ſudden and violent ſtorm upon five ſeveral places of the town at once, he was every where repulſed with the loſs of many of his men. At laſt, the 21ſt of the ſame month, the lord Fairfax, who advanced to relieve the town, entirely routed the Iriſh army, conſiſting of 3000 foot, (who were almoſt all ſlain or taken priſoners,) and of 1800 horſe, moſt of whom eſcaped by flight, but were ſo diſperſed that they could be of no farther ſervice to the king. Colonel George Monk was taken in this action, and ſent priſoner to the tower of London, where he remained ſome time, till at laſt he took arms under the parliament. Thus the king received no advantage by theſe troops, nay, they rather did him great prejudice, in that, by all his proceedings to procure them, he confirmed the miſtruſt entertained by many people, of his being concerned in the Iriſh rebellion.

and are entirely routed by the lord Fairfax. Ruſhw.

Several events of 1643.

Not to interrupt the thread of the military actions, and of what paſſed in Scotland and Ireland, I have been forced to paſs over ſeveral important events of this year 1643, of which it will be neceſſary to ſpeak, tho' without any connection, as they are of a different nature. The reader will eaſily, by obſerving the dates, perceive their relation to the general affairs. I ſhall begin with certain projects framed at London, to compel the parliament to make peace whilſt the armies were in the field.

A plot to force the parliament to a peace.

The king was ever ſtrongly poſſeſſed with the notion, that fear alone held moſt of the people attached to the parliament, and that if he procured them a good opportunity to hold up their heads, he ſhould oblige both houſes to make a ſpeedy peace, without demanding the ſecurities, which made the principal obſtacle. This was his favourite ſcheme, as well as of his miniſters, his council, his friends and adherents in London and elſewhere; and this was the ſpring of ſeveral projects to force the parliament to a peace. It would, indeed, be very ſtrange, that ſo many able men ſhould be of this opinion, without any manner of foundation. But on the other hand, one knows not what to think, when it is conſidered, that of ſo many projects, built upon this ſuppoſition, not one ſucceeded, which ſeems to argue that majority of the people were not for the king. However this be, li is certain, the king had many friends in London and in the parliament itſelf, who ſerved him artfully, by pretending to dread that the war would be deſtructive to the parliament; and thereby they endeavoured to infuſe a real terror into the people, and incline them by degrees to wiſh and ſue for peace. Theſe men inceſſantly plotted to ſow diſcord between the parliament and the people. As it was neceſſary for them to hold private correſpondence with the court, in order to act according to directions, his majeſty ſent frequent meſſengers to London, ſometimes ſecretly, ſometimes openly, under colour of bringing meſſages to the parliament, in order to convey his inſtructions to his friends, and be exactly informed of what paſſed in both houſes and the city. With this view in December, 1642, he publiſhed for the ſake, as was pretended, of the inhabitants of London, a proclamation for the free and ſafe paſſage of all goods, wares and merchandizes to the city; but the commons ſuſpecting ſome hiden myſtery under this condeſcenſion, paſſed the next month two orders, the one, that no carriers or waggoners ſhould be permitted to go to Oxford or elſewhere, without ſpecial licenſe from the parliament: The other, that any agent or ſervant to any perſon that was in arms againſt the parliament, who ſhould preſume to come to Weſtminſter, or reſide about London, ſhould be forthwith apprehended as a ſpy. The 10th of April following, theſe orders were renewed, and even extended to all perſons that ſhould come from the king's quarters to London without a ſafe-conduct, and the ſame was printed and publiſhed.

In all appearance, the king, who had ſo many correſpondents in London, was not ignorant of this order. Nevertheleſs, on pretence it was not ſignified to him in form, he ſent a meſſage to the parliament, with an offer of peace in general terms, without demanding a ſafe-conduct for the bearer. But the commons, reſolving to ſtop the courſe of theſe artifices, which ſerved to carry on the king's private correſpondence in London, ordered the meſſenger to be ſent to priſon, for coming without a ſafe-conduct. Three days after, to ſhew the people, the king vainly amuſed them with hopes of a peace, they impeached the queen of high-treaſon, and ſent up the impeachment to the lords by Mr. Pym. The king, full of indignation at this extraordinary proceeding, publiſhed a proclamation, to forbid obedience to the orders of both houſes, declaring, he acknowledged them no longer for houſes of parliament.

The king forbids obedience to both houſes.

Affairs were in this ſituation, when both houſes diſcovered a conſpiracy formed in London, under colour of procuring peace refuſed by the parliament. I ſhall give the particulars of this conſpiracy, as they were communicated to the lords by Mr. Pym, at a conference between the two houſes. He told them,

Ruſhw. 'I. That the conſpiracy was formed of a mixture and conjunction of perſons of ſeveral qualities, ſome whereof were of both houſes of parliament, others of the city, and others belonging to the court, who in their reſpective places and employments were to form and perfect the work, raiſed out of the aſhes of the late petition of London for peace.

'II. The chief actors were Mr. Waller, a member of the houſe of commons, who pretended, and gave out to the reſt, that many others of that houſe, and of the lords, were privy to and concerned therein; Mr. Tompkins, a gentleman living in Holborn, brother-in-law to the ſaid Mr. Waller, and a ſervant to the queen, as being ſecretary to the commiſſioners for her majeſty's revenue; Mr. Challoner, an eminent citizen; one Mr. Blinkard; Mr. Alexander Hampden, who brought the laſt meſſage from the king; Mr. Haſſel, one of his majeſty's meſſengers, &c.

'III. The method was, for ſeveral perſons in the city to diſpoſe of themſelves into a committee, to hold intelligence with both armies, the court, and the parliament, to take a general ſurvey of the affections of all the inhabitants within the weekly bills of mortality, which was to be done under theſe three ranks, right men, (or of the king's party) averſe men (or the well-affected to the parliament) and moderate men, (or neutrals;) to conſider of arms, ammunition, and all proviſions of war, to appoint out of themſelves ſelect perſons to treat with Mr. Waller and Mr. Tompkins in relation to the city, court, and parliament; as alſo with Sir Nicholas Criſp, Sir George Binion, captain Roydon, and others at Oxford.

'IV. Mr. Waller's part, was to engage a conſiderable part of the lords and commons, and to be a means of conveying counſels, reſolutions and intelligence between them and the ſaid city-committee. Mr. Tompkins was not only an aſſiſtant to Mr. Waller therein, but an inſtrument to convey by Haſſel and others their proceedings to the court, principally to the lord Falkland, and to receive thence directions, powers, and commands.

'V. For preventing diſcovery, proteſtations of ſecrecy were taken, as they were Chriſtians not to diſcloſe it, and no man in the city was to endeavour the engaging above two, whereby no one man could impeach many.

'VI. From the court, Mr. Heron and Mr. Alexander Hampden, and others employed upon meſſages from the king to the parliament, were to convey directions, encouragements, and advice to thoſe in London, and authority was to be given under the great ſeal, and warrants under the king's hand for ſettling a council of war, naming of generals and other officers, execution of martial law, raiſing of money, and providing arms; and to facilitate the whole, part of the king's forces to be in readineſs to aſſiſt the party here, as there ſhould be occaſion.

'VII. The particulars of the deſign itſelf were, to ſeiſe the king's children, to ſecure ſeveral members of parliament, particularly the lords Say and Wharton, Mr. Pym, Sir Philip Stapleton, colonel Hampden, and colonel Strode, as alſo the lord-mayor and committee of the militia, under pretence of bringing them to a legal tryal; to ſeiſe upon the outworks, forts, magazines, gates, and other places of importance in the city, and tower, and let in the king's forces, and in the mean time to reſiſt and obſtruct all payments, impoſed by authority of the two houſes for ſupport of their armies.

'VIII. For their authority they had the following commiſſion brought up by the lady Aubigney, (who was under cuſtody) the ſaid commiſſion being found hid under-ground in Mr. Tompkin's cellar.

'IX. In purſuance of this commiſſion, they had often conſulted of a general, and treated with Sir Hugh Pollard, priſoner in the compter (once a member of the houſe of commons, but expelled, being accuſed of having an hand in the deſign to bring up the northern army againſt the parliament,) about it. And a declaration was ready drawn, ſetting forth, the cauſe of their taking up of arms to be in purſuance of their late proteſtation, to maintain the true reformed Proteſtant religion againſt all Papiſts and ſectaries, to oppoſe illegal aſſeſſments, &c. which was to be diſtributed to their friends, and on the night of their riſing ſet upon the poſts round about London. Concerning which time of their riſing they had alſo conſulted, (of which preciſe notice was to be ſent to Oxford, as to the day and hour) and ſome moved to have it done on Wedneſday the laſt of May (being the faſt-day, and the very next day after the the firſt intimation was given towards a diſcovery) but it had been put of, and not fully concluded, it being ſaid, it ſhould be left to the lords to determine, whom Waller pretended ſhould ſide with them. Mr. Haſſel, lay cloſe at Beaconsfield, and had word ſent, the great ſhip was come in the Downs, by which he was to underſtand, that the deſign was near ripe; and he acquainted the lord Falkland at Oxford therewith, and received anſwer, that they ſhould haſten it with all ſpeed, and when they were ready, 3000 of the king's forces were to advance from Oxford within 15 miles of London, to be ready upon notice to fall into the works, and aſſiſt; and white ribbons or tape, was agreed to be worn by all concerned in this action to diſtinguiſh them."

The lord Clarendon, who is very large upon this conſpiracy, denies neither the plot itſelf, nor the king's commiſſion, brought to London by the lady Aubigney; but urges that the parliament confounded in one ſingle plot, two different projects, the firſt formed by Waller, Tompkins, and Challoner, who were at London, and the other by Sir Nicholas Criſp, who being recorder of London, had been impriſoned, and making his eſcape, had retired to Oxford. Very well; but whether there were two plots or one, it is no leſs apparent, that the king's deſign was to compel the parliament to a peace, and that his frequent meſſages to both houſes, with offers of peace, were often but artifices to carry on his correſpondence in London.

Oath agreed on by the two houſes. June 6. Ruſhw.

This diſcovery cauſed both houſes to reſolve to unite themſelves ſtill more ſtrictly together, by a new covenant or oath, tendered to all the members, and afterwards to the army, and ſuch of the people as were willing to take it. Tompkins, Challoner, and two other conſpirators were hanged; but Waller ſaved his life, paying a fine of 10,000 l. and was baniſhed the kingdom. Hampden died in priſon before his ſentence, and Haſſel died likewiſe the night before his tryal. The ill ſucceſs of this plot, prevented not the like from being contrived the next Auguſt.

New plot. Auguſt.

Since the miſcarriage of Waller's conſpiracy, the king had a train of ſucceſſes, which revived the courage of his friends at London, who began to be diſmayed; the lord Fairfax was defeated at Atherton in Yorkſhire; the queen was come to his majeſty with a conſiderable ſupply; Waller was entirely routed at Roundway-down; and the king, now maſter of Briſtol, was preparing to beſiege Glouceſter. Thus crowned with ſucceſs, he thought it a favourable opportunity to force the parliament to a peace, and all his London friends began to uſe their endeavours. Whether this project came from the court, or the king had only approved of it, he believed it requiſite to prepare the minds of the people by a publick declaration, to this effect:

The king's declaration after his ſucceſſes to prepare the people. Clarend.

'As the grievances and loſſes of no particular perſons could be compared to the damage he himſelf ſuſtained; ſo a peace could not be ſo welcome to any man as to him. God Almighty knew, with what unwillingneſs, and anguiſh of ſoul, he ſubmitted to the neceſſity of taking up defenſive arms. And the world knew, with what juſtice and bounty he had repaired his ſubjects for all the preſſures they had born, by ſuch excellent laws, as would for ever have prevented the like; and with what earneſtneſs he deſired to add any thing, for the eſtabliſhment of the religion, laws, and liberty of the kingdom; all which had been evidently invaded by thoſe who had ſacrificed the publick good to their own ends. He well remembered the proteſtation made by him, at the head of his army, "to defend and maintain the true reformed Proteſtant religion, and if it ſhould pleaſe God to bleſs his arms with ſucceſs, he would maintain the juſt privileges and freedom of parliament, and govern by the known laws of the land, for whoſe defence that army was only raiſed." And there could not be a more ſeaſonable time to renew that proteſtation than now, when God had vouchſafed him ſo many victories, which would hinder him from falling under the ſcandalous imputation, that his meſſages of peace proceeded from the weakneſs of his power, not love of his people. He declared therefore to all the world, in the preſence of God, that he was ſo far from intending any alteration of the religion eſtabliſhed, in which he was born and bred, and would reſolutely die, or from the leaſt thought of invading the liberty and property of the ſubjects, or violating the juſt privileges of parliament; that the preſervation of the eſtabliſhed religion, the laws, the liberties of the people, and the juſt privileges of parliament, ſhould be equally his care, as the maintenance of his own rights. Whether thoſe that were enemies of the eſtabliſhed eccleſiaſtical government, who perſecuted the learned, orthodox miniſters, and put into their places, ignorant, ſeditious, and ſchiſmatical preachers, who vilified the book of Common-Prayer, and profaned God's worſhip, were like to advance religion: Whether thoſe who, without the leaſt ſhadow of law, impoſed exhorbitant taxes upon their fellow ſubjects, impriſoned, tormented, and murthered them, were like to preſerve the liberty and property of the ſubject: And whether thoſe who had invaded the juſt rights of the crown, denied the king his negative voice, awed and terrified the members of both houſes, were like to vindicate the privileges of parliament, all the world might judge.' In a word, after ſeveral invectives againſt the two houſes, he concluded with ſaying: 'Whoſoever have been miſled, by thoſe whoſe hearts from the beginning have deſigned all this miſchief, and ſhall redeem their paſt crimes, by their preſent ſervice and loyalty, in the apprehending or oppoſing ſuch who ſhall continue to bear arms againſt us, and ſhall uſe their utmoſt endeavours to reduce thoſe men to their due obedience, and to reſtore the kingdom to its wonted peace, ſhall have cauſe to magnify our mercy, and to repent the treſpaſſes committed againſt ſo juſt and gracious a ſovereign.'

It is not difficult to perceive, that by this declaration, and eſpecially by the latter part of it, the king's view was to excite and authoriſe an inſurrection in London againſt both houſes, and what happened preſently after puts it entirely out of doubt. This declaration was, therefore, a preparative for the execution of a plot, to compel the parliament to a peace. Undoubtedly, the king was really deſirous of a peace; but it muſt be always remembered, what peace it was he ſo earneſtly wiſhed. It was a peace that it ſhould re-inveſt him with all his prerogatives, after which, he promiſed to govern according to the known laws of the land. But in this promiſe lay the whole difficulty of the peace the parliament pretending it could not be relied on, and the king offering no other ſecurity than his word, tacitly ſuppoſing it to be a crime to doubt his ſincerity.

This declaration was no ſooner publiſhed

The houſe of lords propoſe to ſend offers of peace to the king. Clarend.

than the king's friends began their uſual artifices in London, they affected an extraordinary terror, cauſed by the proſperous ſucceſs of the king's arms, and inſinuated, that the conſequences ſhould be prevented by a peace. But as the example of Tompkins and Challoner had effectually terrified the king's moſt devoted friends, not one dared openly to expoſe himſelf to the ſame danger. It was, therefore, reſolved among them, that the houſe of lords ſhould firſt break the ice, and propoſe a peace to the commons, which ſhould be ſeconded by the king's friends in London. The upper-houſe conſiſted but of few peers, ſome of whom were either openly or privately for the king. Others were his enemies, and ſome were ready to follow the ſtream which way ſoever it carried them. Theſe laſt were the men the king's party ſtrove to gain by various means, in order to be ſuperior in the houſe of lords, ſome by promiſes, others by threats, and ſome again by way of perſuaſion, intimating to them the abſolute neceſſity of a peace. In ſhort, they ſecured a majority of voices in the upper-houſe; not that all they prevailed with, abſolutely promiſed to be devoted to the king; (that was not the point) but only to agree that a peace ſhould be propoſed by their houſe, which could not be conſidered but as a very innocent thing. The managers of this contrivance took care, not to propoſe a peace without terms ſuch as the king deſired. That alone had been ſufficient to make them loſe ſome of thoſe they had gained. They had only to engage the commons to enter into negotiation, after which, they hoped the ſuperiority the king then had, ſupported with the endeavours of his party, would be capable to remove, in his favour, the difficulties that might occur in the principal articles. This reſolution being taken, the lords ſent and deſired a conference with the commons, where they declared, that they had reſolved to ſend propoſitions of peace to the king, and hoped the commons would concur with them. The propoſitions were:

Propoſitions for peace given to the commons, in a conference by the lords. Auguſt 5.

‘1. That both armies might be preſently disbanded, and his majeſty be entreated to return to his parliament, upon ſuch ſecurity as ſhould give him ſatisfaction.

‘2. That religion might be ſettled with the advice of a ſynod of divines, in ſuch a manner as his majeſty, with the conſent of both houſes of parliament, ſhould appoint.

‘3. That the militia, both by ſea and land, might be ſettled by a bill; and the militia, forts and ſhips of the kingdom, put into ſuch hands as the king ſhould appoint, with the approbation of both houſes of parliament; and his majeſty's revenue to be abſolutely and wholly reſtored unto him; only deducting ſuch part, as had been of neceſſity expended for the maintenance of his children, and not otherwiſe.

‘4. That all the members of both houſes, who had been expelled only for abſenting themſelves, or mere compliance with his majeſty, and no other matter of fact againſt them might be reſtored to their places.

‘5. That all delinquents, from before the 10th day of January, 1641, ſhould be delivered up to the juſtice of parliament, and a general pardon for all others on both ſides.

‘6. And laſtly, that there might be an act of oblivion for all by-gone deeds, and acts of hoſtility.

Probably, thoſe who had cauſed theſe propoſitions to be paſſed in the houſe of peers, did not themſelves believe, a peace could be made upon theſe foundations. The difficulties which occurred in the three firſt propoſitions, had been very often debated, both before and ſince the beginning of the war, without the poſſibility of coming to any concluſion. It was, therefore, unlikely, that the king, in his proſperity, would grant what he had denied when his affairs were not in ſo good a ſituation. But, as I ſaid, the intention of the managers of this contrivance was only to procure a negotiation, perſuaded as they were, that by their intereſt and cabals, or by an inſurrection of the people, they ſhould cauſe theſe points to be deſided in favour of the king. For that reaſon, the principal propoſition, viz. the third concerning the militia, which the parliament had always fully explained, was expreſſed in a very general and ambiguous manner, in theſe terms, “That the militia might be ſettled by “a bill.”

The commons, in a fright, conſent to the propoſitions. Clarend.

The commons perfectly ſaw what was the view of the authors of theſe propoſitions, and were terrified at it. The houſe was apprehenſive, that they were but too powerfully ſupported, otherwiſe, it was not likely they ſhould have taken ſuch a ſtep, at a time when a committee was already gone to deſire aſſiſtance of the Scots. Wherefore, after a long debate, it was reſolved, by a majority of votes, that the propoſitions ſhould be ſent to the king. It is extremely probable, this reſolution was taken only to amuſe the king's friends, and to gain time, in order to break their meaſures the more eaſily; for the next day the lord-mayor of London, attended with a crowd of people, came to the houſe of commons, of which he was a member, and delivered, from the common-council, a petition, wherein the houſe was intreated to perſiſt in their former reſolutions and reject the propoſitions of the peers. The lord-mayor affirmed alſo, that the people of London were ready to exert their utmoſt for the vigorous proſecution of the war. Whereupon, the houſe took courage again, and reverſed the reſolution of the foregoing day. Thus, the king's friends were in their turn greatly embarraſſed, and under a neceſſity of taking new meaſures. The expedient they deviſed was to cauſe the women to riſe, in hopes that ſuch an inſurrection might breed a greater, and occaſion ſome revolution.

The women's tumult. Ruſhw.

Auguſt the 9th, a petition for a peace was preſented to the commons by 2 or 3000 women, with white ſilk ribbons in their hats. The conditions propoſed by them were exactly the ſame as the king had always offered. A general anſwer being ſent to them, they were not ſatisfied, and their number by noon increaſing to 5000, they came to the door of the houſe, crying “Peace, peace; give us thoſe

“ traitors that are againſt peace, that we may tear them to pieces; give us that dog Pym.” Part of the trained-bands (that uſually ſtood centinel there) firing upon them with powder only, to fright them a way, they laughed at it, and finding a heap of brickbatts in the yard, threw them at the centinels, and drove them away. At laſt, ſome troops were forced to be ſent for, who, after uſing fair means in vain, drew their ſwords, and cut them over their hands and faces. A ballad-ſinger was killed upon the ſpot, and another woman loſt her noſe, whereof it was ſaid ſhe afterwards died. At length, they were diſperſed. The lord Clarendon, who ſays many were killed and wounded, affirms, they were the wives of ſubſtantial citizens; which is hardly credible. Thus ended the grand project of forcing the parliament to a peace, a project wherein means was found to engage ſeveral lords, and many commoners, under colour that a peace was neceſſary to the ſtate. Nothing could be truer, but care was taken not to diſcover to them, that on pretence of labouring for the publick, the king's advantage alone was really ſought.

The character of the earl of Eſſex.

The earl of Eſſex was one of thoſe who were moſt deſirous of peace, but not in the ſame manner as the king's friends. Theſe were for a peace, and uſed their utmoſt endeavours to procure it; but it was ſuch a peace as the king offered, that is, a peace founded only upon his word. The earl of Eſſex did not think it impracticable, in concluding a peace, to find neceſſary ſecurities for the nation's liberties; as appears in his letter of the 9th of July to the ſpeaker, wherein, after the deſcription of Chalgrave-field; he ſays, “If it were thought fit to ſend to his majeſty to have peace, with the ſettling of religion, the laws and liberties of the ſubject, and to bring unto juſt tryal thoſe chief delinquents that have brought all this miſchief to both kingdoms; and (as my lord of Briſtol ſpake one in parliament) how we may be ſecured to have theſe things performed hereafter; or elſe, if his majeſty ſhall pleaſe to abſent himſelf, there may be a day ſet down to give a period to all theſe unhappy diſtractions by a battle, which, when and where they ſhall chuſe, that may be thought any way indifferent, I ſhall be ready to perform that duty I owe you; and the propoſitions to be agreed upon between his majeſty and the parliament, may be ſent to ſuch an indifferent place, that both armies may be drawn near the one to the other; that if peace be not concluded, it may be ended by the ſword.”

His letter to the ſpeaker. July 9. Ruſhw.

It is evident, this is not the language of a man propoſing a peace to gratify the king, and ſolely with intent to procure a negotiation from which the king might reap ſome advantage; but of one that heartily wiſhed for ſuch a peace, as might put a happy period to the diſtractions of the kingdom; or if that could not be by means of a peace, to end them, at leaſt, by a battle. He was, doubtleſs, of opinion, that the nation would run leſs riſque by venturing a deciſion by arms, than by the continuation of the war. Nothing better demonſtrates the uprightneſs of his intentions. But there were few in thoſe days of the ſame diſpoſition. The king paſſionately wiſhed for peace; but it was on condition he ſhould be no loſer by it, that he ſhould be reſtored to all his rights, and his word relied on for the future. As to religion, all he would yield, was that the Presbyterians ſhould not be compelled by penal laws to conform to the church of England. Hitherto he had advanced nothing that might make them hope for a publick toleration of their religion. The parliament for their part wiſhed likewiſe for peace, provided by this peace the king was reſtrained from returning to his former courſes, that is, was ſo humbled that he ſhould be able to do nothing without the conſent of both houſes, and enjoy only the empty name of a king, with the external badges of royalty. As to religion, there were very many, as well members as others, who preferred the continuation of the war, let what would be the event, to ſeeing the biſhops reſtored to their power. This muſt be always remembered, when either of the two parties is heard to ſpeak of peace. The like diſpoſition to the earl of Eſſex's was, doubtleſs, the cauſe that ſome were dazzled with the bare ſound of peace, and the limitations inſerted in the propoſitions to be ſent to the king at the time of the late plot. But it may be affirmed, that the chief authors of the artifice were far from having the nation's welfare in view, and thought only of ſerving the king. I do not queſtion, but ſome others were perſuaded to conſent to the propoſitions by reaſon of the end propoſed by the Presbyterian party, and now publickly known, perceiving, that the advantages the parliament might gain upon the king in the continuation of the war, would only ſerve to ruin the church of England with the greater eaſe.

The king tries in vain to gain the earl of Eſſex; Ruſhw.

which renders him ſuſpected to the parliament.

The earl of Eſſex's integrity made him experience what uſually happens to honeſt men in civil diſſentions, where the moderate paſs for indifferent, and coldly affected to their party. The king, who was informed of this lord's moderation, imagined, he deſired a peace only, becauſe he was diſpleaſed with the parliament, and convinced of the injuſtice of the cauſe he had eſpouſed. In this belief, he unſucceſsfully uſed all means to gain him. On the other hand, the moſt violent of his party grew jealous of the earl of Eſſex, perceiving he was no proper inſtrument for their deſigns. Wherefore they no longer confided in him, or, at leaſt, feigned not to truſt him, in order to have, by his removal, another general, more compliant and manageable. They caſt their eyes on Edward Montague, earl of Mancheſter, known formerly by the name of the lord Kimbolton, and began with advancing him to the command of the forces of the eaſtern aſſociated counties, to which Lincolnſhire was lately added, to go and oppoſe the earl of Newcaſtle; and an ordinance was paſſed, to raiſe new levies, by preſſing, to reinforce this army.

The earl of Mancheſter is made general of the aſſociated counties.

The earl of Eſſex is diſpleaſed.

If the earl of Eſſex had joined with the parliament only out of paſſion, humour, or intereſt, the mortifications he met with, would have been apt to make him turn to the king, to be revenged of the two houſes. But that was not his character; tho' he had complained ſeveral times of the diſregard ſhewn him, in leaving his army without recruits and cloaths, and tho' ſeveral lords of the king's party took this occaſion to try to perſuade him to change ſides, he ever remained firm to his principles. How ſtrong ſoever their ſollicitations might be, he never gave the leaſt reaſon to believe, he was capable of betraying the parliament, who had truſted him with the command of their forces. Both houſes being informed of the inſtances made to their general, aſſured him of their eſteem and acknowledgment for his great ſervices, and promiſed to recruit and cloath his army, before thoſe of Sir William Waller, and the earl of Mancheſter, which was accordingly done. This ſatisfaction was more than ſufficient, to make him forget all the occaſions of complaint before given him. A famous hiſtorian has been pleaſed to aſcribe the earl of Eſſex's conſtant attachment to the parliament, to his not having ſteddineſs enough to engage in ſo hazardous an enterprize, as that of forcing the parliament to a peace. I am perſuaded, this was owing to the king's, and all his party's prepoſſeſſion, that there was not a ſingle man for the parliament, that was ſatisfied of the juſtice of his cauſe. This prejudice was never relinquiſhed.

Clarend.

What the project of the king's friends was.

The project of thoſe who had undertaken to gain the earl of Eſſex, was, that as ſoon as he ſhould give the word, the lords and commoners who were in the ſecret, ſhould retire to the army, and under the ſecurity thereof, proteſt againſt the violence that was offered, the breach of their privileges, by the common-council's taking notice of their debates, and over-ruling their concluſions, by hindering the ſending the propoſitions to the king. They did not doubt, but by their example, great numbers would take the ſame courſe, by which means they hoped to be ſtrong enough to conſtrain the parliament to make peace. And in caſe the parliament ſhould remain obſtinate, their deſign was to enter upon a ſeperate treaty with the king, as men undeceived, who having been ſeduced by the parliament, were, at length, ſenſible of the injuſtice of their cauſe. They imagined, the whole kingdom would do the ſame, and the parliament be entirely forſaken; for the king and his party always fancied, that among the parliament's adherents, not one was ſo, through perſuaſion, honour, and conſcience, but through ſedition, fear, and ignorance. This cauſed them to take ſo many wrong ſteps, to compel the parliament to a peace by the people's means, ſteps that proved extremely prejudicial to the king. That with regard to the earl of Eſſex, was no leſs ſo than the reſt. The lords and commoners who were concerned in this ſtratagem, as well as in Waller's plot, fearing the earl of Eſſex might diſcover them, thought proper to avoid being called to an account, by retiring to the king. Of this number were the earl of Portland, and the lord Conway, who had been impriſoned for Waller's affair, and afterwards releaſed, the lord Lovelace, who had only ſtaid with the parliament by the king's leave, the earls of Clare, Bedford and Holland. The earl of Northumberland, diſſatisfied with his not having in the parliament the ſame credit as formerly, feigning an indiſpoſition, obtained the parliament's leave to retire for his health to his houſe at Petworth in Suſſex. As this place was liable to be inveſted from ſome of the king's quarters, it was generally believed, he had aſſurances of not being moleſted. The flight of all theſe peers turned greatly to the king's diſadvantage, as it deprived him of ſo many friends in the parliament, who were always ready to ſerve him, and wont to direct his adherents in London. Moreover, by the abſence of theſe lords, the king's enemies were more at their eaſe, and found fewer obſtacles to their deſigns, than before; for ſoon after, the earl of Eſſex's army was enabled to relieve Glouceſter, and the parliament approved of the covenant made with Scotland, in which, doubtleſs, they would have been oppoſed by thoſe that were lately withdrawn. I muſt now proceed to other matters.

Clarend.

Diſgrace of Sir John Hotham.

I juſt mentioned, that Sir John Hotham, governor of Hull, was apprehended by order of parliament; it is now time to ſpeak of the cauſe of his diſgrace. The king had been ſo incenſed with him, that there was little probability of his ever pardoning the indignity he received from him, or of Hotham's delivering himſelf into his hands; and yet, the deſire of becoming maſter of Hull in the one, and the thirſt of revenge in the other, made them forget all that was paſt. Hotham, as he could not bear that, after the ſervice he had done the parliament in keeping Hull for them, without dreading to expoſe himſelf to the king's indignation, the lord Fairfax ſhould be made commander in chief of all the forces in the north, an honour, which, doubtleſs, he thought himſelf more worthy of, reſolved to be revenged for this pretended injuſtice, by delivering the place to the king; the preciſe time of his applying himſelf to the earl of Newcaſtle is not known; but it is certain, he wrote ſeveral letters to him, which were communicated to the queen while ſhe was in the north. He had drawn his ſon, captain Hotham, into the plot, and it was agreed between them, to deliver Hull to the queen, when on her march with her troops to the king. In the interim, young Hotham having given ſome occaſion to ſuſpect him, was ſeiſed by Sir John Meldrum, and ſent priſoner to Nottingham-caſtle. Hotham found means to eſcape, and going to Lincoln, wrote from thence to the parliament, complaining of the injury done him, and affirming, he was ready to anſwer whatever ſhould be laid to his charge. But as the queen was now upon her march, and it was time to execute the deſign, he returned to Hull, to contrive the means with his father. The queen thought herſelf ſo ſecure of having Hull very ſoon in her power, that ſhe ſaid in her letter of the 27th of June to the king, "She ſtaid at "Newark but for one thing, to have Hull "and

Ruſhw.

Ruſhw.

1643.

“ and Lincoln, for which ſhe hoped he would pardon two days ſtop.” At the ſame time that the order was ſent to ſeiſe young Hotham, the mayor of Hull was told to have an eye upon the father, examine his conduct, and take care to preſerve the town. The ſon's return to Hull, after his eſcape from Nottingham, the ſuſpicions he already lay under, and the notice received of Mr. Moyor, captain of a man of war then in the road, that Hull was going that night or the next to be delivered to the king, made Sir Mathew Boynton, the mayor, tho' brother-in-law to the governor, reſolve to prevent it. That very night, whilſt the Hotham's were in bed, all the townſmen, officers, and ſoldiers of known affection to the parliament, were aſſembled without noiſe, and all the ports of the town ſeiſed, without one drop of blood, or ſo much as a muſket diſcharged. In the interim, I know not for what reaſon, they had neglected to ſecure the two Hothams, who found means to get out of the town, but at their coming to Beverley, they were both ſeiſed and brought to London, where after a long impriſonment, they were condemned and executed.

Ruſhw:

There were two things which did the king great injury, with regard to the people, and from which he omitted no opportunity to juſtify himſelf, knowing how detrimental ſuch prejudices might be to him. The firſt was, that he countenanced Popery; the ſecond, that he had excited the Iriſh rebellion, or, at leaſt, connived at it. Theſe two articles both houſes made no ſcruple to inſinuate, and even to maintain openly in their papers. Not that they had poſitive proof of what they advanced; but they drew from his actions, and divers paſt events, inferences, to ſome of which it muſt be owned, the king anſwered but weakly, or in generals, or, according to his cuſtom, by ambiguous expreſſions, capable of a double meaning.

As to the firſt charge, he took occaſion to make the following proteſtation, juſt as he was going to receive the ſacrament, from the hands of the lord archbiſhop Uſher.

Proteſtation of the king concerning religion at Oxford. July. Ruſhw.

My lord,

‘ I eſpy many reſolved Proteſtants, who ‘ may declare to the world, the reſolution I do ‘ now make. I have, to the utmoſt of my pow‘ er, prepared my ſoul to become a worthy re‘ ceiver; and may I ſo receive comfort by the ‘ bleſſed ſacrament, as I do intend the eſta‘ bliſhment of the true reformed Proteſtant re‘ ligion, as it ſtood in its beauty, in the happy ‘ days of queen Elizabeth, without any con‘ nivance at Popery. I bleſs God, that in the ‘ midſt of theſe publick diſtractions, I have ‘ ſtill liberty to communicate; and may this ‘ ſacrament be my damnation, if my heart do ‘ not join with my lips in this proteſtation.’

Remark on this proteſtation.

Charles I. was undoubtedly very zealous for the Proteſtant religion, as profeſſed in the church of England; but it is no leſs certain, he never ſcrupled to favour the Papiſts, whether out of complaiſance to the queen, or from a belief, that the ſtrict obſervance of the penal laws made againſt them, was not neceſſary to the welfare of the Proteſtant religion. It is, therefore, very difficult to explain what he meant by theſe words, “ without any conni“ vance at Popery.” It cannot be thought, that his intention was to ſwear, he would never grant the Papiſts any toleration, ſince at this very time he was negotiating the Iriſh ceſſation, whereby toleration was granted to the Catholicks of Ireland; and it will hereafter appear, that in treating of a peace with the rebels, he ſcrupled not to grant them that article. Much leſs ſtill may we venture to affirm, that by the word connivance, he underſtood all manner of condeſcenſion for the Papiſts. This ſenſe would be repugnant to his principles and uſual practice. It ſeems, therefore, moſt reaſonable to think, that he made a diſtinction between Popery and Papiſts, and that when he promiſed to eſtabliſh religion in its beauty, his meaning was, that he would ſuffer no Popiſh tenets to be mixt with the doctrines of the church of England. But if this was his meaning, it was not to the purpoſe, ſince this was not properly the thing he was charged with. As he was very artful in chuſing expreſſions, to which it was difficult to give a fixt and determinate ſenſe, it is certain, his moſt ſolemn proteſtations produced not the intended effect.

1643.

As to the ſecond charge relating to the Iriſh rebellion, I do not think I can give a clearer knowledge of the matter, than by inſerting the ſubſtance of a declaration publiſhed on this occaſion by both houſes, the 25th of July, 1643. They ſhewed,

The declaration of both houſes againſt the king, concerning the rebellion in Ireland. Ruſhw.

‘ That in the ſecond year of his majeſty's ‘ reign, a deſign was formed in Ireland, ‘ to bring in a publick toleration of the Po‘ piſh religion in that kingdom, and to ſuſ‘ pend all proceedings againſt Papiſts, for a ‘ ſum of money to be paid to his majeſty. ‘ That the then biſhops of Ireland made ‘ a proteſtation againſt it, ſetting forth, ‘ how grievous a ſin it was to conſent to ſuch ‘ a toleration, and of what dangerous conſe‘ quence it might be. And the houſe of com‘ mons in a remonſtrance made in the 3d year ‘ of his majeſty's reign, informed, that even ‘ then the Popiſh religion was profeſſed in ‘ every part of that kingdom, and that monaſ‘ teries and nunneries were then newly erected, ‘ and repleniſhed with men and women of ſe‘ veral orders, beſeeching his majeſty, that ‘ ſome ſpeedy courſe might be taken for re‘ dreſs therein; yet in the beginning of the ‘ 4th year of his majeſty's reign, all this was ‘ granted and confirmed by his majeſty, in con‘ ſideration of 120,000 l. to be levied in three ‘ years upon the kingdom in general, as well ‘ upon the Proteſtants, as upon the Papiſts.

‘ That many potent and notorious Papiſts ‘ had been created peers by his majeſty.

‘ That when, by the direction of the lord ‘ chancellor Loftus, and the earl of Cork, then ‘ lords-juſtices, proceedings were begun againſt ‘ the Papiſts upon the ſtatute of 2 Elizabeth, ‘ for not coming to church, and the judges in ‘ their circuits gave that ſtatute in charge, and indictments were framed thereupon, directions were ſent from England, to ſuſpend and ſtay all proceedings upon that ſtatute, when by taking the penalty impoſed by that ſtatute, being nine pence, for abſenting from church, Sundays and hollidays‘ the poor Proteſtants there might have been eaſed of many heavy payments and taxes, which were after impoſed upon them.

‘That the late earl of Strafford being the king's lieutenant there, did by his great favourite Sir George Ratcliff, one of his majeſty's privy-council of that kingdom, hold correſpondency with the Popiſh clergy, and particularly, with Paul Harris, a known prieſt, who had both publick and private acceſs to Sir George Ratcliff at all times, as well by night as by day.

‘That in March, 1639, the earl of Strafford carried with him into Ireland, Sir Toby Matthews, a notorious, pernicious, Engliſh jeſuited prieſt, (baniſhed at the beginning of this parliament, upon the importunity of both houſes) lodged this prieſt over-againſt the caſtle of Dublin, the houſe where the earl himſelf did reſide, and from whence this prieſt daily rode to the publick maſs-houſes in Dublin, and negotiated the engaging of the Papiſts of Ireland, in the war againſt Scotland.

‘When the late lord chancellor Loftus, and the earl of Cork, were lords-juſtices, they endeavoured to ſuppreſs the maſs-houſes in Dublin, and to convert them to pious uſes; one, which was in the ſtreet called the Back-lane, they diſpoſed of to the univerſity of Dublin, who placed a rector and ſcholars in it, and maintained a weekly lecture there. But after the earl of Strafford came to the government, the lecture was put down, the ſcholars diſplaced, and the houſe became a maſs-houſe, as formerly it had been.

‘That divers monaſteries and nunneries were newly erected, immediately before the rebellion broke forth in divers parts of that kingdom: That at the Naas, where the earl of Strafford had his chief ſeat and reſort, convents of Friars, namely, Auguſtines, Franciſcans, Dominicans, were not only permitted, but alſo an houſe built there by the ſaid earl, for another purpoſe, (as he pretended) ſoon after the building was converted to a friery, by the connivance of the ſaid earl.

‘That the Popiſh Iriſh army was kept on foot there for a long time after the beginning of this parliament; to the great furtherance of this rebellion, by teaching thoſe barbarous villains the knowledge of arms, under the notion of fighting againſt Scotland, but now made uſe of to extirpate both Engliſh and Scots from the kingdom of Ireland.

‘And that lead might not be wanting to the compleating of this intended rebellion, the ſilver-mines of that kingdom, which afforded great ſtore of lead, and therefore fit only to be in the hands of Proteſtants of known integrity, were farmed out by his majeſty to moſt pernicious Papiſts, namely, Sir George Hamilton, Sir Baſil Brooke, and the like; and upon the diſcovery of the plot for the ſurpriſing of the city and caſtle of Dublin, divers barrels of muſket-bullets were found (upon ſearch) in the houſe of the ſaid Sir George Hamilton in Dublin.

‘That the earl of Strafford had, by a violent endeavour, entitled his majeſty by office to the whole counties of Roſcommon, Mayo, Slego, Gallway, and Clare, and to a great part of the counties of Limerick and Tipperary; by which means a door was opened, not only to encreaſe his majeſty's revenue, but therewith to ſettle a plantation of Proteſtants; and yet when the lords-juſtices and council of Ireland, did by their letters exceedingly importune his majeſty, that he would not part with thoſe counties; and that the plantation of Engliſh Proteſtants might proceed as was formerly intended; his majeſty notwithſtanding, did, in the queen's preſence, by a clandeſtine agreement, give away, at the Papiſts requeſt, thoſe five whole counties, for a rent of 2000 l. or thereabouts.

‘That archdeacon Maxwell teſtifieth in his examinations taken in Ireland, that he heard Tirligh Oge O Neal, brother to Sir Phelim O Neal, the arch-rebel of Ulſter, confeſs, that the rebellion was communicated by the Popiſh Iriſh committee to the Papiſts in England, who promiſed their aſſiſtance. And Mac Mahun, who was to join with the lord Mac-quire, for the ſurpriſing the caſtle of Dublin, being taken and examined, at the rack confeſſed, that the original of that rebellion was brought to them out of England, by the Iriſh committee employed to his majeſty for redreſs of grievances.

‘That the earl of Caſtle-haven, a peer of England, and a notorious rebel in Ireland, Mr. Porter who declared himſelf a Papiſt in Ireland, Sir Baſil Brooke, the Popiſh treaſurer for the monies raiſed by the queen's ſollicitations for the war againſt the Scots; Mr. Andrew Brown a lawyer of Lincoln's-Inn, heretofore expelled thence for being a known Papiſt, with divers other dangerous Engliſh Papiſts, went out of England into Ireland, the ſummer before the rebellion broke forth, and were very active there.

‘That the rebels in all parts of Ireland profeſſed, that the cauſe of their riſing was to preſerve his majeſty and the queen, from being oppreſſed by the Puritan parliament, and that it was by their conſent, for they had good warrant in black and white for what they did. They called the Engliſh army parliament-rogues, and traitors to the queen; and told them at the beginning of the rebellion, that e'er long they ſhould ſee England as much in blood as Ireland then was. That they had their party in England and Scotland, which would keep both kingdoms ſo buſy at home, that they ſhould not ſend any aid againſt them, with a multitude of ſuch like expreſſions from the Iriſh of the beſt quality; as may appear by the examinations of colonel Audley Mervin, William Steuart, eſq; Henry Steuart, gent.

‘herewith printed, and by divers other proofs.

‘In the ſame month of October, wherein the rebellion of Ireland brake forth, the lord Dillon of Coſtelough (now in arms againſt the parliament and kingdom of England) went out of Scotland from his majeſty into Ireland, bringing his majeſty's letters, obtained by mediation of the queen, to be preſently ſworn a privy-counſellor of Ireland; who when he had taken the oath of a privy-counſellor, preſents to the lords-juſtices and council, from many of the inhabitants of the county of Longford, a letter in the nature of a remonſtrance, full of unreaſonable demands: As namely, to have freedom of religion, a repeal of all laws made to the contrary, and the like.

‘In December after the rebellion, the ſame lord Dillon, together with his brother-in-law, the now lord Taaffe, a notorious Papiſt, repaired into England, bringing with them ſeveral papers and inſtructions from many lords and gentlemen of the pale, all now in rebellion, to negotiate for them to his majeſty, and as they ſollicite with his majeſty here on the behalf of the rebels, ſo do they ſollicite the rebels from hence in the name of his majeſty, to perſiſt in their rebellion, as appears by the teſtimony of Mr. Jephſon, a member of the houſe of commons, lately delivered at a conference before both houſes in theſe words, viz.

“At my late being at Oxford, finding my lord Dillon and the lord Taaffe in favour at court, I acquainted the lord Faulkland, his majeſty's ſecretary, that there were two lords about the king, who to his majeſty's great diſhonour, and the great diſcouragement of his good ſubjects, did make uſe of his majeſty's name to encourage the rebels: To make this appear, I informed, that I had ſeen two letters ſent by the lord Dillon and the lord Taaffe to the lord of Muſkerie, the chief man in rebellion in Munſter, and one of the Iriſh committee ſent into England, intimating, that tho' it did not ſtand with the conveniency of his majeſty's affairs to give him publick countenance, yet that his majeſty was well pleaſed with what he did, and would in time give him thanks for it; (or near to that purpoſe.) That theſe letters were ſeen by the lord Inchiquine, the chief commander of the Engliſh forces in Munſter, and by his ſecretary , who had kept copies of them; and that I was ready to juſtify as much. Whereupon the lord Faulkland was pleaſed to ſay, that they deſerved to be hanged. But tho' I ſtayed there at Oxford about a week after this diſcovery made, I never was called to any farther account, nor any prejudice done to theſe two lords, but they had the ſame freedom in court as before, for ought I could obſerve or here to contrary.”

‘That ſince this diſcovery made to the lord Faulkland, the ſame lord Taaffe, one Roche, and William Brent a lawyer, active Papiſts, with letters from his majeſty, went from Oxford to Dublin. And upon Thurſday before Whitſuntide, 1643, in the evening, taking with them one colonel Barry, a profeſt Papiſt, and pretending for Connaught, ſlipt away to Kilkenny, where the Tueſday following was a general aſſembly of all the chief rebels. When they had done their errand, Barry was left lieger, at Kilkenny, among the rebels; the lord Taaffe returned to Dublin, and upon Friday the 9th of June, 1643, the lord Taaffe, with divers of the privy-council of Ireland, that favoured the rebels, met at the marqueſs of Ormond's houſe, where the propoſitions which the lord Taaffe brought from the rebels were debated. The lord Taaffe is ſince gone into Connaught, Brent is come back to Oxford to give an account of this employment.

‘By this every man may conſtrue, what was meant by his majeſty's not conſenting that the parliament ſhould ſend a committee into Ireland the laſt year, to endeavour the carrying on the war againſt the rebels, upon pretence that the earl of Leiceſter was preſently to go over thither, who is yet remaining at Oxford. That when that committee had prevailed with the lords-juſtices and council, and with many of the prime commanders, and other officers of the army in Leinſter, to ſubſcribe by way of adventure for land in Ireland, to be ſettled by a new bill, very conſiderable ſums which were to be deducted out of their reſpective entertainments; then to render this endeavour fruitleſs, one captain Yarner did confidently affirm, that thoſe which had or ſhould ſubſcribe, were enemies to the king, a thing ſo incredible, that few could believe it, till the ſame man went to Oxford; and upon his return to Dublin, aſſured the lord marqueſs of Ormond and the officers, that he had diſcourſed with his majeſty about this way of ſubſcription, and that his majeſty did not approve of the ſame: Whereupon thoſe who had ſubſcribed did withdraw their hands, and the reſt were wholly diſcouraged.

‘That, about this time, a commiſſion was ſent over to meet with the rebels, and to hear what they could ſay, or propound for themſelves; which commiſſion was directed to the lord marqueſs of Ormond, and to ſome other commiſſioners; among whom Thomas Bourk, that had an hand in contriving this rebellion, was one, and who brought the ſaid commiſſion in Ireland, and confidently delivered the ſame at the council-table, to the amazement of all the council then preſent, that were not acquainted with the plot.

‘That the lords and commons, to whoſe direction the war was committed, thought it expedient to ſend into Ireland a committee for that purpoſe, conſiſting of members of the houſe of commons, but authoriſed from both houſes; who carried with them above 20,000 l. in ready money, beſides great ſtore of powder, match, and other ammunition; but when thoſe who favoured the rebels, ſaw, that during the abode of the committee there, parties were continually ‘ſent forth to deſtroy the enemy; and that the committe engaged their own particular credits, to take up monies for the relief and ſetting forth of the army; a letter was ſent from his majeſty, and brought over by the marqueſs of Ormond's own ſecretary, wherein his majeſty did require the lords-juſtices and council, not to admit the committee any more at their debates. And it is obſervable, that this letter was only ſigned with his majeſty's hand, without any ſecretary's hand to avow the ſame.

‘The commons cannot conceive what is meant, that the juſtices and council are ſtraitly charged in that letter, upon their allegiance, not to ſuffer the committee to ſow ſedition among his majeſty's good ſubjects; unleſs to ſtir up and incite the Engliſh ſoldiers in the pay of the parliament, to proceed vigorouſly againſt the Iriſh rebels, be conſtrued as the ſowing of ſedition among his majeſty's good ſubjects.

‘That, according to the teſtimony of Sir William Brereton, knight of the ſhire for the county of Cheſter, there landed, in June, 1643, many Iriſh rebels in Werral in Cheſhire, ſome whereof acknowledged, that they had waſhed their hands in the blood of ſeveral Engliſh and Scotch in Ireland, and now hoped to waſh their hands in the blood of Engliſhmen in England: The country where theſe rebels firſt arrived, did all riſe with their beſt weapons, and apprehended ſeveral of them; but they were reſcued out of their hands by a troop of horſe, which came from the commiſſioners of array, who alſo ſeiſed about 28 of the honeſt countrymen priſoners.

‘And that the councils now predominant at Oxford, and the ſupreme council of rebels at Kilkenny, are concurring and aiding one another, as well by ſea as by land, is apparent by that which follows. The commiſſioners authorized to command the king's forces in the weſt, by an authority derived unto them under the great ſeal of England, do grant commiſſions or letters of mart, for the apprehending and taking, for his majeſty's ſervice, all ſhips and veſſels belonging to the cities and towns that have declared for the parliament; and on the other ſide, the rebels of Ireland grant the like commiſſions. And as the ſhips in his majeſty's ſervice do gratify the rebels of Ireland, in ſeiſing the ſhips that bring proviſion for the relief of the Engliſh army in Ireland; ſo the rebels of Ireland do in like manner gratify his majeſty, by commanding the ſhips ſet forth by them to examine all Engliſh ſhips at ſea, whether they be for the king or parliament; and if they be for the king, to let them go; but if for the parliament, to take and pillage them. All which is proved by depoſitions herewith annexed.

‘The earl of Antrim, a notorious rebel, was taken by the Scots army in Ulſter, and impriſoned there, upon ſuſpicion of high-treaſon. To avoid his trial, he broke priſon, and fled into the north parts of England, and hath been with the queen at York a long time, from whence he was ſent to the rebels of Ulſter, with ſecret inſtructions, and had ammunition aſigned him by the queen's directions: And what care was taken of his ammuntion appears by a letter here annexed, dated at York the 8th of May, 1643, written by ſerjeant major Roſſe, at the deſire of Mr. Jermyn.

‘Since this care taken of the ammunition of the earl of Antrim, the earl of Antrim is taken the ſecond time by general major Monroe, as he was returning from the queen, to the rebels of Ulſter, with divers letters, inſtructions, and papers: and by the confeſſion and depoſition of the earl of Antrim's own ſervant, who was taken with his maſter, and ſince condemned and executed, it is evident, that there was, and, doubtleſs, yet is, a deſign on foot to reconcile the Engliſh and Iriſh in Ireland; and that by their joint power having expelled the Scots, the Iriſh forces there might be ſent againſt the parliament of England. The earl of Antrim, the lord of Aboyn, and the earl of Niddiſdale, were three principal agents employed in this plot. This clearly appears, in that the lord of Aboyn, in a letter taken in the earl of Antrim's pockets, writes in theſe words:

My lord,

“Being certainly informed by Niddiſdale's ſervant, that there is a new order ſince we parted, for ſtopping of the ammunition, I have taken occaſion to intreat your lordſhip by this bearer, that I may know the particulars of it. I muſt confeſs it ſurpriſeth me, that any diſtance ſhould alter ſo ſeaſonable a concluſion: And, certainly, I ſhall never deſerve to be made the inſtrument of fruſtrating the hopes of thoſe parts, which ſhould have been enabled by this ſupply: I am perſuaded, there is ſcarce another mean to make our fidelity uſeleſs for her majeſty's ſervice.”

‘And that it might appear to the rebels of Ireland, that the earl of Antrim was accounted his majeſty's good ſubject, and had his majeſty's approbation for what he was to act there, he was furniſhed with a paſs from the earl of Newcaſtle.

The paſs is here inſerted at length in the declaration. The reſt of the article tends to ſhow by the earl of Antrim's confeſſion, and that of Stuart, one of his ſervants, that the earl was employed by the queen to make peace with the rebels.

‘The houſe of commons, among a numerous company of proofs of this kind, concluded with the teſtimony of John Dod, late miniſter at Annegilliſſe in the county of Cavan, who was examined at the bar of the houſe of commons, and teſtifieth,

“That after he had ſuffered many miſeries in this rebellion of Ireland, he repaired into this kingdom, and ſome occaſions carrying him to Oxford, he ſtaid there ſeven weeks, and came out of Oxford the 13th of June, 1643. That during his ſtay there, he ſaw a great number of Iriſh rebels, whom he very well knew to have had a hand in the moſt barbarous actions of that rebellion; as the daſhing of ſmall infants in pieces, the ripping up of women with child, and the like, among whom was one Thomas Brady, who, at Turbet in Ireland, within ſeven miles where the ſaid Dod lived; as 36 old men, women, and children, not able to flee, were paſſing over a bridge, cauſed them all to be thrown into the water, where they were all drowned; that this Brady is now at Oxford in great favour, and ſerjeant-major to colonel Percy's regiment: That he ſaw there three Franciſcan friers, namely; ----- and three Jeſuits, namely; ----- who were all very earneſt for the cauſe, and daily encouraging the ſoldiers to fight againſt the Round-heads, and for that purpoſe have liſted themſelves in the lord Dillon's troop, and are called cornets: That there are daily and publick meetings at maſs, in almoſt every ſtreet there; and verily believes in his conſcience, that for one ſermon preached, there are four maſſes ſaid now at Oxford: That he ſaw Sir John Dungan there, a man accuſed of high-treaſon in Ireland, for being in the rebellion, and fled into England, who hath a commiſſion for a troop of horſe: The lord Barnwell of Trimbleſtown, and his ſon, who hath a commiſſion for a troop of horſe, and is now gone into Wales to raiſe them: A ſon of the lord Newterfield, who hath gotten a command likewiſe: That, as near as he can poſſibly compute, there was then at Oxford above 3000 rebels; and that moſt of the king's life-guard are Iriſh."

The two houſes concluded in the following manner: 'Upon the whole matter, no man can think, that this rebellion in Ireland, ſo barbarous and bloody, that 154000 Proteſtants, men, women and children, Engliſh and Scotch, were maſſacred in that kingdom, between the 23d of October, when the rebellion broke forth, and the 1ſt of March following, by the computation of the prieſts themſelves that were preſent, and were directed by ſome chief rebels of Ireland to take this computation, leſt they ſhould be reported to be more bloody than in truth there was cauſe: No man can believe, that this horrid and unparrallelled rebellion ſhould be the undertaking of the rebels alone, being ſet on foot when a parliament was ſitting in England, that could not diſſolve without its own conſent, when all nations profeſſing the Romiſh religion, were at peace with England, and ſo engaged at home, that the rebels, in reaſon, could not expect any conſiderable aſſiſtance from them, nor could think themſelves able to encounter England or Scotland either, much leſs both together: So that to imagine the nobility, gentry, and in a manner the whole kingdom of Ireland, ſhould thus deſparately engage their lives and eſtates in ſo raſh an enterpriſe, without being encouraged, incited, nay, commanded from England, with aſſurance both of connivance and aſſiſtance too, were to deny them to be reaſonable creatures.

'And therefore the houſe of commons, abundantly ſatisfied in their own conſciences and judgments of the truth thereof, cannot but declare to the world, that by all theſe concurring circumſtances, and convincing proofs, they are perſuaded, that this unheard-of, and monſtrous rebellion of Ireland, was projected, incited, and aſſiſted by thoſe councils now only prevalent with his majeſty: That the queen, with her Romiſh prieſts, the Papiſts of all his majeſty's three kingdoms, have been principal actors and ſticklers herein: That now, thoſe bloody rebels have in a manner rooted out the Proteſtant religion in Ireland, there is a deſign to pardon them, and bring them into England to do the like: that no earthly power is likely, in human reaſon, to withſtand this damnable plot, but the power of the parliament in England, which is now declared by a late proclamation, to be no free parliament, to be null, and of no effect; and all poſſible endeavour uſed, by ſtrength and ſtratagem, to deſtroy the ſame. So that the houſe of commons do conceive it impoſſible, that ſo many of thoſe which would be thought the honeſt and moderate Engliſh Proteſtants, ſhould any longer be blinded and led on, to join with German, French, Walloon, Engliſh, Scotch, and Iriſh Papiſts; and thereby to ſurrender up at once the Proteſtant religion, the parliament, liberties, and laws of England, into the hands of Papiſts and ſtrangers; that ſo this renowned kingdom may be no more a nation.'

As the charge againſt the king of exciting the Iriſh rebellion, or, at leaſt, of conniving at it, made a great noiſe in thoſe days, and as all the hiſtories are full of it, I thought it neceſſary to ſhew the grounds or pretences of it, by giving the ſubſtance of this declaration; for it is not likely the parliament ſhould have omitted any thing capable of proving their aſſertion, tho' it be true that the king afterwards took certain ſteps which could have very much ſwelled this manifeſto. I ſhould be glad, according to my uſual method, to give here the king's particular anſwer to theſe articles; but I have not been able to find any, or ſo much as to know, whether he ever returned an anſwer. Indeed, he uſed his utmoſt endeavours to clear himſelf from this accuſation; but it was only by generals and proteſtations, without replying to any particular article, no not even in his Eikon Baſilike, where he undertakes to vindicate his whole conduct.

I cannot therefore but obſerve, concerning this declaration, that there are ſome articles which ſeem very much aggravated; and others, from whence may be drawn conſequences not ſo odious as thoſe here inſinuated. But then it cannot be denied, that there are ſome, to which it were to be wiſhed, for the king's honour, he had returned diſtinct and particular anſwers.

1643.

The parliament's policy in accuſing the king.

It appears by this manifeſto, that the parliament had little regard for the king. But beſides the animoſity and revenge which might enter into the deſign of blackening his reputation, it is certain, policy had no ſmall ſhare in it. The king, in all his publick papers, repreſented himſelf as being perfectly innocent of all that was laid to his charge, and as having undertaken the war only for the defence of the laws and liberties of the nation. He deſcribed the two houſes as a company of robbers, who for their own private ends, had put the kingdom in a flame, refuſed the obedience due to him, and, without any cauſe, trampled upon all the known laws of the land. The gratifying the paſſion of revenge was not the king's ſole motive; there was another much more dangerous to the parliament; and that was, to draw the people of London to his ſide, by means of theſe papers (which his friends took care to diſperſe in the city) and thereby to force both houſes to conclude ſuch a peace as he deſired, that is, a peace which ſhould reſtore him to all his rights. If, therefore, the two houſes, out of regard to the king, had neglected to defend themſelves, their ſilence might have been very prejudicial to them, ſince people are apt to believe, if an accuſation be not anſwered, it is becauſe there is no good anſwer to be given. It was, therefore, the parliament's buſineſs to try, as far as poſſible, to inlighten the people, whom the king, as they pretended, had a mind to impoſe upon by general proteſtations, which they laboured to ſhew his actions did not anſwer. This was the great end of this declaration, wherein they endeavoured to demonſtrate the king's inſincerity, in that, whilſt he called heaven and earth to witneſs, that he had no other intention than to maintain the Proteſtant religion, without conniving at Popery, he was labouring to make a peace with the Iriſh rebels; a peace, which in the conjuncture of affairs could not be concluded, but by granting things inconſiſtent with the ſafety of the Proteſtant religion.

The parliament orders the book of ſports to be burnt. May 5. Ruſhw.

On the other hand, as the king by his papers and emiſſaries in London, was continually endeavouring to convince the publick of the greatneſs and ſincerity of his zeal for religion, for the laws and the liberties of the people, without ever mentioning what paſſed the 15 firſt years of his reign, the two houſes were concerned to renew the remembrance of thoſe times, leſt the occaſion of their fears and jealouſies ſhould in the end be forgot; and, therefore, they did two things very proper to produce this effect. The firſt was, to order king James's book for tolerating ſports on Sundays, which Charles I. had cauſed to be publiſhed again in the churches, to be burnt by the common hangman. This book being almoſt forgot, could not produce any great effects at the time I am ſpeaking of; but in all appearance, both houſes meant thereby to inſinuate to the people, what was to be expected from the king's great zeal for religion, in caſe he came to be reſtored to his former power. The ſecond was, to proceed to judgment againſt judge Berkley, whom the lords condemned in the exhorbitant fine of 20,000 pounds, and to ſtand committed to the tower till he ſhould be tried upon the other articles alledged againſt him. For this ſentence concerned only that part of his charge relating to his extrajudicial opinions in the caſe of ſhip-money. Berkley was one of the king's moſt zealous inſtruments to eſtabliſh an arbitrary power. Nevertheleſs, he had now lain three years in priſon, without being thought of. But this year the parliament believed it proper to bring him to judgment, as well to revive the memory of a time, the king was endeavouring to bury in oblivion, as to reap the benefit of his fine. This laſt motive makes the lord Clarendon ſay, that the parliament, in appropriating the fine to themſelves, which by the laws was due to the king alone, were, thought by many to be, guilty of a greater crime than that for which Berkley was ſentenced. This ſuppoſes, that even when the king and parliament were making war upon one another, the parliament ſhould do the king juſtice, and ſend him the money ariſing from fines and confiſcations. But the two houſes were ſo far from allowing this maxim, that, on the contrary, the ſame month they paſſed an ordinance for ſeiſing the king's, queen's, and prince's revenues, for the publick uſe, that is, to be employed in the war againſt the king. Four days after, the king on his part publiſhed a proclamation, forbidding all tenants or debtors to pay any rents or debts to ſuch perſons as were in open rebellion againſt him. But theſe orders, as well from the king as the parliament, were executed only in places where they were ſupported with power.

1643.

Judge Berkley's ſentence, Sept. 12. Ruſhw.

The king's, queen's, and prince's revenues ſeiſed. Sept 21. Ruſhw.

The return of ſome of the lords who had retired to the king. Clarend.

Moſt of the lords, who had withdrawn from the parliament, and retired to the king, meeting with a very cold reception at Oxford, thought fit once more to change ſides, and return to London. The earl of Holland led the way. He was, at firſt, put under confinement, but ſome days after, had leave to live upon his own eſtate without any employ. Probably, he had expected a better reception, ſince after his return he publiſhed a declaration very injurious to the king, wherein he ſaid, that retiring to Oxford, in hopes by his credit to procure a peace, he had been labouring it to the utmoſt of his power, but (added he) without ſucceſs, the king and his council being entirely averſe to all accommodation, becauſe every thing at court was managed by the Papiſts. The earl of Northumberland, who was retired to Petworth, being informed how ill the earl of Holland was received at Oxford, thought it proper to return to the parliament, where he was received with reſpect, both houſes being willing to ſuppoſe, he had never intended to leave them, tho' many ſuſpected he had withdrawn to his own eſtate, on purpoſe to ſee what reception the other lords would meet with at Oxford. The earls of Bedford and Clare took alſo the ſame courſe, and came off with being debarred for a time from ſitting in parliament.

One of the principal tranſactions of this year 1643, was the reſolution of both houſes to

The parliament orders a new great ſeal. Ruſhw.

to make a new great-ſeal. It had been propoſed by the commons in July; but, whether through ſcruple, as ſome pretended, or becauſe the king's ſecret party were yet very numerous in the houſe of peers, the lords refuſed their conſent, or rather delayed their anſwer. But in the November following, their ſcruples vaniſhed. The commons repreſented to them in a conference, the miſchiefs occaſioned by the conveying away, and through the want, of the great-ſeal.

I. It was ſecretly and unlawfully carried away by the lord-keeper Littleton, who ought not to have departed without leave of both houſes; nor would have been ſuffered to do ſo, if his intentions had been diſcovered.

II. It hath been ſince taken away from him, and put into the hands of ill-affected perſons, ſo as the lord-keeper being ſent to by the parliament for the ſealing ſome writs, anſwered, “He could not ſeal the ſame, becauſe he had “not the ſeal in his keeping.”

III. That thoſe who have had the managing thereof, have employed it to the hurt and deſtruction of the kingdom; as by making new ſheriffs, to be as ſo many commanders of forces againſt the parliament; by iſſuing out illegal commiſſions of array; by ſending forth proclamations againſt both houſes of parliament, proclaiming them traitors.

And through the want of the great-ſeal, 1. The terms have been adjourned, the courſe of juſtice obſtructed. 2. No original writs can be ſued for without going to Oxford, which none that holds with the parliament can do, without peril of life or liberty. 3. Proclamations in parliament cannot iſſue out for bringing in delinquents impeached of high-treaſon, or other crimes, under pain of forfeiting their eſtates. 4. No writs of error can be brought in parliament to reverſe erroneous judgments, nor writs of election iſſued out for chuſing new members upon death or removal of any, whereby the number of members is continually leſſening. 5. Every other court of juſtice has a peculiar ſeal, and the parliament, (the ſupreme court has no other ſeal but the great-ſeal, and ſo now no ſeal at all. 6. The great-ſeal is the Clavis Regni, and therefore ought to be reſident with the parliament (the repreſentative of the whole kingdom,) whilſt it continues ſitting; the king, as well as the kingdom being always legally preſent in it during its ſeſſion.

Ruſhw. Clarend.

The next day the lords declared their conſent to the making a new great-ſeal. Accordingly a great-ſeal was made exactly like that in the king's hands, and, by an ordinance of both houſes, it was declared, that all letters patents, and grants which had paſſed under the great-ſeal ſince the 22d of May, 1642, were void and of no effect. That the new great-ſeal ſhould be of like force, power and validity as any great-ſeal of England had ever been, and be put into the cuſtody of the perſons hereby ordained commiſſioners for that purpoſe, who ſhould have the ſame power and authority as any lord chancellor, or lord-keeper had uſed to have. On the laſt of November, the new great-ſeal was carried by the ſpeaker of the commons, attended with the whole houſe to the lords, and delivered to the lord Grey of Werk, their ſpeaker, who in the preſence of both houſes gave it to the commiſſioners. The firſt thing ſealed with it, was a patent to the earl of Warwick, of lord high-admiral of England, the earl of Northumberland not being in that favour with both houſes as formerly.

Clarend.

Remark on the great ſeal.

The king and his friends made a great noiſe upon this encroachment of the parliament, and urged the ſtatute of the 25th of Edward III, by which the counterfeiting the great-ſeal, is in expreſs terms declared to be high-treaſon. But it is eaſy to perceive, this ſtatute concerns only private perſons, and not both houſes of parliament, and that it was not poſſible, when the ſtatute was made, to foreſee the king and the parliament would be one day divided. Beſide, it cannot be ſaid, that private perſons have any right to diſpoſe of the great-ſeal. But it is not the ſame with both houſes of parliament, who are the repreſentatives of the nation. For the great-ſeal is not the king's ſeal in particular, but the kingdom's, and the kingdom is a body compoſed of the king, who is the head, and the people who are the members. If the king has the diſpoſal of the great-ſeal, it is only as he is the moſt noble of the members of this body, conſidered as being united with, and not as being ſeparated from the members. If, therefore, ſuch a ſeparation happens, as was at the time I am ſpeaking of, it is hard to conceive, by what title the king or people, ſeparately, may claim the diſpoſal of the great-ſeal, which is the ſeal of their joint, not ſeparate, authority. In ſhort, I doubt, that they who moſt ſtrenuouſly affirm, that in ſuch a ſeparation, the king ought to have the ſole diſpoſal of the great-ſeal, are willing to admit all the conſequences flowing from that principle. The great-ſeal ſtamps an inviolable authority upon all the acts to which it is applied. If, therefore, in caſe of an open war between king and parliament, the king could, by means of the great-ſeal, communicate ſuch an authority to all his particular acts, where would be the bounds of his power, which by the conſtitution of the government, is limited by the laws? He would need only to declare by proclamation under the great-ſeal, as Charles had really done, that, according to the laws, the members of parliament are traitors and rebels, and then the point would be decided by the ſole poſſeſſion of the great-ſeal, and the king might aſſume an unlimited power by this authority. But how would the caſe be, if the parliament was in poſſeſſion of the great-ſeal, and by the like proclamation ſhould declare the king traitor and rebel; would the application of the ſeal give ſuch an act an inviolable authority?

It will, doubtleſs, be ſaid, that the great-ſeal gives an inviolable authority to ſuch acts only as are agreeable to the laws, and that the laws expreſly declare thoſe who take arms againſt the king, guilty of high-treaſon. But it is manifeſt, the laws, as they neither could, nor ought to foreſee an actual ſeperation between the king and the people repreſented in parliament, have conſidered the king only as the head, inſeparably united with the body, and not as the head divided from the other members; elſe it might be ſaid, the laws have aſcribed to the king an unlimited power, which is directly contrary to the conſtitution of the Engliſh government. Certainly the laws have conſidered the king but as head of the ſtate, and the crime of taking arms againſt him relates, not more to his perſon in particular, than to the reſt of the ſtate. The parliament, therefore, ſeems to have had no leſs right to make a new great-ſeal, than the king would have had, if the common-ſeal had been in the hands of the parliament, ſince the ſeal was not the property of either, but belonged to both, conſidered as being inſeparably united together.

Count Harcourt's ambaſſy. Clarendon Whitlock.

About this time, count Harcourt, a prince of the houſe of Lorrain, was ſent from France to England. He came directly to London, where he was received with great ceremony, as ambaſſador extraordinary, tho' he had not preſented his credentials to the parliament. But it was ſuppoſed, he was not without them, and intended to addreſs himſelf firſt to the king. After ſome days ſtay in London, without any application to both houſes, he went to Oxford, where he had ſeveral conferences with the king. After that, he wrote to the earl of Northumberland, that having propoſed to his majeſty, from the king of France, and the queen-regent, the making of a peace with his ſubjects, he found him wholly inclined to enter into negotiation, and that if both houſes would inform him wherein conſiſted the differences between the king and them, he would gladly uſe his intereſt to adjuſt them. Both houſes thought it very ſtrange, that this prince ſhould offer his mediation, without producing his credentials. They told him, therefore, by the earl of Northumberland, that they received with all due reſpect, the offers of the king and queen-regent of France, and that as ſoon as he ſhould ſhow, he was authoriſed for ſuch a mediation, they would not fail to appoint a committee to treat with him. But he had no credentials for the two houſes, the queen-regent not judging proper to own them for a parliament, ſince the king of England refuſed them that title; ſo, this pretended mediation was not only fruitleſs, but was alſo a clear indication, that the French court had ſent this ambaſſy only as an outward teſtimony of their concerning themſelves in the king's affairs, tho' in all appearance, they did not much deſire to ſee an end put to the troubles of the kingdom.

Sir Edw. Deering returns to the parliament. Feb. 2. Ruſhw. Ludlow.

Sir Edward Deering, who had made himſelf ſo famous at the beginning of this parliament, by his zeal for his country, and by ſeveral noble ſpeeches upon grievances, was grown extremely averſe to the proceedings of both houſes, ſince he found, the view of ſome of the leading-men was to eſtabliſh Presbyterianiſm in the church of England; for that cauſe, after the war was begun, he forſook the parliament, and turned to the king. But, in all appearance, he was no better pleaſed with the court than he had been with the parliament, ſince he followed, at laſt, the example of the lords abovementioned. He came to London in February, 1643-4, and preſenting a petition to the houſe of commons, whereof he was member, he obtained leave to ſpend the reſidue of his days at his houſe near Canterbury, where he died within a few months.

Pym's death. Ruſhw. Clarendon

Mr. Pym, one of the pillars of the parliament, and a chief director of the affairs of the houſe, died December the 8th, 1643. The king's adherents ſpeak of him as of a very wicked man, and thoſe on the ſide of the parliament repreſent him as the greateſt patriot then in England. Opinions ſo oppoſite about the ſame perſon are not uncommon. It is not ſtrange, that from oppoſite principles ſhould be drawn contrary conſequences. Thus much is certain, Mr. Pym's death was a very great loſs to the parliament, he being one of the moſt able members of the houſe.

The parliament hangs one of the king's meſſengers for a ſpy. Nov. 27. Ruſhw.

The commons, as was ſaid, impriſoned in May this year, 1643, a perſon ſent by the king with the offer of peace, and ſoon after, he was diſcovered to be one of thoſe employed by the king, to keep a correſpondence in London. The king could not be ignorant, the commons had twice declared, they would treat as ſpies ſuch as ſhould come from the king's quarters to London, without a ſafe-conduct. Beſides that he had good correſpondents in London and the parliament, he had no occaſion to be informed of theſe particular reſolutions, to know, it is not allowable for men, without a ſafe-conduct, to come into the enemies quarters, ſince it is a maxim received, wherever a war is declared. But there was ſomething in the preſent caſe ſtill more particular; for, upon the houſe arreſting this meſſenger, his majeſty, by advice of his council, had deemed it inconſiſtent with his honour to hold any farther correſpondence with the parliament. Moreover, the 18th of October, both houſes had publiſhed an ordinance, declaring, any perſon coming to London from the king's quarters, ſhould be looked upon as a ſpy; and yet twelve days after, on the 30th of October, the king ſent privately to London, Daniel Kniveton, a ſtate-meſſenger, with three proclamations, one againſt taking of the ſolemn league and covenant; another, againſt the obſervation of the monthly faſt, enjoined by the parliament; a third for removing the ſeals of the green-wax offices belonging to the exchequer, king's-bench, and common-pleas, to Oxford. This man was taken up, and committed to priſon. Nevertheleſs, the 19th of November following, Carpenter, another meſſenger, was privately ſent by the king with an order to the judges to adjourn the term to Oxford. Carpenter was alſo apprehended, and they were both tried and condemned to die. Kniveton was the leſs excuſable, as he had before been taken and detained at Windſor for the ſame reaſon, and diſcharged by the general. All the defence he made was, that being the king's ſworn meſſenger, he was obliged to obey him; that beſides, not taking London for a garriſon, he

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thought he might have come without drum, trumpet or paſs; but this defence not being capable of ſaving his life, he was executed. Carpenter, tho' under the ſame condemnation, was reprieved and committed to Bridewell. The lord Clarendon ſpeaks of the ſentence paſſed upon theſe men as of a great injuſtice, for two reaſons; that they were obliged to obey the king, being his meſſengers; and that the parliament had not cauſed their ordinance to be notified to the king. I doubt, all will not be induced by theſe reaſons to condemn the proceeding of both houſes. The king, at leaſt, ſeems not to have blamed them, ſince he did not uſe repriſals, neither does it appear that he ever complained of it in form.

In proportion as the war was continued, the animoſity between the king and the parliament was inflamed, who no longer regarded each other. The king refuſed to own the two houſes for parliament, and they omitted nothing, as appears in their declaration concerning the Iriſh rebellion, to blacken the king's reputation. Theſe proceedings were not confined to England, where they might be in ſome meaſure neceſſary, becauſe the point was to gain the people, but care was taken alſo to convey papers abroad, tending to vindicate one of the parties, and blacken the other. Both Houſes being informed, or it may be ſuppoſing, that the king had emiſſaries abroad, who were uſing their utmoſt endeavours to repreſent the civil wars in England as a horrible rebellion againſt the ſovereign, ordered the aſſembly of divines then ſitting at Weſtminſter, to write letters to the churches of Zealand, Holland, France, Switzerland, to warn them againſt the artifices of the king's agents, by giving them a clear relation of the affairs of England. They chargedl them to inſiſt chiefly upon the king's empoying Iriſh rebels and other Papiſts, to be governors, commanders and ſoldiers; to lay before them the proofs of the intention of the king's counſellors to introduce Popery, and hinder the reformation deſigned by the parliament: Laſtly, to inform them of the diſadvantageous opinion of the king's party concerning the Proteſtant churches abroad, becauſe not governed by biſhops. The aſſembly failed not to ſend to theſe churches a circular letter, which was properly a manifeſto for the parliament againſt the king, with copies of the ſolemn league and covenant, and of the declaration of England and Scotland on that ſubject.

The aſſembly of divines writes to the churches abroad by order of parliament Ruſhw.

The king's manifeſto touching religion. Ruſhw.

Some time after, the king on his part publiſhed a manifeſto, addreſſed to all the Proteſtant churches, to efface the impreſſions which the parliament's circular letter might have cauſed. This manifeſto, which was very ſhort, contained only a proteſtation that he had never intended to conſent to the publick exerciſe of the Catholick religion in his dominions, but was firmly reſolved to adhere, to his laſt breath, to the church of England, wherein he was born, baptized and educated; and to the liturgy of that church, approved by ſo many convocations and parliaments, by all the Proteſtant churches, and the ſynod of Dort.

The king troubled how to find money.

In the interim, the king was very much perplexed how to maintain the war the enſuing campaign, knowing the parliament were preparing to exert themſelves powerfully. He had openly charged, before this parliament, with arbitrarily exacting money of his ſubjects, without conſent of parliament. He had himſelf owned, he had exceeded his power, ſince he had not only redreſſed that grievance, but alſo proteſted ſeveral times, he had redreſſed it freely, and willingly. Since the war was began, he had never ceaſed to accuſe both houſes of the ſame arbitrary actions, which he himſelf had been ſo often upbraided with, in that they impoſed taxes upon the ſubjects, without their conſent, which was directly contrary to the known laws, whereon he perpetually inſiſted. By demonſtrating that both houſes violated the laws, he pretended to gain the people to his ſide. In the interim, money was neceſſarily to be raiſed, not only to maintain the forces already on foot, but alſo to levy others, in order to reſiſt the Scots, who were upon the point of entring England. If, for the maintenance of theſe forces, he had impoſed taxes by his ſole authority, he could not have reproached both houſes for the ſame thing, and, perhaps, would have diſobliged his own party by acting againſt the laws. Money, however, was to be found at any rate, otherwiſe he would not be able to continue the war. Hitherto he had uſed ſeveral ways to raiſe money, without giving any advantage againſt him, whether by ſelling or mortgaging the crown-lands, or by the voluntary contributions of his well-wiſhers. But the means he had already uſed were too uncertain to be ſafely relied on, He ſought therefore and found an expedient to free himſelf from this ſtreight. He aſſembled at Oxford all the members that, according to him, had been driven from the parliament; pretending, theſe members were the true parliament, and the more, as he had publickly declared, he no longer looked upon both houſes at Weſtminſter as ſuch. He did not expect this new parliament would increaſe the number of his friends; but he could reaſonably hope it would grant him an aid of money, and that being authoriſed by ſuch an act, he might openly and by way of authority levy what money was neceſſary. This happened accordingly, and was properly the king's view in calling this parliament, which met at Oxford, January the 22d, 1643-4.

Clarend.

Ruſhw.

1643-4. Parliament at Oxford.

As it was not proper the king ſhould immediately diſcover his ſole end in calling this extraordinary parliament, he only told them in his firſt ſpeech, that he had aſſembled them to receive their advice, and conſult with them how to appeaſe the troubles of the kingdom.

This parliament propoſes peace.

The firſt ſtep taken by this parliament, was to try to convince the publick of their intention to labour for peace. I have already explained the conſtant ambiguity of the word peace, and the different ſenſes given it by the two parties, and, therefore, think it needleſs to repeat it. There is no queſtion, the king heartily wiſhed for a peace, but it was on condition it ſhould be made after his manner, and in his ſenſe of the word, elſe he was very averſe to it. To be convinced of what I advance, a man needs only conſider what the lord Clarendon ſays, ſpeaking of the motion made in the council to ſummon the Oxford parliament, which the king ſcrupled a little. "The king was at firſt in ſome apprehenſion, ſays that illuſtrious hiſtorian, that ſuch a conflux of perſons together of the parliament, who would look to enjoy the privileges of it in their debates, might, inſtead of doing him ſervice, do many things contrary to it, and exceedingly apprehended, that they would immediately enter upon ſome treaty of peace, which would have no effect; yet whilſt it was in ſuſpenſe, would hinder his preparations for war, and tho' no body more deſired peace, yet he had no mind that a multitude ſhould be conſulted upon the conditions of it; imagining that things of the greateſt importance, as the giving up perſons, and other particulars of honour, would not ſeem to them of moment enough to continue a war in the kingdom." Hence appears what ſort of peace was deſired by the king. It was not ſuch a peace as the Oxford parliament might think reaſonable, but a peace whereby he ſhould not be obliged to make any conceſſions.

Clarend.

But his council quickly freed him from theſe apprehenſions, by the ſame method uſed on the like occaſion in the beginning of the war. It was intimated to him, that there was no probability, the two houſes at Weſtminſter would ever treat with the members that ſhould meet at Oxford, becauſe they would not look upon them under any notion, but as private perſons, and deſerters of the parliament, Whereupon the king's ſcruples vaniſhed. As the Oxford parliament was entirely directed by the king, and as his majeſty agreed to the propoſing a peace to thoſe at Weſtminſter, it may eaſily be gueſſed, that in ſo doing, his intention was not to conclude it, unleſs both houſes at Weſtminſter would have ſubmitted to his terms. But the two houſes at Oxford had another view in this proceeding; viz. to lay a ſnare for the parliament at Weſtminſter, and engage them, if poſſible, to treat with them, which would have been owning them for a parliament. However, they expected to reap ſome advantage from their refuſal.

A letter from the parliament at Oxford to the earl of Eſſex. Clarend.

To this end, a letter was ſent to the earl of Eſſex, ſigned by the prince of Wales, the duke of York, 43 lords, 118 members of the houſe of commons. In this letter it was ſaid, 'That his majeſty having ſummoned them to attend him at Oxford, they were aſſembled in obedience to his command: That his majeſty was pleaſed to invite them in the proclamation of ſummons, by graciouſly ſaying, "His ſubjects ſhould ſee how willing he was, as far as in him lay, to reſtore the peace of the the kingdom:" That this invitation had not only been made good to them, but ſeconded by ſuch unqueſtionable demonſtrations of his majeſty's deep ſenſe of the miſeries and calamities of his poor ſubjects in this unnatural war, and of his moſt entire and paſſionate affections to redeem them from that ſad and deplorable condition, by all ways poſſible conſiſtent with his honour, or the future ſtate of the kingdom: "That as it were impiety to queſtion the ſincerity of them, ſo it were great want of duty and faithfulneſs in us, (his majeſty having vouchſafed to declare that he did call us, to be witneſſes of his actions and privy to his intentions) ſhould we not ſatisfy and witneſs to all the world the aſſurance we have of the piety and ſincerity of both." Adding--- That being ſatisfied of this truth, they had yet hopes to be the happy inſtrument of their country's redemption from the miſeries of war, and reſtitution to the bleſſings of peace; and were deſirous to believe, that his lordſhip, howſoever engaged, would co-operate with them in the bleſſed work, by truly repreſening to, and induſtriouſly promoting with, "thoſe by whom he was truſted," their moſt earneſt deſire, that ſome perſons be appointed on either part, to treat of ſuch a peace as may yet redeem their country from the brink of deſtruction.'

The earl of Eſſex's anſwer. Jan. 30. Ruſhw. Clarend.

The earl of Eſſex returned this ſhort anſwer, 'That the letter he had received, not being addreſſed to the two houſes of parliament, nor any acknowledgment of them being therein, he could not communicate it to them: That the maintenance of the parliament of England, and the privielges thereof, was that for which himſelf and his whole party were reſolved to ſpend their blood, as being the foundation whereon all the laws and liberties of the nation were built.'

The king's meſſage to both houſes at Weſtminſter. Ruſhw. Clarend.

Tho' the earl of Eſſex ſaid, he could not communicate the letter to the parliament, it was known, however, that his anſwer had been concerted with a committee of both houſes, called the committee of ſtate. Wherefore, the king, knowing thereby the intention of both houſes, believed he ſhould run no great hazard by ſending them a meſſage, in a letter to the earl of Eſſex, directed to the lords and commons of parliament aſſembled at Weſtminſter. This meſſage contained the uſual offers to treat of peace, and appoint commiſſioners, if they would do the like on their part. The king added, he took this ſtep by the advice of the lords and commons of parliament aſſembled at Oxford. Both houſes eaſily perceived, the king was laying a ſnare for them, by putting them under a neceſſity, either of accepting his offer, in which caſe they ſhould indirectly own the lords and commons aſſembled at Oxford, for a parliament, or of rejecting it, and ſo furniſhing him with a reaſon to upbraid them for refuſing to labour for a peace. But they little regarded this artifice, and for anſwer declared, they would never own the members who had deſerted both houſes for a parliament. 'And hereupon, added they, we think ourſelves bound to let your majeſty know, that ſeeing the continuance of this parliament is 'ſettled by a law, (which, as other laws of your kingdoms, your majeſty hath ſworn to maintain, as we are ſworn to our allegiance to your majeſty, theſe obligations being reciprocal) we muſt in duty, and accordingly are reſolved, with our lives and fortunes to defend and preſerve the juſt rights and full power of this parliament; and do beſeech your majeſty to be aſſured, that your majeſty's royal and hearty concurrence with us herein, will be the moſt effectual and ready means of procuring a firm and laſting peace in all your majeſty's dominions, and of begetting a perfect underſtanding between your majeſty and your people, without which your majeſty's moſt earneſt profeſſions, and our moſt real intentions concerning the ſame muſt neceſſarily be fruſtrated.'

The Oxford parliament's declaration on a peace. Ruſhw.

I have before ſhewn, with what thoughts the king propoſed a peace to both houſes at Weſtminſter, viz. that this general offer would not be accepted, as was eaſy to foreſee. Upon this refuſal it was that both houſes at Oxford exulted, as if the bare propoſal of a peace had been a clear and evident demonſtration of their ſincere deſire to make a reaſonable peace. They publiſhed, upon this occaſion, a long declaration, ſo like thoſe publiſhed by the king on the ſame occaſion, that it was not difficult to perceive it flowed from the ſame fountain. They publiſhed alſo, ſome time after, another pretending to ſhow, that the members aſſembled at Oxford had been forced from the parliament by the menaces and outrages of the leading-men. In this declaration were repeated all the outrages and artifices uſed by the chief of the party, to intimidate ſuch as would not conform to their ſentiments, and this, it was pretended, was the ſole reaſon of their being obliged to retire. This was really the king's ſcheme, but it may be ſaid to be ill grounded; for the members who had deſerted the parliament, had not, for the moſt part, abſented themſelves, till long after theſe pretended outrages, ſome by the king's own expreſs order, others for fear of being puniſhed for endeavouring to raiſe commotions againſt the parliament. But care was taken not to mention this in the declaration. After all, ſuppoſing ſome had withdrawn themſelves purely out of fear, it is certain, their number came far ſhort of thoſe who retired with the ſole view of ſerving the king. However, they were all confounded in the ſame claſs, as having been expreſly driven from the parliament.

The Weſtminſter parliament's upon the ſame account. Ruſhw.

Some time after, both houſes, at Weſtminſter, publiſhed alſo a manifeſto, wherein they pretended to ſhow, that under the ſpecious colour of propoſing peace, a ſnare was laid to engage them tacitly to own that they were not the parliament, but that the true parliament was aſſembled at Oxford. They drew their proofs from ſeveral letters written from Oxford to the earl of Eſſex, from the expreſſions in the king's late meſſage, but eſpecially from an intercepted letter from the lord Digby, where he ſaid: "A point which his majeſty may not ſuffer them to gain, without ſubverting the grounds and maxims of all his late proceedings againſt them, and that which he now goes upon by the advice of all his nobility here, as you will perceive by this incloſed proclamation, upon the effects whereof all the eyes of the kingdom are fixed. God ſend them to be as good actuated, as they are in ſpeculation, for I am confident, that in reaſon it carries probability of the ſureſt and readieſt way to a re-eſtabliſhment of his majeſty in his juſt rights and powers, of any courſe that hath been yet attempted."

Votes at Oxford againſt the Scots.

The day before the two houſes, at Oxford, wrote to the earl of Eſſex, to propoſe a peace, they voted, that the Scots having entered the kingdom in an hoſtile manner, had thereby denounced war againſt England, and that all the Engliſh who ſhould aſſiſt them, ſhould be deemed as traitors and enemies to the ſtate.

March the 12th, the ſame houſes at Oxford voted, "That the lords and commons now remaining at Weſtminſter, are guilty of high-treaſon, for raiſing of forces under the command of the earl of Eſſex, for conſenting, and being aſſiſting to the preſent coming in of the Scots into England, and for counterfeiting the great-ſeal." But as votes did no hurt to the parliament at Weſtminſter, ſo neither were they of much advantage to the king. He found a more real benefit from them, with regard to the affair for which the Oxford parliament was ſummoned, I mean, the aid of money he expected for the ſupport of the war.

Means to procure the king money. Clarend.

This parliament was, however, greatly embarraſſed, how to give the king an effectual aſſiſtance, for that was the principal affair. If, as the only and true parliament, they had laid a general tax, the king would have run the riſque of meeting great oppoſition in levying the money, all the inhabitants of the counties on his ſide, not being ſatisfied that ſuch a parliament had a lawful authority. In that caſe he would have been obliged to uſe force to compel thoſe that ſhould refuſe to pay, which did not ſuit with his preſent circumſtances. Another method was, therefore, taken, which, doubtleſs, was ſuggeſted by the court. This was to adviſe the king to borrow one hundred thouſand pounds, of the richeſt men of his party. To that purpoſe, the commons went into their reſpective counties, to take the number of thoſe who were reckoned monied-men, and make a liſt, wherein were ſet down the quality and ability of each. The commons being returned to Oxford with their liſts, the taxes were proportioned; after which the king wrote circular letters to every particular perſon, to borrow of one, a hundred pounds, of another, two hundred pounds, promiſing to repay the ſame as ſoon as he was able, and not forgetting to ſay in theſe letters, that this loan, was, by advice of his parliament. Thus, tho' this parliament did not think themſelves ſufficiently authoriſed to impoſe a general tax, the particular perſons who were rated, were no leſs obliged to furniſh what was laid on them, ſince theſe loans were made with the advice

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of both houſes. The king would have found leſs advantage in a general tax, for it was much eaſier to raiſe a hundred thouſand pounds upon particular rich men, than upon the whole nation. Now the point was to procure the king, certainly and ſpeedily, the money he wanted. Accordingly it was ſeen ſoon after, that this was the ſole motive of chuſing that method; for the Oxford parliament hearing, that both houſes at Weſtminſter had laid a duty upon wine, beer, ale, and other commodities, which they called an Exciſe, a word before unheard of in England, made no ſcruple to injoin the like in the counties where the king's authority was acknowledged.

The parliament at Oxford is prorogued. Ruſhw.

From that time, nothing remarkable paſſed in this parliament, which ſitting till the 16th of April, was prorogued to October, and never met again. It ſerved only to procure the king money, for which it was ſolely deſigned, and to exhibit a ſpectacle never before ſeen in England, viz. two parliaments at once, holding their ſeſſions at the ſame time.

The Scotch army enter England. Jan. 19. Ruſhw.

Three days before the opening of this parliament, the Scotch army entered England, notwithſtanding the ſeaſon, which it ſeemed ſhould have hindered their march. The marqueſs of Newcaſtle who commanded in the north for the king, hearing that the bad weather prevented not this army's advancing towards the borders, began to march alſo with his troops, and came to Newcaſtle the 2d of February. The Scotch army approaching the town, the general ordered it to be ſummoned; but the ſummons had no effect. He ſtaid in thoſe parts all the reſt of February, waiting for his artillery, which was coming by ſea The 28th of the ſaid month, he paſſed the Tyne at ſome diſtance from Newcaſtle, having left on the north-ſide of the town, ſix regiments of foot, and ſome horſe, to keep the garriſon in awe. The marqueſs being too weak to venture a battle, contented himſelf with harraſſing the Scots by frequent ſkirmiſhes, in order to retard their march; but, at laſt, he thought proper to retire to Durham, where the Scotch general followed him, tho' with great inconveniency, as he wanted forrage for his horſe.

The lord Fairfax defeats colonel Bellaſis at Selby. April 11. Ruſhw. Clarend.

When the marqueſs of Newcaſtle marched out of York to oppoſe the Scots, he left the command of the city with a goodbody of troops to colonel John Bellaſis. As ſoon as the lord Fairfax was informed, that the marqueſs had taken the northern rout, he reſolved to march towards York, and to that end, ordered his ſon Sir Thomas Fairfax to meet him at a certain place, with the party he commanded, that they might act in conjunction. But Bellaſis having notice of this deſign, departed from York with moſt of the garriſon to hinder their junction, and poſted himſelf at Selby. A few days after, the lord Fairfax, having taken a great circuit, to deceive the vigilance of the enemy, and joining his ſon, ſuddenly attacked Selby, with about 4000 men, where Bellaſis lay with 1500 horſe, and 1800 foot, forced the town, took the colonel priſonor, with 1600 of his men, and killed a great number.

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The marqueſs of Newcaſtle returns to York. Ruſhw.

The marqueſs of Newcaſtle heard this ſad news at Durham, the Scots being then within two miles of the place. He immediately feared, that the lord Fairfax, after his victory, would attack York, or, at leaſt, march directly towards Durham, to put himſelf between the two armies. For this reaſon, he ſuddenly reſolved to retire to York, as well to ſecure himſelf, as that city, which otherwiſe would have been in great danger.

1644. Ludlow.

It ſoon appeared, that the marqueſs had taken this reſolution very ſeaſonably, for, the 20th of April, that is, nine days, after the Selby fight, the lord Fairfax joined the Scots at Tadcaſter, whence the two generals reſolved to go and beſiege York. But as that city was too large to be inveſted on all ſides by the two armies, particularly towards the river, over which the marqueſs had made a bridge of boats, they deſired the earl of Mancheſter, general of the forces of the eaſtern aſſociated counties, to advance to this ſiege. Till the arrival of the earl of Mancheſter, the two generals held the city blocked up to the ſouthward of the river Ouſe. I ſhall interrupt for a moment, the account of the ſiege of York, to ſpeak of the ill ſucceſs of the parliament's arms at Newark.

Meldrum is defeated at Newark by prince Rupert. March 22. Ruſhw.

Whilſt the marqueſs of Newcaſtle was in the north obſerving the Scotch army, the lord Willoughby of Parham, and Sir John Meldrum, with above 5000 men of the parliament-forces, beſieged Newark, a conſiderable town in Nottinghamſhire, where the king had placed a garriſon. As ſoon as the king knew it, he ſent orders to prince Rupert, to endeavour to relieve the place. The prince being then at Cheſter, put himſelf immediately upon the march, and being joined by other troops, made a body of 7000 men, with which he advancad towards Newark. Meldrum, who commanded alone at the ſiege, the lord Willoughby being gone elſe where reſolved to fight the prince, and to that purpoſe drew up his forces at a little diſtance from the town. The 21ſt of March there was a ſharp conflict, particularly at a bridge, by which Meldrum had reſolved to retreat in caſe of need. The bridge was vigorouſly attacked, and as bravely defended. In the interim, after the fight was over, Meldrum finding himſelf too weak to renew it the next day, reſolved to retreat over the bridge in the night. But he found the guard he had left there had deſerted, and the bridge in the poſſeſſion of the enemies. So, not being able ro retreat, and perceiving himſelf ſurrounded with the king's forces, Meldrum ſent a trumpet to the prince for a parley. It was agreed, that the foot ſhould march away with their ſwords, colours, and drums; all the officers with their arms, horſes, and baggage; and the troopers and dragoons, with their ſwords, horſes, and colours. But he was forced to deliver all his ordinance and ammuniton with about 3000 muskets.

Other exploits of prince Rupert. Ruſhw.

The prince, after this expedition, which gained him great honour, returned into Shropſhire, and from thence into Lancaſhire, to relieve the counteſs of Derby, who for the ſpace of 18 weeks was beſieged in Latham-houſe, and made a gallant defence againſt a body of 2000 men. In his way to Latham, the prince took by ſtorm Stopworth, a ſmall town in Cheſhire. Whilſt he was advancing towards Latham, the beſiegers raiſed the ſiege, and part of them under the command of colonel Rigby, went and reinforced the garriſon of Bolton in Lancaſhire, which was in great danger. The prince purſued them, and without giving them time to come to themſelves, took the town by ſtorm.

June 11. Ruſhw.

After that, he attacked Liverpool, a ſea-port-town on the edge of Cheſhire, where thoſe who paſs into Ireland generally embarque. The governour, colonel More, after ſome reſiſtance, conveyed on board the ſhips in the pool moſt part of his ſoldiers, and the richeſt goods in the town, and then the prince entered with little oppoſition. Here he received a letter from the king, ordering him to march with all ſpeed to the relief of York, which was now beſieged. The king ſaid to him in this letter, "that his affairs, were in ſo very ill a ſtate, that it would not be enough, tho' his highneſs raiſed the ſiege of York, if he had not likewiſe beaten the Scotch army;" which words induced the prince to fight a battle that proved very fatal to the king.

Exploits of the earl of Mancheſter. Ruſhw.

I left York blocked up by the Engliſh and Scotch armies, commanded by the lord Fairfax and the earl of Leven, till the earl of Mancheſter ſhould join them. The earl of Mancheſter was general of the ſeven eaſtern aſſociated counties, who had raiſed an army of 14,000 horſe, foot, and dragoons. With this army, the earl of Mancheſter had already done the parliament great ſervice. In the laſt campaign he had taken the town of Lynn, and in the beginning of this, had poſſeſſed himſelf of Lincoln. As ſeveral of the leading members of parliament thought of putting him in the earl of Eſſex's place, occaſion was taken from the ſervices he had performed, to make a conſtant proviſion for his army. To that end, by an ordinance of both houſes, May the 15th, 1644, each of the ſeven aſſociated counties were charged and rated at ſuch a weekly ſum for the maintenance of his army; after which, he received orders to join the two other armies, to beſiege York together. The parliament had alſo taken care for the ſubſiſtance of the earl of Eſſex's and Sir William Waller's armies; ſo that in May, they had five armies on foot, beſides the troops diſperſed in ſeveral counties, and in garriſon.

The earl of Mancheſter joins Fairfax and the Scots. Clarend.

Siege of York. Ruſhw.

Before the marqueſs of Newcaſtle was blocked up in York, he had ſent general Goring with 4000 horſe, to ravage the parts in ſubjection to the parliament. Wherefore, the earl of Mancheſter detached likewiſe 3000 horſe, which were joined by 2000, ſent from the Scots before York, to wait the motion of Goring. The earl of Mancheſter, therefore, joined the two armies only with his foot, and ſome few horſe, and preſently after the junction, the ſiege of York was begun. The marqueſs of Newcaſtle had ſent the king word, that he hoped to hold out ſix weeks or two months, and beſought him to think in the interim how to relieve him. To retard, as much as poſſible, the progreſs of the ſiege, he made overtures for a treaty, but on ſuch conditions as he knew would not be granted. Nevertheleſs he gained ſeven or eight days by this artifice, ſo that the ceſſation he had obtained, did not expire till the 15th of June. On the 24th, he ſallied out, and furiouſly attacked the earl of Mancheſter leaguer; but after a ſharp conflict, was repulſed with loſs.

Prince Rupert approaches York. Ruſhw.

He comes to York.

On Sunday the 30th of June, the beſiegers had certain notice, that prince Rupert was advancing at the head of an army, of near 20,000 men, which had greatly increaſed in their march, as well by the troops drawn from ſeveral garriſons, as by Goring's horſe, who had joined them, ſo that this army was not inferior to the three armies employed in the ſiege. The three generals, after a ſhort conſultation, thought it adviſeable to raiſe the ſiege, and join their armies, whether, as ſome affirm, with deſign to give battle, or to avoide it, as others pretend. Be this as it will, they poſted themſelves on Marſton-moor, about five miles from York. But, tho', indeed, prince Rupert muſt have paſſed that way to come at them with his army, they left, however, two ſides of York open, that proviſions and ammunition, and even troops by ſmall parties might be conveyed in. If the prince's deſign had been only to relieve York, he had already effected it, and had only to remain in his poſt, and keep the enemies at a bay, till all neceſſaries had been ſent into the city. But that ſame day, coming into York with a guard of 200 horſe, he conferred with the marqueſs of Newcaſtle, or rather ſignified to him, that he intended to fight, according to his majeſty's expreſs orders. As the prince was extremely haughty, he made not the leaſt compliment to the marqueſs, upon the authority he aſſumed, in reſolving to give battle, contrary to the marqueſs's opinion, who maintained, it was by no means requiſite in the preſent juncture, and the rather, as he expected 5000 men, who were coming from the north to his aſſiſtance. Moreover, the prince made no ſcruple to command, without ſaying any thing to the marqueſs, the forces in York to be ready to join him next morning in order to engage; and yet, theſe forces had been levied by the marqueſs, and ever commanded with great reputation. Beſides, the marqueſs's birth and merit ſeemed to require a greater regard from the prince. Perhaps, it never came into the marqueſs's thoughts to deſire a ſight of the king's expreſs order, or elſe he believed it to be an affront to the prince, to ſhew the leaſt doubt of ſuch an order. However this be, he told him, he was ready to obey his highneſs in all things, who might diſpoſe of his troops as he pleaſed, and for his own part, would be contented to charge in the battle as volunteer. His diſſatisfaction was further increaſed, when having aſked the prince, what ſervice he would be pleaſed to command him, the prince anſwered him, he would begin no action upon the enemy till early the next morning,

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morning, and deſired him to repoſe himſelf till then. Thus, the prince had the ſole management of the intended battle, without conſulting the marqueſs any more. Tho' he had ordered his forces in York to come and join his army, it does not appear that he had aſſigned any command or poſt, to the marqueſs of Newcaſtle, perhaps, becauſe he ſaid, he would be in the battle as a volunteer. It cannot be denied, this behaviour was very ſevere to a lord, who had always ſhewn for the king, a zeal and affection not to be ſurpaſſed, nor, perhaps, equalled.

The parliament-generals retire.

In the night, the three parliament-generals having conſidered, that the place was relieved, and thinking, prince Rupert had no farther deſign than to lay in proviſions, reſolved to march to Tadcaſter, Cawood, and Selby, as well to preſerve the Eaſt-Riding, as to hinder the furniſhing of York with proviſions from thence. Accordingly they began their march early in the morning, the Scots leading the van. But about nine a-clock they had intelligence, that the prince was approaching with his army, and, indeed, he was advanced with 5000 horſe, near their rear. Whereupon they were obliged to draw up ſpeedily, and call back their van, which made all poſſible haſte to re-join them. Fortunately for them, the foot which the prince had drawn out of York, could not come up with his army till noon, and this gave the Scots time to re-join the reſt of their army, which they had left in the morning. The armies were both drawn up about two in the afternoon. But there was between them a deep and large ditch, which neither cared to paſs, for fear of giving the enemy too great an advantage. For this reaſon, they ſtood looking upon one another above two hours, each expecting the other to begin the charge.

The battle of Marſton-moor. July 2.

Prince Rupert himſelf headed the left-wing, conſiſting of 5000 horſe. The right-wing was commanded by Sir Charles Lucas, with colonel Hurry, and the main body by general Goring. It does not appear, that the marqueſs of Newcaſtle had any command in this action. The parliament's right-wing oppoſite to prince Rupert, was led by Sir Thomas Fairfax, the left by the earl of Mancheſter, aſſiſted by his lieutenant general Oliver Cromwell. In the main battalia towards the right was the lord Fairfax, and general Leven towards the left. At laſt, between ſix and ſeven in the evening, the parliament-generals gave the ſignal, and marched to the enemies. I ſhall not undertake to deſcribe this battle, becauſe in all the accounts I have ſeen, I meet with ſo little order and clearneſs, that I cannot expect to give a ſatisfactory idea of it, to ſuch of my readers as underſtand theſe matters. I ſhall content my ſelf with relating one remarkable circumſtance, beſides the ſucceſs in general. The left-wing of the king's army, commanded by prince Rupert, was entirely routed by the parliament's right-wing, whilſt the king's right-wing had the ſame advantage over the left of the parliament's. The two victorious wings, after chaeing their enemies, returned to the field of battle, and, I know not by what accident, met face to face, ſo that each ſtood on the ſame ground that the enemy poſſeſſed at the beginning of the battle. Here the fight was renewed, and maintained on both ſides with great warmth and vigour, till at laſt night approaching, the king's horſe were put to flight, and purſued as long as day would permit. It was, probably, at this time that the prince's foot were alſo routed. I ſay, probably, becauſe in the deſcription of this battle it does not appear what the foot did. But this is not the only time that we are left in the dark, when we read in hiſtories the deſcriptions of battles. They are generally made by perſons who have not the leaſt tincture of the art of war, and who by dwelling upon ſome frivolous circumſtances, paſs over thoſe that might give the intelligent reader clear ideas. It ſuffices, therefore, to ſay, that the prince's army was purſued within a mile of York, where they retired in the night. The countrymen who were commanded to bury the dead, gave out that they interred 4150 bodies. It was reported that 3000 of the prince's men were killed; but the conquerors affirmed, they loſt not above 300.

Tho' prince Rupert had always been victorious where he had commanded in chief, it is not very ſurpriſing that he ſhould once be defeated; this is a misfortune incident to the greateſt generals. But his reſolution to retire next day with his army, muſt needs appear very ſtrange. His horſe had not ſuffered much, becauſe they had taken to flight betimes, at leaſt, thoſe of the left-wing, commanded by himſelf, and his foot were alſo in good condition, the greateſt ſtorm having fallen on the marqueſs of Newcaſtle's. He might, therefore, have defended York, and waited the king's orders upon this fatal accident. So, this extraordinary reſolution can ſcarce be imputed but to an exceſſive ſhame and indignation, which hindered him from conſidering how prejudicial it would be to the king his uncle's affairs. He ſent the marqueſs of Newcaſtle notice of his deſign, juſt as the marqueſs was ſending him word, that he was inſtantly going to quit the kingdom. They both put their reſolutions in practice. The marqueſs repaired that very day to Scarborough, and embarqued for Hamburgh, and the prince left York, and marched towards Cheſter with the remains of his army. It is eaſy to gueſs why the marqueſs of Newcaſtle quitted the king's ſervice, after having been ſo unworthily treated by prince Rupert. He believed, doubtleſs, he could not with honour reſume his former command, having been deemed incapable to ſerve the king on ſo important an occaſion; nay, very probably, he imagined, the prince would not have behaved to him in ſo haughty and rude a manner, if he had not thought he ſhould be avowed. Nevertheleſs, the prince could afterwards produce in his vindication only the king's letter above-mentioned, which he underſtood in a ſenſe the king himſelf had never thought of. It may, therefore, be affirmed, that his committing ſo many errors one after another, was entirely owing to his exceſſive haughtineſs.

The taking of York. Clarend.

The parliament generals improved their victory, and the diſſention of their enemies. They returned to their poſts before York, which was left to the diſcretion of Sir Thomas Glemham the governor, who ſeeing himſelf unable long to reſiſt, ſurrendered this important place upon honourable terms. They were no ſooner in poſſeſſion of York, but the three armies ſeparated. The lord Fairfax with his forces remained at York, as governor; the earl of Mancheſter marched towards Lincoln, not to be remote, without neceſſity, from the aſſociated counties, whoſe rroops he commanded; and, the earl of Leven with the Scotch army marched northward to join the earl of Calendar, who was advancing with a ſtrong reinforcement from Scotland. When theſe forces were joined, he laid ſiege to Newcaſtle, which ſurrendered at diſcretion about the end of October. Thus the battle of Marſton-moor loſt the king all the north, which, hitherto, had given the parliament forces a powerful diverſion. But this was not all the miſchief the king had to fear, there was danger of the three victorious armies joining in the heart of the kingdom thoſe of the earl of Eſſex and Sir William Waller, and of their taking at once all the places which were ſtill in his power. This was the more to be feared, as when he heard of the defeat of his army at Marſton-moor, he was himſelf marching to the relief of the weſt, where the earl of Eſſex then was with an army, which the king's forces in thoſe parts were not able to withſtand. This is what I muſt now explain, and withal ſpeak of what paſſed at Oxford, whilſt the northern armies were in action.

The Scots take Newcaſtle.

Extraordinary preparation of the parliament, for the campaign of 1644. Ruſhw.

The parliament ſeem by their extraordinary preparations in the beginning of the year 1644, to have intended to put a ſpeedy concluſion to the war. Beſides, the armies of the lord Fairfax and Scotland, and that of the earl of Mancheſter, which was paid by the eaſtern counties, a new regulation was made the latter end of March, for the maintenance of 7500 foot, and 3000 horſe, to be commanded by the earl of Eſſex. At the ſame time, by another ordinance, the four ſouthern aſſociated counties, viz. Kent, Suſſex, Surrey, and Hampſhire were to maintain an army of 3600 foot, 1200 horſe, and 500 dragoons, under the command of Sir William Waller. Theſe were not new armies, they ſubſiſted before the regulation; but the point was to recruit them, compleat the number fixed by the parliament, and ſettle the neceſſary weekly payment of their ſubſiſtance money.

Reſolution to ſend Waller into the weſt.

Tho' Sir William Waller was worſted at the battle of Roundway-down, the two houſes, far from loſing their eſteem for him, reſolved to ſend him into the weſt, with an army capable of withſtanding prince Maurice, who found no farther oppoſition in thoſe parts. The king having notice of this deſign, reſolved to endeavour not only to hinder Waller's march into the weſt, but alſo to break the aſſociation of the four ſouthern counties in his favour. To that purpoſe, he gave the lord Hopton, an army conſiſting of troops drawn out of ſeveral garriſons, and of two regiments of foot lately arrived at Briſtol from Ireland. As ſoon as theſe forces were aſſembled, the lord Hopton poſted himſelf at Wincheſter, where Sir John Berkley brought him two regiments newly raiſed by him in Devonſhire, and the king ſent him a detachment of 1000 men, under the command of Sir Jacob Aſhley. All theſe forces together made an army of 4000 foot, and 1500 horſe, with which he reſolved to march into Suſſex Waller, who was then quartered about Farnham, aſſembled his troops and faced the enemy; but after ſome ſlight ſkirmiſhes, he retired into Farnham-caſtle, from whence he took a journey to London, to repreſent to the parliament his want of ſupplies, without which it would not be poſſible to perform what had been enjoined him.

Hopton takes Arundel-caſtle.

Immediately after Waller's departure for London, the lord Hopton marched with part of his army to attack Arundel-caſtle, which was ſurrendered upon terms; but hearing a few days after, that Waller was returned to Farnham with a ſtrong reinforcement, he rejoined the reſt of his army.

Waller retakes it.

Waller's journey to London anſwered his expectation. Beſides a brigade of Londoners under major-general Brown, he procured an order of parliament to the earl of Eſſex, to ſend him from his army 1000 horſe, commanded by Sir William Balfour. He was no ſooner returned to Farnham with theſe ſupplies, but he marched all night, and at break of day beat up one of the lord Hopton's quarters at Alton, and carried away priſoners colonel Boles's regiment of foot; a troop or two of horſe, which were in the ſame quarters, having betimes taken to flight. Then he marched directly to Arundel-caſtle, and made the garriſon priſoners. Here the learned Mr. Chillingworth was taken, and died within few days.

Battle of Alresford.

The king hearing of the ſupplies given to Waller, ſent a reinforcement to the lord Hopton. The earl of Forth, the king's general, would go himſelf, but refuſed the command which the lord Hopton offered to reſign to him. The lord Hopton having then an army of about 8000 men, reſolved to give Waller battle, and began his march with that intent, at the very time Waller was advancing towards him with the ſame reſolution. The two armies met between Farnham and Wincheſter, on Cheriton-down near Alresford, where the battle was fought the 29th of March. The lord Hopton was defeated and forced to retire to Reading, and afterwards to Oxford. Waller marched to Wincheſter, and became maſter of the city, but did not think proper to beſiege the caſtle, (which was his own inheritance) becauſe he had elſewhere more important affairs, as will be ſeen preſently. The lord Clarendon pretends, the loſs ſuſtained by Waller at Alresford hindered him from improving his advantage, and marching into the weſt, as he had reſolved. But it may be affirmed, this was not the thing that prevented his taking the weſtern rout; it was rather owing to the parliament's liament's reſolutions, by whom he was recalled to London, after having diſmiſſed the auxiliary regiments of that city, and Kent, which were alſo come to join with him.

Reſolution to beſiege Oxford.

Both houſes perceiving, that by the king's late loſs at Alresford, his army was diſcourged and conſiderably leſſened; that moreover, they had ſufficient forces in the north to have nothing to fear from the marqueſs of Newcaſtle, who was ſhut up in York, reſolved to beſiege Oxford, where the king was with his army; ſo, having relinquiſhed, or ſuſpended, the deſign of ſending Waller into they weſt, the laboured with all poſſible diligence, to put the two armies of Eſſex and Waller upon the foot ſettled by their ordinance, that they might act together againſt Oxford.

The king had ever imagined, that Waller's deſign was to march towards the weſtern parts. For which reaſon he had aſſembled his forces at Marlborough, and afterwards poſted himſelf at Newbury, where he had remained ſome time, till he could better diſcover the deſigns of his enemies. But having, at length, found, the parliament had altered their meaſures, he came to Reading, and cauſed the fortifications to be demoliſhed, in order to ſtrengthen his army with a garriſon, conſiſting of 2500 men. He alſo ordered prince Rupert to come and join him; but afterwards permitted him to relieve Latham-houſe, where the counteſs of Derby was beſieged. With the Reading garriſon, his army was increaſed to 8500 foot, and 4000 horſe; but being ſtill ignorant of the deſigns of his enemies, he thought proper to retire to Oxford with his whole army.

The earl of Eſſex and Waller march towards Oxford. Clarend.

In the interim, the parliament, who had for ſome time found means to take their reſolutions with more ſecrecy than formerly, perceiving the two armies of Eſſex and Waller ready to march, ſent to each a ſupply of 4200 of the trained-bands of London. So, the earl of Eſſex's army conſiſted of 12000 foot, and 3000 horſe; and Waller's of 7000 foot, and 1500 horſe and dragoons. Theſe two generals had orders to march ſeparately, and beſiege Oxford, if the king remained there; but if he went from thence, the earl of Eſſex was ordered to follow him with his army, and Waller to march into the weſt, according to the firſt project. They departed from London, the 14th and 15th of May, to put themſelves at the head of their reſpective armies, and immediately marched towards Oxford.

The king had poſted almoſt all his infantry at Abington, in order to ſtop the enemies, and have time to conſider what meaſure he ſhould take, in caſe they really intended to beſiege Oxford, which he ſtill queſtioned. As Abington could not be eaſily defended but on the eaſt-ſide, and he was unwilling to run any unneceſſary riſque, he had ordered general Wilmot to make a vigorous defence, if attacked on that ſide, but if on the weſt from Wantage and Farrington, to relinquiſh the place. But whether the order was not clear and full, or for ſome other reaſon, Wilmot, at the enemies approach, on the eaſt-ſide, immediately retired to Oxford, and the earl of Eſſex inſtantly entered Abington. The king perceiving the ſiege of Oxford was reſolved, had but one way to hinder it, which was to defend the paſſes of the rivers Iſis and Cherwell, which run on the weſt and eaſt-ſides of the city, and to that end he quartered his horſe near the Iſis, and his foot towards the Cherwell. As the motions of the parliament armies entirely proceed from the cituation of Oxford and the adjacent country; and as, without this knowledge, ſcarce any thing would be intelligible, I ſhall paſs over the particulars which to me ſeem not abſolutely neceſſary, and content my ſelf with ſaying, that Waller found means, at laſt, to gain the paſs at Newbridge over the Iſis, which enabled him to fall upon the rear of the king's foot that were defending the Cherwell. Whereupon the king drew all his forces into Oxford and to the north of the city, with thoughts at the ſame time of providing for the ſafety of his perſon, not judging it proper to ſuffer himſelf to be ſhut up. There was no time to loſe, for the king's troops were hardly retired, when the earl of Eſſex paſſed the Cherwell at Goſworth bridge with his army. So the king giving orders to his horſe, and a ſmall body of foot, to wait for him at ſuch a place, left Oxford the 3d of June about nine o'clock at night, and ſafely paſſed between the two parliament armies. He was out of all danger of purſuit before the news of his retreat reached the enemies, and came, at length, on June 6, to Worceſter, after having endured a great fatigue.

The king withdraws from Oxford with his horſe. Ruſhw.

The two generals relinquiſh the deſign of beſieging Oxford.

The two generals were extremely ſurpriſed, when they heard the king had eſcaped them; but it was too late to hope to overtake him. In the interim, the city of Oxford being well ſtored with proviſions and ammunition, and the king having left there almoſt all his foot, they did not think fit to beſiege it, and the rather, as they had no orders to do it, unleſs the king remained there. The parliament's intention was, that in caſe the king quitted Oxford, the earl of Eſſex ſhould follow him with his army; and Waller with his, take care of the affairs of the weſt. But the earl of Eſſex, for ſome unknown reaſon, reverſed this order, and would himſelf march into the weſt. And when Waller urged the parliament's orders, the earl of Eſſex poſitively commanded him, as his general, to obey, to which the other could make no reply. So, the earl immediately began his march to the weſt. The parliament were very much offended with the earl of Eſſex's diſobedience, and ſent him an order, which reached him at Saliſbury, to return, follow the king, and leave to Waller the weſtern expedition. But the earl inſtead of complying, ſent a letter to the committee of war, with the reaſons of his conduct, ſubſcribing his letter, "Your innocent, tho' ſuſpected ſervant, Eſſex." Whether both houſes were ſatisfied with the ealr's reaſons, or believed it proper not to incenſe him in ſuch a juncture, they ſuffered him to purſue his march, which he did in a ſlow and eaſy manner, till he came into Devonſhire.

1644.

The queen retires to France. Ruſhw. Clarendon

The queen had been ever ſince April at Exeter, the capital of that county, where ſhe was delivered of the princeſs Henrietta, about a fortnight or three weeks before the earl of Eſſex's approach. As ſoon as ſhe heard of his entering Devonſhire, ſhe ſent and deſired a ſafe-conduct to retire to Briſtol. The earl of Eſſex anſwered, if her majeſty would pleaſe to go to London, he would have the honour to wait upon her thither; but could not give her a ſafe-conduct to Briſtol, without the expreſs order of both houſes. Whereupon the queen withdrew into Cornwal, and ſome time after into France, with a convoy of men of war, ſent her by the prince of Orange.

Prince Maurice raiſes the ſiege of Lyme, aed retires to Exeter. June 15. Ruſhw.

Eſſex's progreſs in the weſt. Clarendon

Captain Howard hanged for deſertion. Ruſhw. Captain Turpin hanged in revenge.

1644. Ludlow. Ruſhw.

Prince Maurice had been, ſince April the 20th, before the little town of Lyme, which made a more obſtinate defence than was expected. This place, and Plymouth, were almoſt the only towns in the weſt that were for the parliament. It was, therefore, very neceſſary for the parliament, to have in thoſe parts, forces capable of reviving the courage of their friends, who had received no aſſiſtance ſince prince Maurice's arrival. At the earl of Eſſex's approach, who was now advanced to Dorcheſter, the prince raiſed the ſiege of Lyme, and retired to Exeter. The ſame day, the earl of Eſſex poſſeſſed himſelf of Dorcheſter. Then, he detached Sir William Balfour, who took Weymouth, whither the earl of Eſſex inſtantly repaired. He had ſome time thoughts of beſieging Exeter, and indeed marched that way; but conſidering that prince Maurice was there with his whole army, he was afraid of loſing too much time in the ſiege, and ſtopped at Chard, where he remained ſome time, and from thence marched to Tiverton. Whereupon, prince Maurice ſent a detachment from Exeter, with orders to ſecure Barnſtable; but the inhabitants ſhut the gates againſt them, and immediately ſent to the earl of Eſſex, to come and take poſſeſſion of the town, which, was done accordingly by the lord Roberts. Here was taken captain Howard, who having been formerly lieutenant to captain Pym, had deſerted, with nineteen troopers, to the king's party; for which being now tried by a council of war, he was condemned and executed. Upon this, prince Maurice cauſed to be hanged Turpin, a ſea-captain, taken priſoner in attempting to relieve Exeter, when the earl of Stamford was beſieged in it. He being indicted for levying arms againſt the king, was by the judges, Heath, Forſter, Banks, and ſerjeant Glanvil, condemned, but hitherto reprieved, by reaſon of the conſequences. The parliament was very much incenſed at this repriſal, conſidering the difference between a priſoner of war, and a deſerter. Wherefore having ſerjeant Glanvil in their cuſtody, who had lately quitted the king's party, and returned to London, they ordered him to be impeached of high-treaſon. Soon after, the king's party cauſed 14 clothiers to be hanged at Woodhouſe in Wiltſhire, and the parliament ordered eight Iriſhmen to be executed, who had been taken priſoners in ſome action. Theſe are the ſad effects of civil wars. Theſe executions gave occaſion to the parliament, in Auguſt following, to erect a court-martial, to which were given very ſevere inſtructions, chiefly with reſpect to deſerters. About the middle of July, Taunton-Dean was taken for the parliament, by a party of the garriſon of Lyme.

I am obliged for a time, to break off the narrative of the affairs of the weſt, to relate what the king did after his happy eſcape from Oxford.

The king's march after his flight from Oxford.

Waller follows him. Clarend.

He arrived June the 6th, at Worceſter with his little army; but ſtaid there only a few days, hearing Waller was marching that way. When he quitted Worceſter, he made ſeveral marches and counter-marches, to deceive the vigilence of his enemy, not being ſtrong enough to venture to expect him. At laſt, having made a ſhew of marching towards Shrewſbury, Waller doubted not but his deſign was to join prince Rupert who was ſtill in thoſe parts; for this was before the battle of Marſton-moor. He thought it, therefore, very important to march before, and poſt himſelf between the king and Shrewſbury, in order to hinder his joining with the prince. The king was very glad to have deceived Waller. As ſoon as he knew Waller expected him upon that rout, he feigned to take it indeed, but ſuddenly turning about, inſtead of continuing his march towards Shrewſbury, took the road to Oxford, and left Waller in his poſt, without any poſſibility of overtaking him. When he came near Oxford, he was joined by the reſt of his army, which he had left there when he quitted that city. Then, no longer fearing Waller, ſince he was ſtronger than he, he went and quartered in Buckinghamſhire, without any other deſign than to give the enemy battle, if there was occaſion.

The fight at Cropedy bridge. June 29. Ruſhw. Clarend. Whiteloc.

Waller having been thus circumvented, approached the king however, and, at length, the two armies were in ſight, with the river Cherwell between them. Waller drew up on a very advantageous ground, imagining the king would paſs the river to attack him, and thereby furniſh him with an opportunity to fight with advantage. But the king, to draw him from his poſt, feigned to march northward, and accordingly advanced into Northamptonſhire, leaving a ſtrong guard at Cropedy-bridge, to hinder the enemies from paſſing, and following him in the rear. Whilſt he was marching, he had intelligence, there was a body of 300 horſe going to join Waller, within two miles of the van of his army, and was told they might be eaſily cut off, if the army moved faſter. Whereupon orders were ſent to the van, and main body, to advance faſter. As ſoon as Waller perceived there was a great diſtance between the king's rear, and the reſt of his army, he detached 1000 horſe, to paſs the river at a ford, a mile below, and himſelf, with 1500 horſe, 1000 foot, and 11 pieces of cannon, attacked Cropedy-bridge, took it, and paſſed his troops. Which done, fell upon the king's rear, but was repulſed, with loſs of many of his men, and part of his cannon. This is all that can be gathered with any clearneſs, from the accounts of this battle. The detachment, which, I ſaid, paſſed the ford had much the ſame ſucceſs. Waller being thus repulſed, and forced to repaſs the river, drew up his men on a hill, and there waited the king's motions. As it was yet but three in the afternoon, the king, believing the enemies were diſcouraged with their ill-ſucceſs, ordered Cropedy-bridge, and the ford, to be attacked by two great detachments. The firſt was repulſed at the bridge, with great loſs on the king's ſide. The other gained the ford; but all that could be done, was to maintain it, expecting in vain, till night, that the firſt detachment would recover the bridge. Night coming on, both ſides retired, Waller remaining maſter of the two paſſes.

The king was ſo prepoſſeſſed with the notion, that the enemies army was entirely diſcouraged, that he reſolved to ſend them an offer of pardon by a herald, imagining it would be immediately accepted, and Waller deſerted. In this belief, he ſent a trumpeter to Waller, to deſire a ſafe-conduct for a gentleman to deliver a gracious meſſage from his majeſty. Waller anſwered, he had no power to receive any meſſage without permiſſion from the parliament, to whom his majeſty was to make application. The two armies faced each other for the ſpace of two days, ſtanding in the ſame poſture, after which they both drew off, each taking a different rout. In all appearance, Waller after this loſs, did not think himſelf in condition to go any more in queſt of the king, who was ſuperior to him in number. As it was about this time, that the report of prince Rupert's defeat at Marſton-moor was ſpread, Waller thought, doubtleſs, there was no great neceſſity to riſque a ſecond battle, ſince the king would probably be very much diſtreſſed. When he knew afterwards, the king was marching towards the weſt, he gave himſelf ſtill leſs trouble about what the king might attempt, ſince it belonged to the earl of Eſſex to get off as he pleaſed. There was not a ſufficient union between them, for Waller to be much concerned at what might have happened to the earl. Perhaps too, his not ing able to follow the king, who was march- being againſt the earl of Eſſex, was the reaſon why he diſmiſſed the regiments of the London auxiliaries, which, added to his loſs at Cropedy, diſabled him from acting till he had freſh troops.

The king marches towards the weſt. Clarend.

The king, who at the beginning of this campaign was in a ſad ſtrait, found himſelf a month after, much at eaſe. Of the two armies by which he had been attacked, one was unable to hurt him, and the other was gone into the weſt, where he himſelf was very ſtrong. In the firſt place, he was maſter of all the fortified towns, Plymouth excepted. Secondly, he had at Briſtol a large garriſon, part whereof might be drawn out upon occaſion. In the third place, almoſt all the gentry of the weſtern counties were well-affected to him. There were only the meaner ſort of people, who were divided between him and the parliament, but who, however, were always ready to join with the ſtrongeſt. Laſtly, prince Maurice had at Exeter, and in the neighbourhood, 4000 men, which could be eaſily brought to him by the north of Devonſhire, and the earl of Eſſex not be able to prevent it. All theſe conſiderations determined him to march weſtward, to give the earl of Eſſex battle, if an opportunity offered. He had ſcarce begun his march, when he received the ill news of what paſſed at York, which confirmed him in his reſolution. He perceived that if he remained in the middle of the kingdom, where he had few friends or fortified towns, the three parliament armies, which were now ſeparated, would not fail to rejoin, and then he ſhould be too weak to withſtand them.

As ſoon as the king had taken this reſolution, he informed prince Maurice of it, that he might be ready to join him, and by the ſame expreſs ſent orders to the lord Hopton, to draw what men he could out of Wales, and lead them to Briſtol, that he might meet him on the way with thoſe troops, and as many more as could poſſibly be ſpared from that garriſon. So, the king making eaſy marches, in order to give the Welſh troops time to join him, came the 15th of July to Bath, from whence, after two days, he departed, and, at length, arrived at Exeter. When all the forces, he had ſent for, had joined him, he ſaw himſelf at the head of an army much more numerous than the earl of Eſſex's.

The king's meſſage to both houſes for peace not anſwered. July 4. Ruſhw.

Five days after the fight at Cropedy-bridge, the king being at Eveſham, cauſed to be drawn up a meſſage for peace to both houſes, a copy whereof was ſent to the earl of Eſſex, by the marqueſs of Hertford, to be communicated to the parliament, it being intimated that the French agent had the original to deliver, if required. This meſſage directed to the lords and commons of parliament aſſembled at Weſtminſter, contained a general offer to treat of peace, and if commiſſioners ſhould be ſent to him, he would grant them a ſafe-conduct. The two houſes, ever jealous of the king, thought there was ſome artifice concealed in ſending them only a copy of the meſſage, and that his view was to engage them to demand the original of the French agent. Beſides, they did not conceive themſelves to be owned by the direction of this meſſage as the two houſes of parliament; and, therefore, imagined, the king had a mind to reſerve to himſelf the power of ſaying, that he did not acknowledge them for the true parliament of England, and, indeed, he ought not, according to his principles, ſince he had publiſhed the forementioned declaration againſt them. Wherefore they reſolved to take no notice of the meſſage, nor return any anſwer.

The king's ſpeech to the Somerſetſhire men. July 23.

Whilſt the king ſtayed at Bath, he had aſſembled the inhabitants of Somerſetſhire, at Kingſmoor, and made a ſpeech to them, exhorting them to take arms for him, and furniſh him with money. He told them, 'That 'victory was the only means left to reſtore 'peace to the nation, that bleſſed peace which 'he had ſo often ſought for from them at Weſt-

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minſter, and which they had ſo ſcornfully rejected. But, continued he, when I mention peace, I would be underſtood to intend that peace, which is built upon ſuch foundations as are moſt likely to render it firm and ſtable; wherein God's true religion may be beſt ſecured from the danger of Popery, Sectaries, and innovations; the crown may poſſeſs thoſe juſt prerogatives which may enable me to protect and govern my people according to law; and the ſubjects be confirmed in thoſe rights which they have derived from their forefathers, and which I have granted them in parliament; to which I ſhall always be ready to add ſuch new graces, as I ſhall find moſt to conduce to their happineſs: This is the peace which I labour for, wherein I may juſtly expect your beſt aſſiſtance with your hearts, and hands, and purſes.’

For the clear underſtanding of the king's meaning, not only on this, but on all other, the like occaſions, without exception, it muſt be conſidered, the parliament did not deny, that a king of England ought according to the laws of the land, to enjoy ſuch prerogatives as his majeſty demanded; but they affirmed, it ought to be for the welfare, and not for the deſtruction of the people. They pretended, that Charles I, had abuſed theſe prerogatives to deſtroy the rights of the ſubject, and from thence drew this inference, that it was abſolutely neceſſary to put it out of his power to abuſe them for the future, which could be done only by depriving him of part of the prerogatives he had abuſed. They maintained, only the king's bare word could not be relied on, and there was need of a ſtronger fence to ſecure the laws. The king, on his part, did not deny he had made ill uſe of his power; but he had repaired the miſchief he had done, and proteſted, his intention was to govern for the future, according to the laws of the land. What, therefore, was the ground of the war? Why, the parliament would not truſt to the king's word, and the king refuſed to give other ſecurity. When, therefore, the king ſo frequently offered peace, on condition he ſhould be reſtored to all his prerogatives, excepting thoſe he had departed from in this parliament, far from ſhewing by theſe offers, that he was ſincerely deſirous of peace, he rather demonſtrated, that nothing could ſatiſfy him but an entire victory, whether by arms or treaty. On the other hand, when the parliament ſeemed to wiſh for peace, but on condition that the king ſhould be diveſted of his prerogatives, was not this in reality to wiſh for war, ſince it was deſiring to ſecure, by a treaty, an advantage, which their arms had hitherto rendered very uncertain? We muſt not, therefore, be miſled by the ſound of the word peace, which was, as appears, a very ambiguous term, and of which, both ſides, eſpecially the king, made a parade to dazzle the people. I am in hopes this remark will be of uſe to explain many the like paſſages of this reign.

1644.

The earl of Eſſex enters Cornwal. June 26. Clarend.

When the earl of Eſſex heard of the king's approach, he called a council of war, to debate what was to be done in this emergency. His own opinion was, to return, and hinder the king from penetrating farther into the the country, and to give him battle, if a favourable opportunity offered. He repreſented, that in Devonſhire or Somerſetſhire, as he ſhould not be ſtraitned in room or proviſions, he might either fight, or avoid it as he ſhould think fit. But the lord Roberts of Truro, field-marſhal in this expedition, whoſe eſtate lay all in Cornwal, poſitively affirmed, that as ſoon as the army ſhould enter that county, the people would all declare for the parliament; that then it would be impoſſible for the king to come there, and the army might eaſily ſubſiſt, and be reinforced with a great number of troops. Upon this aſſurance, which afterwards proved very falſe, the lord Roberts, rather by a ſort of violence, than the ſtrength of his reaſons, cauſed it to be reſolved, that the army ſhould march into Cornwal.

The king follows him. Clarend.

Purſuant to this reſolution, the earl of Eſſex entered that county, July the 26th, after forcing the paſſage at Newbridge, which was bravely defended by Sir Richard Greenvil. The ſame day the king came to Exeter, and after a general muſter of his army, followed the earl of Eſſex, who did not find in Cornwal what the lord Roberts had made him expect. He advanced, however, to Launceſton, and from thence to Bodmin, where he wrote to the parliament, that he did not doubt, the king's deſign was to ſtraiten him for proviſions, and, therefore, earneſtly deſired, that an army might be ſent into the weſt to lie upon the king's rear, and hinder him from executing his project. But as Sir William Waller was not ready to march, being then in London, ſolliciting ſupplies for his army, all that could be done was to detach colonel Middleton with 2500 horſe and dragoons, with orders to march weſtwards.

The king's letter to the earl of Eſſex. Clarend.

The king ſeeing the earl of Eſſex intangled in a country where he wanted proviſions for the ſubſiſtance of his army, thought it a fair opportunity to try to gain him. Wherefore he ſent him a letter under his own hand, perſuading him to free himſelf from his preſent ſtraits, by reſtoring peace to the kingdom, that is, by declaring for ſuch a peace as the king deſired. The earl of Eſſex returning no anſwer to this letter, prince Maurice, and the earl of Forth, lately made earl of Brentford, the king's general, wrote to him two days after; and the next day he received another letter on the ſame ſubject, ſigned by the lord Hopton and many general officers of the king's army. At laſt, he returned a brief anſwer to the earl of Brentford, that he had no commiſſion to treat.

Wilmot arreſted by the king. Clarend.

About this time, the lord Wilmot, lieutenant-general of the king's horſe, was arreſted and ſent priſoner to Exeter, by his majeſty's order, he having taken the liberty to ſend the earl of Eſſex word, that if he would enter into treaty, the officers of the king's army were ſo deſirous of peace, they would conſtrain his majeſty to conclude it upon reaſonable terms. Wilmot's diſgrace bred ſome murmurs amongſt the officers of horſe, by whom he was very much beloved; nay, they preſented a petition to the king, to pray him to let them know what crime that lord was accuſed of. The king, in ſuch a juncture, was very ready to give them this ſatisfaction. Nevertheleſs the lord Wilmot was deprived of his poſt, which was given to the lord Goring, after which, he had leave to retire beyond ſea. It was generally believed in the army, that Wilmot's diſgrace was owing to ſome intrigue of the court, and the king's private hatred of him on account of the part he had acted againſt the earl of Strafford.

The earl of Eſſex is in great ſtraits. Ruſhw.

The earl of Eſſex perceived too late the vanity of the lord Roberts's promiſes. So far were the people of Cornwal from riſing in his favour, that on the contrary they ran in crowds to join the king's army. The earl could have proviſions but by ſea, and in ſmall quantities, by means of a river which afforded him a communication by ſea with Plymouth. At laſt, Sir Richard Greenvil having brought the king a ſupply of troops, it was reſolved in a council of war, to make uſe of the ſuperiority of the number, not to compel the earl of Eſſex to fight, but to cut of his proviſions entirely. This was happily effected, by means of a fort run up on the bank of the river, by whioh the enemies received their proviſions. Thus the earl of Eſſex being reduced to the laſt extremity, after having kept his poſt almoſt a month, reſolved to abandon his army, to avoid falling into the king's hands. But before he executed that deſign, he ordered Sir William Balfour to endeavour to ſave the horſe, which he performed very fortunately in a dark miſty night, by paſſing unobſerved through the king's quarters. As ſoon as the earl of Eſſex knew the horſe were out of danger, he ſent to the king and demanded a parley, but before the anſwer was returned, took ſhip with ſome officers and retired to Plymouth, leaving major-general Skippon to ſee to procure the beſt terms he could for the foot.

He ſaves his horſe, quits the army, and retires to Plymouth. Ruſhw.

The king having granted the parley deſired by the earl of Eſſex before his departure, a conference was held between ſome officers of both armies, where the following articles were agreed on.

I. That on the morrow, being September the 2d, all the officers and ſoldiers under the command of the earl of Eſſex, ſhall deliver up all their cannons and train of artillery, with all carriages, neceſſaries and materials thereunto belonging; and likewiſe all arms offenſive and defenſive, with all ammunition whatſoever, except only the ſwords and piſtols of all officers above the degree of corporals.

II. That immediately after all officers and ſoldiers ſhall march out of their quarters to Leſtwitial with their colours, trumpets, and drums; and that all officers above the degree of ſerjeants, ſhall take with them ſuch horſes and ſervants as properly belong to them, with all their bag and baggage, and waggons with their teams.

III. That they ſhall have a ſafe convoy of 100 horſe, from their quarters, to Leſtwitial, and thence in their march to Pool and Wareham.

IV. That in caſe they ſhall march from Pool to any other place by land, that they ſhall not bear arms more than is allowed in the agreement until they come to Southampton or Portſmouth.

V. That all the ſick and wounded ſhould be left at Foy, till ſuch time as they can be conveniently tranſported to Plymouth.

VI. That all the officers and ſoldiers ſhall be permitted to receive all moneys, proviſions, and other accommodations, as they ſhould be able to procure from Plymouth; to which end they ſhall have a paſs for any 12 perſons, whom they ſhall ſend for the ſame.

VII. That there ſhall be no inviting of any ſoldiers, but that ſuch as will voluntarily come to his majeſty's ſervice, ſhall not be hindered.

By this treaty, the king properly gained only artillery, arms, and ammunition. But tho' it was ſomthing to reduce this army to ſuch a condition, it would have been of much more advantage to him, had he made the officers and ſoldiers priſoners of war. For the parliament wanted neither artillery, nor arms, nor ammunition, to repair their army, which, indeed, was able within five or ſix weeks, to give the king battle. It is to be preſumed, the king had good reaſons to be ſatisfied with this little advantage.

The earl is well received at London. Clarend.

Tho' the earl of Eſſex might have been juſtly upbraided for the two faults he had committed, in obſtinately purſuing his march into the weſt, contrary to the orders of both houſes, and in prepoſterouſly running himſelf into Cornwal, he was not inſulted for his misfortunes, but at his return was very civilly received. It was then no proper time to examine his conduct. The point was to recruit and arm the ruined army, as well as that of Waller, and accordingly both houſes applied themſelves to it with all poſſible diligence. They ordered alſo colonel Middleton to repair ſpeedily to the earl of Eſſex's army, and the earl of Mancheſter to march the ſame way with his forces.

The king's meſſage to both houſes, with the offer of peace.

After the king had gained ſo conſiderable an advantage, he hoped, the frighted parliament would deſire nothing more than to come to an agreement. He plainly perceived, that ſuch a peace as he deſired was impracticable, as long as the parliament was proſperous. But he flattered himſelf with the hopes, that after ſo great a misfortune, his enemies would gladly accept his offers, and inſiſt no longer upon terms he was fully reſolved not to grant. In this belief, he ſent from Taviſtock a freſh meſſage to both houſes, with offers of peace, and annexed to it a duplicate of his former meſſage from Eveſham. This meſſage was ſo worded, that he ſeemed out of pure moderation to offer, after his victory, to be content with having, by a peace, what he was in condition to obtain by force of arms. But if notice be taken of what I before ſaid, to explain what is to be underſtood by the peace offered by the king, it will be found, that through an exceſs of modeſty,

deſty, moderation, and affection for his people, he would be ſatisfied to obtain by a treaty, what hitherto he had not been able to procure by arms; for that was the real meaning of his offer, tho' diſguiſed under the ſpecious name of peace. The parliament muſt have underſtood it in that ſenſe ſince it was not regarded. The king himſelf, doubtleſs, did not believe, he could deceive the two houſes by the bare name of peace, after having ſo often experienced how much they were upon their guard in that reſpect. But theſe frequent offers of peace were properly deſigned to make impreſſion upon the people, who did not diſcover their true meaning.

The king attacks Plymouth without ſucceſs. Clarend.

The 10th of September, the king appeared before Plymouth, in hopes, that after his late victory, the gates would be opened to him; but having ſummoned it in vain, and even given ſome aſſaults, he was forced to retire, the ſeaſon not permitting him to undertake ſo important a ſiege, which probably, would have employed him ſeveral months. Beſides, his deſign was to march to London, where he ſuppoſed all were in the utmoſt conſternation. In the in terim, general Goring, with a detachment of the army, became maſter of Barnſtaple.

The arrival of the elector Palatine at London. Ruſhw.

I have had frequent occaſion to ſpeak of the affairs of the elector Palatine, and to obſerve, how James I, and Charles I, neglected the intereſts, the one of the king his ſon-in-law, and the other, of the elector, his nephew. All the elector's dominions being in the hands of his enemies, he fled for refuge to the king, his uncle, who gave him a penſion for his ſubſiſtance. This penſion, it is likely, was ill paid ſince the king was engaged in the war with Scotland, and ſtill worſe, ſince the beginning of this parliament. So the elector having attended the king till he retired into the north and ſeeing the war ready to kindle, abruptly quitted the king his uncle at York. He retired into Holland, and ſtaid there till Auguſt, 1644, when he ſuddenly came to London to reſide there, under the protection of the parliament. The king hearing of it, wrote to him, to know the reaſon of ſo extraordinary a proceeding. It does not appear what anſwer the elector returned; but probably, not knowing how to ſubſiſt, and conſidering the king his uncle was not able to maintain him, he believed, he ſhould find more aſſiſtance in the parliament, which had ever expreſſed a great affection and zeal for his houſe. He was not deceived in his expectations, for the parliament granted him an honouable penſion, which was more regularly paid than the former from the king. He afterwards deſired and obtained leave to hear the debates in the aſſembly of divines. Probably, as he did not care to be concerned in military affairs, he ſought to ſpend his time in converſing with the learned, and improving himſelf in matters of religion.

The king reſolves to march to London.

The king was ſo ſtrongly poſſeſſed with the belief, that his victory could not but make a ſtrong impreſſion upon the minds of the people, that he reſolved to march directly to London. He did not queſtion, but his army would conſiderably encreaſe by the way, and the people forſake the two houſes, when they ſhould ſeem marching towards the metropolis. It is true, ſuch turns had been formerly ſeen in England, but very ſeldom or never in favour of princes, whom the nation believed to have cauſe to complain of. However, tho' Charles had given but too much occaſion to complain of his government, yet was he perſuaded, he was beloved by the people, and imputed whatever they did againſt him, to the artifices, calumnies, promiſes, menaces, and violences, that were uſed to miſlead or compel them. In this belief, he imagined, the people wanted only an opportunity to free themſelves from the yoke of the parliament, and that the preſent one being very favourable, was not to be neglected. He publiſhed, therefore, the 30th of September, a proclamation, dated at Chard, wherein he ſet forth, with what earneſtneſs and ſincerity he had always deſired, and offered peace, which had been conſtantly rejected by both houſes, after which he ſaid, 'That 'he had therefore reſolved with his army, to 'draw preſently towards London, and his 'ſouthern and eaſtern counties, not looking 'upon theſe parts as enemies to him, but as 'his poor ſubjects, oppreſſed by power, (" of " which he was aſſured the greater part re" mained loyal to him,") and ſo deſerving his 'protection; hoping, that at a nearer diſtance 'of place there might be begot ſo right an 'underſtanding between him and his people, 'that at length he might obtain a treaty for 'peace, and a full and free convention in par'liament, and therein make an end of theſe 'unhappy differences, by a good accommoda'tion; whereby his people might be ſettled 'in the poſſeſſion of the rights and liberties. 'And therefore he required his ſubjects with'in his own quarters, through, or near which 'he ſhould paſs, forthwith to prepare them'ſelves with the beſt arms they could get, to 'be ready to join him. He authoriſed like'wiſe as well the trained-bands of London, as 'his ſubjects of the eaſtern and ſouthern coun'ties, to chuſe their own commanders among 'thoſe gentlemen and citizens, that were of 'approved loyalty, and lovers of peace, re'quiring them at his approach, to put them'ſelves in arms, and aſſiſt in this expedition, 'and commanding them to ſeiſe ſuch places of 'ſtrength, as the rebels were poſſeſſed of, and 'to apprehend the perſons of all ſuch as ſhould 'hinder the ſettling the peace of the kingdom.'

All the effect this proclamation produced, was, that the inhabitants of Somerſetſhire, where the king then was, preſented a petition to him, humbly beſeeching his majeſty, 'That 'they might have the liberty to wait upon 'him in perſon, and, at a nearer diſtance of 'place, become petitioners to both houſes, to 'embrace his majeſty's offers of peace; and 'in caſe of refuſal, they promiſed to ſpend 'their lives and fortunes, in aſſiſting him to 'compaſs by the ſword, what by fair means 'could not be effected.' But this was only a promiſed aid, and as yet too remote for the king to make any uſe of in the preſent expedition.

1644.

The king meets with obſtructions in his march. Clarend.

If every thing had happened as the king had imagined; if the people had flocked to his army; if he had been chearfully ſupplied with all neceſſaries, very probably, he might have arrived at London before the parliament-forces could have been joined to form a new army. But this army, inſtead of increaſing in their march, as he expected, daily diminiſhed by fatigues, by want of money, ſhoes, and ſtockings, by ſickneſs, which diſabled many of his men from following the army. He was obliged to make frequent halts in ſeveral towns to wait for money and other neceſſaries, which, he perceived, would not be ſupplied when he ſhould be removed. The horſe being diſcontented, as well at the lord Wilmot's diſgrace, as at their having received no pay this campaign, he was forced to ſtay till the eaſtern counties ſhould ſupply him with money to ſatiſfy them, otherwiſe he durſt not advance. Theſe delays were the reaſon that he came not to Saliſbury till the 15th of October, ſix weeks after the advantage gained at Cornwal. Then it was that he altered his reſolution, and inſtead of marching to London, contented himſelf with returning to his old quarters in and about Oxford; nay, this project could not be executed without difficulty, conſidering the meaſures taken by his enemies.

The parliament forms a great army.

Whilſt the king was on his march, the parliament was not idle; they provided 6000 arms, and cloths for the earl of Eſſex's foot, and detached the city brigade conſiſting of 5000 men, beſide the neceſſary recruits to join him. Sir William Waller had taken the field again, his army recruited and re-inforced, and was now at Andover ready to march. The earl of Eſſex's horſe, which had fortunately eſcaped in Cornwal, were come to him, as well as thoſe ſent into the weſt, under the command of colonel Middleton. Thus, the earl of Eſſex ſaw himſelf in condition to march the 17th of October in order to join Sir William Waller and the earl of Mancheſter, who was within diſtance. The king having notice that Waller was to march to Reading, advanced with all poſſible diligence towards Andover, to give him battle before he had joined the earl of Eſſex; nay he fell upon his rear and killed 20 or 30 of his men. But this could not hinder the junction of the three armies, which was done the 21ſt of October.

Ruſhw.

Whilſt the king's enemies lay ſo near him, he very unadviſedly, as it ſeems, detached from his army the earl of Northampton with three regiments of horſe, to relieve Banbury-caſtle, which had been beſieged ever ſince July the 19th, and was now reduced to extremity. The earl ſucceeded in his expedition, but the king was like to pay dear for it, ſince, a few days after he was forced to fight deprived of the aid of theſe three regiments. His deſign, as I ſaid, was only to retire into Oxford, there being no farther reaſon to induce him to purſue his march towards London. But he would firſt beſiege Dennington-caſtle, and, therefore, advanced to Newbury, which lies but a mile from that caſtle, whilſt the parliament army was at Reading. The next day, that army marched towards Newbury, where the king fortified himſelf in the beſt manner he could, and placed his foot in the intrenchments, whilſt the horſe were poſted in two adjoining open fields, and for ſome days there were frequent ſkirmiſhes between the two armies. At laſt, on the 27th of October being Sunday, the parliament-generals having divided their forces into two bodies, attacked the king's intrenchments at two ſeveral places. The fight, which began about three or four in the afternoon, held till night, and was extremely ſharp, each ſide repulſing the other by turns. This is all that can be gathered with any certainty from the accounts of this battle, except that when night approached, the aſſailants forced part of the intrenchment, and took ſome pieces of ordnance. But night hindered them from improving this advantage, and put an end to the fight.

1644.

The ſecond battle of Newbury.

The king retires in the night, leaving his cannon in Dennington-caſtle. Ruſhw.

In the interim, the king fearing the enemy would next morning penetrate into his lines, withdrew in the night, and marched to Wallingford, leaving his heavy cannon and baggage in Dennington-caſtle. The earl of Eſſex was not in the battle; he had quitted the army ſome days before, whether on account of ſome ſudden indiſpoſition, or, perhaps, out of ſome diſcontent, not being able to agree, either with the earl of Mancheſter, or Sir William Waller.

Deſſentions between the parliament-generals. Ruſhw.

The parliament-generals, who thought themſelves victorious, ſhould, one would think, have attacked the king in his retreat, which they could not be ignorant of, it being then full-moon. They ſuffered him to march, however, without purſuing him, ſo that he ſafely arrived at Oxford. But this was not their greateſt error. The king having left his cannon, ammunition, and baggage in Dennington-caſtle, they could have done nothing more advantageous than to employ their whole ſtrength to take the caſtle. But they contented themſelves with ſummoning the governor, and upon his refuſal to capitulate, they remained quiet at Newbury, without attempting any thing againſt him. This negligence muſt have been owing to the diſſention amongſt them, the one blaming the other for being the cauſe, that with ſo ſuperior an army, the king's was not entirely routed. This diſſention grew ſo high, that whatever was propoſed by the one was ſure to be oppoſed by the other. We ſhall ſee hereafter ſtill worſe effects of their diſcord, and the alterations it occaſioned.

The king returns to Dennington-caſtle, and takes away his cannon in ſight of the enemy. Ruſhw.

In the interim, the king being informed of the diſcord between the parliament-generals, and of their leaving Dennington-caſtle unattacked, very wiſely improved ſo favourable a juncture. Some days after his arrival at Oxford, he was joined by prince Rupert, who brought him ſome horſe. He drew a body of foot out of the garriſon of Oxford, and other neighbouring towns, and the earl of Northampton rejoined him with his brigade of horſe. By means of theſe ſupplies he formed an army of 6000 foot, and 5000 horſe, with which he marched back towards Newbury the 2d of November. After the battle, the parliament-army had moved towards Oxford, but was returned

turned to Newbury, on pretence that the ways were unpaſſable. But the chief reaſon was, the generals could not agree, there being no commander in chief. They received ſome intelligence of the king's march; but would not believe it till they heard of his being within ſix miles of Dennington. Whereupon they reſolved to draw up the next day between Dennington and the king's army. To that end, orders were given for all their horſe to rendezvous early on the morrow, it not being poſſible to march that day by reaſon their quarters were too ſeparate and remote. But that very night, the king purſued his march to Dennigton, and drawing up his army, between the caſtle and Newbury, waited in that poſture to ſee what the enemy would attempt. Tho' preſently after the parliament-army was alſo drawn up, the generals, having viewed the poſture and ſtrength of the king's, and held a council of war, judged it unſafe to engage. So, after ſome ſkirmiſhes, the king having drawn out what he left at Dennington, marched back to Oxford, where he arrived the 21ſt of November. In his way thither, he ſent a detachment of his army to the relief of John Powlet, marqueſs of Wincheſter, who had been long beſieged in his own caſtle of Baſing; but this detachment found the ſiege already raiſed. Thus ended the campaign of the year 1644, which proved not ſo fatal to the king as he had reaſon to fear, tho', however, he loſt York and all the north.

It is time now to ſpeak of ſome other occurrences of the year 1644, which had no immediate relation to the war, but of which the knowledge is no leſs uſeful and neceſſary than that of conflicts and battles, tho' they have no natural connection together, nor depend upon each other.

An ordinance to forbear one meal a week. Ruſhw.

March the 26th, 1644, the parliament paſſed an ordinance, enjoining every family within the bills of mortality, for three months, to forbear one meal a week, and contribute the value thereof for the publick occaſions. This was properly laying a tax upon every family; for otherwiſe, very likely the parliament did not much care whether this weekly meal were forborn or not, provided the value, which was to be ſet upon each perſon and family, were paid.

April the 13th, an Oxford ſpy was executed in the Palace-yard, at Weſtminſter.

The 15th of the ſame month, it was voted by the commons, that the committee of both kingdoms ſhould prepare propoſitions for peace, to be preſented to the king; not that they deſired then to enter into a new treaty with the king, for, ſince the conferences at Oxford were broken off, nothing had paſſed to induce them to alter their plan. But herein they had a double view, firſt to let the publick ſee, they pretended not abſolutely to reject peace, as they were charged by the king: Secondly, they had thereby a pretence ready to propoſe a peace, in caſe they were forced to it by the misfortunes of war during the campaign. What confirms this to have been their chief aim, is, that theſe propoſitions, which after all were the ſame in ſubſtance with thoſe debated at Oxford, were not ſent up to the lords till the 19th of Auguſt, at the very time that the earl of Eſſex was driven into Cornwal, and not to the king till the 20th of November.

The parliament keep their reſolves more private.

To the year 1644 the affairs of the war were ſo publickly debated in the parliament, that the king was acquainted with the reſolutions there taken, before they were begun to be executed. But this year the managers thought fit to give the committee of both kingdoms, who were charged with the affairs of the war, more power than before, that they might give their orders, and cauſe them to be executed, without being obliged to communicate their reſolutions to both houſes. I do not know whether this was by expreſs vote, or by mere uſurpation, the committee knowing they ſhould, at leaſt, be avowed by the leading members, in caſe it was attempted to call them to an account. A conſiderable advantage indeed was hereby gained, in that the reſolutions became more private, and the king had not ſo good information. But on the other hand, the committee had by it a power which might be of very dangerous conſequence; and, therefore, ſeveral members complained, that the moſt important affairs were not communicated, but that the direction and management was reſerved to themſelves alone by the committee. The time for which they had been appointed being about to expire, the commons paſſed an ordinance, for the continuance of the committee three months longer, and ſent it up to the lords; but the peers inſtead of paſſing the ordinance as ſent by the commons, added a clauſe to increaſe the number of the committee, with five lords and ten commoners of their nomination. It is not to be doubted, the king's private friends uſed their endeavours to increaſe the number of the committee, in hopes of being able to gain ſome one to inform them of what ſhould paſs there. But the commons foreſeeing the conſequence of this addition, refuſed to conſent to it, and deſired the lords, that they would paſs the ordinance without any amendment. The lords declining to do it for ſome time, the commons found means to get the lord-mayor and common-council of London to petition them among other things, that the committee of both kingdoms might be continued as it was. Then the lords perceiving, that ſince the city of London interpoſed, their reſiſtance would be fruitleſs, paſſed the ordinance four days after. The declarations of the city of London were a curb frequently uſed by the commons to ſtop the career of the king's friends, when by their cabals they were endeavouring to diſturb their deliberations, or to ſow diſcord between the two houſes. Beſides that it would have been dangerous as well as unjuſt to diſoblige that great city, by whom the charges of the war were chiefly born, experience had ſhewn, that the city had infallible expedients to ſupport their friends in the parliament. The hiſtorians of the two parties are in different ſentiments on this ſubject. The king's adherents pretend, that, in general, the Londoners were for the king, and would gladly have accepted the peace he was pleaſed to offer them, but were over-awed by their magiſtrates, who were almoſt all devoted to the parliament. On the contrary, the parliament's friends affirm, that the number of Londoners who were for the king was far ſhort of that of his enemies, and that the commotions now and then in the city, whether to demand peace, or to diſturb the parliament's debates, were but an effect of the cabals of ſome private perſons, who ſecretly adhered to the king, and endeavoured to ſow diſſention between the parliament and the city. That this manifeſtly appears in the ill ſucceſs of all their attempts.

Ordinance againſt the members that had deſerted. June 29.

There was in the London petition abovementioned, another article of no leſs importance. A great many members of both houſes, as I have obſerved, had deſerted the parliament, before and after the beginning of the war. Some had taken this courſe out of affection to the king, and in order to ſerve him in his army, others by his expreſs command, ſeveral through fear of puniſhment, for endeavouring to force the parliament to a peace, and, perhaps, ſome to avoid being expoſed to the outrages of the London mob. By the retreat of theſe members, the oppoſite party to the king was become ſo ſuperior in both houſes, that no man durſt any longer oppoſe whatever they thought proper to move. Indeed, it would have been very fruitleſs, for the king's new friends in the parliament to ſtrive to ſupport his intereſt. The king had, therefore, perceived, that his policy in diminiſhing the number of members of both houſes, inſtead of being advantageous, had, on the contrary, proved very prejudicial to him, for by that means the reſolutions againſt him paſſed in parliament with much greater eaſe. His enemies were now freed from reſtraint, and met with no farther oppoſition. The commons perceiving, that from time to time ſome of theſe members returned to London, thought not proper to admit them into the houſe, purſuant to a vote paſſed long before upon that head. They were apprehenſive, if ſuch members were admitted, the king might in time ſend them ſo great a number, as would ſuffice to obſtruct their deliberations. In the interim, to juſtify their refuſal to admit them, they ſo managed, that in the petition preſented to them by the common-council of London, was inſerted an article, that none of the members who had deſerted the parliament ſhould be received, without ſatisfaction firſt given to both houſes for their future fidelity. In purſuance of this deſire it was declared ſoon after, by an ordinance, that ſuch peers as had deſerted, or ſhould deſert the parliament, ſhould not be readmitted without the conſent of both houſes; and that whatſoever member of the houſe of commons had ſo offended, or ſhould ſo offend hereafter, and adhere to thoſe that were levying war againſt the parliament, were and ſhould be abſolutely diſabled from ſitting in the houſe of commons. By this means, ſuch as might intend to return to the parliament for the king's ſervice, had ſufficient warning, that their artifice would be without effect.

The earl of Leiceſter returns to London.

Robert Sidney, earl of Leiceſter, who about this time quitted Oxford, and returned to London, was not of the number of thoſe who forſook the king to do him ſervice. He had too much reaſon to be diſſatiſfied with his majeſty, for amuſing him two years together, under colour of ſending him into Ireland, and for appointing, at laſt, the marqueſs of Ormond, for lord-lieutenant in his room. The earl of Leiceſter was, however, ordered into cuſtody at his coming to London; but, in all appearance, it was only to ſhew, that the new ordinance was intended to be rigorouſly executed.

Ambaſſy from the ſtates-general.

In January, 1643-4, the ſtates-general of the United-provinces, ſent ambaſſadors into England, to offer their mediation, which the two houſes made no great account of, knowing what credit the prince of Orange, the king's ſon-in-law, had in theſe provinces. Beſides, the ambaſſadors, who were all ſuppoſed to be the prince of Orange's creatures, refuſed to acknowledge the two houſes of Weſtminſter, for the parliament of England. In a word, theſe ambaſſadors, after ſeveral journies to Oxford, and attempts to perſuade the parliament to accept their mediation, without the previous acknowledgment required, fully owned the two houſes for the parliament of England, and preſented a memorial to offer their mediation. It muſt be obſerved, this was the next day after the news of prince Rupert's defeat at Marſton-moor. As they had long delayed this acknowledgment, both houſes left them ſome time, in their turn, without any anſwer, being willing, doubtleſs, to intimate to them, that this mediation did not appear to them ſufficiently impartial; wherefore the 10th of December, they demanded a publick audience, which was granted, and in which they offered again the mediation of their maſters. Both houſes anſwered, that they readily accepted the mediation of the ſtates; but had already ſent propoſitions to the king for a treaty of peace, of which they were to wait the ſucceſs. That, moreover the two kingdoms of England and Scotland, being united together by a ſolemn covenant, they could do nothing without the concurrence of the Scots, which would require ſome time. Thus they evaded the offers of the ſtates-general, not believing ſuch a mediation could be for their advantage.

Holles's fine repaid him. July 23.

In July it was ordered by the houſe of commons, that the fine impoſed by the ſtar-chamber upon Mr. Denzil Holles, for his aſſerting the liberties of his country in parliament, ſhould be repaid him out of the king's revenue.

Ordinance againſt the Iriſh.

In October, an ordinance of both houſes was publiſhed, commanding, that no quarter ſhould be given to any Iriſhman taken in arms againſt the parliament.

Tryal of the lord Macguire and Mac Mahone.

In November, the lord Macguire, and Mac Mahone, were brought upon their tryals. They were apprehended at Dublin the very day they were to ſurpriſe the caſtle and ſent into England, where they had been confined in the tower ever ſince. They had found means to break

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break priſon, and conceal themſelves in a houſe in London; but unfortunately hearing a woman crying oyſters in the ſtreet, one of them put his head out of the window to call her, and was that inſtant eſpyed by a ſervant of Sir John Clotworthy, who knew him, and immediately gave notice to the lieutenant of the tower. They were both ſeiſed again, and ſoon after condemned and executed.

Condemnation and execution of Laud. Ruſhw.

Since the famous William Laud, archbiſhop of Canterbury, had been impriſoned at the end of the year 1640, I have had but little occaſion to ſpeak of him. It is time now to relate the cataſtrophe of his life. He was accuſed by the commons of high-treaſon, December the 18th, 1640, and thereupon committed to the cuſtody of the black-rod. The 26th of February following, the articles of impeachment were brought in againſt him, and then he was ſent to the tower. There he remained till October, the 23d, 1643, when the commons having added 10 freſh articles to the impeachment, he was ordered by the lords to anſwer the 30th of the ſame month. It would be too tedious to ſpecify all the petitions he preſented, and all the expedients, his council furniſhed him with, to cauſe his ſentence to be deferred. It ſuffices to ſay, that he gained time till the 11th of November, 1644, on which day he ſpoke ſeveral hours together in his own defence. But whether the commons were afraid, their proofs were not ſufficient for his condemnation, or the delays granted him by the lords, gave them cauſe to think, they were inclined to ſave his life, they uſed the ſame method as in the caſe of the earl of Strafford; I mean, a bill of attainder, which paſſed their houſe the ſame day the archbiſhop made his defence before the peers, with but one diſſenting vote. The bill being ſent up to the lords, they acquainted the commons, at a conference, that indeed they found the archbiſhop guilty of the charge as to matters of fact, but deſired ſome farther ſatisfaction in point of law, whether the matters amounted to treaſon. Whereupon the commons communicated to them the reaſons, whereby they pretended to prove him guilty of that crime. Upon which the lords, the 4th of January, paſſed the bill of attainder, whereby it was ordained, he ſhould ſuffer death as in caſes of high-treaſon, and on the 6th, both houſes ordered he ſhould be executed the 10th. On the 7th, the lords, at a conference, informed the commons of a pardon to the archbiſhop from the king, dated the 12th of April, 1643, but it was over-ruled and rejected. The ſame day, the archbiſhop ſeeing there was no remedy, petitioned the lords, that the manner of his execution might be changed to beheading. He deſired alſo, that ſome of his chaplains might be permitted to be with him before, and at his death. The lords very readily granted his two requeſts, but the commons refuſed both, and ſent him two miniſters whom he did not aſk for, with one of thoſe he deſired. The next day he preſented a ſecond petition to be beheaded, ſetting forth, that he was a divine, biſhop, privy-counſellor, and peer; whereupon the commons were, at length, prevailed with. When he was upon the ſcaffold, he made a pretty long ſpeech, wherein, among other things, he inſinuated, that he ſuffered for not forſaking the temple of God, to follow the bleatings of Jereboam's calves, alluding to the ſchiſm of the Presbyterians. He ſaid,---' He had ranſacked every corner of his ' heart, and thanked God, he had not found any ſins there deſerving death, by the known ' laws of the land. The king had been traduced by ſome for labouring to bring in Popery, but, upon his conſcience, he knew ' him to be free from ſuch a charge, as any ' man living, and held him to be as ſound a ' Proteſtant, according to the religion eſtabliſhed by law, as any perſon in the kingdom. ' He proteſted, he never endeavoured the ' ſubverſion of the laws of the realm, nor never any change of the Proteſtant religion into Popiſh ſuperſtition. He had never been ' an enemy to parliaments, but did, indeed, ' diſlike the miſgovernment of one or two--.' After he had prayed, the executioner did his office at one blow. His friends were permitted to take his body and bury it in Alhallows-Barking-church. Such was the end of this famous prelate, who, let his favourers ſay what they pleaſe, was one of the chief authors of the troubles that afflicted England; firſt, by ſupporting with all his power the arbitrary principles, which the court ſtrove for ſeveral years to eſtabliſh: Secondly, by a too rigid obſervance of trifles in the divine ſervice, and by compelling every one to conform thereto. All that can be ſaid in his favour, is, that he believed in his own conſcience, this rigidneſs was neceſſary.

Clarend.

1644. Jan. 10. 1644-5.

The liturgy is aboliſhed. Jan. 4. 1644-5. Ruſhw.

The ſame day the lords paſſed the bill of attainder againſt the archbiſhop, they paſſed likewiſe an ordinance, that the Book of Common-prayer, ſhould be laid aſide, and the Directory eſtabliſhed, which had been framed by the aſſembly of divines. Hereby the church of England was rendered, by publick authority, completely Presbyterian, to the great ſatisfaction of the Scots, and many of the principal members of both houſes. This was an ill preparative for the peace which was now negotiating, and of which I have deferred to ſpeak hitherto, that the narration might not be interrupted.

The treaty at Uxbridge. Clarend. Motives of the two houſes in propoſing a peace.

The king, as hath been often ſeen, ſent meſſage upon meſſage to the two houſes, with overtures of peace; and no doubt, he would have granted it very willingly, had they been as ready to receive it in his ſenſe. But they perfectly knew, what they were to underſtand by the word peace. Beſides, at the very time the king offered to treat with both houſes, he carefully avoided uſing any term that might intimate his owning them to be a parliament. It was neceſſary, therefore, if they deſired to treat with him, either that he ſhould expreſly acknowledge them, or that they ſhould treat as private perſons without authority. But ſuppoſing they could have reſolved to do ſo, what would ſuch a treaty have ſignified? This, was the pretence uſed by both houſes, during the campaign of the year 1644, not to anſwer the king's invitations. In the interim, as the king talked very much of his frequent offers, to perſuade the people of his ſincere deſire of peace, and of the refuſal of both houſes, they reſolved to oblige him to explain more clearly, what he meant by peace, that the people might examine, whether he offered ſufficient ſecurity; for, as I ſaid, this was the only point in queſtion. The treaty at Oxford, where two propoſitions only were debated, not having fully cleared this matter, the two houſes thought it would be for their advantage to induce the king, by a ſecond treaty, to declare poſitively, that he would give no other ſecurity than his bare word. They hoped, this would ſuffice to efface the impreſſions, his repeated offers might have made on the minds of the people.

The parliament ſend propoſitions to the king. Ruſhw.

During the campaign, it was no proper ſeaſon for ſuch a negotiation, by reaſon of the variety of accidents produced by the war. It was not till November the 20th, two days after the king's return to Oxford, that the two houſes ſent him the propoſitions which had been prepared in the ſummer. They had ſent to deſire a ſafe-conduct for their commiſſioners, which the king had granted, but as to private perſons, without one word to denote his conſidering them as the parliament's commiſſioners. Tho' the two houſes were by no means pleaſed with ſuch a ſafe-conduct, they accepted it, however, and their commiſſioners repaired to Oxford, where the king arrived the day before. At the firſt audience, the king asked them, "Whether they had power to treat:" They anſwered, "No; their commiſſion was only to receive his majeſty's anſwer in writing." The king replied, "Then a letter-carrier might have done as much as you." In all appearance, he had expected, that the two houſes would treat with him, without his owning them for the parliament of England, in which he was much miſtaken. He heard the propoſitions read with great attention and patience, and then receiving them from their hands, told them, he would give them his anſwer.

Private conferences between the king and two of the parliament's commiſſioners. Ruſhw.

Montagu Bartu, earl of Lindſey, who was with the king at Oxford, having ſent his compliments to Holles and Whitelock, they two, with the conſent of the reſt of the commiſſioners, returned his civility by a viſit. They found him indiſpoſed, and in his bed; but he received them, however, in preſence of ſeveral lords who were in his room. Preſently after, the king came in, and had a long conference with them. He told them, 'He knew that they were both deſirous of a peace, and wiſhed, that all the reſt of the members were of their opinion; and, therefore, ſays he, out of the confidence I have of you two, I aſk your advice, what anſwer will be beſt for me to give at this time to your propoſitions, which may probably, further ſuch a peace, as all good men deſire?' Whitelock anſwered, 'The beſt and moſt ſatisfactory anſwer, I humbly believe, would be your majeſty's preſence with your parliament, and which I hope might be without danger to you.' The king perceiving they did not care to ſpeak their minds before ſo much company, ſaid, 'I deſire you to go into the next room, confer a little together, and ſet down in writing, what you apprehend may be fit for me to return in anſwer to your meſſage.' Whereupon they withdrew into another room, and by Holles's entreaty, Whitelock wrote down what was their ſenſe in this matter, and what might be fit for the ſubſtance of the king's anſwer. But this he did not in his uſual hand, and without any name to it. The paper thus written being left upon the table, the king went in, and took it up immediately. No perſon was preſent, neither did the king admit any others to hear the diſcourſe which paſſed between him and them. It cannot be denied, it was very extraordinary for theſe commiſſioners to confer, in private, with the king, unknown to their collegues, to whom they imparted nothing of what had paſſed between the king and them. Accordingly, ſoon after, the lord Savile now made earl of Suſſex, who was in the earl of Lindſey's room when the king came in, and who returned afterwards to the parliament, accuſed them publickly, of having held private conferences with the king. But as he was not able to prove what he advanced, the thing reſted there. What I have been ſaying remained a ſecret, till Whitelock publiſhed it in his Memorials, and even there we do not find the contents of the paper written with his own hand. But, however, it is not impoſſible to vindicate theſe two commiſſioners, who, having, doubtleſs, ſome knowledge of the plot that was now contriving, and of which I ſhall ſpeak hereafter, wiſhed, that a peace might be concluded before the plot was executed. In all appearance, they adviſed the king, in order to promote a peace, to grant the parliament certain articles, otherwiſe they foreſaw peace wonld be impoſſible; but the king thought not fit to follow their advice.

The king's anſwer. Ruſhw.

The next day the king ſent his anſwer ſealed up to the commiſſioners; but they refuſed to receive it, unleſs they had a copy of it. The king denied it ſome time; at laſt gave them a copy. The ſubſtance of it was only to demand a ſafe-conduct for the duke of Lenox and the earl of Southampton, to carry his anſwer to the propoſitions. As this paper was not directed to any perſon, nor the parliament ſo much as named in it, the commiſſioners made ſome ſcruple to receive it. They were prevailed with, however, on the ſuppoſition, that the two houſes would be at liberty to make what uſe of it they pleaſed. This paper being read at a conference of both houſes, the exceptions againſt the form and want of directions were highly debated; but, at laſt, it was carried, to lay aſide all objections, and ordered that the earl of Eſſex ſhould write to prince Rupert to this effect: 'That if his majeſty will ſend to the parliament of England aſſembled at Weſtminſter, and to the commiſſioners of the kingdom of Scotland, they would with all readineſs grant a ſafe-

The two houſes demand to be owned for the true parliament.

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The king conſents to it with difficulty. Ruſhw.

‘ ſafe-conduct for the duke of Richmond and ‘ the earl of Southampton.’ The king was extemely loth to do this; but the affair being debated in his council, none oppoſed it but himſelf. Nevertheleſs he could not be prevailed with till after he was furniſhed with this expedient, to make a proteſtation againſt it in private, which ſhould be recorded. After that, prince Rupert's anſwer being worded as both houſes deſired, the ſafe-conduct was ſent to Oxford.

Ruſhw.

The two lords ſent from the king being come to London, delivered the king's anſwer to both houſes, dated the 13th of December, containing only, That whereas he found it very difficult to return a poſitive anſwer before a full debate, to their propoſitions, if the two houſes would appoint commiſſioners, he would nominate the like number to treat with them at any place that ſhould be agreed on. As the king thought a common letter-carrier might have done the office of the commiſſioners, who brought the propoſitions, ſo it might be asked, where was the neceſſity of ſending, two of the principal men of his court and council, to carry this anſwer to both houſes. But, in all appearance, the king's aim was to get information, by means of theſe two lords and his friends in London, of ſome things which he was not fully acquainted with. However this be, not to dwell too long upon preliminaries, the particulars whereof are not abſolutely neceſſary, it ſuffices to ſay, that the following articles were agreed on. That the commiſſioners of both parties ſhould meet at Uxbridge. That the conferences ſhould begin the 30th of January, 1644-5, and ſhould laſt 20 days: That the propoſitions, as well on the king's as the parliament's ſide, ſhould be reduced to theſe three heads, religion, the militia, and Ireland: That religion ſhould be treated upon, three days together, then the militia three days more, and after that, Ireland, as many; which done, the affairs of religion ſhould be reſumed for three days, then the buſineſs of the militia; and laſtly, Ireland for the ſame time. The king's commiſſioners were, the duke of Richmond, the marqueſs of Hertford, the earl of Southampton, the earl of Kingſton, the earl of Chicheſter, and 11 others, among whom was Sir Edward Hyde, chancellor of the exchequer, afterwards earl of Clarendon. Thoſe for the parliament were 12 in number, the chief whereof were the earls of Northumberland, Pembroke, Saliſbury, and Denbeigh; and for Scotland the principal were, the earl of Lowdon, lord-chancellor of Scotland, and the marqueſs of Argyle. I intend not to relate the particulars of this negotiation, which was tranſacted by papers and anſwers in writing, but ſhall content myſelf with mentioning the principal matters. The king's propoſitions were in ſubſtance the ſame with thoſe he had given at Oxford, without any alteration as to the ſenſe. The parliament's were not much different from the Oxford ones, but more large and full, and, therefore, I think it proper to inſert them.

1644-5.

Ruſhw.

The propoſitions of the parliament, and Scotch commiſſioners.

‘ I. THAT all oaths, declarations and proclamations, againſt both or either of the houſes of the parliament of England, and the late convention of the eſtates of Scotland, be declared null, and ſuppreſſed.

‘ II. That his majeſty may be pleaſed to ſwear and ſign the late ſolemn league and covenant, and that an act of parliament be paſſed, for enjoining the taking thereof by all the ſubjects of the three kingdoms.

‘ III. That the bill be paſſed for the utter aboliſhing and taking away of all archbiſhops, biſhops, &c. and the reſt of the hierarchy, out of the churches of England and Ireland, and dominion of Wales, with ſuch alterations concerning the eſtates of prelates, as ſhall agree with the articles of the late treaty, of the date at Edinburgh, the 29th of November, 1643, and joint declaration of both kingdoms.

‘ IV. That the ordinance concerning the calling and ſitting of the aſſembly of divines, be confirmed by act of parliament.

‘ V. That reformation of religion, according to the covenant, be ſettled by act of parliament, in ſuch manner as both houſes ſhall agree upon, after conſultation had with the aſſembly of divines; and foraſmuch as both kingdoms are mutually obliged by the ſaid covenant, to endeavour the neareſt conjunction and uniformity in matters of religion, that ſuch unity and uniformity in religion, according to the covenant, as after conſultation had with the divines of both kingdoms, now aſſembled, ſhall be jointly agreed upon by both houſes of the parliament of England, and by the church and kingdom of Scotland, be confirmed by acts of parliament of both kingdoms reſpectively.

‘ VI. That for the more effectual diſabling Jeſuits, prieſts, Papiſts, and Popiſh recuſants, from diſturbing the ſtates, and eluding the laws, and for the better diſcovering and ſpeedy conviction of recuſants, an oath be eſtabliſhed by act of parliament, to be adminiſtred to them; and refuſing the ſaid oath, being tendered in ſuch manner as ſhall be appointed by the ſaid act, to be ſufficient conviction in law of recuſancy.

‘ VII. An act of parliament for education of the children of Papiſts by Proteſtants in the Proteſtant religion.

‘ VIII. An act for the true levying of the penalties againſt them.

‘ IX. That an act be paſſed in parliament, whereby the practices of Papiſts againſt the ſtate may be prevented, and the laws againſt them duly executed, and a ſtricter courſe taken to prevent the ſaying or hearing of maſs in the court, or any other part of the kingdom.

‘ X. The like for the kingdom of Scotland, concerning the four laſt preceding propoſitions.

‘ XI. That the king do give his royal aſſent,

‘ 1.

‘ 1. To an act for the due obſervation of the Lord's-day.

‘ 2. And to the bill for the ſuppreſſion of innovations in the worſhip of God.

‘ 3. And to the bill againſt the enjoying of pluralities and non-reſidency.

‘ 4. And to the following acts, for the reforming and regulating of both univerſities, of the colleges of Weſtminſter, Wincheſter, and Eaton.

‘ 5. For the ſuppreſſion of interludes and ſtage-plays.

‘ 6. For the taking the accounts of the kingdom.

‘ 7. For relief of ſick and maimed ſoldiers, and of poor widows and children of ſoldiers.

‘ 8. For raiſing of monies, for the payment and ſatiſfying of the publick debts and damages of the kingdom.

‘ 9. For taking away the court of wards and liveries, &c.

‘ 10. For the taking away all tenures by homage, and all fines, licenſes, ſeiſures, and pardons for alienation: And that his majeſty will pleaſe to accept, in recompence hereof, 100,000 l. per annum;

‘ And give aſſurance of his conſenting in the parliament of Scotland, to an act ratifying the acts of convention of the eſtates of Scotland, called by the council and conſervatory of peace, and the commiſſioners for the common burthens, and aſſembled the 22d day of June, 1643, and ſeveral times continued ſince.

‘ 1. That the perſons who ſhall expect no pardon, be only theſe following, Rupert and Maurice, count palatines of the Rhine, James earl of Derby, John earl of Briſtol, William earl of Newcaſtle, Francis lord Cottington, John lord Pawlet, George lord Digby, Edward lord Littleton, William Laud archbiſhop of Canterbury, Matthew Wren biſhop of Ely, Sir Robert Heath, knight, &c. and all ſuch others, as being proceſſed by the eſtates for treaſon, ſhall be condemned before the act of oblivion be paſſed.

‘ 2. All Papiſts and Popiſh recuſants, who have been, are, or ſhall be actually in arms, or voluntarily aſſiſting againſt the parliaments or eſtates of either kingdom.

‘ 3. All perſons who have had any hand in the plotting, deſigning, or aſſiſting the rebellion in Ireland.

‘ 4. That the members of either houſe of parliament, who have deſerted the parliament, and concurred in the votes at Oxford, may be removed from his majeſty's counſels, and be reſtrained from coming within the verge of the court, and that they may not, without the conſent of both kingdoms, bear any office, or have any employment concerning the ſtate or commonwealth.

‘ 5. That by act of parliament, all judges and officers towards the law common or civil; and likewiſe all biſhops, clergymen, and other eccleſiaſtical perſons, who have deſerted the parliament, ſhall not be capable of any preferment or employment.

N. B. Then follow ſeveral articles regulating the confiſcation of the goods, and the fines of ſuch delinquents as were not actually excepted in the pardon.

‘ XII. That an act be paſſed, whereby the debts of the kingdom, and the perſons of delinquents, and the value of their eſtates may be known; and appointing in what manner the confiſcations above-mentioned may be levied.

‘ XIII. That an act be paſſed in the parliament of both kingdoms reſpectively, for confirmation of the treaties paſſed betwixt the two kingdoms.

‘ XIV. That an act of parliament be paſſed, to make void the ceſſation of Ireland, and to ſettle the proſecution of the war in that kingdom.

‘ XV. That an act be paſſed in the parliament of both kingdoms reſpectively, for eſtabliſhing the joint declaration of both kingdoms, bearing date the 30th of January, 1643.

‘ XVI. That by act of parliament, the ſubjects of the kingdom of England, may be appointed to be armed, trained, and diſciplined in ſuch manner as both houſes ſhall think fit; the like for the kingdom of Scotland.

‘ XVII. That an act of parliament be paſſed, for the ſettling the admiralty and forces at ſea, and for the raiſing of ſuch monies for maintenance of the ſaid forces, and of the navy, as both houſes of parliament ſhall think fit; the like for the kingdom of Scotland.

‘ XVIII. And an act for the ſettling of all forces both by ſea and land, in commiſſioners, to be nominated by both houſes of parliament.

N. B. Here follow the powers which thoſe commiſſioners were to have.

‘ That the commiſſioners of both kingdoms may meet as a joint committee, 1. To preſerve the peace betwixt the kingdoms. 2. To prevent the violation of the articles of peace. 3. To raiſe and join the forces of both kingdoms, to reſiſt all foreign invaſion. 4. To order the war of Ireland.

‘ XIX. That his majeſty give his aſſent to what the two kingdoms ſhall agree upon, in proſecution of the articles of the large treaty, which are not yet finiſhed.

‘ XX. That all peers, made ſince the day that Edward lord Littleton, then lord-keeper of the ſaid great-ſeal, deſerted the parliament, and that the great-ſeal was conveyed away, being the 21ſt of May, 1642, and who ſhall hereafter be made, ſhall not ſit or vote in the parliament of England, without conſent of both houſes.

‘ XXI. That the deputy, or chief governor, or other governors of Ireland, as alſo all the great officers of the crown of England, be nominated by both houſes of parliament.

‘ XXII. That the education of his majeſty's children be in the Proteſtant religion, and that their tutors and governors be choſen by the parliaments of both kingdoms.

‘And that if they be male, they be married to ſuch only as are of the Proteſtant religion; if they be females, they may not be married but with the advice and conſent of both parliaments.

‘XXIII. That his majeſty will give his royal aſſent to ſuch ways and means as the parliaments of both kingdoms ſhall think fitting, for the uniting the Proteſtant princes, and for the entire reſtitution of Charles Lodwick, prince elector Palatine, to his electoral dignity and dominions, provided that this extend not to prince Rupert, or prince Maurice, or the children of either of them.

‘XXIV That by act of parliament the concluding of peace or war with foreign princes and ſtates, be with advice and conſent of both parliaments.

‘XXV. That an act of oblivion be paſſed in the parliaments of both kingdoms reſpectively, relative to the qualifications in the propoſitions aforeſaid.

‘XXVI. That the members of both houſes of parliament, or others, who have, during this parliament, been put out of any place or office, for adhering to the parliament, may either be reſtored thereunto, or otherwiſe have recompence for the ſame.

‘XXVII. That the armies may be diſbanded, at ſuch time and ſuch manner, as ſhall be agreed upon by the parliaments of both kingdoms.

‘XXVIII. That an act be paſſed, for the granting and confirming of the charters, cuſtoms, &c. of the city of London, notwithſtanding any nonuſer, miſuſer, or abuſer. That the militia of the city of London, and of the pariſhes without, may be in the ordering and government of the lord-mayor, aldermen, and common-council.

‘That the tower of London may be in the government of the city of London, and the chief officer and governor thereof from time to time be nominated and removeable by the common-council.

‘That the citizens or forces of London ſhall not be drawn out of the city into any other parts of the kingdom, without their own conſent, and that the drawing of their forces into other parts of the kingdom in theſe diſtracted times, may not be drawn into examples for the future.

‘And for prevention of inconveniences, which may happen by the long intermiſſion of common-councils, it is deſired, that there be an act, that all by-laws and ordinances already made, or hereafter to be made, by the lord-mayor, aldermen, and common-council, touching the calling, continuing, and regulating of the ſame, ſhall be as effectual in law, as if the ſame were particularly enacted by the authority of parliament. And that the lord-mayor, aldermen, and common-council may add to, or repeal the ſaid ordinances from time to time as they ſhall ſee cauſe.

‘That ſuch other propoſitions as ſhall be made for the city for their farther ſafety, welfare, and government, and ſhall be approved of by both houſes of parliament, may be granted and confirmed by act of parliament.’

If, after the reading of theſe propoſitions, it ſhould be ſought what authority the two houſes intended to leave the king, ſuppoſing he had accepted them, it would be difficult to diſcover it. They pretended, as it evidently appears, to leave him only an empty title, and inveſt themſelves with the ſovereignty, and that, not by artifice, but openly and publickly. Their principle was, that the king having rendered himſelf unworthy, by the breach of his oaths, and of the truſt repoſed in him by the people, to hold the reins of the government, the ſupreme authority was to return to its original fountain, that is, to the people repreſented by the two houſes. Accordingly they did not pretend that the juſtice or injuſtice of theſe propoſitions ſhould be debated in the treaty of Uxbridge; for it would have been ridiculous to aſſign but 20 days for ſuch an examination; but they gave them as conditions from which they would not depart, and which the king was to embrace or reject. For this reaſon, the king's commiſſioners endeavoured, in vain, to enter into a diſcuſſion of the propoſitions. All they gained by that was, that the parliament's commiſſioners offered to demonſtrate by word of mouth, in private conferences, that the propoſitions were very juſt. After that, pretending to have urged ſatisfactory arguments, they coldly demanded their aſſent, tho' the king's commiſſioners were far from being convinced by the reaſons alledged to them. This method of proceeding baffled the king's commiſſioners, who had prepared many arguments, objections, and difficulties againſt the propoſitions, and determined to find fault with every expreſſion. For, after all, the king was no more deſirous of a peace than the two houſes, as will preſently appear, and, indeed, it was almoſt impoſſible, conſidering the contrariety between the principles on which the two parties founded their reſpective rights. To ſay all in one word, the parliament's commiſſioners departed not from one tittle of what was contained in the propoſitions.

In the firſt place, as to religion, the need both houſes ſtood in of Scotland, and the covenant made between the two nations; allowed them not to queſtion the juſtice of that covenant, which had been now ſworn to in both kingdoms. Accordingly it may be affirmed, their commiſſioners defended this article very ill. For, to prove the neceſſity to the alterations made in religion, and in the diſcipline of the church, the confirmation whereof they demanded, the beſt argument they alledged was the covenant itſelf. It is true, in ſome conferences their miniſters were ordered to ſpeak, and endeavour to ſhew that epiſcopacy was not Jure divino. But this did not prove the abſolute neceſſity of deſtroying it in England. All their reaſonings were built upon the pretended miſchiefs it had occaſioned. But when the king's commiſſioners propoſed to ſuffer epiſcopacy to remain, and to reform the abuſes thereof, the reaſons alledged by thoſe of the parliament not to agree to it, were extremely weak.

For the militia, an article which included the ordering of the forces of the kingdom, the cuſtody of places, the nomination to great poſts, &c. the parliament could not depart from it, without owning, they were making war very wrongfully, ſince they pretended to do it, but in order to obtain ſuch ſecurities as they believed they had right to demand. If by a treaty, they ſhould have accepted the king's word as ſufficient ſecurity, every one would have perceived, they might have avoided the war, by accepting that ſecurity which the king had always offered before the breach. It muſt, however, be confeſſed, this article might very juſtly have been deemed a proper ſubject for a treaty. But the parliament ſeems to have firmly, adhered to this article of the militia, only to lay invincible obſtacles to a peace. For it may be affirmed, that neither party deſired it, unleſs greater advantages could be procured by a treaty than by arms.

As for Ireland, the two houſes thought they had upon this article ſo great an advantage, that they were glad to expoſe the king to give ill reaſons in his defence. It is, therefore, certain, it was not properly with deſign to make peace that the two houſes ſent their commiſſioners to Uxbridge. Their ſole view was, to let their party ſee, they were determined to ſupport the alterations they had made in religion, and the eſtabliſhment of Presbyterianiſm: To ſhew the publick, the king, when he ſo frequently offered peace, offered only a peace very deſtructive and dangerous to the nation: Laſtly, to confirm the people in their ſuſpicions, that the king did not proceed as he ought in the affairs of Ireland.

The king, on his part, was no more inclined to ſeek expedients for a peace than the two houſes. If he ſent his commiſſioners to Uxbridge, it was, firſt, becauſe having ſo often expreſſed his earneſt deſire to treat, he could not decently recede, when he was, as I may ſay, taken at his word. Secondly, he knew, it had been moved in the parliament to purſue the war more vigorouſly than ever, and that in order to do it with greater ſucceſs, ſuch alterations in the army were contriving, as could not but be diſadvantageous to him. He hoped, therefore, by means of the treaty of Uxbridge to retard the execution of that project, as well as the parliament's preparations. Thirdly, he did not queſtion, that the unreaſonable demands of both houſes would produce a good effect for him in the minds of the people, becauſe they would clearly ſee, that the parliament's view was to deſtroy entirely the worſhip of the church of England, practiſed ever ſince the reformation; to aſſume to themſelves the ſovereignty under colour of curbing the power of the crown; and, in a word, to change the conſtitution of the goverment in church and ſtate. But tho' he had conſented to treat upon the parliament's propoſitions, he was however reſolved never to conſent to the abolition of epiſcopacy, or diminution of the regal authority, nor to deprive himſelf of the aid he expected to receive from Ireland, by a peace with the rebels, unleſs he was firſt ſure of a peace in England.

What has been advanced concerning the little inclination of both parties to peace, wants no proof with reſpect to the parliament. Their propoſitions, the proceedings of their commiſſioners, and the ſhort ſpace they aſſigned for the treaty, are clear evidences of it. As for the king, there are ſtill more convincing proofs. Firſt, there is not the leaſt likelihood, that in his ſituation, if he had really and ſincerely reſolved to labour for peace, he would have been willing, I won't ſay to accept, but even to liſten to propoſitions, which tended to leave him only the empty title of king, and to deprive him wholly of the exerciſe of the royal power. Had he been priſoner in the hands of the parliament, harder terms could ſcarce have been propoſed to him. And, indeed, when that misfortune befel him afterwards, the parliament made very little additions to theſe terms propoſed to him at Uxbridge, when he was yet able to defend himſelf. Secondly, theſe intentions I aſcribe to the king, with regard to peace, are proved by ſeveral papers found in his cabinet at the battle of Naſeby, fought a few months after, and which the parliament ordered to be printed and publiſhed. I ſhall give here ſome extracts of them, becauſe they relate to the treaty of Uxbridge, of which I am now ſpeaking. I own, it is not impoſſible, theſe papers may have been curtailed or forged by the publiſhers. But a bare poſſibility, without other proofs, would not be ſufficient to take away all credit from theſe papers, the originals whereof the parliament boaſted to have in their hands. Beſides, the impartial reader can find nothing there contrary to the genius and character of Charles I, or to the ſtate of his affairs.

Directions for my Uxbridge commiſſioners.

Firſt, concerning religion.

'IN this, the government of the church (as I ſuppoſe) will be the chief queſtion, wherein two things are to be conſidered, conſcience and policy. Ruſhw.

'For the firſt, I muſt declare unto you, that I cannot yield to the change of the government by biſhops, not only as I fully concur with the general opinion of Chriſtians in all ages, as being the beſt, but likewiſe I hold myſelf particularly bound, by the oath I took at my coronation, not to alter the government of this church, from what I found it. And as for the church's patrimony, I cannot ſuffer any diminution or alienation of it, it being, without peradventure, ſacrilege, and likewiſe contrary to my coronation-oath. But whatſoever ſhall be offered for rectifying of abuſes, if any have crept in, or yet for the eaſe of tender conſciences, (ſo that it endamage not the foundation) I am content to hear, and will be ready to give a gracious anſwer thereunto.

'For the ſecond; as the king's duty is to

1644-5. ‘protect the church, ſo it is the church's to aſſiſt the king in the maintenance of his juſt authority; wherefore my predeceſſors have been always careful, (eſpecially ſince the reformation) to keep the dependency of the clergy entirely upon the crown, without which it will ſcarcely ſit faſt upon the king's head; therefore you muſt do nothing to change or leſſen this neceſſary dependency.

‘Next concerning the militia. After conſcience, this is certainly the fitteſt ſubject for a king's quarrel; for without it the kingly power is but a ſhadow, and, therefore, upon no means to be quitted, but to be maintained according to the antient known laws of the land: Yet becauſe (to attain to this ſo-much-wiſhed peace by all good men,) it is in a manner neceſſary, that ſufficient and real ſecurity be given for the performance of what ſhall be agreed upon, I permit you, either by leaving ſtrong towns, or other military force to the rebels poſſeſſion (until articles be performed) to give ſuch aſſurance for performance of conditions, as you ſhall judge neceſſary for to conclude a peace, provided always, that you take (at leaſt) as great care, by ſufficient ſecurity, that conditions be performed to me, and to make ſure, that the peace once ſettled, all things ſhall return into their antient channels.

‘As for Ireland, I confeſs they have very ſpecious popular arguments to preſs this point, the gaining of no article more conducing to their ends than this; and I have as much reaſon, in both honour and policy, to take care how to anſwer this as any. All the world knows the eminent, inevitable, neceſſity, which cauſed me to make the Iriſh ceſſation; and there remain yet as ſtrong reaſon for the concluding of that peace; wherefore muſt conſent to nothing to hinder me therein, until a clear way be ſhewn me how my Proteſtant ſubjects, there, may, probably (or, at leaſt) defend themſelves, and that I ſhall have no more need to defend my conſcience and crown from the injuries of this rebellion.’

Memorials for ſecretary Nicholas, concerning the treaty at Uxbridge.

Oxford, Feb. 1644.

‘I. FOR religion and church-government, I will not go one jot farther than what is offered by you already.

‘II. And ſo for the militia, more than what ye have allowed by me; but even in that you muſt obſerve, that I muſt have free nomination of the full half; as if the total number of Scots, and all, be 30, I will name 15. Yet if they (I mean the Engliſh rebels) will be ſo baſe as to admit of 10 Scots to 20 Engliſh, I am contented to name five Scots, and 10 Engliſh; and ſo proportionably to any number that ſhall be agreed upon.

‘III. As for gaining of particular perſons, beſides ſecurity, I give you power to promiſe them rewards for performed ſervices, not ſparing to engage for places, ſo they be not of great truſt, or be taken away from honeſt men in poſſeſſion, but as much profit as you will. With this laſt you are only to acquaint Richmond, Southampton, Culpepper and Hyde.’ 1644-5.

The queen to the king.

Paris, Jan. 6. Decemb. 27. 1644-5.

‘——I Underſtand that the commiſſioners are arrived at London; I have nothing to ſay, but that you have a care of your honour, and that if you have a peace, it may be ſuch as may hold; and if it fall otherwiſe, that you do not abandon thoſe who have ſerved you, for fear they do forſake you in your need; alſo, I do not ſee how you can be in ſafety without a regiment of guards; for myſelf, I think I cannot be, ſeeing the malice which they have againſt me, and my religion, of which I hope you will have a care of both; but, in my opinion, religion ſhould be the laſt thing upon which you ſhould treat: For if you do agree upon ſtrictneſs againſt the Catholicks, it would diſcourage them to ſerve you; and if afterwards there ſhould be no peace, you could never expect ſuccours either from Ireland, or any other Catholick prince, for they would believe you would abandon them, after you have ſerved yourſelf.’——

His majeſty's letter to the queen.

Dear heart, Oxford, Dec. 1644.

‘——KNOW (as a certain truth) that all, even my party, are ſtrangely impatient for peace, which obliged me ſo much the more, at all occaſions to ſhew my real intentions to peace: And likewiſe, I am put in very good hope, (ſome hold it a certainty) that if I ſhould come to a fair treaty, the ring-leading rebels could not hinder me from a good peace: Firſt, becauſe their own party are moſt weary of the war, and likewiſe for the great diſtractions which at this time moſt aſſuredly are amongſt themſelves, as Presbyterians againſt Independents in religion, and general againſt general in point of command. Upon theſe grounds a treaty being moſt deſirable, (not without hope of good ſucceſs) the moſt probable means to procure it was to be uſed, which might ſtand with honour and ſafety. Amongſt the reſt, (for I will omit all thoſe which are unqueſtionably concealeable) the ſound of my return to London, was thought to have ſo much force of popular rhetorick in it, that upon it a treaty would be had, or if refuſed, it would bring much prejudice to them, and be advantageous to me; yet, leſt fooliſh or malicious people ſhould interrupt this, as to proceed from fear or folly, I have joined conditions with the propoſition (without which this ſound will ſignify nothing) which thou wilt find to be moſt of the chief ingredients of an honourable and ſafe peace. Then obſerve, if a treaty at London, with commiſſioners for both ſides, may be had without 'it, it is not to be uſed, nor in caſe they will treat with no body but myſelf; ſo that the conditions ſave any aſperſion of diſhonour, and the treating at London, the malignity which our factious ſpirits here may infuſe into this treaty upon this ſubject. This I hope will ſecure thee from the trouble, which otherwiſe may be cauſed by falſe malicious rumours; and tho' I judge myſelf ſecure in thy thoughts, from ſuſpecting me guilty of any baſeneſs, yet I held this account neceſſary, to the end thou may make others know, as well as thy ſelf, this certain truth, that no danger of death or miſery (which I think much worſe) ſhall make me do any thing unworthy of thy love.----- I conclude, by conjuring thee as thou loveſt me, that no appearance of peace, nor hopeful conditions of mine, make thee neglect to haſten ſuccour for him, who is eternally thine.'

To the queen.

Jan. 1. 1644.

'——I Shall now tell thee, that the rebels are engaged into an equal treaty,-- and that the diſtractions of London were never ſo great, or ſo likely to bring good effect as now. Laſtly, that the aſſiſtance was never more needful, never ſo likely as now to do good to him, who is eternally thine.'

To the queen.

Dear heart, Oxford, Jan. 2. 1644.

'——AS for my calling thoſe at London a parliament, I ſhall refer thee to Digby for particular ſatisfaction; this is in general: If there had been but two (beſides myſelf) of my opinion, I had not done it; and the argument that prevailed with me was, that the calling did no ways acknowledge them to be a parliament. Upon which condition and conſtruction I did it, and no otherwiſe, and accordingly it is regiſtered in the council-books, with the council's unanimous approbation.'----

To the queen.

Dear heart, Oxford, Jan. 22. 1644.

'——I Believe thou wilt approve of my choice of treators; and for my propoſitions, they differ nothing in ſubſtance (very little in words) from thoſe which were laſt.

'Now upon the whole matter, I deſire thee to ſhew the queen and miniſters there, the improbability that this preſent treaty ſhould produce a peace, conſidering the great ſtrange difference (if not contrariety) of grounds that are betwixt the rebels propoſitions and mine, and that I cannot alter mine, nor will they ever theirs, until they be out of hope to prevail by force, which a little aſſiſtance by thy means will ſoon make them ſo; for I am confident, if ever I could put them to a defenſive (which a reaſonable ſum of money would do) they would be eaſily brought to reaſon.'

The queen to the king.

My dear heart, Paris, Jan. 17. 1644.

'——TOM Elliot, two days ſince, hath brought me much joy and ſorrow; the firſt to know the good eſtate in which you are, the other, the fear I have that you go to London. I cannot conceive where the wit was of thoſe who gave you this counſel; unleſs it be to hazard your perſon to ſave theirs: But thanks be to God, to day I received one of yours by the ambaſſador of Portugal, dated in January, which comforted me much to ſee that the treaty ſhall be at Uxbridge. For the honour of God, truſt not yourſelf in the hands of theſe people; and if you ever go to London, before the parliament be ended, or without a good army, you are loſt. I underſtand that the propoſitions for the peace muſt begin by diſbanding the army; if you conſent to this, you ſhall be loſt, they having the whole power of the militia, they have done and will do whatſoever you will. I received yeſterday letters from the duke of Lorrain, who ſends we word, if his ſervice be agreeable to you, he will bring you 10,000 men. Dr. Goffe, whom I have ſent into Holland, ſhall treat with him in his paſſage upon this buſineſs, and I hope very ſpeedily to ſend good news of this, as alſo of the money; aſſure yourſelf, I will be wanting in nothing you ſhall deſire, and that I will hazard my life, that is, to die by famine, rather than not to ſend to you. Send me word always by whom you receive my letters; for I write both by the ambaſſador of Portugal, and the reſident of France: Above all, have a care not to abandon thoſe who have ſerved you, as well the biſhops, as the poor Catholicks. Adieu.'-----

The king to the queen.

Jan. 30.

'——THE treaty begins this day. I deſire thee to be confident, that I ſhall never make a peace by abandoning my friends, nor ſuch a one as will not ſtand with my honour and ſafety.'----

To the queen.

Dear heart, Oxford, Feb. 15. 1644.

'——AS for our treaty, there is every day leſs hopes than other, that it would produce a peace, but I will abſolutely promiſe thee that if we have one, it ſhall be ſuch as ſhall invite thy return; for I vow, that without thy company I can neither have peace nor comfort within myſelf. The limited days for treating are now almoſt expired, without the leaſt agreement upon any one article; wherefore I have ſent for enlargement of days, that the whole treaty may be laid open to the world; and I aſſure thee, that thou needeſt not doubt the iſſue of this treaty, for my commiſſioners are ſo well choſen, (tho' I ſay it) that they will nei-

1644-5. ' ther be threatened nor diſputed from the ' grounds I have given them, which, upon ' my word, is according to the little note thou ' ſo well rememtbereſt, and in this not only ' their obedience, but their judgments con- ' cur.---

' In ſhort, there is little or no appearance, ' but that this ſummer will be the hotteſt for ' war of any that hath been yet; and be con- ' fident, that in making peace, I ſhall ever ' ſhew my conſtancy in adhering to biſhops, ' and all our friends, and not forget to put a ' ſhort period to this perpetual parliament. ' But as thou loveſt me, let none perſuade ' thee to ſlacken thine aſſiſtance for him, who ' is eternally thine,'

C. R.

To the queen.

Dear heart, Oxford, Feb. 19. 1644.

' I Cannot yet ſend thee any certain word ' concerning the iſſue of our treaty, only ' the unreaſonable ſtubbornneſs of the rebels ' gives daily leſs and leſs hopes of any accom- ' modation this way; wherefore I hope no ' rumours ſhall hinder thee from haſtening, all ' thou may, all poſſible aſſiſtance to me, and ' particularly that of the duke of Lorrain's, ' concerning which I received yeſterday good ' news from Dr. Goffe, that the prince of O- ' range will furniſh ſhipping for his tranſporta- ' tion, and that the reſt of his negotiations ' goes hopefully on.---

' As for truſting the rebels, either by going ' to London or diſbanding my army before a ' peace, do no ways fear my hazarding ſo ' cheaply or fooliſhly; for I eſteem the intereſt ' thou haſt in me at a far dearer rate, and ' pretend to have a little more wit.'---

To the queen.

Dear heart, Oxford, March 5. 1644.

' NOW is come to paſs what I foreſaw, ' the fruitleſs end (as to a preſent peace) ' of this treaty; but I am ſtill confident, that ' I ſhall find very good effects of it: For beſides ' that my commiſſioners have offered, to ſay ' no more, full meaſured reaſon, and the re- ' bels have ſtucken rigidly to their demands, ' which I dare ſay had been too much, tho' ' they had taken me priſoner, ſo that aſſured- ' ly the breach would light foully upon them: ' We have likewiſe at this time diſcovered, ' and ſhall make it evidently appear to the ' world, that the Engliſh rebels (whether baſe ' or ignorantly will be no very great differ- ' ence) have as much as in them lies, tranſ- ' mitted the command of Ireland from the ' crown of England to the Scots, which, be- ' ſides the reflection it will have upon theſe ' rebels, will clearly ſhew, that reformation ' of the church is not the chief, much leſs the ' only end of the Scotch rebellion.

' But it being preſumption, and no piety, ' ſo to truſt to a good cauſe, as not to uſe all ' lawful means to maintain it; I have thought ' of one means more to furniſh thee with for ' my aſſiſtance, than hitherto thou haſt had; ' it is, that I give thee power to promiſe in ' my name (to whom thou thinkeſt moſt fit,) ' that I take away all the penal laws againſt ' the Roman Catholicks in England, as ſoon ' as God ſhall make me able to do it, ſo as ' by their means, or in their favours, I may ' have ſo powerful aſſiſtance, as may deſerve ' ſo great a favour, and enable me to do it. ' But if thou aſk what I call that aſſiſtance, I ' anſwer, that when thou knoweſt what may ' be done for it, it will be eaſily ſeen if it de- ' ſerve to be ſo eſteemed. I need not tell thee ' what ſecrecy this buſineſs requires; yet this ' I will ſay, that this is the greateſt point of ' confidence I can expreſs to thee, for it is no ' thanks to me to truſt thee in any thing elſe ' but in this, which is the only thing of dif- ' ference in opinion betwixt us: And yet I ' know thou wilt make as good a bargain for ' me, even in this, I truſting thee (though it ' concerns religion) as if thou wert a Proteſt- ' ant, the viſible good of my affairs ſo much ' depending on it.'--- 1644-5.

To the queen.

Dear heart, Oxford, March 13. O. S.

' WHAT I told thee the laſt week con- ' cerning a good parting with our lords ' and commons here, was on Monday laſt ' handſomely performed: And now if I do a- ' ny thing unhandſome or diſadvantageous to ' myſelf or friends in order to a treaty, it will ' be merely my own fault; for I confeſs, when ' I wrote laſt, I was in fear to have been preſ- ' ſed to make ſome mean overtures to renew ' the treaty, (knowing there were great la- ' bourings to that purpoſe;) but now I pro- ' miſe thee, if it be renewed, (which I be- ' lieve will not without ſome eminent good ' ſucceſs on my ſide) it ſhall be to my honour ' and advantage, I being now as well freed ' from the place of baſe and mutinous moti- ' ons, (that is to ſay, our mungrel parlia- ' ment here,) as of the chief cauſers, from ' whom I may juſtly expect to be chidden by ' thee, for having ſuffered thee to be vexed by ' them; Wilmot being already there, Percy ' on his way, and Suſſex within few days ta- ' king his journey to thee.---

I ſhall make no other remark on theſe letters, than that they evidently ſhew, the peace which the king ſeemed to deſire ſo earneſtly, was an empty ſound which had nothing real, but as taken in his private ſenſe of the word. I have ſhewn on the other ſide, that the two houſes were not more inclined to peace. Wherefore I hope my readers will not take it ill, that I forbear to enter into a long detail of the conferences at Uxbridge, where both parties ſought rather to amuſe the publick than expedients to conclude. I ſhall, therefore, content myſelf with briefly relating, how far the condeſcenſion of the two parties reached towards making that peace they ſeemed to wiſh for ſo ardently.

Upon the article of religion, the king's commiſſioners, after many diſputes, conſented, at laſt, to the following particulars.

The offers of the king's commiſſioners about religion. Ruſhw.

'1. That freedom be left to all perſons, of what opinions ſoever, in matters of ceremony, and that all the penalties of the laws and cuſtoms which enjoin theſe ceremonies be ſuſpended. (1).

REMARK (1). Since the penal laws were not to be aboliſhed, but only ſuſpended, it followed that the Preſbyterians could rely on that freedom no longer than it was out of the king's power to deprive them of it.

'2. That the biſhop ſhall exerciſe no act of juriſdiction or ordination, without the conſent and counſel of the preſbyter, who ſhall be choſen out of the learnedſt and graveſt miniſters of that dioceſe (2).

REM. (2). It was not declared who they were that would chuſe the preſbyter. If it was the biſhop, this conceſſion amounted to little or nothing.

'3. That the biſhop keep his conſtant reſidence in his dioceſe, except when he ſhall be required by his majeſty to attend him on any occaſion, and that (if he be not hindered by the infirmities of old age or ſickneſs) he preach every Sunday in ſome church within his dioceſe (3).

REM. (3). This was no more than the biſhop's duty, and it was not for the king's honour to let this be conſidered as acondeſcenſion to promote the peace.

'4. That the ordination of miniſters ſhall be always in a publick and ſolemn manner, and very ſtrict rules obſerved, concerning the ſufficiency and other qualifications of thoſe men, who ſhall be received into holy orders; and the biſhop ſhall not receive any into holy orders, without the approbation and conſent of the preſbyters, or the major part of them.

'5. That competent maintenance and proviſion be eſtabliſhed by act of parliament, to ſuch vicarages as belong to biſhops, deans, and chapters, out of the impropriations, and according to the value of thoſe impropriations, of the ſeveral pariſhes (4).

REM. (4). One of the principal things urged againſt the church of England by the Preſbyterians, was, that the churches were ill ſerved, becauſe the biſhops, deans, and chapters, committed the cure of thoſe which belonged to them, to inſufficient preachers for cheapneſs ſake. This abuſe, doubtleſs, ought to have been reformed, without making it one of the conditions of the peace.

'6. That for the time to come, no man ſhall be capable of two parſonages or vicarages with cure of ſouls.

'7. That towards the ſettling of the publick peace, 100,000 l. ſhall be raiſed by act of parliament, out of the eſtates of biſhops, deans and chapters, in ſuch manner as ſhall be thought fit by the king and two houſes of parliament, without the alienation of any of the ſaid lands (5).

REM. (5). By the treaty between the parliament and Scotland, the lands of the biſhops, deans and chapters were aſſigned for the payment of the Scotch troops. The king ſeemed by this conceſſion to agree, that 100,000 l. ſhould be raiſed upon thoſe lands. But in ſuppoſing likewiſe the neceſſity of the king's conſent for the applying that ſum, the Scots could not be ſure he would agree that it ſhould be aſſigned to them.

'8. That the juriſdiction in cauſes teſtamentary, decimal, matrimonial, be ſettled in ſuch manner as ſhall ſeem moſt convenient by the king and the two houſes of parliament (6).

REM. (6). This conceſſion ſignified nothing, for ſince the king meant not to give up his negative vote in parliament, to ſay, that after the peace this article ſhould be ſettled by the king and the two houſes, was as much as to ſay, there ſhould be no alteration in it but what the king pleaſed.

'9. That one or more acts of parliament be paſſed, for regulating of viſitations, and againſt immoderate fees in eccleſiaſtical courts, and the abuſes by frivolous excommunications, and all other abuſes in the exerciſe of eccleſiaſtical juriſdiction, in ſuch manner as ſhall be agreed upon by his majeſty, and both houſes of parliament (7).

REM. (7). This pretended conceſſion is like the former; for after the peace ſhould be made, it would be ſtill in the king's breaſt to give or with-hold his aſſent to the reformation of the abuſes; whereas the point was to ſettle what ought to have been reformed.

When theſe conceſſions are compared with the parliament's demand, that epiſcopacy ſhould be aboliſhed; it is no wonder, the parliament's commiſſioners were not ſatisfied with them. Accordingly, without loſing time in diſputing upon theſe articles, they rejected them as inſufficient, and offered not to qualify their demand in the leaſt.

As to the militia, the king's commiſſioners, after long diſputing, and alledging various arguments to ſhew the injuſtice of depriving the king of one of the moſt eſſential prerogatives of the crown, and the inconveniences which would infallibly ſpring from thence, were willing to grant:

Offers about the militia. Ruſhw.

'That all the forces of the kingdom, both by ſea and land, ſhould be put into the hands of 20 commiſſioners, ten to be named by the king, and ten by the two houſes, and that the ſame thing ſhould be done in Scotland. But they would not conſent, the commiſſioners for Scotland ſhould be joined with thoſe for England, ſo as to form one committee, or that the firſt ſhould in any manner meddle with the affairs of England. Upon theſe conditions, they offered, that the king ſhould be content that this commiſſion ſhould continue for three years.' But ſtill the power of theſe commiſſioners was firſt to be ſettled, wherein there were very great difficulties.

The parliament's commiſſioners would not agree, that the king ſhould name ten of the perſons that were to be intruſted with the militia. Their reaſon was, that the point being to give the people ſecurity, they would have none, if half the commiſſioners were nominated by the king; nay, rather it would be a means to re-kindle the war, there being no likelihood that theſe commiſſioners, thus equally divided, would ever agree, ſince they would be of directly oppoſite principles. Moreover, proceeding upon the foundation of the union between England and Scotland, and upon the dangers being common to both kingdoms, they perſiſted to demand, that the commiſſioners of both kingdoms ſhould act in common. Upon theſe two conditions they agreed, that the commiſſion ſhould continue but ſeven years, after having long contended for an unlimited time. Thus the negotiation upon this, ſucceeded no better than upon the foregoing article.

About Ireland. Ruſhw.

As to Ireland, the commiſſioners agreed upon nothing. The parliament's would have the ceſſation to be void, and for the future, neither peace nor truce to be made without the conſent of both houſes. The king's, knowing his majeſty's mind, that he would not only maintain the ceſſation, but even deſigned to make peace with the Iriſh, were far from conſenting to the parliament's demand. So, the whole diſpute turned upon this point, whether the king had power to conclude a ceſſation, without the privity of the two houſes, ſome affirming, others denying it. On each ſide, the ſame arguments were frequently repeated, with mutual reproaches for ſeveral proceedings; and almoſt all the facts alledged by one ſide, were denied by the other, ſo that neither of the parties made any conceſſion.

After a negotiation of 18 days upon the three articles I have been ſpeaking of, the king's commiſſioners deſired, his majeſty's propoſitions, particularly thoſe concerning the ceſſation of arms, and the king's return to the parliament, might be conſidered. The other commiſſioners anſwered, that when the two houſes ſhould ſee the treaty like to ſucceed, they would conſent to prolong it. The two remaining days were ſpent by the king's commiſſioners, in trying to obtain a prolongation of the treaty, but they could not prevail. It muſt be remembered, that the king's view was to gain time for two principal reaſons. Firſt, as he was perſuaded, that as long as the people had hopes of peace, they would not eaſily be induced to find the parliament the neceſſary ſupplies for the continuation of the war, and ſo the preparations of the two houſes would be retarded. The ſecond was, that he rightly judged, the parliament would not ſeriouſly think of executing their project concerning the army, whilſt there ſhould be any expectation of peace. The two houſes perceiving the king's intention, avoided the ſnare, and the conferences broke off upon the expiration of the 20 days.

The treaty is broke off.

The houſe of commons, or rather, a new party which had been formed in the houſe, waited only for this rupture, to execute a project which I have juſt mentioned, but of which it will be neceſſary to ſpeak here more largely, ſince the execution of this project ſerves for foundation to all the events which afterwards happened.

The ſtate of the king and parliament

Before the parliament was aſſiſted by Scotland, the war had not been much to their advantage. The ſucceſſes of the two firſt campaigns were ſo far from anſwering their expectations, that very probably, without the aſſiſtance of the Scots, they would have been forced to make ſuch a peace as the king deſired. If in the third, the king had loſt all the north, he had made himſelf amends, by gaining almoſt all the weſtern counties, and, after the ſecond battle of Newbury, he was ſtill at Oxford, in condition to withſtand his enemies. The Scotch army, which, having ſubdued all the north, was advancing towards the middle of the kingdom, was, therefore, what made the balance incline to the parliament's ſide, and what, probably, was to give them the ſuperiority in the fourth campaign, for which both ſides were preparing. This aid came very ſeaſonably, to eſtabliſh the affairs of the Preſbyterians, who were then all-powerful in the parliament, and diſpoſed of every thing as they pleaſed. They were the men who had moſt conduced to engage the kingdom in a war, and called in the Scots, becauſe they could not hope to execute their deſigns, unleſs the parliament's arms were victorious. But before I proceed, it will be abſolutely neceſſary to make known theſe Preſbyterians, who till then ſeemed to make but one and the ſame party, tho' in reality they conſiſted of two, very different from each other, both in principles and intereſts.

After all my pains, I have not been able to diſcover preciſely, the firſt riſe of the Independent ſect or faction. Thus much is certain, their principles were very proper to put the kingdom in a flame, as they did effectually. With regard to the ſtate, they abhorred monarchy, and approved only a republican government. As to religion, their principles were contrary to thoſe of all the reſt of the world. They were not only averſe to epiſcopacy, and the eccleſiaſtical hierarchy; but would not ſo much as endure ordinary miniſters in the church. They maintained, that every man might pray in publick, exhort his brethren, interpret the ſcriptures, according to the talents God had endued him with; whereas very often miniſters were ordained without proper endowments, whilſt thoſe of many laymen remained uſeleſs for want of external ordination. So with them, every one prayed, preached, admoniſhed, interpreted the holy ſcriptures, without any other call than what he himſelf drew from his zeal, and ſuppoſed gifts, and without any other authority than the approbation of his auditors.

The different origine of the Independents with reſpect to religion and civil government.

I cannot exactly tell, whether this ſect or faction was entirely formed at the beginning of the parliament, or whether it ſprung up during the ſeſſions. But there is, I think, a diſtinction to be made upon this ſubject. I conjecture, that the ſect was already formed, with regard to civil government, and aroſe from the principles of arbitrary power, which James I. and Charles I. laboured to eſtabliſh, but that with reſpect to religion, it was formed during this parliament. I build my conjecture upon this. When the long parliament began, there

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were but two known parties in the Engliſh church, viz. the Epiſcopalians, or Church-of-England-men, and the Presbyterians. The name of Independent was entirely unknown, and thoſe, afterwards called Independents, were certainly united with the Presbyterians, and made a very conſiderable part of them; but they were different from the other Presbyterians, as they propoſed for their end to change the monarchy into a commonwealth, which cannot be imputed to the Presbyterians in general. It is very true the Presbyterians were for humbling the regal power, and leaving the king only the ſhadow of ſovereignty; but they preſerved a ſort of attachment to the name of king, and, at leaſt, an external regard for royalty. If we examine the propoſitions they preſented to the king at ſeveral times, we ſhall find them all built upon this foundation. They were in that like the Scots, who cannot juſtly be accuſed of intending to aboliſh monarchy, tho' they propoſed to reduce it within very narrow bounds. The Independents, after having lent their utmoſt aſſiſtance to diminiſh the regal power, in hopes thereby to attain their end, the deſtruction of the monarchy; perceived, at laſt, they ſhould not be able, without great difficulty, to accompliſh their deſign. The reaſon was, becauſe neither the Engliſh, nor Scotch, Presbyterians, had any inclination to eſtabliſh a commonwealth, and becauſe their whole clergy, who had a great influence in that party, were of the ſame principles. They judged, therefore, it would be very advantageous to them, to deſtroy the clergy's authority, by intimating them to be unneceſſary, and their vocation eſtabliſhed upon no good foundation. Then it was that the Independent ſect began to be formed with regard to religion; for there are no ſigns of it, till about the end of the year 1644. I own this to be only conjecture, which may be rejected if any thing more plauſible occurs.

Therefore it is no wonder, that from the beginning of this parliament the Independents had earneſtly contributed to put it out of the king's power to preſerve his authority but by a war, and to ruin the church of England. It is rather to be conſidered, that this was the natural conſequence of their principles, and a very proper means to lead them to their end. The humbling of the king, and the deſtruction of the church of England, were two points that were neceſſarily to be gained, before the eſtabliſhment of a commonwealth was endeavoured. It was not, therefore, proper, they ſhould ſeparate from the Presbyterians, as long as theſe laſt concurred with them in their deſign to gain theſe two principal points. For that reaſon, they readily conſented to call in the Scots, and made no ſcruple to approve of the covenant, and whatever elſe was required by the Scots. The buſineſs then was to be able to reſiſt the king, who had acquired ſome ſuperiority, by the happy ſucceſs of his arms. This was the common intereſt of the Presbyterians and Independents, who would have been equally ruined, if the king's party had prevailed.

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The Independents begin to undermine the power of the Preſbyterians. Clarend.

In the interim, the Scotch army, in ſtrengthening alike the Presbyterians and Independents againſt the king, confirmed withal to the firſt, the ſuperiority they had for ſome time enjoyed. As long as this ſuperiority laſted, it was almoſt impoſſible for the Independents to attain their ends. They judged it, therefore, abſolutely neceſſary, to undermine the great power of the Presbyterians, not openly, for fear of being oppreſſed before they had well laid their meaſures, but ſecretly, and by artifice. To that purpoſe, the leaders of this party, as Vane, Cromwell, Tate, Haſlerig, and ſome others, began to make themſelves very popular, and to expreſs a great zeal for the publick, in order to gain the good-will of the people. They had their emiſſaries every where, who diligently aggravated the faults committed ſince the beginning of the war, as well in the adminiſtration of the government, as in the military actions, and inſinuated, they were entirely to be aſcribed to the private views of the members of parliament, who poſſeſſing all the places and offices, were very undmindful to put an end to the troubles. That ſome of the generals had deſignedly miſſed opportunities of fighting with advantage, and that, in ſhort, the greateſt part dreaded nothing ſo much as a deciſion, either by arms or a good peace.

Cromwell accuſes the earl of Mancheſter before the parliament. Ruſhw.

In ſupport of theſe rumours which were ſpread abroad, Cromwell came to the parliament at the end of the campaign, and publickly accuſed the earl of Mancheſter, of not having done his duty at the battle of Newbury, and the affair of Dennington-caſtle; inſinuating, he was afraid of putting too ſpeedy an end to the war. The earl anſwered by a memorial, which he preſented to the lords, and Cromwell thought not fit to proſecute his accuſation, which was properly a preparative only to begin the execution of a greater project.

Deſign of arreſting him laid aſide. Ruſhw.

This publick proceeding of Cromwell raiſed a ſuſpicion, that he was one of the principal authors of the rumours which tended to render the people jealous of the parliament. There was even a conference held at the earl of Eſſex's, where it was conſidered, whether he ſhould be arreſted. But as the proofs appeared not ſufficiently clear, it was reſolved to wait till he ſhould have laid himſelf more open. Probably, ſome of thoſe that were preſent at this conference informed him of it, which made him haſten the execution of the project formed by himſelf and his friends.

Partiality of the parliament in the diſtribution of places.

This project was to exclude all the members of parliament from enjoying any office or command military or civil. It is certain that from the beginning of the war, the parliament in the diſtribution of poſts, had not forgot their own members, or rather to ſay the truth, all the principal poſts were poſſeſſed by the members of one or other houſe. Hence ſprung two great inconveniences. The firſt, that as, ſince the breach with the king, the two houſes had ruled with an abſolute ſway, the members who had poſts in the army, had ſo great influence there, that no man durſt oppoſe their ſentiments, or take notice of their faults or miſdemeanours, which by that means were always uupuniſhed. This had, at length, bred at the end of the laſt campaign thoſe great diſſentions between the generals, which proved ſo prejudicial to the common cauſe. The ſecond inconvenience was, that it was undeniably the particular intereſt of the members of parliament to prolong the war; ſince the end of the troubles, whether it happened by a deciſive battle, or a treaty, would ſtrip them of their employs. This project was, therefore, founded upon reaſons very plauſible, and apt to make impreſſion on the people. But withal, it was of great advantage to the Independents, in that the power of the Presbyterian party would be conſiderably leſſened, and they had ſo well laid their meaſures, that they were almoſt ſure, the vacant poſts would be filled with men of their party. This was the more feaſible, as hitherto the Independents not having yet pulled off the maſk, it was not eaſy to diſcover who were ſo, ſince they were ſtill confounded with the Presbyterians.

Whiteloc.

To execute this grand project, the leaders of the Independents reſolved to move two things in the parliament. The firſt, to put the army under a new model, that is, to form new regiments of horſe and foot out of the preſent troops, ſo that there would be ſtill the ſame officers and ſoldiers, but new bodies otherways compoſed than before. The ſecond, that the parliament ſhould paſs an ordinance excluding the members of either houſe from enjoying or executing any office or command civil or military. The firſt was founded upon the neceſſity of putting an end to the factions and cabals which might be formed in the ſeveral bodies of the army; the ſecond, upon the neceſſity of demonſtrating to the people, that the parliament was not influenced by private views, but preferred the publick good to the intereſt of their own members. But the Presbyterian members thereby loſt, at once, all their poſts and credit in the army. This was the true reaſon of the proceedings of the Independents, which, however, they carefully concealed. The other reaſons were ſo plauſible, that they did not queſtion they would be very agreeable to the people, who were already diſpoſed to approve them. And, thefore, it was thought, ſeveral members would not venture to contradict them, for fear of raiſing a ſuſpicion of their acting from motives of intereſt.

Ruſhw.

On the 9th of December, 1644, theſe motions were made in the houſe of commons, at the time when the treaty of Uxbridge was preparing. The managers of the affair, moved to take into conſideration the ſtate of the kingdom, the reaſons why the war laſted ſo long, and the conſequences of the treaty of Uxbridge, in caſe it was unſucceſsful. This motion being approved of, the houſe voted themſelves into a grand committee, to debate upon theſe points. A general ſilence being kept for ſome time, Oliver Cromwell ſtood up at laſt, and ſpoke briefly to this effect:

Cromwell's ſpeech to the houſe of commons. Ruſhw.

'That it was now a time to ſpeak, or for ever to hold the tongue: The important occaſion being no leſs than to ſave a nation out of a bleeding, nay, almoſt dying condition, which the long continuance of the war, had already brought it into; ſo that, without a more ſpeedy, vigorous, and effectual proſecution of the war, caſting off all lingering proceedings like ſoldiers of fortune beyond ſea, to ſpin out a war, we ſhall make the kingdom weary of us, and hate the name of a parliament. For what do the enemy ſay? Nay, what do many ſay that were friends at the beginning of the parliament? Even this, That the members of both houſes have got great places and commands, and the ſword into their hands, and what by intereſt in parliament, what by power in the army, will perpetually continue themſelves in grandeur, and not permit the war ſpeedily to end, leſt their own power ſhould determine with it. This I ſpeak here to our own faces, is but what others do utter abroad behind our backs. I am far from reflecting on any; I know the worth of thoſe commanders, members of both houſes, who are yet in power; but if I may ſpeak my conſcience without reflection upon any, I do conceive, if the army be not put into another method, and the war more vigorouſly proſecuted, the people can bear the war no longer, and will enforce you to a diſhonourable peace. But this I would recommend to your prudence, not to inſiſt upon any complaint or over-ſight of any commander in chief upon any occaſion whatſoever; for as I muſt acknowledge myſelf guilty of over-ſights, ſo I know they can rarely be avoided in military affairs; therefore waving a ſtrict inquiry into the cauſes of theſe things, let us apply ourſelves to the remedy which is moſt neceſſary. And I hope, we have ſuch true Engliſh hearts and zealous affections towards the general weal of our mother country, as no members of either houſe will ſcruple to deny themſelves, and their own private intereſts, for the publick good; nor account it to be a diſhonour done to them, whatever the parliament ſhall reſolve upon in this weighty matter.'

Motion to exclude all members from poſts. Clarend.

Cromwell was ſeconded by others who ſpoke, like him, in a general manner, without making any particular propoſition. At laſt Zouch Tate and Sir Henry Vane moved expreſly to have all members of parliament excluded from commands and offices. This motion was long debated, and, at length, approved by a majority of voices, and a committee was appointed to prepare an ordinance to that purpoſe. Two days after, this ordinance was brought into the houſe, and it was reſolved, that the 18th of the ſame month ſhould be ſet apart for a faſt, to implore a bleſſing on this affair, as well as on the intended new model of the army, which had been alſo voted, tho' I could not find the day. The 14th of December this ordinance was again taken into conſideration, and canvaſſed in a grand committee, very ſeriouſly on both ſides. The 18th the faſt was kept, and the 19th the ordinance paſſed the houſe of commons. It was called the Self-

It is approved of. Another for new modelling the army. Dec. 11.

1644-5.

denying Ordinance, becauſe the houſe in paſſing it, renounced their own advantages.

The lords reject the ſelf-denying ordinance. Whiteloc.

The affair, however, was not finiſhed till the lords had approved of the ordinance, to which they were by no means inclined. On the contrary, at a conference with the commons, they urged ſeveral reaſons againſt it. Whereupon, the 13th of January, the whole houſe of commons went up to the peers with a meſſage to preſs them to paſs the ſelf-denying ordinance. Nevertheleſs they rejected it that ſame day.

The commons form the new model. Ruſhw.

They make Sir Thomas Fairfax general. Clarend.

The lords conſent to it. Ruſhw.

Notwithſtanding this, the commons proceeded in forming a new model of the army, which they voted ſhould conſiſt, in the whole, of 21,000 men, viz. 6000 horſe, 1000 dragoons, and 14,000 foot: That the horſe ſhall be divided into 10 regiments; the dragoons into 10 ſingle companies; and the foot into 10 regiments of at leaſt 1200 men each. After that, they appointed Sir Thomas Fairfax to be general, ſon to the lord Fairfax who commanded in the north. This done, they paſſed an ordinance for raiſing money for the maintenance of the army which was to ſerve under the command of the new general, and on the 28th of January ſent it up to the lords for their concurrence. The lords ſcrupled to conſent to ſeveral articles concerning the nomination of the principal officers. But as there were but few peers, they were told, they would do themſelves unſpeakable prejudice if they pretended to oppoſe the reſolutions of the commons, and in a word, that their concurrence was not neceſſary. In all apperance, this made the lords paſs the ordinance the 15th of February, without any amendments.

Fairfax gives in a liſt of the new colonels.

The 19th of the ſame month Sir Thomas Fairfax, being conducted to the houſe by four members, was complimented by the ſpeaker. After that, he delivered a liſt of the colonels he had appointed, by vertue of a clauſe in his commiſſion, among whom there was not a ſingle member of parliament [*]. There was alſo upon this occaſion ſome difference between the two houſes. But after ſeveral conferences, the lords approved of the liſt the 18th of March.

1645. The commons at laſt get the ſelf-denying ordinance paſſed.

Thus the new model was compleated, and tho' the ſelf-denying ordinance had been thrown out by the lords, the commons had now obtained, by empowering the general to nominate the officers of the army, the excluſion of the members of parliament from all military poſts. This made them hope, it would not be impoſſible to cauſe their ordinance to paſs. And, indeed, they reſumed the debate of it March 24, and, on the 31ſt, it was ſent up to the lords for their conſent, tho' they had already refuſed it. Then the earls of Eſſex, Denbeigh, and Mancheſter, perceiving it would be in vain to ſtrive againſt the ſtream, and that their houſe was not in condition to withſtand the commons, ſurrendered their commiſſions, and received the thanks of both houſes. The next day, the 3d of April, the lords paſſed the ſelf-denying ordinance; and thus ended this affair, which had been depending four months.

1645. Remark on the proceedings of the commons.

When it is conſidered, with what earneſtneſs the commons proceeded in the ſelf-denying ordinance, one is apt, at firſt, to believe, either that the number of the Independents was very ſuperior in the houſe, or that the members were very diſintereſted. But neither of theſe was the caſe. The Presbyterians ever preſerved a ſuperiority of number, which became ſtill greater by the members excluded from their poſts, who not being employed in the army or elſewhere, increaſed their party in the parliament. As to the diſintereſtedneſs of the members, it is not to be imagined, that men who had till now expreſſed ſuch a greedineſs, as to monopolize, as I may ſay, and ingroſs to themſelves all the places of truſt and profit, ſhould thus ſuddenly change from black to white, and ſincerely deſire to relinquiſh them. But the caſe was, they were attacked on their weak ſide, and ſo could vindicate themſelves only by ſhewing a diſintereſtedneſs, which might, at leaſt, make it doubtful, whether it was through ſelfiſhneſs that they had ingroſſed to themſelves all the offices and poſts. The Independents, before they diſcovered their deſign, had taken care to prepoſſeſs the people with ſuch plauſible reaſons, that the parliament was in danger of being entirely deſerted, if they undertook to juſtify their conduct, and maintain their partiality. This, is certainly, what cauſed the ordinance to paſs, tho' it was manifeſtly deſigned to ruin the Presbyterian party; for tho' their ſuperiority of number in the parliament did not ceaſe, the Independents knew, that by having the army on their ſide, it would be in their power to obey the parliament no farther than they pleaſed. Accordingly to this they bent all their endeavours, as ſoon as things were regulated as they had projected. The new general was reckoned a zealous Presbyterian, and by that the parliament had been allured to chuſe him. But Cromwell had ſuch an influence over him, that he made him do whatever he pleaſed. He had artfully perſuaded him, that his ſole view was the welfare of religion, and the good of his country, and thereby prepared him to receive his counſels, and place an entire confidence in him. For tho' the Independent party began to ſhew themſelves very openly, they did not yet pretend to form a ſeparate party from that of the Presbyterians, and it was more then a year before they appeared, at laſt, entirely unmaſked. Cromwell eſpecially, more than any other of this party, put on the appearance of a rigid Presbyterian, and ſeemed to intend only the firm eſtabliſhment of Presbyterianiſm. This was neceſſary to preſerve the confidence of the new general, and make him act according to his views, without diſcovering the end to which he meant to conduct him. But it was not yet time to make known his deſigns. There were then but two things abſolutely neceſſary for the advantage of his party. The firſt, in new modelling the army, to order it ſo, that the officers, whom the Independents thought they could confide in, might keep their commiſſions, and thoſe whom they conſidered as their enemies, might be caſhired. For as three armies were to be reduced into one, many officers would of courſe be diſmiſſed. The ſecond thing was to proſecute the war more vigorouſly than hitherto, and endeavour more ſtrenuouſly to diſable the king to maintain it. It is evident the deſigns of the Independents could not be executed but by the king's deſtruction. This was neceſſarily to be ſuppoſed, and conſequently, all riſques were to be run to put a ſpeedy concluſion to the war, as nothing could be more prejudicial to them than its continuation.

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[*] For the horſe, Middleton, Sidney, Graves, Sheffield, Vermuden, Whaley, Lively, Fleetwood, Roſſiter and Sir Rob. Pye. For the foot, Crayford, Berkely, Aldridge, Holborn, Forteſcue, Ingoldsby, Montague, Pickering, Weldon, and Rainsborow.

The general forms the new army. April 3. Ruſhw.

As ſoon as Sir Thomas Fairfax had received his commiſſion from the parliament, he came to Windſor, his head quarters, and from thence ſent commiſſioners where-ever there were troops, to form the new regiments, and diſband the ſupernumerary officers. No doubt, theſe commiſſioners, who were moſtly general officers, had private inſtructions concerning the officers, they were either to continue or break, and Cromwell had framed in great meaſure theſe inſtructions, tho' he did not appear to be concerned. The parliament undertook this reform in a very dangerous ſeaſon. It was in April, when the king was preparing to take the field. If unhappily, they had met with reſiſtance in the troops, as many were apprehenſive, and if this change had occaſioned revolts, which might eaſily have happened by the inſtigations of the diſbanded officers, they would have been without an army, at the beginning of a campaign, and conſequently unable to withſtand the king's forces. But they heard with pleaſure, that every thing was effected with great tranquillity, and their orders every where perfectly obeyed.

He detaches Cromwell towards Oxford. Ruſhw.

The general remained at Windſor all April, not being able ſooner to finiſh what was to be done, to prepare the army for action. During this time, he received a letter from the committee of both kingdoms, informing him, that the king had ſent to prince Rupert, to come and join him with 2000 horſe. Wherefore, he was ordered to diſpatch a party of horſe towards Oxford to hinder this junction. And as the ſelf-denying ordinance was not to take place till after 40 days, viz. on May the 13th, the charge of this ſervice was by the committee particularly recommended to lieutenant general Cromwell.

Exploits of Cromwell. Ruſhw.

Cromwell departing from Windſor the 24th of April, met, near Iſlip-bridge, with a brigade of the king's horſe, conſiſting of the queen's, and three other regiments, and utterly routed them. Then he marched to Sir Thomas Coggin's at Blechington, where colonel Windebank, ſecretary Windebank's ſon, kept a garriſon for the king, and ſummoned the colonel with a ſharp meſſage, who immediately ſurrendered. The king was ſo incenſed at his cowardice, that he cauſed him to be condemned by a council of war, and afterwards ſhot to death. Cromwell gained ſome other advantages in thoſe parts, but was repulſed in an aſſault upon Farrington.

The king orders colonel Windebank to be ſhot. Ruſhw.

The king's party beſiege Taunton. Clarend.

After the earl of Eſſex's diſaſter in Cornwal, the parliament was very weak in the weſtern counties. They had in Dorſetſhire only Poole, Lyme, and Weymouth; in Devonſhire, Plymouth alone, and that beſieged; and in Somerſetſhire, only Taunton; cloſely inveſted by Sir Richard Greenvil, and in great diſtreſs. The parliament, fearing to loſe this important place, ſent expreſs orders to the general to march with his whole army, and raiſe the ſiege, not conſidering that the midland counties would be left defenceleſs, juſt as the king was going to take the field. In the interim, Fairfax, in obedience to the orders, began his march, April the 30th, and on May the 7th, was beyond Saliſbury.

The general receives orders to relieve Taunton.

He is recalled May 6.

The committee of both kingdoms having intelligence, that the king was, on May the 7th, to head his army, perceived their error in ſending all their forces into the weſt, and leaving the middle of the kingdom defenceleſs. Wherefore they diſpatched with all ſpeed an order to the general, which reached him at Blandford, to return, and ſend only a party to relieve Taunton. The general immediately obeyed, and detaching colonel Welden with about 5000 foot, and 1800 horſe to Taunton, returned back to Newbury, where he ſtayed ſome days to refreſh his troops.

He ſends a party to relieve Taunton. May 8.

The ſiege of Taunton is raiſed, and renewed. May 12. Clarend.

At the approach of the party ſent to Taunton, Sir Richard Greenvil raiſed the ſiege of that place, where relief could not come more ſeaſonably, ſo much was it preſſed. But ſoon after, general Goring came into Somerſetſhire with 3000 horſe, given him by the king, when he heard Fairfax was marching to the weſt. Then Greenvil joining him, they went together, and laid ſiege again to Taunton, where the party that relieved the town were ſhut up.

The king marches towards Cheſter to beſiege it. Ruſhw.

During theſe motions of the parliament's forces, the king, on May the 7th, took the field, and marched, with about 8000 men towards Cheſter, to relieve the place, beſieged by Sir William Brereton. But he heard by the way, the ſiege was raiſed; and having nothing more to do there, marched to Leiceſter, which he took by ſtorm, May the 30th.

He takes Leiceſter by ſtorm. Ruſhw.

Fairfax raiſes the ſiege of Oxford and approaches the king.

In the interim, the parliament perceiving the king was marching towards Cheſter, ſent orders to general Fairfax to beſiege Oxford Accordingly Fairfax approached the city, and began the ſiege. But within a few days, the parliament having intelligence of the taking of Leiceſter, were apprehenſive, the king's deſign was to enter the aſſociated eaſtern counties, and, therefore, ordered their general to raiſe the ſiege of Oxford, and follow the king. Fairfax, therefore, marched away on June the 7th. As, very likely, a battle would quickly enſue, he wrote to deſire the parliament to diſpenſe with Cromwell's abſence from the houſe, and to order him to march to the army, and command the horſe, which was readily granted. Thus, Cromwell, who had been one of the moſt forward to paſs the ordinance for the excluſion of the members of parliament from all offices and poſts, civil and military, was the only perſon that kept his ſeat in parliament, and his command in the army. This would be a very honourable diſtinction for him, were there not room to ſuſpect, it was owing to his own intrigues.

The king's marches. Ruſhw.

Mean while, the king was very uneaſie. He was informed of the ſiege of Oxford, but did not yet know it was raiſed, and that the enemy was marching directly towards him. This made him reſolve to move towards Oxford, in order to relieve a city of ſo great importance to him. To that end he encamped at Harborough, from whence he ſent an expreſs to general Goring, to order him to come and join him with all poſſible ſpeed. Here it was he received intelligence, that Fairfax was drawn off from Oxford, and had been repulſed with great loſs, in an aſſault upon Borſtal houſe. His troops, as was uſual with them, were ſo elated at this news, that they imagined the enemies to be in the utmoſt conſternation which ought to be improved by immediately giving them battle. The king himſelf was prepoſſeſſed with this notion, which made him contemn his enemies, and unfortunately induced him to advance to Daventry in Northamptonſhire, in a belief it would always be in his power to fight when he pleaſed, and that his enemies would never dare to attack him. Otherwiſe he might have retired to Leiceſter, and there quietly expected the 3000 men, colonel Gerrard was to bring him from Wales, and Goring's 3000 horſe from the weſt.

Goring's letter to the king intercepted. Ruſhw.

As to Goring, an accident happened, which very much conduced to haſten a battle. Fairfax had ſent a man to Oxford, who pretending to ſerve the king, had managed ſo artfully, that ſecretary Nicholas had entruſted him with a packet to general Goring, who was before Taunton. This man having diſcharged his commiſſion, Goring thought he could not employ, to carry a letter to the king, a more truſty meſſenger than the perſon ſent to him by ſecretary Nicholas. He gave him, therefore, a letter for the king, wherein he told his majeſty, that he hoped to be maſter of Taunton in a ſhort time, conjuring him not to engage, but to ſtand upon the defenſive, for he did not queſtion, in 12 or 14 days to join him with the forces under his command.

Fairfax reſolves to fight.

The king knew nothing of this letter which was brought to Fairfax. But it convinced the parliament-generals of the abſolute neceſſity of fighting before this aid ſhould come to the king.

The king reſolves the ſame. Clarend.

According to this reſolution, Fairfax continued to advance towards the king, who being better informed of the number and deſigns of his enemies, reſolved to retire to Leiceſter. To that purpoſe, he began to march towards Harborough, where his van arrived, whilſt the reſt of the army was yet above two miles behind. That ſame night, he heard, the enemies were within ſix miles of Harborough, and, indeed, general Ireton, Cromwell's ſon-in-law, had now fallen upon ſome of the king's quarters, and taken ſeveral priſoners. Whereupon it was reſolved at a council of war, held in the night, to march back and meet the enemy, conſidering the impoſſibility of going to Leiceſter, without expoſing the rear to certain deſtruction. So, the king returning in the morning, June the 14th, met the Parliamentarians, who upon news of his march, had drawn up near Naſeby. Here was fought the fatal battle that decided the quarrel between the king and the parliament.

Battle of Naſeby, in Northamptonſhire. June 14. Clarend.

Prince Rupert commanded the right wing of the king's army, and Sir Marmaduke Langdale the left. Sir Jacob Aſtley led the main body of the foot, and the king was at the head of the reſerve of horſe. On the parliament's ſide the right wing of horſe was commanded by Cromwell, the left by Ireton: General Fairfax, and major-general Skippon were both at the head of the main-body, the firſt on the right, and the other on the left.

Prince Rupert began with charging the left wing, commanded by Ireton, and after a long conflict, wherein he met with great reſiſtance, broke that body of horſe, put them to flight, and chaſed them almoſt to Naſeby town. In his return, he loſt ſome time in trying to become maſter of the parliament's artillery. He even ſummoned the train, but, they being well defended with fire-locks, and a rear guard, and he without foot, he could not execute his deſign.

At the ſame time, Cromwell was engaged in a very obſtinate fight wtih Sir Marmaduke Langdale, but, at length, the king's horſe took to flight, and were purſued about a quarter of a mile. After that, Cromwell leaving a party of horſe to oppoſe the king's, in caſe they ſhould rally, returned with ſpeed to the field of battle, where his aſſiſtance was very much wanted by his friends.

The parliament's foot were engaged with the king's, and began to be preſſed in ſuch a manner, that they were in great diſorder. Cromwell, who was returned victorious, changed the face of the battle, by charging the king's infantry in flank, who could not ſtand ſo vigorous an attack. Fairfax and Skippon, took advantage of this aſſiſtance to rally their troops who had been roughly uſed at the beginning of the battle*, and, at laſt, the king's foot were ſo routed, that there was no poſſibility of rallying them.

In the interim, the prince being not yet returned from the chace, the king was, with his reſerve of horſe unable to charge Cromwell, who was ſtronger than himſelf, and was alſo re-joined by the party he had left behind. As ſoon as prince Rupert was returned with his victorous horſe, and had joined the reſerve, the king uſed his utmoſt endeavours to perſuade them to charge once more the enemy's horſe, not queſtioning, that if he could put them to rout, he ſhould afterwards eaſily vanquiſh the foot. But he could not prevail with them to make a ſecond charge. This is not very ſtrange, ſince it could not be done without manifeſt danger. Fairfax, Skippon, and Cromwell without loſing time in purſuing the king's diſperſed infantry, had ſpeedily rallied their troops. They faced the king's horſe, and prepared to receive, or to charge them. So to renew the fight, the king muſt, with one ſingle wing of horſe, and his ſmall body of reſerve, have fallen upon the enemies army, which wanted only the wing that was routed. This the Cavaliers clearly perceived, and was what hindred them from obeying the king's orders. At the ſame time, an accident happened, which induced them to take to flight, or furniſhed them with a pretence. Robert Dalziel, earl of Carnewarth, ſeeing the king, notwithſtanding the unwillingneſs of his own troops, bent upon charging the enemies, rode up to him and ſaid, "Sir, will you go upon your death in an inſtant"? And withal, laying hold of the king's bridle, turned his horſe to the right.

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* Fairfax had his helmet beat off, but however, rode up and down bareheaded. Whereupon, colonel Charles D'oyley told him, he expoſed himſelf to too much danger, and offered him his helmet, but he refuſed it, ſaying, " It is well enough Charles." Then he ordered him to charge a body of the king's foot, which ſtood unbroken in the front, whilſt he would do the ſame in the rear, and meet him in the middle. Which was done accordingly. In this charge Fairfax killed the enſign, and one of D'oyley's troopers took the colours, bragging, he had killed the enſign, for which D'oyley chiding him, Fairfax ſaid, " Let him alone, I have honour enough, let him take that honour to himſelf ". Skippon being wounded in the beginning of the fight, was deſired to go off the field, but he anſwered, " He would not ſtir, as long as a man would ſtand." Whitelock.

The king is entirely routed.

The king's cavalry ſeeing his majeſty's horſe turned, without knowing the cauſe took occaſion to diſband, and rode upon the ſpur without looking behind them. So the king was alſo forced to retire, and leave his enemies maſters of the field. All his infantry were ſo diſperſed, that the enemies took as many priſoners as they pleaſed.

His cabinet of papers taken. Clarend.

He loſt his whole train of artillery, all his bag and baggage, with his cabinet, wherein were moſt of his ſecret papers and letters, which the parliament were ſo cruel as to print and publiſh, particularly his letters concerning the treaty of Uxbridge, of which the reader has before ſeen ſome extracts. After this, he was never more able to bring a conſiderable army into the field. It is ſaid, there were not ſlain on the king's ſide above 600 men, but amongſt them were more than 150 officers; and beſides, the enemy took above 5000 priſoners.

He retires into Wales. Ludlow.

The king, and prince Rupert, that ſame day retreated by Leiceſter to Aſhby de la Zouch, from whence after a few hours refreſhment, they continued their march with their horſe in very great diſorder to Hereford, where they parted.

Rupert to Briſtol.

Prince Rupert haſted to Briſtol, to prepare the city for a ſiege, there being great likelihood, it would quickly be attacked. The king retired into Wales, and made ſome ſtay at Ragland-caſtle, not deſpairing of being able to form another army in thoſe parts. The reaſon is unknown, why he was bent, contrary to all appearance, upon raiſing a new army in Wales, and the neighbouring counties, inſtead of marching into the weſt with his horſe, where he had a ſtrong body of troops, under the command of Goring and Greenvil, with which he might have long continued the war.

Leiceſter ſurrenders to Fairfax. Ruſhw.

In the interim, Fairfax advanced towards Leiceſter, which ſurrendered by capitulation, four days after the battle of Naſeby. Then, he marched with all ſpeed to the weſt, where it was very neceſſary to lead the army, as well to relieve Taunton and the party there ſhut up, as to reduce to the obedience of the parliament the weſtern counties, which were all for the king.

He marches into the weſt.

At the approach of the army, Goring raiſed the ſiege of Taunton, and in few days was defeated by Fairfax at Langport, who killed many of his men, took 1200 horſes, and 1400 priſoners. This victory was followed with the taking of Bridgwater, Bath and Sherburn, after which, Fairfax laid ſiege to Briſtol.

Taunton relieved, and Goring defeated. Clarend.

It was univerſally expected, prince Rupert would, according to cuſtom, perform wonders in the defence of this city, which was ſtrongly garriſoned and well ſtored with proviſions and ammunition; nay, the prince himſelf had ſent the king word, he hoped to hold out, at leaſt, four months; and yet, the parliament-army approaching the lines drawn about the place, and repulſing ſeveral ſallies, the prince, upon the firſt ſummons, agreed to capitulate.

Fairfax beſieges Briſtol, which ſurrenders upon terms.

Fairfax came near the lines the 23d of Auguſt, and the capitulation was ſigned the 10th of September, before the beſiegers had approached the walls. When the king heard, prince Rupert had ſurrendered Briſtol in this manner, he was ſo enraged at it, that he ordered him by letter to depart the kingdom, and revoked all his commiſſions.

Clarend. The king diſmiſſes prince Rupert. Ruſhw.

The prince publiſhed a manifeſto in vindication of his conduct; but he did not ſufficiently demonſtrate the neceſſity of ſurrendering ſo quickly a place of ſuch importance.

Fairfax's progreſs in the weſt. Ruſhw.

Immediately after the taken of Briſtol, Fairfax marched again to the weſt, as well to relieve Plymouth which was ſtill inveſted, as to ſubdue all thoſe counties to the parliament. But to prevent the miſchiefs incurred by the earl of Eſſex the laſt year, for want of an open communication with London, he ordered Cromwell, with a party of horſe, to take ſuch places as might hinder the communication. He alſo detached colonel Rainsborough to beſige Berkley-caſtle, the only garriſon, the king had between Glouceſter and Briſtol. He went himſelf to Bath the 17th of September, where he remained till his orders were executed.

Cromwell with his party appeared before the caſtle of the Devizes in Wiltſhire, ſituate in the road of traffick between London and the weſtern counties. The governor, Sir Charles Lloyd, made a ſhew of defending himſelf, but however capitulated on the morrow. The ſame day Cromwell detached colonel Pickering, who became maſter of Laycok-houſe, where was a garriſon of the king's, kept by colonel Bovile, after that, Pickering rejoined the army, as did colonel Rainsborough, Berkley-caſtle having been ſurrendered, by the governor Sir Charles Lucas, upon articles.

September the 26th, the general called a council of war, where it was reſolved that the army ſhould march farther weſtward. But as the prince of Wales, the king's eldeſt ſon, was in thoſe parts with Goring's, Greenvil's, and ſome other troops, which all together made a conſiderable body, the general was apprehenſive of meeting many difficulties in this expedition, and, therefore, thought it incumbent upon him to ſecure the communication with London. To that purpoſe, he detached

Cromwell,

1645.

Cromwell once more with orders to endeavour to take the caſtle of Wincheſter, and then Baſing-houſe, which had been twice beſieged in vain.

Cromwell, with his wonted activity, marching directly to Wincheſter, took the city and caſtle upon articles. A complaint being made by ſome of the garriſon that they were plundered at their marching out, he cauſed ſtrict inquiry to be made after the offenders, of whom ſix were found and condemned to die. After lots caſt for their lives, he, whoſe lot it was, was executed; and the other five were ſent to Sir Thomas Glemham, governor of Oxford, to be puniſhed as he pleaſed; but the governor ſent them back with an acknowledgment of Cromwell's juſtice and civility.

From Wincheſter, Cromwell advanced to Baſing, the houſe of the marqueſs of Wincheſter, which he having fortified, kept garriſon there for the king. As he refuſed to ſurrender, he was ſo ſuddenly and briſkly aſſaulted, that the place was carried by ſtorm, and himſelf taken priſoner and ſent to London. After that, Cromwell took Langford-houſe near Saliſbury, which ſurrendered upon articles.

cto. 15.

Octo. 19.

Octo. 28.

In the interim. Fairfax purſuing his march into the weſt, came before Tiverton. It was reſolved at a council of war to ſtorm the town, but whilſt they were conſulting how to order the attack, a round-ſhot happened to break the chain of the draw-bridge, which falling down, the ſoldiers, without waiting for orders, poſſeſſed themſelves of the town.

After that the army marched towards Exeter, the capital of Devonſhire; but as this place was ſtrong and well garriſoned, and the ſeaſon not proper for ſo important a ſiege, it was reſolved to block it up till it could be inveſted in form.

The prince of Wales aſſembles an army in the weſt: Ruſhw.

1645-6. Fairfax marches towards him. Jan. 8.

Whilſt the general was employed in ordering the blockade, which held till December, and in building neceſſary forts on the eaſt-ſide of the Ex, the prince of Wales had time to aſſemble all the king's forces in thoſe parts, with the militia of Cornwal, and form an army of 8000 men. Fairfax hearing, the enemies were preparing to march againſt him, reſolved to prevent them, by advancing towards them. He made ſuch ſpeed that he ſurpriſed a brigade of their horſe, commanded by the lord Wentworth, and took between 3 and 400 horſes. This obliged the king's generals to proceed with more caution, raiſe the blockade of Plymouth to ſtrengthen their army, and paſs the Tamar, in order to retire into Cornwal.

Fairfax takes Dartmouth. Jan. 18.

The prince's retreat into Cornwal gave Fairfax opportunity to attack Dartmouth, a ſea-port of great conſequence, which he took by ſtorm, the ſeaſon not allowing him to beſiege it in form.

He compleats the he blockade of Exeter; Clarend.

1645-6.

and defeats the lord Hopton at Torrington.

After all theſe advantages, Fairfax returned to Exeter, and finiſhed the blockade of that city. Soon after, he left the command of it to Sir Hardreſs Waller, and went himſelf to meet the lord Hopton, who was marching to the relief of Exeter, at the head of 7 or 8000 men. General Goring being withdrawn into France, the prince of Wales had given the command of his army to the lord Hopton. Fairfax approaching the enemies, heard, the lord Hopton was intrenched in Torrington, to oblige him either to attack him thus advantageouſly poſted, or to keep the field in a very rainy ſeaſon, in a country where there were few villages to ſhelter his army from the weather. Fairfax having weighed the inconveniences of leaving the enemies thus intrenched, reſolved to attack them. To that end, he advanced within a mile of Torrington, an poſſeſſed himſelf of ſome poſts, with deſign to engage on the morrow. But in the night Hopton's troops attempting to diſlodge the Parliamentarians, and theſe laſt receiving aſſiſtance from the army, the battle began inſenſibly, and held them almoſt the whole night. In ſhort, after a long conflict in the dark, the lord Hopton's intrenchments were forced, and himſelf obliged to retire with his horſe, and only 4 or 500 of the 4000 foot, he had before the battle. Thus all his infantry were ſlain or taken, or ſo diſperſed, that it was not poſſible for thoſe that eſcaped to rejoin their general, who was retired into Cornwal.

He follows him into Cornwal. Clarend.

After this freſh victory, Fairfax judged, his main buſineſs was utterly to deſtroy the enemies horſe that eſcaped from Torrington, conſiſting of 3000, and to hinder them from joining the king. Inſtead, therefore, of returning to Exeter, he reſolved to march into Cornwal with his whole army. He ſet out the 23d of February, and ſeiſing the paſſes of the river Tamar, left there ſtrong guards, as alſo in all places where he thought the enemies might try to paſs, in caſe they intended, as was very likely, to join the king. The lord Hopton finding, Fairfax was advancing towards him, and not being able to fight him, quitted Bodmin, where he had poſted himſelf, and retired farther weſtward. In the interim, Fairfax ſtill advanced, taking all poſſible care to guard all the paſſes by which the enemy might eſcape him.

The prince of Wales retires into Scilly. Ruſhw.

Hopton's army capitulates.

The approach of the parliament-army cauſed the prince of Wales to reſolve to ſecure his perſon by retiring into Scilly, where he ſafely arrived. In the interim, the lord Hopton was extremely embarraſſed, and the more, as the people of the county, who before were devoted to the king, began to alter their minds, and even voluntarily offered themſelves to general Fairfax, to block up the paſſes, and hinder the king's forces from eſcaping. At laſt, the parliament-army approaching Truro, where Hopton had his head-quarters, Fairfax ſent and offered him honourable terms if he would capitulate. Whilſt he waited for an anſwer, he ſtill andvanced towads the enemies, and beating up one of their quarters, took 300 horſes. In ſhort, not to deſcend to unneceſſary particulars, I ſhall content myſelf, with briefly ſaying, that the lord Hopton ſeeing himſelf ſurrounded on all ſides, and deſpairing to eſcape, agreed to capitulate. By the treaty, ſigned March the 14th, it was agreed, that all the forces under the command of the lord Hopton, ſhould within ſix days, be diſbanded, with leave to go beyond ſea, or to their homes. That all the horſes and arms ſhould be delivered

vered to general Fairfax, and upon performance thereof, each trooper ſhould receive 20 s. or his horſe. That paſſes ſhould be given to ſuch as deſired to go beyond ſea, upon their promiſing not to bear arms any more againſt the parliament of England. There were ſeveral other articles, which it is needleſs to ſpecify, as they concerned only the manner how the treaty was to be executed. The lords Hopton and Culpepper retired to Scilly before the treaty was ſigned. Thus the king's army in the weſt was entirely diſperſed. After this Fairfax returns before Exeter, which was ſurrendered upon articles the 9th of April, 1646. With the taking of this city, Fairfax ended his weſtern expedition, which could not be more glorious to him, or more advantageous to the parliament, ſince the king had neither towns nor forces left in the country.

Exeter ſurrenders to Fairfax. Sprigge.

It is time now to ſee what paſſed in the reſt of the kingdom, whilſt the parliament-army was employed in reducing the weſtern counties.

What the Scots did in England in 1645. Ruſhw.

The Scotch army having taken Newcaſtle in October, 1644, divided themſelves into two bodies, one whereof beſieged Carliſle, which ſurrendered upon articles in June, 1645.

They beſiege Hereford, but in vain.

The other part of the army durſt not engage in a ſiege, becauſe the marqueſs of Montroſe, who ſerved the king in Scotland, having had great ſucceſs there, it was to be feared, the king would think of ſending him reinforcements. Wherefore the Scots always kept in a readineſs to oppoſe it. This became ſtill more neceſſary after the battle of Naſeby, there being great likelihood of the king's reſolving to join the earl of Montroſe with his cavalry. Beſides, the Scots by keeping thus in the middle of the kingdom, prevented the king from making new levies in thoſe parts. At laſt, after the taking of Carliſle, the two bodies being rejoined, they beſieged Hereford about the end of July. But after having in vain carried on the ſiege above a month, they raiſed it in the beginning of September. The earl of Leven their general publiſhed, on this occaſion, a ſort of apology, wherein, among other things, he ſaid, that for ſix or ſeven months paſt, they had received but one month's pay. That they had been promiſed to be ſupplied with all things neceſſary for a ſiege; in which they had been extremely diſappointed, ſince they had received but three pieces of cannon, with 50 ball to each; that they had but few horſe, and being informed the king was marching towards them with 3000 horſe, it was impoſſible to continue the ſiege; laſtly, that general Leſly was obliged to go into Scotland with his whole party of horſe and dragoons, to oppoſe Montroſe.

They ſit down before Newark.

After the ſiege of Hereford was raiſed, the Scotch army retired into Yorkſhire, complaining pretty openly of being entirely neglected. Whereupon the parliament aſſigned them 30,000 l. provided they appeared before Newark upon November the 1ſt, and ordered that the eaſtern aſſociation ſhould pay them 1400 l. a week. The Scots agreeing to theſe terms, the ſiege of Newark was begun about the end of October, 1645, and laſted till May, 1646.

Pontfret and Scarborough ſurrender upon articles.

In July, Pontfret-caſtle was ſurrendered to the parliament, and four days after, that of Scarborough capitulated alſo, having maintained a long ſiege under Sir Hugh Cholmley, in which Sir John Meldrum was killed.

The king leaves Wales. Clarend.

I left the king in Wales after the battle of Naſeby, where he was employed in ſeeking means to raiſe a new army. As to the diſpoſing of his perſon, it was hardly poſſible for him to come to any reſolution, before he knew what his enemies intended to do after their victory. But when he ſaw general Fairfax with his army, engaged in the weſtern counties, he departed from his retreat with his cavalry, conſiſting of 3000 horſe. As the parliament had but very few forces in the midland parts, the king came without danger to Litchfield, and from thence, entering the aſſociated eaſtern counties, took Huntington, where he met with a great booty, after which he came to Oxford. From thence he departed in three days, taking with him what forces could be ſpared, and marched to Cambden.

He comes to Hereford. Ruſhw.

The parliament thinking the king's deſign was to relieve either Briſtol or Hereford, which was both beſieged at the ſame time, gave orders to major-general Poyntz and colonel Roſſiter to aſſemble what forces they could, and diligently attend the king's motions. Accordingly they drew together about 2000 horſe, and poſted themſelves between the king and Oxford. But at the ſame time, the Scots having raiſed the ſiege of Hereford of their own accord, the king marched thither, where he continued till September the 20th. Here he received the news of the ſurrender of Briſtol.

The king marches to the relief of Cheſter. Ruſhw.

He is routed.

About the ſame time, colonel Jones, with adjutant-general Louthian, who ſerved the parliament, beſieging Beeſton-caſtle, drew off from thence, on a ſudden, a party of 1300 men, and went to ſurpriſe Cheſter, in which they partly ſucceeded. But as they had not ſufficient forces to become maſters of the reſt of the city, they were content to keep what they had got, expecting Sir William Brereton, who was to bring them a ſupply. As the king then expected a body of troops from Ireland, which could land but at Cheſter, this city was of ſo great conſequence to him, that he immediately marched to diſlodge the enemies from that part, they had in their power. He was no ſooner on his march, but Poyntz cloſely followed him. and overtook him on Routon-heath, within two miles of Cheſter, which obliged him to turn againſt his purſuers. The fight at firſt was pretty obſtinate, but as the king had 5000, and Poyntz only 2000, men, Poyntz was briſkly repulſed, and put into great diſorder. In the interem, juſt as the king thought himſelf entirely victorious, Jones and Louthian came from Cheſter with 800 men, and falling upon the king's rear, forced them to turn againſt them. This gave Poyntz time to rally his men, and then charge the king's army, who finding themſelves at once attaked before and behind, were, at laſt, utterly routed, with loſs of 600 men, and 1000 priſoners. Bernard Stuart, earl of Litchfield, and ſome other officers of quality, were killed. It was with great difficulty that the king, with the remains of his army got into Denbigh-caſtle, in Wales, where he continued ſome time; after which, with a party of about 3000 men, he came to Newark in Nottinghamſhire. He ſtayed in that town, till fearing to be beſieged by the Scots, who were approaching, he went away by night, and ſafely arrived at Oxford, November the 6th, there being no other remedy left than to make a peace with the parliament.

But this peace was not eaſy to be made. The king would have willingly granted, in the preſent ſituation of his affairs, ſomething of what he had before refuſed, but did not care to yield all. The parliament, on their ſide, were willing to make peace, like conquerors, and by aggravating the terms inſtead of rendering them more tolerable.

The king's friends in London put him in hopes of a peace. Clarendon

In the interim, notwithſtanding the difficulties which were naturally to occur in the concluſion of a peace, the king's friends at London made him hope, that the diſſentions between the Preſbyterians and Independents might turn to his advantage. It was intimated to him, that the Preſbyterians were enraged to ſee the Independent party daily increaſe in number and ſtrength, and that it was not doubted, but if he could obtain leave to come and treat in perſon with the two houſes, the Preſbyterian members would find means to conclude a peace, in order to be freed from the yoke of the Independents; the city of London was almoſt wholly Preſbyterian; that the king had there alſo many friends, and if the parliament expreſſed an inclination to peace, which was very likely, it would not be in the power of the Independents to prevent the concluſion. This was all very well; but they ſhould have firſt explained what was to be underſtood by the word peace. Very probably, the parliament, or Preſbyterian party, which ſtill prevailed, would have very gladly conſented to a peace, if the king had been willing to grant two points, which were conſidered by them as abſolutely neceſſary, viz. the abolition of epiſcopacy, and ſufficient ſecurity for the performance of his promiſes; for in theſe two points conſiſted the parliament's ſcheme for a peace. But this was not the king's ſcheme. He ever meant that ſuch a peace ſhould be made as he deſired, and which I have often explained. It is true, that in his preſent circumſtances he was willing, with regard to the ſecurity, to grant ſomething more than what he had yet offered; but nothing could prevail with him to conſent to the abolition of epiſcopacy. So by ever preſerving the ambiguity in the term peace, he imagined, if he could obtain liberty to come and treat at London with the two houſes, it would not be impracticable, with the help of his friends to force the parliament to make peace with him, in his ſenſe of the word, tho' nothing was farther from the intion of both houſes.

The king tries in vain to bring the parliament to a peace. Ruſhw.

In this belief, the 5th of December, he demanded of both houſes a ſafe-conduct for the duke of Richmond, the earl of Southampton, John Aſhburnham, and Jeffery Palmer, eſquires, who were to bring propoſitions for a peace.

The 15th of the ſame month he renewed his demand, complaining of his having received no anſwer.

The 26th he ſent them a third meſſage, wherein he ſaid:

‘ That conceiving the former treaties had hitherto proved ineffectual, chiefly for want of power in thoſe perſons that treated, as likewiſe, becauſe thoſe from whom their power was derived, could not give ſo clear a judgment as was requiſite; if, therefore, he might have the engagement of the two houſes at Weſtminſter, the commiſſioners of the parliament of Scotland, the mayor, aldermen, common-council, and militia of London; of the chief commanders in Sir Thomas Fairfax's army, as alſo of thoſe in the Scots army, for his free and ſafe coming to, and abode in London or Weſtminſter for the ſpace of 40 days; he would come and have a perſonal treaty with the two houſes of parliament at Weſtminſter, and the commiſſioners of the parliament of Scotland, upon all matters which might conduce to his reſtoring of peace and happineſs to his kingdom.

‘ He declared before hand, that he was willing to commit the great truſt of the militia, for ſuch time, and with ſuch powers, as were expreſſed in the paper delivered by his commiſſioners at Uxbridge, to 30 perſons he named. But if this did not ſatisfy the parliament, then he offered to name the one half, and leave the other to the election of the two houſes.’

Before the two houſes received this laſt meſſage, they had ſent the following anſwer to the two firſt:

‘ That finding that former treaties had been made uſe of for other ends, under the pretence of peace, and had proved dilatory and unſucceſsful, they could not give way to a ſafe-conduct, according to his majeſty's deſire. But both houſes of the parliament of England, having under their conſiderations, propoſitions and bills for the ſettling of a ſafe and well-grounded peace, which were ſpeedily to be communicated to the commiſſioners of the kingdom of Scotland, did reſolve, after mutual agreement of both kingdoms, to preſent them with all ſpeed to his majeſty.’

The king replied, December the 29th. He complained, that a ſafe-conduct was denied for the perſons he intended to ſend. He inſiſted upon his demand of a perſonal treaty, and deſired an anſwer to his meſſage of the 26th. He ſaid, he ſhould never have thought of coming to London, if it was not his ſincere intention to make peace.

January the 15th, 1645-6, he ſent another meſſage to both houſes, wherein he complained of not having an anſwer; he ſaid, ‘ That what he earneſtly deſired was peace, and the means, his perſonal preſence at Weſtminſter; where the government of the church being ſettled as it was in the times of queen Elizabeth, and king James, and full liberty for the eaſe of their conſciences,

‘ who

1645-6. ‘who would not communicate in that ſervice eſtabliſhed by law, and likewiſe for the free and publick uſe of the Directory, to ſuch as ſhould deſire to uſe the ſame; and all forces being agreed to be diſbanded, his majeſty would then forthwith join with his two houſes of parliament, in ſettling ſome way, for the payment of the publick debts to his Scotch ſubjects, the city of London, and others. And having propoſed a fair way for the ſettling of the militia, he would endeavour, upon debate with his two houſes, ſo to diſpoſe of it, as likewiſe of the buſineſs of Ireland, as might give them and both kingdoms ſatisfaction. Not doubting alſo, but to give good contentment to his two houſes of parliament in the choice of the lord-admiral, the officers of ſtate, and others.’

January the 13th, 1645-6, two days before the date of the laſt meſſage, both houſes had returned an anſwer to that of December the 29th.

‘That there had been a great deal of innocent blood of his ſubjects ſhed in the war, by his majeſty's commands and commiſſions.

‘That there had been Iriſh rebels brought over into both kingdoms, and endeavours to bring over more, as alſo forces from foreign parts.

‘That his majeſty was in arms in thoſe parts, and the prince at the head of an army in the weſt; there were alſo forces in Scotland againſt that parliament and kingdom, by his commiſſion; and the war in Ireland was fomented and prolonged by his majeſty.

‘That until ſatisfaction and ſecurity was firſt given to both kingdoms, his majeſty's coming to the parliament could not be convenient, nor by them aſſented unto.

‘That they could not apprehend it a means conducing to peace, that his majeſty ſhould come to his parliament for a few days, with any thoughts of leaving it, eſpecially with intentions of returning to hoſtility againſt it.

‘That his majeſty deſired the engagement not only of his parliaments, but of the lord-mayor of London, &c. which was againſt the privileges and honour of the parliaments, thoſe being joined with them, who were ſubject, and ſubordinate to their authority.

‘That the only way for the obtaining an happy and well-grounded peace, was, for his majeſty to give his aſſent to thoſe propoſitions that ſhould be ſent to him.

‘That there was not ſo much as any mention of Scotland.’

The king, in a reply to this anſwer, greatly complained of the aſperſions caſt upon him by both houſes, and reproached them in his turn. He inſiſted upon an anſwer to his meſſage of the 15th of December, ſaying, “No rational man could think their laſt paper, to be any anſwer, to his former demands.”

But the 24th of the ſame month, he ſent a farther reply to every particular article of that anſwer. The ſubſtance whereof was:

“1. That a great deal of innocent blood had been ſpilt,” That is the very reaſon why he preſſeth that there ſhould be no more (1). 1645-6.

REMARK. (1). The meaning of this objection of both houſes was, that there having been a great deal of blood ſpilt in the war, it was reaſonable the authors thereof ſhould be puniſhed, and that the king continuing to protect them, it was neceſſary to proſecute the war till he ſhould be obliged to deliver them to juſtice. So, the king's general reply upon this article anſwered not the objection.

“2. That he had cauſed ſome Iriſh to repair to his aſſiſtance.” He anſwered, that thoſe whom they called Iriſh, were indeed (for the moſt part) ſuch Engliſh Proteſtants as had been formerly ſent into Ireland by the two houſes, and unable to ſtay there any longer, by the neglect of thoſe that ſent them thither, who ſhould have better provided for them (2).

REM. (2). The objection did not relate to the Engliſh forces, the king had ſent for from Ireland. The two houſes were far from giving theſe ſoldiers the name of Iriſh. But they meant the Iriſh Papiſts entertained by the king in his army, and particularly 10,000 men which the earl of Glamorgan was to bring over. The king feigned not to underſtand the two houſes, and made an evaſive anſwer to this objection.

“3. That the prince was at the head of an army.” The king anſwered, it was no great wonder, ſince there was yet no peace.

“4. That he deſired to come to his parliament but for a few days.” He anſwered by proteſting, that he ſought that treaty to avoid future hoſtility, and procure a laſting peace (3).

REM. (3.) The parliament did not queſtion it; but they thought the king would come to London only to compel, by means of his friends, both houſes to make ſuch a peace as he deſired. So, this general anſwer was not capable of giving them ſatisfaction.

“5. That the engagements which his majeſty had deſired for his ſecurity, were a breach of privilege.” The king anſwered, that whoſoever ſhould call to mind the particular occaſions that enforced him to leave the city of London and Weſtminſter, would judge his demand very reaſonable and neceſſary for his ſafety. But he no way conceived how the lord-mayor, aldermen, &c. of London, were either ſubject or ſubordinate to the authority of the two houſes.

“6. That he had made no mention of Scotland.” He anſwered, it was included in his former, and had been particularly mentioned in his latter, meſſage of the 15th.

Laſtly, He deſired a poſitive anſwer to his former meſſages.

The 29th of January, the king ſent another meſſage to both houſes, wherein he expreſly diſavowed the earl of Glamorgan, concerning the treaty with the Iriſh rebels; and ſaid, ‘That that earl having made offer unto him to raiſe forces in the kingdom of Ireland, and to conduct them into England for his majeſty's ſervice, he had granted him a commiſſion

1645-6.

‘ miſſion to that purpoſe, and to that purpoſe only; but that he had no commiſſion at all to treat of any thing elſe, without the privity and directions of the lord-lieutenant. And this clearly appeared by the lord-lieutenant's proceedings with the ſaid earl, who had orders to call him to an account (4).

Rem. (4). The diſguiſe uſed by the king on this occaſion will manifeſtly appear in what will be ſaid preſently concerning this treaty.

The king added, ‘ That if the two houſes would admit of his repair to London for a perſonal treaty, ſpeedy notice ſhould be given him thereof, and a ſafe-conduct with a blank ſent for a meſſenger to be immediately diſpatched into Ireland, to ſtop the concluſion of the peace, the lord-lieutenant being empowered to treat and conclude it.

‘ That he would leave the management of the buſineſs of Ireland wholly to the two houſes, and make no peace there but with their conſent, in caſe his endeavours in the treaty ſhould be bleſſed with ſucceſs.

‘ That if his perſonal repair to London ſhould be admitted, and a peace thereon enſue, he would then leave the nomination of the perſons to be entruſted with the militia, wholly to his two houſes, with ſuch power and limitations as were expreſſed in the paper delivered by his majeſty's commiſſioners at Uxbridge, the 6th of February, 1644-5.

‘ That if the peace ſucceeded, he would be content, that pro hac vice, the two houſes ſhould nominate the admiral, officers of ſtate, and judges to hold their places during life, or Quamdiu ſe bene geſſerint, to be accountable to none but the king and the two houſes of parliament.

‘ That as for matter of religion, he intended, that all Proteſtants ſhould have the free exerciſe of their religion according to their own way.

‘ That upon the concluſion of peace there ſhould be a general act of oblivion and free pardon.

‘ And this to extend to Scotland.’

The king had never made ſuch advances before, and yet all his endeavours to obtain a ſafe-conduct were fruitleſs. The two houſes were ſo perſuaded of his ability in the choice of his expreſſions, which were commonly ambiguous, and capable of a different ſenſe from what appeared at firſt ſight, that they could not reſolve to treat with him upon his own propoſitions. Beſides, they did not doubt, but the overture of a perſonal treaty was deſigned for a ſnare to force them to ſuch a peace as he deſired. They ſent, therefore, to his ſeveral meſſages no other anſwer than what has been ſeen. So, this ſort of negotiation, of which the king expected a happy event, only left things juſt as they were.

The king's project to make peace with the rebels. Cox.

Both houſes, as we have ſeen, reproached the king, that he was now endeavouring to bring Iriſh troops into England; the king did not diſown it, but denied the the giving of the earl of Glamorgan power to treat with the rebels upon any other article. This was literally true, but the king took care not to diſcover the whole extent of this article, and yet both houſes were perfectly informed of it, as will hereafter appear. To underſtand fully the objection and anſwer, it will be neceſſary to relate what paſſed in Ireland upon this ſubject. This is not one of the leaſt curious points of the reign of Charles I, tho' the lord Clarendon has thought fit to paſs it over in ſilence.

Ruſhw.

The ceſſation made by the king with the Iriſh rebels, had not entirely ſuſpended hoſtilities in that iſland. Murrough O Bryen, lord Inchiquin, who commanded in Munſter for the parliament, and major-general Monroe, who was at the head of the Scots in Ulſter, had refuſed to accept of the ceſſation. On the other hand, the Engliſh forces drawn by the king out of Ireland, had been entirely ruined and diſperſed in England. Thus the king had reaped no advantage by the ceſſation, the motives whereof he had concealed with all poſſible care. He had pretended, he was indiſpenſably obliged to conclude it, in order to ſave the Engliſh from the utter deſtruction they were threatened with, by the ſuperiority of the rebels, and the parliament's neglect to ſend ſupplies into Ireland. But when theſe Engliſh troops were ſeen to come into England, it was eaſy to perceive the true reaſon of the ceſſation.

The king not having reaped from this artifice all the advantage he expected, deſiſted not from the deſign of making uſe of the aſſiſtance of the Iriſh, to continue the war againſt the parliament. On the contrary, he formed the project of a peace with the rebels, in order to employ, not only the reſt of the Engliſh troops ſtill in Ireland, but alſo a good body of Iriſh, whom he intended to ſend for into England. He ordered, therefore, the marqueſs of Ormond, lord-lieutenant of Ireland, to negotiate this peace, wherein, however, difficulties ſeemingly inſurmountable occurred. To make peace with the Iriſh, they were neceſſarily to be ſatisfied in point of religion. But this the king could not do without running counter to all his proteſtations concerning his great zeal for the Proteſtant religion, and without confirming in ſome meaſure, the ſuſpicions of thoſe who believed he was concerned in the Iriſh rebellion. In ſhort, he could not take this ſtep, without relinquiſhing the intereſt of the Iriſh Proteſtants, and giving the Catholicks ſuch advantages, as would render them very ſuperior to the Proteſtants. The intereſts of England were alſo to be abandoned, and the dominion ſhe had always enjoyed over Ireland, ſince the conqueſt of that kingdom, was in great meaſure to be forfeited; nay, he was in danger by ſuch a proceeding to loſe many friends in England. Thoſe who were ſincerely attached to him, and perſuaded, that he acted upon motives of juſtice and religion, muſt have opened their eyes, when they ſaw him manifeſtly betray the intereſt of England and the Proteſtant religion, if he had concluded with the Iriſh ſuch a peace as they demanded. Theſe were great difficulties which could be ſurmounted but by one of theſe ways; either by perſuading the Iriſh to rely on his general promiſes, that he would content them at a better juncture, and when it was more in his power; or elſe, colouring with ſome ſpecious pretence, the favours he ſhould be obliged to grant them for a peace. As to the firſt way, the king forgot nothing that he believed apt to induce the Iriſh to truſt to his promiſes, and herein the marqueſs of Ormond was long employed without any effect. The Iriſh were immoveable, and would not be contented with bare words. The ſecond way was ſtill more impracticable; for what colour could be put upon an entire relinquiſhing of the intereſts of religion and England?

In the interim, as the king hoped, that with the ſuccours from Ireland, he ſhould be able to give law to the parliament, and then, be obliged to uſe no farther ceremony; he reſolved not to deprive himſelf of ſuch an advantage, but to grant the Iriſh whatever they demanded. However, to avoid the prejudice ſuch a proceeding might create him in England, he choſe to conclude a private peace with the Iriſh, without ſolemnity, or the intervention of the lord-lieutenant, and to bind himſelf to have it effectually executed, till it ſhould be in his power to ratify it ſolemnly, with which the Iriſh were content.

To this purpoſe, whilſt the marqueſs of Ormond was ſeemingly labouring with great earneſtneſs to make a peace with the rebels, by trying to perſuade them to deſiſt from part of their demands, Edward Somerſet, earl of Glamorgan, authoriſed by the king, was treating ſecretly, and more effectually with them. He granted them, on the king's behalf, all their demands, on condition they would furniſh him with 10,000 men, who ſhould paſs into England, under the command of the ſame earl of Glamorgan. But as this lord's bare promiſe was not a ſufficient ſecurity for the Iriſh, the king ſent him full powers, the tenour whereof was as follows:

CHARLES R.

Ruſhw. ‘CHARLES by the grace of God, of England, Scotland, France, and Ireland, defender of the faith, &c. To our truſty. and right well-beloved couſin, Edward, earl of Glamorgan, greeting. We, repoſing great and eſpecial truſt and confidence in your approved wiſdom, and fidelity, do by theſe (as firmly as under our great-ſeal, to all intents and purpoſes) authoriſe, and give you power, to treat and conclude, with the confederate Roman Catholicks in our kingdom of Ireland, if upon neceſſity any be to be condeſcended unto, wherein our lieutenant cannot ſo well be ſeen in, as not fit for us at the preſent publickly to own: Therefore we we charge you to proceed according to this warrant, with all poſſible ſecrecy; and for whatſoever you ſhall engage yourſelf, upon ſuch valuable conſiderations, as you in your judgment ſhall deem fit, we promiſe, on the word of a king, and a Chriſtian, to ratify and perform the ſame that ſhall be granted by you, and under your hand and ſeal; the ſaid confederate Catholicks, having by their ſupplies, teſtified their zeal to our ſervice. And this ſhall be, in each particular to you, a ſufficient warrant.’

Given at out court at Oxford, under our ſignet, and royal ſignature, the 20th day of March, in the 20th year of our reign, 1644.

The date of this warrant is remarkable, for it was at a time when the king's affairs did not ſeem abſolutely to require his employing the Iriſh Catholicks. In the foregoing campaign, he had gained a ſignal advantage over the earl of Eſſex, with all the weſtern counties. He had fought a battle at Newbury, which had not procured his enemies any real advantage, and, on the contrary, had ſhewn in the affair of Dennington, that he believed to have no reaſon to fear them. It was juſt after the treaty of Uxbridge, where he did not think himſelf under a neceſſity of making any conceſſions. In ſhort, it was at a time when the parliament, by reaſon of the ill-ſucceſs of their arms, were labouring to new-model their army. It cannot, therefore, be ſaid, that the king was driven by deſpair, to make uſe of the aſſiſtance of the Iriſh. It is rather very eaſy to perceive, it was ſolely to increaſe the ſuperiority he then had over the parliament.

By vertue of this warrant, the earl of Glamorgan concluded a treaty with the Popiſh biſhops, concerning the clergy-livings. This was a preliminary treaty, upon which the biſhops made the following inſtrument:

‘Whereas in theſe articles touching the clergy-livings, the right honourable the earl of Glamorgan, is obliged in his majeſty's behalf, to ſecure the conceſſions in theſe articles by act of parliament: We holding that manner of ſecuring thoſe grants, as to the clergy-livings, to prove more difficult and prejudicial to his majeſty, than by doing thereof, and ſecuring thoſe conceſſions otherwiſe, as to the ſaid livings, the ſaid earl undertaking and promiſing, in the behalf of his majeſty, his heirs, and ſucceſſors, as hereby he doth undertake to ſettle the ſaid conceſſions, and ſecure them to the clergy, and their reſpective ſucceſſors, in another ſecure way, other than by parliament, at preſent, till a fit opportunity be offered for ſecuring the ſame, do agree, and condeſcend thereunto: And this inſtrument by his lordſhip ſigned, was before the perfecting thereof intended to that purpoſe, as to the ſaid livings, to which purpoſe we mutually ſigned this indorſment: And it is further intended, that the Catholick clergy ſhall not be interrupted by parliament, or otherwiſe, as to the ſaid livings, contrary to the meaning of theſe articles.’

GLAMORGAN.

The earl of Glamorgan added alſo the following proteſtation or oath.

‘I Edward, earl of Glamorgan, do proteſt, and ſwear, faithfully to acquaint the king's moſt excellent majeſty with the proceedings of this kingdom, in order to his ſervice, and 'to the endearment of this nation, and punctual performance of what I have (as authoriſed by his majeſty) obliged myſelf to ſee performed; and in default, not to permit the army entruſted to my charge to adventure itſelf, or any conſiderable part thereof, until conditions from his majeſty and by his majeſty be performed.'

Sept. 3. 1645. GLAMORGAN.

The ſubſtance of the treaty between the earl of Glamorgan, and the confederate Iriſh Catholicks.

IT was ſaid in the beginning of the treaty, that much time had been ſpent in meetings and debates between James, marqueſs of Ormond, lord-lieutenant of Ireland, and the commiſſioners of the Catholick council of Kilkenny, for the treating and concluding of a peace; and, there upon many difficulties ariſing, the earl of Glamorgan was entruſted and authoriſed by his majeſty, to grant and aſſure to the ſaid confederate Catholicks, farther grace and favours, which the ſaid lord-lieutenant had not as yet, in that latitude as they expected, granted unto them; in purſuance, therefore, of his majeſty's authority, under his ſignature royal and ſignet, bearing date at Oxon, March the 12th, in the 20th year of his majeſty's reign.---'It is accorded and agreed between the ſaid earl of Glamorgan, for and on the behalf of his majeſty, and Richard, lord viſcount Mountgarret, preſident of the ſupreme council at Kilkenny, Donnough, lord viſcount Muſkerry, &c. commiſſioners appointed by the confederate Roman Catholicks:

'I. That all the profeſſors of the Roman Catholick religion in Ireland ſhall enjoy the free and publick uſe and exerciſe of their religion.

'II. That they ſhall hold and enjoy all the churches by them enjoyed within that kingdom, or by them poſſeſſed at any time ſince the 23d of October, 1641, and all other churches in the ſaid kingdom, other than ſuch as are now actually enjoyed by his majeſty's Proteſtant ſubjects.

'III. That all the Roman Catholicks ſhall be exempted from the juriſdiction of the Proteſtant clergy, and that the Roman Catholick clergy ſhall not be puniſhed or moleſted, for the exerciſe of their juriſdiction over their reſpective Catholick flocks.

'IV. That the following act ſhall be paſſed in the next parliament to be holden in Ireland. '[Here is inſerted the form of an act for ſecuring all the king's conceſſions to the Catholicks].

'V. That the marqueſs of Ormond, or any others, ſhall not diſturb the profeſſors of the Roman Catholick religion in the poſſeſſion of the articles above ſpecified.

'VI. The earl of Glamorgan engages his majeſty's word for the performance of theſe articles.

'VII. The publick faith of the kingdom ſhall be engaged unto the ſaid earl by the commiſſioners of the confederate Catholicks, for ſending 10,000 men by order of the general aſſembly at Kilkenny, armed the one half with muſquets, and the other half with pikes, to ſerve his majeſty in England, Wales, or Scotland, under the command of the earl of Glamorgan.'

Signed the 25th of Auguſt, 1645.

Moreover, the Iriſh commiſſioners engaged their word and the faith of the ſupreme council of Kilkenny, that two thirds of the clergy's revenues ſhould be employed for the ſpace of three years towards the maintenance of the 10,000 men, the other third being reſerved for the clergy's ſubſiſtance.

This treaty, tho' made very ſecretly, was, however, diſcovered by an extraordinary accident. The archbiſhop of Tuam, preſident of Connaught, going into Ulſter about ſome affairs, met with a body of Iriſh troops marching to beſiege Sligo, and joined with them, whether for ſecurity's ſake or ſome other deſign. When they came near Sligo, the garriſon made a ſally, charged the troops that were come to beſiege them, utterly routed them, and killed the archbiſhop of Tuam. In his pockets it was that authentick copies, atteſted and ſigned by ſeveral biſhops, were found, of the fore-mentioned treaty, and of the king's warrant to the earl of Glamorgan, which were ſent to the parliament.

The marqueſs of Ormond, the lord Digby then in Ireland, and ſome others having ſoon heard that the ſecret was diſcovered, found no better expedient to clear the king, than to arreſt the earl of Glamorgan, for having, in a preſumptuous manner, worthy of ſevere puniſhment exceeded his orders, and concluded a treaty with the Iriſh. This is what the king alſo inſinuated in his meſſage to both houſes of the 19th of January, 1645-6.

Ruſhworth has inſerted in his Collections two intercepted letters of the earl of Glamorgan, one to his counteſs dated in January, acquainting her that his impriſonment did not give him much uneaſineſs. In the other of February the 26th, directed to the king, he told him, that he was at Waterford, providing ſhipping to tranſport 6000 foot immediately, and that 4000 more were to follow them by May. Theſe troops came not, however, into England, probably, by reaſon of the change in the king's affairs, which were in a melancholy ſituation after the battle of Naſeby. All his towns were taken one after another. The Scots were now before Newark, and general Fairfax having reduced all the weſt to the obedience of the parliament, was preparing to beſiege the king in Oxford.

The court of France ſends Montreuil to London. Clarend.

Whilſt the king was in this ſad ſtate, the court of France ſent Montreuil into England, on pretence of procuring a peace between the king and the parliament; but their real intention was, that Montreuil ſhould endeavour a private agreement between the king and the Scots. This could not be done without the king's entirely forſaking the biſhops, and conſenting to the eſtabliſhment of the Presbyterian government in the church of England. The court of France and the queen of England hoped, this project would ſucceed the more eaſily ly, as it was agreeable to good policy, and the king's intereſts. The king would thereby have gained not only the Scots, who had a ſtrong army in England, but alſo the city of London, and the majority of the members of parliament, who, for the moſt part, inſiſted upon the other points in diſpute, only to obtain this the more eaſily. This was, properly, the ſole means of balancing or ſurmounting the great power of the Independents, who were in a manner maſters of the army. If the king had taken this courſe, it is very evident, it would have turned greatly to his advantage; whereas, at the time it was propoſed to him; he was entirely without remedy. But his zeal for epiſcopacy would not ſuffer him to accept of ſuch an overture, and he told Montreuil he would never conſent to it. About the ſame time the queen ſent Sir William Davenant to perſuade the king to join with the Preſbyterians, as the only means to free himſelf from his ſad condition. The moment Davenant offered to ſpeak to him, he commanded him to hold his tongue, and never more appear in his preſence.

He propoſes to the king to join with the Preſbyterians.

The king rejects the propoſal. Clarend.

Negotiation of Montreuil's between the king and the Scotch army. Clarend.

In the interim, Montreuil at his arrival in England being poſſeſſed with the motion, that the king would not refuſe the courſe, which was to be propoſed to him, had made ſome overtures to the Scotch commiſſioners reſiding in London, and found them inclinable to treat with the king; but after he had ſpoke and wrote to his majeſty ſeveral times, he found him immoveable. The Scots, on their part, being no leſs inflexible, conſtantly refuſed to promiſe the king any aſſiſtance, unleſs he conſented to the abolition of epiſcopacy.

Whilſt this affair was delayed by this difficulty, and Montreuil gone to the Scotch army before Newark, to try to find ſome medium favourable to the king, Fairfax was advancing with his army, ſo that the king was in danger of being incloſed in Oxford. The king's principal concern then was to deliver himſelf from this imminent danger. Tho' he had till that time demurred upon going to the Scotch army, on account of the forementioned difficulty, he ſaw, however, no other remedy when the danger approached. The Scotch officers had made ſome general promiſes, founded, probably, upon their hopes of his conſenting, at laſt, to their demands. He ſent them word of his intention to come to their army, and they promiſed to receive him and provide for his ſafety. He had not time, doubtleſs, to make a more particular treaty; at leaſt, it is not known to this day upon what terms the king put himſelf into the hands of the Scots, and on what conditions they received him. However this be, the king having no time to loſe, that he might not be inveſted in Oxford, departed privately and came to the Scotch army, the 5th of May, 1646.

The king goes to the Scotch army. Ruſhw.

1646. The king had on the 13th of April, imparted by letter to the marqueſs of Ormond his deſign to throw himſelf into the arms of the Scots, in theſe words: "Having lately received very good ſecurity that we and all that do or ſhall adhere to us, ſhall be ſafe in our perſons, honours, and conſciences in the Scotiſh army; and that they ſhall really and effectually join with us, and with ſuch as will come in to us, and ſhall employ their armies and forces to aſſiſt us to the procuring of a happy and well grounded peace-- If it ſhall pleaſe God that we come ſafe thither, we are reſolved to uſe our beſt endeavour, with their aſſiſtance, and with the conjunction of the forces under the marqueſs of Montroſs, and ſuch of our well-affected ſubjects of England as ſhall ariſe for us to procure, if it may be, an honourable and ſpeedy peace".

Ruſhw.

The marqueſs of Ormond ſent a copy of this letter to general Monroe who commanded the Scotch troops in Ireland, and Monroe communicated them to the commiſſioners of the parliament in Ulſter, by whom copies of the letter, as printed at Dublin, were ſent over to both houſes, and it was read in the houſe of commons on Saturday, June the 9th. Whereupon, on the Monday following, the Scotch commiſſioners delivered a declaration to the houſe of peers, poſitively denying, that their army had made any treaty with the king to aſſiſt him. Thus we ſee on one ſide, the king affirming he had received very good ſecurity that the Scots would declare for him; and on the other, the commiſſioners of Scotland denying that their army had made any treaty with the king to aſſiſt him.

Ruſhw.

In all probability the Scotch commiſſioners and the general officers of their army had given Montreuil hopes, they would declare for the king, but on condition he would renounce epiſcopacy; without which condition, it is not eaſy to conceive, that the commiſſioners or officers ſhould have made ſuch a promiſe, which was not in their power; ſince they could not engage contrary to expreſs tenour of the covenant, and without poſitive orders from thoſe who governed Scotland. Wherefore it could only be hopes, and thoſe conditional, that the king prepoſterouſly took for aſſurances, and which Montreuil, perhaps, confounded as well as he. It is true, the earl of Clarendon cites a paper ſigned by Montreuil, wherein he ſays, "I do promiſe in the name of the king and queen (my maſter and miſtreſs) and by vertue of the powers I have from their majeſties, that if the king of Great-Britain ſhall put himſelf into the Scotiſh army, he ſhall be there received as their natural ſovereign, and ſhall be with them in all freedom of his conſcience and honour.--- And that the Scots ſhall employ their armies and forces to aſſiſt his majeſty in the recovery of his juſt rights, &c."

But it muſt be obſerved, there is not in this paper a ſingle word to ſhew that Montreuil was impowered to make this promiſe, either by the commiſſioners, or the general officers, or the parliament of Scotland; nay, it does not ſo much as appear that he was accepted for mediator in this affair; that beſides, he could not engage the authority of the king of France and the queen-regent to make ſuch a promiſe, unleſs he was furniſhed with a treaty, which, however, has never appeared. The lord Clarendon intimates, that Montreuil had the word of the principal officers of the Scotch army, but that afterwards finding them grown cold, he wrote to the king to diſſuade him from venturing his perſon among them. Indeed it is hard to conceive, that Montreuil ſhould ſign ſuch a promiſe without being authoriſed. But on the other hand, is it likely that, if he had been authoriſed by a treaty, or other warrant, he would not have mentioned it in his paper?

But what ſeems ſtill more impoſſible, is, that the Scots ſhould promiſe without condition, as this engagement intimates, contrary to the tenour of the covenant between the two nations, ſince the king would not ſo much as hear of the abolition of epiſcopacy. There muſt, therefore, have been ſome miſtake in the negotiation carried on by Montreuil's mediation, and the king and mediator muſt have taken, for poſitive aſſurances, promiſes, which were conditional only, as appears in the king's letter to the marqueſs of Ormond, and the ſolemn denial of the Scots. However this be, Montreuil was recalled and diſgraced, and, as there is reaſon to believe, it was for engaging the word and honour of the king, his maſter, and the queen-regent upon ſo trifling a foundation. The lord Clarendon, probably, to hinder the king from being blamed for putting himſelf into the hands of the Scots too haſtily, and without good ſecurity, ſays, this envoy's diſgrace was an artifice of cardinal Mazarin, who had a mind to conceal the inſincerity of the court of France. I own I cannot comprehend the meaning of theſe words. But if it be true, that Montreuil was not authoriſed to promiſe what he did, as it does not appear that he was, I do not ſee any occaſion to ſeek for other cauſe of his diſgrace.

The king orders Newark to be ſurrendered to the Scots, May 6. Ruſhw.

The king being come to the Scotch army, which had been before Newark ever ſince November, the general repreſented to him, that it would be proper, for the ſafety of his perſon, for the army to march northward, near the borders of Scotland. But as this could not be done before the taking of Newark, he deſired him to order the town to ſurrender. The king perſuaded by this reaſon, gave orders to the lord Bellaſis, the governor, to ſurrender Newark, which was done accordingly; and immediately after the army began to march, and came with the king to Newcaſtle.

who carry him to Newcaſtle. May 7.

The king's meſſage to both houſes. Ruſhw.

The 18th of May, the king ſent a meſſage to both houſes, recommending to them the ſpeedy ſettling of religion, and the taking to that end the advice of the divines of both kingdoms aſſembled at Weſtminſter.

Concerning the militia, he agreed that the two houſes ſhould name all the commiſſioners for that truſt for the ſpace of ſeven years, and after the expiration of that term, a regulation ſhould be made by the king and both houſes.

He offered the like for the kingdom of Scotland.

Concerning the wars in Ireland he ſaid in general, he would do whatever was poſſible for him to give full ſatisfaction therein.

In a poſtſcript, he offered to diſband his forces at Oxford, and conſent that the fortifications of that city ſhould be demoliſhed, provided honourable terms were granted to the garriſon, which done, he would give the like order to the reſt of his garriſons.

The king writes to the city of London.

The next day, the king wrote to the city of London, to acquaint them, that he was ready to comply with the parliament in every thing.

June the 10th, he preſſed the two houſes by another meſſage, to ſend their propoſitions for peace, that he might give them all juſt ſatisfaction; and deſired again the liberty to come to London, and treat in perſon with them.

The 25th of the ſame month, the Scotch commiſſioners preſented a memorial to the parliament, whereby they conſented, that the propoſitions for peace, which had been communicated to them, ſhould be ſent to the king, with proteſtation however, that they were not all agreeable to their ſentiments. They deſired alſo, that money might be ſent to their troops both in England and Ireland, their accounts ſtated, and all armies ſpeedily diſbanded.

The Scots deny the having made a treaty with the king.

In the interim, the Scotch army at Newcaſtle, underſtanding, it was reported at London, that they had made a treaty with the king to aſſiſt him againſt the parliament, publiſhed a declaration, proteſting, it was always their intention to maintain the covenant between the two kingdoms, and that they abhorred all publick and private ways tending to violate the ſame or to create a miſunderſtanding between the two nations. At the ſame time, they preſented a petition to the king, beſeeching him to take a ſpeedy courſe for ſettling of religion in England, according to the example of the beſt reformed churches, and for eſtabliſhing the privileges and liberties of his kingdoms; expreſſing their great grief for his not having yet authoriſed and ſigned the covenant. They alſo prayed him to comply with the counſels of his parliament. The king returned to this petition a general anſwer, without entering into particulars.

June 18.

The general-aſſembly of the kirk of Scotland wrote likewiſe to the parliament of England, the city of London, the aſſembly of divines, to deſire them to promote the work of reformation, according to the tenour of the covenant.

Vote that the Scotch army is no longer neceſſary. Whiteloc.

The 6th of July, the houſe of commons voted, that England had no farther need of the Scotch army, and that the commiſſioners of Scotland ſhould be deſired to withdraw their forces.

The propoſitions of the two houſes to the king. July 11. Ruſhw.

Some days after, the two houſes ſent propoſitions for peace to the king at Newcaſtle, which were little different from thoſe debated at Uxbridge. Wherefore I do not think it neceſſary to repeat them. I ſhall content myſelf with relating the 13th article, being an addition to the former claims of both houſes with reſpect to the militia.

‘That during the ſpace of 20 years, the
‘two houſes of parliament alone, ſhall have
‘power to arm, train, and diſcipline, the militia;

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‘litia; and that neither the king, or his ſucceſſors, ſhall, during the ſaid ſpace of 20 years, exerciſe any power over them.

‘The like for the kingdom of Scotland, if the eſtates of the parliament there ſhall think fit.

‘That monies be raiſed for the maintenance of the ſaid forces for land-ſervice, and of the navy, as the lords and commons ſhall, during the ſaid ſpace of 20 years, think fit; and that the ſaid forces be employed, ordered, and diſpoſed, as the two houſes ſhall appoint, and not otherwiſe: That they ſhall have power, 1. To ſuppreſs all forces raiſed without their authority and conſent. 2. To ſuppreſs all foreign forces, who ſhall invade any of the Engliſh dominions. 3. To conjoin the forces of England with thoſe of Scotland.

‘That after the expiration of the ſaid 20 years, no perſon, under any pretence whatſoever, ſhall any way diſpoſe of the Engliſh forces, without the conſent of both houſes.

‘That after the ſaid 20 years, if any bills are paſſed by the lords and commons, for the ſafety of the kingdom, and the royal aſſent is not given to them within ſuch time as the houſe of peers ſhall judge convenient; that ſuch bills ſhall nevertheleſs be as valid to all intents and purpoſes, as if the royal aſſent had been given thereunto.’

The parliament's commiſſioners preſented theſe propoſitions to the king, the 24th of July, and as they declared to him, they were limited not to ſtay above 10 days at Newcaſtle, the king gave them his anſwer the firſt of Auguſt.

‘That the propoſitions tendered to him did import ſo great alterations in government, both in the church and kingdom, that it was very difficult for him to return a particular and poſitive anſwer to them, before a full debate, wherein thoſe propoſitions, and the neceſſary explanation, true ſenſe and reaſons thereof, were rightly weighed and underſtood, which he found the commiſſioners were not authoriſed to admit, nor able to give him. That he deſired to come to London with freedom, honour, and ſafety, where he might have thoſe doubts cleared, and thoſe difficulies explained to him. “That he aſſured them, that as he could never condeſcend to what was abſolutely deſtructive to that juſt power, which, by the laws of God and the land, he was born unto, ſo he would chearfully grant and give his aſſent to all ſuch bills, as ſhould be really for the good and peace of his people, not having regard to his own particular.”

The Scots preſs the king to accept the propſitions Ruſhw.

Before the king delivered his anſwer to the parliament's commiſſioners, the earl of Loudon, lord-chancellor of Scotland, made a ſpeech to him, to perſuade him to accept the propoſitions. His reaſons were the ſtronger and more preſſing, as drawn from the neceſſity the king was in; but his majeſty was not pleaſed to take his advice. This anſwer being read in the parliament, Auguſt the 12th, was the cauſe of great joy to thoſe who wiſhed not for peace

1646.

The Scotch army offer to return home.

The ſame day, the Scotch commiſſioners preſented a memorial to the lords, offering to ſend their army into Scotland, upon reaſonable ſatiſfaction for their pains, hazards, charges, and ſufferings. They alſo ſaid, ſince his majeſty had not agreed to the propoſitions propoſed to him, it was neceſſary to conſult with them what was to be done, as well concerning the king's perſon, as the peace and ſafety of the two kingdoms. Both houſes returned them thanks, and appointed a committee to examine their accounts.

Diſputes about arrears due to the Scots. Ruſhw.

Some days after, they delivered in an account of arrears, amounting to 2,000,000. The parliament diſputed ſeveral articles, and deducted ſuch ſums as the Scots had received. The Scots allowed the juſtice of ſome of theſe deductions, but could not agree to others. At laſt, after many debates, the Scots offered to accept of a ſum in groſs, for a full diſcharge of their arrears. Whereupon they were asked, what ſum they demanded, and at firſt they inſiſted upon 500,000 l. The houſe of commons offered 200, and afterwards 300,000 l. At length, the Scots abating 100,000 l. of their demand, it was agreed to allow them 400,000, one half to be paid upon their removal out of the kingdom, and the other at certain times. This is the fatal bargain, whereby it is pretended, the Scots ſold the king to the parliament of England, becauſe, indeed, they delivered him up ſome months after. But it muſt be obſerved, that this is only a ſuſpicion, a bare conjecture, and, if it be true, that the Scots, when they agreed upon this ſum of 400,000 l. obliged themſelves to give up the king to the parliament, which I will neither affirm, or deny, at leaſt, they acted with ſo much addreſs, that there appeared no expreſs proof of it. No treaty, no paper, concerning this affair, ever came to the knowledge of the publick. This ſum was promiſed them for arrears due to their army, from January the 18th, 1643-4, to September the 18th, 1646. If it could be proved, that in all that time the Scotch army had been regularly paid, according to the treaty between the two nations, and that no arrears were due to them, this, doubtleſs, would be a confirmation of the aforementioned ſuſpicion. But this proof is very difficult. For if on one ſide, the Scots, to mount the debt to 500,000 l. inſerted in their accounts ſeveral unjuſt articles, which ought to have been abated, the Engliſh on their ſide, acted with no leſs injuſtice, in pretending to make unfair deductions. This appears by the particulars of the accounts brought in by both parties, which are to be ſeen in Ruſhworth's Collections. Nay, it ſeems, if the Engliſh had been deſirous to conceal the ſecret motive of this bargain, they ſhould not have diſputed the debt, ſince nothing would have been more proper to remove the ſuſpicion of their giving this ſum to the Scots, to engage them to deliver up the king, than to ſhew it was really due to them for arrears.

It is agreed to allow them 400,000 l.

Remark on its being ſaid the Scots ſold the king.

Ruſhw.

Another remark.

Another, and no leſs important remark may be made upon this ſubject. The thing that has rendered odious this pretended ſale of the kings' perſon, is the tragical death of that prince of which it was the occaſion. But it muſt be conſidered, it was ſo only by accident. Nothing was at that time farther from the thoughts, both of the parliament and the Scots, than putting the king to death. The Independents, mortal enemies to the king, Scots, and Presbyterians, were the men that twice took away the king from the parliament, by means of the army, and cut off his head, at the very time the parliament and Scots were heartily labouring to reſtore him, as will hereafter appear. If therefore, this pretended ſale, ſuppoſing it real, was the occaſion of the king's death, it may be affirmed, it was the innocent occaſion, and its effects ought not to be imputed to the parliament, ſuch as it was at that time, ſince it is certain neither both houſes, nor the Scots, did then carry their views ſo far, nor could poſſibly foreſee what afterwards happened. But as I ſaid before, it can by no means be proved, that the Scots did, indeed, ſell the king to the Engliſh. We ſhall ſee preſently, the reaſons why the Scots would not take charge of the king's perſon.

Hamilton preſſes the king to yield to the propoſitions. Ruſhw.

In the beginning of September, the duke of Hamilton, who had been releaſed out of Michael's Mount in Cornwal, upon the parliament's taking that place, came to Newcaſtle with ſome other Scotch commiſſioners, and earneſtly preſſed the king to accept the propoſitions for peace. If the Scots had bargained, by a ſecret treaty, to give up the king to the parliament, this proceeding ſeems to have been prejudicial to them, ſince the king's compliance would have voided their bargain with the Engliſh, and deprived them of the promiſed ſum.

The king anſwered the duke, and the other commiſſioners, 'That he only deſired to be 'heard, but could not obtain his deſire. That 'he did not give a denial to the propoſitions, 'but only deſired to be rightly informed of 'what was demanded, and that his reaſons 'might be heard.

In another anſwer given them in writing the next day he ſaid, 'He ſhould be content to 'reſtrain epiſcopal government to ſome few 'dioceſes, as Oxford, Wincheſter, Briſtol, 'Bath and Wells, and Exeter; leaving all the reſt 'of England fully to the Presbyterian government, with the ſtricteſt clauſes they ſhould 'think upon againſt Papiſts and Independents, 'In a poſtſcript, he required them to give a 'particular account of this offer to the general 'aſſembly in Scotland; aſſuring them that he 'would punctually make good his laſt letter to 'them. And hoped, that they, as churchmen, would not preſs him to comply with 'what was againſt his conſcience, till he ſhould 'have leiſure to be better informed.'

Ruſhw.

This anſwer was a plain intimation, that when the king ſaid, he deſired to be heard, it was only a pretence to have liberty to come to London, to cauſe, if poſſible, the propoſitions to be altered. We ſee alſo by this anſwer, that he conſidered the affair of church-government, as the principal, and moſt difficult point. In ſhort, his offer ſhews he was very hard preſſed, ſince he agreed, that Presbyterian-government ſhould be eſtabliſhed throughout the whole kingdom, a few dioceſes excepted.

Some time after, he ſent a letter to the duke of Hamilton, who was now retired, finding the king immoveable, telling him, that the two houſes thought of getting him into their hands, by ſaying, they did not intend to make him a priſoner, but only to give him an honourable guard; but for his part, he would not be left in England, when the Scotch army retired, without a viſible force upon his perſon. Probably, therefore, when he demanded leave to come to London to treat in perſon with both houſes, he meant, that he ſhould remain at perfect liberty. Perhaps, he intended to eſcape into France, or elſewhere. But how could he imagine, he ſhould be left at perfect liberty, on the bare preſumption, that a negotiation with him would be ſucceſsful?

Conferences about the manner how to diſpoſe of the king's perſon. Ruſhw.

At laſt, on the 18th of September, it was voted, that the king's perſon ſhould be diſpoſed of as both houſes of parliament ſhould think fit. But as he was not properly in their power, they appointed a committee to confer with the commiſſioners of Scotland upon that head.

In one of theſe conferences, the lord Loudon chancellor of Scotland, endeavoured to ſhew, that one of the two kingdom had no more right than the other, to diſpoſe of the king's perſon, becauſe he was equally king of both, and that, beſides, they were united in the ſame intereſt by their covenant. The Engliſh commiſſioners anſwered, that the king being in England, it belonged to the Engliſh to diſpoſe of his perſon, and tho' he had retiredto the Scotch army, this army being only auxiliaries, and in the pay of England, it was the ſame as if he had retired to the parliament's army, whereof the Scotch forces were a part.

In another conference, the ſame lord ſtrenuouſly continued to prove, the principle advanced by him in the former, viz.

'That the diſpoſing of his majeſty's perſon, 'did belong to both kingdoms, and, therefore, 'that he ought not to be diſpoſed of by any 'one of the kingdoms, but by joint advice of 'both. He explained the word diſpoſe, which 'was liable to be miſunderſtood: And ſaid, he 'meant thereby, either that his majeſty ſhould 'be put under reſtraint, or be at freedom with 'honour and ſafety. As for the way of reſtraint, 'he ſaid, he lookt upon it as a remedy more dangerous than the diſeaſe, and as a means to draw 'the war of foreign kings upon the nation, (eſpecially the prince being in other kingdoms) 'rather than to quiet the troubles at home. And 'therefore, he concluded, that he would lay 'aſide the way of reſtraint, and ſpeak of the 'way which might be with freedom, honour 'and ſafety; and that could be no other, but 'that his majeſty ſhould go into Scotland, or 'come to his parliament, or ſome of his houſes about London. His going into Scotland, 'he obſerved, was full of danger and inconvenience to both kingdoms: For the Iriſh, 'banded with a crew of malignants, poſſeſſed 'the mountains and highlands, which were 'the ſtrong-holds, and never conquered parts 'of that kingdom. That they had not laid down

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‘their arms, but kept in a body together; and they were ſo near Ireland, as the forces of the rebels there might in two or three hours ſpace come over and join with them; and Scotland not being able to keep and entertain armies long, the king being there, might raiſe ſuch forces in that kingdom, as might make way quickly into England. And, therefore, his majeſty's going into Scotland being of moſt dangerous conſequence to both kingdoms, he offered to their lordſhips conſideration, his majeſty's coming to London, or ſome of his houſes thereabouts.' The principal reaſon on which he grounded his opinion, was the ſame as the king himſelf had alledged. ‘That he had not refuſed his aſſent to the propoſitions, but only deſired to have his doubts cleared, and difficulties explained.'

But in this reaſoning there was a material defect, which muſt have been viſible to all. And that is, the chancellor ſuppoſed, the king ſhould not be put under reſtraint, but left at full liberty in Scotland, at London, or ſome one of his houſes; which certainly was very far from the thoughts of the perſon that ſpoke, of the Scots, and of the parliament of England. In building, therefore, upon ſo wrong a foundation, the lord Loudon could not expect that his reaſoning ſhould be conſidered as of much weight, if he had not been to deal with men whoſe intereſt it was to feign, they thought it very ſolid.

Nothing ſeems more apt to confirm the ſuſpicion of the Scots being engaged to deliver the king to the parliament, than, this artifice of the lord Loudon to that end. For tho' he ſuppoſed, the king would be in one of his houſes with honour and ſafety, he knew the contrary, and that the parliament would always be maſter of his perſon. Conſequently it was the ſame thing as delivering him to the parliament, the condition that he ſhould be there with honour and ſafety, being only dazzling terms, to which the parliament might always give what ſenſe they pleaſed. But it, muſt be conſidered, this is not a real proof but a bare conjecture, which even ſeems to be deſtroyed by what happened ſoon after. The commiſſioners of Scotland having cauſed an account of what paſſed at theſe conferences to be printed, with the ſpeeches to prove that England had no more right than Scotland to diſpoſe of the king's perſon, the commons were ſo offended at it, that they ordered all the copies to be ſeiſed, and the printer committed. They made likewiſe a long anſwer to the account of the Scots, and ſent it to the Scotch commiſſioners, who refuſed to receive it, becauſe it came only from one of the two houſes; but the commons ordered it to be printed and publiſhed. If it be true that the Scots had engaged to deliver the king to the parliament for the ſum of 400,000 l. nothing was more prepoſterous than this diſpute, which was mixed with great bitterneſs, unleſs it is ſuppoſed, the parliament and Scotch commiſſioners had agreed together to act this ſort of farce.

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This diſpute, real or feigned, hindered not the Scotch army from preparing to return home. But as they were to be paid 200,000 l. before they began their march, they might yet have ſtaid ſeveral weeks in England, had not the city of London engaged to advance that ſum. It was, however, upon two conditions; the firſt, that the lenders ſhould have 8 l. per Cent. intereſt for their money; and that the payment of the principal ſhould be ſecured out of the receipts of the grand exciſe, and the ſale of biſhops-lands. For this reaſon both houſes made haſte to ſequeſter theſe lands, and appoint a committee to expoſe them to ſale.

Whiteloc.

Debates in Scotland about the king's perſon.

Reſolution of the parliament thereupon. Ruſhw.

The 10th of December, the parliament of Scotland took into conſideration what was to be done with the king's perſon. After great debates, it was, at length, reſolved, that the commiſſioners reſiding at London ſhould demand of both houſes, from the parliament of Scotland, that the king might return to London with honour and ſafety. That they ſhould declare to them, that the parliament of Scotland was reſolved to ſupport monarchy in the perſon ſo the king and his juſt title to the crown of England. This reſolution ſeems directly contrary to the engagement to give up the king to the parliament.

The general aſſembly are againſt it. Ruſhw.

But the next day the commiſſioners of the general-aſſembly preſented to the parliament a paper, intitled, “A ſolemn and ſeaſonable warning to all eſtates and degrees of perſons throughout the land,” wherein, they repreſented the heinous crime of forſaking the covenant, and endeavouring a breach with England. They maintained, that ſuch projects were infuſed into ſome by the devil, and that they who attempted to ſow diviſion between the two nations, and violate the covenant, which was their chief ſtrength, could not but be enemies to the ſtate. Then, as to the diſpoſal of the king's perſon, they ſaid, that ſo long as his majeſty did not approve in his heart, and ſeal with his hand, the league and covenant, he could not be received in Scotland without expoſing the kingdom to freſh troubles. That, on the other hand, to diſpoſe of the king's perſon without the conſent of the parliament of England, was openly breaking the covenant, and incurring the guilt of perjury. That it was very true, they were engaged by the covenant to defend the king's perſon, but it was leſs true, that the end of the union between the two nations, was to ſettle religion in both kingdoms, according to the tenour of the covenant, and that theſe two engagements could not be ſeparated. That for theſe reaſons they deſired, that freſh endeavours might be uſed to prevail with his majeſty to give ſatisfaction to both kingdoms, that he might return to his parliament of England as a reconciled prince to ſatisfied ſubjects, in order to eſtabliſh a happy peace.

The parliament alter their reſolution. Whiteloc.

This paper being read in the parliament, the matter was again taken into conſideration, and, at laſt, after a great debate it was reſolved, ‘That his majeſty ſhould be deſired to grant the whole propoſitions; and in caſe of refuſal,

fuſal, the certifications given to his majeſty ſhould be put in execution, viz. to ſecure the kingdom without him;' and it was declared, 'That the kingdom of Scotland cannot lawfully engage themſelves for his majeſty: He not taking the covenant, ſatisfying as to religion, &c. Nor would they admit him to come into Scotland, unleſs he gave a ſatisfactory anſwer to the whole propoſitions lately preſented to him, in the name of both kingdoms.'

The king's meſſage to both houſes for a perſonal treaty. Dec. 20.

The king having notice of this reſolution from the earl of Lanerick, ſent a meſſage to both houſes at Weſtminſter, to deſire again to come to London, or any of his houſes thereabouts, upon the publick faith and ſecurity of his parliament and the Scotch commiſſioners, that he ſhould be there with honour, freedom and ſafety, in order to have his doubts cleared and difficulties explained; aſſuring them, that he would moſt willingly condeſcend to them in whatſoever ſhould be really for their good and happineſs. Praying them to conſider, it was their king who deſired to be heard, which if refuſed to a ſubject by a king, he would be thought a tyrant for it.

Dec. 22.

Upon this meſſage the lords voted, that the king might come to New-market, there to remain with ſuch attendants about him, as both houſes ſhould appoint; but the commons voted, that Holmby-houſe, in Northamptonſhire, would be the fitteſt place for his majeſty, to which the lords conſented. Then it was reſolved, "That his coming to Holmby ſhould be with reſpect to the ſafety and preſervation of his majeſty's perſon, and in defence of the true religion, according to the covenant."

Dec. 25. Whiteloc.

1646-7. Ruſhw.

January the 5th, 1646-7, a committee of both houſes was appointed to go down and receive the king from the Scots; for tho' both houſes had declared, he ſhould be at Holmby with honour and ſafety, they meant not to leave the manner to his choice, and whatever expreſſions they might uſe, it was to be in effect a real impriſonment.

Soon after, the two houſes received from the parliament of Scotland, the following declaration.

Declaration of the parliament of Scotland. Jan. 16. Ruſhw.

'THAT the king's majeſty came to their quarters before Newark, and profeſſed he came there with a full and abſolute intention to give all juſt ſatisfaction to the joint deſires of both kingdoms, and with no thought either to continue this unnatural war any longer, or to make diviſion betwixt the kingdoms; but to comply with his parliaments, and thoſe entruſted by them, in every thing for ſettling of truth and peace; and that he would apply himſelf totally to the counſels and advices of his parliament: Which he did not only profeſs verbally to the committee of eſtates with the Scotiſh army; but alſo in his ſeveral letters and declarations under his hand, to the committee of eſtates of Scotland, and to the two houſes of parliament of England reſpectively. In confidence whereof, and of the reality of his intentions and reſolutions, which he declared did proceed from no other ground, than the deep ſenſe of the bleeding condition of his kingdoms; the committees of the kingdom of Scotland, and general officers of the Scotiſh army, declared to himſelf, and to the kingdom of England, their receiving his royal perſon to be on theſe terms (which is truth, notwithſtanding what may be ſuggeſted or alledged to the contrary, by any within or without the kingdoms) and preſented to him, that the only way to his own peace and the peace of his kingdoms, under God was, to make good his propoſitions of peace (which after ſerious and mature deliberation were agreed upon) tendered to him in the name of both his kingdoms for his royal aſſent thereunto; but alſo the chief judicatories of this kingdom, both civil and eccleſiaſtical, made their humble and earneſt addreſſes to his majeſty, by ſupplications, letters, and commiſſioners for that end; and did freely repreſent all the prejudices and inconveniencies of the delay or refuſal of his aſſent, and in particular, that this kingdom would be neceſſitated to join with the kingdom of England, conform to the league and covenant, in providing for the ſecurity of both kingdoms, and ſettling the government of both, as might conduce moſt to the good of both. And the parliament of Scotland being now to retire their army out of England, have again, for their further exoneration, ſent commiſſioners, to repreſent their renewed deſires to his majeſty, with the danger that may enſue by his delay or refuſal to grant the ſame; and that till then, there was no danger to the cauſe, to his majeſty, to this kingdom, and to the union betwixt both the kingdoms, by his coming to Scotland; and that therefore there would be a joint courſe taken by both the kingdoms concerning the diſpoſal of his perſon. And conſidering, that his majeſty by his anſwer to the propoſitions of peace in Auguſt laſt, and alſo by his late meſſage ſent to the two houſes, and by his warrant communicated to the eſtates of this kingdom, hath expreſſed his deſires to be near to his two houſes of parliament: And ſeeing alſo the parliament of England have communicated to the Scotiſh commiſſioners at Newcaſtle, and by them to this kingdom, their reſolution, that Holmby-houſe in the county of Northampton, is the place which the houſes think fit for the king to come unto, there to remain with ſuch attendance about him as both houſes of parliament ſhall appoint, with reſpect had to the ſafety and preſervation of his royal perſon, in the preſervation and defence of the true religion and liberties of the kingdoms according to the covenant. Therefore, and in regard of his majeſty's not giving a ſatisfactory anſwer to the propoſitions as yet, and out of their earneſt deſire to keep a right underſtanding betwixt the kingdoms, to prevent troubles within the ſame, to ſatisfy the deſire of his majeſty, of the two houſes of the parliament of England, and of this kingdom, for his reſidence in ſome of his houſes near the parliament of England: The eſtates of the parliament of the kingdom of Scotland, do declare their concurrence, for the king's majeſty's going to Holmby-houſe, or ſome o-

‘ ther of his majeſty's houſes in or about London, as ſhall be thought fit, there to remain until he give ſatisfaction to both his kingdoms in the propoſitions of peace, and that in the interim there be no harm, prejudice, injury, nor violence done to his royal perſon: That there be no change of government other than hath been theſe three years paſt: And that his poſterity in no ways be prejudiced in their lawful ſucceſſion to the crown and government of theſe kingdoms.’

The king is delivered to the committee, and conducted to Holmby. Ruſhw.

January the 23d, the parliament's commiſſioners came to Newcaſtle, and on the 30th of the ſame month the king was delivered to them. That very day the Scotch army began to march towards Scotland, and the king arrived at Holmby the 16th of February.

Presbyterians and Independents begin to ſeparate.

Hithertto the Presbyterians and Independents had acted as in concert, becauſe it was equally advantageous to them, or rather neceſſary, the king ſhould be diſabled from hurting both. When the king was reduced to his preſent condition, in the hands of a parliament conſiſting of two parties which had equally plotted his ruin, theſe two parties, who had till then ſeemed united, began to be openly divided, each plainly perceiving, this was the critical time to make the advantages gained in common upon the king, to turn to their own benefit. The Presbyterians were ſuperior in the parliament and in London; but the Independents were, as I may ſay, maſters of the army, and by that their party was grown very conſiderable. The Presbyterians grand affair was, therefore, to diſband the army, under colour of its being unneceſſary, ſince the war was ended; and the Independents grand affair was, to hinder this diſbanding, which could not but be fatal to their party. It is certain, the parliament, being almoſt wholly Presbyterian, ſeriouſly thought of diſcarding the Independents, and, particularly, the generals and officers of that party. As they were obliged to ſend an army into Ireland, their project was to take for that ſervice ſuch ſoldiers out of the foot, horſe, and dragoons, as ſhould be willing to go thither, form them into companies, and give them officers, they could confide in. After that, their intent was to diſband the reſt of the forces, keeping only as many as ſhould be neceſſary for the garriſons. Had this project ſucceeded, the Independent-party would have been irrecoverably ruined; but the parliament had to deal with men who were too wiſe to give them time to take all their meaſures. Oliver Cromwell, a perſon of uncommon valour, great parts, and profound diſſimulation, was then as the head of the Independents, tho' he affected ſtill to paſs fot a rigid Presbyterian. He was preſent at the ſermons of the Presbyterians with a ſeemingly extraordinary devotion. He made uſe of certain ſcripture-expreſſions after the manner of the Presbyterians, and ſpoke not a word which might betray him to be Independent, either as to religion or policy. In ſhort, he had found means to perſuade general Fairfax, that his ſole view was to promote the glory of God, and the welfare of religion and the kingdom. He had in the army a great number of officers who acted by his directions, ſo that when he did all, he ſeemed to do nothing. Among theſe officers were his ſon-in-law Ireton, Rainsborough, Fleetwood, Lambert, Harriſon, and ſeveral others, who took care to ſtrengthen the Independent party, by means of many ſubaltern officers, who endeavoured to make proſelytes among the ſoldiers, and were ſo many emiſſaries in every regiment. Cromwell was member of parliament, and withal lieutenant-general of the army, notwithſtanding the ſelf-denying ordinance, for which he had been exempted. After the war was over, he conſtantly attended the houſe, and thereby might be informed of the project againſt the army, or rather againſt the Independent party in general. He ſeemed to approve of the meaſures deſigned by the commons, viz. of forming an army for Ireland, and diſbanding the reſt of the forces; but at the ſame time, by means of his emiſſaries, he raiſed in the army a ſpirit of diſcontent and mutiny. This was the more eaſy, as the officers and ſoldiers perceived, they were going to be diſcarded, and as moſt were little able to return to their old profeſſions, after four or five years ſpent in war. There were in the army many officers who before the wars had been only tradeſmen, and ſaw with regret they were going to be reduced to quit their employs which gave them authority, and reſume their former trades, to be mixed as before, with the meaner ſort of people. Theſe men, as well as thoſe gained by the Independents, were ready for any undertaking, not to be obliged to alter a courſe of life they had now led for ſome years. Cromwell, therefore, and the officers of his party, improving this diſpoſition, diligently inſpired the army with diſcontent againſt the two houſes, wherein they ſucceeded but two well.

Clarend.

Cromwell's diſſimulation.

Ruſhw.

He inſpires the army with diſcontent, at their going to be diſbanded. Clarend.

The firſt ſpark of this flame appeared in March, 1647, at the time when the parliament was ſeriouſly thinking of executing the fore-mentioned project. The commons had notice, that ſome officers of the army had prepared a petition to be preſented to the general, and communicated to the houſe. In this petition was deſcribed, the unhappy condition, moſt of the officers and ſoldiers would be in, when the army ſhould be diſbanded. The articles deſired were: Indemnity for actions as ſoldiers. Satisfactiou for arrears. No preſſing for horſe or foot. Relief of widows and maimed ſoldiers. Pay till diſbanded. This petition flew from regiment to regiment, and there were officers very diligent to procure ſubſcriptions. Whereupon, the commons ſent an order to the general, to make ſtrict enquiry after the authors of this petition, and put a ſtop to the conſerences held in the army, to ſow diſcord and diviſion. The general anſwered, that in obedience to the order of the houſe, he had aſſembled the officers, and queſtioned them about the petition: That they had expreſſed a very deep ſenſe of their unhappineſs, in being miſunderſtood in their clear intentions,

Project of a petition from the army.

Clarend.

Order of the commons to the general about the petitiou. Ruſhw.

The general's anſwer.

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ons, which, as they had proteſted, were no other than, by way of petition, to repreſent to him, their general, thoſe inconveniences, which would neceſſarily befal moſt of the army after disbanding; but withal had aſſured him, they would wholly acquieſce in whatſoever he ſhould judge reaſonable to offer, or the houſe to grant on their behalf. The general added, that the houſe might be better informed, he had ſent lieutenant-general Hammond, colonel Hammond, colonel Lilburn, lieutenant-colonel Pride, and lieutenant-colonel Grimes, who, he hoped, would give a full and candid account of the whole matter.

Declaration of the commons, publiſhed at the head of the ſeveral regiments. Ruſhw.

Accordingly, theſe officers were examined before the houſe; after which, the ſpeaker, in diſmiſſing them, told them what ſenſe the houſes had of the petition, and deſired their care for ſuppreſſing the ſame, or any other of the like nature for the future. The ſame day, the houſe ordered the general to publiſh a declaration, at the head of every regiment, importing, that the petition tended to put the army into a mutiny, and obſtruct the relief of Ireland, and that the promoters thereof ſhould be proceeded againſt as enemies to the ſtate, and diſturbers of the publick peace.

The army's diſcontent increaſes. Ruſhw.

The commons could not do any thing more agreeable to thoſe, who had formed the project of ſowing diviſion between the army and the parliament. This declaration gave occaſion to the officers and ſoldiers to complain openly, 'That they who had fought for the liberty of the ſubjects of England, were denied the liberty of the ſubject to petition, tho' it were to their general, and merely in things relating to them as ſoldiers, meddling, neither with church nor ſtate-affairs, and withal, ſubmitting it to the general's judgment for approbation or correction, as he ſaw cauſe.'

The parliament ſends a committee to form the army for Ireland.

In the interim, the two houſes intending to execute their reſolution, of ſending forces into Ireland in the manner they had projected, appointed a committee for that purpoſe, and gave them power to form the regiments of this army, and commiſſion ſuch officers as they ſhould think fit. At the ſame time, they reſolved to encourage thoſe that voluntarily offered to ſerve in Ireland, and ordered the commiſſioners ſpeedily to execute their charge.

The commiſſioners find the army diſinclined to obey them. Whiteloc.

The commiſſioners repairing to Saffron-Walden, the general's head-quarters, gave notice to the officers to aſſemble the next day. Then the earl of Warwick, head of the committee, made a ſpeech, exhorting them to accept of the terms offered by the two houſes. When he had done ſpeaking, colonel Lambert anſwered in the name of all the officers, and deſired to know, what ſatisfaction ſhould be given them concerning four articles, viz. arrears, indemnity, maintenance in Ireland, and conduct? Sir John Clotworthy replyed, that the parliament had taken care of all, except the point of indemnity, for which an ordinance ſhould be ready in a few days. The officers demanded, what generals were to command them in Ireland? It was anſwered, Skippon, and Maſſey, were named for general, and lieutenant-general, but for other commanders, the parliament had not yet come to any reſolutioin. Then the officers cried out with one voice, that if the command was given to Fairfax, Cromwell, and Skippon, they were ready to march. The commiſſioners ſeeing the officers inſiſted upon a thing not agreeable to the intentions of the parliament, deſired ſuch as would liſt in the ſervice of Ireland, to come to their lodgings in the town, where they would give them farther ſatisfaction; but there came very few. At the ſame time, the reſt prepared a declaration, which was preſented to the commiſſioners, wherein they ſaid, 'They had reaſon to complain, that they had received no poſitive anſwer to their deſires: That, however, thoſe who in their own perſons did not engage for Ireland, would be ready to promote the ſervice: That if the ſame conduct under which the army had been ſo proſperous in England, was continued, it would conduce much to their perſonal engagement in the ſervice of Ireland: That this was the general ſenſe of the officers of the army.'

1646-7.

Declaration of the officers. Ruſhw.

The general, who hitherto ſeemed very deſirous to ſerve the parliament, ordered the officers who had a mind to ſerve in Ireland, to draw out as many of their men as would engage in that ſervice. But the number was very ſmall, and the parliament was informed, there were officers who took great pains to diſſuade the ſoldiers from this ſervice, and cheriſh the diſcontent of the army.

1647. Another declaration. April 27.

At laſt, their boldneſs was ſuch, that ſome of the principal officers ſcrupled not to appear at the head of the mutineers, in a declaration preſented to both houſes. They ſaid, 'That the miſrepreſentations of their harmleſs intentions to the houſe, having occaſioned hard thoughts and expreſſions of the houſes diſpleaſure againſt them, they humbly craved leave to offer ſome reaſons to clear their proceedings in thoſe paſſages, which they found moſt obvious to exceptions in their petition, whereby they hoped to make it evident, that the means they uſed, and the method they took was, as they conceived, moſt orderly and inoffenſive; proceeded not in the leaſt from diſtemper, and aiming in no meaſure to put conditions on the parliament; and that from hence might be diſcovered, the corruptions of thoſe men's hearts, who had been the evil inſtruments of occaſioning the late declaration againſt them. And,

'1. For the liberty of petitioning, they hoped, the honourable houſe of commons would never deny it unto them, there being not any thing more eſſential to freedom; and particularly, ſince they had juſtified and commended it in their declaration of the 2d of November, 1642, in theſe words: "It is the liberty and privilege of the people, to petition unto us for the eaſe and redreſs of their grievances and oppreſſions, and we are bound in duty to receive their petitions."

'2. They preſented not their petition to the houſe, but with the approbation, and by the mediation, of their general, and conſequently that it could not be repreſented as ſeditious.

‘3. The report of their forcing ſubſcriptions was not true; for the petition had taken its firſt riſe from amongſt the ſoldiers, and the officers had engaged but in the ſecond place to regulate the ſoldiers proceedings, and remove, as near as they could all occaſion of diſtaſte.

‘4. They were forced to deſire an act of indemnity for ſuch actions as they had committed during the exigency of the war, not warrantable by law, ſince they were liable to be indicted for them in time of peace.

‘5. As to their deſiring the royal aſſent, they never intended therbey to leſſen the parliament's authority; but only uſed it as a provident caution for their future ſafety. And they obſerved, that the parliament itſelf had, by offering propoſitions, judged, the deſiring the king's aſſent convenient.

‘6. As to the deſire of their arrears, neceſſity enforced them thereto: That their wages had been hardly earned, and the deſire of them could not argue them guilty of the leaſt diſcontent, or intention of mutiny.

‘7. For what concerned the relief of Ireland, they thought it hard, that thoſe who had voluntarily ſerved in the wars, and left their parents, trades, and livelihoods, and, without any compulſion, engaged of their own accords, ſhould, after all their free and unwearied labours, be forced and compelled to go out of the kingdom.’

This declaration was ſigned by Thomas Hammond, lieutenant-general of the ordnance, ſeven colonels, ſeven lieutenant-colonels, ſix majors, and 130 officers, captains, and ſubalterns.

Vote to disband the army.

The ſame day this declaration was preſented to the houſe, the commons voted, that the army ſhould be disbanded, and the ſoldiers have ſix weeks pay when diſmiſſed.

Petition of ſome regiments of horſe. Clarend.

Some days after, major-general Skippon, who was to command in Ireland, and being returned from Barnſtable, had taken his ſeat in the houſe, notwithſtanding the ſelf-denying ordinance, which was no longer regarded, reported, that a letter was preſented to him the day before by ſome troopers, in the behalf of eight regiments of horſe, and produced the ſame, which was immediately ordered to be read. Theſe regiments complained of the many late ſcandals, and falſe ſuggeſtions, againſt the army, and their proceedings, and alledged the reaſons why they could not engage in the ſervice of Ireland, under the conduct of the intended generals. The troopers, Sexby, Allen, and Sheppard, who brought the letter, were called in and examined, concerning the meaning of ſome expreſſions in the petition; to which they replied, that the letter being a joint act of thoſe ſeveral regiments, they could not give a punctual anſwer, being only agents; but if they might have the queries in writing, they would carry them to the regiments, and return their anſwers.

Votes in favour of the army. Whiteloc.

Tho' the declaration of the officers was in itſelf very reaſonable, it looked however more like an inſolent accuſation againſt the parliament, than an humble apology. This convinced the commons, that the evil was greater than was at firſt imagined; wherefore they paſſed ſeveral votes to give ſome ſatisfaction to the army, and to hinder the increaſe of their diſcontent. At the ſame time, Skippon, Cromwell, Ireton, and Fleetwood, were ordered to go and acquaint the army with what the houſe intended to do for the troops, and that a conſiderable ſum was preparing for their pay, before they were disbanded. Hitherto the commons ſeem not to have perceived the true view of the army's complaints, but hoped to appeaſe them by ſome condeſcenſion.

Anſwer of the officers to the commiſſioners. Ruſhw.

The generals ſent by the parliament being come to the army, and calling the officers together, read to them the votes paſſed in their favour; after which, Skippon made a ſpeech, to engage them to ſerve under him in Ireland. The officers anſwered, as this affair concerned the ſoldiers, as well as the officers, it was neceſſary to inform them of it, in order to know their reſolution.

In the interim, the parliament ardently deſiring to disband the army, after that which was to ſerve in Ireland was formed, ordered, that before they were disbanded, a fortnight's pay ſhould be added to the ſix weeks, formerly voted, and that ſix weeks pay more ſhould be givin to thoſe who would engage for the ſervice of Ireland.

The ſoldiers deſire to conſult among themſelves. Ruſhw.

The troopers and ſoldiers being informed of what the generals, ſent by the parliament, had reported to the officers, anſwered, that as the whole army was concerned, they deſired to diſcuſs the affair in a committee, choſen by themſelves, out of every company and troop, who ſhould report the deſires of each regiment to a committee of general officers; to be by them contracted into a method, and if general, communicated to both houſes, as the ſenſe of the army. It is eaſy to perceive in this anſwer, a ſecret direction of ſome of the leading male-contents, who intended by this means to be maſters of the ſoldiers reſolutions, and compoſe in the army, a ſort of a parliament, in oppoſition to the two houſes. This demand, of which, perhaps, the conſequences were not by many foreſeen, being granted, the ſoldiers choſe two out of every company, who were called Adjutators, or Agitators, to debate upon the matters which were to be brought to the council of officers, called, the council of war, conſiſting of generals, colonels, lieutenant-colonels, majors, and captains. Among the agitators there were few above the degree of an enſign. Theſe two councils were afterwards continued, to the great prejudice of the parliament, and great advantage of the heads of the Independent-party, who eaſily found means to admit only ſuch as were devoted to them, or not of ſufficient ability to diſcover their deſigns.

The parliament perſiſt in their deſign to disband the army.

In the interim, the two houſes perſiſted in their reſolution to disband the army, excepting thoſe who would engage to ſerve Ireland. To effect this the more eaſily, it was ordered, that their arrears ſhould be ſpeedily audited, and good ſecurity given them, for ſo much as ſhould not be paid off upon diſbanding: That none that had voluntarily ſerved in the wars, ſhould be preſſed for any ſervice beyond ſea: That an ordinance ſhould be drawn for providing for widows, maimed ſoldiers, and orphans. After that, the two houſes ſettled the manner of diſbanding the army, viz, that the regiments ſhould be diſbanded at different times and places, and that the money to pay them what was promiſed, ſhould be ſent to the ſeveral rendezvous; but the army openly complained of the intention to pay them but two months arrears upon diſbanding, when there was no leſs than 56 weeks due to them.

Reaſons why the votes are thought unſatisfactory. Ruſhw.

Soon after, the general called a council of war at Bury, at which were preſent above 200 officers, and communicated to them the votes of both houſes, adviſing them to a compliance with the order of parliament; but the officers anſwered, they did not think theſe votes ſatiſfactory to the ſoldiers; 1. Becauſe eight weeks pay was not a conſiderable part of what was due to them. 2. Becauſe no viſible ſecurity was given for the arrears. 3. Becauſe nothing was done for their vindication, and they being declared enemies, and ſent home, might hereafter be proceeded againſt as enemies, unleſs the declaration were recalled.

The ſoldiers threaten.

At the ſame council a petition was produced and read, which had been that morning preſented to the general, in the name of the private ſoldiers of the army, complaining, 'That it was intended to diſband them without redreſſing their grievances, and in a ſtrange unheard of manner, one regiment apart from another, which poſture could not but render them ſuſpicious to the kingdom; and, therefore, they deſired the general would be pleaſed to appoint a rendezvous of the army, and uſe his utmoſt endeavours, that they might not be diſbanded before their grievances were heard, and fully redreſſed, which if not done, they ſhould be neceſſitated, tho' unwillingly, to do things that might be prevented, by granting their juſt deſires.'

The general contracts the quarters of the army.

The council of war having examined this petition, believed, or feigned to believe, it was abſolutely neceſſary to take notice of it, for fear, if they ſaw all their deſires rejected, they ſhould have a rendezvous without their officers. It was, therefore, reſolved, that the quarters of the army ſhould be contracted, to prevent diſorders, and for the greater readineſs to ſuppreſs them. It was manifeſt, the deſign of the petition, and the council of war's reſolution, was, to break the parliament's meaſures. It had been reſolved to ſeparate the army, and diſband them at different times and places, in order to do it the more eaſily; and the army, on the contrary, had contracted their quarters, ſo that they could rendezvous in a very ſhort ſpace, without any poſſibility of being prevented by the parliament.

The parliament recall their commiſſioners, Whiteloc.

The general failed not to acquaint the two houſes with the reſult of what had paſſed in the council of war, intreating them to proceed with caution, that the army might not be incenſed, and a breach made, which could not but be very dangerous. He wrote the ſame day to the ſpeaker of the houſe of commons, that he was extremely uneaſy concerning the diſpoſition of the army, and heartily wiſhed ſome means could be found to appeaſe the diſtractions, which was not in his power. That he was forced to yield to many things to prevent worſe inconveniences.

and form the project to divide the army. Ruſhw.

Whereupon, the two houſes recalled the commiſſioners, who were now gone to diſband the army, and ſent for the money which had been lodged in ſeveral places for the payment of the ſoldiers; but 3500l. carrying to London, was ſtopped by colonel Rainſborough's men at Woodſtock. It was very evident, the army was unwilling to be diſbanded; but the parliament not being in a condition to command obedience, were forced to ſtay till a more convenient ſeaſon, without relinquiſhing, however, their deſign. Their intention was to divide the army, under pretence of the neceſſity of ſending forces into Ireland, and, the better to engage the ſoldiers to leave the army, it was voted, that a month's pay ſhould be given to thoſe that would quit their regiments, and ſerve in Ireland. They hoped by this means to form an army equal or ſuperior to that which refuſed to obey, wherein they were greatly miſtaken. In the interim, to give ſome ſatisfaction to the army, it was ordered by the commons, that the ſubordinate officers and ſoldiers ſhould have all their arrears, deducting for free quarters according to the uſual rules of the army; that the commiſſion-officers ſhould have one month's pay more added to the two months arrears formerly voted; and laſtly, the declaration againſt thoſe that drew up the firſt petition ſhould be razed out of the journal of the houſe. But all this was not capable of contenting the army, who were reſolved not to be ſatisfied. The directors of theſe proceedings had a mind to continue the army, in order to be able to oppoſe the Presbyterians, who were ſuperior in the parliament. So, the reaſons alledged by the army being only pretences, tho' every thing had been granted, others would have been deviſed, to prevent their diſbanding; and, indeed, it will preſently appear, that leaſt all their deſires ſhould be granted, they added new demands, which the parliament could not comply with.

The diviſion between the parliament and army increaſes. Ruſhw.

It was eaſy to perceive, that every thing tended to a breach between the parliament and the army. The parliament accuſed the army of mutiny and ſedition, and the army pretended, that the parliament, under colour of ſending forces into Ireland, thought of forming a new army, to become maſters of the kingdom, when the old one ſhould be caſhiered, or to kindle a freſh war, in caſe the troops refuſed to obey. But they were far from being upon an equality. The army had the ſword in their hands, and tho' ſome officers and ſoldiers had quitted their regiments for the ſervice of Ireland, their number was inconſiderable; all the reſt remained united, and were ſupported by moſt of the generals, who being againſt the parliament, privately cheriſhed the diſcontent of the officers and ſoldiers. The parliament had no forces to compel the army to obedience, and, therefore, were terribly embarraſſed. They durſt not drive the army to extremities; and on the other hand, they plainly perceived, that the diſcord was fomented by the leaders of the Independents, who ſought the deſtruction of the parliament, for fear the parliament ſhould deſtroy them, as indeed both houſes intended.

This, therefore, was a critical ſeaſon, the point being to know who ſhould be maſter, the parliament or the Independent party. But theſe laſt had the army on their ſide, and that alone balanced the power and authority of the parliament. They had ſo well laid their meaſures, by means of the agitators, that the army was become a ſort of republick, where the ſuffrages of the common ſoldiers were upon a level with thoſe of the generals; nay, the ſoldiers did not think themſelves obliged to follow or to aſk the advice of their officers. Hence ſprung confuſion, which was ſuffered to prevail. Every thing was done in the name of the army, a looſe term which ſignified, ſometimes the council of war alone, ſometimes the council of agitators, now both councils together, and now the agitators of ſome particular regiments. In this laſt ſenſe muſt be underſtood the enterpriſe performed, in the name of the army, by the agitators of ſome regiments of horſe, of carrying away the king by force from Holmby-houſe to New-market.

The king is carried away by force from Holmby. June 4. Clarend.

To execute this deſign, they choſe cornet Joyce, one of the agitators of his regiment, who, from a taylor before the war, was become an officer, and had ſignaliſed himſelf for his bravery. Joyce being put at the head of 50 horſe, marched directly to Holmby, and came there in the night, after the king was in bed. Having ſecured the avenues, he went up with two or three more to the king's chamber, and cauſed the door to be opened. The king getting up, aſked him what he meant. Joyce anſwered, he intended to carry him to the army, for they had received certain advice, there was a deſign to convey him away by force. The king aſked him, whether he had the general's orders? He replied, no, but that he was authoriſed by the army, and as he held a piſtol in his hand, ſufficiently intimated, it was by that he was chiefly empowered. The parliament's commiſſioners who were at Holmby to take care of the king, would have oppoſed this violence; but the king's guard refuſing to make any reſiſtance, and the troops that were in the neighbouring villages, to relieve the guard every day, would not come. At laſt, after many diſputes, all the king could obtain was to ſtay till the morning. The ſame night he wrote a note, which he entruſted with the earl of Dumferling, to acquaint the two houſes, he was carried away from Holmby againſt his will, and that they ſhould not give any credit to what he might afterwards write whilſt under reſtraint. The next morning he went into the coach, and was conducted by Joyce, who carried him that night to colonel Montague's, and the next day to New-market.

The king is conducted to New-market. Ruſhw.

The army's petition to the general.

Whilſt theſe things paſſed, the general having appointed a rendezvous of the army at New-market, for the 4th and 5th of June, the ſeveral regiments preſented a petition to him, complaining of the votes paſſed in parliament the 21ſt and 25th of May, as not being ſatisfactory, for the following reaſons.

' 1. That eight weeks arrear to be paid at ' diſbanding, was but a mean reward for all ' their labours, and a very ſlender ſupply to ' carry them to their homes, and ſet them up ' again in their former callings and conditi' ons.

' 2. That in the orders given for the ſta' ting of their accompts, they found no con' ſideration or regard had of their arrears in' curred in the former army commanded by ' the earl of Eſſex, which to the moſt of them ' were much greater than thoſe under the new ' model.

' 3. That 3 s. a week was to be abated to ' foot ſoldiers for quarter, which was more ' than they ſhould have paid for themſelves, if ' they timely had their pay.

' 4. That there was no proviſion or allow' ance made in relation to any quarters diſ' charged by them.

' 5. That, contrary to cuſtom, no trooper ' was capable of allowance for arrears, unleſs ' he delivered in his horſe and arms.

Ruſhw.

' 6. That the viſible ſecurity for what ar' rears ſhould not be paid at diſbanding, ap' peared to them inſufficient.

' 7. That the ordinance voted, to exempt ' from preſſing, for the ſervice of Ireland, ' ſuch as ſerved as volunteers in the army, was ' defective; becauſe after their diſcharge, it ' was very difficult for them to obtain a teſti' monial of their paſt ſervices.

' 8. That the ordinance for the mainte' nance of maimed ſoldiers, &c. had not yet ' paſſed in parliament.

' 9. That the ordinance for indemnity ' ſeemed to make but ſlender proviſion for ' their ſafety.

' 10. That no reparation had been made ' to thoſe officers of the army, that had been ' at ſeveral times ſent for to attend the parli' ament as delinquents, tho' they had been ' found innocent.

' 11. That there had been yet nothing de' clared by the parliament, to clear them as ' to their right of petitioning.

(There was in this article heavy complaints againſt the parliament's arbitrary power.)

' 12. That the declaration made againſt ' the army was yet ſtanding in force.

' 13. That nothing had yet been done to' wards the diſcovery or cenſure of thoſe that ' had wronged the army, and abuſed the par' liament, ſo as to procure the proceedings a' gainſt them, with relation to their petiti' on.'

Engagement ſigned by the army.

It is eaſy to perceive, theſe complaints were but mere pretences, or, at leaſt, if the army had not reſolved to be ſatisfied upon no terms, theſe differences might poſſibly have been adjuſted.

juſted. But this was only a preparative to what they reſolved to do. The next day, the 5th of June, the officers and ſoldiers ſubſcribed a paper, which they called a ſolemn engagement, whereby they conſented to diſband, when required by the parliament, but on condition, “ That they ſhould firſt have ſuch ſatisfaction in relation to their grievances, and ſuch ſecurity as to their perſons, as ſhould be agreed unto by a council to conſiſt of thoſe general officers (who had concurred with the army) with two commiſſion officers, and two ſoldiers to be choſen for each regiment; and declared, that without ſuch ſatisfaction, and ſuch ſecurity, they would not willingly diſband, nor ſuffer themſelves to be diſbanded or divided.”

This engagement was ſeconded with petitions from the inhabitants of the counties of Eſſex, Suffolk and Norfolk, entreating the general, not to ſuffer the army to be diſbanded till every thing relating to the government was ſettled.

The general's letter about the carrying away the king. Whiteloc.

The 7th of June, both houſes received a letter from the general, acquainting them, that the ſoldiers, at Holmby, had brought the king thence by conſent, having thought proper to ſecure his perſon, from an apprehenſion of forces gathering to fall upon them and force him out of their hands. That as ſoon as he knew it, he ſent colonel Whaley's regiment to guard the king; after which, for prevention of danger, he had ſent two regiments more to re-inforce colonel Whaley. That Whaley had deſired the king and the commiſſioners, in his name, to return to Holmby, but that his majeſty was not willing to go back. That upon this, he had ſent Sir Hardreſs Waller, and colonel Lambert, to deſire the commiſſioners to think of returning to Holmby, but that the commiſſioners refuſed to act in diſpoſing the king. He affirmed moreover, that neither himſelf, nor the officers about him, nor the body of the army were concerned in removing the king, proteſting that it was his as well as the army's deſire, to ſtudy to ſettle a firm peace. That they had no intention to oppoſe presbytery, or ſet up the Independent-government, but to leave all to the wiſdom of the parliament, without advancing any particular party or intereſt.

It was a very ſtrange thing that the king ſhould be removed from Holmby by 50 troopers, without any orders from the general or the officers about him, and without the conſent of the body of the army; and that the general officers ſhould ſuffer him to be in the center of the quarters of the army, without enquiring after thoſe who gave, or thoſe, who executed ſuch an order. This ſhewed, there was ſome myſtery in it, which it was not thought proper to diſcover to the parliament, and that Joyce knew he ſhould be protected if called to an account. On the other hand, tho' the king had ſent word to both houſes, that he was unwillingly removed, it appears by the general's letter, that his majeſty conſented to it, and was unwilling to return to Holmby, when it was in his power. All this ſeems very myſterious, and I do not believe, the publick was ever fully informed of what paſſed before the removal of the king. What followed, makes it conjectured, that ſome of the general officers believed it to be abſolutely neceſſary for their intereſt to have the king in their power, at a time when they thought there was reaſon to fear, the parliament would come to an agreement with him, and that they cauſed him to be taken away from Holmby by perſons without warrant, well-knowing, they ſhould be powerful enough to hinder the affair from being ſtrictly examined. It may be, the king himſelf was privy to it, ſince he was unwilling to return to Holmby, and appeared, for ſome time, much more at eaſe in the hands of the army, than when he was in the parliament's power.

Ruſhw.

Votes of the commons. Ruſhw.

The commons ſeeing the army maſter of the king's perſon, and unwilling to diſband, reſolved, at leaſt, to ſhew the publick by their votes, that the imputations laid to their charge by the army were groundleſs, and that they were not ſwayed by ſelf-intereſted motives. So, the 10th of June, they confirmed the ſelf-denying ordinance, and “ declared to be void all places held by members of parliament.” They voted, “ That the lands and eſtates of all members of the houſe ſhould be liable to the law for payment of their debts.” They appointed a day to hear informations againſt members, and ordered that no member ſhould hereafter receive any reparation for damages, till the publick debts were firſt ſatisfied.

The army marches towards London. Ruſhw.

Nevertheleſs the army began to march, and advanced to St. Albans, within 20 miles of London. At the ſame time, the general ſent to both houſes the reſult of the late council of war at New-market, and entreated them to think of ſome way to ſatisfy the troops.

The complaints of the army againſt ſome of the commons. Clarend.

The approach of the army threw the parliament and city into great conſternation, and an ordinance was paſſed, to enable the committee of the militia of the city of London to raiſe horſes. They ſeemed to intend to put themſelves in a poſture of defence againſt the army. Within a few hours after, the city received a letter ſigned by the general, and all the other general officers, complaining, there were certain members of parliament who endeavoured to engage the kingdom in a new war, as having no other way to protect themſelves from the puniſhment they juſtly deſerved; adding, that they deſired no alteration of the civil government, nor, in the leaſt, to hinder the ſettling of Presbyterianiſm, neither did they intend any evil to the city, if they appeared not to aſſiſt that wicked party; who would embroil them and the kingdom. That they were ready to remove at a farther diſtance, if they were aſſured, that a ſpeedy ſettlement of things was in hand. That if, after all, the city ſhould be ſeduced to take arms, againſt the army, ruin and deſtruction would enſue.

The parliament tries to divide the army. June 11. Ruſhw.

This letter was communicated to the parliament, who wrote to the general, to deſire that the army might not come within 25 miles of the city; but it was already advanced to

St. Albans. The ſame day the commons ordered, that the ſum of 10,000 l. ſhould be paid to ſuch officers and ſoldiers as ſhould leave the army and engage in the ſervice of Ireland, with which the army was highly diſpleaſed, plainly perceiving, the parliament's deſign was to divide them.

and put themſelves in a poſture of defence. June 12. Ruſhw.

The next day, upon a falſe rumour of the army's near approach to the city, the militia of London ordered all the trained-bands to be raiſed on pain of death; but preſently after the order was revoked. However, ſoldiers were liſted by order of parliament.

The common-council's letter to the general.

In the interval, the common-council of London ſent an anſwer to the general and officers, wherein they ſaid, the city intended no evil to the army, but only to defend the parliament and themſelves againſt any unlawful violence. That they did not take arms with intent to hinder the obtaining the army's juſt demands. That on the contrary, they had preſented their addreſſes to the parliament for the obtaining thereof; and only requeſted, they would demand no more than what ſhould be juſt and reaſonable.

The ſame day, the parliament ſent commiſſioners to the army, to know what were their deſires. The general anſwered, in letters to both houſes, that the army offered, for a month's pay, not to draw their quarters nearer London, without firſt giving notice of it to the parliament's commiſſioners.

In the interim, the army continued to render themſelves formidable, as well by their nearneſs as by their demands which daily roſe higher. At firſt, they proteſted, they would not meddle in any thing not immediately relating to themſelves, and that their intention was to leave the care of the government to the wiſdom of the two houſes. But when they found, the parliament gave way, and wanted power or reſolution, they advanced one ſtep farther, and by a declaration preſented to both houſes, demanded,

The repreſentation of the army. June 14. Whiteloc.

‘1. That the houſes might be purged of ſuch members, as for their delinquency, or for corruptions, or undue elections, ought not to ſit there.

‘2. That thoſe perſons who had appeared againſt the army, might ſpeedily be diſabled from doing the like; and for that purpoſe, might be made incapable of being the ſoldiers judges, when diſbanded.

‘3. That ſome determinate period of time might be ſet for the continuance of that and future parliaments, beyond which none ſhould continue; that the members of the houſe might not have the temptation or advantage of an unlimited power to perpetuate injuſtice or oppreſſion, but might be in a capacity to taſte of ſubjection as well as rule.

‘4. That parliaments might not be adjournable or diſſolvable, any other ways, than by their own conſent.

‘5. That the right and freedom of the people to preſent petitions to the parliament might be cleared and vindicated.

‘6. That the large powers given to committees or deputy-lieutenants, might be taken away, or regulated.

‘7. That the kingdom might be righted and publickly ſatisfied in point of accounts, for the ſums that had been levied and paid.

‘8. That after publick juſtice was firſt ſatisfied by ſome few examples on delinquents, a general act of oblivion ſhould be paſſed.’

After theſe demands, the army proteſted, ‘That their deſign was not to overthrow preſbytery, and eſtabliſh the Independent government; but they only deſired, that there might be ſome effectual courſe taken, that ſuch who upon conſcientious grounds differed from the eſtabliſhed forms, might not for that be debarred from the common rights, liberties, or benefits belonging equally to all, while they lived ſoberly and inoffenſively towards others, and peaceably and faithfully towards the ſtate.’

The army accuſes 11 members. June 16. Ruſhw.

It was eaſy to perceive, the army no longer contented themſelves with meddling in their own affairs, but wanted to have a ſhare in the civil government. There were in the houſe of commons very able men, who knew the deſigns of the Independents, and would have baffled them, had they been ſupported with power. To this end it was, they had projected forming out of the old, a new army for Ireland, and to caſhier the reſt of the forces. This project tended directly to the ruin of the Independent party; accordingly, Cromwell and his aſſociates uſed all their endeavours to countermine the artifices of their enemies, by inſpiring the army with diſcontent, and cheriſhing it in the fore-mentioned manner. In a word, having tried the parliament, they thought themſelves ſtrong enough to ſtrike a bolder ſtroke, in uſing always the army's name, which they had moulded to their purpoſes. To this end, they cauſed it to be reſolved in a council of war, that the army ſhould prefer a charge againſt the ableſt and moſt powerful members of the commons, who in a manner governed and directed the houſe. Theſe were the men the Independent-party had moſt to fear. This reſolution being taken, the army deputed ſome officers to carry in their name, to the parliament, a charge againſt 11 members, viz. Holles, Stapleton, Lewis, Clotworthy, Waller, Maynard, Maſſey, Glyn, Long, Harley, and Nichols.

The articles of their accuſation. Ruſhw.

The general articles of the charge were:

‘1. That the perſons above-named had, in an arbitrary and violent manner, infringed the rights and liberties of the nation, and endeavoured by indirect and corrupt practices to delay and obſtruct juſtice.

‘2. That the army being, until the middle of March laſt, in an orderly condition, and ready, either quietly to have diſbanded, or elſe to have engaged in the ſervice of Ireland, thoſe members had endeavoured by falſe informations to beget miſunderſtandings and jealouſies in the parliament againſt the army.

‘3. That whereas the parliament might have had out of the army, an intire force for the reduction of Ireland, thoſe perſons had attempted to pull the army in pieces, and to put the kingdom to the trouble and expence of raiſing a new force for that ſervice.

‘4. That they had diverted the forces en-

‘ gaged for the ſervice of Ireland, and endeavoured to apply them to carry on deſperate deſigns of their own in England; and had alſo raiſed new forces under pretence to guard the parliament, and privately liſted officers and ſoldiers, for embroiling the kingdom in a new and bloody war.

‘ 5. That they had invited and encouraged divers reformado's, and other officers and ſoldiers, tumultuouſly to gather together at Weſtminſter to affright and aſſault the members of parliament.’

The very next day, the army ſent propoſals to the commons, wherein they deſired:

The army's demands. Whiteloc.

‘ That the perſons impeached might be forthwith ſuſpended from ſitting in the houſe.

‘ That there might be a month's pay immediately ſent to the army.

‘ That if the officers and ſoldiers of the army who had engaged for Ireland, or thoſe who had deſerted the army and come to London, had ſince then received more than a month's pay, there might be ſo much more money ſent down to the army.

‘ That during the debate and tranſaction betwixt the parliament and the army, about raiſing and liſting new forces, the parliament would not ſuffer any new forces to be raiſed within the kindgdom.’

Some counties are for the army. Ruſhw.

Theſe demands extremely embarraſſed the parliament; they could not reject them without furniſhing the army with a pretence to march to London, where was nothing ready to oppoſe them, and by granting them, they gave them occaſion to make farther demands. This embarraſſment was the greater, as ſeveral counties ſeconded the army, and pretended, it was abſolutely neceſſary to continue them, to ſtop the progreſs of the arbitrary power aſſumed by the parliament. We have already ſeen, that the counties of Eſſex, Suffolk, and Norfolk, had in ſome meaſure declared for the army. Buckinghamſhire and Hertfordſhire followed this example, and Glamorganſhire openly complained, by deputies, ſent on purpoſe, that the people were oppreſſed by the parliament and by the committees ſettled in the ſeveral counties.

The parliament reſolves to ſatisfy the army. Whiteloc.

Whereupon the two houſes thought proper to appeaſe the impending ſtorm, by giving ſatisfaction to the army, in order to remove all pretence of complaint; for it was eaſy to perceive, that was what they wanted. It was, therefore, reſolved, that the order for liſting of forces, and the permiſſion given to the committee of the militia of London to augment the trained-bands ſhould be void: That the army ſhould have a month's pay, and the general be required to remove 40 miles from London. Some days after a month's pay was alſo granted to the forces in the north, and to let the army ſee there was no deſign to diſband them, the parliament paſſed an ordinance for raiſing 60,000 l. a month for the maintenance of the army, and for the ſervice of Ireland. Laſtly, the houſe of commons wrote to the general, that they were ready to receive from him any particular charge againſt the 11 accuſed members.

The army is not contented.

This condeſcenſion might have produced peace between the parliament and the army, if peace had been what the army deſired. But inſtead of being obliged to the parliament for this compliance, they were rather incenſed at it, as being ſenſible the deſign was only to break their meaſures, by taking away all pretence of complaint. They would have been better pleaſed, that all their demands had been denied, in order to have an excuſe to do themſelves juſtice. They were afraid the parliament, by endeavouring to gain time, would privately take meaſures, the effects whereof would not appear, perhaps, till it ſhould be too late to prevent them. Wherefore, far from being contented, they preſented a remonſtrance to the parliament, whereby they ſufficiently diſcovered their diſinclination to an agreement. This remonſtrance contained the following complaint of the officers and ſoldiers.

Other demands of the army. Ruſhw.

‘ That they had yet received no anſwer or reſolution about the 11 accuſed members. This point they largely inſiſted upon, and pretended they could not expect they ſhould be called to an account, ſo long as they continued in ſuch power, both in the houſe, and in all the committees of the higheſt truſt, as they actually did.

‘ That the army was commanded to 40 miles diſtance from London, and his majeſty's perſon demanded immediately to Richmond-houſe, within eight miles of London, to put his majeſty within reach of thoſe men's power.

‘ That it was induſtriouſly publiſhed, that his majeſty was kept a priſoner in the army, and barbarouſly and uncivily uſed; but all ſuggeſtions of that ſort were moſt falſe.

‘ Laſtly, after many complaints of publick, and private grievances, they ſaid, that they ſhould be enforced, by the parliament's affected delays, to take extraordinary courſes to put things to a ſpeedy iſſue, unleſs by Thurſday night next they received aſſurance and ſecurity on the following articles:

‘ 1. That the declaration inviting men to deſert the army be recalled and annulled.

‘ 2. That the army may be preſently paid up, equally to thoſe who have deſerted it.

‘ 3. That his majeſty coming to Richmond may be ſuſpended; and in the mean time, no place may be appointed for his majeſty's reſidence any nearer to London, than the parliament will allow the quarters of the army to be.

‘ 4. That the members charged may be forthwith ſuſpended the houſe.

‘ 5. That thoſe that have deſerted the army may be inſtantly diſcharged, and receive no more of their arrears till the army be firſt ſatisfied.

‘ 6. That both parliament and city may be freed from thoſe multitudes of reformado's, and other ſoldiers, that flock together about London.

‘ 7. That all liſtings, or raiſings of new forces may be effectually ſuppreſſed.

‘ 8. That the perplexed affairs of the kingdom, and thoſe concerning the army, may be

‘ put into ſome ſpeedy way of ſettling and ‘ compoſure.’

The parliament ſends deputies to the army to treat with them. Ruſhw.

It was viſible, the army ſought a pretence to quarrel, and as it was their intereſt to break very ſoon, for fear ſecret meaſures might be taken againſt them, ſo was it the parliament's buſineſs to gain time. To that purpoſe, they empowered the commiſſioners in the army to treat with them upon all the points in diſpute.

The 11 members deſire leave to abſent themſelves Ruſhw.

In the interim, the commons voted, ‘That ‘ by the law no judgment can be given to ſuſpend the 11 members from ſitting in the houſe, ‘ upon the papers preſented from the army, ‘ before the particulars be produced, and proofs ‘ made.’ But an expedient was found to ſoften this refuſal, viz that the parties accuſed ſhould, of their own accord, deſire leave to abſent themſelves from the houſe, which was granted, and the army remained ſatiſfied.

The general's letter to the city. Ruſhw.

About the ſame time, the army drawing a little nearer London, probably with deſign to awe the parliament, the general wrote to the lord-mayor and aldermen, that they had nothing to fear from the army, who had no ill-intention againſt the city. And, indeed, it was reſolved in a council of war, that there ſhould be no farther advance of the army than to Uxbridge.

The parliament contents the army. Clarend.

It is certain, there were many in the city and parliament, that wiſhed to ſee a breach between the two houſes and the army. Some, doubtleſs, imagined ſuch a breach would be very advantageous to the king, and that one or other of the two parties would join with him, and be directed by him; nay, the king flattered himſelf with theſe hopes. The army ſhewed great regard for him, and ſome of the officers even hinted to him, they were labouring for his reſtoration. For this reaſon the two houſes thought it very neceſſary to avoid a breach, which could not but produce many ill effects. Both houſes, therefore, voted, that they conſidered the army commanded by general Fairfax, as their army, and would make proviſion for their maintenance. It was farther ordered, that they ſhould have a month's pay, and no officer or ſoldier ſhould leave the army without licenſe from the general; that all reformado's ſhould remove from the city, and the king reſide no nearer London than the army. Theſe votes being communicated to the army, they ſeemed ſo well pleaſed with them, that they reſolved to remove from London, to ſhew they intended to uſe no force upon the parliament, and the head-quarters were appointed at Wickham.

Plot at London againſt the army. Whiteloc.

Whilſt the parliament was endeavouring to content the army, a plot was forming in London, to compel the two houſes to take other meaſures, and oppoſe the army. The Preſbyterians were not pleaſed to ſee the Independents gain ſo much ground, and cenſured the parliament for thus meanly complying with the army. The magiſtrates of London came into this plot, as well as the moſt zealous Preſbyterian members of parliament, who had not been able to hinder the late votes for preventing a breach with the army. The authors of this plot had ſent private agents into Scotland to deſire aſſiſtance; nay, it was whiſpered in London, that Scotland was going to declare againſt the army.

Petition of the common-council to the parliament. Whiteloc.

The firſt ſtep taken by the conſpirators, was to preſent to the parliament, a petition from the common-council of London, wherein they expreſſed ſome ſuſpicion of their conduct. This was, doubtleſs, in order to have a pretence to complain more openly afterwards, and to begin to leſſen the people's prepoſſeſſion in favour of the parliament. In this petition, the city complained of the arbitrary power exerciſed by the parliament's committees, as well as of the ill-management of the publick money, and deſired :

‘ 1. That preſent command be given, that ‘ no officer of war, or ſoldier, do enter London, ‘ under pretence of receiving their arrears.

‘ 2. That ſuch officers and ſoldiers as are ‘ already paid, if their uſual habitation and ‘ employment have been within London, be ‘ enjoined forthwith to betake themſelves to ‘ their calling; and ſuch as have dwellings in ‘ the country, be required to depart within ‘ two days after publication.

‘ 3. That all who have been in arms againſt ‘ the parliament, be enjoined upon pain of ‘ impriſonment, within 24 hours after publi‑ ‘ cation, to repair to their ſeveral habitations.

‘ 4. That ſuch commanders and ſoldiers as ‘ have come in from the army, and received ‘ their monies, may be otherwiſe diſpoſed of ‘ as the parliament ſhall think fit.

‘ 5. That all perſons whatſoever that are ‘ poſſeſſed of any monies or goods belonging ‘ to the publick, may be enjoined to bring the ‘ ſame, within one month after publication, ‘ into ſome publick treaſury.

‘ 6. That all revenues be managed under ‘ ſuch commiſſions, and by ſuch perſons, as ‘ notwithſtanding any privilege of parliament, ‘ may be held to ſuch rules as are or ſhall be ‘ preſcribed therein.

‘ 7. That the parliament would for the ‘ preſent lay aſide all buſineſſes of leſſer ‘ conſequence, and improve their time and ‘ utmoſt endeavour, that ſuch laws may be ‘ prepared for his majeſty's concurrence, as ‘ may ſettle the government of the church, ſe‑ ‘ cure the people from all unlawful and arbi‑ ‘ trary power whatſoever in future, and reſtore ‘ his majeſty to his juſt rights and authority, ‘ according to the covenant.

‘ 8. And, that the people may be the bet‑ ‘ ter ſecured to enjoy the intended effects of ‘ ſuch laws as ſhall be ſo made with the royal ‘ aſſent, that eſpecial care be taken, that all ‘ officers of ſtate, and other miniſters of juſtice, ‘ may be perſons of honour, of conſiderable ‘ intereſt, and of known integrity.

‘ 9. That the parliament would pleaſe to ‘ provide for the carrying on of the affairs in ‘ Ireland.

‘ 10. That by juſt and good means the cor‑ ‘ reſpondence with Scotland may be maintain‑ ‘ ed and preſerved.

‘ 11. That the houſe of commons would ‘ pleaſe to give order for a ſpeedy examination ‘ of all unlawful elections and returns of the ‘ members thereof.

‘ 12. That ſome ſpeedy courſe may be taken for the deciding of all cauſes formerly determinable in the court of admiralty.

‘ 13. That ſatiſfaction being made by delinquents, an act of oblivion may be paſſed.’

To incenſe the Londoners againſt the army, it was rumoured, that they deſigned to declare for the king; nay, a pamphlet was diſperſed in London, intitled, Heads preſented by the army to the king's majeſty. But the army diſowned it by a publick declaration.

Difference between the parliament's and army's commiſſioners.

The parliament having impowered their commiſſioners to treat with the army, they nominated on their part, Cromwell, Ireton, Fleetwood, Rainsborough, Harriſon, Sir Hardreſs Waller, Rich, Lambert, Hammond, and major Rainsborough, all Independents, and heads of the party in the army. It appears by memoirs, inſerted in Ruſhworth's Collections, that the army's commiſſioners would not begin to treat, before the parliament ſhould have granted ſome things they demanded, and really performed them. They complained, that the parliament ſeemed, indeed, by their votes to comply with the army's deſires, but delayed to put them in execution. The parliament's commiſſioners endeavoured on their ſide to avoid having theſe points conſidered as granted preliminaries, and inſiſted upon their making part of the negotiation.

Different ſentiments in the parliament. Clarend.

This ſhews, the parliament ſought to gain time, and ſeemed inclined to give the army ſatisfaction, only becauſe it could not be avoided. The commons were almoſt all Preſbyterians, and conſequently were vexed to ſee themſelves obliged to ſtoop to the Independents, who were maſters of the army. Among the Preſbyterian members, there were not a few, who, being very warm, would have gladly hazarded a breach with the army, rather than be forced to receive law from them. But the reſt, being the majority, tho' no leſs enemies to the Independents, thought it more adviſeable to have patience, and try to amuſe the army till ſome aid might be ſecured, rather than furniſh them with a pretence to march to London, and ruin at once the Preſbyterian-party and parliament. Accordingly, theſe prevailing in both houſes, every thing ſeemed to tend to an agreement, which could not but be fatal to the Preſbyterians; however, there was no way to avoid it. For this reaſon, the parliament forbid the reformado-officers to come into London for two months, and gave very ſtrict orders againſt liſting of ſoldiers, which was privately tranſacting in the city.

The continuance of the plot. Whiteloc.

In the interim, the project of raiſing forces in London to oppoſe the army ſtill continued, tho' with the utmoſt ſecrecy, and the agents in Scotland cauſed much to be expected from the Scots, as being concerned to ſupport the Preſbyterian-party. But the authors of this project could hardly flatter themſelves that the aſſiſtance of Scotland could be ready in time, ſince the parliament and army were upon terms of accommodation. They found, therefore, they were either to break off this accommodation, or reſolve to ſee all their hopes vaniſh and ſuffer Preſbyterianiſm to be trampled upon by the Independents. To ſucceed in the deſign of preventing a peace between the parliament and army, they found no better way than to excite the people, to force the parliament to alter their meaſures. They got, therefore, the apprentices, and London-mob, to preſent petitions, that the Preſbyterian government might be firmly eſtabliſhed; the inſolence of the ſectaries curbed; the army paid off and diſbanded; and other things of the like nature deſtructive of the projected agreement.

July 13.

Forces in the north adhere to the army. Ruſhw.

On the other hand, the forces in the north, and the horſe quartered at Nottingham, publiſhed declarations of their adherence to the army commanded by general Fairfax.

The commons permit the 11 members to abſent themſelves for ſix months.

About the ſame time, the parliament, at the army's requeſt, ordered the four regiments that came from the army, under colour of engagement for Ireland, but remaining ſtill in the kingdom, to be diſbanded. They permitted likewiſe the 11 accuſed members to go beyond ſea for ſix months, inſinuating to them by this permiſſion, that they would do well to take this courſe of their own accord. But, as, probably, they were deeply concerned in the plot formed at London, if not the authors, they thanked the houſe for this favour, without being in haſte to take the benefit of it.

The army's petition to the parliament. Clarend.

In the interim, the army hearing, ſomething more than ordinary was contriving in London, and that ſuccours from Scotland were talked of, ſent a petition to the parliament, with theſe farther demands: “That a declaration be publiſhed againſt the bringing in of any foreign forces: That the army be paid up equal with the deſerters thereof, and put into a conſtant courſe of pay: That the committee of the militia of London, that had been changed by ordinance of the 4th of May laſt, be reſtored, and the militia of the city ſpeedily returned into thoſe hands who formerly gave large teſtimonies of their fidelity to the parliament and kingdom.” Whereupon the parliament declared, that whoſoever ſhould bring in foreign forces, without the conſent of both houſes, ſhould be deemed traytors. It was voted likewiſe, that the militia of London ſhould be reſtored to the old commiſſioners, and an ordinance was paſſed for that purpoſe. To underſtand this article, it muſt be obſerved, that in the beginning of May laſt both houſes perceiving ſome motions in the army, thought proper to ſecure the militia of London, and put it into ſuch hands as they could confide in. To that end, they paſſed an ordinance May the 4th, for chuſing a new committee of the militia of London, by which means none were admitted into this committee, or any office of the militia, but Preſbyterians, entirely devoted to the party. This change it was, that both houſes repealed, at their army's requeſt, and reſtored the former commiſſioners.

The Preſbyterian-party, who had great credit in the city, and poſſeſſed all the poſts, could not without extreme regret, behold the parliament's condeſcenſion to the army, that is, to the Independents. They ſaw that party ty daily encreaſe, and in condition to give law to the parliament itſelf. For this reaſon, the rigid Presbyterians, ſeconded by the common-council of London, formed an engagement to aſſiſt one another, and oppoſe the army to the utmoſt of their power, upon a ſuppoſition, that the army intended to ſubvert what had been hitherto done to ſettle the peace of the kingdom. The engagement publickly ſubſcribed in London, was as follows:

A ſolemn engagement of the citizens, commanders, officers, and ſoldiers of the trained-bands, and auxiliaries, the young men, and apprentices of the cities of London and Weſtminſter, ſea-commanders, ſeamen, and watermen; together with divers others, the commanders, officers, and ſoldiers, within the lines of communication, and pariſhes mentioned in the weekly bills of mortality.

Ruſhw.

'WHEREAS we have entered into a ſolemn league and covenant, for reformation and defence of religion, the honour and happineſs of the kingdom, and the peace and ſafety of the three kingdoms of England, Scotland, and Ireland; all which we do eminently perceive to be endangered, and like to be deſtroyed: We do therefore, in purſuance of our ſaid covenant, oath of allegiance, oath of every freeman in the cities of London and Weſtminſter, and proteſtation, ſolemnly engage ourſelves, and vow unto God Almighty, that we will, to the utmoſt of our power, cordially endeavour, that his majeſty may ſpeedily come to his own houſes of parliaments, with honour, ſafety and freedom, (and that without the nearer approach of the army) there to confirm ſuch things, as he has granted in his of the 12th of May laſt, in anſwer to the propoſitions of both kingdoms; and that by a perſonal treaty with his two houſes of parliament, and the commiſſioners of the kingdom of Scotland, ſuch things as are yet in difference, may be ſpeedily ſettled, and in a firm and laſting peace eſtabliſhed; for the effecting hereof, we do proteſt, and reoblige ourſelves, as in the preſence of God, the ſearcher of all hearts, with our lives and fortunes, to endeavour what in us lies, to preſerve and defend his majeſty's royal perſon and authority, the privileges of parliament, and liberty of the ſubject, in their full and conſtant freedom, the cities of London and Weſtminſter, lines of communication and pariſhes mentioned in the weekly bills of mortality; and all others that ſhall adhere with us to the ſaid covenant, and oath of allegiance, oath of every freeman of London and Weſtminſter, and proteſtation: Nor ſhall we by any means admit, ſuffer, or endure, any neutrality, in this common cauſe of God, the king, and kingdom, as we do expect the bleſſing of God Almighty, whoſe help we crave, and wholly devolve ourſelves upon, in this our undertaking.'

The parliament forbids the ſigning of it. July 24. Ruſhw.

The two houſes had no ſooner advice of this engagement, but they publiſhed by beat of drum, and ſound of trumpet, a prohibition to ſign it. On the other hand, the general loudly complained to the parliament's commiſſioners, and deſired them to put a ſpeedy ſtop to the agitations in London, which tended to rekindle the war. At the ſame time, he ordered a ſtrict enquiry to be made in the army after all Cavaliers, who had born arms for the king, or were ſuſpected to be of his party, with a command to diſmiſs them forthwith.

Commotions in London. Ruſhw. Two petitions concerning the militia. Whiteloc.

For two or three days there was a great commotion in London: Aſſemblies were held, ſoldiers liſted, and orders given them to be ready upon the firſt notice. The common-council received two petitions, one from a great number of ſubſtantial citizens, the other from the young men and apprentices, to deſire, 'That the militia might be continued, as ſettled by ordinance of May the 4th.' Whereupon the common-council repreſented to the commons in a petition, 'That having taken notice of the pleaſure of both houſes for conſtituting, by ordinance, dated July the 23d, a new committee for the militia of the city of London, and for determining of a former ordinance for the ſame, dated the 4th of May laſt, they could not but call to mind, how far both houſes of parliament had formerly honoured the city, when they firſt eſtabliſhed the committee for the militia, to take the ſenſe of this court before they finally reſolved thereupon; which confidence the petitioners are not conſcious to themſelves to have forfeited. And next, being ſenſible, what a general diſtemper this ſudden change hath already made, and is like to make, in the city, they could not but earneſtly pray, that the militia which was eſtabliſhed by ordinance, the 4th of May laſt, may be reſtored.'

The parliament's perplexity.

The parliament was not a little embarraſſed in the preſent juncture, conſidering the impoſſibility of contenting, at the ſame time, the army and the city, whoſe deſires were diametrically oppoſite. It is certain, moſt of the members were Presbyterians, and conſequently, ill-affected to the army. Had it been in their choice, they would have declared againſt and disbanded the army according to their intention. But ſince the army's approach to the city, the wiſeſt, who were the majority, had thought it proper to comply, not ſeeing how the army could be oppoſed, if they proceeded to violence, as was very likely. But there was a good number of others who were for running all hazards rather than ſee the Independents triumph. In the interim, theſe laſt privately cheriſhed the commotions in the city, imagining, the aſſiſtance they might receive from London, was ſufficient to reſiſt all attempts of the army. This was likewiſe the opinion of the common-council, the populace, and ſome general officers, as Sir William Waller, Poyntz, and Maſſey, who were removed by the new model, and were then in London. The only point, therefore, was to induce the parliament to join with them, and take vigorous reſolutions againſt the army. But as there was no likelihood of prevailing by fair means, it was reſolved to uſe force.

To

The young men and apprentices come and petition the parliament, Ruſhw.

To that end, the 26th of July, a great number of young men, and apprentices, came to Weſtminſter, and preſented a petition to the houſe of commons, deſiring:

1. That the ordinance of July the 23d for change of the militia of London, be immediately repealed.

2. That the city may be vindicated againſt a late pretended declaration, that thoſe are traitors who ſhall act to get ſubſcriptions, and that it may be revoked.

3. That both houſes do preſently make an order, for calling in all abſent members, eſpecially the eleven late accuſed members, againſt whom there has been nothing proved to this day.

and conſtrain both houſes to grant their deſires. Whiteloc.

Theſe demands were ſuch, conſidering the preſent juncture, that it was no wonder much time was ſpent in debating by both houſes. But the people without, growing impatient, and perceiving theſe debates were intended only to amuſe them, made a great noiſe in the outer rooms. Some knocked at the door of the houſe. Others threw in ſtones at the windows of the houſe of peers. In a word, they very plainly ſhewed, they would not ſuffer the two houſes to riſe, before they had received ſatisfaction. At laſt, both houſes ſeeing it would be in vain to reſiſt the multitude, who threatened to tear them in pieces, voted, "That the ordinance of the 23d of July, for ſettling the militia of London, and the declaration of the 24th of the ſame intent, be null and void." This done, the houſe of commons adjourned till next day. But the multitude conſtrained the ſpeaker and members to reſume their places, and deſired them to vote, that the king ſhould come to London; which was done accordingly. On the morrow, both houſes being met, adjourned to the 30th.

The general's letter to the city.

The common-council's anſwer. Whiteloc.

On the 28th, the common-council received a letter from the general, expreſſing his good-affection and tender care of the city, but withal, his great diſlike of the petition, and the means uſed to promote it. At the ſame time, many young men and others attended the common-council, declaring their readineſs to ſupport the juſt privileges of the city againſt all oppoſers. Whereupon a letter was ſent by a meſſenger to the general, and ſix commiſſioners appointed to follow the next morning. In the letter, "They declared their inclination to peace, entreating him, that the army might not advance, nor intermeddle with the rights and privileges of the city, conceiving that the ſtrengthening the city for the ſafety thereof, was no juſt cauſe to provoke the ſoldiers: And as for the petition, the parliament had already declared their ſenſe of it, and, therefore, it was needleſs for them to do it, and the rather, for that it had never been formerly preſented to them."

The city put themſelves in a poſture of defence. Ruſhw.

In the interim, the common-council having received intelligence that the army was advancing towrrds London, orders were given for the trained-bands to go to their works, and for all that could bear arms to appear the next morning at ſeveral places.

The two ſpeakers abſent themſelves.

Votes of the commons to reſiſt the army. Ruſhw.

Maſſey made commander in chief. Whiteloc.

Both houſes meeting July the 30th, the two ſpeakers did not appear, which obliged them to chuſe others in their room. With the ſpeakers, a good number of members of both houſes were alſo departed from London, without any one's knowing whither. The abſence of theſe members, who were all friends to the army, rendered the contrary party ſo ſuperior, that the commons voted the ſame day, that the king ſhould come to London: That the militia of the city ſhould have full power to raiſe ſuch forces as they ſhould think fit, for the defence thereof: That they ſhould chuſe a commander in chief to be approved by the houſe, and ſuch commander to preſent other officers, to be approved by the militia. After that, the committee made choice of major-general Maſſey to command in chief, and ordered, that all reformado's and other officers ſhould the next day appear to be liſted in St. James's fields, and the forces already liſted to be put into a regimental way.

The general's letter to the city. Ruſhw.

The ſame day, the common-council received a letter from general Fairfax, dated the day before, wherein he ſpoke very ſharply of the tumult of the 26th, and of the violence upon the parliament. He ſaid, the guard ſent from the city, not only neglected their duty, but that divers of the common-council greatly encouraged the ſeditious. That they had not kept their word with the army, which, upon their aſſurance, to ſecure the parliament from any attempt, had removed to that diſtance from the city. That he could not but look on them as accountable to the kingdom, for the preſent interruptions of the hopeful way of peace and ſettlement of the nation, if by their care and induſtry the chief actors in the late tumults were not detected and given up to juſtice.

The city's declaration againſt the army. Ruſhw.

On the other hand, the city publiſhed an apology by way of declaration or manifeſto, ſetting forth, 'The army's ſurpriſing of the king at Holmby, without its being known by what authority, and under what pretences; and their keeping his royal perſon ever ſince, notwithſtanding his ſurpriſal was diſowned by the general for himſelf and all the officers about him, and for the body of the army. That the privileges of parliament had been violated by the army's cauſing the eleven members to withdraw, and by interpoſing in the militia of London, which was ſubject to no other cognizance but of the king and parliament.' There were ſeveral other things in this manifeſto, which inſinuated, that the army's ill deſigns were but too evident. They concluded with proteſting, that 'they ſincerely deſire a happy and ſpeedy peace by the ſettlement of true religion, by re-eſtabliſhing his majeſty's juſt rights, by upholding all lawful privileges of a free parliament, by maintaining the fundamental laws of the land by reſtoring the ſubject to his juſt liberty, and by freeing this long oppreſſed kingdom from all taxes, and the enforced free-quarters towards the maintenance of an army which

‘ hath long had no viſible enemy to encoun-‘ ter.’

The parliament orders the general to remove the army farther from London. July 30.

Both houſes alſo wrote to the general, that tho’ he had given them no account of the motion of his army, yet they underſtood, he had ordered his forces to march towards London, on pretence of defending the houſes from the danger of tumults, upon which account they thought fit to let him know, that as they could not but have a deep ſenſe of the undue liberty which ſome apprentices and others had taken, to violate the freedom of parliament, ſo they doubted not, but the ſenſe of ſo great an offence would, at laſt, ſtrike thoſe that were acceſſary thereto, with a deteſtation of any ſuch practices for the future: And that as the houſes could not imagine, theſe diſorders had the allowance of the city of London, ſo they had ſince received full ſatisfaction by the ſtrict orders publiſhed by the common-council for preventing and ſuppreſſing of tumults, and by their declaration, that they ſhould ſit with freedom, and ſecurity from any diſturbances for the future. And, therefore, they ſaw no cauſe to command the army to come to their aſſiſtance, but rather judged (by the diſtractions raiſed at the news thereof) that the army’s approach was like to produce great miſchiefs, and caſt the whole kingdom into confuſion. That for prevention of theſe dangers, they had ſent him an expreſs order to withdraw his army, requiring him to give exact obedience thereto.

Vote to receive the 11 members.

The ſame day the commons voted, that the 11 accuſed members ſhould be received into the houſe; and accordingly moſt of them came and took their places on the morrow.

Preparations in London.

On the 31ſt, the two houſes publiſhed an ordinance, enabling the committee of the militia of London to puniſh ſuch as did not repair to their colours, and to chuſe a major-general, or any other officer for the forces raiſed or to be raiſed within the city of London; and Maſſey, Waller, and Poyntz were employed in forming regiments and companies.

The army marches towards London. Ruſhw.

Tho’ the parliament and city made great preparations, the army were under no apprehenſions. They knew, that two or three days were not ſufficient to diſcipline an army levied in haſte in the city, and enable it to withſtand 20,000 victorious troops, well ſupplied with arms, ammunition, and ordinance. They continued, therefore, their march to the general rendezvous at Hounſlow-Heath, within 12 miles of London.

The general delivers to the parliament’s commiſſioners, propoſals for peace with a declaration. Ruſhw.

In the interim, the general delivered to the parliament’s commiſſioners, certain propoſals to be negotiated between the parliament and army, for ſettling the peace of the kingdom. At the ſame time, he put into their hands a declaration by the council of war, wherein the officers ſaid, tho’ the late violence done to the parliament rendered all proceedings in the way of treaty vain and hopeleſs, till the parliament ſhould be reſtored to a condition of freedom, yet they had thought good to make this publick tender of propoſals to the conſideration of the kingdom, wherein all men might ſee the integrity of their intentions, and the bottom of their deſires. Theſe propoſals related entirely to the publick, without any mixture of the private views of the army.

The two ſpeakers and the reſt of the abſent members caſt themſelves upon the army’s protection. Ruſhw.

In the interim, the two ſpeakers, and the reſt of the members of both houſes who had abſented themſelves, to the number of 66, came to the general, deſiring his protection, and ſaying, that as there was no free ſitting in the parliament, they had quitted the houſes for fear of being torn in pieces by the mob. Nothing could be more agreeable to the army than this requeſt, which authoriſed them, without their being forced to ſeek other pretences, to march to London to re-inſtate the members ſuppoſed to be driven from the parliament by the populace. From that time, they would no more own the two houſes for parliament, but paid to the ſpeakers and members who attended them, the ſame reſpect as they would have done to the parliament itſelf.

Reaſons of the conduct of the ſpeakers and the reſt.

It was very ſtrange, that zealous Presbyterians, ſuch as were moſt of the abſented members, ſhould have recourſe to the army’s protection, againſt the endeavours of their brethren in both houſes and the city, to prevent the Indpendents from trampling upon Presbyterianiſm. The moſt probable reaſon of this proceeding, I think, is, that theſe members imagined, their brethren and the common-council of London were taking wrong meaſures, and would be infallibly oppreſſed by the army. It was, therefore, very natural for men in this belief, to endeavour to avoid being involved in the ruin their party was threatened with, and to chuſe rather to continue to diſſemble their ſentiments, as they had done for ſome time, than be expoſed, in vain, to inevitable, as they thought, calamities. To this may be added, that among theſe members, there were ſome Independents, who earneſtly laboured to perſuade the reſt to this courſe, as we are informed by Ludlow’s Memoirs, who was of this number and party. The lord Clarendon gives another reaſon, which ſeems not ſo natural. He pretends, theſe members believed, the army deſigned to reſtore the king to all his rights, and ſeeing there was not forces ſufficient to hinder it, they were willing to avoid the effects of his vengeance, by concurring with the army in his reſtoration. But, beſides that the event ſhewed, the Independents had no ſuch intention, it is certain they had not hitherto expreſſed it, unleſs ſome civilities paid the king ſince he was in their hands, are to be conſidered as real proofs of this intention. Moreover, the army had juſt given a ſenſible proof, that their deſign was not to reſtore the king to all his rights, by the propoſals lately delivered to the parliament’s commiſſioners, whereby the king’s prerogatives were entirely ſubverted, as will hereafter appear.

Be this as it will, the army improved the deſertion of theſe members to juſtify their advance towards London, and to ſhew that their view was only to prevent a new war, which the members at Weſtminſter, and the common-council of London, had a mind to excite.

To this purpoſe, they publiſhed a manifeſto, containing the reaſons of their marching to London; the ſubſtance whereof was to this effect:

The army's manifeſto. August 2. Ruſhw.

‘That the army was formerly led, by the grounds then declared, to advance towards the city of London; but having received from the parliament and city ſome hopes of ſatisfaction, they yielded a ſpeedy compliance to their deſires for their removal to a farther diſtance. And being in this ſecure way, and labouring after the ſudden ſettlement of the kingdom, they had even brought to perfection, particular propoſals to be ſent to the parliament, for a final concluſion of all their troubles; but the kingdom's enemies being moſt vigilant to fruſtrate thoſe good intentions of theirs, had endeavoured to caſt the kingdom into a new and bloody war: And for that end had procured the under-hand liſting of ſeveral reformado's, and others, and contrived a wicked and treaſonable combination; as it was ſufficiently manifeſted by a declaration paſſed thereupon by both houſes of parliament the 23d of July laſt, for the prevention of the diſturbances that were like to enſue thereupon; from which kind of diſorders the city had been well preſerved, during the ſpace of almoſt four years, whilſt the militia was in the hands of the old commiſſioners, whereby it appeared, there was cauſe for the army to intreat the parliament, that the militia might be returned into the hands it was in before.

‘That thoſe old commiſſioners of the militia were not only perſons without all exception, but alſo men of whom the kingdom had had above four years experience in the faithful diſcharge of their truſt, and that were always moſt deſirous of peace. Yet, on a ſudden, this truſt which they had ſo faithfully diſcharged ſo long, was taken out of their hands, and put into the hands of others, ſome whereof had been very cool in the ſervice of the parliament; and this was preſſed, and in a manner forced upon the parliament; with the utmoſt importunity. Theſe things miniſtred great cauſe of ſuſpicion, that that alteration of the militia was in order to make the terms of the peace, and agreement with the king, more ſuitable to the private undertakings of ſome men. than to the publick welfare of the whole kingdom. But this deſign diſcovered itſelf more clearly, in that at the ſame time that the alteration of the militia of London was ſet on foot, the ſame perſons with as much earneſtneſs preſſed for the diſbanding of the army, before any thing was ſettled for the ſecurity and liberty of the kingdom. At the ſame time, the common-council was new modellized, a lord-mayor choſen that might ſuit with the preſent deſign, and divers perſons were left out of the common-council and militia of eminent deſerts and fidelity, and others brought into their rooms, that had either teſtified an ill affection, or little affection to the parliament and their cauſe. That the honour of the parliament was continually trampled under foot, and their authority affronted by every rabble of women, apprentices, reformado's and ſoldiers, till at length it was riſen to the height of monſtrous violence againſt the parliament, that they might ſet themſelves on work, and the kingdom on fire again. That, at length, the deſign appeared open-faced, and tho' the militia was made the principal ground of the quarrel, yet the preſſing ſo much the king's coming to London to confirm the ſame, ſhewed that the militia was deſired but in order to that deſign, and to force the parliament to ſuch terms of peace as they pleaſed.

‘That the intereſt of the common-council, in their change of the militia, was claimed as the birth-right of the city of London; but ſuch a claim could not juſtly be held up againſt both houſes of parliament: For then who ſhall be maſter of the parliament's freedom and reſolutions? And who ſhould be maſters of the birth-rights of the whole kingdom, when there ſhould be no army on foot?

‘That the army diſcerning how intimate ſome of the new militia were with ſome of the 11 accuſed members, and how forward they were to comply and act with them in their endeavours to raiſe a new war, found it neceſſary to deſire, that the militia might be put into the hands wherein it was formerly, that the army being ſecured by that means from danger, might with the more confidence retire farther from the city. Which, according to their deſire, being reſtored again into the hands of the old commiſſioners, ſeveral petitions were preſented to the common-council of the city of London, in the name of the apprentices and others, importing their deſires, that the militia of the city might continue in the hands of the former commiſſioners, according to the ordinance of the 4th of May laſt; whereupon the common-council of the city preſents their petitions to both houſes for changing the militia, wherein the houſe of lords refuſe to alter their reſolutions; the houſe of commons anſwered, they would take into conſideration the next morning; notwithſtanding which, the city and kingdom could not be ignorant, with what rage and inſolency the tumult of apprentices the ſame day forced both houſes; they blocked up their doors, threatening them, if they granted not their deſires; and in this outrageous manner continued at the houſe eight hours together; after which, the houſe riſing, the ſpeaker, and many members going out, they forced them back again into the houſe. And during the time of that violence, Weſtminſter-hall and the Palace-yard, was filled with reformado's, and other ill-affected perſons deſigned to back them. After that, the houſes being adjourned, the apprentices printed and poſted a paper in ſeveral places of the city, requiring all their fellows to be early at the parliament the next morning, for that they intended to adjourn by ſeven ‘of the clock, and that for a month. Thus the ſpeakers, with many of the members, were driven away from the parliament. All men therefore might judge of the juſtneſs of the cauſe the army had engaged themſelves in. And if after ſo much blood and treaſure ſpent, all that they were to hope for, and reſt in, was only what the king had granted in his meſſage of the 12th of May laſt, what muſt become of the kingdom? &c.

‘Laſtly, the army declared, that they would ſtand by all ſuch members of either houſe of parliament, as were forced to abſent themſelves from Weſtminſter, and uſe their utmoſt and ſpeedy endeavours, that they might with freedom and ſecurity ſit there again. They likewiſe declared againſt the choice of a new ſpeaker, and againſt all orders, votes, or reſolutions forced from the houſe on the 26th of July laſt, and ſuch as ſhould be paſſed till thoſe members were reſtored again: That they thought themſelves bound to bring to condign puniſhment the authors and fomenters of the violence done to the parliament, and expected that the people of London would deliver up to them the 11 members impeached. But if any in the city ſhould engage themſelves to protect thoſe members, and ſo put the kingdom again into a war, the blood muſt be laid to the account of ſuch perſons.

‘And whereas ſome had poſſeſſed the minds of men, that they gaped only after the plunder of the great and wealthy city of London; they declared from their hearts, that they abhorred the thought thereof: But as they were informed, that the city of Weſtminſter, and the borough of Southwark, were brought into a hard condition, by claiming a right not to be ſubjected to a militia, without their own conſent, they promiſed to aſſiſt them for the obtaining of their juſt deſires and immunities.

‘That when theſe things were duly ſettled, they ſhould be as ready to aſſure unto the king his juſt rights and authority, as any that pretended it never ſo much.’

The common-council alter their reſolution.

The next day, the army being drawn together on Hounſlow-Heath, the common-council of London began to fear the danger to which the city would be expoſed, if the army ſhould force the lines, which was but too likely, and this apprehesion cauſed them to take more moderate reſolutions[*]. So taking occaſion from the army's late declaration, they wrote to the general, that underſtanding by the declaration, that the army's intention was only to reſtore the abſent members to their places in the parliament, the city was ready to concur with them in their deſign. That accordingly, he ſhould find all ports and paſſes open, and for removing all miſunderſtanding, they had recalled their late declaration. The general anſwered, that he wiſhed all the forts on the weſt-ſide of the city were delivered to him, and he was immediately obeyed. After that, he wrote to the common-council, that the preſerving of the privileges of the parliament, and ſecuring the members from violence, had been the ſole cauſe of his near approach to their city.

The general comes to London, and reſtores the two ſpeakers and the reſt of the members. Ruſhw.

The 6th of Auguſt, the general, preceded by ſome regiments of horſe, and attended by the two old ſpeakers, and the members who had abſented themſelves, came to Weſtminſter, and alighted at Sir Abraham Williams's houſe in New-Palace-Yard. He ſtaid there ſome time, whilſt the two ſpeakers, and the reſt of the members repaired to their reſpective houſes.

He is made governor of the tower, and thanked. Ruſhw.

Preſently after, the houſe of peers paſſed an ordinance for making general Fairfax conſtable of the tower, with power to name a deputy, to which the commons conſented. After that, the general was deſired to come to the parliament, where he received the thanks of both houſes. The ſame day, the parliament ordered, that the 12th ſhould be a day of thankſgiving to God, for reſtoring the members of both houſes to their juſt privileges, without the effuſion of blood, and that a gratuity of a month's pay ſhould be given to the non-commiſſioned officers and ſoldiers for this great ſervice. The following days were ſpent in approving and ratifying what the army had done. But this was not all; the lords demanded two things, which the commons very much oppoſed. The firſt was, the making null all acts, done from the 26th of July, to the 6th of Auguſt. The commons were ready to give their conſent, provided it was without declaring them illegal. This diſpute held till the 20th, when the commons paſſed, at length, the ordinance demanded by the peers, but with this reſtriction: “That no perſon ſhall be impeached or puniſhed, for his acting by, or upon, the ſaid votes, orders, or ordinances, unleſs he ſhall be found guilty of contriving or abetting the viſible force put upon the parliament, or of entering into, or promoting the late engagement, for the bringing the king to the city, upon the terms and conditions expreſſed in his majeſty's letters of the 12th of May laſt.”

Diſpute between the lords and commons. Ruſhw.

The ſecond thing deſired by the lords, was, that it ſhould be declared, the parliament was not free from July the 26th to the 6th of Auguſt, and that the members who aſſembled at Weſtminſter, in the abſence of the ſpeakers, ſhould be expelled the parliament and puniſhed. This queſtion being debated a whole day in the houſe of commons, was carried in the negative, but by three voices. The lords inſiſted upon this point merely out of compliance to the army, who, by a remonſtrance to the parliament, had demanded the ſame thing, declaring, they could not ſuffer ſuch members as ſate and voted during the abſence of the ſpeakers, to intrude themſelves into the parliament before they had given ſatisfaction to their reſpective houſes. Nevertheleſs, this affair was carried no farther. Only ſeven lords, with the lord-mayor, ſeveral aldermen, and ſome officers of the militia were accuſed of high-treaſon for being concerned in the tumult of July the 26th, which was called, intending to excite a new war.

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[*] When a ſcout came in, whilſt the city militia and common-council were ſitting, and brought news, That the army made a halt, or other good intelligence, they cried, One and all; but if the ſcouts brought intelligence that the army advanced nearer to them, then they would cry as loud, Treat, treat, treat. At laſt, they agreed to ſend the general an humble letter. Whitelock.

The king's ſtate and condition.

He is flattered by the army. Clarend.

Whilſt theſe things paſſed between the parliament and army, the king was not only very quiet, but even entertained great hopes from this diviſion, and flattered himſelf, that the army would declare for him. Their civility and complaiſance to him ſeemed to promiſe him a happier ſtate, than when in the hands of the parliament. Three of his chaplains were allowed to come to him, and celebrate divine ſervice, after the manner of the church of England, and all his old ſervants and domeſticks had liberty to ſee and ſpeak with him. Berkley, Aſhburnham, Capel, the marqueſs of Ormond himſelf, who had, at laſt, ſurrendered Dublin to the parliament, ſaw him as often as they pleaſed in publick or private, and the two firſt were now in his ſervice. The Scotch commiſſioners reſiding at London, frequently viſited him, and expreſſed a great deſire to ſerve him. As they knew, that the Independents were ſworn enemies of their nation, they began to perceive, it was their intereſt to join with the king againſt their common enemies. In the interim, the civilites ſhewn the king were but the effect of the policy of Cromwell and his aſſociates. They were not ignorant how the parliament and city of London ſtood affected to them, and were perſuaded, that after all, the Preſbyterians would chuſe rather to agree with the king, than ſee the Independents triumph. To prevent this union it was, that they had cauſed the king to be removed from Holmby, without either the general-officers, or the body of the army appearing in it, to a place where his perſon was in their power. On the other hand, the king was extremely carreſſed by them, and even put in hopes of a ſpeedy agreement with the army, as well to divert him from the thoughts of uniting with the parliament, as to deprive the Preſbyterians of the hope of ſuch a union. In every declaration and remonſtranceof the army, there was always ſomething inſerted to expreſs their deſire, that the king might be reſtored to his juſt rights; but it was ever with this reſtriction, "when the affairs of the government ſhould be ſettled," that is, in the manner they deſired, and they knew, it would then be eaſy to find occaſion to quarrel with the king, and retract what they ſeemed to promiſe him.

He conceives great hopes but is over-reached by Cromwell. Clarend.

The king was deceived by this policy. As he ſaw himſelf courted by both parties, he imagined, they could not be without him, and that he ſhould quickly be able to incline the ſcale to which ſide he pleaſed; nay, he fancied for ſome time, that the two parties would accept him for mediator. In this imagination he expreſſed a regard for both, and told them by turns, tho' very ſecretly, he would be guided by their counſels. In the interim, as he mortally hated the Preſbyterians, he was much more deſirous to join with the army, if they would but have granted him tolerable conditions, as they made him expect. Nevertheleſs, he liſtned to the propoſals of the Scotch commiſſioners, to put himſelf under the protection of the Preſbyterians and Scots, and thereby hoped to be ſafe, however the conteſts between the parliament and army might end. In the mean time, he ſuffered himſelf to be amuſed by Cromwell, and Ireton, who, on pretence they were ſuſpected by both houſes, ſeldom viſited him, but however, acquainted him with their intentions, by means of ſome officers, who could converſe more freely with him, or his confidents. Tho' he was uſed very civilly, he was narrowly watched, and at the very time he thought himſelf arbiter of the two parties, was really a priſoner. Since his removal from Holmby, he had followed the motions of the army, and reſided ſometimes in a town, and ſometimes at a country-houſe, according as the army thought fit. At laſt when the army had their rendezvous on Hounſlow-Heath, in order to march to London, he was conducted to Hampton-Court.

After the army was uppermoſt, the king had not the ſame reſpect paid him. Clarend.

The revolution, which happened within a few days, and which brought the parliament in ſubjection to the army, proved fatal to the king. He had quickly cauſe to perceive, Cromwell and Ireton had only amuſed him with vain hopes. The army was no ſooner maſter of the parliament and city, but the king ſaw himſelf not only neglected, but even treated more hardly than ever. The ſame reſpect was no longer paid him, and his guards would ſcarce ſuffer his ſervants to confer with him in private. In a word, he was left a long while at Hampton-Court, without mention of any accommodation, whilſt his words, his actions, and the perſons that came to viſit him, were carefully watched; nay, the Scotch commiſſioners were hindered from ſeeing him, of which they complained to no purpoſe. But before I proceed to ſpeak of the king, and his circumſtances, it will be neceſſary to relate what paſſed in the army and parliament, whilſt the king was left at Hampton-Court almoſt forgotten, tho' he ſerved ſometimes for pretence to ſeveral papers.

When the army reſolved to oppoſe the parliament's deſign to diſband them, they pretended, they would meddle only in their own affairs, without concerning themſelves with the government of church or ſtate. The demand of arrears was, at firſt, the only point whereon they founded their refuſal of being caſhiered. After that, finding it was not impoſſible to give them ſatisfaction upon that article, they demanded reparation for their honour, and a full vindication from the pretended crimes, on which the parliament had grounded their declaration againſt the authors of the firſt petition. Then they required, that the parliament ſhould ſolemnly declare, it was the privilege of the ſubject, and of the army in particular, to preſent petitions. After which they formed the councils of war, and agitators, who not content with deſiring things

1647. relating to the army, inſerted in their remonſtrances, ſundry articles concerning the government. Laſtly, the king was removed from Holmby by the authority, as it was pretended, of the army, tho' the general affirmed, that neither himſelf, nor the other general-officers, nor the body of the army, were privy to it; and by this ſame authority, how chimerical ſoever it appeared, was the king kept in the quarters of the army.

As ſoon as the army had the king in their power, they pretended to a right of ſettling the government of the kingdom with the parliament. They nominated commiſſioners to treat upon that ſubject, with thoſe of the parliament. In a word, juſt as they were preparing to march to London, the general delivered to the parliament's commiſſioners, propoſitions from the army, to ſettle the government, of which, not ſo much as one related to the particular concerns of the army. The propoſitions were theſe:

Articles propoſed by the army, to be treated on by the parliament's commiſſioners,

Auguſt 1. Ruſhw. ‘ I. THAT (things hereafter propoſed being provided for by this parliament) a certain period may, by act of parliament, be ſet for the ending of this parliament, ſuch period to be put within a year at moſt, and in the ſame act proviſion to be made for the ſucceſſion and conſtitution of parliaments in future, as followeth:

‘ 1. That parliaments may biennially be called and meet at a certain day.

‘ 2. Each biennial parliament to ſit 120 days certain, and no parliament to ſit paſt 240 days from their firſt meeting, or ſome other limited number of days; upon the expiration whereof each parliament to diſſolve of courſe, if not otherwiſe diſſolved ſooner.

‘ 3. The king, in the intervals betwixt biennial parliaments, to call a parliament extraordinary, provided it meet above 70 days before the next biennial days, and be diſſolved, at leaſt, 60 days before the ſame.

‘ 4. That this and each ſucceeding biennial parliament, at or before adjournment or diſſolution thereof, may appoint committees during the interval for ſuch purpoſes as are in any of theſe propoſals referred to ſuch committees.

‘ 5. That all counties may have a number of parliament members allowed to their choice, proportionable to the reſpective rates they bear in the common charges and burthens of the kingdom; and that the election of burgeſſes for poor decayed or inconſiderable towns be taken off.

‘ 6. That effectual proviſion be made for future freedom of elections, and certainty of due returns.

‘ 7. That the houſe of commons alone have the power, from time to time, to ſet down further orders and rules for the ends expreſſed in the two laſt preceding articles.

‘ 8. That there be a liberty for entering diſſents in the houſe of commons, with proviſion that no member be cenſurable for ought ſaid or voted in the houſe, further than to excluſion from that truſt, and that only by the judgment of the houſe itſelf. 1647.

‘ 9. That the judicial power, or power of final judgment in the lords and commons, may be cleared: And that no officer of juſtice, miniſter of ſtate, or other perſon adjudged by them, may be capable of protection or pardon from the king, without their advice or conſent.

‘ 10. That the right and liberty of the commons of England may be cleared and vindicated as to a due exemption from any judgment, tryal or other proceeding againſt them by the houſe of peers, without the concurring judgment of the houſe of commons: As alſo from any other judgment, ſentence or proceeding againſt them, other than by their equals, or according to the law of the land.

‘ 11. The ſame act to provide, that the choice of grand-jury-men may not be as now, at the diſcretion of an under-ſheriff; and that ſuch grand-jury-men for their reſpective counties, may at each aſſize preſent the names of perſons to be made juſtices of peace from time to time, as the country hath need for any to be added to the commiſſion; and at the ſummer-aſſize to preſent the names of three perſons, out of which the king may prick one to be ſheriff for the next year.

‘ II. For the militia in general, that it be provided by act of parliament.

‘ 1. That the power of the militia by ſea and land, during the ſpace of 10 years next enſuing, ſhall be ordered and diſpoſed by ſuch perſons as the lords and commons ſhall nominate and appoint.

‘ 2. That the ſaid power ſhall not be ordered or exerciſed by the king's majeſty, or by any perſons by authority derived from him, during the ſaid ſpace, or at any time hereafter, without the advice and conſent of the ſaid lords and commons.

‘ 3. That during the ſame ſpace of 10 years, the ſaid lords and commons may, by bill or ordinance, raiſe and diſpoſe of what monies, and for what forces they ſhall from time to time find neceſſary; as alſo for payment of the publick debts and damages, and for all other the publick uſes of the kingdom.

‘ 4. That no ſubjects that have been in hoſtility againſt the parliament in the late war, ſhall be capable of bearing any office of power or publick truſt in the commonwealth, during the ſpace of five years without the conſent of parliament, or to ſit as member of either houſe, until the ſecond biennial parliament be paſt.

‘ III. For the preſent form of diſpoſing the militia, in order to the peace and ſafety of this kingdom, and the ſervice of Ireland,

‘ 1. That there be commiſſioners for the admiralty, with the vice-admiral and rere-admiral, with power for the forming, regulating, appointing of officers, and providing for the navy.

‘2. That there be a general for command of the land forces.

‘3. That there be commiſſioners in the ſeveral counties for the ſtanding militia, with power for the proportioning, regulating, training and diſcipling of them.

‘4. That there be a council of ſtate, with power to ſuperintend and direct the ſeveral and particular powers of the militia laſt mentioned.

‘5. That the ſame council may have power as the king's privy-council, for and in all foreign negotiations; provided that the making of war or peace with any other kingdom or ſtate, ſhall not be without the advice and conſent of parliament.

‘6. That the ſaid power of the council of ſtate be put into the hands of truſty and able perſons now to be agreed on, and the ſame perſons to continue in that power (ſi bene ſe geſſerint) for a certain term not exceeding ſeven years.

‘7. That there be a ſufficient eſtabliſhment now provided for the ſalary of the forces both in England and Ireland, the eſtabliſhment to continue until two months after the meeting of firſt biennial parliament.

‘IV. That an act be paſſed for diſpoſing the great offices for 10 years by the lords and commons in parliament; or by ſuch committees as they ſhall appoint for that purpoſe in the intervals (with ſubmiſſion to the approbation of the next parliament) and after 10 years they to nominate three, and the king out of that number to appoint one for the ſucceſſion upon any vacancy.

‘V. That an act be paſſed, for reſtraining of any peers, made ſince the 21ſt day of May, 1642, or to be hereafter made, from having any power to ſit or vote in parliament without conſent of both houſes.

‘VI. That an act be paſſed for recalling and making void all declarations and other proceedings againſt the parliament, or againſt any that have acted by, or under their authority in the late war, or in relation to it; and that the ordinance for indemnity may be confirmed.

‘VII. That an act be paſſed for making void all grants, &c. under the great ſeal, ſince the time that it was conveyed away from the parliament, (except as in the parliament's propoſitions) and for making thoſe valid that have been or ſhall be paſſed under the great ſeal, made by the authority of both houſes of parliament.

‘VIII. That an act be paſſed for confirmation of the treaties between the two kingdoms of England and Scotland; and for appointing conſervators of the peace betwixt them.

‘IX. That the ordinance for taking away the court of wards and liveries be confirmed by act of parliament; provided his majeſty's revenue be not damnified therein, nor thoſe that laſt held offices in the ſame, left without reparation ſome other way.

‘X. An act to declare void the ceſſation of Ireland, &c. and to leave the proſecution of that war to the lords and commons in the parliament of England.

‘XI. An act to be paſſed to take away all coercive power, authority and juriſdiction of biſhops---extending to any civil penalties upon any, &c.

‘XII. That there be a repeal of all acts or clauſes in any act enjoining the uſe of the Book of Common Prayer, and impoſing any penalty for neglect thereof, and for not coming to church, or for meeting elſewhere; and ſome other proviſion to be made for diſcovering of Papiſts, prieſts, Jeſuits, &c.

‘XIII. That the taking of the covenant be not enforced upon any; but all orders or ordinances tending to that purpoſe to be repealed.

‘XIV. That (the thing here before propoſed, being provided, for ſecuring the rights, liberties, &c. of the kingdom) his majeſty's perſon, his queen and royal iſſue may be reſtored to a condition of ſafety, honour, and freedom in this nation, without diminution to their perſonal rights, or further limitation to the exerciſe of regal power than according to the particulars foregoing.

‘XV. For the matter of compoſition, &c.

N. B. There are under this head ſix articles, which cannot be well underſtood, without knowing the particulars of an act wherein delinquents were placed under ſeveral heads or qualifications, and their compoſition ſettled accordingly; but the knowledge of that can be of no uſe at preſent.

‘XVI. That there may be a general act of oblivion, &c.

‘That ſuch of the king's party who ſhall appear to have expreſſed, or ſhall hereafter expreſs their good affections to the peace and welfare of the kingdom, and to hinder the embroiling of the ſame in a new war, may be freed and exempted from compoſitions, or to pay but one year's revenue, or a 20th part.

‘Next to the propoſals aforeſaid for the preſent ſettling of a peace, the army deſires, that no time may be loſt by the parliament for diſpatch of other things tending to the welfare, eaſe, and juſt ſatisfaction of the kingdom, and in eſpecial manner:

‘I. That the liberty of the people to repreſent their grievances and deſires by way of petition, may be cleared and vindicated.

‘II. That the common grievances of the people may be ſpeedily conſidered of, and effectually redreſſed; and in particular,

‘1. That the exciſe may be taken off from ſuch commodities, whereon the poor people of the land do ordinarily live.

‘2. That the oppreſſions and encroachments of foreſt laws may be prevented for the future.

‘3. All monopolies and reſtraints to the freedom of trade to be taken off.

‘4. That a courſe may be taken to rectify the inequality of rates lying upon ſeveral counties.

'5. The preſent, unequal, troubleſome, and contentious way of miniſters maintenance by tithes to be conſidered of, and ſome remedy applied.

'6. That the rules and courſe of law, and the officers of it may be ſo reduced and reformed, as that all ſuits and queſtions of right may be more clear and certain in the iſſues, and not ſo tedious nor chargeable in the proceedings as now.

'7. That priſoners for debt may not, by embracing impriſonment, or any other ways, have advantage to defraud their creditors: And that ſuch priſoners for debt, who have not wherewith to pay, may be freed from impriſonment.

'8. That none may be compelled to anſwer unto queſtions tending to the accuſing of themſelves, or their neareſt relations in criminal cauſes; and no man's life to be taken away under two witneſſes.

'9. That conſideration may be had of all ſtatutes, and the laws or cuſtoms of corporations, impoſing any oaths ſo far as they may extend to the moleſtation, or enſnaring of religious and peaceable people, merely for non-conformity in religion.

'III. That the large power given to committees or deputy-lieutenants, during the late times of war and diſtraction, may ſpeedily be recalled and made void, and ſuch powers of that nature as ſhall appear neceſſary to be continued, may be put into a regulated way, and left to as little arbitrarineſs as the nature and neceſſity of things will bear.

'IV. That the kingdom may be righted, and ſatisfied in point of accounts for the vaſt ſums that have been levied.

'V. That proviſion may be made for payment of arrears to the army, and the reſt of the ſoldiers of the kingdom; and in the next place for payment of the publick debts and damages of the kingdom; and that to be performed, firſt, to ſuch perſons whoſe debts or damages are great and their eſtates ſmall, ſo as they are thereby reduced to a difficulty of ſubſiſtance: In order to all which (continue they) we ſhall ſpeedily offer ſome further particulars, which we hope will be of good uſe towards publick ſatisfaction.'

Remark on theſe propoſals.

Theſe propoſals ſhew, the army did not mean to leave to the parliament the ſole power of ſettling the government, tho' when they were delivered to the commiſſioners, they had not yet ſubjected the parliament and city, as they did ſome days after. How much more therefore, ſhould they think themſelves, entitled to have a ſhare in this ſettlement, after they had both houſes at command? Certainly, if the army, had really deſired, that the government ſhould be ſettled, according to their propoſals, there could not be a fairer opportunity, and the parliament would neither have been able nor have dared to oppoſe it. But, on the contrary, it is very likely, the army's deſign, in delivering theſe propoſals, was only to retard the ſettlement by raiſing difficulties, which would require time to be removed. For inſtance, the XIth article, which ſuppoſed the reſtoring of the biſhops, and the XIIIth, which left every one free to take or not to take the covenant, were directly contrary to the pretenſions of the Presbyterians. It was not for the intereſt of the Independents that the government ſhould be ſettled in the manner they propoſed; but it was for their advantage to dazzle the people, and make them believe, the army deſired only the peace and ſafety of the publick, tho' in effect, nothing was farther from the thoughts of the leaders and managers. This evidently appears, in that afterwards, they never troubled themſelves to preſs the two houſes to proceed to this ſettlement. On the other hand, the parliament was yet the ſame it had been for ſome time, that is, almoſt wholly Presbyterian, and, conſequently, enemy of the Independents, tho' obliged to ſhew the contrary. The earl of Mancheſter, ſpeaker of the houſe of lords, was Cromwell's ſworn enemy, tho' he had been the firſt to apply to the army for protection. The city of London was in the ſame diſpoſition as the parliament, and, far from ſolliciting the ſettlement propoſed by the army, they were very glad it ſhould never be mentioned, in expectation that time would afford ſome opportunity to ſettle the government without the intervention of the ſoldiery. It is, therefore, no wonder, this affair ſhould be neglected, when neither army, nor parliament, nor city, wiſhed to ſee it accompliſhed. Some ſteps, however, were now and then taken to make the publick believe it was intended. But Cromwell and the other heads of the Independents were very far from being willing to leave it to the parliament for 10 years, to manage the affairs of the kingdom as they pleaſed, to order the militia by ſea and land, and raiſe what money they ſhould think neceſſary. Much leſs would they have cared to let the people chuſe every two years new repreſentatives. All theſe things were only to throw duſt in the people's eyes. The Independents had a mind to be ſuperior, as they were, at length, and all their proceedings, tho' covered with the pretence of the publick good, tended ſolely to that end. The deſign of the Presbyterians, parliament, and city of London, was to ruin the Independent-party, and the army their ſupporters. But as they were not ſufficiently ſtrong to effect it, their project was to join with the king and Scotland, provided they could prevail with his majeſty to aboliſh epiſcopacy. This is what was ſecretly contriving at London and Edinburgh, whilſt endeavours were uſed to amuſe the army by affected delays on their demand of pay and arrears, and whilſt the city of London declined to make the neceſſary advances, in order to render the army odious, by obliging them to oppreſs the people for want of pay. The army was yet ignorant of the ſecret practices againſt them in London. They inceſſantly demanded their pay, and the parliament favourably received their demands; nay, they paſſed votes to grant them their deſires; but ſome difficulty always occurred to retard the performance, or if they were

1647. paid any money it was but a ſmall part of their arrears.

Regulation touching the army.

Three other affairs alſo employed the parliament and army for ſome time, and ſerved for pretence to amuſe. The firſt was, to ſettle what forces ſhould be ſent to Ireland; the ſecond, how many troops were to be maintained in England; the third, to diſband the ſupernumeraries.

Ruſhw.

Upon the firſt article, it was reſolved to ſend into Ireland 6000 foot, 4000 horſe, and 500 dragoons; and that the parliament's commiſſioners ſhould confer with the general concerning the ſending theſe forces, and the officers that were to command them.

Upon the ſecond, it was ordered, there ſhould be maintained in England, 7200 horſe, 18000 foot, and 1000 dragoons. It was pretended, theſe forces were continued in England to relieve thoſe in Ireland in caſe of need. But it is likely, the army would not bear to be conſiderably leſſened.

Upon the third, it was reſolved, that all ſupernumeraries ſhould be paid and diſmiſſed.

But theſe things were executed very ſlowly by reaſon of ſeveral unexpected affairs, of which it will be neceſſary to ſpeak.

The king reſolves to make his eſcape from Hampton-Court. His reaſons for it.

Since the army had thought themſelves out of danger from the parliament and city, their reſpect to the king was ſo diminiſhed, that it was eaſy for him to perceive, he had nothing to expect from them, and that Cromwell had only amuſed him, the better to accompliſh his own deſigns. Beſides the viſible alteration in the behaviour of thoſe who had the cuſtody of him, he had many other proofs of ill deſigns againſt him. In the firſt place, the army had ſent him privately ſome propoſitions for peace, much worſe than thoſe preſented to him at Newcaſtle; but he had rejected them with indignation, which the army very much reſented. Secondly, Cromwell had very ſharply reproached Aſhburnham, who was then the king's confident, that notwithſtanding the army's regard for his majeſty, he had ſecretly treated with the commiſſioners of Scotland, to excite that kingdom againſt the army. This reproach inſpired the king with the more dread, as it was true, that he had privately treated with the Scotch commiſſioners, tho' he had concluded nothing with them, and could not conceive how Cromwell came to know it. He was, therefore, apprehenſive, the army would aſſaſſinate, or poiſon him, to free themſelves from the fear of his agreeing with the Preſbyterians. On the other hand, major Huntington, who had being employed by Cromwell, to amuſe the king with ſeveral private meſſages, finding, at length, he had been the inſtrument to deceive that unfortunate prince, warned him, that Cromwell was not ſincere, and would deſtroy him if he was not prevented. Soon after he threw up his commiſſion, and would ſerve no longer in the army. Nay, he went farther; for after quitting the ſervice, he offered to diſcover to the parliament, Cromwell's ill practices, but they would not hearken to him. At laſt, the king received private notice every day, by indirect and extraordinary ways, that his enemies had ill deſigns, and he ought to take care of himſelf.

Clarend.

He puts his reſolution in practice. Nov. 21. Ruſhw.

All theſe things made ſuch an impreſſion upon him, that he reſolved, if poſſible, to eſcape out of the hands of the army. But it was not eaſy to determine where to retire. There was no ſafety for him in any part of the kingdom. The parliament and city of London were at the army's command, and tho' the Preſbyterians had been able to protect him, all he could expect from them was, that they would not attempt upon his life. So, probably, his intention was to tranſport himſelf beyond the ſeas. Aſhburnham was his only confident, for tho' he believed Berkley faithful, he had not ſo good an opinion of his diſcretion, as to truſt him with ſuch a ſecret. This reſolution being taken, the king withdrew very early to his chamber, feigning to be indiſpoſed, and about one in the morning, went out by the back-ſtairs, and came with Aſhburnham and Legg, to the garden-gate, where Berkley waited with horſes. They rid all night with great ſpeed, as well to eſcape all purſuers, as to get out of the quarters of the army, and in the morning, found themſelves in the New-foreſt in Hampſhire. Then the king aſked Aſhburnham where the ſhip lay? Aſhburnham riding before, as it were to get information, returned in ſome little time without any news of the ſhip; at which the king ſeemed very uneaſie. In the interim, as it was not ſafe for him to ſtay in the high-ways, he reſolved to go to Tichfield, a ſeat of the earl of Southampton, where the earl's mother then lived with a ſmall family. There he conſulted with his three attendants, where he ſhould go. It is ſaid, Aſhburnham was the firſt to adviſe him to retire to the Iſle of Wight, and put himſelf into the hands of colonel Hammond, the governor, who was reckoned a man of honour. He muſt, however, have known, that Hammond was Cromwell's creature, by whoſe advice he had married a daughter of John Hampden, and who had lately procured him the government of the Iſle of Wight. Notwithſtanding theſe reaſons, which ſhould have diverted Aſhburnham from giving ſuch advice, he ceaſed not to perſuade the king, who after ſome objections conſented to it, provided Hammond would faithfully promiſe not to deliver him up, tho' the parliament or army ſhould require him, but to give him his liberty to ſhift for himſelf, if he was not able to defend him. Purſuant to this reſolution, Aſhburnham and Berkley repaired to the Iſle of Wight, to talk with the governor, who ſeemed very much ſurpriſed, when they told him, the king was eſcaped from Hampton-Court, and was willing to truſt his perſon in his hands, upon the forementioned terms. His anſwer was, he would do the king all the ſervice that lay in his power; but as he was an inferior officer, he could not promiſe to diſobey his ſuperiors in what they ſhould pleaſe to command him. After ſome fruitleſs endeavours to obtain a promiſe from him, he aſked where the king was? They told him he was not very far off, and, at laſt, after ſome time ſpent in debate,

Clarend.

Sept. 6.

bate, it was agreed, he ſhould go with them to the king. So they all three went together to Tichfield, and at their arrival, Hammond ſtaid below, and Aſhburnham went up to the king's chamber, to acquaint him, that Hammond was in the houſe, but had not made any promiſe. Whereupon the king cried out, "O Jack, thou haſt undone me!" With which Aſhburnham falling into a great paſſion of weeping, offered to go down and kill Hammond, but the king would not conſent to it. In a word, the king ſending for Hammond, endeavoured to perſuade him to promiſe not to deliver him up, but Hammond ſtill perſiſted in his firſt anſwer. Then the king, not knowing where to go elſe, and conſidering there was now, perhaps, no poſſible way to get from him, as he had the command of the country, and could call in what help he pleaſed, reſolved to go with him to the Iſle of Wight. He was conducted to Cariſbrook-caſtle, where Hammond received him and his attendants, with all demonſtrations of reſpect.

Remark on the king's flight.

When a man conſiders all the circumſtances of the king's flight, he can ſcarce forbear thinking, he was betrayed on this occaſion. His deſign was to go beyond ſea, ſince he aſked where the ſhip lay, but there was no ſhip ready; which was ſo great an overſight, that Aſhburnham can hardly be thought to commit it through negligence or imprudence. Aſhburnham is not ſatisfied with propoſing to the king to truſt himſelf with Hammond, a creature of Cromwell's, who, according to major Huntington's information, had reſolved to deſtroy him, but even puts him under the neceſſity of confiding in him, tho' he refuſed to promiſe him protection. And yet, the lord Clarendon ſays very poſitively, he does not believe the king was betrayed by Aſhburnham, nor did his majeſty ever entertain the leaſt jealouſy of it. All, therefore, that can be ſaid in favour of this confident of the king, is, what the lord Clarendon hints, I mean, that he was outwitted by Cromwell, who by ſome one of his emiſſaries perſuaded him, it ſhould prove for his majeſty's benefit, and his buſineſs be the ſooner done, that he ſhould withdraw to the Iſle of Wight. If this were ſo, Aſhburnham, probably, thinking himſelf more able than the king, had a mind to ſerve him, whether he would or no, and not to be forced to anſwer the king's objections, believed to do him a ſervice in concealing the ſecret, and putting him under an abſolute neceſſity to take a courſe, which, in his opinion, was not the moſt proper. In that caſe, if it be not treachery, it is, at leaſt, the greateſt preſumption and raſhneſs, a ſubject can poſſibly be guilty of to his prince. It is not eaſy to gueſs the reaſons that could induce Aſhburnham to imagine, the king would be ſafe in the Iſle of Wight. It is to be preſumed, he was deceived himſelf, and his eaſineſs abuſed, to cauſe him to credit general promiſes, which ſignified nothing, and of which he durſt not afterwards complain. Suppoſing no treachery in what he did, probably, his eaſineſs to be deceived, procured him afterwards a very favourable and much lower than uſual compoſition, which greatly contributed to increaſe the ſuſpicions already conceived of him.

The king's letter to both houſes left upon his table. Whiteloc.

The parliament was informed of the king's eſcape, by a letter from Cromwell, who gave the firſt notice of it, but without ſaying where the king was, tho' in all appearance he knew very well. He alſo ſent a letter, which the king had left upon the table in his room, directed to both houſes. He ſaid in this letter,

"That liberty being in all times the aim and deſire of all men, he had endeavoured to obtain his. He called God to witneſs, with what patience he had endured a tedious reſtraint, among men who changed their principles with their condition; who were not aſhamed openly to intend the deſtruction of the nobility, by taking away their negative voice, and with whom the Levellers doctrine was rather countenanced than puniſhed. That he thought he was bound, as well by natural as political obligation, to ſeek his ſafety, by retiring himſelf for ſome time from the publick view, both of his friends and enemies; but ſhould earneſtly and inceſſantly endeavour the ſettling of a ſafe and well-grounded peace wherever he was. Finally, he deſired to be heard with freedom, honour and ſafety, and then he would inſtantly break through his cloud of retirement, and ſhow himſelf ready to be Pater Patriæ."

The parliament cauſe ſearch to be made for the king in London. Ruſhw.

The parliament, at firſt, believed, the king was come to conceal himſelf in London, till he ſhould find an opportunity to eſcape out of the kingdom. They even gave orders to ſearch after, and ſtop his perſon. But this uncertainty did not laſt long. On the 15th of November, the earl of Mancheſter, ſpeaker of the houſe of lords, received a letter from colonel Hammond, informing him, that the king, from an apprehenſion of his life being in danger at Hampton-Court, was come into the Iſle of Wight, to put himſelf under his protection.

Who the Levellers were.

The king, as may be obſerved, ſpeaks in his letter of the principles of the Levellers, which I think incumbent upon me to explain. There had been for ſome time a new faction in the army, called Levellers, that is, men who declared, "That all degrees of perſons ſhould be levelled, and an equality eſtabliſhed both in titles and eſtates, throughout the kingdom." This was a doctrine, much like that of Wat Tyler's followers in the reign of Richard II. This faction was grown ſo ſtrong, that they began to make the general officers, and particularly Cromwell, very uneaſy, who feared this new party would ſubvert all his projects if they were ſuffered to increaſe, tho', probably, this ſpirit was raiſed by himſelf. They conſiſted of private ſoldiers and agitators, whom I have already deſcribed. During the conteſts between the army and parliament, the generals had put no reſtraint upon theſe men. They had allowed them to form a ſeparate council, by means of their agitators, and the opinions of this council were received as being thoſe of the army, becauſe they were agreeable to the ſentiments of the general officers. But as ſoon as the parliament was ſubdued, the general officers believed it proper to ſuppreſs theſe councils, and ſend the agitators to their reſpective regiments. This was more eaſily enjoined than executed. The ſoldiers refuſed to obey, and continued their aſſemblies and conferences, in ſpite of their officers, and the general's orders. Hence, probably, they acquired the name of Levellers, becauſe they pretended to have as much right as the officers and generals to ſettle the government; a principle tending to level all ranks and degrees, and conſequently to breed confuſion in the kingdom. The aſſemblies of the Levellers produced ſundry petitions; firſt, from the agitators of four regiments of horſe, and afterwards of ſeven regiments of foot joining with them, wherein they made propoſals for ſettling the government according to their humour, ſo that the general officers were not a little embarraſſed. They were afraid the army would divide, at a time when their whole ſtrength depended upon their union. For this reaſon, they, at firſt, bore in ſome meaſures with the Levellers; which only increaſed the evil. At laſt, the inſolence of theſe men being grown to a monſtrous height, Cromwell undertook with the hazard of his life, to free the army and parliament from them. To that end, having notice that the Levellers were to meet at a certain place, he came unexpectedly, attended with a choſen guard, and aſking ſome queſtions of thoſe whom he obſerved moſt active, and receiving inſolent anſwers, knocked down two or three with his own hand, and briſkly charging the reſt, ſo diſperſed them, that he took as many as he pleaſed, whereof he hanged ſome on the ſpot, and ſent others to London. By two or three ſuch notable encounters, he totally ſubdued that party, which began to grow very dangerous, and reduced the army to entire obedience. But this was not yet effected, when the king made his eſcape from Hampton-court, and, therefore, he mentions the Levellers in his letter, as a party ſubſiſting.

Cromwell diſperſes them. Clarendon

When the king wrote this letter to both houſes, he hoped to be quickly out of the power of the army and parliament, and aſſuredly expected no anſwer, ſince he intended to keep himſelf concealed. Beſides, this letter required no anſwer, as he did nothing more than expreſs his deſire of peace. But finding himſelf ſtill, contrary to his expectation, in the hands of the army and parliament, he conceived, his eſcape from Hampton-Court might be prejudicial to him, and interpreted as a deſign to hide himſelf, only to avoid anſwering the propoſitions for peace, the parliament had prepared. For this reaſon, he reſolved to ſend the following meſſage to both houſes:

Charles Rex,

The king's letter to both houſes. Ruſhw.

‘HIS majeſty is confident, that before this time, his two houſes of parliament have received the meſſage which he left behind him at Hampton-Court, the 11th of this month, by which they will have underſtood the reaſons which enforced him to go from thence; as likewiſe his conſtant endeavours for the ſettling of a ſafe and well-grounded peace, whereſoever he ſhould be; and being now in a place where he conceives himſelf to be at much more freedom and ſecurity than formerly, he thinks it neceſſary, not only for making good of his own profeſſions, but alſo for the ſpeedy procuring of a peace, in theſe languiſhing and diſtreſſed kingdoms, at this time to offer ſuch grounds to his two houſes for that effect, which upon due examination of all intereſt, may beſt conduce thereunto.

‘And becauſe religion is the beſt and chiefeſt foundation of peace, his majeſty will begin with that particular.

The king's offers and propoſals.

‘That for the aboliſhing of archbiſhops, biſhops, &c. his majeſty clearly profeſſeth, that he cannot give his conſent thereunto, both in relation as he is a Chriſtian, and a king; for the firſt he avows, that he is ſatisfied in his judgment, that this order was placed in the church by the apoſtles themſelves, and ever ſince their time hath continued in all Chriſtian churches throughout the world, until this laſt century of years; and in this church, in all times of change and reformation it hath been upheld by the wiſdom of his anceſtors, as the great preſerver of doctrine, diſcipline, and order, in the ſervice of God. As a king at his coronation, he hath not only taken a ſolemn oath to maintain this order, but his majeſty and his predeceſſors, in their confirmations of the great charter, have inſeparably woven the right of the church, into the liberty of the ſubjects; and yet he is willing it be provided, that the particular biſhops perform their ſeveral duties of their callings, both by their perſonal reſidence, and frequent preaching in their perſonal exerciſe, no act of juriſdiction or ordination, without the conſent of their presbyters, and will conſent, that their powers in all things be ſo limited, that they be not grievous to the tender conſciences of others. He ſees no reaſon why he alone, and thoſe of his judgment, ſhould be preſſed to a violation of theirs: Nor can his majeſty conſent to the alienation of church lands; becauſe it cannot be denied to be a ſin of the higheſt ſacrilege; as alſo that it ſubverts the intentions of ſo many pious donors, who have laid a heavy curſe upon all ſuch prophane violations, which his majeſty is very unwilling to undergo: And beſides the matter of conſequence, his majeſty believes it to be a prejudice to the publick good, many of his ſubjects having the benefit of renewing leaſes, at much eaſier rates, than if thoſe poſſeſſions were in the hands of private men, not omitting the diſcouragement it will be to all learning and induſtry, when ſuch eminent rewards ſhall be taken away; which now lye open to the children of the meaneſt perſons. Yet his majeſty conſidering the great preſent diſtempers concerning church-diſcipline, and that the Presbyterian-government is now in practice, his majeſty, to eſchew confuſion, as much as may be, and for the ſatisfaction of his two houſes, is content, that the ſaid government be legally permitted to ſtand in the ſame condition bate, it was agreed, he ſhould go with them to the king. So they all three went together to Tichfield, and at their arrival, Hammond ſtaid below, and Aſhburnham went up to the king's chamber, to acquaint him, that Hammond was in the houſe, but had not made any promiſe. Whereupon the king cried out, " O Jack, thou haſt undone me!" With which Aſhburnham falling into a great paſſion of weeping, offered to go down and kill Hammond, but the king would not conſent to it. In a word, the king ſending for Hammond, endeavoured to perſuade him to promiſe not to deliver him up, but Hammond ſtill perſiſted in his firſt anſwer. Then the king, not knowing where to go elſe, and conſidering there was now, perhaps, no poſſible way to get from him, as he had the command of the country, and could call in what help he pleaſed, reſolved to go with him to the Iſle of Wight. He was conducted to Cariſbrook-caſtle, where Hammond received him and his attendants, with all demonſtrations of reſpect.

Remark on the king's flight.

When a man conſiders all the circumſtances of the king's flight, he can ſcarce forbear thinking, he was betrayed on this occaſion. His deſign was to go beyond ſea, ſince he asked where the ſhip lay, but there was no ſhip ready; which was ſo great an overſight, that Aſhburnham can hardly be thought to commit it through negligence or imprudence. Aſhburnham is not ſatisfied with propoſing to the king to truſt himſelf with Hammond, a creature of Cromwell's, who, according to major Huntington's information, had reſolved to deſtroy him, but even puts him under the neceſſity of confiding in him, tho' he refuſed to promiſe him protection. And yet, the lord Clarendon ſays very poſitively, he does not believe the king was betrayed by Aſhburnham, nor did his majeſty ever entertain the leaſt jealouſy of it. All, therefore, that can be ſaid in favour of this confident of the king, is, what the lord Clarendon hints, I mean, that he was outwitted by Cromwell, who by ſome one of his emiſſaries perſuaded him, it ſhould prove for his majeſty's benefit, and his buſineſs be the ſooner done, that he ſhould withdraw to the Iſle of Wight. If this were ſo, Aſhburnham, probably, thinking himſelf more able than the king, had a mind to ſerve him, whether he would or no, and not to be forced to anſwer the king's objections, believed to do him a ſervice in concealing the ſecret, and putting him under an abſolute neceſſity to take a courſe, which, in his opinion, was not the moſt proper. In that caſe, if it be not treachery, it is, at leaſt, the greateſt preſumption and raſhneſs, a ſubject can poſſibly be guilty of to his prince. It is not eaſy to gueſs the reaſons that could induce Aſhburnham to imagine, the king would be ſafe in the Iſle of Wight. It is to be preſumed, he was deceived himſelf, and his eaſineſs abuſed, to cauſe him to credit general promiſes, which ſignified nothing, and of which he durſt not afterwards complain. Suppoſing no treachery in what he did, probably, his eaſineſs to be deceived, procured him afterwards a very favourable and much lower than uſual compoſition, which greatly contributed to increaſe the ſuſpicions already conceived of him.

The king's letter to both houſes left upon his table. Whiteloc.

The parliament was informed of the king's eſcape, by a letter from Cromwell, who gave the firſt notice of it, but without ſaying where the king was, tho' in all appearance he knew very well. He alſo ſent a letter, which the king had left upon the table in his room, directed to both houſes. He ſaid in this letter,

" That liberty being in all times the aim and deſire of all men, he had endeavoured to obtain his. He called God to witneſs, with what patience he had endured a tedious reſtraint, among men who changed their principles with their condition; who were not aſhamed openly to intend the deſtruction of the nobility, by taking away their negative voice, and with whom the Levellers doctrine was rather countenanced than puniſhed. That he thought he was bound, as well by natural as political obligation, to ſeek his ſafety, by retiring himſelf for ſome time from the publick view, both of his friends and enemies; but ſhould earneſtly and inceſſantly endeavour the ſettling of a ſafe and well-grounded peace wherever he was. Finally, he deſired to be heard with freedom, honour and ſafety, and then he would inſtantly break through his cloud of retirement, and ſhow himſelf ready to be Pater Patriæ."

The parliament cauſe ſearch to be made for the king in London. Ruſhw.

The parliament, at firſt, believed, the king was come to conceal himſelf in London, till he ſhould find an opportunity to eſcape out of the kingdom. They even gave orders to ſearch after, and ſtop his perſon. But this uncertainty did not laſt long. On the 15th of November, the earl of Mancheſter, ſpeaker of the houſe of lords, received a letter from colonel Hammond, informing him, that the king, from an apprehenſion of his life being in danger at Hampton-Court, was come into the Iſle of Wight, to put himſelf under his protection.

Who the Levellers were.

The king, as may be obſerved, ſpeaks in his letter of the principles of the Levellers, which I think incumbent upon me to explain. There had been for ſome time a new faction in the army, called Levellers, that is, men who declared, " That all degrees of perſons ſhould be levelled, and an equality eſtabliſhed both in titles and eſtates, throughout the kingdom." This was a doctrine, much like that of Wat Tyler's followers in the reign of Richard II. This faction was grown ſo ſtrong, that they began to make the general officers, and particularly Cromwell, very uneaſy, who feared this new party would ſubvert all his projects if they were ſuffered to increaſe, tho', probably, this ſpirit was raiſed by himſelf. They conſiſted of private ſoldiers and agitators, whom I have already deſcribed. During the conteſts between the army and parliament, the generals had put no reſtraint upon theſe men. They had allowed them to form a ſeparate council, by means of their agitators, and the opinions of this council were received as being thoſe of the army, becauſe they were agreeable to the ſentiments of the general officers. But as ſoon as the parliament was ſubdued, the general officers believed it proper to ſuppreſs theſe councils, and ſend the agitators to their reſpective regiments. This was more eaſily enjoined than executed. The ſoldiers refuſed to obey, and continued their aſſemblies and conferences, in ſpite of their officers, and the general's orders. Hence, probably, they acquired the name of Levellers, becauſe they pretended to have as much right as the officers and generals to ſettle the government; a principle tending to level all ranks and degrees, and conſequently to breed confuſion in the kingdom. The aſſemblies of the Levellers produced ſundry petitions; firſt, from the agitators of four regiments of horſe, and afterwards of ſeven regiments of foot joining with them, wherein they made propoſals for ſettling the government according to their humour, ſo that the general officers were not a little embarraſſed. They were afraid the army would divide, at a time when their whole ſtrength depended upon their union. For this reaſon, they, at firſt, bore in ſome meaſures with the Levellers; which only increaſed the evil. At laſt, the inſolence of theſe men being grown to a monſtrous height, Cromwell undertook with the hazard of his life, to free the army and parliament from them. To that end, having notice that the Levellers were to meet at a certain place, he came unexpectedly, attended with a choſen guard, and aſking ſome queſtions of thoſe whom he obſerved moſt active, and receiving inſolent anſwers, knocked down two or three with his own hand, and briſkly charging the reſt, ſo diſperſed them, that he took as many as he pleaſed, whereof he hanged ſome on the ſpot, and ſent others to London. By two or three ſuch notable encounters, he totally ſubdued that party, which began to grow very dangerous, and reduced the army to entire obedience. But this was not yet effected, when the king made his eſcape from Hampton-court, and, therefore, he mentions the Levellers in his letter, as a party ſubſiſting.

Cromwell diſperſes them. Clarendon

When the king wrote this letter to both houſes, he hoped to be quickly out of the power of the army and parliament, and aſſuredly expected no anſwer, ſince he intended to keep himſelf concealed. Beſides, this letter required no anſwer, as he did nothing more than expreſs his deſire of peace. But finding himſelf ſtill, contrary to his expectation, in the hands of the army and parliament, he conceived, his eſcape from Hampton-Court might be prejudicial to him, and interpreted as a deſign to hide himſelf, only to avoid anſwering the propoſitions for peace, the parliament had prepared. For this reaſon, he reſolved to ſend the following meſſage to both houſes:

Charles Rex,

The king's letter to both houſes. Ruſhw.

'HIS majeſty is confident, that before this 'time, his two houſes of parliament have 'received the meſſage which he left behind 'him at Hampton-Court, the 11th of this 'month, by which they will have underſtood 'the reaſons which enforced him to go from 'thence; as likewiſe his conſtant endeavours 'for the ſettling of a ſafe and well-grounded 'peace, whereſoever he ſhould be; and being 'now in a place where he conceives himſelf to 'be at much more freedom and ſecurity than 'formerly, he thinks it neceſſary, not only for 'making good of his own profeſſions, but alſo 'for the ſpeedy procuring of a peace, in theſe 'languiſhing and diſtreſſed kingdoms, at this 'time to offer ſuch grounds to his two houſes 'for that effect, which upon due examination 'of all intereſt, may beſt conduce thereunto.

The king's offers and propoſals.

'And becauſe religion is the beſt and chiefeſt 'foundation of peace, his majeſty will begin 'with that particular.

'That for the aboliſhing of archbiſhops, biſhops, &c. his majeſty clearly profeſſeth, that 'he cannot give his conſent thereunto, both in 'relation as he is a Chriſtian, and a king; for 'the firſt he avows, that he is ſatisfied in his 'judgment, that this order was placed in the 'church by the apoſtles themſelves, and ever 'ſince their time hath continued in all Chriſtian churches throughout the world, until this 'laſt century of years; and in this church, in 'all times of change and reformation it hath 'been upheld by the wiſdom of his anceſtors, 'as the great preſerver of doctrine, diſcipline, 'and order, in the ſervice of God. As a king 'at his coronation, he hath not only taken a 'ſolemn oath to maintain this order, but his 'majeſty and his predeceſſors, in their confirmations of the great charter, have inſeparably woven the right of the church, into 'the liberty of the ſubjects; and yet he is willing it be provided, that the particular biſhops perform their ſeveral duties of their 'callings, both by their perſonal reſidence, and 'frequent preaching in their perſonal exerciſe, 'no act of juriſdiction or ordination, without 'the conſent of their presbyters, and will conſent, that their powers in all things be ſo limited, that they be not grievous to the tender conſciences of others. He ſees no reaſon why he alone, and thoſe of his judgment, ſhould be preſſed to a violation of 'theirs: Nor can his majeſty conſent to the 'alienation of church lands; becauſe it cannot 'be denied to be a ſin of the higheſt ſacrilege; 'as alſo that it ſubverts the intentions of ſo 'many pious donors, who have laid a heavy 'curſe upon all ſuch prophane violations, which 'his majeſty is very unwilling to undergo: 'And beſides the matter of conſequence, his 'majeſty believes it to be a prejudice to the 'publick good, many of his ſubjects having 'the benefit of renewing leaſes, at much eaſier rates, than if thoſe poſſeſſions were in the 'hands of private men, not omitting the diſcouragement it will be to all learning and induſtry, when ſuch eminent rewards ſhall be 'taken away; which now lye open to the 'children of the meaneſt perſons. Yet his majeſty conſidering the great preſent diſtempers 'concerning church-diſcipline, and that the 'Presbyterian-government is now in practice, 'his majeſty, to eſchew confuſion, as much as 'may be, and for the ſatisfaction of his two 'houſes, is content, that the ſaid government 'be legally permitted to ſtand in the ſame con-

'dition it now is, for three years; provided that his majeſty, and thoſe of his judgment, or any other, who cannot in conſcience ſubmit thereunto, be not obliged to comply with the Presbyterian-government, but have free practice of our own profeſſion, without receiving any prejudice thereby; and that free conſultation and debate be had with the divines of Weſtminſter, 20 of his majeſty's nomination being added unto them; whereby it may be determined by his majeſty and the two houſes, how the church-government, after the ſaid time ſhall be ſettled, or ſooner, if differences may be agreed, as is moſt agreeable to the word of God, with full liberty to all thoſe who ſhall differ upon conſcientious grounds from that ſettlement; always provided, that nothing aforeſaid be underſtood to tolerate thoſe of the Popiſh profeſſion, nor exempt any Popiſh recuſants from the penalties of the laws; or to tolerate the publick profeſſion of Atheiſm or blaſphemy, contrary to the doctrine of the Apoſtles, Nicene, and Athanaſian creed, they having been received by, and had in reverence of all the Chriſtian churches, and more particularly by this of England, ever ſince the reformation.

'Next the militia being that right which is inſeperably and undoubtedly inherent to the crown by the laws of this nation, and that which former parliaments, as likewiſe this, have acknowledged ſo to be, his majeſty cannot ſo much wrong that truſt, which the laws of God, and this land hath annexed to the crown, for the protection and ſecurity of his people, as to diveſt himſelf and ſucceſſors of the power of the ſword; yet to give an infallible evidence of his deſire to ſecure the performance of ſuch agreements as ſhall be made in order to a peace, his majeſty will conſent to an act of parliament, that the whole power of the militia, both by ſea and land, for, and during his whole reign, ſhall be ordered and diſpoſed by the two houſes of parliament, or by ſuch perſons as they ſhall appoint, with powers limited for ſuppreſſing of forces within this kingdom, to the diſturbance of the publick peace, and againſt foreign invaſion; and that they ſhall have power, during his ſaid reign, to raiſe monies for the purpoſe aforeſaid; and that neither his majeſty that now is or any other, by any authority, derived only from him, ſhall execute any of the ſaid powers, during his majeſty's ſaid reign, but ſuch as ſhall act by the conſent and approbation of the two houſes of parliament: Nevertheleſs his majeſty intends, that all patents, commiſſions, and other acts concerning the militia, be made and acted as formerly; and that after his majeſty's reign, all the power of the militia ſhall return entirely to the crown, as was in the times of queen Elizabeth, and king James, of bleſſed memory.

'After this head of the militia, the conſideration of the arrears due to the army is not improper to follow; for the payment whereof, and the eaſe of his people, his majeſty is willing to concur in any thing that can be done without the violation of his conſcience and honour.

'Wherefore if his two houſes ſhould conſent to remit unto him ſuch benefit out of ſequeſtrations from Michaelmas laſt, and out of compoſitions that ſhall be made before the concluding of the peace, and the arrears of ſuch as have been already made, the aſſiſtance of the clergy, and the arrears of ſuch rents of his own revenue as his two houſes ſhall not have received before the concluding of the peace, his majeſty will undertake within the ſpace of 18 months, the payment of 400,000 l. for the ſatisfaction of the army; and if thoſe means ſhall not be ſufficient, his majeſty intends to give way for the ſale of foreſt-lands for that purpoſe.

'This being the publick debt, which in his majeſty's judgment is firſt to be ſatisfied: And for other publick debts already contracted upon church-lands, or any other engagements, his majeſty will give his conſent to ſuch act or acts for raiſing of monies for payment thereof, as both houſes hereafter ſhall agree upon, ſo as they be equally laid; whereby his people, already too heavily burthened by theſe late diſtempers, may have no more preſſures upon them than this abſolute neceſſity requires.

'And for the further ſecuring all fears, his majeſty will conſent, that an act of parliament be paſſed for the diſpoſing of the great offices of ſtate, and naming of privy-counſellors for the whole term of his reign, by the two houſes of parliament, their patents and commiſſions being taken from his majeſty, and after to return to the crown, as is expreſſed in the articles of the militia. For the court of wards and liveries, his majeſty very well knows the conſequence of taking that away, by turning of all tenures into common ſocage, as well in point of revenue to the crown, as in the protection of many of his ſubjects, being infants: Nevertheleſs, if the continuance thereof ſeem grievous to his ſubjects, rather than he will fail on his part in giving ſatisfaction, he will conſent to an act for taking it away, ſo as a full recompence be ſettled upon his majeſty and his ſucceſſors in perpetuity; and that the arrears now due be reſerved unto him towards the payment of the arrears of the army.

'And that the memory of theſe late diſtractions may be wholly wiped away, his majeſty will conſent to an act of parliament for the ſuppreſſing and making null of all oaths, declarations, and proclamations againſt both or either houſe of parliament, and of all indictments and other proceedings againſt any perſons for adhering unto them. And his majeſty propoſeth, as the beſt expedient to take away all ſeeds of future difference, that there be an act of oblivion to extend to all his ſubjects.

'As for Ireland, the ceſſation therein is long ſince determined; but for the future, and all other things being fully agreed, his majeſty will give full ſatisfaction to his houſes concerning that kingdom.

'And although his majeſty cannot conſent in honour and juſtice to void all his own grants and acts paſſed under his great ſeal ſince the 22d of May, 1642, or to the confirming of all the grants and acts paſſed under that made by the two houſes yet his majeſty is confident, that upon the peruſal of particulars, he ſhall give ſatisfaction to his two houſes to what may be reaſonably deſired in that particular.

'And now his majeſty conceives, that by theſe his offers, which he is ready to make good upon the ſettlement of a peace, he hath clearly manifeſted his intentions to give full ſecurity and ſatisfaction to all intereſts, for what can juſtly be deſired in order to the future happineſs of his people, and for the perfecting theſe conceſſions, as alſo for ſuch other things as may be propoſed by the two houſes; and for ſuch juſt and reaſonable demands as his majeſty ſhall find neceſſary to propoſe on his part, he earneſtly deſires a perſonal treaty at London with his two houſes, in honour, freedom, and ſafety; it being in his judgment, the moſt proper, and indeed only means to a firm and ſettled peace, and impoſſible without it to reconcile former, or avoid future miſunderſtandings.

'All theſe being by treaty perfected, his majeſty believes his two houſes will think it reaſonable, that the propoſals of the army concerning the ſucceſſion of parliaments, and their due election ſhould be taken into conſideration.

'As for what concerns the kingdom of Scotland, his majeſty will very readily apply himſelf to give all reaſonable ſatisfaction; when the deſires of the two houſes of parliament on their behalf, or of the commiſſioners of that kingdom, or of both joined together, ſhall be made known unto him.'

The parliament takes no notice of them.

The parliament took no notice of theſe offers. Beſides that they ſaw only part of their former demands, they were always upon their guard with reſpect to the king's propoſals, wherein it was but too uſual to find ambiguous expreſſions, reſtrictions and conditions expreſſed or implied, which made it impoſſible to build ſecurely upon ſuch foundations. We have ſeen ſeveral inſtances in the king's papers, ſince the beginning of his reign; and in this here, where he carries his offers farther than ever, it was eaſy to perceive the ſame method; for he was very artful, as well as his father, in the choice of his expreſſions. Nay, it ſeems that in offering to yield the power of the militia, during his whole reign, an expreſſion often repeated in theſe propoſals, he had ſome ſecret intention, as to reſign the crown to the prince, his ſon. Otherwiſe, I do not ſee why he affected to ſubſtitute the term of his reign, inſtead of that of his life, or of 20 years, as was demanded by the parliament. At leaſt, it is certain, if his offer had been accepted, as expreſſed in his words, he might by reſigning the crown, have put the prince of Wales, by the treaty itſelf, in full poſſeſſion of the militia, and nomination to the great offices. But this is only a conjecture, tho' very probable. Be this as it will, the two houſes had long ſince refuſed to treat but upon their own propoſitions. Neither would they allow of his explications, ſo apprehenſive were they of his ſubtleties, which would have engaged them in diſcuſſions where they would have always had the ſame thing to fear. Such was the diſtruſt the king's character had bred, which made a reconciliation between him and the parliament ever impracticable. It muſt however be confeſſed, that on this occaſion there were other reaſons which hindered the two houſes from regarding the king's offers. The principal was, they were under the dominion of the army, or rather the Independents, who were not for peace upon any terms whatever.

Negotiation of the Scotch commiſſioners with the king. Clarend.

During the king's ſtay at Hampton-Court, the Scotch commiſſioners, as I obſerved, had treated with him, and put him in hopes that the Scots would join with his party, and the Engliſh Preſbyterians, to deliver him from the Independents. But they required a thing which he could not reſolve, viz. the change of Epiſcopal government in the church of England into Preſbyterian. This ſingle point had prolonged the negotiation, and hindered the concluſion of the treaty. Cromwell had ſome intimation of it, and, probably, for that reaſon uſed all his induſtry to cauſe the king to retire to the Iſle of Wight, where the Scotch commiſſioners could not have the ſame acceſs to him.

Conteſt between the parliament and Scotch commiſſioners. Ruſhw.

When the king went from Hampton-Court, the propoſals the two houſes were to ſend him, were all ready. But the Scotch commiſſioners deferred from day to day to approve them, on pretence the intereſts of Scotland were not ſufficiently ſpecified, expecting to agree with the king, before they ſhould be preſented. This diſpute between the parliament and Scotch commiſſioners ſtill ſubſiſted, when ſuddenly the houſe of lords acquainted the commons at a conference, that having more maturely conſidered the king's laſt meſſage, they were of opinion to admit him to a perſonal treaty, on condition he would give his aſſent to four preliminary propoſitions to be paſſed into acts before the reſt ſhould be treated on.

1. An act for ſettling the militia of the kingdom.
2. An act for calling in all declarations, oaths, and proclamations, againſt the parliament, and thoſe who adhered to them.
3. An act, that thoſe lords who were made after the great-ſeal was carried to Oxford, may be made incapable of ſitting in the houſe of peers.
4. An act for empowering the two houſes of parliament to adjourn as they ſhall think fit.

Nov. 27. Ruſhw.

The next day the commons gave their conſent to theſe propoſitions, and ordered, that the four bills ſhould be drawn, and diſpatched to his majeſty, after which a perſonal treaty with him ſhould be entered into. All this was done with ſo great expedition, that it was not poſſible for the Independents to prevent what they were not prepared againſt. The Scotch commiſſioners, who had formed other projects, tried in vain to hinder the effect of this reſolution. The parliament wiſhed for peace, thereby to break the meaſures of the Independents. The 6th of December, the king ſent a freſh meſſage to both houſes, earneſtly preſſing for a perſonal treaty, as being the beſt means for ſettling a peace.

Whiteloc.

The 14th of the ſame month, the commons, after paſſing the four bills, and approving the inſtructions for thoſe that were to preſent them, named a committee to carry them to the king.

Ruſhw.

Then they anſwered the complaints of the Scotch commiſſioners, that the four bills were not communicated to them. They ſaid, it was contrary to the rights and privileges of parliament, to communicate bills to any perſon whatever, before they had received the royal aſſent, and that there was nothing in the treaty between the two kingdoms to the contrary: That they deſired the Scotch commiſſioners to prepare ſuch propoſitions as they ſhould judge neceſſary for the kingdom of Scotland, that the committee might depart on the 20th.

Declaration of the Scots. Dec. 17. Ruſhw.

That day, the Scotch commiſſioners preſented to both houſes a large declaration, complaining in very high language, that the parliament of England violated the covenant, in labouring for peace without the concurrence of Scotland. They inſiſted upon a perſonal treaty between the king, both houſes, and themſelves, that peace might be ſettled with mutual conſent; and declared, as they could not agree to the ſending of the four bills to his majeſty for his aſſent, before any treaty upon the reſt of the propoſitions, ſo they were unſatiſfied with the matter of theſe new propoſals lately communicated to them; and deſired, that there might be a perſonal treaty with the king, upon ſuch propoſitions as ſhould be agreed upon, with advice and conſent of both kingdoms.

The parliament is offended with it.

This declaration gave great offence to both houſes. Their reply to it was anſwerable in terms, to the language uſed by the Scots; and it was ordered, that the printer of the declaration ſhould be committed to priſon.

The four bills are preſented to the king. The Scots declare their diſſent to them. Clarend.

In a word, notwithſtanding the oppoſition of the Scotch commiſſioners, the four bills were preſented to the king the 24th of December. The next day, the Scotch commiſſioners came to the Iſle of Wight, and delivered to the king a declaration of their diſſent to the propoſitions they had lately ſeen, and the four bills brought to his majeſty. After that, they had a conference with the king, wherein ſome things paſſed, which long remained ſecret, and which it will be neceſſary to relate, becauſe on them turned the events mentioned hereafter.

Since the king had been in the power of the army, the Scots feared, he would unite with them. They knew they were mortally hated by the Independents, and conſequently, this union could not but be very prejudicial to Scotland. The army's ſucceſs againſt the parliament and city of London increaſed their fear very much, and put them upon ſeeking means to prevent, as they thought, the impending danger. They found no properer means, than to join with the king, provided he could be perſuaded to approve of the covenant, and aboliſh epiſcopacy in England. In their frequent conferences with him at Hampton-Court, they intimated, that when he was delivered to the parliament, it was not with the advice of all Scotland, but only by the marqueſs of Argyle's credit, who tyrannized over the kingdom: That all the Scots were diſpleaſed with it, and ready to atone for the fault, by aſſiſting him with all their power to recover his juſt rights; but they added, that to engage the Scots to employ their forces to this end, his majeſty was to give them ſatisfaction concerning the covenant, and the abolition of epiſcopacy in England, for, otherwiſe he could not expect the aſſiſtance of the Engliſh Presbyterians, which was abſolutely neceſſary. In ſhort, they made him hope, that the Scots would enter England with a ſtrong army, which, by the junction of the king's party, and Engliſh Presbyterians, would become ſo ſuperior to the army of the Independents, that he might almoſt be aſſured, nothing would be capable to oppoſe his reſtoration.

Theſe overtures were the more agreeable to the king, as the duke of Hamilton, after his freedom from impriſonment by the army, had declared to the king's friends, he was ready to do his majeſty all the ſervice that lay in his power. On the other hand, the marqueſs of Ormond had informed the king of his project to return into Ireland, join with the lord Inchiquin, whom he had privately gained, and with ſome of the heads of the rebels, and make war upon the parliament, affirming, that France had promiſed to ſupply him with all neceſſaries. It was very probable, that the union between the king's party, the Engliſh Presbyterians, and the Scots, added to a diverſion in Ireland, would very much embarraſs the Independents, and diſable them to withſtand ſo great a force. But to execute this project, the king was to approve of the covenant, and conſent to to the abolition of epiſcopacy, which he could never reſolve. Theſe were the two ſtumbling-blocks, which hindered him from concluding a treaty with the Scotch commiſſioners, before his flight from Hampton-Court. He would never grant theſe two points, and in expectation that by his ſteadineſs he ſhould induce the Scots to deſiſt from their deſires, quitted Hampton-Court, without any agreement with them. When, therefore, he ſo earneſtly preſſed for a perſonal treaty at London, with honour, freedom, and ſafety, it was in order to treat more commodiouſly with the Scotch commiſſioners, and conſult with his friends, what could be expected as well from his own, as the Presbyterian party; and doubtleſs, in caſe he concluded a treaty with them, his deſign was to prolong the negotiation with the two houſes, till the Scotch army had entered England, and his old and new friends laid all their meaſures *. It was very likely this

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* This conjecture is confirmed by his majeſty's letter to the earl of Lanerick, dated at Cariſbrook, November 19, 1647. See Mem. of the Duke of Hamilton, p. 325.

league would find the army ſo much employment, that they would not be able to ſubdue, a ſecond time, the parliament and city of London. Accordingly, this was the end the Scotch commiſſioners propoſed to themſelves, in their objections to the propoſitions, and in their demand of a perſonal treaty with the king, upon ſuch propoſals as ſhould be agreed upon by both kingdoms, being well aſſured, it would be eaſy for them to prolong the time, till every thing ſhould be ready.

The method the two houſes took to procure the king's conſent to the four bills, amongſt which was that of the militia, before they admitted him to a perſonal treaty, convinced him, they had no deſign to relax upon any of the principal articles. He conſidered, that after paſſing theſe four bills, he ſhould ſtill be forced to treat on propoſitions much like thoſe preſented to him at Newcaſtle: That, after all, what both houſes called treating, was, according to their ideas, conſenting to their demands, and upon the leaſt refuſal to grant what ſhould be propoſed to him, he ſhould be, perhaps, more cloſely confined, when he had paſſed one of the moſt important points in diſpute: That then, he ſhould not be able to treat with the Scots, and by paſſing the four bills, ſhould loſe the preſent opportunity, which ſhould never offer again. Theſe conſiderations determined him to agree with the Scotch commiſſioners, at a ſecond conference with them the 25th of December. As there was no time to loſe, the parliament's commiſſioners having orders to ſtay but four days in the Iſle of Wight, the Scotch commiſſioners had brought with them a treaty ready drawn, agreeable to the propoſitions they had made the king at Hampton-Court. This treaty was ſigned by the king and the Scotch commiſſioners the next day, December the 26th, the king having had but few hours to reſolve. Here follows the ſubſtance of the treaty, which the lord Clarendon ſays was read but by very few, and which he repreſents as the moſt unjuſt treaty that could be impoſed upon the king. This obliges me to make remarks on ſome of the articles.

The ſubſtance of the treaty. Clarend.

'IN the preface, the king acknowledged, that the intentions of thoſe who had entered into the covenant, were real for the preſervation of his majeſty's perſon and authority, according to their allegiance, and no ways to diminiſh his juſt power and greatneſs. He promiſed, as ſoon as he could, with freedom, honour, and ſafety, to be preſent in a free parliament, to confirm the ſaid league and covenant by act of parliament in both kingdoms, for the ſecurity of all who had taken or ſhould take it.' With this proviſo however, 'That none who was unwilling ſhould be conſtrained to take it (1).

REMARK (1). If it is conſidered, that the Scots joined their forces with thoſe of England, only in defence of this covenant, which had been ſolemnly ſworn to in both kingdoms, it will not be thought ſtrange, the Scotch commiſſioners ſhould require this promiſe of the king. Without this, there would have been no poſſibility to engage the Scots to employ their forces to reſtore the king to his rights, and how hard ſoever this condition might appear to him, it was abſolutely neceſſary to produce the effect which he expected from his union with Scotland.

'His majeſty engaged to confirm by act of paliament in England, Preſbyterian government; the Directory for worſhip; and the aſſembly of divines at Weſtminſter for three years; ſo that his majeſty and his houſhold ſhould not be hindered from uſing that form of divine ſervice he had formerly practiſed (2): And that during theſe three years there ſhould be a conſultation with the aſſembly of divines, to which 20 of the king's nomination ſhould be added, and ſome from the church of Scotland; and thereupon it ſhould be determined by his majeſty, and the two houſes of parliament, what form of government ſhould be eſtabliſhed after the expiration of thoſe years, as ſhould be moſt agreeable to the word of God.

REM. (2). The Scotch commiſſioners were not ſo ſtupid as to imagine, the Scots with their forces alone ſhould be able to reſtore the king; they depended chiefly upon the aid of the Engliſh Preſbyterians. But how was it poſſible for them to rely on their aid, if nothing were ſtipulated for them? Nay, it is aſtoniſhing they ſhould be ſatisfied with an eſtabliſhment which was to laſt but three years, conſidering how they themſelves and the Engliſh Preſbyterians, whoſe aſſiſtance was abſolutely neceſſary, ſtood affected. The king himſelf did not think, doubtleſs, he was forced upon this point, ſince he had offered the ſame thing to both houſes, in his meſſage of the 10th of December.

'That an effectual courſe may be taken by act of parliament, and all other ways needful or expedient, for the ſuppreſſing the opinions and practices of Anti-Trinitarians, Arians, Socinians, Anti-Scripturaliſts, Anabaptiſts, Antinomians, Arminians, Familyſts, Browniſts, Separatiſts, Independents, Libertines, and Seekers, and generally, for the ſuppreſſing of all blaſphemy, hereſy, ſchiſm, and all ſuch ſcandalous doctrines and practices as are contrary to the light of nature, and to the principles of Chriſtianity, whether concerning faith, worſhip or converſation, or the power of godlineſs, or which may be deſtructive to order and government, or to the peace of the church and kingdom (3).

REM. (3). All theſe ſects mentioned in this article were no leſs enemies to the Preſbyterians than to the church of England. Theſe three laſt articles being exactly what the king had offered in his meſſage of November the 16th, it cannot be ſaid that he granted them through ſurpriſe or force.

'The king promiſed, that in the next ſeſſion of parliament, after the kingdom of Scotland ſhould declare for his majeſty, in purſuance of this agreement, he ſhould in perſon, or by commiſſion, confirm the league and covenant in that kingdom; and concerning all the acts paſſed in the laſt parliament of that kingdom, his majeſty declared, that he ſhould then likewiſe be content to give aſſurance by act of parliament, that neither he nor his ſucceſſors ſhould quarrel, call in queſtion, or command the contrary of any of them, nor queſtion any for giving obedience to the ſame.'

After theſe articles concerning religion, there was a long recital of ‘the agreement the parliament of England had made, when the Scots army returned to Scotland, that the army under Fairfax ſhould be disbanded; and of that army's ſubmitting thereunto; of their taking the king from Holmby, and keeping him priſoner till he fled from them to the Iſle of Wight; and ſince that time both his majeſty, and the commiſſioners for the kingdom of Scotland, had very earneſtly deſired, that the king might come to London in ſafety, honour and freedom, for a perſonal treaty with the two houſes, and the commiſſioners of the parliament of Scotland, which, they ſaid, had been granted, but that the army had, in a violent manner, forced away divers members of the parliament from the diſcharge of their truſt, and poſſeſſed themſelves of the city of London, and all the ſtrengths and garriſons of the kingdoms: and that by the ſtrength and influence of that army, and their adherents, propoſitions and bills had been ſent to the king without the advice and conſent of the kingdom of Scotland, contrary to the treaties which are between the two kingdoms, and deſtructive to religion, his majeſty's rights, the privilege of parliament, and liberty of the ſubject; from which propoſitions and bills the Scotiſh commiſſioners had diſſented, and proteſted againſt, in the name of the kingdom of Scotland.'

After this preamble and recital, they ſaid, ‘That foraſmuch as his majeſty is willing to give ſatisfaction concerning the ſettling of religion, and other matters in difference, as is expreſſed in this agreement, the kingdom of Scotland doth oblige, and engage itſelf, firſt, in a peaceable way and manner to endeavour, that the king may come to London in ſafety, honour, and freedom, for a perſonal treaty with the houſes of parliament, and the commiſſioners of Scotland, upon ſuch propoſitions as ſhould be mutually agreed on between the two kingdoms, and ſuch propoſitions as his majeſty ſhould think fit to make; and for this end, all armies ſhould be disbanded; and in caſe that this ſhould not be granted, that declarations ſhould be emitted by the kingdom of Scotland, in purſuance of this agreement, againſt the unjuſt proceedings of the two houſes of parliament, towards his majeſty, and the kingdom of Scotland; in which they would aſſert the right that belonged to the crown, in the power of the militia, the great ſeal, beſtowing of honours, and offices of truſt, choice of the privy-counſellors, and the right of the king's negative voice in parliament: And that the queen's majeſty, the prince, and the reſt of the royal iſſue, ought to remain where his majeſty ſhall think fit, in either of his kingdoms, with ſafety, honour, and freedom: That upon the iſſuing out of this declaration, an army ſhould be ſent out of Scotland into England, for the preſervation and eſtabliſhment of religion, for defence of his majeſty's perſon and authority, and reſtoring him to his government, to the juſt rights of the crown, and the full revenues; for the defence of the privilege of parliament, and liberty of the ſubject; for making a firm union between the kingdoms under his majeſty and his poſterity, and ſettling a laſting peace. In purſuance whereof, the kingdom of Scotland was to endeavour, that there might be a free and full parliament in England, and that his majeſty may be with them in honour, ſafety, and freedom; and that a ſpeedy period be ſet to the preſent parliament. And they undertook, that the army which they would raiſe, ſhould be upon its march, before the meſſage and declaration ſhould be delivered to the houſes.' It was farther agreed on, ‘That all ſuch in the kingdom of England and Ireland, as would join with the kingdom of Scotland, in purſuance of this agreement, ſhould be protected by his majeſty in their perſons and eſtates; and that all his ſubjects in England or Ireland, who would join with him, in purſuance of this agreement, might come to the Scotiſh army and join with them, or elſe put themſelves into other bodies in England or Wales, for proſecution of the ſame ends, as the king's majeſty ſhould judge moſt convenient, and ſuch commanders or generals of the Engliſh nation, as his majeſty ſhall think fit: And that all ſuch ſhould be protected by the kingdom of Scotland and their army, in their perſons and eſtates, and where any injury or wrong is done unto them, they would be careful to ſee them fully repaired, as far as it ſhould be in their power to do; and likewiſe when any injury or wrong is done to thoſe who join with the kingdom of Scotland, his majeſty ſhould be careful of their full reparation (4).'

REM. (4). When the five laſt articles are conſidered, it plainly appears, what great advantages the king received by his condeſcenſion to eſtabliſh Preſbyterianiſm in England for three years; but ſome mens prejudice againſt Preſbyterianiſm, makes them think, the king paid very dear for the advantages he expected to reap from his union with Scotland.

They obliged his majeſty to promiſe, ‘That neither himſelf, nor any by his authority or knowledge, ſhould make or admit any ceſſation, pacification, or agreement whatſoever for peace, nor of any treaty, propoſitions, bills, or any other ways for that end, with the houſes of parliament, or any army or party in England or Ireland, without the advice and conſent of the kingdom of Scotland; and reciprocally, that neither the kingdom of Scotland, nor any, having their authority, ſhould make or admit of any of 'theſe, any manner of way, with any whatſoever, without his majeſty's advice or conſent: And that upon the ſettlement of a peace, there ſhould be an act of oblivion to be agreed upon by his majeſty, and both his parliaments, of both his kingdoms: That his majeſty, the prince, or both, ſhould come into Scotland, upon the invitation of that kingdom, and their declaration, that they ſhould be in honour, freedom and ſafety, when poſſibly they could come with ſafety and convenience; and that the king ſhould contribute his utmoſt endeavour, both at home and abroad, for aſſiſting the kingdom of Scotland, for carrying on this war both by ſea and land, and all other ſupplies by monies, arms, ammunition, and all other things requiſite, as alſo for guarding the coaſts of Scotland with ſhips, and protecting all their merchants, in the free exerciſe of their trade and commerce with other nations: And likewiſe, that his majeſty was willing, and did authoriſe the Scotiſh army, to poſſeſs themſelves of Berwick, Carliſle, Newcaſtle upon Tyne, with the caſtle of Tinmouth, and the town of Hartlepool: Thoſe places to be their retreat, and magazines; and that, when the peace of the kingdom ſhould be ſettled, the kingdom of Scotland ſhould remove all their forces, and deliver back again thoſe towns and caſtles.

'The king promiſed alſo, and undertook to pay the arrears of the brotherly aſſiſtance, and likewiſe the 200,000 l. which remained ſtill due upon the laſt treaty, for return of the Scotiſh army, when they had delivered up the king (5).'

REM. (5). If the 400,000 l. promiſed to the Scotch army, when they quitted England, be conſidered as the price of the ſale of the king's perſon, nothing could be harder, than to oblige the king to the payment of that ſum. But if it was really due to the Scots for their arrears, the king approving of the covenant of both kingdoms, by the firſt article of this treaty, the Scots could urge, that he was bound to ſee them paid the expence they had been at in maintaining the ſaid covenant.

And alſo, 'That payment ſhould be made to the kingdom of Scotland, for the charge and expence of their army in this future war, with due recompence for the loſſes they ſhould ſuſtain therein, and that due ſatisfaction, according to the treaty on that behalf betwixt the two kingdoms, ſhould be made to the Scotiſh army in Ireland, out of the lands of this kingdom, or otherwiſe: And that the king, according to the intention of his father, ſhould endeavour a complete union of the two kingdoms, ſo as they may be one under his majeſty, and all his poſterity; or if that cannot ſpeedily be effected, that all liberties and privileges concerning commerce, traffick, manufactures, peculiar to the ſubjects of either nation, ſhould be common to the ſubjects of both kingdoms without diſtinction; and that there be a communication, and mutual capacity of all other liberties of the ſubjects in the two kingdoms (*6*).'

REM. (*6*). If the king could not, by his own authority unite the two kingdoms, without the concurrence of the two parliaments, neither could he, without the ſame concurrence, make the privileges of both kingdoms common; ſo, probably, this article was put into the treaty only to dazzle the people of Scotland.

'That a competent number of ſhigs ſhould be yearly aſſigned, and appointed out of his majeſty's navy, which ſhould attend the coaſt of Scotland for a guard, and freedom of trade of that nation; and that his majeſty ſhould declare, that his ſucceſſors, as well as himſelf, are obliged to the performance of the articles and conditions of this agreement; but that his majeſty ſhall not be obliged to the performance of the aforeſaid articles, until the kingdom of Scotland ſhould declare for him, in purſuance of this agreement: and that the whole articles and conditions aforeſaid, ſhall be finiſhed, perfected, and performed, before the return of the Scotiſh army; and that when they return into Scotland, at the ſame time, Simul & ſemel, all armies ſhould be diſbanded in England.' The king engaged himſelf alſo, 'To employ thoſe of the Scotiſh nation, equally with the Engliſh, in all foreign employments and negotiations; and that a third part of all the offices and places about the king, queen, and prince, ſhould be conferred upon perſons of that nation; and that the king and prince, or one of them; will frequently reſide in Scotland, that the ſubjects of that kingdom may be known to them.'

The king's conſent by this treaty to the eſtabliſhment of the Presbyterian-government in England for three years, lying heavy upon his mind, he prevailed with the commiſſioners, that it ſhould be inſerted under the ſame treaty, 'That his majeſty did declare, that by the clauſe of confirming Presbyterian-government by act of parliament, he is neither obliged to deſire the ſettling of Presbyterian-government, nor to preſent any bills to that effect; and that he likewiſe underſtands, that no perſon whatſoever ſhall ſuffer in his eſtate, nor undergo any corporal puniſhment, for not ſubmitting to Presbyterian-government; his majeſty underſtanding that this indemnity ſhould not extend to thoſe who are mentioned in the articles againſt toleration.'

To this the Scotch commiſſioners ſubſcribed their hands, 'as witneſſes only, as they ſaid, and not as aſſentors.'

The lord Clarendon, in his Hiſtory of the civil wars of England, exclaims againſt the injuſtice of this treaty, in the following words.

"No man who reads this treaty (which very few men have ever done) can wonder, that ſuch an engagement met with the fate that attended it; which contained ſo many monſtrous conceſſions, that, except the whole kingdom of England had been likewiſe impriſoned in Cariſbrook-caſtle with the king, it could not be imagined, that it was impoſſible to be performed."

I own, whatever eſteem I may have for

this illuſtrious hiſtorian, this bare aſſeveration, without any explication, is not ſatisfactory to me. After having examined every clauſe of this treaty, I meet with none that to me appear monſtrous. It is true, the article of ſettling the Presbyterian government in England for three years, might ſeem ſo to the earl of Clarendon, and thoſe who are of his opinion. The reader is to judge, whether this monſtroſity, if I may venture to uſe that term, is to be aſcribed to the thing itſelf, or to the hiſtorian's prepoſſeſſion.

The king having concluded his treaty with the Scotch commiſſioners, delivered his anſwer to the commiſſioners of the parliament, to this effect:

The king's anſwer to the parliament's commiſſioners. Clarend.

'That his majeſty had always thought it a 'matter of great difficulty, to comply in ſuch 'a manner with all engaged intereſts, that a 'firm and laſting peace might enſue; in which 'opinion he was now confirmed, ſince the 'commiſſioners for Scotland did ſolemnly proteſt againſt the ſeveral bills, and propoſitions, which the two houſes of parliament had 'preſented to him for his aſſent; ſo that it 'was not poſſible for him to give ſuch an anſwer as might be the foundation of a hopeful peace. That beſides, the four bills as 'they were offered to him did not only diveſt 'him of all ſovereignty, and leave him without any poſſibility of recovering it to him or 'his ſucceſſors, but opened a door for all intolerable oppreſſions upon his ſubjects, he 'granting ſuch an arbitrary and illimited power to the two houſes. That neither the deſire of being freed from that tedious and irkſome condition of life, which he had ſo long 'ſuffered, nor the apprehenſion of any thing 'that might befal him, ſhould ever prevail 'with him to conſent to any one act, till the 'conditions of the whole peace ſhould be concluded; and then that he would be ready to 'give all juſt and reaſonable ſatisfaction, in 'all particulars; and for the adjuſting of all 'this, he knew no way but a perſonal treaty '(and therefore very earneſtly deſired the two 'houſes to conſent to it) to be either at London, 'or any other place they ſhould rather chuſe.'

Ludlow.

The king, not doubting but his anſwer would diſpleaſe the two houſes, would have given it ſealed to the commiſſioners, becauſe whilſt the parliament ſhould take it into conſideration, he intended to make his eſcape, having already taken ſome meaſures for that purpoſe. But the commiſſioners would not receive it in that manner, ſaying, "They were not "to be looked upon as common meſſengers "and to carry back an anſwer they had not "ſeen." The king fearing, their return without his anſwer would be attended with the worſt of conſequences, gave it to them open; after which they inſtantly departed. They were no ſooner gone, than governor Hammond, by Sir Thomas Fairfax's order, cauſed all the king's ſervants to be put out of the caſtle who till then had been permitted to be with him, and confined him ſo cloſely, that no man had liberty to go to him without expreſs leave.

1647. Burley's inſurrection to reſcue the king. Dec. 29. Clarend.

It was not in vain that the governor took theſe precautions, ſince, immediately after, one captain Burley, an inhabitant of the iſland, who had been firſt a ſea-officer, and afterwards general of the ordnance in one of the king's armies, endeavoured to excite the people to reſcue the king from his captivity; but he laid his meaſures ſo ill, that inſtead of executing his deſign, he was apprehended, and afterwards condemned, hanged, drawn, and quartered. Probably the king depended upon this officer for his eſcape.

He is apprehended and executed.

1647-8 Jan. 3.

The king's anſwer being read in the houſe of commons, ſeveral members ſpoke againſt the king with great warmth. Cromwell among others ſaid,

Cromwell's invectives againſt the king. Clarend.

'That the king was a man of great parts, 'and great underſtanding, but that he was ſo 'great a diſſembler, and ſo falſe a man, that 'he was not to be truſted. That whilſt he profeſſed with all ſolemnity that he referred 'himſelf wholly to the parliament, and depended only upon their wiſdom and counſel 'for the ſettlement and compoſing the diſtractions of the kingdom, he had at the ſame 'time ſecret treaties with the Scotiſh commiſſioners how he might embroil the nation 'in a new war, and deſtroy the parliament. 'He concluded, that they might no farther 'trouble themſelves with ſending meſſages to 'him, or farther propoſitions, but that they 'might enter upon thoſe counſels which were 'neceſſary towards the ſettlement of the kingdom, without having farther recourſe to the 'king.' This advice being ſtrongly ſeconded by ſome other members, it was, at length, reſolved after a long debate from morning till late at night, that no more addreſſes ſhould be made to, or meſſages received from, the king, and that a declaration ſhould be publiſhed to ſatisfy the kingdom of the reaſon of it. This declaration was prepared in a very ſhort time. It contained all the reproaches caſt upon the king, in 1641, in the remonſtrance of the ſtate of the kingdom, and whatever had been complained of ſince that time, not without a direct inſinuation that the king, when prince of Wales, had conſpired with the duke of Buckingham againſt his father's life. They charged him with having openly betrayed the intereſts of the Proteſtant religion, by lending his ſhips to the king of France who employed them againſt Rochel. When this declaration came to be debated, it met with much oppoſition even in the houſe of commons. But the contrary party to the king did what is daily practiſed in the parliament; they ſuffered the oppoſers of the declaration to talk as much as they pleaſed, and then called for the queſtion, which was carried by a pleurality of voices; after which the declaration was ſent to the houſe of peers, where it paſſed without any difficulty.

It is voted that no more addreſſes be made to, nor meſſages received from the king. Ruſhw. Declaration about it. Clarend.

Clarend.

The Scotch commiſſioners, before they returned home, communicated their deſigns to the king's party, the marqueſs of Ormond, and ſome leading Presbyterians, and early preparations were made for accompliſhing the project which was forming in favour of the king. The project was as follows.

Project in favour of the king.

The Scots were to ſend an army into England to act againſt the Independents, and deliver the king: The marqueſs of Ormond was to return into Ireland, where the lord Inchiquin, who commanded the parliament's forces in Munſter, had promiſed to declare for the king, and ſeveral heads of the rebels who were diſpleaſed with the tyrannical proceedings of the pope's nuncio, had engaged to join the marqueſs with a ſtrong body of their troops. At the ſame time, the king's friends in England were to riſe in ſeveral counties. The generals and officers, diſcarded by the new model, had promiſed to aſſemble what forces they could, to countenance the deſign. The nobility, gentry, and burghers being diſſatiſfied that the army ſhould govern the parliament,and, all offices be conferred on perſons of their party, it was not doubted but the inſurrection in ſeveral parts, would be ſupported and encouraged. On the other hand, Sir Marmaduke Langdale, and Sir Phillip Muſgrave, who had great intereſt in Yorkſhire and Cumberland, engaged to ſeiſe Berwick and Carliſle. The Preſbyterian party being ſtill very numerous in the parliament and city, were preparing openly to oppoſe the army, as ſoon as they ſhould ſee it employed in ſo many different places. Had all theſe projects been well managed, and executed at the ſame time, very probably, Cromwell, with all his art, would have been extremely embarraſſed. But of all thoſe who ſhould have acted at the ſame time, ſome were too haſty, others too ſlow, and by that means, the army cruſhed them with eaſe one after another. But before I relate how theſe ſeveral projects were attempted to be executed, I think it abſolutely neceſſary to ſhew the intereſts and views of the different parties, otherwiſe it would be very difficult to underſtand what will be ſaid hereafter.

Deſigns of the Independents.

The Independents deſigned to be maſters of the kingdom, as they were already of the parliament and city of London; but as they found it would not be eaſy to ſucceed in this undertaking, by the ſame means they had employed to ſubdue the city and parliament, their view was to make uſe of the parliament, and govern in their name. It was, therefore, their intereſt, that the power they had acquired over the parliament ſhould not be too viſible, for fear of cauſing both houſes to loſe their authority, which they meant to make uſe of. For this reaſon they were very careful to manage the two houſes, knowing that whilſt the army ſubſiſted, they would have a regard for them, for fear of incenſing them. And in caſe they ſhould think of taking too much liberty, they knew how to reduce them to a greater compliance. Tho they had diſſembled their ſentiments with reſpect to the king, after his removal from Holmby, they were his mortal enemies, and bent to oppoſe, with all their power, his reſtoration on any conditions whatever, becauſe they conſidered it as entirely deſtructive of their party. Oliver Cromwell, who privately directed their affairs, had found means, as I ſaid, to keep his poſt in the army, and his ſeat in parliament, tho' he had been the chief promoter of the ſelf-denying ordinance, whereby the reſt of the members were excluded from all offices military and civil. Moreover, ſince the concluſion of the war, he had brought into the houſe many more of his faction, beſides thoſe who had been there from the beginning of the parliament. Hence the Independent party was grown very conſiderable in the houſe of commons, as well by their number as by the junction of ſeveral other members, who through fear, or want of judgment, ſuffered themſelves to be led by the Independents, on ſome occaſions where their artifices were not eaſy to be diſcovered. But their principal ſtrength was the ſupport of the army, of which they were ſecure on occaſion. So, when any leading Independent ſpoke with warmth in the houſe, he ſeldom met with oppoſition, becauſe he was conſidered as the mouth of the army.

But what was the end the Independents propoſed? The event ſhewed, their principles were inconſiſtent with monarchy, with epiſcopacy, and with preſbyterian government, and that their view was to eſtabliſh a commonwealth in the ſtate, and aboliſh eccleſiaſtical authority in the church. Nothing was more oppoſite to this deſign than the hierarchy, eſpecially, as it was known by experience to have ſupported the monarchy, not only in its juſt rights, but alſo in its moſt exorbitant pretenſions. Preſbyterianiſm, as eſtabliſhed in Scotland, and as intended to be eſtabliſhed in England, was no leſs contrary to their deſigns. They pretended it was inconſiſtent with the civil government, and to admit it, would be to admit a ſort of commonwealth in the church, which would aſpire to an independency on the ſtate, and beſides, the Preſbyterian clergy were as much againſt toleration as the epiſcopal. This they proved by the example of Scotland, where under colour of religion and godlineſs, the general aſſemblies of the kirk pretended to intermeddle in all important affairs of the ſtate, and not only to aſſiſt the civil authority, but to be bound to it in conſcience on certain occaſions. Beſides, if the biſhops had perſecuted thoſe who refuſed to conform to the church of England, the Preſbyterians, ſince they were ſuperior, exerciſed no leſs tyranny upon thoſe who would not ſubmit to their goverment. Thus the principles of the Epiſcopalians and Preſbyterians being directly contrary to thoſe of the Independents, theſe laſt were equally enemies to both, and equally laboured their ruin. To execute their deſigns, they had at firſt joined with the Preſbyterians, on pretence of eſtabliſhing Preſbyterianiſm, but in reality to deſtroy the king. And when it was out of the king's power to hurt them, they laboured to deſtroy the ſame Preſbyterianiſm, for the eſtabliſhment of which, they had ſhewn more zeal than the Preſbyterians themſelves.

Cromwell's views.

Such were the views of the Independents; as for Cromwell's in particular, it cannot be ſaid when he began to form the project of his advancement. He had ſpent the two firſt years of this parliament in the houſe of commons as member for the town of Cambridge, without being very remarkable. Tho' he was above 40 years old before he exerciſed the profeſſion of arms, he ſuddenly grew ſo expert, and ſhewed ſuch undaunted courage in all the actions where he was preſent, that he was ſoon made lieutenant-general of the army, commanded by Sir Thomas Fairfax. It can hardly be doubted, that ſince the battle of Naſeby, where he acquired freſh laurels, he had begun to think of raiſing himſelf higher. But I dare not affirm, he then thought of what he afterwards accompliſhed. I ſhould rather believe, he had only ſome general views, and was led by the events and ſituation of affairs to form more ambitious projects.

Intereſts and views of the Preſbyterians.

I come now to the Preſbyterians. The war was ended to the king's diſadvantage; but he was ſtill alive tho' priſoner, and had ſeveral children. It was the general ſenſe of the nation, or, at leaſt, of thoſe who were not blinded by a ſpirit of party, that the king ſhould be reſtored, but upon ſuch terms however, as ſhould hinder the conſtitution of the government from being liable to the ſame danger as before this parliament. It cannot be doubted, this was the ſentiment of all honeſt Engliſhmen, when it is conſidered, that even thoſe who had nothing leſs in view than the king's re-eſtabliſhment, did, however, publickly declare, they deſired it, for fear the contrary opinion ſhould deprive them of the people's favour, which was abſolutely neceſſary for them. This appears in all the papers publiſhed ſince the beginning of the war and the king's impriſonment. And, indeed, nothing was more juſt and reaſonable. The nation's intereſt did not require that royalty ſhould be aboliſhed, or the king reduced ſo low as to be diſabled from executing the laws and protecting his ſubjects. But the intereſt of the Independents required the firſt of theſe two things, and that of the Preſbyterians, the ſecond. Herein conſiſted the difficulty of the king's reſtoration. He was very willing to conſent, that the ordering of the militia, and the nomination to the great offices, ſhould be left to both houſes of parliament for ſome time. This was ſufficient for the intereſt of the nation in general, ſince the people would have been freed from their fears, with reſpect to the government for the future. If the Preſbyterians had only intended the good of the publick, they would, doubtleſs, have been ſatiſfied with the king's offers. But they had another intereſt, no leſs dear to them, and which diſtinguiſhed their party from the reſt of the nation, viz. the abolition of epiſcopal government, which was their greateſt concern. Nay, very likely, if they had applied themſelves, at firſt, to procure the good of the nation, by endeavouring to humble the regal power, it was only to effect the more eaſily their ſecret deſigns, to change the government of the church. At the juncture I am ſpeaking of, they had not altered their projects; they knew how zealous the king was for epiſcopal government, and how averſe to the Preſbyterian. They could not, therefore, without running the riſque of loſing the fruit of their labours, leave their pretenſions undecided, and their affairs in ſuch a ſtate, that it ſhould be in the king's power to demoliſh what they had raiſed, and the king refuſed to give them any aſſurance in that reſpect. On the contrary, he plainly intimated, it was with reluctance that he granted them any thing, and even for a very ſhort time; beſides, they had no confidence in his promiſes.

But on the other hand, they had other enemies who were no leſs formidable. Theſe were the Independents, who had great advantages over them: 1. They had the king's perſon in their power. 2. They were ſupported by the army now at the gates of London. 3. The army directed, in great meaſure, the determinations of the parliament. Thus, the Preſbyterians were extremely embarraſſed, ſince, whichſoever of the two parties, the king's or the Independent, prevailed, their ruin was inevitable. In the interim, as the danger from the Independents was the moſt imminent, as ſoon as they were informed of the reſolution taken by the Scots to ſend an army to the king's relief, they thought fit to ſuſpend their quarrel with the king, and join their endeavours with thoſe of the Scots, to deliver him from the Independents. Not that they intended to reſtore him without terms, nothing being farther from their thoughts; but they hoped, with the aſſiſtance of the Scots and the royal party, to deſtroy the Independents and army, and that then the parliament would be perfectly free. In that caſe, they flattered themſelves that their party would be ſufficiently powerful in both houſes, to require of the king ſuch conditions as they ſhould think proper for their deſigns; that is to ſay, they pretended to free the king from the captivity in which he was held by the Independents, by means of his own friends, to put him under another, which would have been no leſs grievous to him; in ſhort, to put him into the power of a parliament by which he had always been oppoſed. Chimerical project, if ever there was one! It muſt be obſerved, the Preſbyterians no longer prevailing in the parliament, ſince Auguſt the 6th, their principal ſtrength lay in the aſſiſtance they could expect from the city, and the generals, officers and ſoldiers, who were caſhiered by the new model, and very ready to act againſt thoſe who had robbed them of the fruit of their labours.

Intereſts and views of the Scots.

The Scots had the ſame intereſts and views with reſpect to the king. They knew, the king conſidered the favours he had granted them, as extorted at a time when he could not deny them, without great inconveniences. On the other hand, they had not confidence enough in him, to believe he would be punctual to his promiſes, in caſe he remounted the throne of England with all his prerogatives. It was their intereſt, therefore, to hinder the king from becoming too powerful in England, and this had induced them to aſſiſt the parliament. But as for the Independents, Scotland does not ſeem to have been ſo much concerned to oppoſe the ſuperiority they had acquired

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in England. Indeed, it would have been more advantageous to Scotland, if there had been no Independent-party in England, if the Preſbyterian had prevailed, and if the covenant had been ſtrictly obſerved. But ſince affairs had taken another courſe, and the Independents had gained the advantage, it does not appear what miſchief could thence accrue to the Scots, ſince they were no leſs ſecured from the king's power, whilſt he was in the hands of the Independents than when he was in thoſe of the Preſbyterians. The reſolution of the Scots to aſſiſt the king can be aſcribed but to one, or, perhaps, all, of theſe cauſes: 1. To the fear of an union between the king and Independents; but this fear was groundleſs, the principles of the two parties being diametrically oppoſite: 2. To the deſire of being revenged on their ſworn enemies, the Independents, who had often mortified the Scotch commiſſioners: 3. To their extreme deſire of firmly eſtabliſhing the Preſbyterian government in the church of England: 4. and laſtly, To their hopes of preſerving, by means of this new war, the advantages procured them by the covenant. The queſtion is to know, whether theſe three laſt cauſes were ſufficient to engage them indiſpenſably to undertake a war againſt England? I ſay againſt England, for they could not doubt that the parliament, directed as it was by the army, would conſider their entrance into the kingdom as an invaſion.

On the other hand, the Royaliſts, tho' overthrown, being ſtill very numerous, there was great danger, that tho' the Scots, by their union with them, ſhould deſtroy the Independent party and their ſupporters the army, this advantage would turn more to the benefit of the king than of the Preſbyterians; at leaſt, it cannot be denied, that by uniting with the Royaliſts, they would, tho' contrary to their intention, enable them to hold up their heads, and by their own ſucceſſes give new ſtrength to their antient enemies. Theſe were reflections which occurred to many in Scotland, where the intended new war was far from being univerſally liked. The king's party appeared very active, which was a ſign their hopes were not confined to the freeing of the king from the Independents, in order to put him into the hands of the Preſbyterians. The commiſſioners had ſigned the treaty of the Iſle of Wight, without being authoriſed by the parliament of Scotland; and the execution of that treaty, on the part of the Scots, was entirely founded upon the hopes, the commiſſioners had given the king, of cauſing it to be ratified. But they had ventured to impart it only to a few friends, and ſome leading Preſbyterians of England, knowing, it contained not the whole of what the Preſbyterians deſired. It may, therefore, be affirmed, the new war, for which preparations were making in Scotland, was rather the work of ſome particular perſons than of the nation in general, as will appear in the ſequel.

Views of the king's party.

The deſign of the Royaliſts was not, as I ſaid, to deliver the king out of the hands of the Independents to leave him at the mercy of the Preſbyterians. They knew, that when the parliament ſhould be entirely free, the king's condition would not be much better; and, therefore, in jointly labouring with the Preſbyterians and Scots, their view was to reſtore the king to his former ſtate, without ſubjecting him to the terms already propoſed. Indeed, there were among them ſome who would not have ſcrupled to conſent to a toleration of the Preſbyterian religion, rather than riſque the king's reſtoration. Nay, ſome there were who, had they been conſulted, would have adviſed the king to ſubmit to a change introduced againſt his conſent. Tho' they were perſuaded that Epiſcopal was more perfect than Preſbyterian government, they did not think the difference between them material enough, to hinder the ſincere union of the two parties, which they conſidered as the ſole means of reſtoring the king to his rights. And this was what ſome had propoſed to the king, before he withdrew to the Scotch army. The queen and the court of France were of this opinion; but the king was not. He was ſo poſſeſſed with the neceſſity of epiſcopacy, that nothing could move him. Unfortunately for him, he had none about him but men, who, like him, believed epiſcopacy ſo eſſential to religion, that without biſhops neither the ordination of miniſters, nor conſequently the adminiſtration of the ſacrament, could be valid. It muſt not, therefore, be thought ſtrange, that the king had great ſcruples upon this point, ſince, according to his principles, he could not conſider the Preſbyterians as members of the Chriſtian-church. For how could they be Chriſtians, if their baptiſm was invalid? It cannot be denied, this was the opinion of the court and of many Church-of-England-men. If, therefore, the Royaliſts had fully known the contents of the Iſle of Wight treaty, very likely, their zeal for the king's ſervice would have cooled. It has been remembered, how much it diſpleaſed the earl of Clarendon. It is very eaſy to conceive, that men of ſuch ſentiments did not mean to labour for the intereſt of the Preſbyterians. What, therefore, could be expected from the union of the Royaliſts with the Preſbyterians and Scots, ſince they all acted with different or rather oppoſite views, and, tho' their common deſign had ſucceeded, they muſt have, therefore, diſunited, and begun a new war?

The king's views.

As to the king's particular views, they can only be conjectured. He was like a man that is drowning, and catches at whatever he thinks able to ſave him, or, at leaſt, retard his fate. His accepting the ſervice of the Scots and Preſbyterians of England, was not becauſe he expected much from their condeſcenſion. He had too often experienced their injuſtice to him, to imagine they would ſeriouſly think of reſtoring him, without impoſing upon him intolerable terms. But as neceſſity obliged them to offer him their aſſiſtance, ſo neceſſity forced him to accept it, if not in expectation of obtaining his deſires, at leaſt, in hopes of delaying his ruin as long as poſſible. For he was told, and by one that was preſent, that in a council of officers at Windſor, it was moved

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ved to take away his life. He hoped, very likely, by the aid of the Scots and Engliſh Presbyterians, ſo to ſtrengthen his own party, that they would be in condition to act alone, when once the Independent army was diſperſed, and by that means he might be freed and enabled to make a peace upon more tolerable terms than thoſe hitherto offered. Thus by a ſtrange blindneſs, the king pretended to uſe the Scots and Presbyterians to recover his rights, and theſe laſt pretended to make the king and his party ſubſervient to their own deſigns. The king might have another view in ſetting the Presbyterians and Independents at variance, viz. that the weakeſt party would join with him without terms rather than ſee their enemies triumph.

The parliament's views.

The parliament conſiſted of Presbyterians and Independents, and, notwithſtanding the efforts of Cromwell and his party, the Presbyterians were ſtill the majority. But this party was conſiderably weakened by the abſence of 11 of their chief members driven from the houſe of commons by the army. From that time, the ſame vigour was formerly no more appeared in that houſe, becauſe it was not directed as before the excluſion of theſe members. Beſides, this example deterred the boldeſt Presbyterians. So, the Independents were maſters; and tho' the parliament was Presbyterian as to number, they acted however like Independents, becauſe they could not do otherwiſe. As the army was near London, Cromwell had opportunity to be conſtantly in the houſe, where his preſence alone made the balance incline to which ſide he pleaſed, in the debates where his party was concerned. The lords were under no leſs conſtraint than the commons, nor leſs expoſed to the violence of the army, which had cauſed ſeven peers to be impeached by the commons of high-treaſon, under colour of their being concerned in the tumult of the 26th of July. The tranſactions therefore of both houſes from the 6th of Auguſt, 1647, and till June, 1648, are to be conſidered as directed by the army, that is, by the leading Independents. It may be imagined, the Presbyterian members were extremely troubled to be forced, notwithſtanding their majority in both houſes, to do things manifeſtly tending to the deſtruction of their party. But there was no remedy but patience, till time ſhould afford ſome opportunity to free themſelves from this ſlavery. This opportunity was of courſe to offer itſelf the next ſpring. Tho' the Scotch commiſſioners had not thought proper to impart to the leading Presbyterians the particulars of their treaty with the king, they had, however, intimated to them, that they were going to endeavour to raiſe an army in Scotland, to free England from the yoke of the Independents, and that the king's party was to join with them, or, at leaſt, favour their progreſs by inſurrections in ſeveral parts of the kingdom. So the Presbyterian members impatiently expected the happy time, when the army would be indiſpenſably obliged to remove from London, to oppoſe ſo many enemies, particularly in the north. They reſolved, therefore, to be ready to act in the parliament at ſo favourable a juncture, and in the interim, to give no offence, for fear of being prevented by the army, who carefully watched all their proceedings. This diſſimulation was neceſſary, becauſe otherwiſe they ran the hazard of being ruined to no purpoſe, and of diſabling themſelves from ſupporting their friends on occaſion.

Of the city of London.

It remains to ſpeak of the city of London, which was no leſs concerned in what paſſed, than the reſt of the kingdom, and could be of great ſervice to the party they eſpouſed. In this great city were men of all ſects and parties; but in general, it was Presbyterian, and the common council was of the ſame party. The army had done what lay in their power to leſſen the number of their adverſaries in that council, by cauſing the lord-mayor, ſome aldermen, and ſeveral common-council-men, to be accuſed and impriſoned, for the tumult of the 26th of July; but, however, the Presbyterian-party was ſtill ſuperior in number. In expectation of the opportunity to declare openly againſt the army, and the Independents, the Presbyterian-party ſo managed, that great difficulties conſtantly occurred, when it was propoſed to advance money for the army. The city itſelf was very much in arrears, with reſpect to the ſums laid upon them for the payment of the troops. They did not want excuſes to delay theſe arrears; but the true reaſon was, they thereby obliged the army to take free quarters, which made the people wiſh to be rid of them. The expectation of the revolutions, which the entrance of the Scots into the kingdom might produce, cauſed the magiſtrates of London to continue the ſame conduct, being ready to do, on all occaſions, whatever was in their power to be revenged of the army.

Of general Fairfax.

I ſhould willingly add ſomething concerning the character of the lord Fairfax, general of the army, and the ends he might propoſe to himſelf; but own, I have met with little information. He was Presbyterian, and yet, ſuffered himſelf to be guided by Cromwell, the head of the Independents. What can be ſaid in his favour, is, that he kept the command of the army to avoid a greater miſchief, for fear, if he reſigned his commiſſion, it ſhould be given to Cromwell, as it would certainly have been.

I thought it neceſſary, before I proceed to the great revolution in 1648, to ſhew the views and intereſts of the principal actors, believing this digreſſion would conduce very much to the underſtanding of what will hereafter be ſaid.

Strict union between the parliament and the army. Dec. 30. Ruſhw.

Since the two houſes had reſolved to preſent no more addreſſes to the king, nor receive any meſſages from him, there ſeemed to be a ſtrict union between the parliament and army. The council of war had conſented, that all the ſupernumerary forces, not upon the preſent eſtabliſhment, ſhould be disbanded. The parliament on their part gave the army ſufficient ſecurity for their arrears, and publiſhed a declaration, containing the reaſons, why the army ought to be continued, tho' the war was over.

1647-8.

over. In a word the army deſiſted from their pretenſions, to meddle with affairs of ſtate, and left the parliament free to ſettle the government as they ſhould think fit. Thus the vote for no more addreſſes ſeemed to produce ſuch an union between the parliament and army, that they appeared to have the ſame views and intereſts, tho' hitherto they had been jealous of each other. This clearly ſhews, what were the deſigns of the army, with regard to the king. As for the parliament, tho' the Independent members were devoted to the army, it is certain, the reſt, who were the majority, only diſſembled their ſentiments. In the interim, the Independents, who met with no more oppoſition in the two houſes, being willing to be ſtill more aſſured of the parliament, cauſed it to be ordered, that the general ſhould be deſired to take care and guard the parliament. Purſuant to this requeſt, the general ſent a regiment of foot to Whitehall, and another of horſe to the Meuſe, where the king's ſtables ſtood. This was to hinder the Londoners from thinking again of uſing violence to the two houſes.

Account of what paſſed in Scotland. The parliament meets three. Clarend.

Tho' the Scotch commiſſioners departed not from London till the 24th of January, they had however, by their letters, promoted their affairs, as ſoon as their treaty with the king was ſigned, that it was now reſolved at Edinburgh, the committee of eſtates ſhould meet the 6th of February, and the parliament the 10th of March. This reſolution was taken, notwithſtanding the marqueſs of Argyle's oppoſition, who, tho' preſbyterian as to religion, was of the ſame principles with the Independents as to the government of the ſtate, and had contracted a faſt friendſhip with Cromwell and Vane. But tho' he ruled in great meaſure the rigid Preſbyterians, that is, thoſe who would not depart from one ſingle point of the covenant, the combination was ſo ſtrong, that it was not only reſolved to call a parliament, but that alſo the elections of the members were agreeable for the moſt part to the wiſhes of thoſe who were for levying an army. The parliament of England, or rather the Independent-party, by whom the two houſes were directed, doubted not that the views of thoſe who had procured this reſolution, was to ſupport the Preſbyterians of England, who were upon the brink of ruin. Wherefore they reſolved to ſend commiſſioners to Scotland, as well to endeavour to content the Scots as to obſerve what ſhould paſs in the parliament, and try to ſtrengthen the party of thoſe who were againſt war.

1648. Motion to raiſe an army to act in England. Clarend.

At the opening of the parliament of Scotland, ſtudied ſpeeches were made by ſeveral of the members, to excite the pople againſt the Engliſh. They repreſented, that the army of Engliſh kept the king in captivity, and the parliament in ſuch ſubjection, that nothing was done but what the army pleaſed. That, contrary to the tenour of the covenant between the two nations, the parliament had refuſed to debate with the Scotch commiſſioners, the propoſitions ſent to the king for peace, and rejected their proteſtation, as if Scotland had no intereſt in the king: That they had in reality depoſed the king by diveſting him of all his prerogatives, by voting he ſhould be no more addreſſed, and by hindering the Scots from having acceſs to his perſon, tho' he was as much king of Scotland, as king of England: That it was a manifeſt breach of the right of the Scots, and of the covenant between the two kingdoms, and that Scotland ought to reſent this affront, or reſolve to become ſubject to England: That for theſe reaſons, their advice was, that ſpeedy means might be deviſed to ſend an army into England, which ſhould no ſooner enter that kingdom, but all the Engliſh, except the army, would join with them, and by that means the parliament being reſtored to freedom, would re-unite with Scotland, and the covenant be punctually obſerved.

1648.

A committee appointed, who are for levying an army. Ruſhw.

The parliament thought not proper to take this important motion ſo ſpeedily into conſideration. But to facilitate the execution of what had been reſolved before their meeting, a committee of 24 members was appointed, with power to provide for the ſafety of the kingdom, in caſe it ſhould be in danger. For this reaſon, they were called the Committee of Danger, in which care was taken, that the number of thoſe who were for war, ſhould be ſuperior to thoſe of the contrary party, and to make duke Hamilton preſident.

The kirk commiſſioners are againſt it. Clarend.

This committee having examined the ſtate of the kingdom, found it to be in danger, and that it was neceſſary to raiſe an army of 40,000 men, to put it in a poſture of defence. It was not poſſible for the marqueſs of Argyle, who was of the committee, to prevent this reſolution; but he found means to actuate the commiſſioners of the general-aſſembly of the kirk, who ſome days after preſented to the parliament certain demands, proper to prolong the affair. The parliament anſwered theſe demands, and the commiſſioners replied. As this affair will be better underſtood, by comparing the demands, anſwers, and replies, I think it neceſſary not to divied them. This will be of uſe, as it diſcovers the obſtacles which occurred in Scotland, to the raiſing of the army that was to act in England. Herein alſo will appear, what authority the general-aſſembly of the kirk of Scotland aſſumed to themſelves, ſince their commiſſioners thought they had a right to oppoſe the parliament to their face.

Ruſhw.

'1. Demand. That the grounds and cauſes of undertaking a war may be cleared to be ſo juſt, as that all who are well-effected, may be ſatisfied in the lawfulneſs and the neceſſity of the engagement, and that nothing be acted in reference to a war, before the lawfulneſs of the war, and the ſtate of the queſtion be agreed upon.

Answer. The eſtates declare, that the grounds and cauſes of undertaking of war, ſhall be cleared to be ſo juſt, as that all who are well-effected may be ſatisfied in the lawfulneſs and neceſſity of the engagement.

'Reply. They conceive, that notwithſtanding any thing expreſſed in their lordſhips anſwer, there may be an acting in reference

‘ference to war, before the lawfulneſs of the war and the ſtate of the queſtion be agreed upon, which is the very thing they deſire to be avoided.

‘ 2. DEMAND. That as the breaches of the covenant, by the prevalent party of the ſectaries in England are evident, ſo we deſire and hope, that, according to the treaty, it may be condeſcended upon, and declared by the parliament, what are thoſe breaches which they take to be a ground of war, and that reparation thereof may be ſought.

ANSWER. They think it fit, that the breaches of the covenant and treaties be preſented; and the ſeeking of reparation, and the beſt time and manner thereof, conſidered.

‘ REPLY. They neither find any breach of peace between the kingdom, which may be a ground of war, nor any poſitive reſolution of parliament to ſeek reparation.

‘ 3. DEMAND. That there may be no ſuch quarrel or ground of the war, as may break the union between the two kingdoms, or may diſcourage or diſoblige the Presbyterian-party in England, who continue firm in adhering to the league and covenant.

ANSWER. They declare, that this kingdom will be ſo far from making any war againſt the kingdom of England, that any engagement they ſhall enter into, ſhall be for ſtrengthening the union between theſe two kingdoms, and for encouraging the Presbyterians, and well-affected in England.

‘ REPLY. Inſtead of that clauſe of the deſire, “The Presbyterian-party in England, who continue firm in adhering to the league and covenant;” change of expreſſion in the anſwer is, “The Presbyterians and well-affected in England,” which may intimate, that there are ſome well-ffected in England, which are not of the Presbyterian-party, nor do adhere to the league and covenant.

‘ 4. DEMAND. That if the popiſh, prelatical, or malignant party ſhall again riſe in arms, this nation and their armies may be ſo far from joining or aſſociating with them, that on the contrary, they may oppoſe them, and endeavour to ſuppreſs them, as enemies to this cauſe and government upon the one hand, as well as ſectaries on the other.

ANSWER. They agree to the ſubſtance and matter thereof; and remit to thoſe who are to be upon the conference for ſtating the queſtion to explain the ſame.

‘ REPLY. For not joining with the popiſh, prelatical, or malignant party, we cannot conceive wherein it needs explanation, unleſs there be now more favourable and friendly intentions towards malignants than formerly.

‘ 5. DEMAND. Seeing your lordſhips undertakings ſhould be in the firſt place for religion; we deſire, that his majeſty's late conceſſions and offers concerning religion (as they have been by the church, ſo may be by the parliament) declared unſatisfactory; whereby your lordſhips may give further evidence of the reality of your intentions for the good and ſafety of religion.

ANSWER. They declare, that upon the agreement on the whole matter and ſtate of the queſtion, they will declare his majeſty's conceſſions concerning religion, not to be ſatisfactory.

‘ REPLY. His majeſty's conceſſions being ſo prejudicial to the cauſe and covenant, they deſire the parliament to declare againſt them both poſitively, without any condition, and preſently without delay.

‘ 6. DEMAND. That your lordſhips may be pleaſed not to fix and ſettle upon any ſuch ſtate of a queſtion, as doth not contain ſecurity and aſſurance to be had from his majeſty, by his ſolemn oath, under his hand and ſeal, that he ſhall, for himſelf and his ſucceſſors, conſent and agree to acts of parliaments, enjoining the league and covenant, and fully eſtabliſhing presbyterial-government, directory of worſhip, and confeſſion of faith, in all his majeſty's dominions; and that his majeſty ſhall never make any oppoſition to any of theſe, or endeavour any change thereof; and that this ſecurity be had from his majeſty before his reſtitution to the exerciſe of his royal power; which we deſire for no other end, but becauſe we cannot ſee how religion, (which has been, and we truſt ſhall be, the principal end of all the undertakings of this nation) can be otherwiſe ſecured; but that without this ſecurity it ſhall be left in very great hazard.

ANSWER. That ſince religion hath been, and they truſt ever ſhall be, the principal end of all their undertakings; ſo they will be careful, that the preſent queſtion to be ſtated ſhall contain ſecurity and aſſurance from his majeſty, by his ſolemn oath under his hand and ſeal, that he ſhall for himſelf, and for his ſucceſſors, give his royal conſent to paſs acts of parliament, enjoining the league and covenant, eſtabliſhed by presbyterial government, the directory of worſhip, and confeſſion of faith, in all his majeſty's dominions; and that his majeſty ſhall never make oppoſition to any of theſe, or endeavour any change thereof.

‘ REPLY. As there is much ſaid in the firſt part, for ſecurity of religion to be had from his majeſty; ſo that clauſe viz. That this ſecurity be had from his majeſty, before his reſtitution to the exerciſe of his royal power is laid aſide, and they are left unſatisfied in that which is the main of that deſire.

‘ 7. DEMAND. That the ſame end in ſecuring religion (which is profeſſed to be the principal cauſe of engagement) and for ſecuring all other ends of the covenant, ſuch perſons only may be entruſted by your lordſhips to be of your committees and armies, as have given conſtant proof of their integrity and faithfulneſs in this cauſe, and againſt whom there is no juſt exception or jealouſy, that ſo we may the more confidently encourage our flocks and congregations to follow the cauſe of God in their hands, and not to doubt of the fidelity of thoſe, who ſhall be entruſted by your lordſhips.

ANSWER. That they will be careful that none ſhall be employed in the command of their armies, nor in their committees, but ſuch as are of known integrity and affection to the cauſe, and againſt whom there is no juſt cauſe of exception.

‘ Reply. Concerning ſuch as are to be entruſted in armies and committees, doth admit of ſome of the qualifications expreſſed in the deſire, viz. Such as have given conſtant proof of their integrity and faithfulneſs in this cauſe, and againſt whom there was no juſt cauſe of jealouſy, that ſo we may the more confidently encourage our flocks to follow the cauſe of God in their hands, and not doubt of their fidelity.

‘ 8. Demand. That there be no engagement without a ſolemn oath, wherein the church may have the ſame intereſt which they had in the ſolemn league and covenant, the cauſe being the ſame.

Answer. They declare, that to the grounds of their engagements and undertaking an oath ſhall be ſubjoined, wherein both in the framing of it, and otherwiſe, the church ſhall have their due intereſt. And the eſtates of parliament deſire the commiſſioners of the church to appoint ſome of their number, to meet with ſuch of the committee of parliament of 24, as ſhall be appointed by the ſame committee, for the conference and ſtating of the queſtion, for agreeing upon the grounds of an engagement, and drawing up ſuch a ſtate of a queſtion, as may unite this nation in an unanimous undertaking of ſuch duties as are requiſite for the reformation and defence of religion, the ſafety, honour, and happineſs of the king and his poſterity, and the good of this kingdom.

‘ Reply. Inſtead of that clear expreſſion uſed, namely, “ That the kirk may have the ſame intereſt in any oath for a new engagement which they had in the ſolemn league and covenant,” they find this doubtful and uncertain expreſſion, “ That both in the framing the oath and otherwiſe, the kirk ſhall have their due intereſt.”

‘ And upon theſe and the like conſiderations, they conceive that their deſires, unto which they ſtill adhere as juſt and neceſſary, are not ſatisfied by their lordſhips anſwer.’

Sundry proteſtations againſt the war. Ruſhw.

The oppoſition of the kirk commiſſioners was not the only ſtorm the reſolution of levying an army drew upon the committee of danger. Eighteen lords and 40 other members of parliament, entered a ſolemn proteſt againſt this vote, affirming, the committee had exceeded their power, which they did not in any manner conſent to give them. There were, moreover, two other difficulties to ſurmount, before the parliament could poſitively order the levying of an army. The firſt related to the general, who was to have the command. Naturally this poſt belonged to general Leſly, now lord Newark, who had commanded the laſt army, and of whom there was no occaſion to complain. But he was not fit for their purpoſe who were for a war. That party's ſcheme was to make duke Hamilton general, becauſe he had privately declared for the king, and it was conceived he would be more proper than Leſly, to unite the royal party in England, with the army of Scotland. This difficulty was at length, removed, Leſly being artfully prevailed with to quit his pretenſion, under colour of age and infirmities. Which done, duke Hamilton had no other rival.

Hamilton is made general.

Order of parliament touching the covenant.

The ſecond difficulty was much more conſiderable. Before the Scotch commiſſioners left London, they had intimated to ſeveral officers and others of the king's party, that when the Scotch army ſhould enter England, they ſhould be welcome to the Scots, and with them make but one body and party, for the deliverance of the king out of the hands of the Independents. They had given the ſame aſſurances to Sir Marmaduke Langdale, and Sir Philip Muſgrave, and by that induced them to promiſe to ſeiſe Berwick and Carliſle. Upon theſe hopes a great number of Royaliſts repaired to Edinburgh, to join with the Scots, or be employed in their army. Moreover, a troop of horſe, commanded by captain Wogan, which was to have been diſbanded, had retired into Scotland, to join the forces of that kingdom; and this troop, by the junction of ſeveral horſe-deſerters, was become 400 ſtrong. Duke Hamilton had put Langdale and Muſgrave in hopes, that when the Scotch army ſhould be in England, there would be no more be ſaid of the covenant, and the Royaliſts might join with them and make but one body. But it was not in the power of thoſe who made theſe promiſes to perform them. The marqueſs of Argyle, and the rigid Preſbyterians ſtrongly repreſented, both in publick and private, ‘ That under colour of acting againſt the Independents in England, the Royaliſts, that is, the mortal enemies of Scotland, and of all Preſbyterians, were going to be effectually reſtored. This was the deſign of thoſe who were ſo eager for a war, might eaſily be perceived, both by the activity of ſuch Scots as had never heartily adhered to the covenant, and by the extraordinary concourſe of Royaliſts into Scotland. That even men were ſent for to Edinburgh, who were moſt attached to the king's party, and moſt inveterate againſt the covenant, ſuch as Langdale, Muſgrave, Glemham, Fleming, and others, who daily conferred with their friends, whereof the parliament of England had complained to no purpoſe. That the junction with the king's party conſiſting of Papiſts, Epiſcopalians, and other diſaffected perſons, was a more manifeſt breach of the covenant, than what the Engliſh were charged with. That in a word, by theſe proceedings the covenant, which was the baſis and foundation of the union betwixt the two nations, would be deſtroyed, whilſt it was pretended to raiſe an army to ſupport it, and even whilſt there was no other pretence to carry the war into England.’ Theſe repreſentations joined to the endeavours of the parliament of England's commiſſioners, who ſpared neither ſollicitations nor money to ſecond them, made ſuch impreſſion on the people, that the parliament could not help ordering, that thoſe who had not taken, or ſhould refuſe to take the covenant, ſhould not be received into the army, or joined with it at their entrance into England. After this declartion, it ſeemed to be out of duke Hamilton's power to perform what he had promiſed the Royaliſts. But he found means to evade in ſome meaſure this order when he came into England, as will hereafter appear.

Delays in Scotland. Ruſhw.

Theſe and other obſtacles, daily raiſed by the marqueſs of Argyle, and the rigid clergy, were the reaſon the parliament could not be ſo ſpeedy as the authors of the project had expected. As the people of Scotland were ſtrongly prepoſſeſſed in favour of the covenant and union with the Engliſh Presbyterians, the parliament was obliged to publiſh a declaration to ſatisfy them upon that head. But the contrary party pretended, there was no ſincerity in this declaration, full of ambiguous expreſſions, which diſcovered the ill deſigns of thoſe who were for a war. So, tho' the party who had cauſed the raiſing of forces to be ordered, was ſuperior in the parliament, no ſoldiers could be levied till the middle of May, and the army was not ready till the beginning of July, tho' the Scotch commiſſioners had aſſured it ſhould be in condition to act by the beginning of May. Moreover, this army, which was to conſiſt of 40,000 men, was not above half that number, even after the junction of the Engliſh troops. But before I ſpeak of the ſucceſs of theſe mighty preparations, it will be proper to ſee what paſſed in England.

Combination in Wales in favour of the king. Clarend.

Wales was the place where the firſt ſcene was opened. In that country were three colonels, viz. Langhorn, Powell, and Poyer, who had faithfully ſerved the parliament during the war, but unhappily found themſelves by the new eſtabliſhment, in the number of the ſupernumeraries who were to be disbanded, with which they were extremely diſſatisfied. Having communicated their diſcontents to each other, they reſolved all three to declare for the king, as ſoon as the Scotch army ſhould enter the kingdom. Langhorn even ſent a confident to Paris, to acquaint the queen and prince of Wales with this deſign, deſiring a commiſſion, with ſupplies of money and ammunition. The commiſſion was readily granted, but the circumſtances of the queen and prince, allowed them not to ſend the deſired ſupplies. Tho' theſe three officers had reſolved not to declare before the Scots had entered England, they were however obliged to it ſooner. Poyer, being governor, and mayor of Pembroke, in South-Wales, ſaw colonel Fleming unexpectedly arrive with the general's commiſſion to take the government of the caſtle. As this alteration could not but break the meaſures of the three colonels, Poyer refuſed to obey, under colour it was unreaſonable to deprive him of his government, without paying him his arrears. The parliament was inflamed when they heard of this diſobedience, and declared Poyer a traitor, if he did not deliver the caſtle within 24 hours after the firſt ſummons. Poyer contemned this ordinance, and even defeated Fleming, to whom ſome troops had been ſent to put him in poſſeſſion of Pembroke-caſtle. As the particulars of this affair are not abſolutely neceſſary, I ſhall content myſelf with ſaying, that it became of greater conſequence than the parliament had imagined. Not only Langhorn and Powell joined with Poyer, but all South-Wales declared for the king, whilſt the lord Byron was labouring to draw North-Wales and the parts about Cheſter into a revolt.

Inſurrection in Kent. Ruſhw.

During theſe tranſactions in Wales, there were commotions in Kent no leſs dangerous to the army. The king had always many friends in that county, but the neighbourhood of London and the army kept them in awe. In the interim, ſome gentlemen of the country having early information of the deſign of the Scots, took care to ſow the ſeeds of revolt, in hopes of producing fruit in due ſeaſon. The diſpoſition of the people of Kent began to ſhew itſelf in a great riot at Canterbury, the 25th of December, 1647, about keeping of Chriſtmas-day. The multitude wounded and abuſed the mayor and others of the magiſtrates, and at laſt the cry was, For God, king Charles, and Kent. The tumult being appeaſed, and ſome of the mutineers apprehended, the parliament had a mind to puniſh them with death. But they found ſo many obſtacles, that it was May before they ſent down a commiſſion to try them. The grand-jury refuſed to find the bill, to the great aſtoniſhment of the commiſſioners. There were at that time commotions forming in the county, in which the grand-jury were, doubtleſs, concerned, and that was the reaſon of their not finding the bill againſt their accomplices.

Tho' the directors of the affairs for the king had reſolved to delay the Kentiſh inſurrection till the army was marched againſt the Scots, it was not in their power to defer it ſo long. Roger L' Eſtrange, a Norfolkman, being in Kent, at the houſe of Mr. Hales a young gentleman who was heir to a great eſtate, perſuaded him to undertake ſomething in favour of the king, and to ſound the gentry and people of the country that frequented his houſe. Matters were ſo ordered in the county, that about the middle of May, the people roſe, took arms, and owned Hales for their general, in which they committed two very great errors. The firſt, in putting themſelves under the conduct of an unexperienced young man without authority. The ſecond, in riſing before the army was removed to ſome diſtance from London. As the general knew, the Scotch army was not yet ready, he detached Cromwell with part of his forces to reduce the Welch to obedience, and then to march againſt the Scots at their entrance into England. For himſelf, he remained near London, as well to be ready to march againſt the Kentiſhmen, as to prevent the like inſurrection in London, which the army dreaded of all things; beſides that, he had no inclination, as it afterwards appeared, to act againſt the Scots.

Fairfax marches againſt the Kentiſhmen.

The number of the male-contents in Kent being greatly increaſed, they were headed by George Goring, earl of Norwich, and Sir

William Waller, and in expectation that London would not fail to declare for them, advanced towards Black-Heath. Then Fairfax ſpeedily paſſed the Thames with his army over London-bridge, to give them battle. The Londoners being too wiſe to declare at ſuch a juncture, the revolters thought fit to retire, ſome to Rocheſter, and others to Maidſtone. General Fairfax attacked theſe laſt ſo vigorouſly, that he carried the town by ſtorm, ſlew many of them, and took a great number of priſoners. At the firſt news of this defeat, thoſe at Rocheſter quitted the city, and poſted themſelves on Black-Heath, hoping ſtill that London would ſend them aſſiſtance, or receive them into the city. Theſe two refuges failing, and hearing moreover, that a detachment of the army was approaching, they took to flight, and were diſperſed; but however, a great many were made priſoners, The earl of Norwich found means to paſs the Thames at Greenwich, in boats, with 5 or 600 men, and join his friends in Eſſex, who were upon the point of paſſing into Kent, if Fairfax had not been ſo diligent.

He defeats them. June 1.

The county of Eſſex was in the ſame diſpoſition as Kent. There had been for ſome time in that county, men, who were earneſtly labouring to excite the people againſt the army, and only waited an opportunity to appear openly, as ſoon as the army ſhould march to the north, not queſtioning but the approach of the Scots would oblige them to it. Of this number were Sir Charles Lucas, lieutenant-colonel Farr, Sir Bernard Gaſcoign; and at the ſame time, the lord Capel, one of the managers of the inſurrections, was labouring the ſame thing in Hertfordſhire. Tho' the Kentiſh inſurrection had been unſucceſsful, the Eſſex Royaliſts were not diſcouraged. They ſtill hoped, either that London would declare for the king, or the Scotch army make ſo great progreſs, that the army of England would not be able to withſtand ſo many attacks from all quarters. For there was ſcarce a county, but what was to have ſome inſurrection, thoſe eſpecially, where the king's party prevailed during the war; ſo the parliament having ſent a general pardon into Eſſex, for ſuch as ſhould lay down their arms, moſt refuſed it by the inſtances of Sir Charles Lucas, who was the moſt active Royaliſt in thoſe parts.

Fairfax marches into Eſſex. Clarend.

The general remained in Kent no longer than was neceſſary to raiſe the ſiege of Dover undertaken by Waller, and quiet the country, to which he granted very advantageous terms, conſidering their preſent circumſtances. This done, he repaſſed the Thames and marched into Eſſex, where the number of the revolters was increaſed by the junction of the troops brought out of Hertfordſhire by the lord Capel. Nevertheleſs, as they found themſelves unable to keep the field before a victorious as well as a ſtronger army, they reſolved to retire to Colcheſter. This was an open unfortified town; but they ſpeedily caſt up ſuch works before the avenues, that they did not fear being ſtormed. Here they reſolved to defend themſelves, and wait the event of affairs in the other counties, and particularly in the north.

He blocks up the revolters in Colcheſter.

The principal men, who were in Colcheſter, were the earl of Norwich, the lord Capel, Sir George Liſle, Sir William Compton, Sir Charles Lucas, Sir Bernard Gaſcoign, lieutenant-colonel Farr, and ſeveral other good officers, with a garriſon of 3000 men, all bent to ſell their lives dearly. This furniſhed the general with a reaſon, or, perhaps, a pretence not to attack the town in form, but to block it up, and reduce the beſieged by famine. I ſay, this might be a pretence; for it ſeems, in ſuch a juncture, when all the kingdom was in a flame, and the Scotch army expected every moment, it was not proper for the general to be employed in a blockade, which probably would laſt ſome time, whilſt he left the reſt of the kingdom defenceleſs, and was in great danger from the city of London. But as he might have good reaſons to run no riſque, it is not my buſineſs to cenſure his conduct. All that can be ſaid is, that his whole proceedings ſhewed his unwillingneſs to fight with the Scots, tho' he had always acted vigorouſly againſt the kings friends. May I venture to make one conjecture? Fairfax was a zealous Preſbyterian, but hitherto had ſuffered himſelf to be guided, or rather deceived, by Cromwell. Perhaps having diſcovered the artifices and ill-deſigns of this friend, he would not have been ſorry to ſee Cromwell defeated, in expectation that if he were ſlain, or loſt his reputation, it would be eaſier to make peace, which he found to be impracticable ſo long as Cromwell could oppoſe it. According to this ſuppoſition, the blockade of Colcheſter enabled the general to wait, without any hazard, the event of the war preparing in the north. Be this as it will, he applied himſelf to the blockade, which began the 10th of June, and laſted till Auguſt.

Tumult at London. April 9. Whiteloc.

The revolted Kentiſhmen, as I ſaid, had twice advanced towards London, in hopes the city would declare for them. This hope was not altogether groundleſs. Beſides that the city was known to be very much diſpleaſed with the army, the common people had, in the beginning of April, ſhewn their readineſs for any undertaking. Some perſons playing and ſporting on a Sunday in Moorfields, in contempt of the ordinance of parliament, the conſtables of that quarter would have diſperſed them; but it was not in their power. The obſtinacy of the mob went ſo far, that a party of the trained-bands were forced to be ſent for; but before the party arrived, the number of the rioters was grown ſo great, that they fell upon and diſperſed the trained-bands, wounding and killing ſeveral. This ſucceſs ſo inflamed the tumult, that the mob came from all quarters to join with the mutineers. Some ſeiſed Newgate and Ludgate; others went to the lord-mayor's houſe, who ſeeing them coming, ran away to the tower, whilſt others made towards Whitehall, but were repulſed by the regiment of horſe poſted in the Meuſe for a guard to the parliament. In the night the tumult ſtill increaſed; the cry was every where, For God and king Charles. The general, who was then in London, with only the two regiments at Whitehall and the Meuſe, immediately called a council, where it was debated, whether they ſhould ſtay for more forces, or attack the mutineers with theſe two regiments. The laſt was judged moſt adviſable, whilſt the ſeditious were yet acting with great confuſion, and had no leader to conduct them. They were therefore, vigorouſly attacked when they leaſt expected it, and thought themſelves maſters of the city, and tho' they made an obſtinate defence, were, at length, diſperſed. The parliament, having received the circumſtances of this commotion, believed it to have been very dangerous, and ordered publick thanks to be given to God in all the churches of London for its being happily appeaſed. When I ſay the parliament, I mean the parliament ſtill directed by the Independents, who dreaded no thing ſo much as to ſee London declare againſt the army; but as the army was not yet removed, the magiſtrates were too wiſe to declare ſo unſeaſonably.

I have already mentioned two of the projects againſt the army; the inſurrection in Wales, which kept Cromwell employed till the beginning of July; and that of Kent, which by too great a precipitation, miſcarried; and laſtly, of the tumult in London, which, probably, had been raiſed by ſome raſh and inconſiderate Royaliſts, who knew nothing of the projects that were formed. I muſt now ſpeak of ſome others which were executed about the ſame time, that is, whilſt preparations were making in Scotland to ſend an army into England, and which were attended with no better ſucceſs.

The Duke of York eſcapes from London. April 21. Ruſhw.

The firſt was the duke of York's eſcape, the king's ſecond ſon, from St. Jame's palace, where he was under the earl of Northumberland's cuſtody, and his retreat into Holland, to his ſiſter, the princeſs of Orange. Thus to have his two eldeſt ſons out of the power of his enemies was no ſmall advantage and ſatisfaction to the king.

Langdale ſeiſes Berwick, and Muſgrave Carliſle. April 28. Clarend.

Some days after, Langdale poſſeſſed himſelf of Berwick, and Muſgrave of Carliſle. The parliament had received ſome intelligence of the deſign to ſurpriſe theſe places, and might have prevented it by putting garriſons there. But, as by the late treaty with Scotland, they were to be left to the care of the inhabitants, the two houſes were unwilling by ſeiſing them, to give the Scots ſo juſt an occaſion to complain, at a time when they wanted pretences to ſend an army into England. They contented themſelves, therefore, with ordering the mayors, to take care and provide againſt a ſurpriſe, which however they either could not, or would not prevent.

As ſoon as Langdale was maſter of Berwick, all the Royaliſts in Yorkſhire, Cumberland, and Weſtmoreland came and joined him. By this means, he quickly formed a body of 3000 foot and 1000 horſe, which enabled him to go in queſt of general Lambert, who commanded in thoſe parts for the parliament. But he received very expreſs orders from Edinburgh not to engage in any action, what advantage ſoever he might thence expect, but to retire about Carliſle till the arrival of the Scotch army, which he obeyed. The reaſon of this order was, that as the rigid Presbyterians of Scotland were extremely jealous of the royal party, the directors of affairs were apprehenſive, that the progreſs made in England for the king, would obſtruct the levying an army in Scotland. And, indeed, it was publickly ſaid, the army was intended for the king's rather than for ſervice of the Engliſh Presbyterians.

Ruſhw.

Part of the fleet revolt againſt the parliament, and go to Holland. May 27. Clarend.

The loſs of Berwick and Carliſle was followed ſoon after with another, which ſeemingly ſhould have embroiled the affairs of the Independents; I mean the revolt of part of the fleet about the end of May. The parliament having ordered eight men of war to go gaurd the ſeas during the ſummer, theſe ſhips lay in the Downs to take in proviſions, which was done but ſlowly, becauſe there was not much to be feared from the ſea. While this part of the fleet lay in the Downs, ſome Kentiſh gentlemen, the king's friends, frequently came on board. Whether they found in the ſailors an inclination to mutiny, or raiſed it themſelves by converſing with them, it happened ſoon after, that the ſervice was not performed in the fleet with the ſame ſubmiſſion as before. The ſailors took the liberty to contradict their officers, and obey them no farther than they pleaſed. The officers perceiving this great alteration, acquainted the parliament with it, and immediately vice-admiral Rainsborough, who was to command this ſquadron, was ordered to repair to the fleet, and inquire into the cauſes of this diſobedience. Rainsborough, being naturally very ſevere, began to make ſtrict inquiſition on board the admiral's ſhip; upon which the men all roſe againſt him, and ſeiſing on him, put him with ſome more of the officers into the boat, and ſent them on ſhore. This was no ſooner known to the reſt of the ſhips, but they followed their example, and uſed ſuch officers as they did not like, in the ſame manner. As the fleet was not yet well victualled, they were obliged to ſtay ſome days longer in the Downs, during which the Royaliſts ſupplied them with neceſſaries in the beſt manner they could. After that, they ſailed for Holland, and came to an anchor at the Bill, in order to put themſelves under the command of the duke of York, who was deſigned by the king to be lord high-admiral, as ſoon as he ſhould be of fit age for that poſt.

The Duke is received on board as admiral. Clarend.

The duke of York repairing to the fleet, then at Helvoet-Sluys, was received with great acclamations. He declared the lord Willoughby of Parham, his vice-admiral, and appointed ſome other officers in the ſeveral ſhips, the ſailors having kept very few above the rank of a boatſwain or mate. As ſoon as the prince of Wales, who was at Paris, with the queen his mother, heard of this revolt, he reſolved to command the fleet himſelf, and employ it to the beſt advantage; but want of money detained him longer than he wiſhed, cardinal Mazarin not being very forward to ſupply him, no more than the earl of Ormond, who waited

The prince of Wales comes to the fleet.

He takes a ſhip richly laden.

He enters the river Thames: Ruſhw.

in vain at Paris, for the performance of his promiſes concerning Ireland. The news that the duke, his brother, was preparing to ſail with the fleet, made him repeat his endeavours to procure money upon loan, and ſucceeding at laſt, came to Calais, and from thence by ſea to Helvoet-Sluys. He was received by the fleet with all the reſpect and joy that could be deſired, and having provided what was wanting, by the prince of Orange's aſſiſtance, ſent back the duke of York to the Hague, it not being proper to venture both at one time. His deſign was to ſeiſe Yarmouth, whether to go from thence and head the Scotch army, when it ſhould be in England, or to ſecure an entrance into the kingdom, when there ſhould be occaſion. In ſailing to Yarmouth, he took a ſhip of London, bound for Rotterdam, laden with cloth by the company of merchant-adventurers. It was ſaid this ſhip was worth 40,000 l. He ordered the goods to be ſealed up, and continued his courſe. But he ſucceeded not at Yarmouth as he expected, the town refuſing to admit him, tho' great part of the inhabitants were for the king. Wherefore he reſolved to enter the Thames, as well to intercept all outward and homeward-bound ſhips, as to ſupport the king's party, and that of the Preſbyterians in the parliament and city; for he was not ignorant of the projects that were formed. Beſides the queen his mother had enjoined him to court the Preſbyterians, conceiving it was only by their means that the king could be reſtored. For this reaſon alſo, he afterwards releaſed the cloth-ſhip for 12,000 l.

The earl of Warwick approaches him, in order to engage him. They part without fighting. Ruſhw.

Whilſt the prince lay in the Thames, where he ſeiſed ſome other merchant ſhips, the earl of Warwick, being well aſſured of the fidelity of the reſt of the ſhips at Portſmouth, and elſewhere, aſſembled a fleet, and anchored in ſight of the prince; ſo that in all appearance the two fleets would not part without an engagement. But tho' the prince ſeemed inclined to it, he was adviſed to avoid it if poſſible, and not without reaſon. His ſhips were fewer, and much ſmaller than the earl of Warwick's; beſides, the earl expected others from Portſmouth every moment, which arriving the next day, rendered him very ſuperior; ſo the prince ſailed back to Holland, and ſecured his fleet at Helvoet-Sluys. The earl of Warwick followed him, and appeared before that port, but to no manner of purpoſe.

Thus ended the prince of Wales's expedition with the ſhips revolted from the parliament. The money he received for the prizes he had taken, was not ſufficient to pay his fleet, and provide it with neceſſaries, ſo that it procured him more trouble than advantage. Before I leave this ſubject, it will not be improper, briefly to explain ſome circumſtances in the lord Clarendon's Hiſtory.

Explication of ſome circumſtances related by the lord Clarendon.

Whilſt the two fleets lay in ſight, and ſeemed to prepare for battle, the prince ſent Harry Seymour to the earl of Warwick, with a letter to invite him to return to his allegiance. The earl anſwered, that he adviſed his highneſs to put himſelf into the hands of the parliament. Notwithſtanding this diſcouraging anſwer, the prince ſent Mr. Crofts to the earl, who had married his aunt, imagining, he durſt not venture to diſcover his ſentiments to Seymour. But Crofts returned with much the ſame anſwer. Hence it appears, the prince thought he had ſome room to rely on the earl of Warwick, as the lord Clarendon inſinuates, and the ground of his hope, which was properly the effect only of his, or rather of the whole Royal party's, prepoſſeſſion, was briefly this. The Scotch commiſſioners, as I ſaid, did not acquaint the leading Preſbyterians with the particulars of their treaty with the king in the Iſle of Wight. They only told them, an army would be raiſed in Scotland to deliver the king out of the hands of the Independents, and that it was neceſſary the Royaliſts and Preſbyterians ſhould ſecond theſe endeavours, by acting jointly or ſeparately. This propoſal being accepted, the Royaliſts and Preſbyterians prepared, as I have ſaid, to countenance the deſigns of the Scots by inſurrections in ſeveral parts of the kingdom. Matters ſtanding thus, Henry Rich, earl of Holland, who had acted an ill part in the late war, had a mind on this occaſion, to reconcile himſelf to the king, by labouring his reſtoration. To that end, he received a commiſſion from the prince of Wales, impowering him to raiſe forces for the king's ſervice, and his brother the earl of Warwick promiſed to aſſiſt him in his deſigns. This is what the prince knew, and what made him believe the earl of Warwick was in the ſame diſpoſition with his brother; but there was a wide difference between the views of the Royaliſts, and thoſe of the Preſbyterians. Theſe laſt, of whom the earl of Warwick was one of the heads, did not pretend to reſtore the king without terms, but only to free him out of the hands of the Independents, to make conditions with him afterwards, which they called ſettling the peace of the kingdom. But the prince, and the king's whole party would not underſtand this difference, and prepoſterouſly imagined, that all who had promiſed to act againſt the Independents, had thereby engaged to ſerve the king without terms. Herein lay the miſtake. It is therefore evident, the earl of Warwick, who acted upon Preſbyterian views, could not believe it to be his intereſt to deliver the fleet to the prince, ſince notwithſtanding the preſent occaſion which induced the Preſbyterians to be in a readineſs to act againſt the army, they ſtill conſidered the Royal party as their real enemies.

Pontefract-caſtle ſurpriſed. Ruſhw.

In the beginning of June, the king's friends found means to ſurpriſe Pontefract-caſtle in Yorkſhire, and put a garriſon there. Soon after Scarborough-caſtle revolted from the parliament, and declared for the king.

Project of the earl of Holland. Clarend.

The Scotch army being, at length, upon the point of entering England, general Fairfax being ſtill employed in the blockade of Colcheſter, and Cromwell in the ſiege of Pembroke, and as there were but two regiments in London, Henry Rich, earl of Holland, thought he could not have a fairer opportunity to execute his deſign in favour of the king.

He is joined by the duke of Buckingham and others. Clarend.

This deſign was ſo far from being a ſecret, that it was become the common talk of the city. It was known beforehand, what day the earl of Holland was to depart, and the parliament did not ſeem to regard it. It was not for want of information; but the ſcene of affairs was much altered ſince the army's removal from London. The Independents prevailed no more in the parliament, and the Preſbyterians began to hold up their heads. For this reaſon, the Independents did not think proper, at ſuch a juncture, to take any ſteps that might induce the city of London to declare openly. On the other hand, the Preſbyterian members were far from endeavouring to prevent the earl of Holland's deſign, which they conſidered as flowing from the general combination for the delivery of the king out of the hands of the army. So the earl publickly departed from London, with about 100 horſe, and came to Kingſton upon Thames, where George Villiers, the young duke of Buckingham, the lord Francis Villiers, his brother, Henry Mordaunt, earl of Peterborough, and the family of the earl of Northampton, met him, with ſome troops. As ſoon as they were joined, they ſent a letter to the lord-mayor and common-council of London, declaring their intention was to join the forces of Surrey, Suſſex, and Middleſex, to releaſe his majeſty's perſon, to bring him with honour to his parliament, and to ſettle peace in the kingdom; and deſired their aſſiſtance no farther than their deſigns were really for the good and happineſs of the king, parliament, and kingdom, according to the covenant. Theſe laſt words, according to the covenant, ſeemed neceſſary, becauſe they knew the Preſbyterians wiſhed for nothing ſo much as the confirmation of the covenant. But the magiſtrates of London thought not fit to chuſe for leaders, the earl of Holland, who was in no great repute, or the duke of Buckingham an unexperienced youth, who had only the king's ſervice in view, without any regard to the publick, or the covenant; or, in a word, any of theſe lords, whoſe principles were by no means agreeable to thoſe of the Preſbyterians. So, without anſwering this letter, they ſent it to the parliament, who immediately voted the lords that had ſigned it to be traitors, and their eſtates to be ſequeſtred.

They are defeated near Kingſton.

The ſame day the letter was wrote, colonel Leveſey, with ſome companies of the two regiments that were quartered in Weſtminſter, met theſe lords near Kingſton, and entirely routed them. But, Leveſey's foot which was left behind, not being yet arrived, and the lords having ſent theirs to Kingſton, to ſecure their retreat, the horſe only, on both ſides, were engaged. Leveſey briſkly purſued them to Kingſton, where the foot ſtood their ground, and hindered the enemies horſe from entering the town. That ſame night they quitted Kingſton, and retired to St. Albans with about 400 men.

They are ſurpriſed at St. Neot's, where the earl of Holland is taken. Whiteloc.

In the interim, general Fairfax hearing of this inſurrection, ſent from the blockade of Colcheſter, colonel Scroop with a regiment of horſe, to the aſſiſtance of the parliament's troops. Scroop coming to Hertford, was informed, that the lords who had been defeated at Kingſton, were at St. Neot's in a negligent manner. Upon this intelligence, he marched thither in the night, and ſurpriſed them in that little town, killing ſome of their men, taking above 100 priſoners, and diſperſing the reſt. The lord Francis Villiers was ſlain; his brother, the duke of Buckingham, found means to eſcape, and the earl of Holland was taken, conducted to London, and afterwards ſent priſoner to Warwick-caſtle. Thus ended this ill concerted enterpriſe, managed by perſons of no experience or ſkill in the art of war.

The Scotch army enters England. Clarend.

At laſt, duke Hamilton entered England at the head of the Scotch army, the 9th of July. The 11th of the ſame month, Pembroke-caſtle ſurrendered to Cromwell, who immediately diſpatched a body of horſe to reinforce the army in the north, commanded by major-general Lambert. He departed himſelf three days after, with the reſt of his forces, which were already very much fatigued by the late ſiege, and of which the greateſt part wanted ſhoes and ſtockings, tho' they undertook a long march, which probably, would be followed with a battle. Theſe difficulties diſcouraged not Cromwell. He purſued his march with all poſſible diligence, and yet could not join Lambert till the middle of Auguſt. We muſt now ſee what duke Hamilton was doing, whilſt Cromwell was marching towards him.

The duke of Hamilton's aim.

The deſign of thoſe who had prevailed for the raiſing an army in Scotland, ſeemed to be to aſſiſt the Engliſh Preſbyterians to free the parliament from the yoke of the Independents and to deliver the king out of the hands of the army. Theſe, at leaſt, were the moſt plauſible things that were urged to induce the parliament of Scotland to conſent to this extraordinary expedition. But it may very juſtly be doubted, whether this was the deſign of all the leaders of that party. Some, among whom were duke Hamilton, and his brother the earl of Lanerick, probably, ſought only to reſtore the king without terms, or, at leaſt, without any other condition than what he had himſelf offered, viz. his promiſe to obſerve the antient laws. They did not much concern themſelves about maintaining the eſtabliſhment of Preſbyterianiſm in England, or the covenant between the two nations. Others, as the earls of Loudon, and Lauderdale, who had been commiſſioners in England, really intended to ſerve the king, but upon theſe two conditions, that the Preſbyterian-government ſhould be eſtabliſhed in the church of England, and the covenant punctually obſerved. As they thought, they had taken ſufficient care of theſe two points, by the Iſle of Wight treaty, they little regarded the other conditions required of the king by the parliament of England concerning the militia, nomination to the great offices, &c. But very likely, their deſign was to deceive one another. Theſe laſt meant to make uſe of the king's party to procure the execution of the Iſle of Wight treaty, and the king's party, feigning to agree to what the others deſired, intended, to

make

Duke Hamilton loſes a great deal of time in the north. Clarend.

make uſe of them to enable the king not to be forced to receive any terms. The duke of Hamilton's conduct after his entrance into England, ſeems to me a very ſtrong evidence, that he deſigned not to act in favour of the Presbyterians. If he had ſuch an intention, he ſhould not, it ſeems, have loſt, as he did, 40 days in the northern counties, but have marched directly to London. Lambert would not have been able to hinder his march, being much weaker than he. Cromwell was yet employed in Wales, and Fairfax in the blockade of Colcheſter; probably, if, without loſing time, he had marched to London, he would have arrived before Cromwell and Lambert could have joined forces, and if Fairfax had quitted the blockade of Colcheſter, in order to throw himſelf into London, very likely, the inhabitants would have ſhut their gates againſt him, ſince they would have been ſupported by the army of Scotland. At leaſt, in caſe Fairfax had riſen from before Colcheſter, that town, the whole county of Eſſex, and, doubtleſs, Suffolk and Norfolk, would have joined with the Scots. In ſhort, if the Scotch army had marched towards the centre of the kingdom, there would, doubtleſs, have been in many places, inſurrections, which would have greatly diſtreſſed the army of the Independents; and if duke Hamilton could have reached London, certainly the city and parliament would have openly declared againſt the army, and expelled out of both houſes, the Independent members. It will hereafter appear theſe are not bare conjectures, conſidering what paſſed in the city and parliament, whilſt it was expected, the Scotch army would take the courſe, I have been ſpeaking of.

Conjectures of the lord Clarendon.

But duke Hamilton had, doubtleſs, other views, ſince he ſtaid above a month in the north, without any neceſſity. The lord Clarendon conjectures, the duke's intention was, to afford time to the Engliſh army to defeat thoſe forces which were up in ſeveral parts of the kingdom for the king, that they might not be ſo united as to obſtruct the Presbyterians deſign. But, whatever regard I may have for that noble hiſtorian, I cannot be of his opinion, for two reaſons which to me ſeem very ſtrong. The firſt is, that duke Hamilton was not a zealous Presbyterian; on the contrary, tho' he had taken the covenant, he was epiſcopal in his heart, as he had ſufficiently diſcovered whilſt he could do it without danger. The ſecond is, that he was the man who had moſt courted and drawn into Scotland the Royaliſts, whilſt the voting of an army was in queſtion. I ſhould rather think, he had a quite contrary view to what the lord Clarendon imputes to him; that inſtead of deſigning to countenance the Presbyterian party, he rather feared to render them too powerful, by approaching London, knowing, when the king ſhould be in the hands of the Presbyterians, his condition would not be much happier. Very likely, his long ſtay in the north, was only to give the king's friends in thoſe parts opportunity to join Langdale's forces, and thereby render the king's party ſuperior.

Different conjectures.

The duke marches. Ruſhw. He is joined by Langdale. Clarend.

However this be, not to dwell too long upon conjectures, as ſoon as duke Hamilton entered England, he marched to Carliſle, from whence he drew out the Engliſh, placed there by Muſgrave, and put in a Scotch Garriſon. Some days after, Langdale joined him with about 4000 Engliſh foot, and 7 or 800 horſe. But theſe troops remained ſeparate, and in the marches, Langdale was always a day before the Scotch army. This was to evade in ſome meaſure the order of the parliament of Scotland, that the Engliſh who ſhould refuſe to take the covenant, ſhould not be received into the army, nor act in conjunction with the Scots. Nevertheleſs the Engliſh and Scots made but one army, under the command of duke Hamilton, from whom Langdale received orders. Lambert who was poſted near the place where the two armies joined, or, at leaſt, approached each other, retired in ſuch diſorder, that, probably, he would have been defeated, had he been purſued; but duke Hamilton did not think fit to improve this advantage: He continued ſome days at Carliſle, after which he marched to Kendal in Weſtmoreland, where he reſted again, till finding not wherewithal to ſubſiſt his army, he was forced, as it were, to proceed to Lancaſhire with part of his army, leaving the reſt at Kendal. At length, he advanced to Preſton, where he halted, the reaſon whereof is not known, unleſs it was to ſtay for Monroe, who was coming with 3000 men out of Scotland.

He enters Lancaſhire.

Cromwell joins Lambert. July 17. Rushw, Clarend.

In the interim, Cromwell having reached Yorkſhire, Lambert inſtantly joined him, and they marched together directly to Preſton, where duke Hamilton lay. Langdale who made the van of the duke's army with his Engliſh troops, ſent him notice that Cromwell was approaching with a reſolution to give him battle, and conſequently it was neceſſary to keep his army together. But the duke regarded not this intelligence, believing it to be only ſome detachment of Cromwell's army. In a word, Langdale was attacked by the enemies horſe, who drove him to Preſton, where he brought with him ſome priſoners, who averred, that Cromwell's whole army was near. Whereupon the duke ſent him back to his troops, promiſing to ſend him aſſiſtance; but diſappointed him. So Langdale being attacked, was forced to maintain a very unequal fight, which laſted however five or ſix hours; but, at laſt, he was entirely routed. Immediately after, Cromwell's horſe marched directly to Preſton, where all was in ſuch confuſion that nothing was thought of but flight. The duke himſelf found it proper to retire by the bridge, which he in vain endeavoured to guard, after paſſing it. The following letter was ſent by Cromwell to the parliament, the 20th of Auguſt, containing a particular account of what paſſed between the two armies, on the 17th, 18th, and 19th of Auguſt.

He defeats Langdale.

The duke's army is routed.

Cromwell's letter about it. Ruſhw.

‘ AFter the conjunction of that party which I brought with me out of Wales with the northern forces about Knaresborough

‘ and Wetherby, hearing that the enemy was advanced with their army to Lancaſhire, we came the 6th inſtant to Hodder-bridge over Ribble, where we had a council of war; and upon advertiſement the enemy intended ſouthward, and ſince confirmed, that they reſolved for London itſelf, and information that the Iriſh forces under Monroe, lately come out of Ireland, which conſiſted of 1200 horſe and 1500 foot, were on their march towards Lancaſhire to join with them, it was thought, to engage the enemy to fight was our buſineſs; and accordingly marching over the bridge that night, quartered the whole army in the fields. Next morning we marched towards Preſton, having intelligence that the enemy was drawing together thereabouts from all his out-quarters; we drew out a forlorn of about 200 horſe, and 400 foot; theſe gallantly engaged the enemy's ſcouts and out-guards, until we had opportunity to bring up our whole army. So ſoon as our foot and horſe were come up, we reſolved that night to engage them if we could; and therefore advancing with our forlorns, and putting the reſt of the army into as good a poſture as the ground would bear, (which was totally inconvenient for our horſe, being all incloſure and miry ground) we preſſed upon them through a lane, and forced them from their ground, after four hours diſpute, until we came to the town; into which four troops of my regiment firſt entered; and being well ſeconded by colonel Harriſon's regiment, charged the enemy in the town; and cleared the ſtreets. At laſt the enemy was put into diſorder, many men ſlain, and many priſoners taken; the nuke with moſt of the Scots horſe and foot retreated over the bridge; where after a very hot diſpute betwixt the Lancaſhire regiments, (part of my lord general's and them being at puſh of pike) they were beaten from the bridge, and our horſe and foot following them, killed many, and took divers priſoners; and we poſſeſſed the bridge over Derwent, and a few houſes there, the enemy being drawn up within muſquet ſhot of us, where we lay that night, we not being able to atempt further upon the enemy, the night preventing us. In this poſture did the enemy and we lie moſt part of that night; upon entering the town, many of the enemy's horſe fled towards Lancaſter, in the chaſe of whom we had divers of our horſe, who purſued them near 10 miles, and had execution of them, and took about 500 horſe, and many priſoners: We poſſeſſed in the fight very much of the enemy's ammunition; I believe they loſt 4 or 5000 arms; the number of the ſlain we judge to be about 1000, the priſoners we took near about 4000.

‘ In the night they marched away, 7 or 8000 foot, and about 4000 horſe; we followed them with about 3000 foot, and about 2500 horſe and dragoons; and in this proſecution that worthy gentleman colonel Thornhaugh, preſſing too boldly, was ſlain, being run into the body, thigh and head, by the enemies lancers; our horſe ſtill proſecuted the enemy, killing and taking divers all the way; but by that time our army was come up, they recovered Wigan before we could attempt any thing upon them. We lay that night in the field cloſe by the enemy, lying very dirty and weary, where we had ſome ſkirmiſhing, &c. We took major-general Van Druske, colonel Hurrey, and lieutenant-colonel Ennis.

‘ The next morning the enemy marched towards Warrington, made a ſtand at a paſs near Winwick; we held them in ſome diſpute until our army was come up, they maintaining the paſs with great reſolution for many hours; but our men, by the bleſſing of God, charged very home upon them, beat them from their ſtanding, where we killed about 1000 of them, and took (as we believe) about 2000 priſoners, and proſecuted them home to Warrington town, where they poſſeſſed the bridge. As ſoon as we came thither, I received a meſſage from lieutenant-general Bailey, deſiring ſome capitulation; to which I yielded, and gave him theſe terms: That he ſhould ſurrender himſelf and all his officers and ſoldiers priſoners of war, with all his arms, ammunition, and horſes, upon quarter for life; which accordingly is done. Here are took about 4000 complete arms, and as many priſoners: And thus you have their infantry ruined.

‘ The duke is marched with his remaining horſe (which are about 3000) towards Nantwich, where the gentlemen of the country have taken about 500 of them; the country will ſcarce ſuffer any of them to paſs, but bring in and kill divers as they light upon them. I have ſent poſt to my lord Gray and Sir Edward Rhodes, to gather all together with ſpeed for their proſecution: Monroe is about Cumberland, with the horſe that ran away, and his Iriſh horſe and foot; but I have left a conſiderable ſtrength, I hope, to make reſiſtance till we can come up to them.

‘ Thus you have the narrative of the particulars of the ſucceſs. I could hardly tell how to ſay leſs, there being ſo much of God; and I was not willing to ſay more, leaſt there ſhould ſeem to be any thing of man; only give me leave to add one word, ſhewing the diſparity of the forces of both ſides; that ſo you may ſee, and all the world acknowledge, the great hand of God in this buſineſs. The Scots army could not be leſs than 12000 foot well armed, and 5000 horſe; Langdale not leſs than 2500 foot, and 1500 horſe; in all 21,000: in ours, in all, about 8600, and by computation about 2000 of the enemy's ſlain, betwixt 8 and 9000 priſoners, beſides what are lurking in hedges and private places, which the country daily bring in, or deſtroy.’

The duke is taken priſoner, and his whole army diſperſed. Clarend.

To finiſh, in a few words, the relation of the unfortunate end of duke Hamilton and his army, I ſhall add, to what is ſaid in Cromwell's letter, that the duke retiring to

Nantwich, and finding himſelf purſued by Lambert with a ſtrong party of horſe, marched to Utoxeter in Staffordſhire, where Lambert was almoſt as ſoon as he, and where the Scots made not the leaſt ſhow of reſiſtance. In ſhort, the duke was taken with all the officers about him; and of the whole army, the horſe only eſcaped, who went and joined Monroe in Cumberland. To this came the great effort of Scotland in favour of the king; I ſay in favour of the king, for it is certain, moſt of the authors of this enterpriſe, intended the king's reſtoration, tho' they covered their deſign with other pretences.

Colcheſter ſurrenders at diſcretion to Fairfax. Clarend.

The defeat of the Scotch army was followed, within few days, by the taking of Colcheſter, the blockade whereof had laſted above two months. The beſieged having been forced to ſurrender at diſcretion, the general called a council of war, where it was determined, that Sir George Liſle, Sir Charles Lucas, and Sir Bernard Gaſcoigne * ſhould be ſhot to death. The two firſt were executed, but the general hearing, Sir Bernard was a Florentine, ſaved his life, for fear the grand-duke ſhould revenge his death on the Engliſh gentlemen, who frequently travelled into his dominions.

* Or rather Guaſtoni. Rapin.

Lauderdale preſſes the prince in vain to go into Scotland. Clarend.

The prince of Wales was at the Hague, when the news of duke Hamilton's defeat arrived there. On the morrow, John Maitland, earl of Lauderdale, waited on him with a letter from the parliament of Scotland, inviting him to come into their country, and head their army in England; but the news he had received the day before being confirmed, he did not think fit to riſque his perſon to no purpoſe, tho' the earl of Lauderdale preſſed him extremely to depart. So, the earl was obliged to return all alone.

The ſtate of the parliament and city.

After the recital of the fruits of the ſeveral commotions raiſed by the king's friends in the laſt ſeven or eight months, it will be neceſſary, before we proceed, to ſpeak of what paſſed the mean while in the parliament and city.

The Independents prevail in the parliament.

Since the two houſes had voted no more addreſſes to the king, there was a perfect union between the parliament and the army. The army no more pretended to meddle in ſtate-affairs. They conſented that the ſupernumerary troops, that is, ſuch as were not upon the late eſtabliſhment, ſhould be diſbanded by companies, as money was raiſed to pay them. They promiſed to retire to the towns and garriſons as ſoon as the parliament ſhould ſettle the neceſſary funds for their regular pay. This condeſcenſion or rather ſubmiſſion to the parliament, proceeded from the Independents power in both houſes, no reſolution being taken but by their direction, or, at leaſt, that was contrary to their views. On the other hand, tho' the Preſbyterians were not ſorry, there were inſurrections in the kingdom capable of keeping the army employed, and obliging them to remove from London, they were in danger however that the king's party would grow too powerful before the Scotch army ſhould enter England. Upon this army it was that they founded their hope of becoming once more maſters of the parliament and kingdom. But they perceived, that before the arrival of the aſſiſtance expected from Scotland, it was not their intereſt to ſecond the endeavours of the Royaliſts, whoſe views were very oppoſite to theirs, for fear of enabling them to renew the war by their own ſtrength. On the other hand, they would have acted very imprudently, if they had openly declared againſt the army, whilſt it was about London, without having ſufficient forces to reſiſt it. The aſſiſtance of Scotland only could enable them to hold up their heads. For which reaſon the votes of both houſes were always unanimous to condemn the inſurrections in Wales, Kent, Eſſex, as well as thoſe of the earl of Holland and the duke of Buckingham. This was alſo the reaſon, that the Independents met with no obſtacle in cauſing the 11 members accuſed by the army to be declared incapable of ſerving in parliament, and the lord-mayor, aldermen of London, and the ſeven peers to be proſecuted with the utmoſt rigour for being concerned in the tumult of July the 26th. Theſe were the reſolutions of a parliament yet governed and directed by the Independents. But when once Cromwell was engaged in Wales with part of the army, Fairfax employed at the blockade at Colcheſter, and when the ſurpriſal of Berwick and Carliſle had made it neceſſary to ſend ſome regiments into the north, the face of affairs began to change. The Independent members found themſelves obliged, in their turn, to diſſemble, and conſent to things which they would, doubtleſs, have oppoſed, had the army been near to ſupport them.

A petition from the city April 27. Ruſhw.

The 27th of April, before the army removed from London, upon information, true or falſe, brought to the parliament, that ſome officers had plotted to diſarm, and then plunder the city, the common-council preſented a petition to the houſe of commons, deſiring, that the chains of the city, which had been lately pulled down, might be ſet up again; the army removed to a farther diſtance from London, and major-general Skippon appointed to command within the lines of communication, and the weekly bills of mortality. It is evident the common-council had a mind to have it in their power to act when the Scotch army ſhould enter England; for they could not imagine the Scots had other thoughts than to ſupport the Preſbyterian party in England. The houſe granted two of their requeſts, and took time to conſider of the removal of the army.

The next day the houſe of commons having taken into conſideration the affair of ſettling the government, voted:

The commons votes.

'1. That the government of the kingdom 'ſhould be ſtill by king, lords, and commons.

'2. That the ground-work for this government ſhould be the propoſitions laſt preſented to the king at Hampton-Court.

'3. That any member of the houſe ſhould 'have leave to ſpeak freely to any votes, or 'ordinances, or declarations concerning the 'king, &c.'

Theſe votes were directly contrary to the deſigns of the Independents, who meant to aboliſh regal power, and eſtabliſh a commonwealth; but as their intention was yet a ſecret, or, at leaſt, they had not declared it, they did not think proper to diſcover it too openly, by oppoſing theſe votes.

Petition to the common-council touching the militia. May 2. Ruſhw

Some days after, ſundry of the inhabitants of London preſented a petition to the common-council, praying, that the lord-mayor, and ſheriffs of London might be part of the committee for the militia of the city, and that the reſt of the committee might be choſen by the common-council.

Upon this, the lord-mayor and common-council preſented a petition to the houſe of commons, ſhewing,

Petition from the common-council to the parliament. May 9.

‘That the general having by letter informed the houſe of commons of his deſign to remove the two regiments that were at Weſtminſter, they conceived, that there was an expectation, the parliament ſhould be guarded by the forces of the city, which they were ready to do, provided they were put into a capacity to perform the ſame, by ſettling the militia of London, and being authoriſed ſo to do.

‘That the lord-mayor and common-council might, by ordinance of parliament, be authoriſed to nominate and preſent to both houſes of parliament a committee for the militia of the ſaid city, whereby commanders and ſoldiers might be the better united and encouraged to perform their duties, for the ſafety and preſervation of the parliament and city.

‘That the command of the tower of London might be put into the hands of ſuch a perſon as ſhould be nominated and preſented to both houſes of parliament by the lord-mayor and common-council.

‘That the ſoldiers there remaining might be removed.’

All this was granted againſt the intereſt of the Independents, who, for a few months before, had ordered the contrary, becauſe they knew the Londoners were not for them. Thus the city endeavoured by degrees, under divers pretences, to put themſelves in condition to act, when the ſeaſon was ripe.

Declaration of the commons.

It apears alſo by a declaration of the houſe of commons of the 5th of May, how much the Preſbyterians began to be ſuperior in parliament. This declaration ran: “That the houſe is reſolved to preſerve and maintain the ſolemn league and covenant, and the treaties between the two kingdoms of England and Scotland: And that they will be ready to join with the kingdom of Scotland in the propoſitions agreed upon by the two kingdoms, and preſented to his majeſty at Hampton-Court.” This was a toothing to unite themſelves with the Scots, as ſoon as they ſhould enter the kingdom. Probably, the commons believed them to be more ready than they were, and moreover, were yet ignorant, that the view of thoſe who had promoted the raiſing of an army in Scotland, was rather to ſerve the king, than ſupport the Preſbyterian-party in England. But they ſoon perceived, the Royaliſts intended not to maintain the parliament's intereſt. If the Cavaliers, for ſo the king's party were called, had behaved with a little more policy, and leſs paſſion and heat, they might have done the king ſignal ſervice; but they ſo openly ſhewed, that their deſign was to reſtore the king without terms, that they obliged the Preſbyterians to be upon their guard, and even to oppoſe them, inſtead of acting jointly with them, as the Cavaliers expected. This paſſion, or, if you pleaſe, extreme zeal for the king's ſervice, was always the diſtinguiſhing character of that party, and often baffled their deſigns. Some of this party, inhabitants of the county of Surrey, could not contain themſelves ſo long as would have been requiſite for the king's intereſt; they aſſembled in great numbers, horſe and foot, and came to Weſtminſter, where they preſented a petition to the lords, and another to the commons, worded in ſuch high and ſtrong terms, that they ſeemed to believe themſelves ſupported by the whole kingdom. They demanded:

The Royaliſts eagerneſs is prejudicial to the king.

Petition from Surrey in behalf of the king. May 16. Ruſhw.

‘That the king might be reſtored to his due honour, and juſt rights, according to the oaths of allegiance and ſupremacy: That he might be forthwith eſtabliſhed in his throne, according to the ſplendor of his anceſtors: That he might for the preſent come to Weſtminſter with honour and ſafety, to treat perſonally for compoſing differences: That the free-born ſubject of England might be governed by the known laws and ſtatutes in force in the kingdom: That the war beginning might be prevented; and that the ordinances for preventing free-quarter, might be duly executed, and ſpeed made in diſbanding all armies, having their arrears due paid them.’

Nothing could be more unſeaſonable than this petition in ſuch a juncture, when the buſineſs was to foment the diviſion between the Preſbyterians and Independents, whereas the petition tended to unite them againſt the Royaliſts. The lords anſwered, “They were now upon the conſideration of the ſettling of the kingdom, and doubted not to ſatisfy all.” Whilſt the commons were debating on the petition, ſome of the Surrey men quarrelled with the parliament's guard, diſarmed two or three of the ſoldiers, and killed one. Whereupon, to hinder them from carrying their violence any farther, more horſe and foot were ſent for from the Muſe and Whitehall, who ſlew and wounded ſeveral, before they could be diſperſed.

Whiteloc.

Union between the city and parliament. May 20. Ruſhw.

This attempt, and an information brought to the houſe of commons, that ſoldiers were privately liſting in London, and a plot contriving by the Royal party to ruin both parliament and city, Preſbyterians and Independents, cauſed the parliament and city to enter into a ſtrict union together. It was equally their intereſt to guard againſt the Royaliſts, who hated the city no leſs than the parliament and army, and to take meaſures to hinder the execution of the Cavaliers deſigns. Thus the impetuous zeal of the Cavaliers was extremely injurious to the king; whereas had it been well managed, it might have procured him great advantages. If they could have reſolved to conceal their ſentiments, and ſuffer the Preſbyterians to believe, that their ſole deſign was to deliver the king out of the hands of the Independents, and to act againſt the army, they would have, doubtleſs, conſiderably ſtrengthned their party; and the Preſbyterians, inſtead of hurting, would have aſſiſted them. This was probably, duke Hamilton's project, and theirs who laboured to procure him the command of the Scotch army. But the raſh and impetuous zeal of ſome particular perſons, to whom it was not thought proper to impart the ſecret, cauſed the Preſbyterians to be as much upon their guard againſt the Cavaliers, as againſt the Independents. So in all the inſurrections in ſeveral parts of the kingdom, whilſt the Scotch army was expected, the Preſbyterians were wholly unconcerned, except in Kent, where ſome general officers and reformado's were willing to engage. But after that diſappointment, they lay ſtill, in expectation of the Scots, on whoſe aſſiſtance they relied very much, tho' as I before obſerved, without any foundation.

They determine to conclude a peace with the king, on three previous conditions.

In the interim, the Preſbyterians were greatly embarraſſed. The Scotch army was not yet come, and they were in no leſs danger from the king's ſucceſſes, than from the army's. They could, therefore, join with neither of the parties, without labouring their own ruin. The deſigns of all three were ſo oppoſite, that whichſoever ſhould prevail, the other two would be infallibly ruined. The Prebyterians, therefore, reſolved, at length, to take advantage of the army's abſence, of the number of their voices in the parliament, and of the aſſiſtance of the city, to conclude a peace with the king. But in order to this peace, it was neceſſary, the king ſhould conſent to three conditions, without which they could not reſolve to be reconciled to him. The firſt was, "That the militia of the kingdom ſhould, for ſuch a number of years, be put into the hands of both houſes." This point having been the immediate cauſe, or, at leaſt, the pretence of the war, they could not depart from it, without evidently ſhewing, the war had been undertaken without an abſolute neceſſity, which would have rendered them odious to the whole kingdom. For to what purpoſe had ſo much blood been ſpilt, and ſo much treaſure conſumed, if a peace could be made without this ſecurity? Beſides, in neglecting this article, they would, as I may ſay, have put themſelves in the king's mercy, whom they had mortally offended. The ſecond condition was, "That the Preſbyterian government ſhould be eſtabliſhed by authority of king and parliament." This condition was no leſs neceſſary. It was one of the ſtrongeſt motives of their undertaking and continuing the war, wherein they had been crowned with ſucceſs, the advantages of which they were not diſpoſed to relinquiſh. What would they have gained by the war, if by a peace they were to be liable again to the juriſdiction of the biſhops, and epiſcopal clergy, their mortal enemies? The third condition was, "That the king ſhould call in all his proclamations and declarations againſt the two houſes." The neceſſity of this condition is evident, for the king having declared the members of both houſes rebels, they could not treat with him as ſuch, without renouncing all their rights and pretenſions.

The reſolution of treating with the king being taken by the leading Preſbyterians, the queſtion was, to put it in execution. General Fairfax departing from Windſor the 22d of May, to march into the north, tho' within a few days he was forced to take the Kentiſh rout, the next day, the common-council of London preſented a petition to both houſes of parliament, wherein they ſaid:

The London addreſs to the parliament. Ruſhw. Whiteloc.

'That they thankfully acknowledged the favour of the houſe, in granting their deſires concerning the tower, and militia of London; and in communicating to them ſeveral votes of both houſes of parliament, wherein it was reſolved, not to alter the fundamental government of the kingdom, by king, lords and commons; to preſerve inviolably the ſolemn league and covenant, and the treaties between the kingdom of England and Scotland; and to be ready to join with the kingdom of Scotland, in the propoſitions agreed upon by both kingdoms. They further deſired, that the aldermen, the recorder, and the reſt of their fellow-citizens, then in the tower, might be diſcharged and reſtored; and that in proſecution of their ſaid votes, they would be pleaſed to improve all good opportunities in perfecting the ſpeedy ſettlement of the peace of both kingdoms.'

Remark on the change in the parliament.

This petition was the firſt ſtep taken by the city of London, to give the parliament occaſion to endeavour a peace. The members, as I ſaid, were for the moſt part Preſbyterians, and yet the Independents prevailed, becauſe they were ſupported by the army. So, from the 6th of Auguſt, 1647, to the end of May, 1648, the parliament muſt be conſidered as Independent, becauſe the votes were directed by that party. But ſince the army's removal from London, the Preſbyterians had exerted themſelves, and no longer fearing the army, paſſed ſuch votes as were moſt agreeable to their intereſt. From that time, therefore, the parliament is not to be conſidered as Independent, but rather as Preſbyterian. This remark is abſolutely neceſſary for underſtanding the reaſon of the difference between the proceedings of this parliament, of which we are going to ſpeak, and thoſe from the 6th of Auguſt the laſt year.

The deſires of the city are granted May 23. Ruſhw. Whiteloc.

The petition above-mentioned being read in both houſes, they ordered the recorder, and all other priſoners to be releaſed, except the three aldermen, who had been impeached in form, but who nevertheleſs were alſo diſcharged after ſome days. They farther ordered, that the ſoldiers poſted in the tower to reinforce the garriſon, ſhould return to their regiments.

Vote to treat with the king. Whiteloc Ruſhw.

On the morrow, the commons voted, notwithſtanding the oppoſition of the Independent members, that, after his majeſty's aſſent to the three bills, which ſhould be offered to him, a treaty ſhould be had with him upon the reſt of the propoſitions preſented to him at Hampton-Court. Theſe three bills were for ſettling the militia, the Presbyterian-government, and recalling all his declarations againſt the two houſes. Theſe bills were ready the 30th of May, and ſent to the lords for their concurrence. The ſame day, the general having drawn out his troops that were in the tower, at Whitehall, and the Meuſe, to employ them in his expedition againſt the Kentiſh-men, the houſe empowered the militia of London, to ſend guards to the parliament, from time to time as occaſion ſhould require.

The militia of London guard the parliament.

Proceedings of the parliament to unite with Scotland.

The Presbyterians were very much at eaſe, ſince they were no longer curbed by the army. But they ſtill wanted one thing, of which they reſolved to take care. Whilſt the two houſes were governed by the Independents, the Scots thought to have cauſe to complain, and on that pretence they were levying an army to march into England. For this reaſon, the parliament, now become Presbyterian, believed it neceſſary to remove all occaſions of complaint, by giving them ſatisfaction, and to ſhew, they meant to proceed in a different manner from what they had done, whilſt checked by the Independents. They now declared, they intended to maintain the covenant, and the treaties between the two kingdoms; and to convince the Scots, the houſe of commons voted, that the three bills to be preſented to his majeſty, ſhould be communicated to the parliament of Scotland for their approbation. It is eaſy to perceive, that the view of the two houſes was to ſecure the aſſiſtance of Scotland, and, indeed, it ſeems to have been Scotland's intereſt to unite with the parliament of England, ſince it was become Presbyterian. But, as I obſerved, thoſe by whom the parliament of Scotland was then managed, ſought not ſo much the good of the kingdom, as the king's advantage; but of this the parliament of England was yet ignorant, or, perhaps, would hardly believe. There was, moreover, in the fore-mentioned reſolution, one great inconvenience, viz. loſs of time. It was the Presbyterians intereſt to haſten the treaty with the king, whilſt the event of what was preparing, was yet doubtful. But on the contrary, delay was advantageous to the Independents, who, as will hereafter appear, failed not to uſe that method to break their enemies meaſures.

The accuſed members are diſcharged. June 3.

The next day, the commons ordered, that the 11 members of their houſe, and the ſeven peers accuſed by the army, ſhould be fully diſcharged, and Glyn, member for Weſtminſter, who had been expelled, was received into the houſe.

Reſolution to raiſe forces. June 14. Whiteloc.

As the two houſes perceived, that the ſeveral inſurrections in the kingdom were wholly in favour of the king, they prohibited, on pain of death, to take arms without their authority. They imagined to have no farther occaſion for ſuch friends to defend them againſt the Independents. In the interim, as they had no army to protect their adherents againſt the attempts of the Cavaliers, it was moved to raiſe forces, and oblige the officers to take the covenant. But after ſome debates, this laſt point was ordered to be laid aſide for the preſent. It was alſo propoſed to remove the king to Windſor; but nothing was determined. Probably, the houſe knew not how to compel Hammond, in caſe he refuſed to deliver the king.

Tho' the vote to preſent the three bills to the king paſſed the 2d of June, it was the 26th before the two houſes appointed a committee to debate upon the manner and place of treaty with the king, and their report was made the 30th. In the interim, the lord-mayor, aldermen, and common-council of London, preſented a petition to the two houſes, deſiring,

Petition from London for a perſonal treaty with the king. June 27. Ruſhw.

'That a perſonal treaty might be obtained 'between his majeſty and both houſes, in the 'city of London, or ſome other convenient 'place.

'That the Scots might be invited to the 'treaty. That, ſo according to the duty of 'their allegiance, proteſtation, ſolemn league 'and covenant, his majeſty's royal perſon, 'honour, and eſtate, might be preſerved, 'the power and privilege of parliament main'tained, the juſt right and liberties of the 'ſubjects reſtored, religion, and government 'of the church in purity eſtabliſhed, all dif'ferences might be the better compoſed, and 'a firm and laſting peace concluded, &c.'

To this it was anſwered by both houſes, that they were now employed in conſiderations of peace, and doubted not but what they had done, and ſhould do therein, would be ſatisfactory to the city of London, and all others that deſired to ſee the troubles of the kingdom ended in a ſafe and juſt peace.

The report of the committee appointed to conſider of a perſonal treaty with the king, was:

Report of the committee in favour of the king. Ruſhw.

'1. That the vote of the 3d of January, '1647, forbidding any addreſſes to be made 'to, or received from his majeſty, ſhould be 'made null.

'2. That the three propoſitions ſent into 'the kingdom of Scotland, and to be preſent'ed to his majeſty before a perſonal treaty be 'had, ſhould not be inſiſted upon.

'3. That his majeſty be removed to ſome 'of his houſes within 10 miles of London.'

The lords deſire the commons not to inſiſt upon the three bills. The commons refuſe it.

The ſame day the lords acquainted the commons, that they approved of the propoſitions reported by the committee, and deſired their concurrence. But the commons were not ſo expeditious as the lords. They could not reſolve to begin a negotiation with the king, without being firſt ſecure of the three conditions which were to be the foundation of the peace. I have already mentioned the reaſons. In the interim, both houſes continuing in their reſpective opinions, it was almoſt a month before this diſpute was ended.

The lords reaſons. July 10. Ruſhw.

The lords urged, at a conference, that the three bills ſhould not be inſiſted on. 1. That there may be no delay in the thing, a ſpeedy perſonal treaty being ſo much deſired and petitioned for. 2. Becauſe it is the deſire of the parliament of Scotland. 3. The agreement upon the treaty will be the more authentick. 4. It is probable, the king, having no army in being, will condeſcend to that which at Uxbridge and Oxford he refuſed. 5. It is not the way of treaty to confirm any particular, before all is agreed, eſpecially thoſe of moſt concernment, and which will be chiefly inſiſted upon.

The commons reaſons. July 25.

The commons anſwered, ‘ That the diſaffected party in or near London is ſo great, that if the king grants not the militia before he comes, there will be no ſafety for the parliament, nor is the treaty like to proceed; for many will endeavour to bring in the king without any agreement, and even with deſtruction to the parliament. 2. If the Preſbyterian government be not decreed, all things will grow into confuſion in the churches, and the preſent miniſters be great ſufferers. 3. If the declarations be not recalled, the parliament is not in capacity to treat, having been declared rebels and traitors, and no parliament, but a pretended one, which was never done by any of the kings of England. And whereas it may be objected, theſe things need debate; it is anſwered, the king is not ignorant of the full demand of theſe particulars, they having been over and over preſented to him; and to the two firſt he hath declared a willingneſs; nor yet is he obliged to paſs them as bills, unleſs all other things are agreed upon; and if no agreement, (he being at liberty) a new war is like to enſue.’

The lords reply.

To theſe reaſons the lords replied, ‘ That they could not imagine, nor was it probable, that the party about London who had petitioned for a treaty, would put it on to the diſadvantage of the parliament. 2. They did not apprehend any prejudice to the parliament's party during the treaty. 3. His majeſty had declared, he would conſent to all together; and not to any before all was agreed. And that in caſe there were no agreement, they were in ſtate as before.’

The commons anſwer.

The commons being by no means ſatisfied with theſe reaſons, anſwered, ‘ There was no doubt but thoſe in the parts about London, would put forward the treaty, to the diſadvantage of the parliament and kingdom; being ſuch who had not only petitioned the re-eſtabliſhment of the king without conditions, but had taken up arms, and were now in arms for no leſs (as they ſay at Colcheſter) than to cudgel the parliament into a treaty. 2. For his majeſty's ſaying, he would not paſs any before all were agreed; it ſeems not; for he pretends to be willing to paſs theſe only upon conditions; or in any way, as that de facto, he will; and de jure, the power ſhall be declared in him; which were for the parliament to part with that, which will be their irreparable loſs and deſtruction. And beſides, as to ſecurity, what appears, unleſs the grant of theſe propoſitions? For it is ſuppoſed the treaty will be in or near London, And what is ſaid, how his majeſty ſhall be? Who ſhall be with him? How the diſaffected ſhall be ordered? Moreover if this be not, why may not things ſettled by law be revived? Epiſcopacy again ſet on foot? All the miniſters turned out for ſcandal re-enter? Others of honeſt life put to ſeek their livings? How then, in caſe no accord be made, can it be thought that the parliament will be in ſtate as before?’

The time paſſes in vain, and the Independents contribute to it.

This diſpute held till the 28th of July, the Independent members heartily joining with the Preſbyterians in whatever could retard or obſtruct the treaty; but it was not upon this point only that they endeavoured to ſpend the time to no pupoſe.

Another delay upon the means of treating at London. Clarend.

Whilſt this conteſt between the two houſes ſtill laſted, the city of London having preſented a petition, declaring, they did concur with the deſire of a perſonal treaty contained in another petition of the military officers, it was ordered that a committee of parliament, and another of the common-council ſhould meet together and examine this affair. In the frequent conferences between theſe committees, the Independents uſed ſeveral artifices to prolong matters. The Preſbyterians concurred with them in the ſame deſign, for, as I ſaid, they were againſt treating with the king before he had conſented to the three bills. The committee of parliament put ſeveral queſtions to the committee of the common-council, which theſe laſt were not prepared to anſwer; and as they had no inſtructions about them, they were forced to deſire time to conſult thoſe by whom they were appointed. By this means the conferences were multiplied without any thing done, for no ſooner was one demand anſwered, but another was made, and ſo the time paſſed in vain.

The common-council attempts to force the parliament to treat. Ruſhw.

At laſt the common-council perceiving, theſe queſtions were deſigned only to amuſe them, ordered it to be declared to the committee of parliament, that it was the deſire of the city, that a treaty ſhould be entered into with all expedition. They ordered likewiſe, that the engagement laſt year to guard the king and parliament againſt all force, which had brought the army to London, ſhould be ſubſcribed by all the inhabitants, either by calling them together, or by carrying it from houſe to houſe to be ſigned. They were not contented with this; for they ſo managed, that the watermen and others preſented alſo petitions, that the perſonal treaty might be haſtened. In ſhort, they plainly ſhewed, what they could not obtain by fair means, they would have by force. Whereupon major general Skippon was privately ordered by the commons, to liſt ſoldiers in the city, and be ready to guard the parliament in caſe of any violence. The common-council complained of theſe levies which were making in the city, without the privity of the committee of the militia. But the houſe approved of them, under colour the city was in danger from the Cavaliers; nay, they imparted to the common-council, certain intercepted letters, in one of which was encloſed a declaration from the prince

The commons order Skippon to raiſe forces.

prince of Wales. Another was wrote from London to one at Edinburgh, intimating that the king's party was very powerful in London; that there was no danger from any but Skippon, who was raiſing troops; but however they were nothing in compariſon of thoſe who were ſecretly liſted for the king. That it ſhould be ſo ordered, that Skippon ſhould ſoon be deprived of his poſt, and expelled the city.

Several Royaliſts mix with the Presbyterians.

It is certain, in the preſent ſituation of affairs, the Royaliſts conceived great hopes; nay, many Cavaliers ſcrupled not to paſs for Presbyterians, and mixed with them, to ſtrengthen the party of thoſe who intended to force the parliament to a peace. Hence aroſe this ſort of conteſt between the commons and city of London. Among the Presbyterians many were apprehenſive, that by a too long delay, the opportunity of treating advantageouſly with the king would be loſt. They flattered themſelves, that in ſuch a juncture, the king would refuſe nothing of what ſhould be deſired, and they did not ſee the neceſſity of loſing time in requiring things beforehand, which in their opinion could not but be granted in a treaty. This opinion, entertained by the lords and common-council of London, was ſolely founded in a falſe imagination, that the king could not but think his caſe deſperate, if the Scotch army ſhould once enter England, and conſequently would grant every thing to get out of this difficulty; wherein they were much miſtaken, as we have ſeen. But the commons ſtill inſiſted upon the three bills, as abſolutely neceſſary for the ſecurity of the kingdom. Whilſt the Presbyterians thus differed among themſelves, the time paſſed away without any effectual endeavours for a peace. The blockade of Colcheſter was juſt at an end; Cromwell was upon the point of finiſhing the ſiege of Pembroke-caſtle, and going to join Lambert; and Fairfax, after the taking of Colcheſter, was about to come once more and awe the parliament. Beſides this, the king's party was daily increaſing in the north, where Langdale, whoſe forces were now above 4000 men, was preparing to join duke Hamilton.

The uncertain ſtate of affairs. July.

The affairs of England were then in a terrible confuſion. The wiſeſt and moſt experienced could not form any probable conjecture on what was to happen, each of the parties having almoſt equal reaſon both to hope and to fear.

Intereſts of the Independents.

Indeed the Independents were no longer maſters in the parliament, but were however ſufficiently numerous, to obſtruct, by ſundry artifices, or, at leaſt, to retard, the peace, or prolong the negotiation. Moreover they were ſupported by three armies, which tho' remote from London, inſpired their enemies with terror. Nevertheleſs they ſaw, it was intended to take advantage of the abſence of theſe armies to conclude a peace with the king, which could not but ruin them, if made before their forces were rejoined. They knew themſelves to be equally hated by the Scots, the Presbyterians, and the Royaliſts. They were, therefore, in danger that theſe three parties would unite againſt them, as indeed it was projected, and then the Independents would have been too weak to reſiſt ſo many enemies at once. It was, therefore, their intereſt to hinder this union as much as poſſible, till the events of the war which was going to rekindle, ſhould unravel the affairs of the kingdom. They confided much in Cromwell's valour and capacity, and impatiently expected, that the end of the ſiege he had undertaken, would enable him to join Lambert in the north, and oppoſe the Scots, who were ready to enter England.

Errors of the Presbyterians.

The Presbyterians had no army at all. Their whole reliance was on the city of London; but their leaders were extremely troubled to ſee the magiſtrates purſuing wrong methods, whether by the artifices of the Cavaliers, or by a too earneſt deſire of peace. They hoped however, the king, in his preſent circumſtances, would immediately grant their demands in order to free himſelf out of the hands of the Independents, and unite the whole kingdom againſt them. But they built upon no ſolid foundation. Had there been a treaty at the time I am ſpeaking of, the king, who knew the Scotch army was not deſigned againſt him, would have granted at moſt but what he was obliged to by his treaty with the Scotch commiſſioners, which would not have been ſufficient to content the Presbyterians, as the ſequel will ſhew.

The refuge of the king's party.

As for the Royaliſts, the leading men being informed of duke Hamilton's intentions, they muſt have entertained great hopes. They flattered themſelves that the Scots and Presbyterians would equally aſſiſt in delivering the king from captivity, and that when he ſhould be free, and the Independent-party ſubdued, he would be able to withſtand the Presbyterians and renew the war, in caſe unreaſonable terms were inſiſted upon. They ſaw however with great concern their deſigns ruined in Kent, in Eſſex, and by the ill ſucceſs of the earl of Holland's and duke of Buckingham's attempt. Certainly they were in an ill ſituation, between the Presbyterians and the Independents, what hopes ſoever they had entertained of deceiving the Presbyterians, and engaging them to ſerve the king, under colour of acting againſt the Independents. Their whole refuge, therefore, lay in the progreſs to be made by duke Hamilton and Langdale, and in the expectation of inducing the city to force the parliament to conclude a haſty peace to the king's advantage.

Duke Hamilton's behaviour when he entered England.

At laſt, the ſo long expected army of Scotland entered England, as hath been ſaid, about the beginning of July. When the raiſing it was reſolved, it was deſigned againſt the parliament of England, then under the direction of the army and Independents. But when the Scots came into England, the face of affairs was changed, and the parliament not only become Presbyterian, but had taken ſeveral ſteps to ſhow, they intended to preſerve an union and good correſpondence between the two kingdoms. In the interim, tho' the committee of the parliament of Scotland was not ignorant of what paſſed in England, they had not given new inſtructions to duke Hamilton, or expreſſed any deſire to join with the parliament, now freed from the dominion of the army. Thus duke Hamilton entered England as enemy to the parliament, ſince there was no alteration in his orders. He pretended, indeed, a deſign to maintain the covenant. But the parliament had alſo declared, they had the ſame intention. What then could hinder the duke from making ſome advances to the parliament, to demonſtrate, he was ſent into England to promote that deſign? At leaſt, when he entered a foreign kingdom with an army, he ſhould, one would think, have publiſhed a manifeſto to declare the intentions of his maſters. But he only wrote to major-general Lambert, "That the committee of the eſtates of parliament had commanded him to enter England with an army, for maintaining the covenant, ſettling religion, delivering the king from his baſe impriſonment, freeing the parliament from the conſtraints put upon them, disbanding the armies, whereby the ſubjects might be free from the intolerable taxes and quarter which they had ſo long groaned under, and for procuring a ſolemn peace and firm union between the kingdoms under his majeſty's government." But if what paſſed before be conſidered, it will be eaſy to perceive, this army was deſigned to reſtore the king without conditions, or, at leaſt, upon terms very different from thoſe that were pretended to be laid on him. Tho' I have touched upon this ſubject in ſeveral places, I believe it will not be amiſs briefly to ſum up the reaſons, which invincibly prove that the Scotch army was ſolely intended for the king's ſervice.

Proofs of the Scotch army being ſolely deſigned for the king's ſervice.

1. The Scotch commiſſioners had treated with the king without being authoriſed by their parliament. They had treated for the affairs of England without receiving any power from the Engliſh.

2. They had engaged to endeavour to reſtore the king to the throne of England, without any other condition than the confirmation of the Preſbyterian government for only three years. As for the covenant, they had indeed obliged the king to promiſe, he would confirm it, for the ſecurity of thoſe who had taken it; that is, that they might not be proſecuted on that account; but with full liberty to every one not to ſubſcribe it. They had engaged to maintain the rights of the king and crown with reſpect to the militia, the great-ſeal, nomination to offices, choice of privy-counſellors, negative voice in the parliament. Moreover, they had concealed the contents of this treaty from the leading Preſbyterians, and at the ſame time communicated them to the king's principal friends.

3. The ſame commiſſioners had engaged Sir Marmaduke Langdale and Sir Philip Muſgrave to raiſe forces for the king and ſeiſe Berwick and Carliſle.

Clarend.

4. Theſe two gentlemen had repaired to Edinburgh, where they had often conferred with duke Hamilton and others of the king's party, and when the commiſſioners of England complained of their being ſuffered at Edinburgh, they were only concealed, and the conferences with them continued.

5. Duke Hamilton, before his departure from London had declared, he would do the king ſignal ſervice, and this duke was placed at the head of the army.

6. The ſame duke had entered into an engagement with Langdale, that as ſoon as the Scotch army was in England, there ſhould be no more mention of the covenant, and all the king's friends ſhould be received into the army without diſtinction. It is true, he was afterwards reſtrained by a decree of the parliament of Scotland; but he found means to evade it, by cauſing Langdale to march one day before him, as if Langdale had not acted by his orders: But the contrary plainly appeared, when he was defeated by Cromwell.

7. The parliament of Scotland was called by the credit of duke Hamilton and the commiſſioners who had treated with the king, and the members were elected by the cabals of the ſame party.

8. When the levying an army came to be debated in the parliament, it was ſtrongly oppoſed, as well by ſeveral lords, as by the general-aſſembly of the kirk. It was ſolidly proved, that, at leaſt, the grounds of the war ought to be declared before it was reſolved. Proteſtations were alſo made againſt it; but they were evaded, of which there can be no other reaſon given, but that the army was deſigned for the king's ſervice, tho' it was not thought proper to declare it.

9. Finally, when the duke had entered England, he took not the leaſt ſtep to intimate he was come to ſupport the Preſbyterian party. Inſtead of marching directly to London, whilſt Cromwell was at a diſtance, tho' he might be ſure the parliament and city were very deſirous to join him, he ſpent above a month in the northern counties without any neceſſity. This conduct, therefore, ſhews, his deſign was not to aſſiſt the Preſbyterians, tho' he intended to act againſt the Independents.

What has been ſaid clearly proves, the Scotch army came into England with deſign to reſtore the king without terms, under colour of delivering him from the Independents. It is no wonder, that the parliament, where the king had few friends, ſhould declare this army enemies of the kingdom, as ſoon as their entrance was known. Nevertheleſs, as the Preſbyterians were yet perſuaded, the Scots were come to ſupport them, it was with great ſtruggle that this declaration paſſed the houſe of commons. Fourſcore and ten Preſbyterian members oppoſed it to the utmoſt of their power, ſo far were they from imagining, the Scots had taken arms for the king's intereſt; but it was not long before they were undeceived.

The Independents retard the treaty by ſundry artifices.

Whiteloc.

The 28th of July the commons agreed at laſt, that the king ſhould be treated with upon the Hampton-Court propoſitions without being obliged to ſign three bills before-mentioned. In all likelihood the Preſbyterians were, at length ſenſible, that by deferring the treaty, they were labouring for the Independents, who ſought only to waſte the time, till

Cromwell, who was in the midſt of his march ſhould have joined Lambert. But it was not poſſible to advance ſo far as would have been neceſſary to finiſh or even begin the treaty, before the revolution cauſed by duke Hamilton's defeat. The formalities which muſt be obſerved in a parliament, ſeveral unexpected affairs, the arrival of the prince of Wales before Yarmouth, and afterwards in the Thames, afforded the Independent members frequent occaſions to prolong the treaty. On all theſe occaſions, they affected to make tedious ſpeeches, which waſted many days ſitting. When they ſaw it was not in their power to ſet aſide the treaty, or oblige the houſe to inſiſt upon the three bills, they feigned to conſent freely to the negotiation; but withal, perpetually found means to delay it. In ſhort, to know what were the fruits of theſe artifices, it need only be conſidered, that the commons firſt reſolution to treat with the king was on the 24th of May; but they did not deſiſt from the three bills till July the 28th; that it was the 18th of September before the negotiation began, and conſequently this affair held four months, without reckoning the time ſpent in the treaty. So, before the conferences began, Cromwell had defeated duke Hamilton, and was marching into Scotland to hinder the Scots from returning to diſturb England. On the other hand, general Fairfax having taken Colcheſter, was poſted with his army within 20 miles of London to awe the parliament. It is, therefore, certain, when the negotiation begun, affairs were far from being in the ſame ſtate as when the treaty was reſolved. The good ſucceſs of the army made the Preſbyterians more timorous, and the Independents more bold. But on the other ſide, the king, loſing all hopes of aſſiſtance both from the Scots and the Royaliſts, found himſelf indiſpenſably obliged to yield in a treaty what he would never have granted, if the face of his affairs had not been changed. Theſe are conſiderations which I thought requiſite, before I proceeded to what paſſed the five laſt months of the year 1648.

The king's demands.

Since the commons had conſented to treat with the king, without obliging him to ſign the three bills, five days more had paſſed before the manner, place, and time of the treaty could be ſettled. The king required that all perſons might have acceſs to him as when at Hampton-Court: That the Scots ſhould be invited to aſſiſt at the treaty, and appointed the town of Newport in the Iſle of Wight for the place of conference. The commiſſioners who had been ſent to him, having reported his deſires to the houſes, the lords, who were willing to diſpatch this affair, two days after paſſed the following votes:

The votes of the lords thereupon. Ruſhw.

'1. That the votes of both houſes of parliament, againſt no farther addreſſes and application to his majeſty, be recalled.

'2. That ſuch perſons as his majeſty ſhall ſend for, as of neceſſary uſe to him in the treaty, be admitted to wait on him: And that his majeſty be in the ſame eſtate of freedom,as he was laſt in at Hampton-Court.

'3. That ſuch ſervants as his majeſty ſhall appoint, be ſent to wait on him.

'4. That the place for the treaty be in Newport, in the Iſle of Wight.

'5. That the Scots be invited to treat with his majeſty.

'6. That his majeſty be admitted to invite them.

'7. That the inſtructions given from both houſes of parliament, to colonel Hammond, governor of the Iſle of Wight, be recalled.

'8. That five lords and 10 commoners be choſen commiſſioners to treat with the king.

'9. That it be referred to the committee of lords and commons for peace, to prepare all things in readineſs for the ſpeeding of the treaty.'

Theſe votes being ſent to the commons, they did not think proper to paſs them without ſome amendments.

'The firſt was admitted.

The commons reſtrictions. Ruſhw.

'As to the ſecond, the commons ordered, that his majeſty ſhould be deſired to ſend to the houſes the names of ſuch perſons as he ſhould conceive to be of neceſſary uſe about him during the treaty; they not being perſons excepted againſt by both houſes of parliament from pardon, or that were then under reſtraint, or in actual wars againſt the parliament by ſea or land; or in ſuch numbers, as might draw any juſt cauſe of ſuſpicion; and that his majeſty ſhould be in the ſame freedom, honour, and ſafety, as he was in when he was at Hampton-Court.

'Upon the third, they concurred in the vote for his majeſty's attendants, provided they were ſuch as were not in any of the former qualifications.

'The fourth was approved of.

'As to the fifth and ſixth, the queſtion, whether the Scots ſhould be invited by the parliament, to ſend commiſſioners to treat with his majeſty upon the propoſitions preſented to him at Hampton-Court, it was carried in the negative. But it was ordered however, that if the king ſhould think fit to ſend for any of the Scotiſh nation, to adviſe with him concerning the affairs of the kingdom of Scotland only, the houſes would give him a ſafe-conduct.

'Concerning the ſeventh, it was reſolved, that before the recalling of colonel Hammond's inſtructions, they ſhould ſend again to his majeſty, to let him know, how far they had proceeded, as to a treaty, and to have his majeſty's approbation.

'The eighth and ninth were admitted without any difficulty.

Inſtructions to colonel Hammond. Ruſhw.

The next day the commons ordered new inſtructions to colonel Hammond, viz.

'That the king be removed to Newport, and be in the ſame condition and freedom there, as he was at Hampton-Court.

'That no perſon in the firſt exception out of mercy, nor under reſtraints of the parliament, nor of late actually in arms againſt the parliament, be admitted to the king.

'That no perſon that hath been in arms a-

‘gainſt the parliament, &c. or of whom there is juſt cauſe of ſuſpicion, be admitted into any fort or tower in the Iſle of Wight.

‘That no perſon of any foreign nation be admitted to come into the ſame iſle, without leave of the parliament.

‘If the kingdom of Scotland ſend any to treat with his majeſty, they ſhall have a paſs from both houſes, and be admitted.

‘That his majeſty paſs his royal word, not to go out of the iſland during the treaty, nor 28 days after, without the advice of both houſes of parliament.’

The defeat of the Scots puts no ſtop to the treaty. Ruſhw.

The next day, advice was brought of duke Hamilton's defeat. The Independents thence hoped, they ſhould hinder the concluſion of the treaty, and the Presbyterians, that the king would grant every thing, ſince he had loſt the aſſiſtance he depended upon, and was without any reſource. Thus, this event, tho' of the greateſt importance, cauſed no alteration in the diſpoſition of the parties to treat. A few days after they received alſo news of the taking of Colcheſter.

Sundry delays. Ruſhw.

The king having ſent a liſt of the perſons he deſired to have about him, the parliament excepted againſt three, viz. Aſhburnham, Legg, and Dowcet, who were then in cuſtody.

It was not only upon this point, but ſeveral others, where difficulties occurred, that they were forced to ſend expreſſes to the king. It ſuffices to ſay, that the parliament's commiſſioners departed not from London for Newport, till the 13th of September, and the conferences began not till the 18th. It was agreed, they ſhould continue 40 days only.

Whilſt preparations were making for the treaty, the prince of Wales, who lay in the Downs with his fleet, ſent a letter to the houſe of peers, wherein he took notice of the progreſs made as to a perſonal treaty, and farther expreſſed his deſire,

Letter from the prince of Wales to the lords. Whiteloc.

‘1. That the treaty ſhould be in ſuch place and manner, as might conſiſt with the honour, freedom, and ſafety of his majeſty his father; ſo that the agreement might not be blemiſhed with any face of reſtraint. 2. That the treaty might be between the king, and his two kingdoms of England and Scotland. 3. That during the treaty, there ſhould be a general ceſſation of arms. 4. That a moderate ſubſiſtence, during the treaty, might be agreed upon, for all armies and forces then on foot, and particularly the Scots army in England. 5. That a courſe might be taken to content him, and his ſhips in the Downs with money and proviſion.’

It does not appear, the lords took any notice of this letter, and the rather, as the prince made no mention, that it ſhould be communicated to the commons.

Petition from the common-council.

The ſame day the lords received this letter, a petition was preſented to both houſes from the common-council of London, deſiring,

‘1. That the king's majeſty might be free from reſtraint.

‘2. Invited to a treaty.

‘3. That all acts of hoſtility by ſea and land, might, by command of king and parliament, ceaſe.

‘4. That the government of the church might be ſettled according to the covenant.

‘5. That diſtreſſed Ireland might be relieved.

‘6. The people of England, by disbanding all armies eaſed; the liberty of the ſubjects reſtored; the laws of the land eſtabliſhed.

‘7. The members of both houſes enjoined to attend the houſe for the ſervice of the kingdom.

‘8. That the ſelf-denying ordinance might be effectually obſerved. And

‘9. Speedy conſideration had of the condition of ſuch merchants, whoſe ſhips and goods were ſtayed by thoſe with the prince; and that ſome expedient might be thought of, for diſcharge of all ſhips, that trade be not deſtroyed.’

Another from the reduced officers.

The reformado-officers preſented the ſame day a petition of the like import; praying moreover, that all officers and ſoldiers (without exception) might be paid their arrears.

Anſwer to the city.

The commons returned in anſwer to the common-council of London, that it was their intention to treat with the king, that they had acquainted his majeſty with it, and that there was no room to queſtion but the king was in the ſame diſpoſition. Then they communicated to the council the votes that were paſſed in the houſe on that occaſion.

The Independents begin to ſtir.

They preſent a petition. Ruſhw.

All this paſſed before the defeat of the Scotch army. But after the news of that great event, and the taking of Colcheſter, the Independents in and about London, who had been quiet ſince the removal of the army, and before any deciſion, began to hold up their heads. The 11th of September, two days before the departure of the commiſſioners for the Iſle of Wight, they preſented a petition to the parliament, ſubſcribed by ſeveral thouſands, openly complaining of the commons proceedings, which, they ſaid, flowed from the corruption of moſt of the members. They alſo gave them the reaſons, why they firſt aſſiſted them in this war with their perſons and purſes, and let them know, they expected other ways from them than a treaty with the king, and particularly,

‘1. That they would make good the ſupremacy of the people from all pretences of negative voices either in the king or lords.

‘2. That they would have made laws for election of repreſentatives yearly, and of courſe, without writ or ſummons.

‘3. That their time of ſitting exceed not 40 or 50 days at the moſt, and to have fixed an expreſſed time for the ending of this preſent parliament.

‘4. That they would have exempted matters of religion and God's worſhip from the compulſive or reſtrictive power of any authority.

‘5. That none be forced or preſſed to ſerve in war.

‘6. That they would have made both kings, queens, princes, dukes, earls, lords, and all perſons, alike liable to every law of the land.

‘ 7. That all commoners be freed from the juriſdiction of the lords in all caſes; and to have taken care, that all tryals be only of 12 ſworn men; and no conviction but upon two or more ſufficient known witneſſes.

‘ 8. That none be examined againſt themſelves, nor be puniſhed for doing of that, againſt which no law hath been provided.

‘ 9. That the proceedings in law be abbreviated, mitigated and made certain, the charge thereof in all particulars.

‘ 10. That all trade and merchandiſing be made free from all monopoliſing and engroſſing, by companies or otherwiſe.

‘ 11. That the exciſe and all kind of taxes, exept ſubſidies, be taken off.

‘ 12. That you would have laid open all late incloſures of fens, and other commons, or have encloſed them only or chiefly to the benefit of the poor.

‘ 13. That they would have conſidered the many thouſands that are ruined by perpetual impriſonment for debt, and provided to their enlargement.

‘ 14. Have ordered ſome effectual courſe to keep people from begging and beggary, in ſo fruitful a nation, as through God's bleſſing this is.

‘ 15. That they would have proportioned puniſhments more equal to offences, that ſo men's lives and eſtates might not be forfeited by trivial and ſlight occaſions.

‘ 16. Have removed the tedious burthen of tythes, ſatisfying all impropriators, and providing a more equal way of maintenance for our poor miniſters.

‘ 17. Have raiſed a ſtock of money out of confiſcated eſtates, for payment of thoſe who contributed voluntarily above their abilities, before thoſe that diſburſed out of their ſuperfluities.

‘ 18. Bound themſelves and all future parliaments from aboliſhing propriety, levelling mens eſtates, or making all things common.

‘ 19. That they would have declared, what the duty or buſineſs of the kingly office is, and what not; and aſcertained the revenue paſt increaſe or diminution; that ſo there might never be more quarrels about the ſame.

‘ 20. That they would have rectified the election of publick officers for the city of London, of every particular company therein; reſtoring the commonality thereof to their juſt rights, moſt unjuſtly with-held from them, to the producing and maintaining corrupt intereſt, oppoſite to common freedom, and exceedingly prejudicial to the trade and manufactures of this nation.

‘ 21. That they would have made full and ample reparations to all perſons that had been oppreſſed, by ſentences in high-commiſſion, ſtar-chamber, and council-board; or by any kind of monopolizers or projectors, and that out of the eſtates of thoſe that were authors, actors, or promoters of ſo intolerable miſchiefs, and that without much attendance.

‘ 22. That they would have aboliſhed all committees, and have conveyed all buſineſſes into the true method of the uſual tryals of the commonwealth.

‘ 23. That they would not have followed the example of former tyrannous and ſuperſtitious parliaments, in making orders, ordinances or laws, or in appointing puniſhments concerning opinions, or things ſupernatural, ſtiling ſome blaſphemies, others hereſies.

‘ 24. That they would have declared what the buſineſs of the lords is, and aſcertain their condition, not derogating from the liberties of other men; that ſo there might be an end of ſtriving about the ſame.

‘ 25. That they would have done juſtice upon the capital authors and promoters of the former or late wars.

‘ 26. That they would have provided conſtant pay for the army, and given rules to all judges, and all other publick officers throughout the land, for their indemnity; and for the ſaving harmleſs all that have any ways aſſiſted them.

‘ 27. That they would have laid to heart the abundance of innocent blood that hath been ſpilt, and the infinite ſpoil and havock that hath been made of peaceable, harmleſs people by expreſs commiſſion from the king; and ſeriouſly to have conſidered, whether the juſtice of God be likely to be ſatiſfied, or is his yet continuing wrath appeaſed by an act of oblivion.’

Tho' the petitioners did not call themſelves Independents, the principles of that party were but too viſible in theſe articles to doubt from what quarter they came.

Another from maſters of ſhips. Ruſhw.

The ſame day the maſters and commanders of ſhips preſented the like petition, complaining of the tyranny of the parliament.

Theſe petitions are not anſwered. Whiteloc.

The parliament thought not proper to anſwer theſe petitions, tho' two days after, the firſt preſented another to deſire an anſwer to every part of their petition. It was no proper juncture to provoke the Independents, by ſuch an anſwer as this petition deſerved.

Before I enter upon the particulars of the treaty at Newport, it is abſolutely neceſſary to relate what paſſed in the north of England, and in Scotland.

Cromwell marches againſt Monroe. Ruſhw.

Monroe who was leading from Scotland 3 or 4000 men to duke Hamilton, had entered a good way into England, when the Scotch army was vanquiſhed and diſperſed. After this victory, Cromwell, without loſing time in purſuing the reſt of the army which was not in condition to do any miſchief, left Lambert with ſome troops to finiſh their deſtruction, and immediately marched in queſt of Monroe. The Engliſh that were with this Scotch general uſed their utmoſt endeavours to perſuade him to give Cromwell battle; but it was not poſſible to prevail with him. He choſe rather to retire northward, and always kept at ſo great a diſtance, that there was no overtaking him. Nevertheleſs Cromwell continued his march, and hearing that Lambert had entirely deſtroyed the Scotch army, ſent him orders to march to Carliſle, where Muſgrave ſtill remained with ſome troops, and after clearing thoſe parts, to come and join him in order to enter Scotland together. When Cromwell came near Berwick, he wrote to the committee of eſtates to require them to call home Monroe, and deliver Berwick and Carliſle, otherwiſe they were to expect a war. A few days after he purſued his march towards Scotland, having left ſome regiments to block up Berwick.

Alteration in Scotland. Argyle raiſes forces againſt Monroe. Ruſhw.

Duke Hamilton's defeat, and Cromwell's menaces, entirely changed the face of affairs in Scotland. The marqueſs of Argyle, who had not been able to prevent the raiſing of an army, and had been forced to ſubmit to the oppoſite party, became ſuperior again, and was ſupported by all who were againſt the war. The committee of eſtates daily loſt their authority, and were ſeconded only by Monroe, who was, at length, returned into Scotland. So, the marqueſs of Argyle being aſſured of the approbation of moſt of the people, levied 3 or 4000 men to oppoſe Monroe, whom the earl of Lanerick had joined, with ſome new-raiſed troops. They had ſecured Sterling bridge, which hindered the marqueſs of Argyle from making any progreſs, tho' his forces had been more numerous. But Cromwell broke all their meaſures, by not ſtaying at Berwick, but marching directly to Edinburgh. He thereby forced the committee of eſtates to fly from thence, and diſperſe, for fear of being encloſed between the Engliſh and the marqueſs of Argyle's forces. Then the earl of Lanerick, and Monroe, being unable to continue the war, came to an agreement upon the following terms:

Cromwell marches to Edinburgh. Sept. 30.

Articles between the earl of Argyle and Monroe.

‘1. That both the armies ſhould be diſbanded.

‘2. That a parliament ſhould be called to ſit before the 20th of January.

‘3. That the ſettling of religion be referred to the determination of the general-aſſembly, and all civil queſtions to the determination of parliament.

‘4. That a new committee of eſtates be appointed, to conſiſt only of ſuch members as proteſted in parliament againſt the late engagement: And in caſe any of the forces under Monroe ſhould continue in arms, that then the ſaid committee ſhould raiſe forces to ſuppreſs the ſame.

‘5. That none who had been acceſſary to the late engagement, ſhould be challenged to take away their lives and eſtates, &c. provided they did declare under their handwriting, to the lord-chancellor, or preſident of the committee of eſtates, that they accepted of, and ſubmitted to the preſent engagement.

‘6. That all perſons taken in war, ſince 2d of Auguſt, be releaſed.’

Cromwell is received into Edinburgh; returns into England; and leaves Lambert in Scotland.

The face of affairs being thus changed, and the king's party diſperſed, Cromwell repaired to Edinburgh, where he was received with great reſpect. He obtained the reſtitution of Berwick and Carliſle, and having concerted proper meaſures with the marqueſs of Argyle, returned triumphantly into England. He left Lambert, however, in Scotland, with three or four regiments, at the requeſt of the Scots, who believed they ſhould want them, to awe thoſe who might deſire to raiſe new commotions.

Conferences for peace at Newport. Sept. 18. Heath.

Whilſt Cromwell was in queſt of Monroe in Scotland, and three days before general Fairfax came to St. Albans, the conferences for peace began at Newport. Tho' the two houſes had deſiſted from the condition, that the king ſhould ſign the three bills before the treaty, they had not relinquiſhed the thing itſelf. The very firſt day, the commiſſioners preſented to the king, the draughts of the three bills. By the firſt, the Preſbyterian-government was eſtabliſhed for ever in the church of England, Epiſcopacy aboliſhed, with the whole hierarchy, and the ſale of biſhops lands appointed. By the ſecond, the king left the power of the militia for 30 years in the hands of both houſes. By the third, all the king's proclamations and declarations againſt the parliament or their adherents, were recalled. The laſt of theſe bills began with theſe words, "Whereas the parliament have been neceſſitated to make and proſecute a war in their juſt and lawful defence, &c." The king ſcrupled not to agree to the ſubſtance of the bill, but objected againſt the preamble, which charged him indirectly with having made war upon the parliament, and deſired it might be omitted, to which the commiſſioners would never conſent, becauſe they were by their inſtructions, not to depart from a tittle of what was contained in the three bills. This diſpute held ſeven days, and it was the 25th of September, before the king conſented, at laſt, to paſs the bill, with the preamble. But it was on condition, that nothing ſhould be binding, unleſs the whole were agreed on, and the treaty ſigned. This article being thus diſpatched, they proceeded to the reſt, on which were great debates, and particularly concerning religion. As the king ſaw the commiſſioners would not, or could not yield any thing, he hoped to ſhorten the negotiation, by ſhewing the two houſes, how far he could comply with regard to the moſt important articles. He ſent, therefore, a meſſage to explain his intentions, and make them the following offers.

The three bills are preſented to the king.

Diſpute about the preamble of one of the three bills. Ruſhw.

The king yields.

A meſſage from the king to both houſes, with his offers. Ruſhw.

Concerning religion, ‘His majeſty will conſent, that the calling and ſitting of the aſſembly of divines at Weſtminſter be confirmed for three years by act of parliament, and confirms for three years the Directory, and the form of church-government, to be uſed for the churches of England and Ireland, and dominion of Wales: provided that his majeſty, and thoſe of his judgment, or or any other, who cannot in conſcience ſubmit thereunto, be not in the mean time obliged to comply with the ſame; and that a free conſultation and debate, be had with the aſſembly of divines at Weſtminſter in the mean time, 20 of his majeſty's nomination being added to them, whereby it may

‘ be determined by his majeſty, and his two houſes of parliament, how the ſaid church-government, and form of publick worſhips after the ſaid time, and how religion may be ſettled, and the articles determined, and care taken for the eaſe of tender conſciences.’

2. Concerning the biſhops lands and revenue, ‘ His majeſty will conſent to an act or acts of parliament, whereby legal eſtates for lives, or for years, not exceeding *99*, ſhall be made for thoſe lands, towards the ſatisfaction of the purchaſers, and to others to whom they are engaged whereby they may receive ſatisfaction; provided that the propriety and inheritance of thoſe lands, may ſtill remain to the church, and the reſt that ſhall be reſerved to be for their maintenance.

‘ 3. His majeſty will give his royal aſſent for the better obſervation of the Lord's-day, for ſuppreſſing of innovations in churches and chapels, in and about the worſhip of God, and for the better advancing of the preaching of God's holy-word in all parts of this kingdom; and to an act againſt enjoyning pluralities of benefices by ſpiritual perſons, and non-reſidency; for regulating and reforming both univerſities, and the colleges of Weſtminſter, Wincheſter, and Eaton; for the better diſcovery, and ſpeedy conviction of Popiſh recuſants, for the education of the children of Papiſts, by Proteſtants, in the Proteſtant religion, for levying penalties againſt Papiſts: To an act to prevent the practices of Papiſts againſt the ſtate, and for putting the laws in execution, and for a ſtricter courſe to prevent hearing and ſaying of maſs.

‘ 4. As to the covenant, his majeſty is not yet therein ſatisfied, that he can ſign or ſwear it, or conſent to impoſe it on the conſciences of others; nor doth conceive it proper, or uſeful, at this time, to be inſiſted on.

‘ 5. Touching the militia, his majeſty will conſent to an act of parliament, to be in the parliament's hands for ten years.

‘ 6. Touching Ireland, after advice with his two houſes, he will leave it to their determination, and give his conſent accordingly.

‘ 7. Touching publick debts, his majeſty will give his conſent to ſuch an act, or raiſing of moneys by general and equal taxations.

‘ 8. He propoſeth, that he may have liberty forthwith to come to Weſtminſter, and be reſtored to a condition of freedom and ſafety, a thing which he ſhall never deny to any of his ſubjects, and to the poſſeſſion of his lands and revenues; and that an act of oblivion and indemnity may paſs, to extend to all perſons, for all matters relating to the late differences, which being agreed by his two houſes of parliament, his majeſty will be ready to make theſe his conceſſions binding, by giving them the force of laws by his royal aſſent.’

Remark on theſe offers.

If theſe offers concerning religion are conſidered, with reſpect to the king's private opinion, they may be ſaid to be great condeſcenſions, perhaps, greater than his conſcience allowed, ſince it was his real belief, there was no true church without biſhops. But if theſe ſame offers are conſidered, with regard to the Preſbyterians and Independents, of whom the parliament conſiſted, they will be found to be by no means ſatisfactory. They were only a ſort of interim, which tended to make them loſe the preſent opportunity to aboliſh epiſcopacy entirely.

Another remark.

I cannot forbear making another remark on this occaſion. The king artfully endeavoured ſo to order it, that his own propoſitions ſhould be treated upon, which the parliament had ever refuſed, ſo apprehenſive were they of the uſual ambiguity and reſtrictions in the king's papers, and of which there is even here a freſh inſtance, in the firſt article concerning religion. But he was diſappointed now, as well as before. The parliament without taking notice of his offers, ordered the commiſſioners to proceed ſolely according to their inſtructions.

The offers are rejected. Ruſhw.

Whereupon the king delivered a paper to the commiſſioners, containing the reaſons why he could not conſent to the abolition of epiſcopacy, which, he ſaid, he conceived to be of apoſtolical inſtitution. That as to the ſale of church-lands, he affirmed it to be real ſacrilege, beſides, that at his coronation, he had ſworn to maintain the rights of the clergy. All theſe reaſons, with many more that might have been added, ſignified nothing to the commiſſioners, who had no power to relax on any point. All they could do, was to ſend them to the parliament, and expect their orders. But, this delayed the concluſion of the treaty, and conſumed the time which the king and parliament ought equally to have improved.

The king conſents to the article about the militia. Ruſhw.

Some days after, the king being deſirous to gain the good-will of both houſes, and ſome conceſſion in favour of epiſcopacy, which was the principal, and, as I may ſay, the only point that hindered the concluſion of the treaty, declared to the commiſſioners, ‘ that he conſented for the ſettling the militia by ſea and land, in the parliament's hands for 20 years, and for confirming for three years by act of parliament, the form of church-government, and directory, for worſhip preſented to him. But he added, that he was not ſatisfied in his conſcience, or could be content to the utter aboliſhing of epiſcopacy; the ſubſtance whereof he conceived to conſiſt in the power of ordination and juriſdiction, as they were exerciſed by the apoſtles themſelves, and others, by authority derived from them, ſuperior to preſbyters and deacons in the primitive times. His reſolution being to comply with his two houſes, for the alteration and regulation of his preſent hierarchy and government, ſo as epiſcopacy reduced to the primitive uſage, might be ſettled and continued in the church of England, and if his two houſes ſhould ſo adviſe, his majeſty would be content to leſſen the extent, and multiply the number of dioceſes.

‘ As to the exception, that his majeſty had not expreſſed his conſent for ſettling of biſhops lands upon truſtees, and for the ſale of thoſe lands; it was true, he had, not to a-

‘lienate the inheritance of thoſe lands, and herein he believed he had the concurrent opinions of many divines, that in other points differed much among themſelves; but his former anſwer containing a large offer of ſatisfaction to all thoſe that had purchaſed or diſburſed monies upon thoſe lands, he hoped that anſwer would be ſatisfactory to his two houſes.

‘For the calling and ſitting of the aſſembly of divines, his majeſty would aſſent as was deſired.

‘That his majeſty would confirm the publick uſe of the Directory in all churches and chapels, as was deſired in the propoſition, and would conſent to the repeal of ſo much of all ſtatutes, as only concerned the Book of Common-Prayer, and alſo the taking the ſame away out of all churches and chapels, provided that the uſe thereof might be continued in his majeſty's chapel for himſelf and his houſhold: And that the ſame ſhould be confirmed by act of parliament for three years, provided only that a conſultation in the mean time be had with the aſſembly of divines in ſuch a manner, and for the purpoſes as were in his former anſwer expreſſed.

‘Touching the articles of religion, his majeſty profeſſed, he had not had time ſince they were delivered unto him, to look into them with that deliberation which was requiſite, before he bound himſelf up and his ſubjects in matter of faith and doctrine; and therefore deſired, that part of the propoſition might be reſpited by his two houſes. But he would conſent to an act for better obſervation of the Lord's-day; as alſo to prevent the ſaying of maſs.

‘Laſtly, concerning the covenant, and the ordinance concerning the ſame, his majeſty's anſwer was, that he not being ſatisfied to take it or impoſe it on others, he conceived his two houſes would not inſiſt upon it at that time, and the rather, becauſe the ends thereof would be obtained by the agreement if happily concluded.’

Ruſhw.

Some days after, the two houſes received advice from their commiſſioners, that the king had fully conſented to the propoſition concerning Ireland.

By a letter which came the 17th of October, they heard, the king had agreed to the propoſitions concerning the publick debts, and for taking away all honours and titles conferred ſince the 20th of May, 1642.

By another of the 18th, that concerning delinquents, his majeſty offered,

His majeſty's propoſals, with regard to delinquents. Whiteloc.

‘That all perſons who had any hand in the plotting, deſigning, or aſſiſting the rebellion in Ireland, ſhould expect no pardon, as was expreſſed in the firſt branch of the propoſition. As to all the reſt of the propoſitions his majeſty could not conſent thereunto, as was propoſed, otherwiſe than in the following manner: viz. as for all other perſons compriſed in the ſaid firſt branch, his majeſty, for ſatisfaction of his two houſes, would give way, that they might moderately compound for their eſtates, and deſired they might be admitted to the ſame; and for removing of diſtruſt and interruptions of the publick ſettlements, his majeſty would conſent as followeth. That ſuch of them as the two houſes of parliament would inſiſt on, ſhould not be admitted to his councils, and be reſtrained from coming to court, at ſuch diſtance as both houſes ſhould think fit, and ſhould not have any office and employment in the commonwealth, without the conſent of both houſes of parliament; or ſhould abſent themſelves out of the kingdom for ſome time, if both houſes of parliament ſhould think fit. That all other perſons in that propoſition ſhould ſubmit to a moderate compoſition, and for the ſpace of three years ſhould not ſit or ſerve as members, or aſſiſt in either houſe of parliament, without conſent of both houſes.’

The conferences are prolonged a week. Ruſhw.

The time fixed for the continuance of the treaty being almoſt expired, and nothing ſettled on the article of epiſcopacy, which was, properly, the only point on which difficulties occurred, the two houſes found an expedient to prolong the negotiation a week, by ordering, that the Sundays and faſt-days ſhould not be accounted part of the 40 days allowed for the conferences.

New offers from the king touching epiſcopacy. Whiteloc.

The 21ſt of October the king ſent a freſh meſſage to both houſes concerning epiſcopacy, Cromwell was on the road to join the army, and it was to be feared, if the treaty was not concluded before his arrival, he would raiſe invincible obſtacles to it. The king ſufficiently knew him, to believe there was no good to be expected from him. He believed, therefore, that to haſten the concluſion of the treaty, to which the affair of epiſcopacy was the grand obſtacle, he ought to make ſome farther conceſſions on that point. Wherefore he acquainted the two houſes, by this meſſage:

‘1. That he conſented to the aboliſhing of archbiſhops, chancellors, deans and chapters, &c. and the whole hierarchy, except biſhops.

‘2. That for three years no other but Preſbyterian-government ſhould be uſed, and the exerciſe of epiſcopal government ſhould be wholly ſuſpended during that time.

‘3. Whereas epiſcopal juriſdiction, if no other had been agreed upon in the mean time, might have riſen up after the three years, he now expreſſed his conſent, that none ſhould be exerciſed after that time other than ordination, which was reſtrained to the counſel and aſſiſtance of preſbyters, but ſuch, and in ſuch manner as ſhould be agreed by him and his two houſes; whereby until ſuch agreement, or if it were not otherwiſe agreed, epiſcopal juriſdiction was wholly laid aſide.’

The king conſents to the nomination of the great officers, and to the ſuppreſſion of the court of wards, &c.

His majeſty alſo that day conſented to the following propoſitions:

‘To that for nomination of the great officers of the kingdom, to be by both houſes during the term of 10 years.

‘To thoſe concerning the city of London, and the great ſeal.

‘To that concerning the court of wards, &c. a recompence being aſſured to his ma-

'jeſty of 100,000 l. per annum to him, his heirs and ſucceſſors, in lieu of the court of wards.'

He refuſes to give up epiſcopacy. Ruſhw.

The commiſſioners acquainting the king that his anſwer concerning epiſcopacy would not be ſatisfactory to the two houſes, and earneſtly preſſing him to give them a fuller, he told them in writing, he could not abſolutely relinquiſh epiſcopacy. He repeated his offers on that head, adding only, that if in the ſpace of three years he was convinced, that the function of biſhops was not agreeable to the word of God, or that Chriſt commanded any other government, he would chearfully embrace it; but till he was ſo convinced, he believed himſelf bound in conſcience to maintain epiſcopacy.

The parliament is not ſatisfied with the king's offers. Ruſhw:

The commons ſpent four or five days in debates upon the king's offers and anſwers, and voted them unſatisfactory, as to the point of epiſcopacy, the lords concurring with them.

The ſame was voted concerning the king's anſwer about taking the covenant, and aboliſhing Popery, for that he deſired to have it tolerated in the queen's chapel and family. The houſes were likewiſe diſſatisfied with the anſwers about alienating biſhops lands, and ſale of deans and chapters, and concerning delinquents. Thus the peace ſeemed more remote than ever, eſpecially, as the lords concurred with the commons in the alienation of church-lands.

New demand to the king about Ireland. Ruſhw.

The treaty prolonged fourteen days. Clarend.

As the time limited for the conference was about to expire, theſe reſolutions were ſpeedily ſent to the commiſſioners, with orders to demand the king's final and poſitive anſwer, and by a ſpecial meſſage the commons alſo deſired of the king, that his majeſty would be pleaſed to declare expreſly againſt the Iriſh rebellion, and the ceſſation concluded with the rebels, and forbid the junction of the marqueſs of Ormond's forces with the Iriſh Papiſts to make war upon the Proteſtants. But as there remained only three days, which was not a ſufficient time to receive the king's anſwer, the lords prevailed with the commons to prolong the treaty a fortnight, and the rather, as the king had deſired to confer with Dr. Uſher, archbiſhop of Armagh, and the biſhops of Worceſter and Rocheſter, upon the affairs of the church. But as much was not to be expected from this delay, the commiſſioners were allowed to return to the parliament, leaving three of their number to receive the king's final anſwer. Twelve of the commiſſioners coming to London, reported to the parliament the king's final anſwer, which had been delivered to them the 9th of November, and was to this effect:

The commiſſioners report of the king's laſt anſwer. Ruſhw.

'That his conceſſions had been miſapprehended, and that he did not intend to make any more new biſhops during the term of three years.

'That whereas it might be objected, that in the end of three years the power of ordination ſhould be practiſed in the old manner as formerly, that is, the biſhops ſhould be at liberty to call what presbyters they would to aſſiſt in ordaining, but were not bound to their counſel or conſent, his majeſty did now intend and conſent, that biſhops ſhould not receive any into holy orders without conſent of a limited number of Presbyterians to be choſen in ſuch manner as ſhould be agreed on by his majeſty and his two houſes for that purpoſe.

'That his majeſty did not intend, that after the end of three years no certain way ſhould be ſettled concerning eccleſiaſtical government, for that his majeſty did purpoſe during the three years, to have a conſultation with the aſſembly of divines, 20 being added of his nomination, which if his two houſes ſhould reſolve to entertain, it could not well be doubted, but upon the debate, ſuch a government would be agreed on by his majeſty and his two houſes, as ſhould be beſt for the peace of the church, and moſt proper to prevent thoſe diſtractions which his two houſes apprehended might enſue.

'As to that part of the propoſition concerning the Book of Common-Prayer; for the ſatisfaction of his two houſes, that he would not inſiſt upon any proviſion for continuance of the ſame in his majeſty's chapel for himſelf and his houſhold: Nevertheleſs his majeſty declared, that he intended to uſe ſome other ſet form of divine ſervice.

'As to their requeſt, that an act be paſſed for a ſtricter courſe to prevent the ſaying and hearing of maſs in the court, or any part of the kingdom, or in Ireland, his majeſty would conſent thereunto.

'As to all other particulars mentioned in the parliament's paper, he referred himſelf to his former anſwers.

'Concluding, that ſince he had by his conceſſions brought all differences concerning the church into ſo narrow a compaſs, that the chief viſible obſtruction was, that wherein really in conſcience he was not ſatisfied, he hoped his two houſes would not put farther preſſures of ſo tender a nature upon him.'

The parliament is not ſatisfied with it. Nov. 11.

All this was not capable to induce the commons to deſiſt from the leaſt of their pretenſions. They voted that his majeſty's anſwers concerning the church, form of prayer, hearing and ſaying maſs, were unſatisfactory; and ordered the three commiſſioners attending the king to inform him of theſe votes, and preſs him for his final anſwer.

As the parliament had not hitherto taken any notice of the king's propoſitions or deſires, the houſe of commons, at length, took them into conſideration, and paſſed the following votes:

Votes upon the king's deſires. Nov. 13.

'1. That his majeſty's coming to London ſhall be with freedom, ſafety and honour, ſo ſoon as the conceſſions of the treaty are concluded and agreed.

'That his majeſty ſhall have his lands and revenues, what is legally his, made good to him, according to the laws of the kingdom.

'3. What his majeſty ſhall paſs away of his legal rights, he ſhall have allowance in compenſation thereof.

'4. That an act of oblivion be preſented to his majeſty, to be paſſed with ſuch limitations

‘ tions as ſhall be agreed on by both houſes ‘ of parliament.’

Conteſt about the act of oblivion.

Whiteloc.

It is certain, there was never any difficulty either about the king’s return or the reſtitution of his revenues, or the abolition of the court of wards, inſtead of which he was to have 100,000 l. a year. Theſe three articles were conſidered as a natural conſequence of the concluſion of the treaty. But as to the act of oblivion, the king and the parliament did not agree. The parliament inſiſted upon excepting from pardon ſuch a number of delinquents, that is, of thoſe who had ſerved the king and were conſidered as the authors of the troubles. They intended to confiſcate their eſtates, and baniſh them the realm. In a word, after long debates, the number of excepted perſons was reduced to ſeven, about whom the two houſes did not agree. Nay, as to thoſe that were to be included in the pardon, the parliament pretended to inflict a pecuniary puniſhment on them, and had ranked them under ſeveral claſſes, according to which, ſome where to forfeit one half of their eſtates, others a third, others a fourth, and aſſigned the money thence ariſing towards the payment of the publick debts. The king, on the contrary, pretended, that all without exception ſhould have the benefit of the act of oblivion. He conſented only that ſome of thoſe whom the parliament termed delinquents, that is, his faithful ſervants, ſhould be liable to a moderate compoſition, a general expreſſion, on which there would have been many diſputes, had it come to be diſcuſſed. However it be, this article, which was conſiderable, was not yet ſettled; but it was not impoſſible to find expedients to ſatisfy the king and the parliament, if the difficulties concerning religion had not hindered the concluſion of the treaty, upon which I cannot forbear making two remarks.

Remarks on the difficulties with reſpect to religion.

The firſt is, that if the commons inſiſted ſo long upon the ſigning the three bills, it was becauſe they knew how inflexible the king was in the point of epiſcopacy, and deſpaired of concluding a treaty with him, unleſs he previouſly granted this article, upon which they were no leſs inflexible than he, as plainly appeared in the conferences. This was the principal point, without which, perhaps, there would have been no war, and from which the Presbyterians could not depart without loſing the fruit of all their labours and ſucceſſes againſt the king.

My ſecond obſervation is, that the rigid Epiſcopalians had room to ſee in theſe conferences, what prejudice their former exceſſive ſeverity againſt Presbyterianiſm now brought them, ſince it was not poſſible to find any other way to content the Presbyterians than the abolition of epiſcopacy. The Presbyterians, knowing by long experience the king’s ill-intentions towards them, thought they could not truſt to conceſſions extorted from him by neceſſity and were not to be ſatisfied ſo long as the name of biſhop ſubſiſted. They were apprehenſive, and, perhaps, very juſtly, that the function of biſhops, tho’ reduced almoſt to nothing by the king’s offers, would be a foundation on which the king intended to raiſe the ſuperſtructure of the hierarchy, or a toothing, which ſhewed that he meant not to leave the building in its preſent condition. The example of what had happened in Scotland farther confirmed their jealouſies and fears. In that kingdom, all the epiſcopal functions had been aboliſhed. The biſhops had retained only the bare name, with ſome temporal privileges, entirely deſtitute of authority or juriſdiction. But even this ſufficed to give king James occaſion to reſtore them to all the rights they had enjoyed before the reformation. Charles I. might intend to do the ſame thing in England; and the Presbyterians but too well remembered, that at the very time he granted the Scots the extirpation of epiſcopacy, he wrote to the Scotch biſhops that it was only through compulſion, and till he ſhould have opportunity to reſtore the church to her former ſplendor. Without this prejudice of the Presbyterians, without want of confidence, of which the king may be ſaid to be himſelf the cauſe, it is certain his offers with regard to epiſcopacy might have ſerved for foundation to a peace, as the parliament acknowledged when it was too late. In the interim, the two houſes not deſpairing entirely to bring the king to their terms, continued the treaty a week longer.

Another prolongation of the treaty Ruſhw.

The army prepares to obſtruct the peace. Ludlow.

Cromwell ſtays before Pontefract. Ruſhw.

He ſends part of his forces to the general.

Remonſtrance of the army. Nov. 20. Ruſhw.

Whilſt both houſes were employed in the affairs of the treaty, the officers of the army, whoſe head-quarters were then at Windſor, met in a council of war, to endeavour to obſtruct the peace. They knew what had paſſed at Newport, and that the concluſion of the treaty depended but on a ſingle point, which they did not queſtion, the king would at laſt grant; wherefore they reſolved to hinder the concluſion by force. Cromwell was not yet come to the army, but remained about Pontefract, to order the ſiege of that place, which had been ſurpriſed by the king’s party, and the garriſon whereof kept the whole country in awe, and committed great violences. Colonel Rainsborough had been detached from the army, to command at the ſiege; but had been ſurpriſed in a neighbouring town by a party of the garriſon, who had killed him, not having been able to carry him off. Cromwell had ever loved and eſteem’d him, and therefore earneſtly wiſhed to revenge his death, beſides that he was importuned by the committee of Yorkſhire, to employ the forces he was leading from Scotland, for the reduction of this place. This had detained him ſome time in thoſe parts. But as he wanted not all his troops for that ſiege, becauſe he had there already a detachment of the army, he ſent part of his forces before, to join general Fairfax. This reinforcement being arrived, the army believed themſelves able to execute what had been reſolved. To that purpoſe, the 18th of November, which would have been the laſt day of the Newport conferences, if the parliament had not continued them a week longer, colonel Ewers, attended with ſome officers, preſented to the commons, from the army, a remonſtrance, which plainly diſcovered the intentions of the Independent party. The ſubſtance of the army’s deſires, was to this effect:

‘ 1. That the king be brought to juſtice, as the capital cauſe of the evils in the kingdom, and of ſo much blood being ſhed.

‘ 2. That a timely and peremptory day be ſet for the prince of Wales, and duke of York, to come in and ſurrender themſelves; if not, that they be declared incapable of government, or any right in England, and ſtand exiled for ever as traitors; and if they ſurrender themſelves by the time, then the prince to be proceeded againſt or remitted as he ſhall give ſatisfaction, the duke the like, and that the revenue of the crown be ſequeſtred. Alſo the 10,000 l. to be added, be diſpoſed to publick uſe.

‘ 3. That publick juſtice may be done upon ſome capital cauſers or actors in the war.

‘ 4. That the reſt upon ſubmiſſion may have mercy for their lives.

‘ 5. That the ſoldiers have their arrears.

‘ 6. That publick debts be paid, chiefly to thoſe who voluntarily laid out their eſtates, and ventured their lives, and this to be done by fines of delinquents, and the eſtates of thoſe excluded from pardon.

‘ 7. After publick juſtice thus done, then that a reaſonable certain period be put to this parliament.

‘ 8. That there be a certain ſucceſſion of future parliaments, annual or biennial with ſecure proviſion, 1. For the certainty of meeting. 2. For equal diſtribution of elections, to render the commons houſe an equal repreſentative. 3. For certainty of the people's meeting, and that none who have engaged in the late war, or ſhall engage againſt the right of parliament and kingdom, or adhere to the enemies thereof, be capable of electing, or being elected during ſome years, nor thoſe who ſhall not join with them, but oppoſe this ſettlement. 4. For clearing the power of this repreſentative, it be declared to have the ſupreme power, as to the governing and preſervation of the whole, as to the people of England, and to altering, repealing, or aboliſhing of laws, the making war or peace, the higheſt or final judgment in all civil things; and all miniſters or officers of ſtate ſhall be accountable to them, bound and concluded thereby; provided, firſt, they may not cenſure or queſtion any man after the end of this parliament, for any thing ſaid or done in reference to the late war. Secondly, they may not render up, give or take away any right, liberty, or ſafety, contained in this ſettlement or agreement. That there be a liberty of entering diſſents in the ſaid repreſentative; in caſe of corruption in theſe higheſt truſts, the people may know who are free, and who guilty, that ſo they may not truſt ſuch for the future, but with further penalty to any for their future judgment there.

‘ 9. That no king be hereafter admitted, but upon election of, and as upon truſt from the people, by ſuch their repreſentative, not without firſt diſclaiming and diſavowing all pretence to a negative voice againſt the determination of the ſaid repreſentative, or commons in parliament, and that to be done in ſuch form more clear than heretofore in the coronation-oath.

‘ Theſe matters of a general ſettlement are propounded to be done by this parliament, and to be further eſtabliſhed by a general contract or agreement of the people, with ſubſcriptions thereunto; alſo that it be provided, that none be capable of benefit by this agreement, who ſhall not conſent and ſubſcribe thereunto, nor any king be admitted to the crown, or other perſon to any other office or place of publick truſt, without expreſs accord and ſubſcription to the ſame.’

The parli-ament re-turns no anſwer. Several petitions demanding juſtice upon the king. Ruſhw.

The parliament returned no anſwer to this remonſtrance as well as to ſome others of the like nature, preſented to them during the treaty. I have already mentioned that of the 11th of September, from thouſands of the inhabitants in and about London, and that of the maſters and commanders of ſhips. The 30th of the ſame month they received another, in the name of many thouſands of the county of Oxon. The 10th of October, a petition was preſented to the commons, ſigned by the Newcaſtle-men, deſiring that ſpeedy juſtice might be executed upon the greateſt delinquents. The ſame day, the inhabitants of Yorkſhire petitioned for the ſame thing, ſaying, “His majeſty had confeſt himſelf, and his party, to be guilty of the blood that had been ſhed.” The 30th of the ſame month, the officers of Ingoldsby's regiment, garriſoned at Oxford, preſented a petition to the general, deſiring, ‘That immediate care be taken, that juſtice be done upon the principal invaders of their liberties, viz. the king and his party, and ſufficient caution given to future kings for preventing the inſlaving the people hereafter; adding, that being apprehenſive the iſſue of the treaty now in hand, could neither be juſt nor ſafe, they prayed his excellency to re-eſtabliſh a general-council of the army, to conſider of ſome effectual remedies to this evil, either by repreſenting the ſame to the houſe of commons, as the petitioners of London, or by ſome other way.’ On the other hand, whilſt Cromwell was at Pontefract, every regiment of his army preſented petitions to him, demanding juſtice upon the king; which were all ſent to the general. Hence it appears, that the army's remonſtrance was an effect of the plots laid by the Independents, who in ſeveral parts of the kingdom infuſed theſe violent reſolutions into the people and officers, to hinder the concluſion of a treaty which could not but ruin their party. Very likely, the Preſbyterians fully perceived the deſigns of the Independents, and theſe petitions were but too apt to convince them of the ſame. But they hoped to amuſe them till the treaty was ended, not doubting, the king would at laſt conſent to the abolition of epiſcopacy. As for the other articles which were not yet ſettled, probably, they would have choſen rather to yield them to the king, than retard the concluſion of the treaty, which to them was ſo neceſſary. Affairs being in this ſituation,

Whiteloc.

Ruſhw.

The parli-ment tries to amuſe the army.

ſituation, it was not proper ſtill more to provoke the Independents, by anſwers which would not have pleaſed them. On the other ſide, they could not think of agreeing with the king, without obtaining the abolition of epiſcopacy, not thinking themſelves ſafe ſo long as the very name of biſhop ſubſiſted. In a word, it was not proper to attempt a reſiſtance of the army by force. In all appearance, their preparations would but have haſtened the execution of the army's reſolutions, whereas it was their intereſt to amuſe them only for ſome days. All their hopes, therefore, were grounded upon the king's compliance, which they hardly queſtioned, conſidering the manifeſt danger to which his obſtinacy would expoſe him; for it is not likely, he was ignorant of the petitions preſented againſt him, or was not ſoon informed of the army's remonſtrance, ſince every one had free acceſs to him.

The king rejects the laſt propoſition concerning Ireland. Ruſhw.

Three days after the parliament had received the remonſtrance, letters came from the commiſſioners at Newport, with his majeſty's anſwer concerning the marqueſs of Ormond, and the biſhops lands; viz. that he could not give any orders to the marqueſs before the treaty was ſigned, but then would do as both houſes deſired; and if the marqueſs refuſed to obey, would take ſuch meaſures againſt him as ſhould be ſatisfactory to the two houſes. That as to the biſhops lands, he perſiſted in his former offers. This anſwer afforded no great hopes of a ſpeedy accommodation. However, as it was delivered the 16th of the month, two days before the preſenting of the army's remonſtrance, it was hoped, the next news from Newport would be more ſatisfactory. But on the 25th, the parliament was informed, by letters from the commiſſioners, that the king had poſitively refuſed to add any thing to his former anſwers.

Hammond is recalled to the army and Ewers ſent in his room.

This was not all; they were acquainted at the ſame time, that the general had required colonel Hammond to attend him at the head-quarters, and ſent colonel Ewers to take the command of his majeſty in the Iſle of Wight, who kept the king under very ſtrict cuſtody. Thus the precautions taken by the parliament, to hinder the king from coming to treat, in perſon, at London, for fear he ſhould meet with too many friends, were the cauſe that they could not be maſter of his perſon, when it would have been moſt neceſſary. Two days after, the commons received a letter from colonel Hammond, with the general's order to him to repair to the army, and reſign his command to colonel Ewers. Whereupon the commons voted, that colonel Hammond ſhould be required to ſtay in the Iſle of Wight, and the general be acquainted with this vote. But Hammond was now gone to the army, and reſigned the cuſtody of the king to colonel Ewers. Notwithſtanding all this, the parliament ſeems not to have deſpaired of agreeing with the king, ſince the commons deferred the conſideration of the army's remonſtrance, till the firſt of December, in order to be better able to anſwer it when they ſhould know the king's final reſolution. The ſame day the general received petitions from the forces of the north, and in Wales, agreeable to the army's remonſtrance.

Letter and orders to the general from the commons. Ruſhw.

After the general had thus made himſelf maſter of the king's perſon, without the privity of the two houſes, it was not very likely, he ſhould be diſpoſed to receive their orders. Nevertheleſs, the commons told him in a letter from their ſpeaker, that his orders to colonel Ewers were contrary to their reſolutions, and colonel Hammond's inſtructions, and that it was the pleaſure of the houſe, he ſhould recall his orders, and ſuffer colonel Hammond to attend his charge in the Iſle of Wight. But the general, and council of war took no notice of this order.

The king is removed to Hurſt-caſtle. Cook.

The next day, the king, by command of the general, was removed by lieutenant-colonel Cobbet, to Hurſt-caſtle, in Hampſhire, ſituated on a narrow piece of land, running into the ſea, over againſt the Iſle of Wight, and the parliament was not informed of it till three days after.

In the interim, the army was not idle, being reſolved to run all hazards to prevent the concluſion of the treaty. The ſame day, November the 30th, they publiſhed a declaration or manifeſto, wherein they clearly diſcovered their deſigns, and which was to this effect:

The army's declaration. Ruſhw.

‘ That the army being full of ſad apprehenſions concerning the danger and evil of the treaty with the king, and of any accommodation with him, or reſtitution of him thereupon, they did, by a remonſtrance, make their application thereby, to the houſe of commons. That they took this courſe out of an earneſt deſire, that thoſe matters of higheſt concernment to the publick intereſt of the nation might be purſued and provided for if poſſible, by thoſe whoſe proper work and truſt it was: But to their grief they found, that inſtead of any ſatisfaction, or reaſonable aſwer thereunto, they were wholly rejected, without any conſideration of them. For they were laid aſide till Monday following, by which time the treaty, as then ſuppoſed, would have been concluded; but that failing, and two days more being added to the treaty, the conſideration of their remonſtrance in the day appointed was waved and laid aſide; the treaty in the interim going on in the former way and terms, and like to be concluded the very next day. The army, therefore, having received no anſwer to their former propoſals they could not but remain confident, that the prevailing part of thoſe to whom they did apply, had as it were their eyes wilfully ſhut, and ears ſtopt, againſt any thing of light or reaſon offered to them, ſo as not to diſcern the dangers wherewith the kingdom was threatened.

‘ The army then ſeeing nothing leſs, to which the parliament's engaging and perſiſting in ſuch ways, could rationally be attributed, leſs than a treacherous or corrupt neglect of, and apoſtacy from the publick truſt repoſed in them, they thought fit to appeal to the common judgments of indif-

‘ ſerent and uncorrupted men, and to the more ‘ righteous judgment of God above all.’

After juſtifying this extraordinary appeal in the beſt manner they could, they admoniſhed ſuch members as were upright, and had a juſt ſenſe of thoſe things, to proteſt againſt the reſolutions of the houſe, and withdraw, promiſing to look upon them as perſons that had the chief truſt of the kingdom remaining in them, and to adhere to them, and be guided by them, till the introducing of a more formal power, in a juſt repreſentative, were ſpeedily endeavoured. Then they declared, that they were ready to lay down their arms, if their remonſtrance were anſwered; but that the little notice taken of their propoſitions, made them ſenſible there was nothing to be hoped. And, therefore, the caſe being ſo extraordinary, and the danger ſo preſſing, they were drawing up with their army to London, there to follow providence, as God ſhould clear their way.

The general's letter to the city of London. Ruſhw.

The firſt of December, the general wrote to the city, to inform them of the army's advance towards London, on account of the parliament's contempt of their remonſtrance: That they had no thought of plunder, or other wrong to the city, or ſo much as troubling the inhabitants with quartering any ſoldiers; but that for prevention of all violence, he deſired 40,000 l. might be provided by the next day. The houſe of commons agreed, that the city ſhould ſend this ſum to the army, and acquaint the general, that it was the houſe's pleaſure he ſhould not remove nearer London.

The general comes to London. Whiteloc.

The ſecond of this month, the houſe took the king's offers into conſideration, but without coming to any concluſion. Whilſt they were debating, the general, with ſeveral regiments came and took up their quarters in Whitehall, St. James's, the Meuſe, and other places in the ſkirts of the city, which he judged convenient for his deſigns.

Vote upon the removal of the king to Hurſt-caſtle. Whiteloc.

The 3d being Sunday, the parliament did not ſit; but on the 4th, the commons reſumed the debate of the king's conceſſions, which was interrupted by the news of the king's removal to Hurſt-caſtle. Whereupon they voted immediately, that the carrying the king priſoner to Hurſt-caſtle, was without the advice and conſent of the houſe. After that, they debated again the king's offers, and ſat all the day and night, till five a-clock in the morning. At laſt, it was propoſed, whether the queſtion ſhould be put, and carried by 140, againſt 104. Then the main queſtion being put, it was voted, that “ his majeſty's conceſ“ſions to the propoſitions of parliament upon “ the treaty, were ſufficient grounds for ſet“tling the peace of the kingdom.” But I cannot think it was unanimouſly, as the lord Clarendon affirms. What has been juſt ſeen, ſeems to ſhew rather, there were many members not content with this reſolution.

Committee to confer with the general. Ruſhw.

Immediately after, the houſe appointed a committee to confer with the general, for the better procuring a good correſpondence between the parliament and the army; and then adjourned to Wedneſday. The ſame day, ſeveral other regiments came and quartered in the ſuburbs of London, and the general cauſed a proclamation to be made, requiring all delinquents, who had not perfected their compoſitions, to depart 10 miles from London for a month, on pain of being proceeded againſt as priſoners of war.

The general becomes maſter of the old palace. Ruſhw.

Wedneſday, the 6th of December, the general ſent two regiments to Weſtminſter, and the city trained-bands were diſcharged, who had been ſet there ſome months ſince, for guards to the parliament. After the ſoldiers were drawn up in the court of requeſts, on the ſtairs, and in the lobby before the houſe, when the members offered to go in, colonel Pride, having a paper of names in his hand, ſeiſed upon 41, and ſent them into the court of wards, where they were kept under guard. The houſe having notice thereof, ſent their ſerjeant at arms to acquaint theſe members, that they ſhould forthwith attend the ſervice of the houſe. But the officer of the guard anſwered, he had order to ſecure them, which order he was to obey before any other command.

Not long after, colonel Whaly, with other officers, preſented to the houſe a paper intitled, Propoſals and Deſires of the army in vindication of their conduct, the ſubſtance whereof, was to this effect.

The army's propoſals preſented to the houſe of commons. Ruſhw.

‘ 1. Whereas ſeveral members of your ‘ houſe, were in the year 1647, impeached ‘ by yourſelves for treaſon, or for high crimes ‘ and miſdemeanours, in relation to the trea‘ſonable engagement in the city of London; ‘ the violence then done upon the parliament ‘ the levying of a new war, and other evils, in ‘ maintenance and proſecution thereof; and ‘ upon clear proofs againſt them, were by ‘ your cenſure expelled the houſe, and diſab‘led from farther truſt therein, and upon new ‘ writs iſſued out, new members were choſen ‘ and returned in ſome of their rooms; and ‘ yet by the prevalence of their faction, when in ‘ the laſt ſummer's wars, divers faithful mem‘bers were engaged abroad upon neceſſary ‘ publick ſervice, and others through malignant ‘ tumults and diſturbances could not ſafely at‘tend the houſe, the ſame perſons were after‘wards re-admitted to ſit in the houſe, and ‘ vote as formerly, without any trial or ſatisfac‘tion in the things whereof they were accuſed.

‘ 2. Whereas by the confederacy of major‘general Brown, now ſheriff of London, with ‘ the ſaid impeached members and others, the ‘ Scots were invited and drawn in to invade ‘ this kingdom the laſt ſummer, inſomuch as ‘ when upon their actual invaſion the houſe ‘ proceeded to declare them enemies, and thoſe ‘ that adhere to them, traitors; yet the ſaid ‘ confederators, and other treacherous mem‘bers, to the number of 90 and odd, as up‘on the diviſion of the houſe appeared, did by ‘ their counſels and votes endeavour to hinder ‘ the houſe from declaring againſt their con‘federate invaders: We deſire, that the ſaid ‘ major-general Brown may be alſo ſecured ‘ and brought to judgment, and that the reſt ‘ of the 90 and odd perſons diſſenting againſt ‘ the ſaid vote, may be excluded the houſe.

‘3. Whereas in a continued ſeries of your proceeding for many months together, we have ſeen the prevalence of the ſame treacherous, corrupt, and divided counſels, through factions and private intereſts, oppoſing or obſtructing juſtice in all kinds, diverting your councils from any thing of publick good, hindering any proceedings to any ſuch ſettlement, as would conſiſt with ſecurity to the publick intereſt, or put a real end to the troubles, burthens, or hazards of the kingdom, and precipitating into treacherous and deſtructive compliances and conjunctions with the acknowledged enemies thereof, as in the votes of, No more addreſſes to the king, &c. the juſtneſs and neceſſity whereof you had once ſo cleared to the world; alſo in the votes for entertaining or ſeeking after all that perſonal treaty: And laſtly, in the votes declaring the king's paſt conceſſions to be a ground, for the houſe to proceed upon the ſettlement of the peace of the kingdom, notwithſtanding the viſible inſufficiency and defects of them in things eſſentially concerning the publick intereſt and liberties of the kingdom, as thoſe propounded in our late remonſtrance are, and in other matters both religious and civil. We, therefore, moſt earneſtly deſire, that all ſuch faithful members who are innocent in theſe things, would immediately, by proteſtation and publick declaration, acquit themſelves from any guilt of, or concurrence in the ſeveral votes or counſels here before particularly mentioned, as corrupt or deſtructive, that the kingdom may know who they are, that have kept their truſt, and diſtinguiſh themſelves from the reſt that have thus falſified the ſame; and that all ſuch as cannot or ſhall not ſo acquit themſelves particularly, may be immediately excluded or ſuſpended the houſe, and not re-admitted until they have given clear ſatisfaction therein, to the judgment of thoſe who now ſo acquit themſelves, and the grounds of ſuch ſatisfaction be publiſhed to the kingdom.

‘4. Thus, ſuch as by faithfulneſs have retained their truſt, being ſet in a condition to purſue and perform the ſame, without ſuch interruptions, diverſions, and depravations of counſels as formerly: We ſhall deſire and hope you will ſpeedily and vigorouſly proceed to take order for the execution of juſtice to ſet a ſhort period to your own power, to provide for a ſpeedy ſucceſſion of equal repreſentatives, according to our late remonſtrance, wherein differences in the kingdom may be ended, and we and others may comfortably acquieſce; as for our parts, we hereby engage and aſſure you we ſhall.’

It would be needleſs to make any remarks and obſervations upon this paper, the injuſtice and violence whereof are ſo very obvious. But it was neceſſary to inform the reader of the contents for the following reaſon. There are hiſtorians whoſe partiality has cauſed them either to omit, or but juſt mention it, without relating the ſubſtance for fear of convincing their readers, that the Preſbyterians were not concerned in what was afterwards tranſacted, and that the Independents were the true and ſole authors thereof.

December the 7th, the commons as they were repairing to their houſe, found the door within and without guarded by ſoldiers, who hindred many from going in. The Lord Clarendon ſays, near 100 were denied entrance. This makes me think that the 90 mentioned in the remonſtrance were of this number. So from this day, thh houſe of commons is to be conſidered as conſiſting entirely of Independents. Very likely from that day, a very few or no Preſbyterian-members were admitted any more. However this be, the ſtate of the houſe was once more changed by this new revolution. The Preſbyterians had been ſuperior from the beginning of the war, to the 6th of Auguſt, 1647. The Independents had prevailed from that day, till about the end of the year 1648, when the army was forced to remove from London, after which the Preſbyterians were maſters again. At laſt, on the 6th and 7th of December this ſame year, the Independents entirely expelled the Preſbyterians, or, at leaſt, diſabled them from ſupporting their party. This muſt be carefully remembred, if we deſire to have a clear idea of this hiſtory.

Hundred members are excluded the houſe by the ſoldiers. Ruſhw.

The houſe conſiſts wholly of Independents.

The ſame day, December the 7th, Cromwell, who came to London the night before, ſat in the houſe, and received thanks for his great ſervices.

Cromwell comes to town. Ruſhw.

Tho' the general had promiſed the city not to quarter the ſoldiers upon the inhabitants, as this promiſe was only conditional, in caſe the ſum demanded were paid, and as the city had not furniſhed the money, he ordered two regiments into the city, and on the morrow, a third, after which, he took away 20000 pounds from Weavers-Hall, aſſuring the treaſurer he ſhould be reimburſed out of the aſſeſſments of the city due to the army.

The general ſeiſes the money in Weavers-Hall.

About the ſame time, was preſented to the general, a plan, intitled, A new repreſentative, or, an agreement of the people, for ſettling the government. This plan was wholly founded upon Independent principles, and agreeable to the army's remonſtrance, except that it was more large on each article. This agreement was propounded as a rule for future government, and to be ſubſcribed throughout the kingdom. But as this plan was not executed, tho' it was drawn with great pains by the council war, and even ſeemed to be approved by the parliament, I do not think it neceſſary to inſert it.

Plan for ſettling the government. Clarend.

The ſecluded members having publiſhed a proteſtation againſt the violence put upon them, both houſes declared the proteſtation to be falſe, ſcandalous and ſeditious, and tending to deſtroy the fundamental government of the kingdom, and ordered, that all perſons who had any hand in framing or publiſhing it, ſhould be incapable to bear any office, or to ſit as members of either houſe. They farther ordained, that all abſent members, upon their coming to the houſe, ſhould diſclaim their being concerned in, or giving conſent to the contriving or publiſhing the proteſtation.

Proteſtation of the ſecluded members voted ſcandalous. Ruſhw.

Order concerning the election of lord-mayor, &c. Dec. 18. Ruſhw.

Repreſentation of the common-council.

After that, both houſes paſſed an ordinance, that no perſons who had been delinquents, or aſſiſted the king againſt the parliament in the firſt or ſecond wars, or being aiding in bringing in the Scots army, or ſubſcribed to the treaſonable engagement in 1647, for a perſonal treaty, or abetted the late tumults within the cities of London and Weſtminſter, or the counties of Eſſex, Kent, Middleſex, or Surrey, ſhould not be elected, or give their voice for electing the lord-mayor, aldermen, common-council-men, or any other officers. But within a few days, a committee of the common-council acquainted the houſe, that the city was ſo generally concerned in the engagement for a perſonal treaty, that there would not be a ſufficient number of perſons to ſupply the neceſſary offices of the city, if that reſtriction in the late ordinance ſhould ſtand.

Some of the members that were arreſted are releaſed. Whiteloc.

The 20th of December, the general ordered 15 or 16 of the members ſecured by the army to be releaſed, with liberty to reſume their places in the houſe if they pleaſed.

Obſervation on the houſe of lords.

We have juſt ſeen how much the face of affairs was altered, by the great turn on the 6th and 7th of December. The commons were now all Independents, openly ſupported by the army, and their deſign was to deſtroy equally, king, monarchy, eſpiſcopacy, and presbytery. As for the houſe of lords, who had uſed their endeavour, tho' in vain, to haſten the peace, they ſaw themſelves, ſince this revolution, obliged to follow the ſtream, which was too rapid to be oppoſed. There were in the houſe but few peers, moſt of them indeed Presbyterians, but too weak, in their preſent ſituation, to aſſert their negative voice, and the reſt of their privileges. Whilſt the king was able to protect ſuch as applied to him, the lords retained ſome authority, becauſe they were not without a reſource, in caſe they were diſregarded by the commons. But after the battle of Naſeby it was not the ſame. The commons aſſumed ſuch a ſuperiority, that the lords had no way to ſupport themſelves, but by approving, or feigning to approve, whatever was done by the other houſe, for fear of producing a breach which muſt have been fatal to them, ſince they would not have known what to do. If they were forced to behave in this manner, whilſt their own party prevailed in the lower-houſe, it is no wonder, they did not dare to ſwerve from this policy, when the Independents had gained the advantage. To what puppoſe would it have been to reſiſt the torrent? We ſhall ſee preſently, their firſt oppoſition to a material point irrecoverably ruined them. They, therefore, who blame them for a too great compliance with the tranſactions ſince the 6th of December, 1648, ought to remember, that this is not an occaſion, where we are to reaſon upon the general ideas of the conſtitution of the parliament, but rather upon the particular idea of the ſituation the parliament was in at that time.

Several petitions for juſtice againſt the king. Ruſhw.

Since the Independents were maſters of the parliament, petitions againſt the king multiplied ſo faſt, that ſcarce a day paſſed without ſome one being preſented to the commons, eſpecially from the garriſons, which were part of the army. Lambert being returned from Scotland, the regiments under his command failed not to preſent a petition agreeable to the remonſtrance of the army. Somerſetſhire, where the king had formerly many adherents, diſtinguiſhed itſelf on this occaſion above all the reſt, by preſenting a petition, deſiring that ſpeedy and effectual juſtice might be executed upon the chief delinquents, that is, upon the king. The commons were ſo pleaſed with ſuch a petition from a whole county, that to encourage the reſt to preſent the like, the petitioners were called in and received the thanks of the houſe, and the petition with the order of thanks were forthwith printed and publiſhed. It does not, however, appear that the other counties followed this example. Only Norfolk, a few days after, deſired by a petition, that the king himſelf might be brought to impartial juſtice.

Committee appointed to draw up a charge againſt the king. Whiteloc.

At length, the 23d of December, the houſe of commons having reſolved, purſuant to the deſires of the army, to bring the chief delinquents to a trial, and intending to begin with the king, appointed a committee of 38 to draw up a charge, and for that purpoſe to receive all informations and examinations of witneſſes for the matter of fact againſt him.

The fleet adheres to the army. Ruſhw.

The ſame day, the fleet under the command of the earl of Warwick ſent a declaration to the general, that they concurred with the army in their remonſtrance. This did not much redound to the earl of Warwick's honour, who having been one of the Presbyterian-leaders, was the firſt that quitted his party to join with the Independents.

Ruſhw.

Stratagem for the king's eſcape comes to nothing. Clarend.

He is brought to Windſor, and from thence to St. James's.

The reſolution to try the king being taking, a reſolution projected by ſeveral officers of the army, when he firſt retired to the Iſle of Wight, colonel Harriſon was commanded to remove him from Hurſt-caſtle to Windſor. All the time the king was in the Iſle of Wight, he kept a private correſpondence with the lord Newburgh. Since his being at Hurſt, that lord had found means to acquaint him, he was to be removed to Windſor, and as his houſe was in the road, ſent him word to endeavour to dine with him and complain of the going of his horſe, promiſing to ſupply him with one of the fleeteſt in England, by means of which he might attempt to eſcape. Accordingly, the king complained all the morning, that his horſe was very uneaſy, and ſo artfully managed, that he was conducted to dine with the lord Newburgh. But when his majeſty came there, he quickly told, that the horſe ſo much depended upon, was the day before lamed with a kick. This ſtratagem failing, the king was conveyed to Windſor, where he was kept till the 19th of January, 1648-9, when he was carried to St. James's.

All ceremonies laid aſide with regard to the king. Ruſhw.

He was no ſooner at Windſor, than the council of war ordered all the uſual ceremonies to the king to be laid aſide, as ſerving him upon there knee, and the like, and moſt of his domeſticks to be diſmiſſed; for tho' the council of war had no right to take then upon them, yet they daily incroached upon the privileges

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vileges of the parliament, which acted entirely by their orders.

Ordinance touching the election of the lord-mayor, &c. Whiteloc. Ruſhw.

I have before poken of the repreſentation of the common-council of London, concerning the election of the lord-mayor, and other officers of the city. The houſe of commons having heard the report of the committee appointed for that purpoſe, ordered, that their former ordinance ſhould be punctually executed, not regarding, that the magiſtrates of London ſhould be choſen out of the ableſt and moſt ſubſtantial citizens, provided they were of the reigning party. They farther ordered, that freemen, for the future, ſhould not be obliged to take the oaths of allegiance and ſupremacy.

The ſame day, being the 28th of December, the committee appointed to conſider of drawing up a charge againſt the king, reported an ordinance for attainting him of high-treaſon, and for trying him by ſuch commiſſioners as ſhould be named in the ordinance, which being read the firſt time, was ordered to be read again the next morning. But as the houſe knew, the ordinance would be approved at the third reading, they paſſed an act for erecting a high court of juſtice, with power to try the king. The preface to which extraordinary act was as follows:

Preface of the ordinance for erecting a court of juſtice. Ruſhw.

‘ Whereas it is notorious, that Charles Stuart, the now king of England, not content with thoſe many encroachments which his predeceſſors had made upon the people in their rights and freedoms, hath had a wicked deſign, totally to ſubvert the antient and fundamental laws and liberties of this nation, and in their trade to introduce an arbitrary and tyrannical government; and that beſides all other evil ways and means to bring this deſign to paſs, he hath proſecuted it with fire and ſword, levied and maintained a cruel war in the land againſt the parliament and kingdom, whereby the country hath been miſerably waſted, the publick treaſure exhauſted, trade decayed, thouſands of people murdered, and infinite other miſchiefs committed; for all which high and treaſonable offences, the ſaid Charles Stuart might long ſince juſtly have been brought to exemplary and condign puniſhment: Whereas alſo the parliament, well hoping, that the reſtraint and impriſonment of his perſon, after it had pleaſed God to deliver him into their hands, would have quieted the diſtempers of the kingdom, did forbear to proceed judicially againſt him; but found by ſad experience, that ſuch their remiſſneſs ſerved only to encourage him and his complices in the continuance of their evil practice, and in raiſing of new commotions, rebellions and invaſions. For prevention therefore of the like or greater inconveniences, and to the end no chief officer, or magiſtrate whatſoever may hereafter preſume, traiterouſly and maliciouſly to imagine or contrive, the enſlaving or deſtroying of the Engliſh nation, and to expect impunity for ſo doing: Be it ordained and enacted, by the commons in parliament, and it is hereby ordained and enacted by the authority thereof, that Thomas, lord Fairfax, Oliver Cromwell, Henry Ireton, eſquires, Sir Hardreſs Waller knight, Philip Skippon, (and 145 others) ſhall be, and are hereby appointed and required to be commiſſioners and judges for the hearing, trying, and adjudging of the ſaid Charles Stuart &c’. *

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1648-9. The lords reject it. Jan. 3. Ruſhw. Clarend.

The ordinance for trial of the king paſſed in the houſe of commons the ſecond of January, and was ſent up the ſame day to the lords for their concurrence. Since the ſixth of December, the upper-houſe had conſiſted only of nine peers, the reſt having abſented themſelves, that they might not be obliged to countenance the outragious proceedings of the commons. But upon notice that the ordinance would that day be ſent up to the lords, there came more peers than uſual, as the earls of Northumberland, Mancheſter, Rutland, the lords North, Rochford, Maynard, Dacres, in all 16, and the lord Denbigh ſpeaker. The ordinance being read, was unanimouſly rejected. However, to gain time, if poſſible, the lords agreed to acquaint the commons, that they would ſend anſwer by meſſengers of their own; and at the ſame time adjourned for 10 days. This artifice was fruitleſs; for the commons having ordered the journal of the houſe of lords to be examined, and finding the ordinance was rejected, voted, ‘That all members of the houſe of commons, and others appointed to act in any ordinance wherein the lords were joined, ſhall be empowred to ſit, act and execute, in the ſaid ſeveral committees of themſelves, notwithſtanding the houſe of peers join not with them.’ And, therefore, they ordered the names of ſix lords, who had been appointed for judges, to be left out of the commiſſion, and others to be nominated in their room. Among theſe laſt was ſerjeant Bradſhaw, who afterwards was choſen preſident of the high court of juſtice. Then the houſe voted:

Vote of the commons, that the concurrence of the lords was not neceſſary. Ruſhw.

Other votes. Jan. 4. Whiteloc.

‘ 1. That the people under God, are the original of all juſt power.

‘ 2. That the commons of England aſſembled in parliament, being choſen by, and repreſenting the people, have the ſupreme authority of this nation.

‘ 3. That whatever is enacted and declared law by the commons of England aſſembled in parliament hath the force of law, and all the people of this nation are included thereby, although the conſent and concurrence of the king, and houſe of peers, be not had thereunto.

Theſe principles, tho' directly contrary to the true conſtitution of the Engliſh government, were however very agreeable to thoſe of the Independents, whoſe intention was to turn the monarchy into a republick.

Ruſhw. Whiteloc.

The ordinance for tryal of the king, with the amendments that were forced to be made, for want of the lords concurrence, paſſed the houſe of commons the 6th of January.

The following days to the 20th, were em-

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* Both houſes declared, on Jan. 10, That by the fundamental laws of this realm, it is treaſon in the king of England, for the time to come, to levy war againſt the parliament and kingdom of England. Ruſhworth.

ployed in preparations for the tryal, the like whereof had never yet been ſeen in the world. I intend not to ſwell this Hiſtory with the circumſtances of this famous tryal. They are to be found in a little book, intitled, A true account of the tryal of Charles Stuart, &c. publiſhed at London in 1650, and tranſlated into French wherein nothing is omitted. I imagine I ſhall, do the reader no injury,to refer him to this little book, which is not ſcarce, and which will inform him of all particulars. I ſhall content myſelf therefore with briefly obſerving, what I think moſt material in this affair.

See ſtate-tryals. Vol. I.

Moſt material points in the tryal of king Charles.

I. The high court of juſtice obſerved the ſame rules in trying the king, as in judging a common malefactor, there being no precedent of ſuch a tryal.

Concerning the charge of his levying war againſt the parliament.

II. The principal article of the accuſation was, that the king had levied war againſt the parliament, which was undeniable, the ſieges and battles being evident proofs of it. But this ought not to have been the principal point. It ſhould have been proved, that he was the beginner and author of the war. For it is manifeſt, if this war had been only defenſive on his part, he was not to be blamed. And yet, in the charge, he was ſuppoſed to have put the parliament under a neceſſity of defending themſelves, and this point, which was the chief, not only was not proved, but even not attempted to be ſo. The depoſitions of the witneſſes tended not to ſhew, that the king had forced the parliament to take arms, but only that he had been ſeen ſword in hand againſt the parliament, and giving orders to levy a war. The queſtion, which of the two, either the king or the parliament, had begun the war, ought to have been fully cleared. But tho' it had been ſo, to the king's diſadvantage, who does not know, that the beginner of a war, is not always the aggreſſor? This was a point of great diſcuſſion, and which impartial judges would have found difficult to decide. For if what has been ſaid in the Hiſtory of this reign be remembered, it will be obſerved, that tho' it is evident the king governed in an arbitrary manner for ſome years, the ground of the war he undertook was not in maintenance of this arbitrary power. He had fully conſented to the annulling of his uſurpations. But the ground of the war, on his part, was the defence of the power the king enjoys by the laws of the land. On the parliament's ſide, the ground of the war was, that in a ſuppoſition, the king could not be truſted any more, they would have diveſted him of the power his legal prerogatives afforded him to return to his former courſes, and govern for the future as he had governed before. The king was unwilling to be curbed, and the parliament would ſet bounds to his power. This was the true ground of the war. It was not, therefore, eaſy to determine who was the firſt author of it. The king refuſed to give other ſecurity for the future than his word; and the parliament pretended to have very ſtrong reaſons to ſuſpect the word of a prince who had ſo often broke it. To determine on, which ſide juſtice and reaſon lay, the king's heart muſt have been dived into, to know whether he was ſincere, or intended to deceive the parliment. On the other hand, it was neceſſary to know, whether the directors of the parliament had ſome other end than the publick good, and whether private intereſts were not concealed under that pretence. But all theſe things could be known only to God. And yet, the parliament, being judge and party, ſuppoſed, without alledging any proof, that the king was the aggreſſor and ſole author of the war.

Of the parliament's making themſelves judge of the king

III. There are frequent inſtances in Hiſtory of kings aſſaſſinated by their ſubjects, in conſequence either of the publick hatred, or of private revenge, or of the intereſt of ſome faction. The Engliſh Hiſtory furniſhes, even ſince the conqueſt, examples of two kings ſolemnly depoſed and impriſoned; but till Charles I. it no where appears, that any king was ever tried for his life, before his own ſubjects as judges. I ſhall ſay nothing here of other ſovereigns, who are poſſeſſed of a greater authority over their ſubjects than the kings of England; for there may be a wide difference between ſovereigns in that reſpect. But confining myſelf wholly to the kingdom of England, and ſuppoſing the conſtitution of the government ſuch as it was from the conqueſt to Charles I, I ſhall briefly ſet forth what has been ſaid for and againſt ſo extraordinary a tryal. In the firſt place it is demanded, on what law, natural or poſitive,was founded the right aſſumed by the parliament of England to try the king? The moſt plauſible anſwer in vindication of the parliament's proceedings is as follows.

Reaſons for the parliament.

According to the conſtitution of the Engliſh government, the king is no leſs bound than the ſubject, to obſerve the laws, to which himſelf, or predeceſſors aſſented, which is the principal clauſe of the coronation-oath. If this obligation be equal on both ſides, there muſt be, therefore, equally means to cauſe them to diſcharge it, in caſe they neglect it. As for the ſubject, there is no manner of difficulty. The penalty againſt offenders are univerſally known, and the courts of juſtice are appointed to inflict them. It is true the laws have ordained no penalty upon the kings who diſcharge not their duty, as well out of reſpect to the regal dignity, as becauſe it cannot be ſuppoſed, that the king to whom the execution of the laws is committed, ſhould be the firſt to break them, and betray the truſt lodged in him by the people. He is nevertheleſs bound to obſerve them himſelf, and cauſe them to be obſerved by the ſubject. This is a principle generally acknowledged. But what is this obligation, if the obſervance of the laws depends ſolely upon his will, and there be no juſt means to compel him to obſerve them, or puniſh him when he breaks them? Will it not be an empty ſound without any meaning? And will not the Engliſh government be as arbitrary as that of any other country in the world? Since, therefore, the laws have not decreed any penalty againſt a king that ſhould neglect his duty, or the manner to conſtrain him to diſcharge it; and as, nevertheleſs, he is bound by the ſame laws to procure the obſervance hereof, and to obſerve them himſelf, the nation's tion's repreſentative in parliament is of courſe to call him to an account ſince it is not poſſible to imagine any other way. Suppoſing the king has violated the moſt fundamental laws of the realm, ſhall foreigners be applied to, for to bring him to juſtice? Can it be ſuppoſed contrary to experience, that the king is under an impoſſibility of breaking the fundamental laws of the kingdom; of endeavouring to ſubvert them, and of eſtabliſhing an arbitrary government? Will it be maintained, that he may do it with impunity? But if he is aſſured of impunity, what difference is there between the Engliſh government and the moſt deſpotick, ſince its preſervation will ſolely depend on the king's probity and will? If he runs no riſque in trying to alter the conſtitution, after ten attempts, he will try again, even till he ſucceeds. As to the objection, that leſs violent means than war might be uſed to oblige the king to the obſervance of the laws, and leſs unjuſt and extraordinary, than the taking away his life, to puniſh him for the breach of them; it is anſwered, this is true, and the parliament had accordingly tried to ſecure the government by other methods, as by demanding of the king that the power of the militia might be lodged in both houſes. If the king had agreed to it, the realm would have been in peace, and the people's jealouſies have ceaſed. But he had taken arms to prevent the parliament's uſing theſe means, a clear evidence that his deſign was to maintain himſelf in a condition to alter the government when he ſhould have opportunity. This unjuſt war had been the occaſion of infinite miſchiefs, of the death of thouſands of his ſubjects, and the ruin of the reſt; and if he was brought to a tryal, it was not ſo much to puniſh him for violating the laws, as for preferring the unjuſt and violent way of arms, before the expedients offered him to prevent his breaking them for the future.

Reaſons againſt the parliament.

The advocates for the king ſay, 1. Tho' the kings of England have not ſo much authority in the realm as ſome other kings, it does not follow, that they may be put upon a level with ſubjects, and made equally accountable for their actions.

2. The principle laid down for foundation, that there is an equal obligation upon the king and the ſubjects to obſerve the law, is falſe, and conſequently the whole reaſoning founded thereon, of no force. For, private perſons being entruſted only with their own conduct, nothing can exempt them from the obſervance of the laws. But the king being entruſted with the government of the ſtate, and the execution of the laws, he has conſequenty power to qualify them on certain occaſion, otherwiſe this truſt would be to no purpoſe. The laws could not foreſee every thing, and there are occaſions where it is abſolutely neceſſary for the publick good to act contray to them, or, at leaſt, to ſuſpend the obſervance of them, and, therefore, the obligation of the king and the ſubject is not equal.

3. Suppoſing the king had violated ſome of the fundamental laws of the kingdom, and levied war againſt the parliament after the moſt unjuſt manner, it did not follow that he might be puniſhed with death, by reaſon he has neither ſuperior nor equal in the kingdom, and he could have none but ſubjects for his judges. Beſides, he was the fountain of juſtice, and it was abſurd to make him liable to juſtice, from whom it flows and derives its whole authority.

4. According to this ſuppoſition, the chance of war having put him in the power of his enemies, he might have been detained in priſon, and prevented from doing miſchief, till he was prevailed with to grant all the ſecurities required. But there was a wide difference between impriſonment and death; as the firſt could be conſidered as a reaſonable and neceſſary precaution, and the other as a puniſhment ſubjects were not impowered to inflict on their ſovereign, as, indeed, the like had never been heard of.

5. But the ſuppoſition that the king had violated the laws, and levied unjuſt war againſt his parliament, was very far from being well-grounded. In the firſt place, as to the laws, if the king, miſled by evil councils, had, on ſome occaſions, carried his power too far, when the parliament made him ſenſible of the ill conſequences of this conduct, he had chearfully and willingly renounced the exorbitant power which he believed himſelf before to be juſtly intitled to. He had, without delay, conſented to all the acts preſented to him on that ſubject, and agreed that his moſt intimate counſellors ſhould be brought to juſtice. The parliament had accepted this reparation, without expreſſing the leaſt deſire of cauſing him to ſuffer for his paſt faults. After that, it was abſurd to alledge theſe ſame faults, ſo amply repaired, as a motive of the juſtice pretended to be executed upon him.

6. As for the war he had levied againſt his parliament, it was wrongfully aſſerted, and without the leaſt proof, that the king had raiſed and begun it on purpoſe to avoid giving his people ſecurity. And under colour of deſiring ſecurity for the future, a deſire wholly founded upon mere ſuſpicions and bare poſſibilities, that the king might abuſe his power, it was pretended to ſtrip him of all his prerogatives, in a word, of the regal authority, and leave him only a ſhadow of royalty. Thus, ſuppoſing it true that the king had begun the war, which was by no means evinced, it would alſo be true, that the parliament had excited it, by attempting, under a vain pretence of peace and concord, to reduce the king to the moſt melancholy ſtate a ſovereign can poſſibly be in.

7. The juſtice, pretended to be executed upon the king, was founded entirely on two ſuppoſitions, ſupported with no proof. The firſt, that the king had undertaken the war, only to free himſelf from giving ſecurity. The ſecond, that there was reaſons to fear he would employ the power that ſhould be left him, in altering the conſtitution. All reaſonable perſons were, therefore, left to judge, whether there was juſtice in trampling upon all laws divine

and human, and inflicting upon their ſovereign a capital puniſhment on two ſuch raſh ſuppoſitions.

8. As for the plunder, ruin, murder, and other miſchiefs occaſioned by the wars, before they could be charged to the king's account, it ought, at leaſt, to have been well proved that he was the author of the war. But if this point were fully examined, it would, doubtleſs, be found, that the complainers themſelves could alone be charged with it.

9. The king was proceeded againſt for intending to change the government, and make it arbitrary and tyrannical; but every Engliſhman was convinced, that the government had never been more deſpotick, more tyrannical, and more arbitrary than ſince the meeting of this parliament. There was ſcarce a law but what had been violated. The two houſes had, for ſeveral years, uſurped the ſupreme authority contrary to the known laws. And lately the commons had voted, that all power was lodged in them, without the concurrence of king and peers, a maxim unknown to the Engliſh from the foundation of the monarchy.

10. The commons eſtabliſhing, by a bare vote, that it belonged to them alone to try the king, had plainly declared, they owned neither ſuperior nor equal, which was really introducing an arbitrary government.

11. Laſtly, till 1643, the parliament only ſuſpected the king's intention to alter the government, but after the parliament had aſſumed the direction, the government was really and truly changed. The king was moreover ſuſpected of deſigning to alter the eſtabliſhed religion; but the parliament had indeed changed it, and reduced it to a deplorable confuſion, and the project of this unforunate change had been the true cauſe of the war, and of all the ſubſequent calamities.

IV. The fourth circumſtance I intend to obſerve, is, that the king was brought three times before the high court of juſtice, and as often called upon to anſwer the charge entered againſt him, which was read in his hearing, but he conſtantly refuſed to own the authority of the court, and of thoſe who erected it. On the other hand, the court would never hear his reaſons for declining their juriſdiction. They always took for granted, that the authority by which the court was eſtabliſhed, was ſufficient; which was the very thing the king would have combated, but was never ſuffered. At laſt, ſeeing he could not prevail to be heard on that ſubject, he left his reaſons in writing to this effect.

His reaſons for it. Ruſhw.

'That no earthly power could juſtly call him (who was their king) in queſtion as a delinquent.

'That there were no proceedings juſt againſt any man but what were warranted, either by God's laws, or the municipal laws of the country where he lives. As for the proceedings againſt him, they could not be warranted by God's laws; for on the contrary, it is there ſaid, "where the word of a king is, there is power; and who may ſay unto him, what doſt thou? Eccleſ. viii. 4." Then for the law of the land, no impeachment can lie againſt the king, they all going in his name: And one of their maxims is, "That the king can do no wrong." Beſides, the law upon which they grounded their proceedings, muſt either be old or new: If old, they ought to ſhew it; if new, they ſhould tell what authority, warranted by the fundamental laws of the land, had made it, and when.

'How the houſe of commons could erect a court of judicature, which was never one itſelf, he left to God and the world to judge.

'And it was full as ſtrange, that they ſhould pretend to make laws without king, or lords houſe, to any that had heard ſpeak of the laws of England. And admitting, that the people of England's commiſſion could grant their pretended power, he ſaw nothing they could ſhew for that; for certainly they never aſked the queſtion of the tenth man in the kingdom.

'That having concluded, as much as in him lay, a treaty at Newport, and expecting the houſe's agreement thereunto, he was ſuddenly ſurpriſed and hurried from thence as a priſoner; that the higher houſe, for any thing he could ſee, was totally excluded; and for the houſe of commons it was too well known, that the major part of them were detained or detered from ſitting. So as if he had no other, this would have been a ſufficient reaſon for him to proteſt againſt the lawfulneſs of their pretended court.

'That the arms he took up, were only to defend the fundamental laws of the kingdom, againſt thoſe who had ſuppoſed his power had totally changed the antient government.'

Remarkable depoſitions againſt the king. Ruſhw.

V. Of all the witneſſes, as I ſaid, examined againſt the king, there was not one which proved the king to be author of the war. But among the depoſitions, there were two which muſt not paſs unobſerved, ſuppoſing they were neither forged not altered. The firſt ſhews, the king was much leſs incenſed againſt the Independents, than againſt the Preſbyterians, tho' afterwards he had but too much cauſe to perceive, that the principles of the former, were more deſtructive to him, than thoſe of the latter. The ſecond ſeems to prove, that the king did not act with ſincerity, even in the treaty of Newport.

Richard Price, a ſcrivener of London, depoſed, that the committee of ſafety being informed, that the king was privately negotiating with the Independents, ſent the deponent to Oxford, under colour of carrying propoſals to the king, from the Independents: That he was introduced to the king by the earl of Briſtol, and received orders to ſay to the leading Independents, from his majeſty, that if they would take his part againſt the parliament, he would grant them whatever freedom they deſired.

The ſecond depoſition was of Henry Gooche of Grey's-Inn, who ſaid: 'That on the 30th of September laſt, having acceſs to, and diſ-

'course with, the king at Newport, he told him, that ſince his majeſty had juſtified the parliament's taking up arms, by conſenting to the preface of the bill, he did not queſtion, but moſt of the Presbyterian-party, both ſoldiers and others, would ſtick cloſe to him.' To which the king anſwered, 'That he would have all his old friends know, that tho' for the preſent he was contented to give the parliament leave to call their own war what they pleaſed, yet that he neither did then, nor ever ſhould decline the juſtice of his own cauſe.' Moreover upon the deponent's ſaying, That his buſineſs was much retarded 'through want of commiſſions.' The king made anſwer, 'That being upon a treaty he would not diſhonour himſelf, but if the deponent would go over to the prince, his ſon, (who had full authority from him) he, or any for him, ſhould receive whatever commiſſions ſhould be deſired.' That, beſides, he expreſſed much joy, that his good ſubjects would engage themſelves for his reſtoration.

Sentence is pronounced upon him, and he is refuſed to be heard. Ruſhw.

The king refuſing to anſwer before the high court of juſtice, his refuſal was taken, according to the laws of England, for a confeſſion, and ſentence of death was paſſed upon him the 27th of January *. A little before his ſentence was pronounced, he earneſtly deſired to be heard before the two houſes, ſaying, he had ſomething of great importance to offer them. But, his deſire was rejected. It is generally belived, he intended to propoſe to the parliament, that he would abdicate the crown in favour of his eldeſt ſon.

He is executed. Ruſhw.

The ſentence was executed the 30th of January, 1648-9, on a ſcaffold erected in the ſtreet at the windows of the Banquetting-houſe at Whitehall †. The king ſuffered death with great conſtancy, and without ſhewing the leaſt ſigns of weakneſs or amazement. His body, after having been for ſome days expoſed to view, in one of the rooms at Whitehall, was carried to Windſor, and burried without any pomp in St. George's chapel.

Character of Charles I.

It is no eaſy thing to give a juſt and exact character of Charles I, amidſt the exceſſive commendations beſtowed on him by ſome, and the calumnies wherewith others have endeavoured to blacken his reputation. If the parties born in his reign, had died with him, we might find in the Hiſtories of that time, compoſed after the troubles were over, an impartiality which might help to form a true judgment of this prince's character; but the ſame parties continuing in the following reigns, with a mutual animoſity, it may be ſaid, there is not an impartial Engliſh hiſtorian upon this ſubject. Some had no other view than to vindicate the king, and others, whoſe view was to juſtify the parliament, could not do it without loading the king, and rendering him odious. We muſt, therefore, proceed with the utmoſt caution when we are in ſearch of this prince's character, for fear of being miſled, and drawn into error by the different repreſentations given their readers by the hiſtorians. Notwithſtanding theſe difficulties, I ſhall briefly ſpeak my thoughts, free from all party-paſſion and prejudice.

I do not find, the commendations beſtowed on Charles I, with regard to ſobriety, temperance, and chaſtity, were ever conteſted. All agree likewiſe, that he was a good husband, a good father, and a good maſter. But ſome accuſe him, and, prehaps, not unjuſtly, of ſuffering his queen to have too great an influence over him, and too large a ſhare in ſtate-affairs ‡. The kingdom being Proteſtant, and the queen a very zealous Catholick, her power, which ſhe greatly abuſed, in cauſing the moſt important offices to be conferred on Papiſts, muſt have been looked upon with a jealous eye. This was the chief ground of the opinion ſpread about the kingdom, that the court intended to reſtore the Catholick religion in England.

"He was ſo great a lover of juſtice, that no temptation could diſpoſe him to a wrongful action, except it was ſo diſguiſed to him, that he believed it to be juſt.' Theſe are the lord Clarendon's own words, which may be very true, if applied to the concerns of particular perſons. But beſides the juſtice which a king ought to adminiſter impartially to private perſons, there is another kind of juſtice due from him, to all his people in general. With reſpect to this laſt, it may juſtly be doubted, that the lord Clarendon's encomium is inconſiſtent with the project of altering the conſtitution, and aſſuming a power, which certainly was illegal. Nay, I do not believe, that this was one of the things diſguiſed to him, and I ſhould rather think, it was by him, that his miniſters and courtiers framed their conduct, and adapted their notions to his, in order to make their court, and advance their fortune.

Never was king, prehaps, ſo punctual and regular in his devotions both publick and private. This was of ſome uſe to him, to repel the charge of his not being well-affected to the Proteſtant religion, and he knew how to improve it on occaſion.

He abhorred all debauchery, and could not endure an obſcene or prophane word. His court was very different from his father's, where oaths, prophane jeſts, and obſcene diſcourſe

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* The names of thoſe who were preſent, and gave their aſſent to the ſentence, were as follows: Bradſhaw preſident; LISLE, Say, Cromwell, Ireton, Hardreſſe Waller, Bourchier, HEVENINGHAM, PENNINGTON, Martin, Purefoy, Barkſtead, THOMLINSON, Blackiſtone, Millington, Conſtable, Ludlow, Hutchingſon, Liveſy, Tichbourne, Roe, Lilbourn, Smith, Edwards, Clement, Wogan, Norton, HARVEY, Venn, Scot, ANDREWS, Fleetwood, Mayne, J. Temple, Scroope, Dean, Okey, Hewſon, Goffe, HOLLAND, Carew, Jones, Corbet, ALLEN, Pelham, Blagrave, Walton, Harriſon, Whalley, Pride, Ewers, Gray of Groby, Danvers, Maleveret, Moore, Alured, Cawley, Stapley, Downs, Horton, HAMMOND, LOVE, Potter, Garland, Dexwell, P. Temple, Waite.---- All theſe likewiſe, (except thoſe whoſe names are printed in ſmall capitals) with Ingoldsby and Chaloner, ſigned the warrant for the king's execution. Ruſhworth.

† Two men in diſguiſes and vizors, ſtood upon the ſcaffold for executioners. Whitelock. William Hulet was tried and condemned on Octob. 15, 1660, for being one of them State Trials. In the ſame Trial it is ſaid, that Brandon the hangman cut off the king's head. Others ſay, it was colonel Joyce. Life of Cromwell.

‡ Sir Philip Warwick ſays, that king Charles "was always more chairy of the queen's perſon, than of his buſineſs."

were but too much in vogue. It is hard to conceive, how the duke of Buckingham, who was uſed to king James's ways, could accomodate himſelf to the gravity and ſeverity of Charles I, or how king Charles could adapt himſelf to the duke of Buckingham's manners.

James I. was laviſh, and his ſon Charles inclined towards avarice. But this failing may be excuſed by the conſideration, that he never abounded with money, from the beginning to the end of his reign.

His enemies would repreſent him as a cruel and bloody prince; but as they have not been able to reproach him with any particular action denoting ſuch a diſpoſition, it is eaſy to perceive, this charge is founded on the ſuppoſition of his having been author of a war wherein ſo much blood was ſpilt.

Sincerity, as appears in his Hiſtory, was not his favourite virtue. He made frequent uſe of mental reſervations, concealed in ambiguous terms, and general expreſſions, of which he reſerved the explication at a proper time and place. For this reaſon, the parliament could never confide in his promiſes, wherein there was always either ſome ambiguous term, or ſome reſtriction that rendered them uſeleſs. This may be ſaid to be one of the principal cauſes of his ruin, becauſe giving thereby occaſion of diſtruſt, it was not poſſible to find any expedient for a peace with the parliament. He was thought to act with ſo little ſincerity in his engagements, that it was believed there was no dependence on his word. The parliament could not even reſolve to debate on the king's propoſitions, ſo convinced were they of his ability to hide his real intentions under ambiguous expreſſions. But they ſent their own propoſitions to the king, with the liberty only of ſaying Content, or not Content, ſo apprehenſive were they of his explications. But as I may be accuſed of loading the king too much upon the point of ſincerity, I think it incumbent on me, to juſtify what I have ſaid, by an unexceptionable evidence; I mean the earl of Clarendon.

Clarend.

'A law enacted by violence and force, ſays that illuſtrious hiſtorian, is not rightfully enacted, was one of thoſe poſitions of Ariſtotle, which hath never been ſince contradicted, and was an advantage, that being well managed, and ſtoutly inſiſted upon, would, in ſpite of all their machinations have brought his majeſty's enemies to a temper of being treated with. But I have ſome cauſe to believe, that even this argument which was unanſwerable for the rejecting the bill, for taking away the biſhops votes, was applied for the confirming it; and an opinion, that the violence and force uſed in procuring it, rendered it abſolutely invalid and void, made the confirmation of it leſs conſidered, as not being of ſtrength to make that act good, which was in itſelf null. And I doubt this logick had an influence upon other acts of no leſs moment than theſe.'

Let the reader judge after this, if we may boaſt of king Charles's ſincerity, ſince even in paſſing acts of parliament, which is the moſt authentick and ſolemn promiſe a king of England can make, he gave his aſſent, merely in an opinion, that they were void in themſelves, and conſequently, he was not bound by this engagement. I paſs over in ſilence the manifeſt breach of the petition of right, perhaps upon the ſame principle, and of his many aſſurances to his parliament of his intention to maintain their privileges, which he violated within a few days, becauſe theſe things have been ſufficiently ſpoken of in the Hiſtory of his reign.

Some accuſe him of an inclination for the Roman Catholick religion, nay, there are who carry this charge ſo far as to ſay, he intended to reſtore it in England. Theſe imputations are groundleſs. But it cannot be denied, that he gave occaſion for them by his conduct, tho' contrary to his intention. During the firſt 15 years of his reign, the Roman Catholicks were not only ſcreened from the rigour of the law, but even encouraged and countenanced to ſuch a degree, that he made them privy-counſellors, ſecretaries of ſtate, and lords-lieutenants of counties. Two things induced him to this condeſcenſion. The firſt, the queen's importunities, who was extremely zealous for her religion. The ſecond, his project to render himſelf abſolute, for the execution of which, he believed the aſſiſtance of the Catholicks, as well Engliſh as foreigners, to be neceſſary. But I will not affirm, that the queen, and ſome of the miniſtry had not formed with regard to religion, more extenſive projects, which they did not think fit to impart to the king. The aſſiſtance of the Catholicks, whom the king had managed for another occaſion, became neceſſary for his own defence, after his breach with the parliament. How unwilling ſoever he ſeemed to receive any aid from the Papiſts, it is certain, many were entertained in his ſervice, and that he was privately aſſiſted by the Catholicks on ſundry important occaſions.

Tho' it cannot be proved that he excited the Iriſh rebellion, it may, however, be affirmed, it was not againſt him that the Iriſh took arms, ſince they never had leſs cauſe to complain, than in this and the late reign. Beſides, the Papiſts, both Iriſh and Engliſh, always looked upon this prince as their protector, and were ever ready to aſſiſt him. Had he ſucſceeded in his deſigns, very likely, the condition of the Catholicks in England and Ireland, would have been much more happy, and the penal laws in great meaſure repealed. But it does not follow, that the king himſelf had any inclination to Popery, or intended to eſtabliſh the Romiſh religion. In ſhort, that he was a ſincere member of the church of England, can hardly be doubted, ſince he affirmed it on the ſcaffold, at a time when it could be of no ſervice to him to diſſemble his belief.

Many people give him the ſirname of martyr, pretending he ſuffered death in maintetance of the truth of the Proteſtant religion, againſt the Preſbyterians and Independents, and call the day of his death, which is ſolemniſed yearly on the 30th of January, the day of his martyrdom. But in the firſt place, there was too great a complication of cauſes which brought him to this tragical end, to aſcribe his death ſolely to religion. 2. Tho' it were true that religion was the ſole cauſe of his death, it would not be univerſally agreed that he died for defending the truth of the Proteſtant religion, ſince, among Proteſtants, the Engliſh alone, or rather a great part of the Engliſh, hold epiſcopacy to be a doctrine of faith. 3. Tho' dying for epiſcopacy were really martyrdom, the king, in his laſt propoſals at Newport, agreed to reduce epiſcopacy to a very ſmall matter. 4. Had he been condemned by the Preſbyterians, he might in ſome manner be ſaid to ſuffer for epiſcopacy. But it is evident the Preſbyterians had no ſhare in this ſentence, nor ever thought of bringing him to a tryal. The Independents were the men that condemned and executed him, and ſurely, it was not on any religious account, but to turn the monarchy into a republick. 5. If the ſcrivener's evidence be true, king Charles cannot be ſaid to ſuffer death for ſupporting religion againſt the Independents, ſince, according to the depoſition, he offered to grant them all the freedom they ſhould deſire, if they would but take his part. Be this as it will, the church of England having recovered, in the reign of Charles II, the advantage ſhe had loſt in that of Charles I, appointed the day of his death to be kept every year with faſting and humiliation, which has cauſed ſome to give him the glorious title of martyr.

To conclude, Charles I. was endued with many virtues and noble qualities. There is even room to believe, that his failings flowed entirely from his deſign to enſlave England, and if, on ſome occaſions, he followed not exactly the rules of ſincerity, it was only the more eaſily to execute what he had undertaken. Without this unfortunate project, he might be reckoned one of the moſt accompliſhed princes that has ever been on the Engliſh throne *. The duke of Buckingham, the earl of Strafford, archbiſhop Laud, and the queen herſelf uſed to a very different government from that of England, were the perſons that ruined this unhappy prince, whom they ſo paſſionately deſired to raiſe higher than his predeceſſors. But who can forbear making a very natural reflection on this ſubject? I mean, upon the puniſhment of thoſe evil counſellors, and of the king himſelf. The duke of Buckingham loſt his life by the hands of an aſſaſſin; Laud, Strafford, and the king himſelf died on the ſcaffold, and the queen ſpent the reſidue of her days in a melancholy widowhood, being even ſlighted by her neareſt relations. She lived however, long enough to ſee the prince her ſon's reſtoration; but found not with him, all the ſatisfaction ſhe expected; which, doubtleſs, was the cauſe of her return to France, where ſhe died in the year *1669*.

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* Dr. Welwood mentions theſe particulars, in his character of king Charles, not taken notice of by Rapin. "He "was a prince of a comely preſence, of a ſweet, grave, but melancholy aſpect. His face was regular, handſome, "and well complexioned; his body ſtrong, healthy, and well made; and tho' of a low ſtature, was capable to "endure the greateſt fatigues. He had a good taſte of learning, and a more than ordinary ſkill in the liberal arts, "eſpecially painting, ſculpture, architecture, and medals; he acquired the nobleſt collection of any prince in his "time, and more than all the kings of England before him. He ſpoke ſeveral languages very well, and with a "ſingular good grace; tho' now and then, when he was warm in diſcourſe, he was inclinable to ſtammer. He "wrote a tolerable hand for a king; but his ſenſe was ſtrong, and his ſtile laconick." Mem.

THE
HISTORY
OF THE
INTER-REGNUM,
From the Death of CHARLES I. to the Reſtoration of CHARLES II.

BOOK XXII.

The HISTORY of the INTER-REGNUM is divided into three principal parts. The firſt contains what paſſed, whilſt England was reduced to a DEMOCRACY. The ſecond, what happened during the Protectorates of OLIVER and RICHARD CROMWELL. The third, what paſſed from the deprivation of RICHARD CROMWELL, to the Reſtoration of CHARLES II.

PART I.

The COMMONWEALTH of ENGLAND.

1648-9.

TO underſtand the revolutions in England after the death of Charles I. we are neceſſarily to remember ſome material things which have already appeared in the foregoing reign, and of which it will not be amiſs to make here a ſhort recapitulation.

A recapitulation of ſome important matters.

Firſt, the parliament now ſitting conſiſted properly but of a houſe of commons, who refuſed to acknowledge the negative voice of the peers. This they had manifeſtly ſhewed in erecting a court of juſtice to try the king without the concurrence of the lords, whoſe conſent was voted unneceſſary.

Secondly, this houſe of commons was compoſed of a ſmall number of members, all Independents, Anabaptiſts, or other ſectaries. All the Presbyterian members who ſate in the houſe the 6th of December, were expelled by the army; and the abſent, whoſe principles agreed not with thoſe of the Independents, durſt not reſume their places. If ever there was an uſurpation, it was this maimed parliament's government, founded only in violence, and wholly ſupported by the army; for tho' the houſe of commons pretended to repreſent the people of England, it is very certain, the nation afforded but few perſons, who were pleaſed to ſee the ſovereign power lodged in the hands of ſuch repreſentatives.

1648-9.

Thirdly, the Independents, of whom this houſe was chiefly compoſed, were diſtinguiſhed by two principles, one relating to the civil, the other to the eccleſiaſtical government. By the firſt, they aſſerted, that the republick government was not only the moſt perfect, but alſo abſolutely neceſſary for England, after ſo many oppreſſions from her kings, who had changed the government into a real tyranny. With regard to religion, tho' they called themſelves Proteſtants, their principle was, that every particular church was independent, and might be governed as the members thought proper. Their notions concerning the vocation of the miniſters of the goſpel, were alſo very ſingular; as they believed that, without any other call, every man was free to diſcharge the office of miniſter, and uſe the talents given him by God. The other ſectaries, who had joined the Independents becauſe they found in that party a full toleration, were united with them in the firſt of theſe principles, and had declared for a republican government.

But

1648-9.

But with reſpect to religion, there were between them ſome differences, which the Independents regarded the leſs, as they wanted to increaſe their adherents, and, beſides believed, that in matters of religion, toleration was abſolutely neceſſary.

Fourthly, there was ſtill in the army a remnant of Levellers, who adhered to their principle, and were always ready for any attempt to recover their credit. It is true, Cromwell, after having himſelf raiſed this faction, had in ſome meaſure diſperſed, but not entirely deſtroyed it. An able leader would ſtill have made it as formidable as ever.

Fifthly, it was with the utmoſt concern that the Presbyterians ſaw the Independents in poſſeſſion of ſovereign power. By that all their meaſures were broken; their progreſs for eight years became fruitleſs, and the ſtorm, they had raiſed againſt the king, returned upon their own heads, or, at leaſt, it was apparent, they had all this while been labouring for others without any thing done for themſelves; for, indeed, the Independents were equally enemies to Presbyterian and Epiſcopal government. As to civil government, it is certain, the Presbyterians were not averſe to royalty in general. If they had undertaken to limit its power, it was not from a belief that the thing was evil in itſelf, as eſtabliſhed by the laws of England, but becauſe the two laſt kings had uſed their power to deſtroy Presbyterianiſm. So, whatever they had done againſt king Charles I. was not pointed ſo much againſt his dignity as his perſon, becauſe they conſidered him as their enemy, and deſpaired of eſtabliſhing a Presbyterian government in the church, ſo long as he had power to prevent it. Very likely however many of them would have complied with a republican government, notwithſtanding the tenour of the covenant, had that government not been in the hands of the Independents, who were by no means inclined to ſupport Presbyterianiſm, and whoſe principles upon toleration were entirely rejected by the Presbyterians. And, therefore, an union between the Presbyterians and Independents was morally impoſſible.

Sixthly, the Royaliſts, equally enemies of both, could unite with neither of the parties, conſidering the oppoſition there was between their principles. The Independents were for a commonwealth, to which the Royaliſts could not conſent. On the other hand, the Presbyterians were for maintaining their government in the church, and moſt of the Royaliſts could hardly believe, the Presbyterian churches, as they had no biſhops, to be true Chriſtian churches. Thus the Royaliſts, tho' perſecuted by both parties, were far from joining with either. On the contrary, they conceived ſome hopes, that the diviſion among their enemies would, one day, give them a good opportunity to reſtore the monarchy to its former ſtate. Wherefore they induſtriouſly fomented this diviſion, in expectation that the Presbyterians would, at laſt, be obliged to abandon their projects, and unite with the Royal party, to free themſelves from the perſecutions they ſuffered.

1648-9.

Such were the intereſts of the parties which divided the people of England immediately after the death of Charles I. The remembrance of all this is abſolutely neceſſary for underſtanding the tranſactions during the Interregnum.

An act to forbid proclaiming the ſon of the king. Jan. 30 Ruſhw. Clarend. Whiteloc.

Preſently after the king's death, the houſe of commons publiſhed an act to forbid the proclaiming of Charles Stuart, eldeſt ſon of the late king, or any other perſon whatever, on pain of high-treaſon. Here was laid, as it were, the foundation of the commonwealth, which the Independents meant to erect in England. The ſame day the lords deſired a conference with the commons about ſettling the government, and the adminiſtration of juſtice, the judges commiſſions being determined by the death of the king. The commons, without any anſwering the meſſage, voted the houſe of lords to be uſeleſs and dangerous, and, therefore, to be aboliſhed. They only left the lords the power of being elected members of parliament, in common with other ſubjects. This privilege was embraced by a few, but rejected by moſt of the peers, nay, ſome publiſhed a proteſtation againſt the power aſſumed by the commons, which was little regarded. Thus, the parliament, which, at firſt, was compoſed of the king, 120 lords, and 513 commons, was reduced to a houſe of commons conſiſting of about 80 members, of whom very few at the beginning, had 500 l. yearly income; and yet, theſe members, tho' ſo few in number, aſſumed the name of a parliament, and acted as if in their body had been united the power, which before reſided in the king, lords, and commons. This might appear very ſurpriſing, if we had not ſeen the foregoing tranſactions, and the univerſal terror inſpired by the army. Hence appears with what care and ability Cromwell and his aſſociates had, upon the ſelf-denying ordinance, filled the army with their creatures. Certainly, nothing leſs than an army entirely Independent and republican could have procured a power ſo exceſſive and extraordinary to ſo inconſiderable a number of members of parliament. But it muſt alſo be confeſſed, that, of theſe new governors, ſome were men of a great genius and uncommon capacity, and that if they erred in their principles, they wanted not ſkill to purſue the conſequences. Their principle was, that the ſovereign authority reſided originally in the people, by whom a part of it was committed to the king, choſen to govern them according to law. That the king's abuſe of this truſt, had broken the original contract between king and people, and by this violation, the contract ſubſiſting no longer, the ſovereign power returned to the people as the fountain thereof. So, conſidering themſelves as the repreſentatives of the people, they believed, they had a right to change the form of the government, without any regard to the original contract annulled by the king in his violation of the laws.

The houſe of lords aboliſhed by the commons. Clarend. Whiteloc. Phillips.

Some lords proteſt. Phillips. Heath.

Clarend.

Principles of the commons relating to government. Heath.

They aboliſh the monarchy. Febru. 7.

In conſequence of this principle the commons, aſſuming the name of parliament, voted, and afterwards enacted, that the kingly office

A new great-ſeal made. Whiteloc.

ſhould be aboliſhed as unneceſſary, burdenſome, and dangerous, and that the ſtate ſhould be governed by the repreſentatives of the people in a houſe of commons without king or lords, and under the form of a commonwealth. This grand alteration in the government produced many others in things conſiſtent with monarchy, but not with a commonwealth. The oaths of allegiance and ſupremacy were to be aboliſhed, juſtice was no longer to be adminiſtred in the king's name, a new great-ſeal was to be made, new money to be coined; in ſhort, every thing to be removed which bore any marks of royalty. A great-ſeal was, therefore, made, on one ſide of which was ſeen the parliament ſitting, with this inſcription, "The great-ſeal "of the parliament of the commonwealth of "England;" on the other ſide, the arms of England and Ireland, with theſe words, "The "firſt year of freedom by God's bleſſing re-"ſtored." This ſeal was committed to a certain number of perſons, who were ſtiled keepers of the liberties of England. And it was ordained that for the future, all publick orders ſhould be diſpatched in the name of theſe keepers, under the direction of the parliament. Laſtly, the parliament made choice of 39 perſons to form a council of ſtate for the adminiſtration of publick affairs under the parliament. The projects of theſe changes were formed in February, but the execution of them all required ſome months.

A new high-court of juſtice. Clarend.

In the beginning of March, the parliament erected a new high-court of juſtice, conſiſting of 60 members, to try ſome perſons of diſtinction, who were in their power. It ſeems, as there was no houſe of lords, the peers of the kingdom had loſt their privileges under this new democracy, and that conſequently the impriſoned lords might have been tried by a jury, in one of the courts of juſtice. The parliament, without doubt, was apprehenſive, that a jury, impannelled as uſual, would never find perſons of quality guilty of death, for ſupporting the cauſe of their ſovereign. The Independents were not ſufficiently numerous among the people, to be ſecure of a jury of their party. Beſides, they were not aſſured of the judges, ſix of whom had refuſed to accept commiſſions from a commonwealth. But in erecting a court of juſtice, the parliament could name ſuch judges as would be obedient to their orders.

Some noble priſoners brought before it. Feb. 10 Burnet's Mem.

Before this new court, of which Bradſhaw was preſident, as he had been of that which condemned the king, were brought duke Hamilton, the earl of Holland, the lord Goring, lately created earl of Norwich, the lord Capel, and Sir John Owen, all for the ſame crime, viz. for having appeared in arms againſt the parliament. When the king had a mind in the beginning of the civil wars, to put to death priſoners taken at Edge-hill and Colebrook, the parliament thinking it unjuſt, declared, they would inflict the ſame puniſhment on their priſoners, if the condemned perſons were executed; but when victory had decided in their favour, it was then found very agreeable to juſtice, to puniſh with death thoſe who had fought for the king. This will ſeem the leſs ſtrange, when it is remembered, that the king himſelf had been put to death, for making war upon the parliament.

Duke of Hamilton's defence. Clarend.

The duke of Hamilton repreſented, that being a ſubject of Scotland, he had entered England with an army, as an open enemy, by vertue of a commiſſion from the parliament of Scotland, which he was bound to obey, and conſequently, could be treated but as a priſoner of war. As this objection had been foreſeen, he was told, he was not proceeded againſt as duke of Hamilton in Scotland, but as earl of Cambridge in England; and ſince he had accepted that title, and as ſuch, taken a ſeat in parliament, he was thereby become a ſubject of England: That if the title of duke Hamilton obliged him to obey the parliament of Scotland, that of earl of Cambridge ought to have engaged him to refuſe the commiſſion. Beſides they were informed, that his accepting the command of the Scotch army, was not owing to mere obedience, but to his own ſollicitation, and that he had been the principal author of the war.

Earl of Holland. Clarend.

The earl of Holland ſpoke but little in his defence. Beſides, the ſteps he had taken, and his frequent changing ſides, did not much favour his cauſe.

Earl of Norwich.

The lord Goring, earl of Norwich, repreſented, that he had been educated in the court from his cradle, having been a page to king James I: That he had never ſerved any other maſter than the king, whom he had followed without examining the juſtice or injuſtice of his cauſe, not having had opportunity to be informed in ſuch points, which were above his capacity.

Lord Capel.

The lord Capel, ſtedfaſt to his principles, and zealouſly attached to the cauſe of his ſovereign, defended himſelf with more courage and reſolution. He refuſed, at firſt, to own the authority of the court, alledging, that if he had committed any crime he ought to be tried in the uſual form, and not before a court unſupported by any law. But the condemnation of the king himſelf, by a court of the like nature, might have convinced him, of the unſerviceableneſs of ſuch a defence. He ſaid afterwards, that having ſurrendered himſelf priſoner at diſcretion, he was, by the law of nations, exempted from death, if not inflicted within ſo many days, which were long ſince expired; urging, that when after the taking of Colcheſter, the council of war had condemned Lucas and Liſle to be ſhot, general Fairfax promiſed life to the other priſoners, and, therefore, he demanded the benefit of that promiſe. The court being a little embarraſſed, ſent to the general, to know what promſe he had made the lord Capel. His anſwer was, that as general, he had promiſed the priſoners an exemption from military execution, to which three had been condemned, and that his intention reached no farther. Upon this anſwer it was decided, that the general's promiſe did not exempt the priſoner from the juſtice of the parliament.

Sir John Owen.

Sir John Owen ſaid only, he was obliged

in conſcience to ſerve the king according to his oath of allegiance.

They are condemned. Petitions in their favour. Clarend.

Notwithſtanding their defence, they all received ſentence of death; but as they had many friends, petitions were offered to the parliament in their name for a pardon. Theſe petitions were examined in the houſe, and thoſe of duke Hamilton, the earl of Holland, and lord Capel rejected. The votes were equally divided upon that of the earl of Norwich, and as, according to cuſtom, the ſpeaker's vote was to decide, he declared for pardon, ſaying, he had formerly received from the earl ſome civilities, and, therefore, voted in his favour. The execution of Sir John Owen was ſuſpended, becauſe, as a commoner, he ought to have been tried before an inferior court. This ſaved his life. The three firſt were executed on a ſcaffold, erected before Weſtminſter-hall.

The duke of Hamilton executed. Phillips.

Duke Hamilton complained, when on the ſcaffold, that he was condemned to die for obeying the parliament of Scotland, which if he had not done, he muſt have been put to death there. But it was with little reaſon that he inſinuated a danger of being put to death in Scotland, for a refuſal to accept the command of an army raiſed by his intrigues and authority. He intimated, that if he would have confeſſed who invited the Scots army into England, it would probably have ſaved his life. Before his proceſs was made, he had been ſtrongly ſollicited to make this diſcovery, which he utterly refuſed to do. The character of this duke is not eaſy to be conceived; all that can be inferred from what has been ſaid for or againſt him, is, that he had the art to adapt himſelf to the times. And the earl of Clarendon plainly inſinuates, that when he was employed by the king, he was ſecretly making friends in the contrary party, in caſe affairs ſhould turn to the king's diſadvantage.

Lord Capel executed. Clarend.

The lord Capel maintained, that he had acted nothing contrary to the laws, and conſequently, was unjuſtly ſentenced to die. He ſpoke of king Charles I. as of a ſaint, and enlarged upon the great underſtanding, excellent nature, and exemplary piety of the prince, to whom he gave the title of king, affirming, he would never be ſhaken in his religion. In all appearance, the lord Capel ſpoke his real ſentiments. But the ſequel diſcovered, either that he did not ſufficiently know Charles the IId, or that prince had other principles when reſtored to the throne, than thoſe he had imbibed in his youth.

Other executions. Phillips.

At, or about the ſame time, many others were executed for the ſame crime in ſeveral parts of the kingdom; and among the reſt were Morrice and Blackbourn, who had ſurpriſed the caſtle of Pontefract for the king. Poyer, Powell, and Langhorn, who had drawn into a revolt from the parliament the principality of Wales, caſt lots for their lives, and the firſt was executed.

The abſent members excluded the parliament. Ludlow.

When the army drove from the houſe above 100 members, who were unacceptable to them, thoſe only were expreſly excluded, which were then preſent; but many were abſent, againſt whom nothing had yet been determined. Indeed, theſe laſt had never ſince taken their ſeats in the houſe, being apprehenſive of the ſame fate. But poſſibly they might return in great numbers, whenever a favourable opportunity offered. This the houſe reſolved to prevent, by an act, which excluded for ever, all who had not ſate ſince the tryal of the king, unleſs they gave the houſe an entire ſatisfaction. At the ſame time a committee was appointed to examine thoſe who ſhould offer themſelves. This committee received without ſcruple, thoſe who were of Independent principles, and found reaſons to exclude their enemies. This, indeed, was a good expedient to prevent diviſions in the parliament, becauſe the members were all of one party. But this precaution bred an inconvenience, which called for other meaſures. The parliament conſiſted of ſo few members, that they perceived the ridiculouſneſs of ſtiling themſelves the repreſentative of the commonwealth. It is true, the vacant ſeats might have been filled by new elections, but the parliament did not care to run that hazard, knowing, their party was yet too inconſiderable, to hope for new members of their own principles. The houſe, therefore, reſolved, in order to increaſe their authority by a greater number of members, to permit all who had ſate in the preſent parliament, to reſume their places, on condition of ſigning an inſtrument, called the engagement, by which, "they rejected all conceſſions made by the king in the treaty of Newport; approved of all the proceedings againſt him; and engaged themſelves to be true and faitful to the commonwealth, as eſtabliſhed without king or houſe of lords." By this engagement were excluded all the Royaliſts, and the Preſbyterians, who were the moſt rigid obſervers of the covenant. But however, a good number of the latter ſigned, and took their ſeats in the houſe, being either leſs ſcrupulous than their brethren, or in hopes to recover ſome influence in the parliament. Notwithſtanding, thoſe who were known to be moſt incenſed againſt the Independents, were excluded by the committee. Edmund Ludlow, a member of this committee, freely owns in his Memoirs, that an expedient was found to admit only thoſe, from whom it was believed, there was no danger.

They are readmitted on condition of ſigning an engagement.

The prince of Wales takes the title of king. Feb. Clarend.

The prince of Wales received at the Hague the melancholy news of the tragical death of his father, and immediately aſſumed the title of king, being then 18 years of age. Within two or three days, the ſtates-general, the ſtates of Holland, and the miniſters of the Hague, paid him their compliments of condolence. He cauſed thoſe of his father's council, who attended him, to be ſworn of his privy-council, with the addition of only one perſon. He had no ſooner eſtabliſhed his council, than he received a letter from the queen, his mother, who, after expreſſions of her extreme affliction, adviſed him to retire into France, and form no council till ſhe had ſpoke with him, but her advice came too late. Probably the queen deſigned to govern her ſon, as ſhe had governed his father, tho the power of the new king was inſignificant. His condition was ſo deplorable that he had not wherewithal to maintain his houſhold, or any table but that of the prince of Orange, his brother-in-law, and ſubſiſting entirely by his aſſiſtance, which too could not laſt very long. The ſtates of Holland, foreſeeing the parliament would ſoon ſollicit the king's removal out of their dominions, would have been very glad to be freed, by his voluntary retreat, from the neceſſity of deſiring him to depart. Some of the ſtates deputies were even of opinion, to prevent the deſires of the parliament. The king was informed of this diſpoſition, and wiſhed to be gone, but knew not whither. He had been ill-received in France whilſt his father was alive, and had no reaſon to expect a better reception. He knew too well the queen regent and cardinal Mazarin, to imagine, they would prefer his friendſhip to that of the new commonwealth of England. So, tho' he had reſolved to withdraw into France, it could have been but for a ſhort ſpace. On the other hand, he had no great inclination to be with the queen, his mother, knowing, ſhe would hold him in a ſort of ſervitude, which he could neither brook, nor avoid without aquarrel. Ireland alone ſeemed to promiſe him an honourable retreat, by reaſon of the ſituation of affairs in that kingdom, which it is neceſſary to deſcribe.

The condition of Ireland. Ruſhw.

In the year 1646, the marqueſs of Ormond by expreſs orders from the king, concluded a peace with the Iriſh rebels, in hopes of receiving ſufficient forces to drive from that Iſland the Engliſh Parliamentarians and the Scots. But however advantageous this peace was to the Catholick religion, the pope's nuncio did not think fit to conſent to it. The pretence was that the Catholicks found in it neither ſufficient advantages, nor ſecurity. But the true reaſon was, that by this peace he would have loſt all his credit, ſince the marqueſs was to be acknowledged governor by the Iriſh. He caballed, therefore, with ſuch ſucceſs among the people, that not only they deſerted the marqueſs, but alſo by their inſults obliged him to retire to Dublin, unprovided of every thing to defend that capital, which they were preparing to beſiege. In this extremity, he choſe rather to deliver Dublin and Drogheda to the parliament, than ſee them fall into the hands of the rebels. He capitulated, therefore, with the parliament, and ſurrendered theſe two places to colonel Jones, who took poſſeſſion the 17th of June, 1647. After that the marqueſs withdrew into England, where he had frequent leave to viſit the king, then a priſoner of the army, till, at laſt, he was forced to paſs into France.

After the marqueſs had quitted Ireland, the nuncio exerciſed a tyranny, which grew intolerable to the Iriſh. They, therefore, ſent to the queen and prince then at Paris, that they were diſpoſed to ſhake off the nuncio's yoke, and if the marqueſs of Ormond were ſent to them with a ſupply of arms and ammunition, they would put him at the head of an army capable of expelling all the king's enemies out of the iſland. The nuncio had notice of this plot, and excommunicated the authors, but for this once, he proved not the ſtrongeſt. He was forſaken by all his adherents, and even forced to aſk as a favour, the liberty to withdraw.

The marqueſs of Ormond long waited at Paris for the performance of a promiſe made him by the cardinal, of a ſupply of money, arms, and ammunition; but finding, at laſt, he was only amuſed, he departed without any aſſiſtance, and arrived in Ireland the beginning of October, 1648. Three months after, he concluded a new treaty with the grand council of the Iriſh aſſembled at Kilkenny*. At the ſame time the proceſs was forming in England againſt the king. But this peace was not general. Owen Roe O Neal, who commanded in Ulſter, rejected it, becauſe as he pretended, it was not advantageous enough to the Catholick religion. Much time was ſpent to gain him, without ſucceſs. At laſt, the marqueſs of Ormond, not to loſe the opportunity of making progreſs in Ireland, while the parliament was erecting their new commonwealth, reſolved to take no farther notice of O Neal, but act ſingly, with the army which the council of Kilkenny had at their diſpoſal. He put himſelf, therefore, at the head of this army, and advancing towards Dublin, took Dundalk, Newry, Trim, Drogheda, and ſome other towns and caſtles, which facilitated his intended ſiege of Dublin. On the other hand, prince Rupert, admiral for the king, being purſued by the parliament's fleet, put into Kingſale, where he was ſecure, and in a condition to favour the marqueſs of Ormond's deſigns. This diſpoſition of affairs made the king judge that Ireland was a convenient retreat, where at the head of an army, he might make himſelf maſter of Dublin, and then of the whole iſland. After which he hoped, that with his Iriſh ſuccours and his friends in England, he might recover his throne; but news from Scotland made him ſuſpend his reſolution of going to Ireland. And this it will be neceſſary to explain.

Ruſhw. Borlaſe.

Affairs of Scotland.

Since Cromwell's expedition into that kingdom, after the defeat of duke Hamilton, the face of affairs was entirely changed. The marqueſs of Argyle, with all the rigid covenanters who oppoſed the war againſt England, had regained the advantage they had loſt. The new parliament had declared incapable of all employments, thoſe who were concerned in the engagement formed by duke Hamilton, and the kirk had excommunicated them; ſo that they were conſidered as enemies of God, and the ſtate. Of this number, were William, earl of Lanerick, brother to duke Hamilton, the earl of Lautherdale, and many others, who formed a faction, which I ſhall call Hamiltonian, and which was entirely cruſhed. By this revolution Scotland remained united with England, ſo long as the Engliſh parliament continued Preſbyterians, that is, to the 6th of December, 1648.

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* This treaty is to be met with in Bates's Elenchus's Motuum, p. 145. and was very advantageous to the Roman Catholicks. Rapin.

The revolution in England, upon the army's expelling the Presbyterian members from the parliament, to leave only Independents, changed the intereſts of Scotland. The Independents mortally hated the Scots on account of their attachment to the covenant, and theſe again looked upon the Independents as enemies, no leſs formidable than the Royaliſts. This might have ſunk the credit of Argyle, which partly ſubſiſted upon his friendſhip with Cromwell and Vane, the chiefs of the Independents. But the Scots had a confidence in him becauſe in religion he was an approved Presbyterian, tho' in politicks he leaned to the republican ſcheme. When the parliament of England had erected a court of juſtice for the trial of the king, the Scots found themſelves extremely embarraſſed. To ſuffer the Independents to remain maſters of England after the death of the king, which was viſibly their deſign, could not but be very diſadvantageous to them. They perceived, that a parliament ſo compoſed would diſregard Scotland, and infallibly ruin the covenant between the two kingdoms, which it was of the utmoſt importance for the Scots to maintain, becauſe the Presbyterians might poſſibly one day recover the ground they had loſt. But on the other hand, they could not take arms for the king without manifeſt danger. After their late loſs, they were hardly able to raiſe another army, to fight the Independents; and tho' they had done it, they would not have ſaved the king's life. They, therefore, reſolved to ſhew the Engliſh and all Europe, that they highly diſapproved the proceedings of the parliament of England, which was all they could do on this occaſion.

Clarend.

Purſuant to this reſolution, commiſſioners were ſent to London, where they arrived the beginning of January, 1648-9, and preſented a memorial to the parliament, ſetting forth the reaſons which ought to divert them from their purpoſe of trying the king. But this memorial produced no effect. At laſt, after the king had been twice brought before the high-court of juſtice, they gave in their proteſtation, in which they put them in mind, 'That they had, near three weeks before, repreſented to them, what endeavours had been uſed for taking away the king's life, and for the change of the fundamental government of the kingdom, and introducing a ſinful and ungodly toleration in matters of religion; and that therein they had expreſſed their thoughts, and fears, of the dangerous conſequences that might follow thereupon; and that they had alſo earneſtly preſſed, that there might be no farther proceeding againſt his majeſty's perſon, which would certainly continue the great diſtractions of the kingdom, and involve them in many evils, troubles, and confuſions; but that by the free counſels of both houſes of parliament of England, and with the advice and conſent of the parliament of Scotland, ſuch courſe might be taken in relation to the king, as might be for the good and happineſs of both kingdoms; both having an unqueſtionable, and undeniable right in his perſon, as king of both; which duly conſidered, they had reaſon to hope, that it would have given a ſtop to all farther proceedings againſt his majeſty's perſon. But now underſtanding, that after the impriſonment and excluſion of divers members of the houſe of commons, and without, and againſt the conſent of the houſe of peers, by a ſingle act of their own, and theirs alone, power was given to certain perſons of their own members of the army, and ſome others, to proceed againſt his majeſty's perſon, in order whereunto he had been brought before that extraordinary new court; they did, therefore, in the name of the parliament of Scotland, for their vindication from falſe aſperſions and calumnies, declare, that tho' they were not ſatisfied with his majeſty's late conceſſions in the treaty at Newport, in the Iſle of Wight, eſpecially in the matters of religion, and were reſolved not to crave his reſtoration to his government, before ſatisfaction ſhould be given by him to that kingdom; yet they did all unanimouſly with one voice, not one member excepted, diſclaim the leaſt knowledge of, or occaſion to the late proceedings of the army here againſt the king; and did ſincerely profeſs, that it would be a great grief to their hearts, and lie heavy upon their ſpirits, if they ſhould ſee the truſting his majeſty's perſon to the two houſes of the parliament of England, to be made uſe of to his ruin, contrary to the declared intentions of the kingdom of Scotland, ſolemn profeſſions of the kingdom of England: And to the end that it might be manifeſted to the world, how much they did abominate and deteſt ſo horrid a deſign againſt his majeſty's perſon, they did, in the name of the parliament and kingdom of Scotland, declare their aſſent from the ſaid proceedings, and the taking away his majeſty's life; proteſting, that as they were altogether free from the ſame, ſo they might be free from all the miſeries, evil conſequences, and calamities, that might follow thereupon to the diſtracted kingdoms.'

The Scots proteſtation.
Whiteloc.

The parliament anſwered this proteſtation, but after the king's death, ſaying, 'they had heretofore told them, what power this nation had in the fundamentals of government: That if Scotland had not the ſame power and liberty, as they went not about to confine them, ſo they would not be limited by them; but leaving them to act in theirs as they ſhould ſee cauſe, they reſolved to maintain their own liberties, as God ſhould enable them. And as they were very far from impoſing upon them, ſo they ſhould not willingly ſuffer impoſitions from them, whilſt God gave them ſtrength or lives to oppoſe them.' They ſaid, 'the anſwer they made to their firſt and ſecond letter was, that after a long and ſerious deliberation of their own intrinſical power and truſt, (derived to them by the providence of God, through the delegation of the people) and upon the like conſiderations, of what themſelves and the whole nation had ſuffered, from the miſgovernment and tyranny of that king, both in peace, and by the wars; and conſidering,

The parliament's anſwer.
Clarend.

‘ how fruitleſs, and full of danger and prejudice the many addreſſes to him for peace had been, and being conſcious how much they had provoked and tempted God, by the neglect of the impartial execution of juſtice, in relation to the innocent blood ſpilt, and miſchief done, in the late wars, they had proceeded in ſuch a courſe of juſtice againſt that man of blood, as they doubted not the juſt God (who is no reſpecter of perſons) did approve, and would countenance with his bleſſings upon the nation; and tho' perhaps they might meet with many difficulties, before their liberties and peace were ſettled, yet they hoped, they ſhould be preſerved from confuſion, by the good will of him who dwelt in the buſh, which burned and was not conſumed; and that the courſe they had taken with the late king, and meant to follow towards others, the capital enemies of their peace, was, they hoped, that which would be for the good and happineſs of both nations; of which, if that of Scotland would think to make uſe, and vindicate their own liberty and freedom (which lay before them, if they gave them not away) they would be ready to give them all neighbourly and friendly aſſiſtance, in the eſtabliſhing thereof; and deſired them to take it into their moſt ſerious conſideration, before they eſpouſed that quarrel, which could bring them no other advantage, than the entailing upon them, and their poſterities, a laſting war, with all the miſeries which attended it, and ſlavery under a tyrant and his iſſue.’

Reply of the Scotch deputies. Phillips.

Soon after, the Scotch commiſſioners were recalled. But juſt after their departure, an anſwer was in their name preſented to the parliament, which charged the ſitting members with unfaithfulneſs, breach of promiſes and oaths, and other things very offenſive. This was ſo ill received by the parliament, that they ordered them to be arreſted on the road, and put under guard, till it ſhould be known whether they were avowed by their principals; but, the Scotch parliament juſtifying them, and complaining of the violation of the law of nations in their perſons, they were immediately diſcharged.

Difficulties under which the Scots lay.

In ſo nice a juncture, the Scots had but two ways to prevent their falling into a dangerous anarchy. They were either, with the Engliſh, to change their government into a commonwealth, or elſe acknowledge the eldeſt ſon of the late king for their ſovereign. But each of theſe ways had its difficulties. A republican government was directly contrary to their antient conſtitution, the two covenants, and the inclination of the people. Beſides, it was not ſeen what advantage could accrue to the nation from ſuch a change. The ſecond way was likewiſe very ambarreſſing, conſidering the circumſtances of Scotland for many years paſt. Had James I. and Charles I. not invaded the privileges of Scotland, by introducing the religion of England, contrary to the inclinations of the people: Had the differences between Charles I. and his Scotch ſubjects produced no civil war: Had not the treaty which ended that war, and reſtored to the Scots their antient religion, been extorted from the king: Had not the invincible diſtruſt of the Scots, with regard to Charles I, armed them to leſſen his power in England, and diſable him to revoke his conceſſions to Scotland: Had not the Scots ſworn two covenants, the one national, and the other common, to both nations, to maintain Preſbyterianiſm: Had theſe things, I ſay, never happened, the Scots might, nay, ought to have acknowledged for ſovereign the next heir of the crown, according to the immemorial cuſtom of Scotland. But in the recognition of this new king, the maintenance of their laws, their privileges, their religion, was concerned. Herein lay the difficulty, for the acceſſion of a new king to the crown, was no reaſon to oblige them to relinquiſh things, which had coſt them a ten years war. They knew, prince Charles, eldeſt ſon of the late king, had the ſame principles as his father, concerning religion, and civil government; and had never entertained, nor did now entertain, any perſons about him, but what were mortal enemies to their nation and religion. Wherefore, in receiving him for king without any previous condition, they ran the hazard of being plunged into the former ſtate under Charles I, who by artifices, and, as they thought, by deceit, and, at laſt, by open violence, had undertaken to reduce the kirk of Scotland to a perfect conformity with the church of England. As, therefore, agreeably to the laws and cuſtoms of the kingdom, it was natural to acknowledge for ſovereign him, to whom the crown was to devolve, it was no leſs proper, in the preſent juncture, to take care to preſerve what they had with ſo much difficulty recovered. Was it reaſonable for them, to deliver themſelves to the mercy of a young prince, yet a ſtranger to them, and cauſe their peace and happineſs to depend on his ſole will, notwithſtanding their ſuſpicions, that he had no more affection for them than his father? Nevertheleſs, as his affairs were almoſt deſperate, they imagined, the offer of their crown, might engage him to become a good Scot, and diſmiſs his Engliſh counſellors, who were not proper for Scotland; in ſhort, would think himſelf very happy to recover one of his kingdoms, and ſee himſelf in the ſame ſtate in which his anceſtors were, before his grand-father's acceſſion to England. They reſolved, therefore, to acknowledge and proclam him, but, however, with reſtrictions, which left them at liberty to capitulate with him. The proclamation was thus worded:

The proclamation of Charles II. in Scotland. Feb. 5 Phillips.

‘ The eſtates of parliament preſently[*] convented in this ſecond ſeſſions of this ſecond triennial parliament, by vretue of an act of the committee of eſtates, who had power and authority from the laſt parliament, for convening the parliament; conſidering, that foraſmuch as the king's majeſty, who lately reigned, is, contrary to the diſſent and proteſtation of this kingdom, removed by a violent death; and that by the lord's bleſſing, there is left unto us a righteous heir, and lawful ſucceſſor, Charles prince of Scotland and Wales, now king of Great-Britian,

[*] Preſently in the Scotch papers is uſed for now, or at preſent.

1648-9.

France and Ireland; we the eſtates of the parliament of the kingdom of Scotland, do therefore, moſt unanimouſly and chearfully, in recognition and acknowledgment of his juſt right, title, and ſucceſſion to the crown of theſe kingdoms, hereby proclaim and declare to all the world, that the ſaid lord and prince Charles is, by the providence of God, and by the lawful right of undoubted ſucceſſion, king of Great-Britain, France, and Ireland, whom all the ſubjects of this kingdom are bound, humbly and faithfully to obey, maintain and defend, according to the national covenant, and the ſolemn league and covenant betwixt the two kingdoms, with their lives and goods, againſt all deadly enemies, as their only righteous ſovereign lord and king.

‘And becauſe his majeſty is bound by the law of God, and the fundamental laws of this kingdom, to rule in righteouſneſs and equity, to the honour of God, the good of religion, and the wealth of his people: It is hereby declared, that before he be admitted to the exerciſe of his royal power, he ſhall give ſatisfaction to the kingdom, in thoſe things that concern the ſecurity of religion, the unity betwixt the kingdoms, and the good and peace of this kingdom, according to the national covenant, and the ſolemn league and covenant, for which end we are reſolved, with all poſſible expedition, to make our humble and earneſt addreſſes to his majeſty. For the teſtification of all which, we the parliament of the kingdom of Scotland, publiſh this our acknowledgment of his juſt rights, title, and ſucceſſion to the crown of theſe kingdoms, at the market-croſs at Edinburgh, with all uſual ſolemnities in like caſes, and ordain his royal name, portrait, and ſeal, to be uſed in the publick writings and judicatories of this kingdom, and in the mint-houſe, as was uſually done to his royal predeceſſors, and command this act to be proclaimed at all the market-croſſes of the royal burghs, and to be printed, that none may pretend ignorance.’

The king informed of it by an expreſs. Clarend.

The earl of Lanerick, Lautherdale, and the marqueſs of Montroſe arrive at the Hague. Clarend.

When the proclamation was publiſhed, the council diſpatched Sir Joſeph Douglas, to give the king notice of it, and the ſtates ſent alſo two commiſſioners, only to inform him of what had been acted in his favour, but without any order or inſtruction to treat with him. Before the conditions on which he was to be inveſted with the royal authority were propoſed to him, it was neceſſary to know, if he would accept the crown upon terms not yet known, but eaſy to be gueſſed. The commiſſioners found the king at the Hague, where there arrived at the ſame time, but in another ſhip, the earls of Lanerick and Lautherdale, and ſome time after, the earl of Montroſe alſo from France. When the late king, after his retreat to the Scotch army, ordered Montroſe to lay down his arms, he retired into Germany, and ſerved in the emperor's army. Afterwards he went into France, where the queen and prince of Wales gave him a reception very different from what he expected, after his great ſervices in Scotland. This coldneſs was owing to his arrival in France, at the very time the queen was uſing her endeavours to perſuade the king her huſband, to throw himſelf upon the Preſbyterians and Scots, and grant all their demands, imagining, he had no other refuge. It was, therefore, no proper ſeaſon to careſs a man, who was extremely hated in Scotland. He had been very ſucceſsful in ſerving the king, but had uſed his advantages with ſuch barbarity, that he had been degraded by the parliament, and excommunicated by the kirk; ſo that in Scotland he was conſidered as an enemy to the nation, and to Preſbyterianiſm. As his reſidence in France was very diſagreeable, he no ſooner heard of the death of Charles I. than he repaired to the Hague to offer his ſervice to the new king. In his retinue, were ſome Scotiſh lords and gentlemen attached to his fortune.

The king receives the news of the proclamation coldly.

Remark on a paſſage in the lord Clarend.

The king received very coldly the news of his being proclaimed, by reaſon of the reſtriction in the proclamation. There was, however, nothing ſtrange in it, ſince the Scots pretended only to require what had been asked of Charles I. agreeably to their covenant, and the covenant of the two kingdoms. But the king, and his council, it ſeems, were perſuaded, that the Scots had not the leaſt right to exact ſuch conditions. That is to ſay, properly, the Scots in there recognition of the new king, ought at the ſame time to acknowledge the injuſtice of their covenants, and depart from all their pretenſions. Theſe were two contraries which they thought to be irreconcileable, viz. that the Scots ſhould own the king's undoubted right, and yet deſire to capitulate with him. In ſhort, they pretended, that the tranſactions of the laſt 10 or 12 years, ought to be entirely buried in oblivion. Charles I, Charles II, and their counſellors, were prepoſſeſſed with an opinion which often deceived them, viz. that there was no mean between an abſolute attachment to the king, and a total enmity to him. The lord Clarendon's hiſtory abounds with inſtances of this prepoſſeſſion. But to confine myſelf to the preſent occaſion, this illuſtrious hiſtorian in repreſenting the Scotch nation, as animated with a juſt indignation againſt the Engliſh parliament, for the king's death, would infer, that Scotland was inclined to accept the prince, his ſon, for ſucceſſor, without any condition. But as this did not happen, he aſcribes it to the artifices and credit of the marqueſs of Argyle. He ſays, the marqueſs would have been glad to prevent the king's being proclaimed, but as he durſt not oppoſe the general ſentiment of his country, he was forced to conſent to it. According to him, the marqueſs of Argyle was the ſole cauſe of the reſtriction in the proclamation. This ſuppoſes the proclamation to have been the general ſenſe of the people, and the reſtriction the effect of Argyle's intrigues. But if this reſtriction was agreeable to the intereſts and ſentiments of the ruling party, as I have ſhown, why is it aſcribed to the marqueſs alone? Was it impoſſible for the people of Scotland to acknowledge Charles II. without an entire confidence in him? But the Scots acted with him only in the ſame manner as they acted with his father, as appears in the covenant itſelf, wherein they ſhewed an extreme diſtruſt of the late king, even when they engaged to defend his perſon and rights. The reſtriction, therefore, contained nothing new, or extraordinary. It was a natural conſequence of the troubles begun in 1637.

1649. Diviſion amongſt the Scots at the Hague. Clarend.

However this be, Charles believed, that no great regard was due to what had yet been done for him in Scotland. He underſtood, that in the intended capitulation, things would be demanded which he had reſolved not to grant, as the confirmation of the covenant and the Presbyterian government. He wiſhed, however, to juſtifie his diſinclination to Scotland, by the advice and opinion of the Scotch lords who were with him at the Hague. For this purpoſe he would have had them appear together before his council, and upon being conſulted, diſſuade him from going to Scotland, and the council thereupon form their reſolution. The marqueſs of Montroſe approved of this proceeding; but the earl of Lautherdale, and the earl of Lanerick who took the title of duke Hamilton, on hearing at the Hague the tragical death of his brother, would not conſent to it. They thought it too nice a proceeding, for Scotch lords to appear before an Engliſh council. By this the earl of Traquaire had been ruined. On the other hand, they were ſo enraged againſt the marqueſs of Montroſe, that they would have no communication with him. When the king found he could not bring them together to conſult upon this ſubject, he declared however, he would not go into Scotland, and perſiſted in his reſolution for Ireland. Thus, upon a bare information that Scotland would not receive him without conditions, he reſolved to refuſe the crown of that kingdom. And, what is more, he gave commiſſion to the marqueſs of Montroſe to raiſe forces in Germany, and make a deſcent upon Scotland. So, receiving with acknowledgment, the offer made him by the Scots, he ordered a war to be levied upon them, as upon enemies, becauſe they refuſed to admit him for their ſovereign, without a previous engagement. Nothing is more proper to demonſtrate the neceſſity of the precautions taken by the Scots, tho' ſome hiſtorians are pleaſed to repreſent them as very unjuſt.

The king declares againſt going into Scotland. Ludlow. He gives Montroſe a commiſſion to invade Scotland. Clarend.

Clarend.

The king could not reſide any longer in Holland, where it was intimated to him, that the dread, the ſtates were under, of a quarrel with the new commonwealth of England, made his ſtay there very unwelcome. Beſides, they received advice, the parliament was to ſend an agent, to propoſe between the two commonwealths a ſtrict alliance; and this affair was not to be negotiated whilſt the king remained at the Hague. This agent, named Doriſlaus, arrived indeed before the king left the place. But the ſame evening that he came to the town, as he was at ſupper in his inn, with ſome other perſons, ſix Scots of the marqueſs of Montroſe's retinue entered the room, and dragging him from the table, murdered him. The aſſaſſins were neither arreſted, nor immediately purſued; and tho' afterwards ſome pains were taken to apprehend them, the ſtates ſhewed on that occaſion a great regard for the king, which offended the parliament. Nevertheleſs, the king knew, after this action, there was no remaining at the Hague, and the prince of Orange advertiſed him, that he would be deſired to depart. He, therefore, ſent his heavy baggage and ſome of his domeſticks to Ireland, with a reſolution to follow them, after he had paid a viſit to his mother in France. But as he was not yet ready, he prevented the ungrateful compliment he was to receive, by preſenting himſelf to the ſtates a memorial of the ſtate of his affairs, and aſking their opinion, whether he ought to go for Ireland or Scotland. The ſtates obſerving he was about to depart, thought it not convenient to preſs him, and thereby he gained time to be prepared.

Doriſlaus the Engliſh agent aſſaſſinated at the Hague May 3. Clarend.

The king prepares to go into Ireland.

He preſents a memorial to the ſtates. Clarend.

Inſurrection in Scotland. Clarend.

While the king was deliberating at the Hague, concerning the offer from Scotland, the ſtates of that kingdom were ſettling the terms on which he was to be received, not doubting his inclination and readineſs to accept the offered crown. But he had friends in Scotland, who, better informed of his ſentiments, reſolved to diſturb the publick deliberations, by an inſurrection, in hopes that a happy ſucceſs would cauſe the king to be admitted without any condition. With this view Middleton, Monroe, the Gordons and others, aſſembled ſome forces in the north, and ſeiſed the town of Inverneſs. But the parliament having before received intimation of their deſign, had already raiſed forces, which immediately marched to the north, under Straughan and Kerr, and diſperſed the mutineers before they could aſſemble all their forces.

Whiteloc Heath. Phillips.

Condition of affairs in Ireland. Phillips.

Tho' the king had firmly reſolved to go into Ireland, it was impoſſible for him to execute his deſign, by reaſon of the turn in his affairs in that iſland. After the parliament was become maſter of Dublin, it had often been moved in the houſe, to ſend a powerful reinforcement to Ireland; but the oppoſite intereſts of the Preſbyterians and Independents hindered the taking any reſolution. The firſt were for ſending Sir William Waller to command there, and the latter were as earneſt for major-general Lambert. The diviſion between the parliament and army which aroſe quickly after, brought new obſtacles to this affair. At laſt, the revolt of Wales, the inſurrections in other counties, and the preparations of the Scots to invade England, diſcharged all thoughts of Ireland. If, in this interval, the Iriſh could have come to an union amongſt themſelves, and have joined the marqueſs of Ormond, they might have expelled the parliament's forces, and rendered themſelves maſters of the whole kingdom. But their diviſions hindered them from improving ſo favourable an opportunity. It was not, as I obſerved, till the end of the year 1648, that they made peace with the marqueſs of Ormond, and the oppoſition of O Neal, kept the marqueſs from taking the field till April, 1649, when the king was

Clarend.

was dead, and the government of England modelled into a commonwealth.

Cromwell is made governor there. Clarend.

The union of the Iriſh with the Royaliſts, the progreſs of the marqueſs of Ormond, the extreme weakneſs of the parliament's party in that nation, brought, at the laſt, the houſe to a reſolution of ſending thither a good army, with all poſſible diligence. Waller, who was a Presbyterian, was no longer conſidered as a proper general to ſerve the parliament; and Lambert, till then ſupported by Cromwell, was now ſupplanted by him. Cromwell believed, the government of Ireland was a poſt not unworthy of himſelf, and ſo managed by his intrigues, that he was unanimouſly choſen to fill the dignity of lord-lieutenant of that kingdom. But before his troops could be ready for that expedition, he had a difficulty to overcome, which might have had dangerous conſequences.

Inſurrections of the Levellers. Clarend.

Beſides the Cavaliers and Presbyterians, the parliament had other enemies, who only waited an opportunity to declare, and were in the army itſelf. Theſe were the Levellers, who were diſſatisfied, for that after they had ſerved as inſtruments to ruin the Presbyterian parliament, they were not only diſregarded, but even called ſeditious, and rebels. This occaſioned their aſſembling upon Cromwell's being appointed to command in Ireland, under a pretended neceſſity of inquiring what troops were proper to ſerve in that kingdom. To that end they met at Burford, to the number of 5000, and without any precaution continued there, pretending a promiſe from Cromwell, that no part of the army ſhould approach within ten miles; but Raynolds, by the command of general Fairfax, unexpectedly fell upon them with 5 or 6000 men, and gave them an entire defeat. Nine hundred horſe, and 400 foot, were ſent priſoners to London, and ſome of them executed. Others obtained their pardon by Cromwell's mediation. This affair being thus happily ended, the army was prepared which Cromwell was to lead into Ireland.

The marqueſs of Ormond unſucceſsful in Ireland. Phillips.

He lays ſiege to Dublin.

His army defeated. Ludlow.

While this army was aſſembling, the marqueſs of Ormond approached Dublin to beſiege it. Whereupon, Cromwell immediately ſent about about 3000 men to reinforce the garriſon, which was very weak. In the interim, as he believed he could not arrive ſoon enough to ſave that city, he reſolved to land his army in Munſter, where he hoped to find no obſtacle, becauſe he knew, the lord Inchiquin, preſident of that province, was departed with his Engliſh troops, to reinforce the army under the marqueſs of Ormond; but the marqueſs having notice of his intention, immediately diſpatched the lord Inchiquin, with the forces under his command, to prevent his landing, by which he conſiderably weakened his army. He, however, continued his march, and began the blockade of Dublin about the middle of June. He ſtayed ſome time at Finglaſs, five miles from Dublin, in expectation of freſh troops, and at laſt, paſſed the river, and poſted himſelf at Rathmims, to lay the ſiege in form. While he was in this camp, the ſuccours ſent by Cromwell arrived in Dublin. A few days after, the marqueſs of Ormond reſolved to repair an old caſtle, which by its ſituation was proper to hinder any freſh relief from entering the town. Then colonel Jones, the governor, who from a lawyer was become a very good officer, perceiving how much theſe fortifications might annoy him, reſolved to endeavour to prevent their being finiſhed. For that purpoſe he put the garriſon under arms in the night, and at break of day making a ſally, marched directly to the caſtle, and carried it ſword in hand. This happy ſucceſs cauſed him to advance towards the enemy's camp. He met by the way a body of horſe, which ſtopped him ſome time. But this body being diſperſed, brought ſuch terror to the Iriſh army, that they fled in confuſion, without ſtriking a blow. The marqueſs of Ormond was forced to follow them, for fear of falling into the hands of his enemies. After this defeat, he was obliged to retire to ſome diſtance, to wait for the ſuccours he had been promiſed.

Cromwell lands at Dublin. Phillips.

Cromwell informed of this good ſucceſs whilſt he was embarquing his army, altered his deſign, and inſtead of going to Munſter, ſailed to Dublin, where he ſafely arrived about the middle of Auguſt with about 15000 men. When the marqueſs of Ormond knew that Cromwell was at Dublin, he retired to a ſtill greater diſtance, and left in Drogheda a numerous garriſon, under the command of Sir Arthur Aſton, an officer of reputation, who had been governor of Reading, and afterwards of Oxford. About the ſame time Londonderry, the moſt conſiderable city in the north of Ireland, which was beſieged by the king's forces, was relieved by a ſally made by Sir Richard Coot, much in the ſame manner as Dublin was by Jones.

The king deſiſts from his deſign of going into Ireland. Phillips.

From what has been ſeen, it is manifeſt the king could not venture into Ireland, where he had no other ſuccour to carry but his perſon, while Cromwell was aſſembling his army on the coaſt, and ſtill leſs, after Ormond's defeat. But as, on the other hand, he was looked on with no good eye in France, where, ſince his arrival, the court had made him no offers of ſervice, he reſolved to withdraw into the iſle of Jerſey, as the only place where he could hope to be favourably received. He retired therefore to that iſle, with his brother the duke of York, and his ſmall court, where he continued ſome months.

Windram ſent to him from Scotland. Clarend.

The commotions raiſed by the king's friends in Scotland being appeaſed, the committee of eſtates aſſembled to prepare the conditions to be demanded of the king. It ſeems, they were not informed in Scotland of the king's ſentiments, ſince they continued to deliberate upon that ſubject, which, doubtleſs, they would not have done, had they been acquainted with his reſolution. In all probability, as the eſtates had not yet expreſly invited him to come and receive the crown, he did not think himſelf obliged to communicate his thoughts to them, and if the envoys of the eſtates and

1649.

The king names Breda for the place to treat with the Scots commiſſioners. Clarend.

He writes to Montroſe to haſten his preparations againſt Scotland. 1649-50. Phillips.

council had received an anſwer from him, it was too general for any thing to be inferred from it. However this be, the committee of eſtates having learned, the king was in Jeeſey, ſent Mr. George Windram to acquaint him, they were deſirous to treat with him concerning his eſtabliſhment in Scotland; but as the iſle of Jerſey was neither ſafe, nor commodious, he was deſired to name ſome town in the Low-Countries, where he might receive their commiſſioners. For this purpoſe, it was required of him as a preliminary, without which there could be no negotiation, to acknowledge the authority of the preſent parliament, and particularly of the two laſt ſeſſions. Windram left Edinburgh the 25th of September, but was not with the king till towards the end of October, being detained by contrary winds; ſo that the king was fully informed of what had paſſed in Ireland, where Cromwell having taken Drogheda by aſſault, and put the garriſon to the ſword, and was continuing his progreſs with wonderful rapidity. This news made the king look upon Scotland with another eye than before. He knew, he ſhould be unwelcome both to France and Holland. From Ireland he was entirely excluded, nor could Jerſey long afford him ſubſiſtance. Beſides, he was told, the parliament had given orders for a fleet to reduce that iſland, which was not in a condition of defence. Scotland, therefore, was the only place where he could find ſafety and ſubſiſtance. For this reaſon, he received Windram very graciouſly, and named Breda for the reception of the Scotch commiſſioners, promiſing, he would be there the 15th of the following March. It was not, however, without ſome uneaſineſs that he came to this reſolution. Beſides his little affection for the Scots, whom he regarded as the principal authors of his father's misfortunes, not one counſellor adviſed him to put himſelf into their hands, tho' it was impoſſible to direct him to another retreat. So it was mere neceſſity which cauſed him to reſolve to liſten to the propoſitions the Scots were to make him. That this was his only motive, can hardly be doubted, when it is conſidered, that on the 30th of January, 1649-50, he wrote to the marqueſs of Montroſe, that the Scots had ſent Windram to him, and that their commiſſioners were to repair to Breda, in March, to treat with him. Wherefore, he preſſed him to haſten his preparations for a deſcent into Scotland before this affair ſhould be ſettled, in order if it was poſſible, and ſhould pleaſe God to favour him with ſucceſs; to prevent the concluſion thereof *.

Windram being returned with the king's anſwer, the committee of eſtates laboured inceſſantly to finiſh the propoſitions to be ſent to the king. The draught was laid before the parliament, and after ſome amendments, ordered to be communicated to the general aſſembly of the kirk, where it was approved. Hence it appears, that theſe propoſitions were ſettled with the common conſent, ſince they had the concurrence of both parliament and kirk, tho' ſome have been pleaſed to aſcribe them ſolely to the marqueſs of Argyle, as if they were more agreeable to his intereſt than that of the kingdom. After this, the parliament and general aſſembly named commiſſioners to carry them to the king. Theſe commiſſioners arrived at Breda at the time appointed, and preſented the conditions to him, on which the Scots would admit him to the exerciſe of the regal power. They conſiſted of theſe four articles.

1649-50.

Conditions preſented to the king by the Scotiſh commiſſioners. Clarend.

1. That all thoſe who have been, and continue excommunicate by the kirk of Scotland, may be removed from having any acceſs to the court.

2 That he would be pleaſed to declare, that he would by ſolemn oath under his hand and ſeal, allow the national covenant of Scotland, and the ſolemn league and covenant of Scotland, England and Ireland; and that he would proſecute the ends thereof in his royal ſtation.

3. That he would ratify and approve all acts of parliament, enjoining the ſolemn league and covenant, and eſtabliſhing Preſbyterian government, the directory of worſhip, the confeſſion of faith and catechiſm in the kingdom of Scotland, as they are already approved by the general aſſembly of the kirk, and by the parliament of that kingdom, and that he would give his royal aſſent to the acts of parliament injoining the ſame in the reſt of his dominions, and that he would obſerve the ſame in his own practice and family, and never make oppoſition therein, or endeavour any change thereof.

4. That he would conſent and agree that all matters civil might be determined by the preſent and ſubſequent parliaments of the kingdom of Scotland, all matters eccleſiaſtical by the enſuing general aſſemblies of the kirk, as was formerly condeſcended and agreed to by his late father.

After hearing theſe conditions, the king demanded, whether theſe papers they had delivered to him, contained all the particulars which they had to propound or deſire? Whether they had power to recede from any particular article, or to treat with him concerning the aſſiſtance of Scotland, to place him on the throne of England? They anſwered, their commiſſion extended only the offering of theſe propoſitions, and to receive either conſent or refuſal.

Theſe conditions, which to the Scots appeared very juſt, lawful, and abſolutely neceſſary for the ſafety of Scotland, ſeemed to the king very hard and unreaſonable. This contrariety will not appear ſtrange, if it is conſidered, that the king and the Scots reaſoned upon different principles, and with oppoſite views. And this it will not be improper to unfold.

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* The earl of Clarendon ſays nothing of this letter from the king to the marqueſs of Montroſe; but Phillips, Bates, and others, are poſitive that it was wrote. Rapin.

The people of Scotland were perſuaded, they had been oppreſſed by James VI, in the eſtabliſhment of epiſcopacy in Scotland by that prince, which had been aboliſhed by the reformation: That this had been effected by addreſs, by artifice, by violence, whilſt corrupt parliaments were employed to enact new laws concerning religion, without conſulting the kirk, contrary to her will and expreſs declarations: That Charles I, by a fraud ſupported with force, had inveſted himſelf with a power of ordaining whatever he pleaſed in matters of religion, by vertue of an act ſuppoſed by him to be granted by a plurality of voices, tho' it was rejected: That by this pretended power, he had not only reſtored biſhops to their revenues and government in the church, but alſo given them a juriſdiction more extenſive than ever: That he had eſtabliſhed a high-commiſſion to ſupport this injuſtice, and entirely ſuppreſſed the general aſſemblies. In ſhort, that he had changed the Presbyterian government, eſtabliſhed by the reformation, into an hierarchy, exactly like that of the church of England: That he had alſo attempted to impoſe upon them liturgy and canons, unknown to their anceſtors, and to reduce the worſhip of the church of Scotland, to a perfect conformity with that of England. That the people of Scotland, for their own preſervations and the maintenance of their rights, ſo manifeſtly invaded, had judged it proper to unite in a covenant, intended for the preſervation of the king's juſt rights, and the privileges of the people and kirk: That the king, not contented with what of right belonged to him, had twice made war upon his Scotch ſubjects to maintain his uſurped power, and render Scotland dependent upon England: That the war had been ended by a treaty, to which the king would not have conſented, if he had not been forced to it by the affairs of England: That after this treaty he came into Scotland, where he granted his ſubjects whatever they demanded, and even thoſe things which before he had haughtily and obſtinately refuſed: That, therefore, it was to be ſuſpected, he had only accommodated himſelf to the time till a favourable opportunity offered, to revoke his conceſſions: That it was not ſtrange the Scots ſhould entertain this ſuſpicion, ſince the king, by the ſame conduct in England, had deſtroyed all confidence in him: That it was, therefore, abſolutely neceſſary to reduce him to a ſtate which would remove all danger of his retracting: That to this end, the Scots had made with the Engliſh a ſolemn league, as having the ſame common intereſt, and that the ſword had decided in favour of the allies, againſt the king: That notwithſtanding this deciſion, the Scots had never thought of withdrawing from the obedience due to the king, but only of obtaining other ſecurity than his bare word: That the tragical death of Charles I. had never changed the ſtate of affairs in Scotland, or procured them the ſo long deſired ſecurity: That they required no more of the new king, than they had a right to demand of his father: That their deſires were not unjuſt, ſince they expected only to be maintained in the ſtate, which they enjoyed before the two laſt kings had attempted to alter the eſtabliſhed religion, according to their caprice, and the pleaſure of their Engliſh counſellors: That they had run all riſques to reſtore themſelves to the condition from whence they were fallen: That God having granted them a happy ſucceſs, they ſaw no ſufficient reaſon to oblige them to deſiſt, and expoſe their repoſe and religion to the caprices of a young prince, who was known to be of the ſame ſentiments and principles as his father and grandfather: That the conditions offered him, limited not his prerogative as king of Scotland, but only put it out of his power, to tread in the ſteps of the king, his father: That in offering him the crown of Scotland, it was lawful to require, that he ſhould govern according to the true intereſt of that kingdom: That if theſe conditions appeared to him contrary to his intereſt with regard to England, he was at liberty to reject them; but his intereſt with reſpect to England, was not a good reaſon to engage the Scots to venture their happineſs, in leaving him to govern as he pleaſed: That it was not yet 50 years ſince James VI. became king of of England, and that Charles I. having loſt that crown by his ill conduct, and Charles II. being utterly unable to recover it, he ought to eſteem himſelf happy, that his Scotch ſubjects had offered him the crown of his antient kingdom, on the ſame terms it had been enjoyed by his anceſtors for many ages; and that in becoming a good Scots man, he would be reſtored to what his predeceſſors, kings of Scotland, had formerly been: That it was not reaſonable to ſuffer perſons excommunicated, and conſpirators againſt the ſtate, in attempting, by force, to reſtore the late king, to approach the new king with their pernicious counſels, tending to ſow diviſion between him and his ſubjects.

Reaſons and intereſts of the king.

But the king reaſoned upon other principles. The offer of the crown of Scotland was no farther regarded by him, than as a means of reſtoring him to the throne of England; that was the principal object of his attention. He little cared to be king of Scotland, if he could not uſe the forces of that kingdom to procure him the Engliſh crown. In the interim, his power was to be ſo limited, that it ſhould not be poſſible to receive any advantage from Scotland to that end. Thoſe who were eſteemed by him as his beſt friends, and had uſed their utmoſt endeavours to free his father and reſtore him to the enjoyment of his rights, were to be removed from his perſon and council, and yet theſe were the men he deſigned to employ for the recovery of England. In accepting the crown of Scotland, he was to forget, he had any juſt claim to England; he was to govern Scotland as his anceſtors governed it before their acceſſion to the Engliſh throne; that is to ſay, he was to look upon his Engliſh friends with continual diſtruſt, and conſequently renounce all hope of a re-eſtabliſhment in England. He was to ſwear to the national covenant, made againſt the king, his father, the intent of which was to prevent for ever the introducing the church-government and worſhip of England, which alone in his opinion were lawful. He was to ſwear to the covenant of the two kingdoms, the ſole deſign of which was to maintain Presbyterianiſm already eſtabliſhed in England, which was an infallible way to make him loſe all his friends. He was, laſtly, not only to approve and protect Presbyterianiſm in the two kingdoms, but alſo promiſe a ſincere and conſtant profeſſion of it himſelf. But this was directly contrary to his ſentiments and conſcience, ſince he hardly believed the Presbyterians to be any part of the Chriſtian church.

The king diſſembles his reſentment. Clarend.

Hence it appears that the intereſts of the king and thoſe of the Scots were no leſs oppoſite than during the life of Charles I, and that the ſame difficulties ſtill ſubſiſting, could be ſurmounted only by the arms or acquieſcence of one of the parties. The king was unable to uſe force, and yet the terms to be impoſed upon him appeared ſo hard, that he would have immediately rejected them, if he could have taken any other courſe. But his melancholy circumſtances, not knowing where to ſubſiſt or even to be ſafe, obliged him, tho' very unwilling, to diſſemble his reſentment, and to treat with the Scotch commiſſioners upon propoſitions which to him ſeemed moſt unjuſt. There were two articles which he could not digeſt. The firſt was, the obligation to ſwear to the covenant. He ſaid, the covenant was made for the ſubjects, and not for the prince, ſince the taker ſwore to be faithful to the king and it was abſurd to make him ſwear allegiance to himſelf. This objection would have been unanſwerable, had the covenant contained only this article. But there were others, in which it was ſaid, the king was no leſs concerned than his ſubjects. The ſecond related to religion. He was willing he ſaid, to conſent to the eſtabliſhment of presbytery in Scotland by act of parliament; but, as to his own perſon, he could not with juſtice be required to renounce the religion for which the king his father had died a martyr; however, he would content himſelf with only three chaplains to celebrate divine ſervice in his preſence after the manner of the church of England. But all he could alledge was ineffectual; the commiſſioners had not power to recede from any article. Thus had the parliament of England offered to treat with his father, without leaving him other liberty than to accept or refuſe their propoſitions. But tho' the king perceived it would be to no purpoſe to diſpute upon the articles, he deſired however to prolong the negotiation as much as poſſible in hope of good news from Scotland, where he knew the marqueſs of Montroſe would ſoon make his appearance. This was his laſt refuge; and had the marqueſs been attended with his former ſucceſs, the treaty of Breda would ſoon have ended, ſince it was in the king's power to reject abſolutely the offered conditions. But the marqueſs's progreſs did not anſwer the king's expectations.

The progreſs of the marqueſs of Montroſe in Germany. Clarend.

After that lord had left the king at the Hague, he went into Germany to endeavour to raiſe forces and money, the king having only given him a bare commiſſion without other aſſiſtance. The king of Denmark, as Charles's near relation, furniſhed him with a ſum of money, and the Engliſh ſettled in Sweden aſſiſted him to the utmoſt of their power. With this relief he was enabled to buy arms and ammunition, and to liſt 500 ſoldiers, which he ſent in March to one of the Iſles of Orkney. He followed them himſelf in April, and from thence repaired with his troops to Cathneſs in the north of Scotland. This was at the very time the Scotch commiſſioners were with the king at Breda. As the king was informed that Montroſe was now gone for Scotland, he waited the ſucceſs of this expedition, before he would conclude with the commiſſioners, whom he nevertheleſs entertained with hopes of granting their demands.

He arrives in Scotland. Clarend.

After the marqueſs's arrival at Cathneſs, he ſeiſed a caſtle where he might ſecure his arms and ammunition, and then wrote to his friends to join him. At the ſame time he publiſhed a maniſeſto, declaring, "That he was come "with a commiſſion from the king to protect "his good ſubjects; but with no deſign to "obſtruct the negotiation at Breda; on the "contrary, he hoped to haſten the concluſion "of it by means of his army. If the treaty "ſucceeded, he ſhould readily lay down his "arms on the firſt command from his majeſty."

The conduct of the king is offenſive to the parliament of Scotland.

The Scotch parliament then ſitting at Edinburgh, was ſurpriſed to hear of Montroſe's arrival in that juncture, with the king's commiſſion. It was not difficult to perceive that, whatever was pretended, this was not to advance the treaty, but rather to obſtruct it, and force the parliament to deſiſt from conditions which were thought neceſſary for the ſafety of the kingdom. It may well be imagined, this tended not to breed a good opinion of the king's ſincerity.

which raiſes 6000 men againſt Montroſe. Phillips.

In the interim, as Montroſe was very formidable, by reaſon of his former great ſucceſſes in favour of the late king, the parliament gave immediate orders for raiſing, with all poſſible expedition, an army of 6000 men, commanded by David Leſly. Till this army was ready, colonel Straughan was detached with 300 horſe to the northward, in order to awe the country, and prevent the king's friends from riſing and joining Montroſe. This precaution had a ſurpriſing effect; for the king's adherents, whether through fear of falling into the hands of this cavalry, or becauſe of the 6000 men which were to follow, durſt not ſtir, and Montroſe was joined only by ſome ill-armed and worſe diſciplined highlanders. So, his little army, if it deſerves that name, compoſed of ſoldiers of different nations, ſtrangers to one another's language, and in a barren country, could make no great progreſs. Beſides, as Montroſe had no cavalry to ſend out for intelligence, he knew not what paſſed in other places, and particularly Straughan's march, vainly expecting the king's adherents to come and join him. To this ignorance was owing

1650.

Montroſe ſurpriſed, defeated, and taken priſoner. April 19.

He is condemned to be hanged.

Makes a ſpeech before his execution. May 21. Clarend.

his being ſurpriſed by Straughan's little troop, which after a long march, fell upon him when leaſt expected. At the approach of the enemy, the highlanders deſerted and fled; the foreigners made more reſiſtance, but were routed at laſt. The marqueſs himſelf being forced to fly, threw away his Ribband and George, diſguiſing himſelf like a peaſant to prevent a diſcovery. He wandered ſome days in this habit, and at laſt put himſelf into the hands of a gentleman, named Aſton, who had formerly ſerved under him, and promiſed to conceal him. But, whether through the hope of the reward publiſhed for taking him, or the fear of being rigorouſly puniſhed if he did not diſcover him, it is certain, he delivered him to Leſly, who immediately ſent him to Edinburgh. The parliament now ſitting reſolved to try him themſelves; and as, ſince his degradation, he was called only James Graham, and was univerſally hated, no regard was paid to his birth. He was condemned to be hanged on a gallows 30 foot high; with this addition to his ſentence, that, after he was dead, his head ſhould be ſevered from his body, and ſet on Edinburgh Talbooth; his arms and legs ſent to four ſeveral towns, to be expoſed as a ſpectacle; and his body buried under the gallows. He met death with extraordinary courage, and before his execution, made a ſpeech to the people, in which, far from owning himſelf worthy of death, he teſtified, on the contrary, an entire perſuaſion of the juſtice of the cauſe he had ſupported. He ſaid that Charles I. died a martyr, and aſſured the people, the new king would obſerve all his promiſes to the Scots, wherein he was as falſe a prophet as the lord Capel had been in England. Thus fell the marqueſs of Montroſe, who had rendered himſelf famous by his great actions for the late king in Scotland, but withal, odious to his countrymen, by his inhumanity to them, when he had the advantage.

The king complains of his execution.

The tragical death of the marqueſs of Montroſe diſappointed all the king's hopes, who was thereby deprived of his laſt refuge. He complained loudly to the commiſſioners of the execution of that lord, during the negotiation, affirming it to be a breach of faith. He wrote in the ſame ſtrain to the committee of eſtates, but was ſilenced by their anſwer, and told it would be much better not to inſiſt upon this affair. The anſwer imported, that papers were found upon Montroſe, which it was more for his honour to conceal than to publiſh. The king eaſily underſtood, that by this was meant his commiſſion to the marqueſs after the news of his being proclaimed, and his letter of the 30th of January, after the time and place of conference was fixed. This juſtified the parliament of Scotland from breach of faith, of which he himſelf was not entirely guiltleſs.

The king ſigns the treaty.

The death of Montroſe leaving the king without refuge or retreat, he at laſt, accepted the conditions preſented to him by the commiſſioners. Only the ſigning of the covenant was deferred till his arrival in Scotland, upon his promiſe however of compliance, in caſe it was judged proper to preſs him when he ſhould be at Edinburgh. The commiſſioners were willing to grant him this favour, knowing, the eſtates would never deſiſt from that article. It is certain, the king ſubmitted to theſe conditions only becauſe he had no other courſe to take, and it is, perhaps, no leſs certain, that he meant to obſerve them but whilſt he ſhould be forced. This plainly appears in the Hiſtory of thoſe times, penned by the king's adherents. For they could not forbear to think it ſtrange that the king, when in Scotland, ſhould be obliged to a ſtrict obſervance of what he had promiſed by oath. As if his promiſe and oath had been only formalities, which were not to bind him.

1650.

He embarques in Holland for Scotland. Arrives there. Clarend.

When the king had ſigned the conditions, he went to Scheveling near the Hague, and embarqued, being attended by duke Hamilton, the earl of Lautherdale, and ſome other Scots, who gave him hopes that his preſence in Scotland would remove all ſuſpicions, and that an exact obſervation of what he had promiſed ſhould be diſpenſed with. But at his arrival, before he was ſuffered to land, the covenant was ſo preſſed upon him, that he could not avoid taking it. He had poſitively promiſed it at Breda, and no man durſt adviſe him to break his word. This exactneſs of the ſtates convinced duke Hamilton and the earl of Lautherdale, that it was not ſafe for them to appear publickly in Scotland. Wherefore, finding means to land with the king, they retired to their own eſtates, or their friends, in expectation of a more favourable juncture.

The manner of the king's reception. Clarend.

The marqueſs of Argyle received the king with extraordinary reverence, and outward marks of reſpect. But within two days, all his Engliſh domeſticks were removed, except the duke of Buckingham. Some were obliged to return into Holland, others withdrew at a diſtance from the court, to friends who were willing to entertain them. This rigour, at firſt, appears very ſtrange, and by ſome is ſo repreſented; but it muſt be conſidered, the Scots were for receiving the king on thoſe terms only, on which they would have admitted his father, had he happily eſcaped from captivity, and retired into Scotland. Certainly they would never have ſuffered about him, men whoſe principles and maxims were directly oppoſite to the intereſts of Scotland, and who were the kingdom's reputed enemies. Why then were they to repoſe more confidence in Charles II? Precaution was not more neceſſary under the laſt, than under the preſent reign.

The king under great difficulties in Scotland. Clarend.

When the friends and confidents of the king were thus removed from his perſon, he ſaw himſelf in the hands of men whom he knew not, and whoſe principles were entirely different from thoſe in which he had been educated; ſo that he was extremely uneaſy, tho' outwardly he received all the reſpect due to his rank. What troubled him moſt, was the importunity of the miniſters, who thought

He diſcovers his diſpoſition with regard to religion, and loſes the confidence of the Scots.

it their duty to inſtruct him in the Presbyterian religion, and ſcrupled not to brand the hierarchy and worſhip of the church of England with the name of Doctrine of Devils. They pretended, the king's promiſe and oath to profeſs Presbyterianiſm obliged him to receive their inſtructions. His embarraſſment on this occaſion was a natural conſequence of the promiſe he had made, without intending to keep it. To be rid, as well as he could, of this trouble, he was preſent at their ſermons and prayers, but with ſo little attention, that it was plainly againſt his will. The reluctance he ſhewed upon this article bred in the Scots a very ill opinion of him, being perſuaded, he had ſworn againſt his conſcience, and with an intention to break his promiſes when freed from reſtraint. It ought not, therefore, to ſeem ſtrange, that they had no confidence in him, and that thoſe who were at the helm, imparted not to him all the affairs. He was not conſidered as a prince attached to the intereſts and religion of the kingdom, but as intending to eſtabliſh other maxims if it was in his power. But if the tranſactions of ſome years paſt, and the occaſion of the troubles, be conſidered, it will not be thought ſo ſtrange, that the Scots took precautions with regard to their new king, and refuſed him a confidence, which in that juncture, appeared to them very dangerous.

Aims to re-eſtabliſh the Hamiltonians. Clarend.

It was quickly perceived how neceſſary theſe precautions were, by the king's endeavours to reconcile the ſtate and the church, thoſe who had entered into the late duke Hamilton's engagement to raiſe an army, which under colour of acting againſt the Independents, was deſigned to reſtore the late king to the throne of England without any condition. The authors of that deſign had thereby plunged Scotland into a war not only unneceſſary, but directly contrary to her intereſts. Beſides, their ill conduct had occaſioned the loſs of a large army, and a great effuſion of blood. What might not the Scots have added in aggravation of the crimes of the Hamiltonians, had they known the ſecret treaty made with the late king in the Iſle of Wight, ſo contrary to the covenant of both kingdoms? It is not, therefore, ſtrange, that men who had acted with views ſo oppoſite to the intereſt of the kingdom, or at leaſt, of the prevailing party, were regarded by that party as enemies of the ſtate and religion. And yet theſe were the men for whom the king laboured ſo ſtrenuouſly, under the pretence of procuring a happy union amongſt his ſubjects. But at the ſame time he clearly diſcovered his averſion to the maxims by which Scotland was then governed, and his intention to enable his friends to oppoſe the marqueſs of Argyle, who was the head of the contrary faction and of the government. That lord eaſily fathomed the king's deſign. And therefore, whereas he had hitherto conſtantly attended him, he gradually withdrew himſelf from him, as from a ſecret enemy, who only waited an occaſion to ruin him,

Argyle diſtruſts the king. Clarend.

Reſolution of the Engliſh parliament againſt Scotland. Whiteloc.

While theſe things paſſed in Scotland, the parliament of England were not idle. When they learned that commiſſioners from Scotland were to confer with the king at Breda, they imagined, Charles would accept the crown of Scotland on any terms, in order to uſe the forces of that kingdom to invade England, in which they were not miſtaken. This war, which the parliament deemed unavoidable, could not but be very dangerous to the Independent party, if it was brought into England. The Independents, tho' uppermoſt, had no ſupport but the army, with the Presbyterians, the Royaliſts, and the city of London for their enemies. It was, therefore, very likely, that if the king entered England with a Scotch army, he would be joined by the Royaliſts, and favoured by the Presbyterians. To prevent, therefore, this danger, the parliament reſolved to carry war into Scotland. This reſolution was founded entirely upon policy, foraſmuch as the parliament had no cauſe to complain of the Scots, who in recognizing for their ſovereign, the eldeſt ſon of their late king, did not injure England. Nay, it was a conſequence of the covenant between the two kingdoms, tho' manifeſtly violated by the Engliſh parliament. But on this occaſion, the parliament believed themſelves not bound to a ſcrupulous obſervance of the rules of equity, for fear of the prejudice with which ſuch ſcruples might in time be attended. Intereſt therefore was ſolely regarded, which required, that the war ſhould rather be carried into Scotland than expected in England.

Cromwell recalled from Ireland. Clarend.

His conqueſts in Ireland. Clarend.

After this reſolution, Cromwell was recalled out of Ireland to take the command of the army which was to act againſt Scotland. In the late Scotch invaſion under duke Hamilton, the behaviour of general Fairfax had given occaſion to judge, that he would unwillingly accept of the conduct of this new war, which was really the caſe. Cromwell's ſucceſs in Ireland had been ſuch as the parliament could have wiſhed. After the taking of Drogheda, he ſeiſed Kilkenny and many other places, and in a little time reduced the greateſt part of the iſland to the obedience of the parliament. The marqueſs of Ormond was little capable of reſiſting him, becauſe of the diviſion ſtill reigning amongſt the Iriſh. This diviſion went ſo far that O Neale had at laſt concluded a treaty with Monk one of the parliament-generals, commiſſioned by the council of ſtate. But the parliament refuſed to ratify the treaty, as being too favourable to the Catholicks, and, therefore, O Neale had begun to treat with the marqueſs of Ormond, and was upon the point of joining him, when his death prevented the execution of his deſign. His troops diſperſing upon his death, were of no advantage to the marqueſs of Ormond. In the interim, Cromwell continued his conqueſts with ſurpriſing rapidity, and to prevent the agreement and junction of the Iriſh amongſt themſelves, he thought of an expedient, which ſucceeded. He publiſhed by proclamation a permiſſion to all the Iriſh officers to liſt, in the ſervice of foreign princes, what ſoldiers they pleaſed of their own nation, with a promiſe to give them no diſturbance or moleſtation. More than 25000 immediately choſe to ſerve France and Spain, and afterwards a much greater number. This precaution prevented the marqueſs of Ormond from bringing an army into the field capable to reſiſt that of the parliament. So, when Cromwell was recalled, the Iriſh affairs were in ſo good condition, that his ſon-in-law Ireton, whom he left there as his lieutenant, had but little to do.

Cromwell leaves Ireton in command of Ireland.

Cromwell being returned to London, took his ſeat in the parliament, where, by order of the houſe, the ſpeaker thanked him for his late ſervices. After this, the Scotch war being the moſt preſſing affair, the parliament cauſed Fairfax to be asked, whether he would take upon him the conduct of the war? He replied, if the Scots entered England with an army, he would endeavour to repel them; but deſired to be excuſed from attacking them in their own country. Some endeavours were uſed to convince him of the juſtice and neceſſity of this war, but without any ſucceſs. Cromwell acted his part ſo well, that tho' he paſſionately wiſhed to be commander in chief, he gave his opinion in favour of Fairfax, and pretended he ſhould be well ſatisfied to ſerve as his lieutenant. Fairfax perceived, that being a Presbyterian, (tho' he had but too faithfully ſerved the Independents) the parliament would have had no great confidence in him, and that the zeal ſhewn on his behalf was only ceremony. He, therefore, ſent his commiſſion to the houſe, which was chearfully received, and an annual penſion of 5000 l. was ſettled on him in acknowledgment of his ſervices. Immediately Cromwell was declared general of the armies of the commonwealth, and his commiſſion preſently diſpatched.

Fairfax reſigns the generalſhip, and is ſucceeded by Cromwell. Ludlow.

The parliament's manifeſto. Bates.

While the army, which was to act againſt Scotland, was raiſing, the parliament appointed a committee to draw up a manifeſto, concerning the intended war. This precaution appeared the more neceſſary, as the houſe was not ignorant, that the Cavaliers and Presbyterians would induſtriouſly repreſent this war, as the moſt unjuſt that ever was, ſince the Scots had given no provocation. The committee employed about the manifeſto, being unwilling to publiſh the true reaſon of the war, viz. to ſupport the Independents, contented themſelves with ſuppoſing, that the Scots deſigned to force the Engliſh to acknowledge king Charles II, tho' hitherto they had not moved one ſtep towards it. It was nevertheleſs, very likely the king would attempt to engage them in a rupture with the Engliſh parliament; but there was no probability of ſucceſs, conſidering his manifeſt averſion to become a good Presbyterian.

The Scots raiſe an army under Leſly. Whiteloc.

The Scots hearing of the preparations againſt them in England, raiſed and army with all poſſible diligence, and gave the command to general Leſly, not daring to truſt the king for the reaſons above-mentioned. He was ſuffered to ſee this army but once, for fear of gaining the officers and ſoldiers by his intrigues. David Leſly formed his camp between Leith and Edinburgh, and fortified it with ſuch intrenchments, that he was not to be attacked without manifeſt danger.

About the middle of July, Cromwell put himſelf at the head of the Engliſh army, conſiſting of 18 or 19000 men, and marched to the frontiers of Scotland, where he publiſhed his manifeſto. As the enemy's army lay encamped near Edinburgh, he entered Scotland without any difficulty. But he found the country deſtitute of inhabitants, and every thing capable to ſubſiſt his army conveyed away; ſo that he was obliged to maintain it with ſupplies from his fleet. He advanced, however, and came in ſight of the enemy's army; but found it too well intrenched to be attacked. He choſe, therefore, to retire towards Muſſelborough, whereupon Leſly detached a large body of horſe, which fell upon the Engliſh rear, commanded by Lambert, with ſome advantage. The day after, there was a ſharp ſkirmiſh, in which the Scots beat ſome Engliſh regiments; but, at laſt, were repulſed to their camp with conſiderable loſs. Then, Cromwell once more attempted, by his approach, to draw the Scotch army out of their intrenchments, but his endeavours were fruitleſs. At laſt, after the two armies had remained almoſt in ſight ſeveral weeks, Cromwell, for want of proviſion and forrage, was forced to retire. His deſign was to embarque his foot, and return into England with only his horſe. To execute this reſolution, he marched towards Dunbar, where his fleet expected him, his army being much diminiſhed, and reduced to about 12000 men.

Cromwell enters Scotland. Clarend.

He marches to Dunbar. Clarend.

The Scotch army purſues him. Septem. 1

The Scots advertiſed of Cromwell's reſolution, imagined, the Engliſh were ſeiſed with terror, and that a more favourable opportunity could not offer, to fight them, and, therefore, they left their camp to follow them cloſely. The firſt day they encamped upon a hill, about a mile from Dunbar, ſo that it was impoſſible for Cromwell to embarque his foot, without expoſing himſelf to the danger of defeat. General Leſly was not for attacking the Engliſh, but only for watching an opportunity to engage them with advantage. But the clamours of the miniſters who were in his army, and promiſed a certain victory, as if by ſome revelation, obliged him the next day to draw nearer to the enemy. Cromwell, who obſerved them with a perſpective-glaſs, ſeeing them deſcend the hill, cried out, That God had delivered them into his hands. He immediately went to prayers, and then told ſome of his officers, that he had felt, in praying, ſuch a repoſe in his mind, that he doubted not but God would give him the victory. Perhaps this was his real belief, or elſe an artifice to inſpire his ſoldiers with courage who were moſt of them fanaticks. The two armies remained in ſight all the reſt of the day, Leſly ſtill alledging ſome excuſe to delay fighting. But in the night, Cromwell reſolved to attack the Scots at break of day. It was his frequent and ever ſucceſsful maxim, not to expect, but to attack the enemy, without any regard to number, being perſuaded, the aſſailants always have a great advantage.

Battle of Dunbar. Septem. 3.

This reſolution being taken, he drew up his army in the night, and, not to be prevented, begun the fight an hour before day. The Scotch cavalry on the right wing behaved well at firſt, but were at laſt put to flight. The left wing fled, without charging once. Three regiments of Scotch infantry fought with ſuch bravery, that they were almoſt all ſlain on the ſpot, without offering to fly. The reſt ſeeing themſelves deſerted by the horſe, fled in confuſion, leaving the field, and an undoubted victory to the Engliſh. It is ſaid, the Scots loſt 3000 men, beſides 7 or 8000 priſoners, with 27 pieces of cannon; and that the Engliſh loſt but 300. The Scots after their defeat, abandoned Leith and Edinburgh, of which Cromwell made himſelf maſter, but the caſtle of Edinburgh held out till the end of December.

The Scotch army defeated.

The Hamiltonians admitted to employs under conditions. Clarend.

This misfortune to the Scots was advantageous to the king, as it obliged them to alter their behaviour to the Hamiltonians. When the army lately defeated at Dunbar was raiſed great care was taken not to admit any who had been concerned in the engagement of the late duke Hamilton, or were ſuſpected to be of the king's party. In ſhort, the rigid Presbyterians, who were then at the head of affairs, would have no ſociety with thoſe whom they called the luke-warm, that is, men who were not ſufficiently zealous for the covenant. After the defeat at Dunbar, a new army was to be raiſed, to oppoſe Cromwell, who threatened Scotland with entire ruin the next ſpring. The parliament was, therefore, convened at St. Johnſtoun's, where the king had retired. But a new army was not eaſily to be formed of the zealous, it was propoſed in parliament, to receive into this, thoſe who had hitherto been called luke-warm, and who offered their ſervice to their country in its preſent diſtreſs. This affair being debated, the parliament was forced to reſolve, that all who had been excluded from places, ſhould be allowed to produce proofs of their repentance, and then be employed in the ſervice of their country. In conſequence of this reſolution, thoſe who had till then oppoſed the marqueſs of Argyle, who had wanted zeal for the covenant, who had ſhewn an inclination for the king, who had ever been employed by Charles I, readily gave outward marks of their repentance, in a diſavowal of their paſt conduct, and a reconciliation with the kirk. After this, they were admitted, as well into the parliament as to publick employs, and eſpecially to poſts in the army to be raiſed. Hence the king at laſt obtained, what he had ſo paſſionately deſired, viz. to ſee thoſe who were attached to his intereſts, in a condition to ſerve him, when occaſion ſhould offer.

A proteſtation againſt their admiſſion. Phillips.

But the reſolution of the parliament, of which neceſſity had been either the motive or the pretence, was not agreeable to all. The zealots could not bear the admiſſion of malignants (as they called them) to employments, under colour of a reſolution obtained from the parliament by intrigue and cabal, in the ſame manner as the levying an army had before been obtained, to ſerve againſt the intereſts of Scotland. They ſaid, it was mocking God, to receive the guilty to a hypocritical repentance, in order to re-admit them to employs, from which they had been juſtly excluded. But it was anſwered, it was ſtrange cruelty to remove from employs, men who offered their ſervice to their country, at ſo critical a juncture, and had profeſſed a repentance, for not having been ſufficiently zealous for the common cauſe. In a word, the firſt proteſted ſolemnly againſt the reſolution of the parliament, and formed a party called the Proteſtors, whilſt thoſe who adhered to it formed another, called the Reſolutioners. Five weſtern counties joined the Proteſtors, and entering into an aſſociation, publiſhed a remonſtrance, which being offered to the parliament, was voted ſeditious. But this did not hinder ſeveral officers of reputation, as Straughan, Kerr, and ſome others, from adhering to the party of the Proteſtors.

Two parties formed in Scotland.

Five counties proteſt.

Reflections upon the reſolution of admitting the Hamiltonians. Clarend.

It is certain, if the people of Scotland had been conſulted, this reſolution had never paſſed in the parliament. The people were ſo attached to the covenant, that there was no likelihood of their departing from their rigidneſs at once, in favour of perſons who had not ſubſcribed it, or ſcrupled to violate it. It is therefore very probable, this reſolution was owing to the artifices and cabals of the enemies of Argyle, on pretence of the neceſſity of raiſing new forces. Nothing is a clearer evidence of its being contrary to the general ſenſe of the people, than the condition of profeſſing a repentance, required of all who were to be admitted to any employs. This ſhews a condeſcenſion for the people, who were perſuaded, that a luke-warmneſs for the covenant, was the moſt heinous of crimes. Accordingly, it was publickly ſaid, that the defeat at Dunbar was the juſt puniſhment of having called in the king, before any proofs were given of his repentance. This was the moſt general ſentiment, tho' the parliament had decided the contrary. But neither in Scotland nor England are the reſolutions of parliament to be always conſidered, as the ſenſe of the nation. It is a defect in the conſtitution of both the ſtates. that the members of parliament receive no inſtructions from their electors. The moment they are met, they become maſters and ſovereigns of thoſe by whom they are choſen, and palm upon the nation their own deciſions for thoſe of the publick, tho' they are often contrary to the ſentiments and intereſts of the people repreſented. Inſtances are ſo frequent, that I need not ſtay to prove what I advance.

Phillips.

The managers of this affair in the parliament, knew, that the party of the Proteſtors was much more numerous than that of the Reſolutioners; wherefore, it was thought convenient to give an appearance of ſatisfaction to the former, to prevent their obſtructing the deſigns formed in favour of the king. Their project was, to put the king at the head of an army, almoſt wholly at his devotion, that he might, upon occaſion, march into England, where it was not doubted, he would find many friends, and a powerful aſſiſtance. The rigid Presbyterians were, therefore, not to be alarmed at ſeeing the king in the head of the army, for fear of their concerting meaſures to hinder the execution of the project. For this purpoſe it was thought proper, that the king ſhould publiſh a declaration of a ſtrange nature, where he was made to ſpeak a language agreeable to the ſentiments of the people, but very contrary to his own. In this declaration, he owned the ſin of his father, in marrying into an idolatrous family: He acknowledged, the bloodſhed in the late wars lay at his father's door: He expreſſed a deep ſenſe of his own ill education, and the prejudices he had drank in againſt the cauſe of God, of which he was, now very ſenſible: He confeſſed all the former parts of his life to have been a courſe of enmity to the work of God: He repented of his commiſſion to Montroſe, and of every thing he had done that gave offence: And with ſolemn proteſtations he affirmed, that he was now ſincere in his declaration, and that he would adhere to it to the end of his life, in Scotland, England, and Ireland. When this declaration was offered to him to ſign, he appeared at firſt reſolute to reject it; ſaying, that if he paſſed it, he could never look his mother in the face. But upon a repreſentation of its abſolute neceſſity to gain the confidence of the Proteſtors, without which he could never execute his deſigns, he ſwallowed the bitter pill, and the declaration was publiſhed.

The king's ſtrange declaration. Burnet.

Diſappointed in his expectations from it. Burnet.

This declaration procured not all the advantage the king was made to expect. No man could believe he had voluntarily ſigned a paper ſo ſcandalous, and ſo prejudicial to the memory of his father. The Proteſtors, on the contrary, imagining, he concealed ſome deep deſign in this ſtrange proceeding, united ſtill more cloſely againſt him, and, at laſt, declared, they would have no communication with the Reſolutioners, nor with Cromwell and the Independent party in England.

The king's flight. Clarend.

Charles was extremely troubled, to ſee that his declaration produced no other effect, than the loſs of the confidence of both parties, and of his own reputation. It was univerſally believed, ſo ſcandalous a diſſimulation was intended to deceive the people. At laſt, this falſe ſtep, taken ſo contrary to his own opinion, joined to the ſad life he had led, made him liſten to propoſitions offered by ſome of his friends in the high-lands, who would receive no employs at the price of an hyprocritical repentance. Theſe gentlemen ſent a meſſage to him, that if he would come and head them, they would ſend to a place appointed, a good body of troops to receive him. Dr. Fraizer, Charles's phyſician, was the conductor of this intrigue, and took care to convey the letters. The king, therefore, conſented to join the male-contents, being extremely deſirous to withdraw from the Presbyterians, who had put ſo many hardſhips upon him. He had prepared a declaration, ſhewing the ill treatment he had received from the marqueſs of Argyle, and the cruel ſervitude in which he had been held ſince his arrival in Scotland. The duke of Buckingham, having diſcovered this ſecret, by letters left upon the king's table, informed the marqueſs of Argyle, who would not believe, the execution of the project was ſo near. Nevertheleſs, two days after, the king withdrawing from St. Johnſtoun, repaired to the place appointed, where he found only a very inconſiderable body, inſtead of the good number of troops he had been promiſed. But while he was deliberating what to do, the committee of eſtates diſpatch'd major-general Montgomery to him, who very rudely preſſed his return to St. Johnſtoun, to which he at laſt conſented, believing, doubtleſs, that thoſe who had wiſhed him among them, were not in ſo good a condition to receive him, as they had made him believe.

Is brought back,

and better treated. Clarend.

This deſign, however imprudent, produced a good effect for the king, tho', withal, it loſt him the confidence of the Presbyterians, who ſaw plainly, his heart was not with them, and that he little regarded his promiſes at Breda. In the interim, the marqueſs of Argyle, and the committee of eſtates perceived, a too great rigour might throw the king upon deſperate reſolutions, and, in the preſent juncture, great diſorders might happen, if the king ſhould deſire to head the male-contents. This procured him better treatment, and a larger ſhare in the publick affairs. The king, on his part, ſaw alſo, he ſhould never be eaſy in Scotland, or able to execute his deſigns, without the aſſiſtance of Argyle, who was at the head of the kirk party. He, therefore, courted him extremely, making him great offers, and even talking of marrying his daughter. But the marqueſs, knowing his ſentiments, looked upon theſe offers as ſo many ſnares, and was upon his guard, tho' he outwardly paid the king all due reſpect. The lord Lorn, his ſon, captain of the king's guards, did him many ſervices, and privately brought to him thoſe perſons, whoſe company he deſired.

He careſſes Argyle. Burnet.

1650-1.

The king crowned in Scotland. Burnet.

At laſt, the king was crowned at Scone, the 1ſt of January, 1650-1, and from that day all perſons had acceſs to him. After this, the Scots were wholly intent upon raiſing an army, into which all who deſired it were received, without diſtinction of party. This army was ready the beginning of June, before Cromwell could take the field for want of forage. It conſiſted of 15,000 foot, and 3000 horſe, which the king headed himſelf, with David Leſley for his lieutenant-general. As they were moſtly new-raiſed troops, the king judged it not proper to go in queſt of Cromwell, who was formidable for his courage and experience, and was beſides at the head of a diſciplined and victorious army. He poſted himſelf, therefore, very advantageouſly at Torwood, between Edinburgh and Sterling, having behind him * a large and deep river, of which the paſſes were all ſecured,

Puts himſelf at the head of the Scotch army. Clarend.

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* The lord Clarendon ſays, the river was between the two armies, but it is a miſtake; for the king had the river behind him. Rapin.

and by that means he received proviſions out of the plentiful county of Fife, whereas the country before him was entirely laid waſte. This army in the front was ſo ſtrongly intrenched, that it would have been raſhneſs to attack it. Here he reſolved to wait the enemy's motion, and take his meaſures accordingly.

Cromwell dares not attack him. Clarend.

Cromwell having aſſembled his army, marched directly to the king, with deſign to give him battle, but found him ſo ſtrongly intrenched, that he thought it not proper to attack him. The armies remained in their reſpective camps about ſix weeks, all Cromwell's artifices to draw the king out of his intrenchments, proving ineffectual. The laſt year's experience had taught the Scots greater circumſpection. At laſt, Cromwell, unable any longer to ſtay in his camp, by reaſon of the difficulty of getting proviſions, whilſt the county of Fife plentifully ſupplied the king, reſolved to make an attempt to deprive the king of this advantage; for he ſaw plainly, it was in the king's power to avoid fighting as long as he pleaſed, and oblige him to ſpend the whole campaign in a ſtate of inaction.

Cromwell enters Fife. Phillips.

Wherefore he detached 1600 men under colonel Overton, who marched towards Edinburgh to a place provided with boats, and paſſing the Frith, took his poſt in the county of Fife. Overton was immediately followed by Lambert with a more conſiderable body. At the ſame time, Cromwell with the reſt of the army advanced towards the king's intrenchments as if he intended to attack them, in order to prevent any detachment from the king's army to oppoſe the landing of his forces. As ſoon as the king was informed that the Engliſh were in Fife, he detached major general Brown, with 4000 men, to fight them. Brown was routed, and Cromwell thereby free to tranſport his whole army into Fife. By this means he deprived the king of any farther ſupplies from that county.

Cromwell makes himſelf maſter of St. Johnſtoun. Bates.

The king marches into England. Clarend.

It was indeed an advantage to Cromwell to put the king under a neceſſity of quitting a poſt where he could not be attacked. But withal, he had made it impoſſible to fight him, becauſe there was a deep river between the armies which joins the lake of Lomund to Edinburgh-Frith. The king might have paſſed the river becauſe he was maſter of all the paſſes, but it was not thought proper to purſue Cromwell, who was now at a diſtance, having taken St. Johnſtoun, and threatened Sterling. On the contrary, the king ſuddenly reſolved to march into England, ſince he had no oppoſition before him, being pleaſed, that Cromwell had given him opportunity to form and execute a deſign ſo agreeable to his intereſt. He ſaw himſelf at the head of 18000 men, and doubted not that his army would be greatly increaſed in England, by the junction of the Royaliſts and Presbyterians, equally oppreſſed by an Independent parliament. This was the idea the king and his council formed of this expedition. The marqueſs of Argyle was alone of the contrary opinion, and ſo far incurred the ſuſpicion of diſloyalty, that the king was adviſed to put him under arreſt. But it was not thought proper to follow this advice, from which no advantage could be received. The marqueſs, therefore, was left in Scotland, and the king began his march to Carliſle with extraordinary diligence. He had now marched ſome days before Cromwell heard of it, and entered England the 6th of Auguſt, where he was proclaimed by his army.

Cromwell diſturbed at the news of the king's march Clarend.

The news of the king's march greatly ſurpriſed Cromwell, who never expected it. He believed, he had gained a conſiderable advantage in forcing his way into Fife, but this had given the king opportunity to march into England, where, very likely, he would be joined by a great number of adherents. The avoiding of this, was the ſole view of the parliament in carrying the war into Scotland. It may, therefore, be ſaid, that Cromwell was guilty of an error, which might have been attended with very ill conſequences to the new-modelled commonwealth, and the governing party. Accordingly, his greateſt care was to prevent the miſchiefs that might follow. As he doubted not the parliament would be alarmed at the news of the king's march, he ſpeedily informed them of it, and withal, of his intention cloſely to purſue him. He adviſed them alſo to put the militia in arms in all counties of the kingdom, with all poſſible diligence, to keep the king's party in awe, and prevent their joining his army. He gave himſelf the ſame orders in the northern counties, as well to hinder the Cavaliers from riſing, as to find ſeveral bodies of the trained-bands ready to reinforce his army on his arrival in England. At the ſame time he detached major-general Harriſon, with 3000 horſe, which were to be followed by Lambert, at the head of another body of cavalry, to retard the king's march as much as was poſſible. After theſe precautions, he left major-general Monk in Scotland, with 5000 men, with orders to endeavour to make himſelf maſter of Sterling and Dundee. At laſt, he put himſelf upon the march, three days after the king's departure, making all poſſible haſte to reach the king before he ſhould arrive at London, not queſtioning but he would march thither without halting.

The king receives but little relief from England. Clarend.

The king entered England full of hopes that all the enemies of the Independents, as well Presbyterians as Royaliſts, would eagerly join him. For this purpoſe he ſent colonel Maſſey before, with a detachment to receive all who were willing to ſerve him. He wrote likewiſe to the earl of Derby, then in the Iſle of Man, to repair to him, greatly relying on his credit in Lancaſhire. But many things conſpired to diſconcert his projects. 1. As he advanced, the Scotch ſoldiers deſerted in ſuch numbers, that it was computed 4 or 5000 returned to Scotland. Theſe deſerters were probably the zealous Presbyterians, who believed, they could not in conſcience aſſiſt the king in the recovery of England by force of arms, which was the opinion of moſt of the Scots. 2. The militia, every where in arms, hindered the king's friends from aſſembling, by guards placed on all the publick roads. 3. The committee of the kirk, which had followed the army, feared, if the king's forces were augmented with too great a number of Royaliſts, their ſuperiority might oblige the Scotch army not only to aſſiſt in the ruin of the Independents, but moreover in the reſtoration of the king without any conditions, which was directly contrary to the intereſts of Scotland. In this belief the committee ſent Maſſey a declaration, with orders to publiſh it, ſignifying, that the king being zealous for the covenant, no perſons were to be received into his army who refuſed to ſign it. This was done without the king's privity, who was extremely troubled at the news. He even forbid Maſſey to publiſh the declaration. But the import of it being now every where ſpread, the king's friends thought it proper to conceal themſelves, not daring to mix with the Scotch army, becauſe they could not reſolve to take the covenant. 4. The Engliſh Presbyterians were indeed enemies to the Independents; but not ſuch friends of the king, as to reſtore him to the throne without a previous aſſurance of his ratifying the conceſſions made by the king, his father, at the treaty of Newport. But this not being a proper ſeaſon to enter into ſuch a negotiation, they did not appear very eager to ſerve him. 5. The earl of Derby, who had been ſent by the king into Lancaſhire, and had there raiſed 12000 men, was defeated by colonel Lilburn, at the head of 10 troops of horſe brought from York to join Cromwell. It was with great difficulty that the earl eſcaped to the king, after the loſs of his forces, the lord Widdrington and Sir Thomas Tildeſly being left dead upon the ſpot. This defeat much diſcouraged the king's friends of thoſe parts, who intended to repair to his army.

The king ſtops at Worceſter. Ludlow.

At laſt, after a very fatiguing march, the king arrived at Worceſter, where he was honourably received by the magiſtrates, and ſolemnly proclaimed. He reſolved to refreſh his weary troops in the neighbourhood of that city, as they were not able to continue their march without ſome repoſe. Probably his deſign was to have marched directly to London, if his army, according to his expectation, had been conſiderably ſtrengthened on their rout. But, on the contrary, he ſaw it ſo diminiſhed by deſertion, as to be reduced to 12 or 13000 men, without any hopes of its being augmented, for the forementioned reaſons. It is, therefore, likely, he durſt not farther advance, and thought the ground about Worceſter proper for defence in caſe of an attack.

Cromwell arrives at Worceſter. Phillips.

Whilſt the king's army refreſhed themſelves at Worceſter, Cromwell was advancing with ſpeed. His orders for aſſembling the forces and militia of the north were ſo well obeyed, that on his arrival in England, his army was daily increaſed by parties from all quarters. By this means, after his junction with Lambert and Harriſon, he found his army much ſuperior to the king's, which lay encamped about a mile from Worceſter, with a reſolution to ſtand upon the defence. Cromwell before he attacked the king's army, thought proper to make a diverſion on the other ſide the Severn. For this purpoſe he detached Lambert, who marched directly to Upton, where was a bridge guarded by Maſſey. This paſſage was ſo vigorouſly attacked, that after a ſharp engagement Maſſey was obliged to abandon it. Immediately after, Cromwell ordered part of his army to go over to the weſtern ſide of the Severn, which forced the king to ſend ſome of his forces the ſame way, and ſo to weaken that part of his army which was to ſuſtain Cromwell's attack.

Gains a paſſage over the Severn.

Battle of Worceſter. Clarend.

The 3d of September, a day fortunate to Cromwell by the defeat of the Scots at Dunbar the year before, he charged the royal army on both ſides the Severn. After an engagement of ſome hours the king's forces were repulſed on both ſides the river, and forced to retire into the town, in ſuch confuſion, that the entrance was forgot to be defended. The king's ſollicitations were fruitleſs, to inſpire his now vanquiſhed troops with reſolution to reſiſt any longer the conqueror. At laſt, his cavalry ſeeing the enemy breaking into the town, fled, and left the infantry to the mercy of the Engliſh. The king himſelf was forced to fly through St. Martin's gate, and with great difficulty avoided falling into the enemy's hands. The foot were almoſt entirely killed or taken, and the horſe being warmly purſued, were eaſily diſperſed; ſo that moſt of the officers and Cavaliers were made priſoners. It is pretended of the Scots there were ſlain about 2000, and 7 or 8000 taken priſoners, who being ſent to London, were ſold for ſlaves to the plantations of the American iſles. Duke Hamilton, mortally wounded, died nine days after. Amongſt the principal perſons were general Leſley, the earls of Lautherdale, Rothes, Carnwarth, Kelly, Derby and Cleveland.

The king's army defeated. Ludlow.

The king's flight and arrival in France. Clarend.

The king tho' happily eſcaped from the defeat, was under great difficulties. He was to avoid his purſuers; that was his only concern, but the thing was not eaſy. He found himſelf in the middle of England, which he could conſider but as an enemy's country, tho' he had in it ſtill ſome friends. He was under a neceſſity to quit it, and find ſome way to convey himſelf beyond ſea, which ſeemed impracticable. It was ſtill more dangerous to attempt a return into Scotland, becauſe he would probably be ſearched for moſt carefully on that road, and tho' he ſhould ſafely reach that kingdom, the danger would be almoſt the ſame there as in England. The parliament-army victorious in Scotland, as we ſhall ſee preſently would not have afforded him a ſecure retreat there. He reſolved therefore to go that night as far as poſſible. After that he diſmiſſed his attendants, who could only ſerve to diſcover him more eaſily, and put himſelf in the hands of a truſty guide, by whom he was diſguiſed like a peaſant, and conducted through by-roads. In this melancholy ſtate he ſpent a whole day in a tree near the road, from whence he ſaw and heard people as they paſſed by, talking of him, and wiſhing he would fall into their hands. He travelled only in the night, his guide concealing him by day in cottages where he was not known, and where his diet generally was only a little milk. At laſt, after two months great fatigues, after infinite dangers eſcaped, after a great part of the kingdom traverſed from Worceſter to the county of Suſſex, he embarqued, and ſafely arrived in Normandy the 22d of October. The curious are referred to the earl of Clarendon who from the mouth of the king himſelf, has given a circumſtantial account of the means of his eſcape, and the adventures in his flight.†

Monk makes himſelf maſter of Scotland.

We muſt now return to the tranſactions of Scotland, ſince the two armies left that kingdom. While Cromwell was in purſuit of the king, Monk, in obedience to his orders, laid ſiege to Sterling, which reſiſted but few days. This place, one of the ſtrongeſt of Scotland, where the publick records were kept, ſurrendered the 14th of Auguſt. All the papers and records were ſent to London, from whence they never returned, the ſhip which was bringing them back, after the reſtoration, being caſt away. After the ſurrender of Sterling Monk beſieged Dundee, where the inhabitants of Edinburgh had conveyed their beſt effects, after the battle of Dunbar. During this ſiege, ſome Scotch gentlemen aſſembling ſome forces to relieve the town, they were ſurpriſed and diſperſed by a detachment from Monk, and their leaders taken priſoners. Notwithſtanding this misfortune, major Lumſdale, the governor, made a ſtout defence, till the town was taken by ſtorm the firſt of September, two days before the battle of Worceſter. The taking of Sterling and Dundee were followed by that of Aberdeen, St. Andrews, and all the reſt of the towns and caſtles, capable of making reſiſtance. Thus, in a ſhort time, Monk reduced the whole kingdom of Scotland to the obedience of the Engliſh parliament. And this was the remarkable conſequence of the king's reſolution, to conduct the Scotch army into England.

The king in great diſtreſs. Phillips.

The victory of Worceſter, and the reduction of Scotland, gave ſuch a reputation to the new republick, that every ſtate in Europe, either courted its friendſhip or dreaded its arms. For this reaſon, moſt of the ſovereigns excuſed themſelves from making offers to the king, or ſupplying him with money, for fear of being ſuſpected by the parliament. So, the king ſaw himſelf reduced to great extremities, and even to a want of common neceſſaries. He lived at Paris, maintained by his mother, who had a penſion from the crown, but cardinal Mazarin making his court to the parliament of England, took no notice of the diſtreſs of her unfortunate ſon.

Cromwell in great credit.

On the other hand, Cromwell's glory and credit were ſo increaſed ſince the battle of Dunbar and Worceſter, that as he was maſter of the armies of the three kingdoms, he was in effect, maſter of the reſolutions of the parliament, no man daring openly to oppoſe him. He had, beſides in the houſe ſo great a number of creatures, that it was eaſy for him to procure what reſolutions he pleaſed. So, it may be truly ſaid, that he was the head of the commonwealth, whilſt he had only the title of general.

Power of the commonwealth of England.

This commonwealth was very powerful from its beginning. This appears ſtrange, at firſt, conſidering the great ſums, that were expended, and the blood that was ſhed, during the civil war. But it is to be conſidered, with regard to the expence, that the money had not been carried out of the kingdom. The only alteration was, that the rich were become poor, and the poor rich, which had not ſunk the capital of the kingdom. And as to the number of men killed in the war, it muſt alſo be conſidered, that England ſwarmed with people in the year 1642, having had no wars ſince the death of Elizabeth. So the effuſion of blood had not diminiſhed the inhabitants ſo, as to weaken the kingdom to any degree. This is evident, from the eaſineſs wherewith, in the ſpace of one year, the parliament raiſed an army for Ireland, and another more conſiderable for Scotland, beſides the forces remaining in England. The navy, having had no enemies to engage during the war, was in a flouriſhing condition. In ſhort, England was not leſs powerful than under Elizabeth, or than it might have been under James I, and Charles I, had thoſe princes thought proper to engage in foreign wars. Nothing, therefore, was altered but the government, and that was in the hands of the moſt able men England had a long while produced, tho' their uſurpation was the moſt unjuſt. In this reſpect, England found itſelf in a very different ſtate from what it was under the two foregoing kings, whoſe capacities to govern, cannot be greatly commended by the impartial.

Cromwell returns to London. Phillips.

The earl of Derby executed.

Cromwell returned to London the 21ſt of September, leading with him, in triumph, his principal priſoners, who were committed to the tower, from whence Maſſey, ſome time after found means to eſcape. A majority of the parliament, with the ſpeaker at their head, attended by the lord-mayor and aldermen of London, met him as far as Acton. Eight days after, the earl of Derby was tried, and ſentenced by a council of war, and beheaded at Bolton in the county of Lancaſter.*

Barbadoes and other Iſles taken by the fleet of the parliament.

Whilſt theſe things paſſed in England, the parliament's fleet became maſter of the Iſle of Jerſey, Cornet-caſtle in the Iſle of Guernſey, and the Iſle of Man. In January following, Sir George Aſcough reduced the Iſle of Barbadoes, then governed by the lord Willoughby of Parham, for the king; and the Iſles of Nevis and St. Chriſtophers ſubmitted without oppoſition.

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† See likewiſe Bate's Elenchus, and a little book called Boſcobel. Rapin.

* What reward his ſon had for this famous earl's loyalty, will appear by the following inſcription, fixed by the preſent earl of Derby, on a building erected at Knowſley, his ſeat in Lancaſhire. "James, earl of Derby, lord of "Man, and the Iſles, grandſon of James earl of Derby, and of Charlotte daughter of Claude, duke de la Tremouille, "whoſe husband James was beheaded at Bolton, the 15th of October, 1651, for ſtrenuouſly adhering to Charles IId, "who refuſed a bill paſt unanimouſly by both houſes of parliamant, for reſtoring to the family the eſtate loſt by his "loyalty to him, 1732."

The parliament unite Scotland to England. Whiteloc. Ludlow.

England enjoying a profound tranquillity, and Ireland being almoſt reduced, the parliament thought of means to unite Scotland with the commonwealth of England. As they had conquered that kingdom, they believed they had a right to do with it as they pleaſed, without conſulting the Scots, who were no longer able to oppoſe their will. An act, therefore, paſſed in the Engliſh parliament, which entirely aboliſhed kingly power in Scotland, and united that kingdom to the Engliſh commonwealth, with a power to ſend a limited number of repreſentatives to the parliament. Commiſſioners were afterwards ſent into Scotland, to adjuſt the particulars of this union. Moſt of the Scotch nobility ſeeing themſelves unable to reſiſt the parliament, ſubmitted to their pleaſure. The marqueſs of Argyle became one of the moſt zealous adherents of the commonwealth, but the clergy were very much diſſatisfied with this union.

The parliament afraid of Holland.

Since the Independents had openly appeared, they had made a great progreſs. They had beheaded king Charles I, aboliſhed the houſe of lords, turned the monarchy into a commonwealth, quelled the faction of the Levellers, humbled the Presbyterians, ſubdued Scotland, and almoſt finiſhed the conqueſt of Ireland. By the victory at Worceſter, they ſeemed to have deprived the king of all refuge, and to have nothing more to fear from him. Nevertheleſs, the Royaliſts were ſtill a thorn in their ſide, and gave them continual apprehenſions. Indeed, this party appeared too weak to recover by their own ſtrength, but they were not without a poſſibility of receiving aſſiſtance from foreign powers. Of theſe powers, they dreaded neither France nor Spain, becauſe they were ſatisfied, that the managers of the affairs of theſe two kingdoms had no deſign to attempt the reſtoration of king Charles, and tho' they ſhould have attempted it, their naval forces could not withſtand the navy of England. But there was another power which inſpired them with fear: this was the republick of the United Provinces, who could ſtrongly aſſiſt the Royaliſts; nay, it was likely, the prince of Orange, brother-in-law to the king, would uſe his great credit in thoſe provinces, to engage them in the quarrel between the king and the parliament. It was, therefore, no leſs important, to prevent any aſſiſtance to the king from Holland, than it had been to hinder the Scots from aſſiſting the Presbyterians.

They try in vain to unite the two commonwealths. Clarend.

For this purpoſe, the parliament, in the year 1649, ſent Doriſlaus to Holland, to propoſe a ſtrict union between the two republicks. The aſſaſſination of that agent at the Hague, made the leſs noiſe in England, becauſe the parliament intended to prevent the danger which might come from that quarter, by a ſtrict alliance with the ſtates. The prince of Orange dying October, 1650, the parliament judged the occaſion favourable to treat with the ſtates, becauſe the intereſt of that prince could no longer obſtruct the negotiation. They ſent therefore, in March, 1651, Oliver St. John, and Walter Strickland, to the Hague, to negotiate, not a bare alliance, but ſuch an union, as might render them one commonwealth. This propoſal met with great oppoſition from the ſtates. Firſt, the Engliſh pretended, the ſtates ſhould renounce all their alliances, except thoſe common to them with the republick of England. Secondly, the conditions propoſed by the Engliſh were of ſuch a nature, that all the advantages were of their ſide, and the forces of the United Provinces were properly but to ſerve for augmentation of thoſe of England. Thirdly, if the time of the arrival of the two envoys at the Hague be conſidered, it will be eaſily ſeen, that the affairs of the parliament were not yet in a ſituation to oblige the ſtates to be contented with conditions, ſo little advantageous. Indeed, Cromwell had, the year before, gained the battle of Dunbar; but that was not a deciſive victory, ſince the king was going to head a new army, as he afterwards did, before the Engliſh envoys left the Hague. The ſtates would, therefore, have acted with too much precipitation, had they concluded this union before a deciſion between the king and the parliament. Laſtly, the party of the houſe of Orange not being yet entirely ſuppreſſed, ſtrongly oppoſed the union of the two republicks, which would have deſtroyed all the hopes of the young poſthumous prince of Orange. On all theſe accounts, the Engliſh envoys returned in July, diſſatisfied not only at their ill ſucceſs, but alſo at ſome inſults on their perſons from the rabble at the Hague. By that they perceived, the ſubjects of the ſtates were more inclined to the king, than to the parliament, and were confirmed in the ſuſpicion, that the ſtates waited only a favourable opportunity to eſpouſe openly the king's intereſt. So, their report to the parliament, contributed to exaſperate them againſt the ſtates. Their reſentment would, perhaps, have been immediately ſhewn, had they not been engaged in the war with Scotland; wherefore, it was judged proper to diſſemble, till that war was ended, to which the battle of Worceſter, and Monk's ſucceſs in Scotland gave, at laſt, a proſperous concluſion.

Very angry with the ſtates.

But if the hapy end of this war enabled the parliament to undertake another againſt Holland, it ſeems, on the other hand, to have removed the motives of a freſh war; for after the parliament was become maſter of Scotland and Ireland, there was no likelihood, the ſtates of the United Provinces would think of aſſiſting the king. Beſides, as the prince of Orange was dead, it was not even probable, the ſtates would contribute to the king's reſtoration, uncle of the young prince, whom they deſigned to reduce to the condition of a private perſon. Nevertheleſs, the parliament's reſentment againſt the ſtates was ſo great, that a war was reſolved. Pretexts were ſought from injuries ſaid to be done to the Engliſh by the Dutch 30 years before, at Amboyna, and other places in the Indies. It is pretended, Cromwell conſented to this war, of which he ſaw no neceſſity, in pure complaiſance to St. John, and

Comes to a reſolution of declaring war againſt them. Clarend.

and ſome others, who appeared extremely incenſed againſt Holland.

Secret motive to the war the ruin of Cromwell.

The ſtrong deſire ſhewn by the parliament to engage in this war upon ſuch remote pretences, gives room to conjecture, there were other motives than what publickly appeared. Very probably, even then ſome members, ſecret enemies or enviers of Cromwell, ſought means either to ruin him, or at leaſt conſiderably to leſſen his power. This power in a private perſon ſeemed to them too dangerous for a commonwealth. They had participated in his counſels and deſigns to ſubvert the Presbyterian parliament, and, therefore, knew his genius, and of what it was capable; wherefore they could not help dreading, that inſtead of labouring for the commonwealth, he was labouring for himſelf, however careful he was to hide his ambition under the mask of the publick good. They ſaw, at leaſt, with uneaſineſs, that if he was forming his own advancement, nothing could hinder him from executing his deſigns as long as he was maſter of the army. This ſupport was, therefore, either to be taken from him, or the commonwealth expoſed to his ambitious deſigns. But it was difficult to obtain his conſent to diſband an army which was at his devotion, and his great credit in the parliament afforded no hopes of effecting it there, without a preſſing neceſſity. It was believed, therefore, that if the Republick could be engaged in a ſea-war, the great expence of which was foreſeen, the parliament would by degrees be induced to diſband a land army, to avoid an unneceſſary charge. This policy, perhaps, may appear at firſt too refined, but three things ſtrengthen this conjecture. Firſt, the cauſes alledged for this war appear not of ſufficient weight to engage the parliament in ſo great an expence, at a time when it would have been on the contrary very advantageous to let the people enjoy the ſweets of peace, in order to make them reliſh the late eſtabliſhed republican government. Secondly, it will appear in the ſequel, that all the ſubmiſſion of the Hollanders, were ineffectual to procure them a peace, and that the parliament would ſcarce hear their propoſals. This plainly ſhews, the parliament had ſome ſecret motive for the continuation of the war; and it is difficult to diſcover any other than what I have mentioned. Thirdly, it is certain, Cromwell at laſt perceived, as will appear hereafter, this war was continued only to give the parliament occaſion to diſband the army, and that this made him reſolve to deſtroy a parliament which ſought his ruin. I own, it is not eaſy to prove, that the authors of this war againſt the United Provinces, had at firſt the deſign I have aſcribed to them; and that with reſpect to the beginning, it is only a conjecture; but this conjecture is confirmed, when it is conſidered, that the principal members joined together to humble the power of Cromwell, and that the war was only continued to make the expence of it a proper reaſon for diſbanding the land-army, as uſeleſs, but which was neceſſary to Cromwell's ſupport.

Clarend.

However this be, Cromwell returning victorious from Worceſter, as he had before done from Ireland and Scotland, his credit ſo increaſed, that he became as it were the ſoul of the parliament and commonwealth. Whether he did not, at firſt, perceive the ſecret motives of the projected war, or for ſome other reaſon, he readily conſented to the deſign of humbling Holland, which was conſidered as the only foreign power the parliament had to fear. But as the people were to be managed, who would not have been eaſily perſuaded of the neceſſity of this war, it was reſolved to force the Hollanders to be the aggreſſors, or, at leaſt, to furniſh a pretence for the war. For this purpoſe the parliament, under colour of encouraging navigation, made an act prohibiting the importation of all foreign commodities except upon Engliſh bottoms, or ſuch as were of the country from whence the commodities came. By this act, which was to commence the firſt of December, 1651, all commerce between England and Holland was deſtroyed, ſince that commerce conſiſted only in foreign merchandizes imported from Holland in their own veſſels. Beſides this, the parliament granted letters of mart to ſeveral private men, who complained of an unjuſt confiſcation of their ſhips in Holland.

An act paſſed in the Engliſh parliament which gave riſe to the war. Clarend.

The ſtates eaſily perceived the parliament's deſign, but inſtead of beginning hoſtilities, as was expected by the Engliſh, they ſent an embaſſy to London, to ſollicite a revocation of the act. The parliament received the ambaſſadors with marks of reſpect, and granted them ſeveral audiences, their view being to intimate, that it ſhould not be their fault if the peace between the two republicks were not preſerved. But when the particular articles came to be diſcuſſed, it was plain the parliament was bent upon war. Inſtead of revoking the navigation-act, ſeveral ſtale pretenſions were revived. Satisfaction was demanded for the maſſacre of the Engliſh at Amboyna in the year 1622; for the loſſes ſuſtained from the Dutch ſince the year 1618 in the Indies, Perſia, the Mogul's dominions, Muſcovy, Greenland, and the Iſle of Poleron. Theſe loſſes, according to the parliament's eſtimation, amounted to 1,700,000 l. ſterling. A ſuitable reparation was alſo inſiſted on for the murder of Doriſlaus committed at the Hague, under the eye of the ſtate, who had taken no proper meaſures to bring the authors to puniſhment. In fine it was pretended, that ſatisfaction ſhould be given for the ſecret intelligence which the laſt ambaſſadors from the ſtates had held with the late king during the civil war. For theſe ſatisfactions and reparations, the parliament offered to make an alliance with the United Provinces upon the terms propoſed by their envoys at the Hague.

The ſtates endeavour to avoid a war. Clarend. Whiteloc.

Pretenſions of the parliament. Burchet's Nav. Hiſt.

1652. Whiteloc.

Theſe propoſitions convinced the ſtates that they were to prepare for war. Accordingly with great care and expence a fleet was put to ſea of 150 ſail. They were unwilling, however, to declare war againſt the parliament, and reſolved, if poſſible, to cauſe the Engliſh to be aggreſſors. For this purpoſe, while the ſtates ambaſſadors were ſtill at London, their admiral Martin Van Trump, one of the braveſt and moſt experienced ſea-officers in Europe, appeared in the channel with a fleet of 45 ſhips of war, pretending to convoy ſome merchantmen, and came and anchored in Dover-road, probably with deſign to give the Engliſh a provocation to begin hoſtilities. Admiral Blake, who commanded the Engliſh fleet conſiſting only of 26 ſail, appearing in ſight, the Dutch weighed anchor, and put to ſea without ſtriking their flag, whereupon Blake fired three guns without ball for a ſignal to ſtrike, to which Trump anſwered no otherwiſe than by drawing up his ſhips in line of battle, and in contempt of the ſignal, diſcharged one ſingle gun; and coming up to the Engliſh admiral gave him a broad-ſide. So, the fight begun without any certainty which ſide was the aggreſſor. The two admirals had poſitive orders ſo to behave, as not to come to an engagement without apparent neceſſity. The Engliſh ſay, Trump had orders from the ſtates not to ſtrike to the Engliſh, to oblige them to begin hoſtilities. This is not improbable, tho' the Dutch authors do not mention it. Blake being reinforced with eight ſhips, the engagement laſted from four in the afternoon till night. The Engliſh, if their hiſtorians are to be credited, had not a ſingle ſhip damaged, and the Dutch loſt two, one taken, and one ſunk. They ſay farther, that night coming on, Trump drew his fleet to the back of the Goodwin ſands, and the next morning ſailed for Zealand. The Dutch own the loſs of two ſhips, but affirm the Engliſh had ſix ſunk, and that the night only ſaved their fleet from entire deſtruction. It is difficult exactly to diſcover the truth in ſuch contradictory accounts, particularly concerning ſea-engagements. It ſeems, however, that the conſternation, at London, occaſioned by this battle, and the inſults offered to the Dutch ambaſſadors from the populace, which obliged the parliament to give them a guard, ſhew, the people were not pleaſed with the ſucceſs.

First ſea-engagement. May 17. Clarend.

A fruitleſs ambaſſy from the ſtates. July. Clarend.

The Dutch ambaſſadors, knowing the intention of their maſters, endeavoured, in an audience obtained of the parliament, to ſhew, the battle was a pure effect of chance. On the other hand, the ſtates ſent to the parliament an ambaſſador extraordinary, to propoſe an agreement. This was Adrian Paw, who had been plenipotentiary at the peace of Munſter. But the parliament not receding from any of the articles propoſed before the rupture, the ſtates recalled the ambaſſadors, and reſolved to continue the war, ſince there was no other way to procure a peace. A manifeſto was publiſhed, in which they pretended to demonſtrate, the parliament attacked them, without any provocation; and the parliament anſwered in another, declaring all the occaſions of complaint abovementioned. To this was added the refuſal of the ſtriking the flag, a right they were reſolved to maintain, at all hazards. The ſtates replied, it was true, their republick, in its infancy, had paid that compliment to the royal dignity, when England was under the dominion of a king, but they could not believe themſelves obliged to the ſame reſpect ſince the monarchy was changed into a commonwealth. After all, this was by no means the real cauſe of the war; but theſe manifeſto's were neceſſary on both ſides, for an intimation to the people, that they were not engaged without neceſſity in extraordinary expences to ſupport a war.

The right of the flag inſiſted on by the Engliſh, and replied to by the ſtates. Whiteloc.

Van Trump's fleet diſperſed by a tempeſt. Auguſt. Clarend.

The war being ſufficiently declared, as well by the manifeſto's, as by a battle, Van Trump put to ſea with a fleet of 70 ſhips, whilſt Van Gallen ſailed to the Mediterranean to fight the Engliſh there. Trump's deſign was to engage admiral Aſcough who lay in the Downs with part of the Engliſh fleet. But, while he was waiting an opportunity, admiral Blake with 40 ſhips ſailed to the northward, to attack the herring fleet, and their convoy. Trump being informed of it, follows and overtakes him near Newcaſtle; but while he was preparing for the fight, a furious tempeſt ſo diſperſed his fleet, that he returned to Holland, but with 40 ſail; the reſt that eſcaped ſhipwrack, arrived not at the Texel till ſome weeks after.

Engagement between Ruyter and Aſcough. Aug. 16. Whiteloc.

About the ſame time, Ruyter convoying a fleet of merchant men with 34 ſhips, was met by Sir George Aſcough, and a furious engagement enſued, which was bravely fought on both ſides, till Aſcough at laſt was forced to retire to Plymouth, and leave Ruyter free paſſage to convoy his fleet into Holland.

Van Gallen killed. Septemb.

During the engagements in the channel, Van Gallen attacked and beat the Engliſh into the Mediterranean; but his victory coſt him his life, being ſlain in the fight.

The Engliſh formidable at ſea, take great numbers of the enemy's ſhips. Whiteloc.

In the interim, the Engliſh putting to ſea with a formidable fleet, made themſelves maſters of the channel, the Dutch not daring to appear. Mean while, a conſiderable number of Dutch veſſels returning from Holland, without being informed of the war, fell into the hands of the Engliſh, and amongſt others, a fleet of 40 ſail from Portugal, and ſix India ſhips richly laden.

Trump ſails to the Iſle of Rhe.

Whereupon the Dutch, not to expoſe their merchants to greater loſſes, gave notice to the merchant-men, homeward bound, to ſail to the Iſle of Rhe, where a fleet ſhould be ready to convoy them. Purſuant to this project, Trump left the Goree in November, with 70 men of war, and ſix fire-ſhips, and met Blake, who expected him in the channel. The fight laſted from eight in the morning till night, when part of the Engliſh fleet retired to the Downs, and part into the Thames; a wound received by Blake having thrown his fleet into ſome diſorder, he could not hinder Trump from purſuing his courſe.

Fight in the channel. Nov. 29. Whiteloc.

The duke of Glouceſter ſent out of the kingdom. February, 1652-3. Phillips.

Since the death of Charles I, the duke of Glouceſter, his third ſon, had been confined in the Iſle of Wight, and educated as a private gentleman, they who had the charge of his education, being expreſly commanded to ſhew him no reſpect, that might put him in mind of his being a king's ſon. At laſt, the parliament reſolved to ſend him out of the kingdom, for which purpoſe he was conducted to Dunkirk, from whence he viſited his ſiſter the princeſs of Orange, at Breda, and then repaired to the king his brother at Paris.

1652.

A ſea engagement, which laſted three days. Feb. 18, &c. Clarend.

In February, Blake again put to ſea, with a fleet of 80 ſail, being aſſiſted, at his own requeſt, with Monk and Dean, newly arrived from Scotland for that purpoſe. The intention of the three admirals was to fall upon Trump in his return from the Iſle of Rhe, with 300 merchant ſhips, he was to convoy to Holland. The ſtates being informed of the great preparations in England, had equipped 20 ſhips to join their admiral in his paſſage, but they were hindered by contrary winds. In the interim, Trump entering the channel, and conducting the merchant-men along the coaſts of France, met the Engliſh fleet, much ſuperior to his own in number of ſhips. But finding himſelf too far advanced to recede, a furious engagement began, which laſted three days, and would have been renewed the fourth, had the ſhips on either ſide been able to ſuſtain a freſh charge. The Dutch loſt in this engagement 18 men of war, and eight merchant-men. But their hiſtorians pretend, that 21 ſhips of the enemy were ſunk, and three ſtranded. Each ſide challenged the victory. However that be, Trump convoyed his 300 merchant-men into Holland, the eight excepted, which fell into the hands of the Engliſh. After he had ſecured the merchant-men, he engaged the Engliſh four ſeveral times, but not in ſo important a manner.

1653.

The king offers to put himſelf aboard the Dutch fleet Clarend. His offer rejected.

Soon after, the king imagining, he had many friends amongſt the commanders of the Engliſh fleet, offered the ſtates to put himſelf on board their fleet, without any command, except of ſuch Engliſh ſhips as ſhould come and join him. But the ſtates thought not fit to accept his offer. It was conſidered by them as a ſnare, to engage them to declare for him, to which, in their preſent circumſtances, they had no inclination. They wanted peace, and were unwilling to remove, or render it impoſſible, by eſpouſing the king's cauſe. They even found a way to convey privately, to Lenthal the ſpeaker, a letter from the particular ſtates of Holland, to propoſe an agreement. Some ſay, this was owing to a private intimation from Cromwell, who began to diſcover, that peace was now proper for his intereſts. He had the addreſs to obtain from the parliament a civil anſwer to the letter received by Lenthal; but the anſwer was directed to the ſtates-general. This drew from the ſtates a letter of the 30th of April, in which it was openly deſired, the parliament would pleaſe to name a place for a treaty.

The ſtates ſue for a peace.

Deſigns againſt Cromwell. Ludlow.

Cromwell, at laſt, perceived, the continuation of the war was a contrivance of his enemies, that the expence might render it neceſſary to diſband the army, now become uſeleſs, to which he ſaw the houſe was inclined. This tended manifeſtly to undermine his authority; for tho' he had excellent qualities, and by his valour and capacity had raiſed the commonwealth to its preſent grandeur, he was, however, ſtill feared. Had he not been ſupported by the army, his ruin had been infallible, the parliament fearing that his credit, already too great, would become ſtill greater, to the prejudice of the commonwealth. Cromwell had even private information, that a conſpiracy was forming againſt him, in which were engaged not only ſeveral Presbyterians and Royaliſts, but alſo ſome conſiderable members of the houſe, tho' of the Independent party. Affairs, therefore, were in ſuch a ſituation, that the parliament was either to be ſubdued, or himſelf ruined. Such a choice does not long amuſe the ambitious. Cromwell, diſpleaſed at a deſign to requite his ſervices with ingratitude, eaſily determined to hazard every thing to make himſelf maſter of the parliament, rather than become their ſlave, who properly owed all their power to him.

1653.

Cromwell's meaſures to ſupport his authority. Clarend. Whiteloc

The parliament, as I obſerved, was entirely ſupported by the army, and by their means held the nation in ſubjection; but ſince the battles of Dunbar and Worceſter, Cromwell had ſo acquired the eſteem and affection of the officers and ſoldiers, that they ſupported the parliament, but as its intereſts were confounded with thoſe of their general. The leading members perceived it, and, therefore, had formed the project of diſbanding the army, to ruin Cromwell with more eaſe. But ſuch a project was not to be long concealed from one of Cromwell's penetration. As ſoon as he diſcovered the deſign of his enemies, he judged, there was no other way to ſupport himſelf, than by withdrawing the confidence of the army from the parliament; after which, it would not be difficult to deſtroy them. This was the very method practiſed by himſelf and the other Independents, to ruin the Presbyterian parliament. He, therefore, cauſes the officers of the army, in a general council, to frame a petition, and preſent it to the parliament; in which they demanded, "The arrears of their pay, that they might not be compelled to take free quarter upon their fellow ſubjects, who already paid ſo great contribution and taxes, which, they were well aſſured, if well managed, would defray all the charges of the war, and of the government."

Petition of the officers to the parliament. Clarend.

The parliament, as Cromwell had foreſeen, complained of the inſolence of this petition, and ordered a reprimand to the officers for their preſumption, to intermeddle in affairs which belonged not to them, and to arraign the parliament's management of the treaſury. This drew from the army a ſecond petition, which put the houſe in mind of ſome former profeſſions they had made, "That they would be glad to be diſſolved, and that there might be ſucceſſive parliaments, to undergo the ſame trouble they had done. They, therefore, deſired them to remember, how many years they had ſate, and tho' they had done great things, yet it was a great injury to the reſt of the nation, to be utterly excluded from bearing any part in the ſervice of their country, by their ingroſſing the whole power into their hands; and thereupon beſought them, that they would ſettle a council of war for the adminiſtration of the government, during the interval, and then diſſolve themſelves, and ſummon a new parliament; which, they told them, would be the moſt popular act they could perform."

They demand its diſſolution. Clarend.

This remonſtrance, tho' intended to exaſperate

rate the parliament, appeared, however, very juſt in itſelf, and agreeable to the general ſentiment of the nation. This will be evident, when it is conſidered, in what manner the members, which compoſed this parliament, and poſſeſſed themſelves of the ſupreme authority. The violence they had uſed to their collegues, the late king's tragical death, the change of the monarchy into a commonwealth, and the taxes impoſed on the people for an unneceſſary war, had rendered them odious to the whole kingdom. They were themſelves ſenſible of theſe things; but, beſides that it was very mortifying to them to diveſt themſelves of an authority which had ſo many charms, they had reaſon to fear, that an account would be demanded of their actions. They were, therefore, unwilling to quit poſſeſſion, and yet, could not avoid ſolemnly deliberating upon the petition, which was of a nature not to be neglected. In this debate, all the members, who were officers in the army, ſtrenuouſly ſupported the petition. The Preſbyterians, who had been received into the houſe upon their ſwearing to the engagement, were alſo of opinion, that the parliament ought to diſſolve themſelves, ſince it could not be doubted, that it was the nation's deſire; but the negative was carried by a majority of voices. It, was, therefore, reſolved, that it was not yet time to diſſolve this parliament, while affairs were depending that could not be left unfiniſhed, and particularly the important war with Holland. That nevertheleſs, the ſpeaker ſhould iſſue out writs for filling the vacant ſeats in the houſe. At the ſame time, a committee was appointed, ſpeedily to prepare a bill, by which all perſons were forbid to preſent ſuch petitions, under pain of being declared guilty of high-treaſon.

The parliament votes againſt a diſſolution,

and prepares an act to forbid ſuch petitions.

Cromwell diſſolves the parliament. April 20. Clarend.

This was what Cromwell expected from the parliament. After ſo expreſs a declaration, it could not be doubted, that the members who had ſate more than 12 years, and had but too much abuſed their power, would always retain the ſupreme authority in their hands, under colour of being the repreſentatives of a republick, which properly conſiſted only of themſelves. Cromwell being, therefore, very certain this parliament was odious to the people, and not leſs diſagreeable to the army, believed, he owed no farther regard to men, who only ſought his ruin. When things were concerted with the principal officers, he came to the houſe, the 20th of April, with ſome officers and ſoldiers, and, without any ceremony, told the members he was come to put an end to their power, of which they had made an ill uſe; and, therefore, they were immediately to be diſſolved. The officers and ſoldiers entered at the ſame time, and ſtayed at the door till the members walked out. Cromwell, as they came by him, reproached one with drunkenneſs, another with corruption, not ſparing any of thoſe whom he knew to be his enemies. After that, he gave the mace to one of his officers, and locked the door. This was an extraordinary action, but no more than was done a few years before by general Fairfax, when he expelled and impriſoned the members, who were diſagreeable to the army.

Reflections upon this action of Cromwell.

It cannot yet, however, be affirmed, that Cromwell, by this proceeding, had pulled off the maſk. He might ſtill be thought to have good intentions to the publick, ſince he had only delivered the nation from a parliament, which had long held them in ſervitude; and had he, after this, called a free parliament, and ſubmitted to it himſelf, the people would have loaded him with bleſſings; but the ſequel clearly diſcovered, he was only labouring for himſelf: and yet, if it is conſidered that the nation was then divided into three parties, each mortally hating the other two, it is not eaſy to conceive, how a parliament, tho' ever ſo free, would have been able to ſettle the peace of the nation. It was hardly poſſible to find expedients to content the three parties, whoſe intereſts and principles were ſo oppoſite, as well concerning government as religion. Only force, by giving a ſuperiority to one of the three, was capable of awing the other two. This, doubtleſs, was conſidered by Cromwell, and, therefore, he reſolved to model the government after his own way, ſupport his ſettlement by force, and not regard the chimerical project of contenting every man. He ſaw the neceſſity of a ſupreme authority capable of commanding obedience, without which all would run into confuſion, and that this authority was to be ſupported by the army; and, doubtleſs, he believed himſelf more capable than any other, to manage the reins of the government. I pretend not here to juſtify all the actions of this great man, whoſe ability was never conteſted; but only to ſhew, that, in this juncture, he could have taken no other courſe, without throwing the ſtate into the moſt terrible confuſion that can be imagined. Since, therefore, as matters then ſtood, England was to be governed by force, was it more inconvenient to ſee the nation ruled by the greateſt general and ſtateſman the kingdom had for many years produced, than by a parliament, Independent or Preſbyterian, or by a king intoxicated with arbitrary power? The people had made trial of theſe three ſeveral governments, and found them inſupportable; a fourth, therefore, was to be tried, things being in ſuch a ſtate, that it was neither poſſible nor proper to ſubmit to any of the other three. This ſuppoſed, it is not to be denied, that Cromwell was more capable to govern this great ſtate, than any other man then in England. No objection could be raiſed againſt him, which might not, with more juſtice, have been urged againſt any other man who ſhould have ſeiſed the government, or any body of men inveſted with the ſupreme power. If, on certain occaſions, he abuſed his authority; if, in his actions, he had only a view to his own glory and intereſt, this is what I pretend not to vindicate. It is, however, certain, that things have been greatly aggravated, and ſome of his actions miſ-repreſented, which with diſintereſted and unprejudiced perſons, are capable of being eaſily juſtified. All the difficulty concerning this affair, lies in the ſuppoſition made by each of the three parties, that their ſcheme of government was the beſt and moſt perfect. But as Cromwell diſregarded all the three ſchemes, he was equally exclaimed againſt by the three parties. The Independents, fond of their democracy, which was, however, but an empty name, were enraged at him, for overturning a building which he himſelf had erected. The Preſbyterians could have wiſhed, he would have reſtored the parliament to the ſtate it was in, at the beginning of the year 1648, when they were maſters; and could not forgive him, for not taking that courſe, which, in their opinion, was the moſt natural. The Cavaliers, or Royaliſts, were well pleaſed that Cromwell had diſſolved the Independent, without reſtoring the Preſbyterian, parliament; but to ſatiſfy them, he muſt have reſtored the king to his throne, and the church of England to all her rights. The reader is left to judge, whether, in the preſent ſituation of affairs in England, what the three parties deſired, were either juſt, proper, or practicable. It is no wonder, therefore, if theſe three parties were equally diſpleaſed with Cromwell's proceedings, and loaded him with invectives.

Cromwell juſtifies his conduct in a declaration. Clarend. Whiteloc.

A little after, Cromwell publiſhed a declaration to juſtify the diſſolution of the parliament, and as his deſigns were not yet manifeſted, this declaration was ſubſcribed by the colonels of the army, and all the ſea-captains, and met with a general approbation.

Makes choice of 144 perſons to take care of the government. Whiteloc.

The parliament being diſſolved, the ſovereign power was neceſſarily to be lodged ſome where. Cromwell might have taken the adminiſtration of the government, by the ſame authority that he had diſmiſſed the parliament; but he had no deſign to uſurp it ſo notoriouſly; he had contrived, that it ſhould be given him by a parliament, in order to dazzle the eyes of the publick with ſo venerable an authority. The council of officers, who had preſented the petition to the parliament, being ſtill aſſembled, Cromwell cauſed them to reſolve, that 144 perſons ſhould be intruſted with the ſupreme power. In the choice of theſe perſons, Cromwell at once diſplayed his abilities, and diſcovered, that he had ſome ſecret deſign, which, would at a proper ſeaſon manifeſt itſelf. They were all men of no birth, illiterate, with no particular merit, unexperienced in affairs, in a word, utterly incapable of an employ of that conſequence. Cromwell eaſily foreſaw, they would ſoon be weary, and forced to put the government into his hands, and ſo, furniſh him with a pretence to aſſume it to himſelf. This notable choice being made, he wrote to each in particular, to require them to aſſemble at Whitehall, the 4th of July, in order to take upon them the adminiſtration of the government.

Delegates the government to them by an inſtrument. Clarend.

Theſe new ſovereigns meeting on the day appointed, Cromwell made a ſpeech, and when it was ended, gave them an inſtrument ſigned by himſelf and the principal officers of the army, by which the ſupreme power was lodged in their hands. This inſtrument imported, that all theſe members, or any 40 of them, were to be held and acknowledged the ſupreme authority of the nation, to whom all perſons were to yield obedience, and ſubjection, till the 3d day of November, in the year 1654, that is, during one year and four months. That three months before their diſſolution, they were to make choice of other perſons to ſucceed them, whoſe authority ſhould not exceed one year, and then they were likewiſe to provide and take care for a like ſucceſſion in the government. But it will preſently appear, that Cromwell did not intend, this regulation ſhould be exactly obſerved. Theſe members, thus impowered, made no ſcruple to call themſelves a parliament, and choſe one Rouſe for their ſpeaker. The whole nation was ſurpriſed to find themſelves under the dominion of ſuch men, moſt of whom were artificers, or retail merchants. Amongſt theſe members was one Barebone, a leather-ſeller, who in his neighbourhood paſſed for a notable ſpeaker, becauſe he uſed to entertain them with long harangues upon the times. From this man the people, in deriſion, called them Barebone's parliament. I ſhall leave this ridiculous aſſembly for a moment, which did nothing worth remembring, to reſume the recital of the war and the affairs between England and the United Provinces.

They aſſume the name of a parliament. Whiteloc.

Are called in deriſion, Barebone's parliament.

A letter from the ſtates anſwered by the council of ſtate. May 6.

The letter wrote by the ſtates-general to the parliament the 20th of April, the day on which the parliament was diſſolved, was referred to the council of ſtate, eſtabliſhed by Cromwell and his officers, till the new parliament ſhould aſſemble. This council, under the direction of Cromwell, gave a favourable anſwer to the ſtates, with hopes of a peace, upon ſending plenipotentiaries to London.

The ſtates appoint ambaſſadors to negotiate a peace.

The Engliſh affairs were then in a ſtate of uncertainty, of which it was difficult to foreſee what would be the event. Cromwell had, by his ſole authority, diſſolved the parliament, and named a council of ſtate which governed the kingdom, with no other right than what was derived from the officers. It was, therefore, not very proper for the ſtates either to treat of, or conclude a peace with men ſo little authoriſed. But the provinces of Holland and Zealand, the greateſt ſufferers by the war, wiſhed to end it at any rate. At laſt, after great conteſts, the ſtates-general named four ambaſſadors to negotiate a peace at London.

A fight between the two fleets. June 2. Trump beaten. Whiteloc.

Whilſt their inſtructions were preparing, the fleets of England and the ſtates, met the 2d of June, and came to an engagement, which was renewed the next day. In this laſt engagement, Trump fighting with great diſadvantage, was obliged to retire in diſorder, having loſt many ſhips, which were ſunk or taken by the Engliſh.

Another fight which continued three days, July 29. Whiteloc.

After this battle, the Engliſh fleet being reinforced to the number of 100 ſhips, ſaw itſelf, ſome time, miſtreſs of the ſea, and gave frequent alarms to the coaſts of Holland. At laſt, Trump having repaired his fleet as much as poſſible, tho' it was inferior to the Engliſh both in the number and largeneſs of the ſhips, attacked the enemy's fleet again near the Texel. The fight laſted from morning till night without any conſiderable advantage to either ſide. It was renewed the next day with

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Trump killed. The two fleets retire. Whiteloc.

with the ſame fury, Trump being reinforced with 27 ſhips, nor did this ſecond day decide the victory. The third day opened with a freſh engagement, in which Trump was killed by a muſket-ball; but vice-admiral De Witzen continued the fight, till the two fleets, as if by conſent, retired to their own coaſts, unable to fight any longer. The loſs on both ſides was very conſiderable, and neither could juſtly boaſt of the victory; but the loſs of admiral Trump was irreparable to Holland.

The Engliſh fleet put to ſea again.

Their fleet damaged by a ſtorm.

Peace negotiated at London.

Cromwell took care ſpeedily to repair the Engliſh fleet in hopes of receiving ſome advantage from the conſternation cauſed by the death of Trump, the loſs of ſo many ſhips, and the diviſion then reigning amongſt the United Provinces; but a violent ſtorm ſo damaged his fleet, that he was under a neceſſity of either making a peace, or loading the people with new taxes, which, in his preſent ſituation, was very improper. He liſtened, therefore, to the propoſitions of the ſtates, and the whole following winter was ſpent in this negotiation.

The parliament returns the ſovereign power into the hands of the officers. Clarend.

Barebone's parliament did nothing conſiderable in a ſeſſion of more than five months. Nor was it called for that purpoſe. At laſt, the 12th of December, the ſpeaker, with a good number of the members, who knew Cromwell's intentions, being aſſembled ſooner than uſual, one of them roſe up and ſaid, that they were unequal to the burthen laid upon them, and, therefore, propoſed a diſſolution of themſelves, and a reſignation of the ſovereign authority into the hands from whom it was received. This propoſal met with a ready and unanimous approbation. Then the ſpeaker and all the preſent members, without waiting for thoſe who were not yet come, left their ſeats, and went directly to Cromwell and the council of officers: To whom they declared, that they found themſelves incapable of the truſt repoſed in them, reſigned the inſtrument they had received, and beſought them to take care of the government. Thus Cromwell and his council of officers were once more inveſted with the ſupreme power, by that parliament on which themſelves had conferred their pretended authority. It is manifeſt, this had been reſolved from the calling of the parliament, in order to derive a parliamentary authority to thoſe, who had by their own power diſſolved the former parliament. This artifice was ſo groſs, that Cromwell's belief to impoſe upon the people, is amazing; but any abſurdity is ſwallowed by means of an irreſiſtible power.

The council of officers inveſts Cromwell with the dignity of protector. Clarend.

Two days after, the council of officers, by vertue of the authority lately given them by the parliament, declared, that for the future the government of the republick ſhould recide in a ſingle perſon, viz. Oliver Cromwell, captain-general of the forces of England, Scotland and Ireland, who ſhould have the title of protector of the three kingdoms, and be aſſiſted by a council of 21 perſons.

Inſtrument of government. Clarend.

The 16th of December the council of officers ſent for the commiſſioners of the great-ſeal, with the lord-mayor and aldermen of London, and informing them that Cromwell was made protector, cauſed to be read in their preſence a writing called the Inſtrument of Government, the ſubſtance whereof was: I. A parliament to be called every three years by the protector. II. The firſt to aſſemble on the 3d of September, 1654. III. No parliament to be diſſolved till they have ſat five months. IV. Such bills as are offered to the protector by the parliament, if not confirmed by him in 20 days, to be laws without him. V. That his council ſhould not exceed the number of 21, nor be leſs than 13. VI. That immediately after the death of Cromwell, the council ſhall chuſe another protector before they riſe. VII. That no protector after the preſent ſhall be general of an army. VIII. The protector ſhall have power to make war and peace. IX. That the protector and his council may make laws, which ſhall be binding to the ſubject, during the intervals of parliament. After the reading of this inſtrument, Cromwll took an oath to obſerve it to the utmoſt of his power. Then he was conducted to Whitehall with great ceremony, Lambert carrying the ſword of ſtate before him, and from that time the title of highneſs and lord protector was given him. Immediately after, he was proclaimed as ſuch at London, and then in the three kingdoms, which formed but one commonwealth. The city of London invited him to a ſplendid entertainment, where the ſolemnity of his reception was ſuch as had been at any time performed to the king.

1653.

Cromwell takes an oath to obſerve it. Whiteloc.

Aſſumes the title of highneſs.

Invited by the city to an entertainment. Feb. 8. Clarend.

Reflections upon Cromwell's advancement.

Thus Cromwell, whoſe birth ſeemed to have placed him at an infinite diſtance from ſovereignty, found means to be inveſted with the ſupreme power. When the proceedings of the long parliament againſt the late king, the methods uſed to effect his ruin, their obſtinate refuſal of peace without the aboliſhing of Epiſcopacy, and reduction of the regal power, the policy of the Independents in concealing themſelves many years among the Presbyterians, and in not diſcovering themſelves, till the king was unable to hurt them, their artifices to gain the army, their tyranny againſt the Presbyterians and the king himſelf, and laſtly, Cromwell's early adherence to that party; when theſe things, I ſay, are conſidered, one is apt to believe, the project for his advancement was formed from the beginning of the long parliament, and that the ſubſequent tranſactions flowed ſolely from that project. Accordingly this is inſinuated by ſome, their aim being to ſhew, that Charles I. was perſecuted only to tender that project the more practicable. But when it is conſidered, on the other hand, that it was almoſt impoſſible for Cromwell to have any ſuch views, at a time when he had but little credit, and was ſcarce known in the parliament; that his reputation increaſed by a ſeries of contingent events entirely out of his power, and by battles which he might have loſt, it is difficult to believe, he could have formed ſuch a deſign before his victory at Worceſter. He had, very probably, even before that battle, his own advancement in view, but not to the ſupreme power.

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There were in his party men of too great a penetration not to diſcover ſuch a deſign, had it been entertained by him. But as they thought not of his ruin till after that victory, very likely, his deſigns were not ſooner perceived, and that it was only from that time, or, perhaps, not ſo early, that he began to ruminate on his grand project; for being then general, he had leſs way to go, than if he had formed the deſign while he was but lieutenant-general.

OLIVER CROMWELL, Protector.

1654.

Peace concluded between England and the United-Provinces. Clarend.

THE peace between England and the United Provinces was, at laſt, concluded, and the treaty ſigned the 5th of April, 1654. By this treaty Cromwell made great advantage of the neceſſity, the ſtates were under, to make peace. They could not obtain it without promiſing to pay large ſums for the damages done to the Engliſh 30 years ſince. They conſented to ſtrike to the ſhips of the commonwealth, as they had before done to thoſe of the king. They entirely abandoned the intereſt of Charles II, and obliged themſelves to receive no exile from England into their dominions. They promiſed to reſtore to the Engliſh 22 merchant ſhips confiſcated by the king of Denmark, or to pay their full value. In this treaty I find no mention of the navigation-act, which had been the cauſe of the war. It is likely, either that article was adjuſted in a private and particular treaty, or the ſtates were contented with a bare promiſe, that they ſhould not be diſturbed on account of that act. Laſtly, by a ſeparate article the ſtates bound themſelves never to admit the young prince of Orange to be their ſtadt-holder, general, or admiral. But this article was ratified only by the province of Holland, the other provinces refuſing it, and Cromwell not judging it proper to continue the war to force them to it. Thus ended a war which had been very warm on both ſides, and inexpreſſibly deſtructive to both nations. It is ſaid, the two provinces of Holland and Zealand loſt in it 1500 ſhips, which fell into the hands of the Engliſh. And this very war, which had been undertaken to ruin Cromwell, ſerved to advance him, as it obliged him to diſſolve the parliament for his own preſervation,

Cromwell draws many enemies upon himſelf. Clarend.

Tho' the new protector met with a general ſubmiſſion, it was, however, with pretty open complaints of this uſurping the ſupreme power by a pretended title conferred on him by men without authority. The Royaliſts conſidered Cromwell's advancement as a mortal wound to the king. The Presbyterians were not much more pleaſed with it; for tho' their government ſtill ſubſiſted in the church, they could hardly endure the liberty of conſcience enjoyed by all the Proteſtants. Beſides, they were excluded from the beſt poſts, which it was Cromwell's care to fill with men of approved fidelity to himſelf. The Presbyterians were nevertheleſs careſſed by him, becauſe their aſſiſtance was needful to accompliſh his project of being confirmed in his dignity by a free parliament, where he foreſaw they would have conſiderable influence; but he hated the Cavaliers, and kept them very low. This occaſioned many conſpiracies againſt him, the authors of which were rigorouſly puniſhed, particularly Mr. Vowell and Mr. Gerard, the firſt of whom was hanged in London, and the other beheaded in the tower.

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Conſpiracies againſt him, and the authors ſeverely puniſhed. Phillips.

The brother of the ambaſſador from Portugal beheaded. July. 10. Clarend.

At the ſame time, and upon the ſame ſcaffold, Don Pantaleon Sa, knight of Malta, and brother of the Portugueſe ambaſſador, loſt his head. That gentleman having quarrelled with the ſame Mr. Gerard on the New Exchange, returned next day with a ſtrong retinue. Unhappily, he ſingled out a man in the crowd whom he miſtook for Gerard, and entering into a new quarrel, killed him, and others were wounded by his ſervants; after which, he retired to his brother the ambaſſador's. This tumult drew the people together, who ſurrounded the ambaſſador's houſe, and threatened to drag the criminals to juſtice. Cromwell being informed of it, diſpatched an officer, with ſome ſoldiers, to demand the murderers. The ambaſſador loudly complained of the inſult offered him, and demanded an audience of the protector, but was refuſed, and told, that if the criminals were not delivered, the people would not be eaſily appeaſed, nor could the protector anſwer for the conſequences: That as a man had been killed, and ſeveral wounded, juſtice muſt be ſatisfied. In the interim, the people continued their noiſe and menaces; ſo that the ambaſſador ſeeing himſelf too weak to reſiſt, was, at laſt, forced to deliver up his brother, and the reſt that were concerned, in expectation of afterwards obtaining their pardon. But Cromwell continuing inflexible, the Portugueſe gentleman was beheaded in the tower, and his accomplices hanged at Tyburn. I pretend not to decide, whether this act of juſtice could be done, without a violation of the privilege of ambaſſadors, or whether Cromwell had not done better, in conniving at the priſoner's eſcape. I ſhall only ſhew very briefly, that the preſent juncture was not favourable to the ambaſſador, or the king his maſter.

Occaſion of the ambaſſy from Portugal.

Don John IV, king of Portugal, formerly duke of Braganza, had, in 1640, ſeiſed the crown of Portugal, pretending, it was unjuſtly wreſted from his anceſtors by Philip II. of Spain. This had engaged him in a fierce war with Spain, during which Charles I. had, in a treaty ſigned at York, the 22d of May,

1642,

1642, owned him for king of Portugal. Thus the two crowns of England and Portugal were in peace and alliance, before the war between Charles and the parliament was declared: Upon this foundation, the two princes Palatine, Rupert and Maurice, the firſt of which commanded the king's navy, being obliged, in 1650, to leave Ireland, where they could no longer continue in ſafety, ſailed into the river of Liſbon. They were no ſooner there, than a fleet from the parliament arrived in the mouth of the Tagus, and immediately the admiral required of the king of Portugal the delivery of the ſhips commanded by prince Rupert, ſaying, they belonged to the commonwealth of England. This demand extremely embarraſſed the king. He had made an alliance with the king of England; but on the other hand, England was the king's enemy, and in that juncture, Don John was under a neceſſity of declaring for one or the other. Policy required a declaration for the parliament, but honour and hoſpitality demanded a protection for the king's ſhips, which were come for refuge to Portugal. This queſtion was warmly debated in his council. The majority adviſed him to relinquiſh a king, expelled his dominions, who could do him neither good nor hurt, and thereby gain the friendſhip of a powerful commonwealth, from which he might expect great aſſiſtance againſt Spain: Whereas, in declaring againſt the parliament, he would, perhaps, engage himſelf in freſh difficulties, at a time when all his forces were hardly ſufficient to reſiſt his enemies. But the king, by his reaſons and authority, cauſed it to be decided, that the king of England's ſhips ſhould be protected. Purſuant to this reſolution, a ſquadron was immediately equipped of 13 men of war, to join prince Rupert's. The two ſquadrons ſailed together with deſign to fight the Engliſh, if they were between the two Capes. For the Portugueſe ſquadron had orders to ſail no farther, that it might appear, the king intended only to ſecure the entrance of the Tagus. Upon notice of this junction, the Engliſh admiral ſailed away. But to be revenged for the protection granted to prince Rupert's he fell upon a Portugueſe fleet returning from Brazile, and took 15 ſhips. The approach of winter obliging him to return to England, the two princes Palatine ſailed to America, after cauſing a ſort of rupture between England and Portugal. To adjuſt this difference, the king of Portugal had ſent to London the Conde de Penaguaio; his circumſtances, during a war with Spain which had now laſted 13 years, not ſuffering him to remain in a ſtate of hoſtility with the commonwealth of England. Probably, for the ſame reaſon he did not think proper to recall his ambaſſador, after the execution of Don Panteleon Sa. I do not know whether this accident did not retard the peace between England and Portugal, which was not ſigned till two years after in 1656.

The king's condition in France. Clarend.

Since Charles II's arrival in France, after his miraculous eſcape from the battle of Worceſter, he had lived in extreme want, not having wherewithal to ſubſiſt. The court of France took no notice of his neceſſities, whether in complaiſance to Cromwell, or from a deſire of making a ſtrict alliance with him, or through dread of his declaring in favour of Spain. So, the king was in a melancholy ſtate. He had even the mortification to ſee Monſieur de Bourdeaux, who till then had been his reſident in England, appointed ambaſſador by the French court, upon Cromwell's being declared protector. This alteration convinced the king, that France deſigned an alliance with Cromwell, and he did not doubt but the treaty would be followed with a requeſt to him to depart the kingdom. Wherefore, to prevent this compliment, he let cardinal Mazarin know, that he intended to withdraw, which was welcome news to the cardinal. To facilitate the execution of this deſign, the cardinal promiſed him the arrears of a penſion of 6000 livres a month, which had been granted him, but never regularly paid, and the continuance of the ſame, as long as he ſhould be out of France. At the ſame time, the king received another ſmall relief, which enabled him to diſcharge his debts. Prince Rupert arrived ſafely at Nants with the fleet, after having loſt his brother Maurice in a ſtorm. Beſides that the ſhips were extremely damaged, and the king unable to repair them, he was in great want of money, which determined him to ſell the ſhips, with the ordnance and tackling. Cardinal Mazarin was the purchaſer, tho' at a very cheap rate, if we may believe the lord Clarendon, and paid him the money without delay. After that, prince Rupert repaired to Paris, and taking leave of the king, withdrew into Germany. The king, as ſoon as he had received the money, left Paris, and choſe Cologne for his retreat, where he continued many years.

Prince Rupert arrives in France. The king ſells the ſhips he brought. The prince withdraws into Germany, and the king retires to Cologne. Clarend.

The king, before his departure from France, ſent Wilmot, now earl of Rocheſter, ambaſſador to the emperor, and ſome other princes of Germany, to procure a ſupply of money. He even applied to the pope, by the mediation of cardinal de Retz, and it is pretended, that in order to ſucceed, the cardinal prevailed with him to change his religion, and privately received his abjuration; at leaſt, Dr. Burnet, in the Hiſtory of his own Times, aſſures, that the king embraced the Catholick religion before he left France, where he returned no more, after the time I am ſpeaking of. But others, who think themſelves better informed, aſſign this change of his religion to the year 1659.

While the king was in this ſtate of adverſity, Cromwell was honoured, reſpected and feared by all the powers of Europe, who equally courted him. In England, his enemies durſt not look up; Scotland was entirely ſubbdued, and Ireland reduced to the laſt extremity. But before I return to the affairs of England, it will be neceſſary, briefly, to relate what paſſed in Ireland and Scotland, to Midſummer, 1654.

Affairs of Ireland. Ludlow.

Since Cromwell had left Ireland in 1650, Ireton his ſon-in-law, who commanded there as his deputy, treated the Iriſh rebels, who fell into his hands, with great ſeverity, the parliament having ordered no mercy to be ſhewn to the maſſacrers. But this was not capable to lead the Iriſh to an union with the marqueſs of Ormond. On the contrary, a religious zeal prevailing among them, by the perſuaſions of their monks and clergy, they could not bare to be under a Proteſtant commander; nay, they conſpired againſt the life of the marqueſs, and in an inſurrection at Limerick, raiſed by a monk, he was in danger of being killed. At laſt, the Iriſh biſhops, in a full aſſembly, publiſhed a declaration, proteſting, they would have no communion with hereticks, nor obey the marqueſs of Ormond. Then they required him to reſign his command to a Catholick, on whom they could better rely. The marqueſs being expoſed to the ſuſpicions and treacherous deſigns of the Iriſh, and utterly unable to reſtore the king's affairs, made the marqueſs of Clanrickard his deputy, and retired into France, from whence, afterwards, he accompanied the king to Cologne.

Ireton's death. Ludlow.

Ireton dying of the plague, in 1651, the parliament gave the command of their forces in Ireland, to lieutenant-general Edmund Ludlow, a great republican, and one of Charles the firſt's judges.

The duke of Lorrain invited by the Iriſh to accept their government. Clarend.

The Iriſh were not more obedient to Clanrickard than to Ormond. The Catholick clergy, and all Ulſter, refuſed to have any ſociety with the Engliſh, under the command of the marqueſs, tho' a Catholick. It was ſufficient that he had received his commiſſion from a Proteſtant, to render him odious. A certain number of men were, therefore, choſen to form a council for the adminiſtration of their affairs. This council judged it expedient to call to their aſſiſtance a foreign catholick prince, who might be capable to conduct them, and put him in poſſeſſion of the government of their iſland. They caſt their eyes on the duke of Lorrain, then at Bruſſels, and reſolved to ſend deputies to treat with him. This reſolution being taken, they demanded of the marqueſs of Clanrickard a commiſſion for the deputies, fearing, they would be ill received, if not authoriſed by the king's governor in Ireland. But the marqueſs refuſed to give ſuch a commiſſion, till he knew the king's pleaſure. This refuſal inflamed their animoſities againſt him; he was exclaimed againſt with great bitterneſs, and their deputies were ſent notwithſtanding his oppoſition. The duke of Lorrain judged it not proper to engage in ſuch an undertaking, without better information of ſome particulars, which it concerned him to know. He ſent a certain abbot into Ireland, who having learned, that the affairs of the Iriſh were almoſt deſperate, and this reſolution taken without the conſent of the king's lieutenant, refuſed to treat with them.

Rejects the offer.

The Iriſh, enraged with the marqueſs of Clanrickard for oppoſing their deſign, perſecuted him ſeveral ways, and, at laſt, treated with Ludlow, by means of a certain monk, without the marqueſs's privity, who ſeeing himſelf unable to ſerve the king, informed him of what paſſed, and deſired leave to retire. The king readily granted his requeſt, as ſeeing no way to ſave Ireland, and left the Iriſh to their own meaſures, whoſe affairs from that time daily grew worſe.

It was then, and in the following years, that the Iriſh wholly unable to reſiſt the parliament forces, were expoſed to the utmoſt ſeverity of the Engliſh commanders. The barbarity they had exerciſed upon the Engliſh Proteſtants, ſettled in Ireland, was juſtly retaliated upon them. Many were executed, and others, to the number of 100,000, moſt of whom periſhed with hunger and miſery, had leave to go into the ſervice of foreign princes. The families which remained in the country, were, for the moſt part, removed into Connaught, where ſome lands were aſſigned them for their ſubſiſtence, while the reſt was delivered to the Adventurers, who advanced money for the Iriſh war. Part alſo of theſe confiſcated lands was given to the officers and ſoldiers in payment of their arrears, and part was ſold to the beſt bidders. From this time, the nation has been kept ſo low, that there is no appearance of its ever recovering. In 1654, Fleetwood, who had married Ireton's widow, Cromwell's daughter, was made governor of Ireland, and two years after, was ſucceeded by Henry Cromwell, younger ſon to the protector.

Affairs of Scotland. Bates.

Tho' Scotland was ſubdued, it was not entirely free from diſturbances. The general aſſemblies of the kirk had been ſuppreſſed by Cromwell, knowing, that from thence flowed all the troubles which had been for ſo many years in Scotland. Beſides, as it was his intention to introduce in that kingdom a liberty of conſcience as well as in England, he knew, it would be impoſſible to execute his deſign ſo long as theſe aſſemblies ſubſiſted. The people of Scotland were enraged at a liberty ſo contrary to their covenant, and the maxims of the kirk. They ſufficiently diſcovered their ſentiments, tho' to no purpoſe, ſince they had neither places, nor forces, nor arms, nor leaders, to enable them to attempt a deliverance. On the other hand, ſome lords and gentlemen of the king's party ſtill kept in the High-lands, with troops under the command of the earl of Glencarn; but theſe troops, neither well armed nor diſciplined, were defeated by colonel Morgan. Nevertheleſs, with the remains of their troops, they ſtill kept in ſome inacceſſible places, where it was impoſſible to attack them. But, at laſt, diſcord ariſing among them, they were forced to ſend to the king for colonel Middleton and obtained his conſent. On Middleton's arrival, Glencarn quitted them, and made his own peace. Middleton ſupported the remains of this party about a year, and then was obliged to forſake it, ſeeing it was not poſſible to do the king any notable ſervice in that country. It is time now to return to the affairs of England.

Cromwell calls a parliament. Phillips.

As, by the inſtrument of government, a parliament was to aſſemble the 3d of September, Cromwell called one for that day. But in his writs for election of members, there was a ſtrict order not to elect any perſons, or their ſons,

1654.

ſons, who had born arms for the king; and this was punctually obeyed. A new regulation was likewiſe made to proportion the number of repreſentatives to the largeneſs of the burroughs and counties, and to their reſpective ſhares of the publick expences. This regulation, as being very juſt in itſelf, met with univerſal approbation.

His ſpeech to it. Sept. 4. Clarend.

The parliament being aſſembled, Cromwell made a ſpeech in the Painted-Chamber, where the houſe waited on him. He briefly touched upon the diſorders of the preceding government, and endeavoured to juſtify the preſent eſtabliſhment. After an aſſurance of his good intentions, he repreſented to them his ſervices for the nation, ſince the diſſolution of the long parliament, and told them, he had called a free parliament, agreeably to the deſire of all good Engliſhmen; adding, that he did not ſpeak to them as one that would be a lord over them, but as one that would be a fellow-ſervant, in the great affair of ſettling the government.

Cromwell hoped, this parliament, free indeed, excepting the excluſion of the Royaliſts, who could not have been admitted with ſafety, would confirm his protectoral dignity, and that the confirmation of a free parliament, would ſtop the mouths of his enemies.

Lenthal made ſpeaker. Clarend.

Upon his own recommendation, Lenthal, ſpeaker of the long parliament, was choſen again to that poſt. It appeared very ſoon, that the parliament had many members who were enemies of tyranny, and having ſerved in the long parliament, had imbibed maxims very contray to thoſe eſtabliſhed by Cromwell.

Cromwell's power queſtioned. Clarend.

The firſt thing propoſed, was to examine by what authority they were aſſembled; a queſtion unexpected by Cromwell. In all appearance, his enemies deſigned to give him a mortal blow, by a deciſion that his authority was imaginary and illegal, as indeed it was. Perhaps too, the parliament intended to ſeiſe the ſovereign power, tho' convened by an unlawful authority. Cromwell himſelf had given them an inſtance of what could be done with the aſſiſtance of force. But as he had friends, as well as enemies, in the houſe, he found means to make them loſe time, by the oppoſition they met with, from the officers and others who eſpouſed his intereſt, whether thro' friendſhip or fear. So tho' he could not hinder the frequent debates on this queſtion, he gave his enemies cauſe to apprehend, that they ſhould not carry it, when it came to be decided. At laſt, perceiving they only waited a favourable opportunity to put the queſtion, he ſent for the members to meet him in the Painted-Chamber.

He ſpeaks to the houſe with heat and reſentment. Clarend.

Tho' in his firſt ſpeech he told them, that he would only be their fellow-ſervant, in this he ſpoke as their lord, and told them, they were too free in calling an eſtabliſhed government into queſtion, from which themſelves had derived their authority, ſince if they were not lawfully convened, they had no power to debate. At their return to the houſe they found a guard at the door, refuſing entrance to any perſon, who would not firſt ſign an engagement in theſe words----- "I A. B. do hereby freely promiſe and engage myſelf, to be true and faithful to the lord protector, and to the commonwealth of England, Scotland, and Ireland, and ſhall not (according to the tenor of the indenture, whereby I am returned to ſerve in this preſent parliament) propoſe or give any conſent to alter the government, as it is ſettled in one ſingle perſon and a parliament." Many refuſing to ſign this engagement, were excluded from the houſe.

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Excludes ſeveral members. Whiteloc:

Notwithſtanding all this, the members themſelves, who had ſigned the engagement, were not more tractable, and ceaſed not to ſhew their ill-will to Cromwell. They had only ſigned, to have it in their power to deſtroy him, when a favourable occaſion offered, which they hoped would not be long.

1654-5.

Diſſolves it. Clarend.

A plot was formed chiefly by the Cavaliers, but with the privity of many members of parliament, to raiſe an army in ſeveral parts of the kingdom. Cromwell being informed of it by his ſpies, prevented the deſign of his enemies, by a diſſolution of the parliament eleven days before the time fixed for its continuance, by the inſtrument of government, viz. on the 22d of January. At the diſſolution he told the members, he was not ignorant of their projects, and that ſeveral were engaged in a conſpiracy againſt the government.

Plots againſt the protector.

It was not without foundation that he mentioned a conſpiracy, which was now ready to open. Tho' he was not informed of all the particulars, he knew, however, in general, that an inſurrection was intended in ſeveral places, and had the names of ſome that were to be the principal actors. Two days after the diſſolution of the parliament, major Wildman was arreſted by his order, and a declaration was found in his houſe, containing the reaſons which obliged the Engliſh to take up arms againſt Cromwell. Some others, as well Republicans as Royaliſts, were alſo apprehended.

A deſign laid for two inſurrections. Whiteloc. Error of the Royaliſts.

Since the king's retreat to Cologne, he had received frequent expreſſes from his friends, informing him of the general diſlike of Cromwell's government, and of the favourable opportunity for a general riſing. What they ſaid concerning the general diſcontent, was very true; but they built upon a falſe principle, which had often deceived Charles I. and now likewiſe deceived them. They imagined, that all who were diſpleaſed with the government were diſpoſed to ſerve the king, and reſtore him without any condition. Indeed, the Preſbyterians would have gladly reſtored the king, provided it was on the terms granted by the king, his father, in the treaty of Newport, that is, with the limitation of the royal power, and the eſtabliſhment of the Preſbyterian government in the church. But it was not likely, Charles II. being at liberty, would grant the ſame conditions as were accepted by Charles I. under confinement. On the other hand, it is alſo true, that in general, the Independents, Anabaptiſts, and in ſhort, all the zealous Republicans, were enemies of Cromwell ſince his ſeiſing the government, and that in the army itſelf there was a ſtrong party againſt him. But nothing was farther from theſe men's thoughts, than the king's reſtoration, and yet the Royaliſts imagined, all Cromwell's enemies would ſtrive to reſtore the king to the throne, as if there was no poſſibility of being enemy to the protector, without being devoted to the king. Upon this foundation it was, that they formed the project of an inſurrection in the weſt, and of another in the north, not doubting of the army's joining, or, at leaſt, ſuffering the Cavaliers to act undiſturbed againſt Cromwell. This project was communicated to the king, who approved of it as well as of the day appointed for the execution, viz. the 18th of April. The king diſpatched the neceſſary commiſſions, and privately came into Zealand to be ready to paſs into England if the undertaking ſhould be crowned with ſucceſs. At the ſame time, Wilmot, earl of Rocheſter, repaired ſecretly to London, with Sir Joſeph Wagſtaff, who had been major-general in the army of the late king. At London their friends were conſulted, and it was reſolved, Wagſtaff ſhould conduct the inſurrection, which was to be in the weſt, and the earl of Rocheſter that in the north.

Saliſbury ſurpriſed. March 11. Whiteloc.

On the day appointed, Wagſtaff came within two miles of Saliſbury, where he found Penruddock, a Corniſh gentleman, Jones, Grove, and ſome others, who had aſſembled about 200 horſe. With this ſmall force, they entered Saliſbury without any oppoſition; for as it was then the time of the aſſizes, little notice was taken of thoſe who entered the city. The market-place was immediately ſeiſed, and all the ſtables locked up, that the horſes might be at their devotion. After this, the judges were ſeiſed, with the ſheriff, and were in great danger of being hanged for their refuſal to proclaim the king, who notwithſtanding was proclaimed. But ſoon after, the conſpirators perceiving, that the inhabitants remained in their houſes, without offering to join them, they were diſcouraged, and leaving the town, took the weſtern rout. A troop of horſe, accidently quartered in the neighbourhood, purſed and inſpired them with ſuch terror, that at their approach, they laid down their arms. Wagſtaff fortunately eſcaped, but Penruddock, Grove and Jones were taken. The two firſt were beheaded, and the other hanged. Notwithſtanding the great hopes conceived by the Royaliſts of a general riſing throughout the kingdom, the people no where attempted to favour the enterpriſe. It is impoſſible to know what would have been the behaviour of the army, ſince there was no neceſſity of their being aſſembled, this affair being ended in two or three days. One may here remark, what commonly happens on theſe occaſions, viz. that the contrivers of ſuch projects, keeping company for the moſt part with only men of their own party, are apt to believe the whole nation to be in the ſentiments of thoſe with whom they converſe, wherein they are frequently miſtaken. This was, as it were, the peculiar weakneſs of the Royaliſts, of which the earl of Clarendon's hiſtory furniſhes various inſtances.

The conſpirators defeated. Three of them executed. 1655. Ibid.

The deſign in the north comes to nothing.

The inſurrection in the north vaniſhed before it was begun to be executed. The earl of Rocheſter repaired to the county of York, where he found ſome gentlemen zealous for the king's ſervice; but after an inquiry into what they could perform, he thought it not proper to make any attempt, but returned to the king with an account of what had paſſed.

Manning, Cromwell's ſpy, executed. Clarend.

The king, having loſt the hopes he had been made to conceive, returned to Cologne. Soon after his arrival, it was diſcovered, that one of his domeſticks, named Manning, lately come from England, held a ſecret correſpondence with Thurlo, Cromwell's ſecretary, and acquainted him with the tranſactions of the king's court. He was apprehended and ſhot to death in a caſtle belonging to the duke of Newburg. It is now time to ſpeak of Cromwell's affairs with France and Spain.

Affairs between France and England.

In the reign of Charles I. cardinal Richelieu, as hath been ſaid, was concerned in the troubles of Scotland in the year 1637, from which thoſe of England were afterwards produced. The court of France all along ſeemed to eſpouſe the intereſt of Charles I. during his life, but never gave him any real aſſiſtance. Cardinal Richelieu believed, that nothing could more advance his project of humbling the houſe of Auſtria, than to prevent England from aſſiſting Spain, in order to preſerve the balance of Europe, as the intereſt of England required. For this reaſon, that able miniſter, inſtead of aſſiſting Charles I. thought only of fomenting the troubles of England. Cardinal Mazarin his ſucceſſor, under the minority of Lewis XIV. followed the ſame maxim, and never gave any real aſſiſtance to Charles. But it may be ſaid, he carried this policy too far, ſince inſtead of keeping the balance even between the king and parliament, he gave the parliament room to acquire a ſuperiority, which might become very prejudicial to France. After the death of Charles I. the commonwealth of England grew ſo powerful, that it was too late to endeavour to weaken it, eſpecially as France was then engaged in a war with Spain. If France had aſſiſted Charles II, ſhe would have run the hazard of ſeeing the parliament in alliance with Spain, which in that juncture was not to be riſqued. For this reaſon, the intereſts of Charles II. were entirely abandoned by France, and all his aſſiſtance from thence was a penſion too inconſiderable for his ſubſiſtence; and even this was privately, leſt the parliament ſhould be jealous. The Engliſh feared her ſo little, that in 1652, their fleet made no ſcruple to attack that of France, ſent to the relief of Dunkirk beſieged by the Spaniards, and taken by them the ſame year. Notwithſtanding that affront, France ſent an ambaſſador to the parliament to deſire their friendſhip. Cromwell, when advanced to the protectorate, held, for ſome time, the the two crowns of France and Spain in ſuſpence, equally flattering both kingdoms with hopes of the friendſhip of England. But it appeared afterwards, he only intended to amuſe Spain, being reſolved to make an alliance with France.

Affairs between England and Spain.

Spain had given no more aſſiſtance to Charles I. than France. On the contrary, Don Alenzo de Cardenas, the Spaniſh ambaſſador in England, had ſhewn a partiality for the parliament, which was conſidered by Charles as a ſort of declaration againſt him. After the death of Charles I. the king of Spain paid great regard to the parliament, and gave them no juſt cauſe to make war upon him. All that England could reproach him with, was, his receiving, tho' very coldly, in 1649, lord Cottington, and Mr. Hyde as ambaſſadors from Charles II, but without entering with them into any negotiation, that might create jealouſy in the parliament. The ſole deſign of this ambaſſy was, to procure ſome money from the Spaniſh court for the king's ſubſiſtence, in which the ambaſſadors were unſucceſsful. The murder of Aſcham, the parliament's envoy at Madrid, by ſome Iriſh, and the little zeal ſhewn by the court of Spain to puniſh the murderers, might be another cauſe of complaint. But things of this nature are liable to ſo many diſcuſſions, that it is difficult to know, whether it was in the king of Spain's power to give the parliament an entire ſatiſfaction. However that be, theſe cauſes of complaint did not ſeem of ſufficient weight to breed a war between the two nations. Nevertheleſs, Cromwell, now made protector, had no ſooner concluded a peace with Holland, than he reſolved to attack Spain. The grounds of this war are not eaſy to be gueſſed, but what may be conjectured is this. Cromwell, as I obſerved, intended to be confirmed by a parliament, in his protectoral dignity received only from the officers of the army. It concerned him, therefore, firſt, to render ſome ſignal ſervice to the ſtate, in order to make his uſurpation paſs the more peaceably. Secondly, as Spain was then upon the decline, he believed, perhaps, it would be eaſy to make ſome conqueſt upon that crown, which might render his protectorate famous, and ſhew the Engliſh that if he ſought to advance himſelf, it was in order to be more ſerviceable to the republick. Thirdly, it is likely, Mazarin was concerned in this reſolution, in order to give a powerful diverſion to Spain.

Cromwell reſolves upon a war with Spain. Probable grounds of this war.

A deſign upon St. Domingo. Clarend.

However this be, Cromwell on his advancement to the protectorſhip, ſent out two fleets, one under the command of Blake, to the Mediterranean to chaſtiſe the Algerines, who frequently took Engliſh veſſels, and the other under Penn, with 30 ſhips, and about 5000 land ſoldiers commanded by Venables. The two laſt commanders had ſealed orders from Cromwell, which were to be opened at a prefixed time. This fleet ſailed from Portſmouth the 27th of December, and arrived at Barbadoes the 28th of January, from whence they ſailed again the 30th of March, 1655. By the ſealed orders, the two commanders were to proceed to Hiſpaniola and take St. Domingo the capital of the iſland. Cromwell's inſtructions for this undertaking were ſo particular and circumſtantial, that they appeared to be drawn by men thoroughly acquainted with the country. At the approach of the Engliſh fleet the Spaniards abandoned St. Domingo. But Venables, inſtead of landing his troops, according to his inſtructions, within a mile of the place, diſ-embarqued them at a much greater diſtance. This gave the inhabitants time to come to themſelves, return to the town, and put it in a poſture of defence. The Engliſh, when they approached Domingo, were ſo fatigued, by a long march, by the exceſſive heat, by hunger and thirſt, that they were eaſily repulſed, and forced to retire to their ſhips, leaving many dead and wounded in the iſland.

Miſcarries

Conqueſt of Jamaica. May 17. Whiteloc.

This attempt miſcarrying, the Engliſh fleet ſailed to Jamaica, and ſeiſed the iſle with little oppoſition. Some troops were left there, which were afterwards re-inforced by Cromwell, in order to preſerve this conqueſt, where the Engliſh have ſince eſtabliſhed a rich colony. Venables was ſent to the tower on his return to London, but ſoon diſcharged. The war being ſufficiently declared by this attempt which the Spaniards had no cauſe to expect, the king of Spain ordered the effects of the Engliſh merchants in all his dominions to be ſeiſed, which was a very conſiderable loſs to them. Nor did the miſchief ſtop there; for by this war ſo unjuſtly undertaken, the Engliſh forfeited the Spaniſh trade, which transferred to the Dutch, helped them to repair the loſſes ſuſtained in the laſt war.

Peace made with France. Octob. 23. Clarend.

The war with Spain was ſoon followed by a peace with France, proclaimed at London the 23d of October *. This peace was eaſily made ſince France was willing to forget the injury received from the Engliſh in 1652. That point was only to renew the antient treaties, to which there was no obſtacle, after Cromwell's declaration againſt Spain.

Cromwell ſurrounded with enemies. Burnet.

Beſides the inſurrections and conſpiracies from the Cavaliers and Presbyterians, Cromwell was alſo in danger from the male-contents of his own party, who had effectually ſerved him, without knowing what were his deſigns, but who were extremely provoked at their having been tools to his private ambition. The Republicans were incenſed againſt him. The republican governmeat was as much their idol as the covenant was that of the Presbyterians. So Cromwell by being inveſted with the protectorſhip, had offended them no leſs than the Cavaliers and Presbyterians. It was not eaſy to curb three parties, which, if they could have reſolved to unite, would have been ſtrong enough to ruin him. But he knew ſuch an union was very difficult, and yet it was not impoſſible, that particular men of each party, whether openly or privately, might combine for his deſtruction. The army was his only ſupport, in which too there were Republicans who hated him mortally, as appears in the Memoirs of Ludlow, one of the moſt inveterate againſt him; nay, very likely, if he had been obliged to aſſemble the diſperſed army, and the officers could have communicated their thoughts to one another, they would not have entirely obeyed him. As to the Royaliſts, he never wanted pretences to perſecute them, which not only pleaſed the other parties, but was agreeable to their intereſts. As for the

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* It is very remarkable, that, in this treaty, Cromwell would not allow the French king to call himſelf king of France, but of the French; when he himſelf aſſumed the title of protector of England and France. And, what is more, in the inſtrument of the treaty, Cromwell's name was put before the French king's. Welwood.

Presbyterians, as they were equally enemies of the Cavaliers and Independents, in keeping them low, he obliged theſe two laſt parties, who knew, if the Presbyterians ſhould again be ſuperior, they would treat them no better than Cromwell. But the rigid Republicans were his moſt dreaded enemies, becauſe he had no pretence againſt them. They had the more cauſe to complain, and ſpeak freely, as Cromwell, being their head, had made uſe of them, under colour of acting for the publick, and brought them to labour for his own private advancement. So, to hold all theſe parties in ſubjection, he divided England into 11 diſtricts, and eſtabliſhed in each, officers, whom he called major-generals, with an almoſt abſolute power, that they might be always ready to prevent or diſperſe inſurrections. In this eſtabliſhment his principal view was to awe the Republicans, tho' the pretence was to curb the Cavaliers. Theſe major-generals became true tyrants, and ſo oppreſſed the people, that Cromwell, at laſt, was forced to reduce their power within much narrower bounds.*

Conſtitutes major-generals. October. Whiteloc.

Reſolves to call a parliament. Clarend.

Tho' Cromwell's ambition inclined him to ſupport by force the dignity conferred on him, he ſaw the ridiculouſneſs of exerciſing an authority given by men who had no lawful power to beſtow it. He eaſily perceived it to be a fertile ſource of plots and conſpiracies againſt his perſon and government. There was no law by which he could puniſh the conſpirators, ſince his dignity, far from having any ſolid foundation, was a pure uſurpation. On ſuch occaſions, therefore, it was neceſſary to uſe a tyrannical power, and ſuch violences might produce in the end very ill effects. To remedy this inconvenience, he had called a free parliament in expectation of having his authority confirmed, but was diſappointed. He reſolved, therefore, inſtead of a free parliament, to call one, on which he might depend, and to uſe their authority to eſtabliſh his own.

1656. Reflections upon parliaments.

The parliament, according to the natural meaning of the word, is the repreſentative of the nation, whoſe deciſions and laws are looked upon as conformable to the ſentiments of the people in general. The extreme reſpect, veneration, and attachment which the Engliſh have for the parliamant, are, therefore, not to be thought ſtrange, ſince in ſupporting its privileges, they maintain their own liberty. But this ſuppoſes a parliament agreeable to the conſtitution, compoſed of king, lords, and commons, with an entire freedom in the elections. A parliament thus compoſed may truly be called the nation's repreſentative. It is unneceſſary here to obſerve, that artifices, intrigues and cabals have ſometimes altered this happy conſtitution. The frequent inſtances which have occured in this Hiſtory, render it unqueſtionable. We have ſeen parliaments regardleſs of their country's good, and devoted entirely to the will of the prince. By others, kings have been depoſed, and their ſovereigns deprived of their moſt lawful prerogatives. But without being obliged to look ſo far back, it needs only be conſidered, what paſſed in the late reign, particularly ſince December 1648. A parliament reduced by force and violence to leſs than 100 members, brought the ſovereign to the ſcaffold, aboliſhed the houſe of lords, deſtroyed monarchy, changed the government into a commonwealth, and inveſted themſelves with a ſupreme authority, under the ſpecious pretence of repreſenting the nation, tho' without king and houſe of peers. Nevertheleſs, tho' the conſtitution of the parliament was entirely ſubverted, and tho' the name of parliament, one would have thought, ſhould not have deceived the people, that venerable name was ſtill uſed to force them to obedience, on a groundleſs ſuppoſitieon, that an aſſembly with only the name of parliament was inveſted with all the authority of the moſt legal parliament. Upon this foundation, theſe tyrants claimed a right to enact laws, to ordain, to decree, as the moſt regular parliament might have done. I ſhall not ſtay to ſhew the extravagance of this pretenſion. Very probably, thoſe that claimed it, were not themſelves ſatisfied with it. But as they were, deſtitute of all other foundation, they built upon this, tho' weak and unſecure,

Upon Cromwell's authority.

Cromwell's authority was no better ſupported. His uſurpation was ſo viſible, that a man muſt have wilfully ſhut his eyes not to ſee it. He himſelf was ſo convinced of the unlawfulneſs of his power, that he would fain have had it confirmed by a free parliament, being the only way which could furniſh him with a plauſible pretence to exerciſe it. But failing of ſucceſs, continued where he was, that is, inveſted with the dignity of protector, by men who had no power to confer it. Wherefore, the authority of a parliament appeared to him abſolutely neceſſary to confirm him in his own. But, as he had experienced what was to be expected from a free parliament, he reſolved to call one which might be more at command. He, therefore, ſummoned a parliament to meet the 17th of September; but he took ſuch juſt meaſures, that tho' the people ſeemed to enjoy a perfect freedom in the choice of their repreſentatives, he ſecured a majority of voices. Beſides, he would admit no man into the houſe, who had not firſt promiſed under his hand, to do nothing againſt the eſtabliſhed government. This parliament, compoſed of the repreſentatives of the three kingdoms, met on the day appointed. But above 100 members refuſing to ſign the engagement, were denied their ſeats in the houſe. The reſt appeared ready to perform Cromwell's deſires. An act was forthwith paſſed, for renouncing the title of Charles Stuart, (for ſo they called the king) which was ſigned by all the members. By another act it was declared high-treaſon to attempt the life of the protector. In ſhort, in the ſpace of ſome months, the parliament liberally granted all the money deſired by Cromwell, as well for the maintenance of the army and government, as for the continuation of the war againſt Spain.

He call's a parliament of the three nations. Ludlow.

Some days before the parliament met, Blake and Montague, their admirals, falling in with

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* This year died the learned James Uſher, archbiſhop of Armagh, and was buried at the charge of the lord protector, in Henry the VIIth's chapel in Weſtminſter Abbey. Clark's Lives.

1656.

eight Spaniſh ſhips, returning from the Weſt-Indies richly laden, took two, and ſtranded ſome others. This action was performed near Cadiz, where the Engliſh admirals had long expected this fleet. Cromwell ordered the two prizes to be brought to Portſmouth, and the money and goods to be conveyed in waggons, in a ſort of triumph, to London.

1656-7. Jan. 19.

In January, 1656-7, a conſpiracy againſt his perſon, was diſcovered by Cromwell, by one Sindercomb, diſcharged out of his guards. This man being convicted, and condemned to die, was found dead in priſon, the day on which he was to be executed.

1657. Whiteloc.

About two months after, ſome Anabaptiſts were diſcovered, who had projected to kill Cromwell. Major-general Harriſon, vice-admiral Lawſon, colonel Rich, major Danvers, and ſome others, all Anabaptiſts, on ſuſpicion of being concerned in the conſpiracy, were put under arreſt.

Blake's attempt upon the galeons at St. Croix n the Canary iſles. Clarend.

Since Blake and Montague had taken the two prizes, they had continued cruiſing off Cadiz, in expectation of the Spaniſh fleet returning from Peru. As this fleet did not appear, tho' it ſhould now have been arrived, Blake had notice, it was retired to Teneriff, one of the Canaries, till the Engliſh fleet ſhould be ſailed from Cadiz. Whereupon, he ſtood for the Canaries, the beginning of April, and found there the Spaniſh fleet, conſiſting of ſix galeons richly laden, and 10 other ſhips of leſs burthen. The commander of this fleet had anchored in the bay of Santa Cruz, and taken all imaginable care to ſecure himſelf againſt an attack. The 10 ſmaller ſhips were moored cloſe to the land, and defended by two forts well mounted with guns, and ſeveral batteries erected on the ſhore. But the galeons drawing more water, could not come ſo near the land, but lay farther off, with their broadſides towards the ſea. Blake ſeeing no poſſibility of approaching the 10 ſhips, reſolved, notwithſtanding the raſhneſs of the undertaking, to attack the galeons. Accordingly, with a fair wind, he approached the galeons, received their fire, and boarded them. The particulars of this engagement are very confuſedly related by the hiſtorians. Thus much, however, is certain, that Blake, after an obſtinate fight, poſſeſſed himſelf of the galeons, and as the wind, which had brought him into the bay, would not ſerve to carry them out, ſet them on fire. Immediately after, a land-breeze ariſing, put him ſafe to ſea again. The Spaniards on this occaſion ſuſtained a very great loſs, in ſhips, money, men, and merchandize; but the Engliſh acquired nothing but glory. Blake dying in his return to England, was pompouſly buried by Cromwell, in Henry VIIth's chapel, among the monuments of the kings.

Deſtroys them.

Debates in the houſe concerning making an offer of the crown to Cromwell. Burnet.

The parliament, which met the 17th of September, continued their ſeſſion without interruption, being employed in the moſt important affair that could ever come under their conſideration. Whether Cromwell had now formed the project of his higher advancement, or the diſpoſition of the houſe in his favour, inſpired him with the thought, he ſuddenly became more popular than ever. He careſſed all parties alike. The Presbyterian were told, he was not far from their ſentimsents; th nobility met with great reſpect from him; and he appeared leſs incenſed againſt the king's party. At laſt, after his friends and creatures had been long labouring to diſpoſe men in his favour, Mr. Pack, a member of parliament, and one of the city aldermen, propoſed, in direct terms, that he might be inveſted with the title of king. This propoſition was immediately ſeconded by a great many members, and it was even obſerved, that his known enemies very readily gave their conſent to it. Theſe imagined, there was no better way to ruin him, and excite plots againſt his life. But for the ſame reaſon, his principal friends oppoſed it with all their power. It is, nevertheleſs, very probable, he was privy to this propoſal, tho' he thought not fit to tell it to Deſborough his brother-in-law, or Fleetwood his ſon-in-law, from whom it met with the greateſt oppoſition. This contraſt between Cromwell's friends, held thoſe in ſuſpence, who only intended to make their court to him, and cauſed them to be irreſolute. Wherefore this propoſal was debated in the houſe two days ſucceſſively. In all appearance, the irreſolute were informed, in this interval, what they were to do. However that be, it was at laſt carried by a majority of voices, that the crown ſhould be offered to Cromwell. Purſuant to this reſolution, the houſe immediately appointed a committee, to acquaint his highneſs with what had been reſolved for the publick good. He ſeemed ſurpriſed at the offer, and told the committee, he thought it very ſtrange, the parliament ſhould entertain ſuch a deſign: That he did not believe it proper for them to offer, nor would his conſcience give him leave to accept it. The committee expecting this auſwer, replied, They did not queſtion but he would grant their deſire, when he ſhould be informed of the reaſons which had induced the parliament to take this reſolution, and which they beſought him only to hear. Whereupon, he appointed a day to hear what they had to ſay to him.

1657.

Cromwell waited on by a committee, with the offer of the crown. April 9.

The committee, on the day appointed, entertained him with long diſcourſes, concerning the reaſons on which the parliament founded their requeſt, of which the principal were: 'That the people of England had for many ages been accuſtomed to the government of kings: That in changing this government, there had neceſſarily been an abolition of many laws, cuſtoms, and formalities, and an eſtabliſhment of others, which would never be endured by the people on account of their novelty: That according to the laws of England, there could be no ſecurity to any act concerning the government, without the intervention and authority of a king: That hitherto, thoſe concerned in the war, and the late changes, could not be ſafe, but would remain liable to dangerous inquiſitions, agreeable to the laws of the land: That the daily conſpiracies againſt the preſent government, clearly ſhewed, the people were inclined to a king, nor would be ſatisfied without one: In a word, that the kingdom

Reaſons laid before him to prevail with him to accept it. Clarend.

'would never be in peace, till things were brought back to their antient channel. That it was very true, the royal family had been rejected on account of their tyrannies; but this was no objection to the choice of a king of another family, nor could any kingdom be produced, where the like had not happened, as well as in England.'

Theſe very reaſons had been alledged in the debates in the houſe, and were anſwered by the Republicans to this effect: 'That an oath had been taken to be faithful to the commonwealth without a king; and to make a new king, was returning to Egypt. Where was the neceſſity of recurring to kings, ſince it was agreed, they invaded the rights of the ſubject? That it was advantageous that all the ſubjects ſhould be equally liable to be called to an account, that they might be more united amongſt themſelves. That if a king was at laſt neceſſary, they would chuſe rather to have the true heir to the crown.' Cromwell was not unacquainted with the reaſons alledged on both ſides in the houſe, and, therefore, to ſhew, he would neither accept nor refuſe the offer without deliberation, he appointed the 8th of May for his final anſwer.

He is greatly perplexed, what choice to make. Clarend.

It is pretended, that in this interval, he was in the utmoſt diſtraction, not knowing what to determine. His ambition prompted him to accept the offered crown, the whole intrigue probably being directed by himſelf. But the diſpoſition of his relations and principal friends made him tremble. For how could he promiſe himſelf allegiance from ſtrangers, when he ſaw his own moſt intimate friends determined to abandon him? Nay, it is ſaid, ſome of them threatened to kill him, and that he was informed of a plot to aſſaſſinate him, the moment he accepted the crown. The very day, he was to give his anſwer, Desborrough and Fleetwood, walking with him in St. James's-Park, told him, if he accepted the crown, they could ſerve him no longer. He was diſcouraged by all theſe things, at the very inſtant the crown was going to be placed on his head. His anſwer, therefore, to the committe was, that he could not accept the government under the title of a king. Whether this refuſal was for or againſt his intereſt, is a problem that admits of great diſpute. For my part, I believe, that being ſo able a politician, he did not think the advantages equal to the inconveniencies, of accepting the crown.

Burnet.

Refuſes the crown. May 8. Clarend.

Is confirmed in his protectorſhip by the parliament. Ludlow.

Nevertheleſs, to reward in ſome meaſure ſo great a moderation, the parliament confirmed his dignity of protector, with more power than was annexed to it by the council of officers. This was done by a ſolemn inſtrument, called The humble petition and advice, the parliament thereby ſhowing it was not a law to be impoſed on him but an advice, which was ſubmitted to his judgment and diſcretion, with freedom to accept or refuſe it, as he ſhould think proper. The ſubſtance of it was:

Contents of the act of the humble petition and advice. Whiteloc.

'That his highneſs Oliver Cromwell ſhould, under the title of protector, be pleaſed to execute the office of chief magiſtrate, over England, Scotland and Ireland, and the territories and the dominions thereunto belonging, and to govern according to all things in that petition and advice. And alſo that he would in his life-time appoint the perſon that ſhould ſucceed him in the government: That he would call a parliament conſiſting of two houſes once in a year at fartheſt: that thoſe perſons who are legally choſen by a free election of the people to ſerve in parliament, may not be excluded from doing their duties, but by conſent of that houſe whereof they are members: That none but thoſe under the qualifications therein mentioned, ſhould be capable to ſerve as members in parliament: That the power of the other houſe be limited as therein is preſcribed: that the laws and ſtatutes of the land be obſerved and kept; no laws altered, ſuſpended, abrogated, or repealed, but by new laws made by act of parliament: That the yearly ſum of a million of pounds ſterling be ſettled for the maintenance of the navy and army; and 300,000 l. for the ſupport of the government; beſides other temporary ſupplies as the commons in parliament ſhall ſee the neceſſities of the nation to require: That the number of the protector's council ſhall not exceed 21, whereof ſeven ſhall be a Quorum *. The chief officers of the ſtate, as chancellors, keepers of the great-ſeal, &c. to be approved by parliament: That his highneſs would encourage a godly miniſtry in theſe nations; and that ſuch as do revile and diſturb them in the worſhip of God, may be puniſhed according to law; and where laws are defective, new ones to be made: That the Proteſtant Chriſtian religion, as it is contained in the Old and New Teſtament, be aſſerted and held forth for the publick profeſſion of theſe nations, and no other; and that a confeſſion of faith be agreed upon, and recommended to the people of theſe nations; and none to be permitted, by words, or writing, to revile or reproach the ſaid confeſſion of faith.'

The general terms in which the three laſt articles concerning religion are expreſſed, plainly ſhew, that the intention of the parliament, or rather of Cromwell who directed them, was, to oblige equally the Presbyterians and Independents. The firſt, by ſupporting the miniſtry, upon the preſent eſtabliſhment, and the others, by introducing into religion, a latitude which left every man free to believe and practiſe as he pleaſed, and both parties, by equally flattering them with a confeſſion of faith, in which each party ſhould find their account. The Epiſcopalians alone could not expect any advantage.

Cromwell ſolemly inaugurated, June 26. Whiteloc.

Cromwell having ſolemnly ſworn the punctual obſervation of theſe articles, appointed the 26th of June for the day of his inauguration, which was performed with great pomp. He was, doubtleſs, of opinion, that this ſecond inauguration was neceſſary to ſupply the defects of the firſt, which had been made without any

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* This expreſſion is taken from the clauſe inſerted in moſt commiſſions, in which, after the number of commiſſioners is fixed, the king appoints ſome particular perſons amongſt them, who are to be preſent to give a validity to all acts done in vertue of the commiſſion, and this he does by ſaying, a quorum eſſe numero volumus, &c. Rapin.

lawful

1657.

lawful authority. This done, the houſe adjourned to the 20th of January, 1657-8.

A league offenſive and defenſive between France and Cromwell.

Since the renewal of the antient treaties between France and England, another negotiation was begun for a league offenſive and defenſive againſt Spain. This negotiation, ſet on foot by the ambaſſador of France, in 1656, at London, was concluded at Paris the 13th of March, 1657, by a treaty of league, importing, that Cromwell ſhould join 6000 men with the French army; that Mardyke and Dunkirk ſhould be beſieged, and when taken, delivered to the Engliſh.

King Charles makes an alliance with Spain. Clarend.

King Charles being informed of this negotiation, ſent a truſty meſſenger to arch-duke Leopald, ſtill governor of the Low-Countries, to offer a league with Spain. The king's deſign was to give himſelf ſome reputation by a league with that crown; and, beſides, he wiſhed to reſide in the Low-Countries in order to be nearer England, in caſe his preſence there ſhould be neceſſary. The arch-duke accepted the propoſal, believing, if the king of England was attached to Spain, he would have credit enough to draw the Iriſh forces from the French, into the Spaniſh ſervice. This was all the advantage Spain could expect from a junction with a prince, who had properly nothing to offer. Beſides he was to be ſubſiſted, when he ſhould be deſerted by France. However this be, the king and the arch-duke concluded a treaty, by which the king's reſidence at Bruges was only to be connived at by Spain, which was little able to maintain him according to his dignity. Spain was moreover to furniſh him with 6000 men, as ſoon as he ſhould be poſſeſſed of ſome good port in England. The king, ſatisfied with theſe conditions, becauſe he had nothing to offer to procure better, ſigned the treaty which was ratified by the king of Spain. With the ratification, Philip ſettled upon the king a monthly penſion of 6000 Guilders, and another of 3000 upon the duke of Glouceſter, who had been ſent for out of France by his brother the king, where his mother was perſuading him to change his religion. So, the king left Cologne in April, 1657, and retired to Bruges, at the ſame time that arch-duke Leopold reſigned the government of the Low-Countries to Don John of Auſtria, natural ſon to Philip IV. Afterwards, the king prevailed with the lord Muſkerry, colonel of an Iriſh regiment in the ſervice of France, to deſert that ſervice, and join the Spaniſh army with his regiment. He alſo found means to cauſe four regiments of Engliſh,[*] Scots and Iriſh, to come in ſingle companies, and offer him their ſervice. Theſe regiments, tho' not in very good order, ſerved in the Spaniſh army.

The duke of York obliged to quit France. Clarend.

As ſoon as the treaty of league between France and England was ſigned, Cardinal Mazarin ſignified to the duke of York, that he was to retire out of the dominions of France. All the Engliſh of the king's party, in the ſervice of France, had the ſame orders, and amongſt the reſt the lord Digby, now become earl of Briſtol upon the death of his father, and a convert to the Catholick religion. All theſe Engliſh, diſmiſſed from France, retired into the Low-Countries, ſome to their king, and the reſt to Don John of Auſtria, to ſeek employment in his army.

1657.

Cromwell ſends 6000 Engliſh into France. Ludlow.

In conſequence of the league, Cromwell ſent 6000 men of his beſt troops into France under the command of Reynolds, who had concluded the treaty at Paris in quality of his ambaſſador. In this campaign, the French took ſeveral places from the Spaniards, and amongſt the reſt Mardyke which was delivered to the Engliſh. Reynolds was unhappily drowned in his return to England, and was ſucceeded in the command of the Engliſh forces in the ſervice of France, by Lockhart a Scotchman, and ambaſſador to that crown.

1657-8. Compoſes another houſes of parliament Clarend.

As by the ſecond article of the humble petition and advice, the protector was every year to ſummon a parliament, conſiſting of two houſes, Cromwell reſolved to obſerve that article, which had been inſerted in the inſtrument by his ſole direction. He, therefore, choſe a certain number at his own pleaſure, to compoſe the other houſe. Moſt of theſe were officers, or other perſons devoted to him, to whom he added ſome of the antient peers; but they refuſed to take their ſeats with theſe men. This choice being made, he iſſued out writs for their meeting in parliament, in a ſeparate houſe, January 20, 1657-8. His intention was to have this houſe conſidered as a houſe of peers, and inveſted with the ſame privileges, the peers had formerly enjoyed. He durſt not, however, give it that name, but contented himſelf with calling it the Other Houſe, till a more proper name could be given it.

Deſigns of his enemies againſt him. Ludlow.

Cromwell, as hath been obſerved, had created himſelf many enemies, not only amongſt the Royaliſts and Preſbyterians, but even among the Independents themſelves. Theſe laſt were extremely provoked at his having made uſe of them for his advancement, under colour of labouring with them to eſtabliſh a republican government. The ſequel had ſhewn them, that in ſuppreſſing kingly power, he had never intended to aboliſh the monarchy, ſince under the name of protector, he had ſeiſed the ſupreme power. They, therefore, looked upon him as the moſt perfidious of men, and were not leſs his enemies than the Preſbyterians and Royaliſts. He was ſupported only by the army, filled by himſelf with Fanaticks and Enthuſiaſts, who imagined the time was come to erect a Fith-Monarchy, or the reign of Jeſus Chriſt upon earth. Cromwell was not ignorant, his enemies had deſigned to deſtroy him, on pretence of raiſing him higher, and this had made him refuſe the title of king. It was alſo to break their meaſures, that he had asked and obtained a power of erecting another houſe, to oppoſe it occaſionally to the houſe of commons, where he had but two many enemies, of which he had cauſe very ſoon to be ſtill more ſenſible.

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[*] Some authors, by confounding theſe two treaties, the one of the 23d of October, 1655, and the other of the 3d of March, 1657, have fallen into ſome miſtakes. Rapin. See Collect. of Treaties, Tom. 3.

The parliament meets in two houſes Whiteloc.

His enemies having had time to concert their meaſures during the adjournment, took another courſe to deſtroy him when the parliament re-aſſembled. As by the IIId article of the humble petition and advice, it was ſaid, the members legally choſen, ſhould not be excluded without the conſent of their houſe, a motion was made to admit all the elected members, who had refuſed to ſign the engagement. This motion was ſo ſuddenly received and approved, that Cromwell had not time to oppoſe it, and he could have done it ſo much the leſs, as it was founded on a ſolemn act, which he had ſworn to obſerve. By this means above 100 members, Republicans and Preſbyterians, all enemies to the protector, were admitted into the houſe of commons. From that time, the face of affairs began to change, Cromwell's enemies having gained the ſuperiority in the very houſe which would have made him a king. As they had formed great projects againſt him, their firſt care was to hinder the other houſe, wholly conſiſting of his creatures, from uſing their pretended negative voice to break their meaſures. The authority, therefore, of the other houſe was called in queſtion, and it was affirmed to be abſurd, that they ſhould have a negative voice, ſince the commons, by whom they were created, never pretended to make peers, of men who had no other power than what they voted them. It was added, that therefore it was ſaid in the humble petition and advice, that the power of the other houſe ſhould be limited. Cromwell, perceiving to what all this tended, ſent for the parliament to Whitehall, and in a ſpeech maintained the authority of the other houſe with ſuch vehemence, that the commons fearing a diſſolution, found it neceſſary to acknowledge the other houſe as an eſſential part of the parliament.

The parliament examines the validity of the humble petition and advice. Phillips.

Notwithſtanding this, the commons took into conſideration the humble petition and advice, and many were of opinion, it was null and void, becauſe it was made when many members were excluded from the parliament, without any lawful cauſe. This manifeſtly tended to a revocation of the act, and withal of the ſubſequent confirmation of Cromwell's protectorſhip. Cromwell was too quick-ſighted not to ſee how much it concerned his intereſt, not to ſuffer this parliament to ſit any longer. Wherefore he came to the other houſe and ſending for the commons, ſpoke to them in theſe terms:

Cromwell's ſpeech to the parliament. Feb. 4. Ibid.

'I had very comfortable expectations that God would make the meeting of the parliament a bleſſing; and the lord be my witneſs, I deſire the carrying on the affairs of the nation to theſe ends. The bleſſing which I mean, and which we ever climed at, was mercy, truth, righteouſneſs, and peace, which I deſire may be improved.

'That which brought me into the capacity I now ſtand in, was the petition and advice given me by you, who, in reference to the antient conſtitution, did draw me to accept of the place of protector. There is not a man living can ſay I ſought it; no, not a man, nor a woman treading upon Engliſh ground; but I, contemplating the ſad condition of theſe nations, relieved from an inteſtine war unto a ſix or ſeven years peace, I did think the nations happy therein. But to be petitioned thereunto, and adviſed by you to undertake ſuch a government, a burden too heavy for any creature, and this to be done by the houſe that then had the legiſlative capacity, I did look that the ſame men that made the frame, ſhould make it good unto me: I can ſay in the preſence of God, in compariſon of whom we are but like poor creeping ants upon the earth, I would have been glad to have lived under my woodſide, to have kept a flock of ſheep, rather than undertook ſuch a government as this is; but undertaking it by the advice and petition of you, I did look that you that had offered it unto me ſhould make it good.

'I did tell you, at a conference concerning it, that I would not undertake it, unleſs there might be ſome other perſon that might interpoſe between me and the houſe of commons, who then had the power to prevent tumultuary and popular ſpirits, and it was granted I ſhould name any other houſe; and I named it of men that ſhall meet you whereſoever you go, and ſhake hands with you, and tell you it is not titles, nor lords, nor party, that they value, but a Chriſtian and an Engliſh intereſt, men of your own rank and quality, who will not only be a balance unto you, but to themſelves, while you love England and religion.

'Having proceeded upon theſe terms, and finding ſuch a ſpirit as is too much predominant, every thing being too high or too low, when virtue, honeſty, piety and juſtice are omitted: I thought I had been doing that which was my duty, and thought it would have ſatisfied you; but if every thing muſt be too high or too low, you are not to be ſatisfied.

'Again, I would not have accepted of the government, unleſs I knew there would be a juſt accord between the governor and the governed, unleſs they would take an oath to make good what the parliament's petition and advice adviſed me unto; upon that I took one oath, and they took another oath upon their part anſwerable to mine; and did not every one know upon what condition they ſwore? God knows, I took it upon condition expreſſed in the government: And I did think we had been upon a foundation, and upon a bottom; and thereupon I thought myſelf bound to take it, and to be adviſed by the two houſes of parliament. We ſtanding unſettled till we were arrived at that; the conſequences would neceſſarily have been confuſion, if that had not been ſettled. Yet there are not conſtituted hereditary lords, nor hereditary kings; the power conſiſting in the two houſes and myſelf. I do not ſay, that the meaning of your oath was to you, that were to go againſt my own principles, to enter upon another man's conſcience: God will judge between me and you: If there had been in you any intention of ſettlement, you would have ſettled upon this baſis, and have offered your judgment and opinion.’

‘ God is my witneſs, I ſpeak it, it is evident to all the world and people living, that a new buſineſs hath been ſeeking in the army againſt this actual ſettlement by your conſent; I do not ſpeak to theſe gentlemen or lords, (pointing to his right hand,) whatſoever you will call them, I ſpeak not this to them, but to you; you adviſed me to run into this place to be in a capacity by your advice; yet inſtead of owning a thing taken for granted, ſome muſt have I know not what; and you have not only disjoined your ſelves, but the whole nation, which is in likelihood of running into more confuſion in this 15 or 16 days that you have ſate, than it hath been from the riſing of the laſt ſeſſion to this day, through the intention of deviſing a commonwealth again, that ſome of the people might be the men that might rule all, and they are endeavouring to engage the army to carry that thing; and hath that man been true to this nation, whoſoever he be, eſpecially that hath taken an oath, thus to prevaricate? Theſe deſigns have been upon the army, to brake and divide us: I ſpeak this in the preſence of ſome of the army, that theſe things have not been according to God, nor according to truth (pretend what you will.) Theſe things tend to nothing elſe, but the playing the king of Scots game, if I may ſo call him; and I think myſelf bound before God, to do what I mean to prevent it. That which I told you in the Banquetting-houſe was true, that there were preparations of force to invade us; God is my witneſs it hath been confirmed to me ſince within a day, that the king of Scots hath an army at the water-ſide ready to be ſhipped for England. I have it from thoſe who have been eye-witneſſes of it. And while it is doing, there are endeavours from ſome who are not far from this place, to ſtir up the people of this town into a tumulting: What if I ſaid into a rebellion? and I hope I ſhall make it appear to be no better, if God aſſiſt me; it hath been not only your endeavour to pervert the army, while you have been ſitting, and to draw them to ſtate the queſtion about a commonwealth, but ſome of you have been liſting of perſons by commiſſion from Charles Stuart, to join with any inſurrection that may be made: And what is like to come upon this (the enemy being ready to invade us) but even preſent blood and confuſion? And if this be ſo, as I do aſſign to this cauſe your not aſſenting to what you did invite me to the petition and advice, as that which might be the ſettlement of the nation, and if this be the end of your ſitting, and this be your carriages, I think it high time that an end be put unto your ſitting, and I do diſſolve this parliament: And let God judge between me and you.’ At which many of the commons cried Amen.

1658.
Lambert turned out of his preferments.
Ludlow.

When the parliament was diſſolved, Cromwell ſuſpecting, or, perhaps, being informed, that Lambert was one of the principal authors of the plot formed againſt him, diſmiſed him from all his employments. Fleetwood was recalled from Ireland to ſucceed Lambert, in the lieutenant-generalſhip, and Henry Cromwell, younger ſon of the protector, was ſent into Ireland in Fleetwood's room. Since Cromwell had been confirmed in the protectorate, he had called his eldeſt ſon Richard to court, and made him chancellor of the univerſiry of Oxford. He had married his ſecond daughter to the lord Falconbridge, and his third to Mr. Rich, grandſon to the earl of Warwick. His eldeſt had been long ſince married to Mr. Claypole, and a fourth lived unmarried, if I am not miſtaken, till the reign of William III. *. Soon after the diſmiſſion of Lambert, Cromwell ſo reduced the authority of the major-generals, that they had no longer the power, as they had before, of oppreſſing the people. In all appearance, they were deeply concerned in the plot to gain the army, mentioned by Cromwell in his ſpeech to the parliament. It is pretended, he meant to make a greater reform in his army, and was reſolved to diſmiſs every perſon of ſuſpected fidelity. But he had not time to execute this project.

Cromwell's family.
Clarend.

A conſpiracy of the Royaliſts.
Phillips.

It was not without reaſon that Cromwell ſpake of a conſpiracy forming in England in favour of the king. The Royaliſts ever believing, that all who were enemies either of Cromwell's perſon or government, were the king's ſecret friends; built upon that foundation to place him on the throne by the aſſiſtance of his greateſt enemies. This would appear incredible, if they had not given frequent inſtances of their prejudice. The project was as uſual, to raiſe inſurrections in ſeveral parts of the kingdom, in the belief, that the king's private friends would not loſe the occaſion of joining thoſe who ſhould be in arms. The principal managers of this plot were John Mordaunt brother of the earl of Peterborough, Sir Henry Slingsby a rich and popular man in the county of York, and Dr. Hewet a miniſter of the church of England. This plot had been repreſented to the king in ſo advantageous a manner, by reaſon of the general diſcontent under the preſent government, that he conceived hopes of ſucceſs. And, therefore, he had himſelf made ſome preparations in the Low-Countries, and the four regiments raiſed by him, and after the miſcarriage of the deſign, added to the Spaniſh army, were intended for his ſervice. He had, moreover, ſent commiſſions into England, for thoſe who would engage in his intereſt. One of theſe commiſſions to raiſe a regiment of horſe had been granted to one Mr. Stapley, whoſe father had been Cromwell's great friend, and one of the king's judges. Cromwell, upon ſome

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* Mary wa married to the lord Falconbridge, and Frances to Mr. Rich, the earl of Warwick's grandſon. Bridget had two husbands, Ireton and Fleetwood? and Elizabeth (whom Rapin by miſtake ſays lived unmarried) was wife to Claypole.

ſome intimation, ſent for Stapley, and artfully drew from him a confeſſion of whatever he knew, and that he had received his commiſſion from Mr. Mordaunt. He alſo told him, the marqueſs of Ormond had been at London, and ſtayed there three weeks to concert meaſures with the conſpirators, and give them his directions; which was true. The earl of Clarendon intimates, the marqueſs had not found things in England ripe for the execution of what was intended, and yet the great number of commiſſions ſhew, that the court had a better opinion of the undertaking. However this be, the marqueſs had the good fortune to leave England, and return to the king, before Cromwell knew, he had been there. Immediately after the diſſolution of the parliament, Mordaunt, Slingsby and Hewet were committed to the tower, and many of their accomplices, were apprehended in all parts of the kingdom. After which, Cromwell erected a high-court of juſtice for trial of the criminals, and eſpecially of the three principal. Mr. Mordaunt eſcaped death by means of his wife, who bribed ſome of the judges, and prevailed with colonel Mallory, one of the two witneſſes againſt her husband, to make his eſcape. Sir Henry Slingsby and Dr. Hewet were condemned and executed. Before the ſame court were tried, condemned, hanged and quartered for the ſame crime, Aſhton, Stacy, and Battely. Some others were condemned, and pardoned by Cromwell, not to multiply any more the number of his enemies. It is certain he had a great many, and that thoſe who had been moſt attached to him while he was believed to be in their views, hated him mortally, when they found themſelves deceived.

Slingsby, Hewet, and others, executed. Clarend.

Addreſs of ſome ſectaries to the king.

The earl of Clarendon relates on this occaſion a long addreſs to the king, from ſeveral Independents, Quakers, and Anabaptiſts, brought him by a young gentleman, wherein they ſuppoſed the death of Cromwell to be near, which ſeemed to intimate a deſign to aſſaſſinate him. To this addreſs were annexed ſome conditions required of the king, with which certainly he could not comply. Wherefore he contented himſelf with returning a general anſwer, that he did not intend to perſecute or trouble any men for their opinions, if their actions were peaceable, and that they might hope for his favour, if he received ſervice from them; by which he ſeemed to encourage them to execute their deſign. It is certain, theſe men abhorred Cromwell, but depended too much on their own ſtrength, and filled their heads with chimerical deſigns. After all, tho' their projects ſhould have ſucceeded, the king would have received no advantage, their principles being ſo oppoſite to his. Probably, their intention was to make uſe of the king to accompliſh their view, but not to place him on the throne in the manner he deſired, accordingly this project came to nothing.

Dunkirk taken. Clarend.

In June, this year, marſhal Turenne, general of the French army, beſieged Dunkirk, contrary to the opinion of Don John of Auſtria, who expected that he would have opened the campaign with the ſiege of Cambray. As this belief had made him neglect to provide for the defence of Dunkirk, he was forced to riſque a battle to ſave that place, which was not in a condition to make a long reſiſtance. But this battle proved fatal to the Spaniards, who were entirely defeated, and the ſiege was continued by Turenne, who made himſelf maſter of Dunkirk the 26th of June. The town, in purſuance of the treaty with England, was ſurrendered to Cromwell, who placed a ſtrong garriſon in it, and made Lockart the governor.

The battle of Dunes. Whiteloc.

Dunkirk delivered to Cromwell.

Cromwell had for ſome time, appeared more uneaſy and fearful than ever. This is not very ſtrange, ſince he had information from divers parts, of a deſign to aſſaſſinate him, by ſome of his former moſt zealous adherents. This cauſed him to uſe new precautions, as not to lye two nights together in the ſame chamber, nor appear in publick without a ſtrong guard. But all theſe precautions to avoid a violent, could not ſecure him from a natural death. In Auguſt, this year, he was ſeiſed with a fever at Hampton-Court, which at firſt had no dangerous ſymptoms, but his diſtemper daily increaſing, he was removed to Whitehall, where after nominating his eldeſt ſon Richard for his ſucceſſor, he expired in the 60th year of his age, on the 3d of September, on which day he had gained the two great battles, of Dunbar in 1650, and of Worceſter in 1651.

Cromwell's death.

Deſcent and character of Cromwell. Bates.

Cromwell's family was originally of Glamorganſhire in Wales, and called Williams, one of which marryng a ſiſter of Cromwell, vicar-general in the reign of Henry VIII, aſſumed the name of Cromwell, and tranſmitted it to his poſterity. Oliver Cromwell was born at Huntington, April 25, 1599. His education had nothing extraordinary, nor is it known how he ſpent his time before he arrived at the age of 35 years, when he began ſeriouſly to reform his manners and lead a very regular life, without indulging himſelf in any indecent or ill action. Probably he then, if not ſooner, engaged in the Preſbyterian party. The reputation he had acquired of an honeſt man and good Chriſtian, and, doubtleſs, his principles concerning the government, were the cauſe of his being returned for the town of Cambridge, to the parliament which met the 3d of November, 1640. He ſate two years without being diſtinguiſhed, not having a genius for ſpeaking to place him upon a level with ſome of the members of that parliament. His delivery was ungraceful, and his ſpeeches prolix and confuſed. It was probably, in theſe two years that he was gained by the Independents, and liſted in their party, tho' concealed under the name of rigid Preſbyterians. Agreeably to the views and intereſts of that party, Cromwell affected an extraordinary zeal for Preſbyterianiſm, and the liberty of the nation againſt the uſurpations of the court, in which he followed the directions of the then leading members of the houſe. So when the civil war began in 1642, he had a poſt in the army, as a man entirely devoted to the houſe of commons, of which he was member. He was, at firſt, a major of horſe, and tho' he was 42 years of age before he had drawn a ſword, he was ſo diſtinguiſhed by his valour in that office, that he had ſoon after a regiment given him. There was not in the army an officer that faced danger with more intrepidity, or that more ardently ſought occaſions to ſignaliſe himſelf. His reputation increaſed to ſuch a degree, that he became major-general, then lieutenant-general under Fairfax, and, at laſt, his ſucceſſor. His great talents for war gave him occaſion to ſhew that he had no leſs genius for civil affairs. He entered into the deepeſt deſigns of his party, and, at laſt, became one of the principal leaders, advancing here with the ſame rapidity as in the army. It was he, who accuſing the earl of Mancheſter of not having done his duty in the ſecond battle of Newbury, broke the ice, and gave occaſion to the new model of the army, which was the firſt ſtep to the triumph of the Independents. From that time, he was looked upon as the chief of the Independent party, and, properly, as general of the army, Fairfax acting only as directed by Cromwell. I ſhall no farther inſiſt upon what has been related at large, but only obſerve, that the troops believed themſelves invincible under his command, and that he was never once forced to turn his back. The victory gained over prince Rupert at Marſton-Moor, was chiefly aſcribed to his valour. The reduction of Ireland in leſs than a year, greatly increaſed his fame, and the battles of Dunbar and Worceſter carried it to the higheſt degree.

Burnet.

Let us now view him in his government after he was protector. If his government be compared with thoſe of the two laſt kings, there will appear a very great diſparity with regard to the glory and reputation of the Engliſh nation. James I. and Charles I. ſeemed to have ſtudied to diſgrace the Engliſh name, whereas Cromwell, in the ſpace of four or five years carried the glory of his nation as far as poſſible, and in that reſpect was not inferior to Elizabeth. He made himſelf equally dreaded by France and Spain, and the United-Provinces. Theſe three ſtates courted his alliance and friendſhip with ſuch ardor, that they may be ſaid to cringe to him beyond what was becoming. Charles Guſtavus, king of Sweden, thought himſelf honoured in being his ally and particular friend. His greateſt enemies cannot help praiſing him on this account.

Welwood.

As for his morals and conduct, as a private perſon, they may be ſaid to have been very regular. He was guilty of none of the vices to which men are commonly addicted. Gluttony, Drunkenneſs, Gaming, Luxury, Avarice, were vices with which he was never reproached. On the contrary, it is certain, he promoted virtuous men; as, on the other hand, he was inflexible in his puniſhments of vice and ill actions. It is true, his own preſervation obliged him ſometimes to employ men of ill principles, but this is not uncommon to thoſe, who are at the head of a government.

Tho', as to his religion, he was an Independent, his principle was to leave every man at liberty in the religion he had choſen, and never perſecuted any perſon on that account. He even connived at the private meetings of thoſe, who remained attached to the church of England, tho' he was well informed of them. If they were not favoured with the free and publick exerciſe of their religion, it was becauſe they were conſidered by him as Royaliſts, always ready to form plots in the king's favour, and from whom, conſequently, he had great reaſon to ſecure himſelf. Tho', he was in the ſentiments of the Independents, and, therefore, averſe to all union with the national church, he, however, conſidered all Proteſtant churches, as part of the Proteſtant church in general; and without aiming to eſtabliſh Independency and Fanaticiſm by force and violence, he expreſſed, on all occaſions, an extreme zeal for the Proteſtant religion. Dr. Burnet, in the Hiſtory of his own Times, ſays, that if Cromwell had accepted the title of king, he intended to eſtabliſh a council, in imitation of the congregation de propaganda fide at Rome, to have an eye to what paſſed all over the world, with regard to the intereſts of the Proteſtant religion. He adds, that a fund was to have been ſettled upon this council, of 10,000 l. a year, for ordinary emergencies, beſides a ſalary of 500 l. a-piece to four ſecretaries.

Burnet.

It may alſo be added, to Cromwell's honour, that never man was better acquainted with the inward ſprings of human actions, tho' he ſeemed not to have made it his particular ſtudy: Never man had more addreſs to manage people, and lead them to his ends, nor more natural capacity for affairs, which had received no aſſiſtance from learning; for he ſcarce remembered the little Latin he had brought from ſchool: In ſhort, never man choſe at once his moſt advantageous courſe with more judgment, or executed a deſign with more vigour and readineſs. Such, in a word, were the virtues and ſhining qualities of Cromwell; but we muſt not conceal the vices and imperfections with which he is charged.

This charge turns ſolely upon three points. The firſt, that through a boundleſs ambition, he ſeized a government to which he had no right. The ſecond, that he maintained himſelf in his poſt, by an exceſſive diſſimulation. The third, that he put to death many of his private enemies, without any regard to laws immemorially practiſed in England. Upon theſe three articles I ſhall offer ſome conſiderations to the reader, to aſſiſt him in forming a juſt idea of Cromwell's character.

Upon the firſt, it muſt be conſidered, that tho' the Royaliſt authors traduce Cromwell's memory as much as poſſible, and tho' in particular, the action by which he was poſſeſſed of the government, is the principal foundation of all their complaints, it is certain, the king was no way intereſted in the change it produced. It was not Charles II, but a republican parliament, that was deprived of the ſupreme power by Cromwell. Tho' he had been ſubjected to this parliament; tho' he had miſcarried, and himſelf been ruined by his ambition, the king's affairs would have received no advantage, ſince the parliament was not leſs his enemy than Cromwell. Of what, therefore, do they complain with reſpect to the king? It muſt be one of theſe two things, either that Cromwell was too wiſe, to ſuffer himſelf to be ſupplanted by all the efforts of the Royaliſts; or that, after ſeiſing the ſupreme power, he did not reſtore it to the king, to whom alone it belonged; that is, that Cromwell did not at once turn Royaliſt, and entirely change his principles. But this charge lies no more againſt Cromwell, than againſt all the Independents and Preſbyterians, who were, at leaſt, three parts in four of the kingdom, and who, no more than Cromwell, thought it proper to declare for the king.

As for the Republicans, they have not left us many writings on their ſide. The only Memoirs of that party, which I know of, are thoſe of Edmund Ludlow. It appears there, that the Republicans were enraged againſt Cromwell, and deemed him the moſt perfidious of men. This is not very ſtrange, ſince he had wreſted from that parliament the ſovereign power, ſeiſed by theſe Republicans without any lawful authority. But, what was this parliament? It was an aſſembly of Independents, Anabaptiſts, Fanaticks, Enthuſiaſts, and others of no religion, who, under colour of eſtabliſhing a free commonwealth, held the nation in ſervitude; who, to confirm their own authority, had treated their fellow-members with unheard of violence, and dared to embrue their hands in the blood of the late king, at a time when he had almoſt granted every thing that was deſired; who, in a word, were induſtrious to break the union of the church, to ſubvert all religion, or introduce the moſt ridiculous and extravagant one. Was it, therefore, more eligible for England to be governed by theſe men, than by a Cromwell? If, therefore, Cromwell be blameable, it is not for diſſolving a parliament, which certainly deſerved to continue no longer, and had ſtrangely abuſed the power they had aſſumed. But if, after the diſſolution of that parliament, Cromwell had reſtored the king, (for this, in all appearance, is what the Royaliſts would have) he had drawn upon himſelf the hatred and curſes of all England, which, at that time, was by no means diſpoſed to ſuch a reſtoration, whatever the Royaliſts may ſay. He was, therefore, to do one of theſe three things; either to reſtore the king, contrary both to his own principles, and to thoſe of the Preſbyterians and Independents; or to abandon the ſtate to a horrible anarchy, which muſt have followed, if he had left things in the ſtate they were in after the diſſolution; or to take himſelf the adminiſtration of the government, unleſs he had intruſted it with ſome other perſon, which, in reſpect of the juſtice of the action, had been the ſame. Let it now be examined, which was moſt advantageous for England, conſidering her circumſtances, and whether it was not better, he ſhould himſelf take the government, than attempt a reſtoration, in which he could never have ſucceeded? Since his ſole ſupport was the army, which at that time was very oppoſite to the king, not to mention the oppoſition he would have met from the Republicans and Preſbyterians. On ſuppoſition that he was in the right to diſſolve the parliament, was it not alſo better for him to aſſume the government, than relinquiſh the ſtate to a fatal anarchy? Thoſe who pretend, he had long before projected his advancement, ſpeak only by conjecture. They conſider not, that he had never been in a condition to form ſuch a deſign, before the battle of Worceſter; nor that this parliament, which he diſſolved, had, in ſeeking to ruin him, reduced him to a neceſſity of deſtroying them, for his own preſervation.

But what cannot be juſtified in his conduct, is, his throwing himſelf, from the beginning of the parliament, into a violent party, which aimed at the ruin of church and ſtate; his directing afterwards that party; and his being the chief author of the violences put upon the parliament and the king. This, however, is ſlightly paſſed over, becauſe it is common to him with the whole Independent party; and yet, it is, in my opinion, the only thing he can juſtly be reproached with, and on which it is hardly poſſible to excuſe him.

Welwood.

The ſecond charge againſt him is, his exceſſive diſſimulation; but here we are to diſtinguiſh. If it be true, as is pretended, tho' without proof, that he carried his diſſimulation ſo far, as to mock God and religion, by expreſſing a piety and devotion which he had not, and by making long prayers, full of ſeeming zeal. If it be true, that his mouth uttered what his heart never meant, no man ought to endeavour to vindicate him. But his ſtrong byaſs to Enthuſiaſm is well known; and who can affirm, it was rather out of hypocriſy than real perſuaſion? We are not raſhly to aſcribe to men inward motives, which no mortal can know. His diſſimulation, practiſed for the better management of the ſeveral parties, all equally his enemies, has nothing that I can ſee, very blameable in it, unleſs it was a crime, not to leave it in the power of his enemies to deſtroy him with eaſe. I ſhall juſt mention ſome of his methods, to maintain himſelf in his dignity, by which it may be judged, whether Cromwell's diſſimulation is to be juſtly imputed to him as a crime.

Warwick.
Burnet.

The parliament he diſſolved, was compoſed of Independents, Republicans, Enthuſiaſts, or Fifth-monarchy-men. If this parliament had continued longer, things would have been carried to the laſt extremity. They began to talk of pulling down the churches, diſcharging the tithes, deſtroying the clergy, and every thing that looked like the union of a national church. The Preſbyterians, who knew this, were in continual apprehenſions of their executing their deſigns, and conſequently, the diſſolution of this parliament was conſidered by them, as a great happineſs. Cromwell, to gain their confidence, poſitively promiſed, he would maintain their miniſtry on the foot of the preſent eſtabliſhment, and kept his word,

Whiteloc.

tho' he was far from being Presbyterian. By this means, the Presbyterians were attached to his intereſt, by reaſon of their dread to fall again under the tyranny of the Independents.

In the Republican party were two ſorts of men, whom it was very difficult to govern. The one were Deiſts, or men very indifferent as to religion, who acted only upon the principles of civil liberty. The others were Enthuſiaſts, who expected every day when Chriſt ſhould appear to reign upon earth. Theſe were the moſt difficult to manage, becauſe they would not hear reaſon, when it contradicted their headſtrong and violent zeal. Cromwell's accepting the protectorſhip, was conſidered by them as a ſtep to kingſhip, to which they were ſuch enemies, that they affirmed it to be the great antichriſt, that hindered Chriſt's reign upon earth. Cromwell found means ſo to divide theſe two parties, that all combinations between them, for his ruin, became impoſſible. To the Deiſts, he made himſelf merry with the extravagant zeal of the Fanaticks; and to theſe laſt, he talked of the others as of Heathens and Infidels. But as the Enthuſiaſts were the moſt obſtinate, he intimated to ſome of them, that he would rather have taken a ſhepherd's ſtaff than the protectorſhip, had it not been to prevent every thing from running into confuſion: That he would reſign this dignity with more joy than he accepted it, as ſoon as things ſhould be ſettled: That nothing was more contrary to his inclination, and principles, than a grandeur which obliged him to aſſume an outward ſuperiority over his fellow-labourers. To convince them of what he ſaid, he frequently called them into his cloſet, and ſhutting the door, made them ſit covered, familiarly talking with them as his equals. Commonly theſe diſcourſes ended in a long prayer. It is not to be doubted, but there was in this much diſſimulation. The queſtion is, whether it was ſo criminal as it is pretended?

Phillips.

Burnet.

He had likewiſe chaplains of all ſorts. So, hinting ſometimes to one, ſometimes to another, that he was not averſe to their principles; the report was ſpread throughout the whole party, and made each hope for an advantageous change.

He took care to have ſpies amongſt all the parties, and was thereby fully informed of what was contriving againſt his perſon or government. Among others, he gained Sir Richard Willis, chancellor Hyde's agent, for conveying the king's orders to his friends in England. All the Royaliſts confided in Willis, knowing he received the king's orders, and yet he betrayed them. But to keep the correſpondence more ſecret, Cromwell aſſured him, that the informations from him ſhould only be uſed to diſconcert the plots of his enemies, that none might ever ſuffer for them; and if he impriſoned any of them, it ſhould only be for a little time, and on other pretences. By that means, he defeated their deſigns, as by accident, in committing them to priſon for ſuppoſed crimes, and releaſing them when their meaſures were broken.

Burnet's Hiſt.

He ſometimes intimated a willingneſs to treat with the king. Probably, his view was to engage the Royaliſts to offer propoſitions, which would have given him opportunity to amuſe them, and prevented any conſpiracies againſt his perſon; for he was informed from ſeveral parts of deſigns to aſſaſſinate him. Wherefore he affected to ſpeak publickly of aſſaſſinations with the utmoſt deteſtation, and to declare, he would never begin them, but if an attempt was made upon his life, and miſcarried, he ſhould not ſcruple to uſe the ſame method, and that he did not want inſtruments to execute it, nor money to reward them. This declaration kept the Royaliſts in awe, through a fear of their own danger, or that of the king and royal family.

Burnet.

If this conduct of Cromwell be conſidered impartially, it will, doubtleſs, appear, that his diſſimulation and artifices for his own preſervation, were not ſo criminal as they have been repreſented. What has moſt offended thoſe who ſpeak of them with moſt paſſion, is, that they were proper to diſconcert the projects of his enemies. The diſſimulation of queen Elizabeth, for the ſame reaſon, has been extolled, tho' ſhe uſed it only for her own preſervation.

The third and laſt charge againſt Cromwell, is, cruelty, for having, whilſt protector, put ſome men to death, for conſpiring againſt his perſon and government. That is, according to this reproach, he ſhould have patiently ſuffered the plots againſt him, and when one failed, liberty ſhould have been given for a ſecond and a third, till ſome one had ſucceeded. This deſerves no confutation. But to ſhew, that Cromwell was not for an unneceſſary effuſion of blood, we need only recite what is owned by the lord Clarendon in his Hiſtory, who aſſures, that when it was propoſed in a council of officers, that there might be a general maſſacre of the Royaliſts, Cromwell would never conſent to it.

Clarend.

To finiſh Cromwell's character, I will add, that in the beginning of the Long-Parliament, he was a Presbyterian. After that, he threw himſelf into the Independent party, and was even one of their leaders, and affected to be of the number of the Enthuſiaſts. But when he had accepted the protectorſhip, he was neither Presbyterian, nor Independent, nor Republican, nor Enthuſiaſt. As he had to manage all theſe different parties, who were equally oppoſite to him, he was not to appear an enemy to any in particular, and this management furniſhes convincing proofs of his great ability.

It is, nevertheleſs, certain, that Cromwell was very much hated, while he lived, by all the parties then in England, tho' they could not help fearing and eſteeming him. But if it be now conſidered, that the prejudices againſt him are not ſo ſtrong as they were then, it will be found that the hatred of him was owing to intereſt, and founded chiefly upon his ability to diſconcert the meaſures and deſigns of all the parties. This general hatred is ſolely referred to his principal action; that is, to the uſurpation of the government, which equally diſguſted the Royaliſts, Presbyterians, and Republicans. The Royaliſts thereby ſaw their hopes more deſperate than ever of the king's reſtoration. The Presbyterians could hardly expect, by their intrigues, to render themſelves once more ſuperior in the parliament, after the diſſolution. The Republicans were enraged to ſee the ſupreme power, which they had aſſumed, wreſted from them. It is, therefore, no wonder, that he has incurred ſo much cenſure, ſince all the people of England, that is theſe three parties, were equally concerned to aſperſe him. It is not for the enormity of the action, but becauſe, by his advancement, each party deſpaired of accquiring the ſupperiority over the reſt. This is what has drawn from many writers, expreſſions ſo injurious to his memory. The lord Clarendon ſpeaks thus of him, and his uſurpation. "Without doubt no man with more wickedneſs ever attempted any thing, or brought to paſs what he deſired more wickedly, more in the face and contempt of religion, and moral honeſty. Yet wickedneſs, as great as his, could never have accompliſhed thoſe deſigns, without the aſſiſtance of a great ſpirit, an admirable circumſpection and ſagacity, and a moſt magnanimous reſolution." It is eaſily ſeen, that this wickedneſs is referred only to his uſurpation of the government. "In a word, (continues the ſame author) as he was guilty of many crimes, againſt which damnation is denounced, and for which hell-fire is prepared, ſo he had ſome good qualities which have cauſed the memory of ſome men in all ages to be celebrated, and he will be looked upon by poſterity as a brave wicked man." Here the author, no doubt, has an eye to the murder of Charles I, in which Cromwell was too deeply concerned for me to pretend to excuſe him. I ſhall only obſerve, that this accuſation is not peculiar to him, but is common to him with the whole Independent-Parliament.

To form a juſt and rational idea of Cromwell's character, his conduct and actions in themſelves, muſt be examined, and joined to the juncture of the time, independently of the opinions of his enemies. We have no other hiſtorians of thoſe times than the Royaliſts, who have laid down certain principles, by which he is condemned. But, it muſt be obſerved, theſe principles were not generally received, in England, during his life. What can never be entirely excuſed in him, is the death of Charles I, to which he contributed to the utmoſt of his power, and which will be an indelible blot upon his memory. Another principle, and of which he made great uſe, is likewiſe to be condemned in him; which was, that moral laws were only binding on ordinary occaſions, but might be diſpenſed with upon extraordinary caſes, which is abſolutely falſe. His uſurpation of the government has been already conſidered, and the reader is left to his judgment. I ſhall only obſerve, that the confuſion which prevailed in England, ſoon after the death of Cromwell, clearly ſhews the neceſſity of this uſurpation.

Burnet.

In general it cannot be denied, that Cromwell was one of the greateſt men of his age, if it is conſidered, that without the advantages of birth or fortune, he roſe ſo near a throne, that it was in his power to mount it. Hiſtory furniſhes very few inſtances of this kind.

Cromwell's death was followed with ſo many alterations in the government, that the interval between that and the reſtoration, may be juſtly called a time of true anarchy. Cromwell ſhould have had a ſucceſſor like himſelf, to finiſh what he had ſo ably begun. But two ſo great men are not commonly found ſo near one another, nor often in the ſame age.

RICHARD CROMWELL, Protector.

Richard Cromwell ſucceeds his father
Whiteloc.

IN the laſt days of Cromwell's illneſs, ſome of his moſt intimate friends, ſeeing him in danger, asked him twice concerning the ſucceſſion, and he readily anſwered, he would have his ſon Richard to ſucceed him. He had, however, in the time of his protectorſhip, ſigned an inſtrument by which he appointed Fleetwood his ſon-in-law, for his ſucceſſor; but, probably, he had burnt that paper, for it could never been found. An hour after his death, the privy-council met, and upon the report made of the will of the deceaſed, as alſo upon the inſtrument of government, impowering them to chuſe a protector, they immediately elected Richard Cromwell. Fleetwood even relinquiſhed before them, the right, he might have, in caſe the paper ſigned in his favour, ſhould be found. Preſently after, the lord-mayor of London was acquainted with the election, and the day following Richard was proclaimed protector of the commonwealth of England, Scotland, and Ireland. The ſame proclamation was made in all the principal towns of the three kingdoms, without the leaſt oppoſition. On the contrary, addreſſes were preſented to Richard from all parts, ſigned by many thouſands to congratulate him upon his acceſſion to the dignity of protector, and to aſſure him, they would willingly hazard their lives and fortunes to ſupport him; but ſuch addreſſes are not always to be depended upon, experience having often ſhewn, they are far from being ſincere, tho' carefully expreſſed in the ſtrongeſt terms. Thus Richard was inſtalled ſucceſſor to his father Oliver, and took the ſame oath. The firſt care of the new protector, after his inſtallation, was to gain Monk, governor of Scotland, to his intereſts. After the voluntary reſignation of Fleetwood, his brother-in-law, of Desborough his uncle, and all the

Receives addreſſes from all parts.
Clarend.

Endeavours to gain the friendſhip of Monk.

1658.

the officers of the army, as well Republicans as Preſbyterians, he ſeemed to have nothing to fear from England. Henry Cromwell, his brother, then governor of Ireland, held that iſland in ſubjection; Scotland, therefore, only remained to be ſecured to his intereſts. Monk had commanded in that kingdom, ever ſince his reduction of it, and had ſo artfully managed the Scots, ſometimes by rigour, ſometimes by gentleneſs, and the exact diſcipline of his army, that he had acquired their eſteem and affection, who were never more happy than under his government, tho' the earl of Clarendon inſinuates that he ruled like a tyrant, which ſeems to have no other foundation, than his diſabling the Scots to withdraw their obedience from the parliament or the protector, by means of forts erected in convenient places However this be, it is certain, Monk was maſter of Scotland, and Cromwell himſelf would have found it difficult to deprive him of that government againſt his conſent. Many blamed the confidence Cromwell repoſed in Monk, who had born arms for the late king, and only engaged in the ſervice of the parliament, to free himſelf from captivity after the battle of Nantwich, where he was taken priſoner. It was, perhaps, for theſe ſuſpicions, that Richard thought himſelf obliged to neglect nothing to gain him to his intereſts.

Sends Clarges to him.

For this purpoſe, knowing Monk's eſteem and affection for Clarges his brother-in-law, he ſent him to deſire his friendſhip. But Clarges, as well as Monk, had been zealouſly attached to the king, and was ſtill ſo in his heart, tho' outwardly he complied with the times. So, in the diſcharge of this commiſſion, he took occaſion to ſound him, and eaſily found he was far from being the king's enemy. From that time Monk and Clarges held a ſtrict correſpondence. Clarges informed Monk of the tranſactions at London, and, in all appearance, deſigned then to ſerve the king, tho', perhaps, he thought it not yet proper to explain himſelf to Monk, who was very reſerved. Clarges, according to his inſtructions, acquainted Monk with the new protector's great eſteem for him, in which he followed the ſentiments of Oliver his father, who had expreſly charged him to be entirely directed by his advice.

Monk ſubmits to Richard.

Monk readily ſubmitted to Richard's government. He obligingly acknowledged his civilities, and only told him, in general, that having no particular advice to give him, by reaſon of his diſtance, he recommended to him to encourage a learned, pious, and moderate miniſtry in the church, to permit no councils of officers, a liberty they had too often abuſed, and to endeavour to be maſter of the army.

Other addreſſes to Richard from the army.
Ludlow.

At the beginning of his protectorſhip Richard had, as I ſaid, the pleaſure of receiving addreſſes from burroughs, cities, and counties, to the number of 90, and afterwards, he had the like compliment paid him from all the regiments, without any exception, ſo that he had reaſon to believe his power ſufficiently eſtabliſhed. In the interim, preparations were making for Oliver's funeral, which was ſolemniſed with great magnificence, large ſums of money being borrowed for that purpoſe by the new protector. After the ceremonies, uſually paid to deceaſed ſovereign princes, his body was depoſited in Henry VII's chapel, amongſt thoſe of the kings and queens of England.

1658.

The different factions conceive hopes from Richard's advancement.

Tho' the late protector was both careful and capable to preſerve himſelf, amidſt the parties then in England, and to keep them in awe, it was not, however, in his power to extinguiſh them. When he was taken out of the world, each party hoped to gain the advantage under the protectorate of Richard, who had not his father's qualities; and to theſe hopes, perhaps, muſt be aſcribed, their ready concurrence in declaring him protector.

The Royaliſts.

The Royaliſts juſtly flattered themſelves, that the different parties, into which their enemies were divided, having no longer a common head, capable to govern them altogether, would diſunite, and that diſunion be ſerviceable to the king, and, perhaps, procure his reſtoration. Thoſe who had approved of the government by a ſingle perſon, in the deceaſed protector, and had been moſt truſted by him, hoped to preſerve the ſame credit under the ſon, which they had enjoyed under the father, and to direct the new protector according to their pleaſure. Theſe were the principal members of the council, tho' they had alſo amongſt them a mixture of Republicans and Fanaticks.

The Republicans.

If the Republicans had conſented to acknowledge Richard, it was becauſe they were unprepared to make any oppoſition. The army, chiefly compoſed of this party, being diſperſed in ſeveral counties, the officers had neither time nor opportunity to conſult together. But they deſpaired not of finding an occaſion to diſplace the new protector, and reſtore the commonwealth to the ſtate it was in, till the year 1653, when Oliver diſſolved the parliament which had formed it.

The Anabaptiſts.
Burnet.

The Anabaptiſts were all of the Republican party, becauſe they perceived the impoſſibility of eſtabliſhing their fifth monarchy under a protector. Theſe were the moſt zealous Republicans, and the hardeſt to be managed, on account of their ſingular notions, which cauſed them to refer every thing to their extravagant religion, and rendered them deaf to any reaſons not drawn from their principles.

The Republican Deiſts.

There was another ſet of Republicans, who, regardleſs of religion, were governed by political views. They were accuſed of having no religion, or of being properly Deiſts.

The Preſbyterians.

As for the Preſbyterians, who were very numerous in England and Ireland, beſides the Scots, who were almoſt all of this ſect, they had not changed their principles, ſince their expulſion from the parliament in 1648. They would have gladly admitted the king with a limited power, and the firm eſtabliſhment of Preſbyterian government in the church. This principle had always cauſed them to remain by themſelves, without being able to unite either with the Royaliſts, who would hearken to no limitation upon the king's power, and were averſe to their church-government, or with the Republicans, who would have neither king nor protector. Beſides, theſe laſt granted an entire liberty to all ſects, which had joined the Independent party, a liberty which was inconſiſtent with the principles of the Presbyterians. For, tho' the Presbyterians had under the reigns of Elizabeth, James I, and Charles I, taken it very ill to be denied the free exerciſe of their religion, they were by no means inclined to grant others the ſame liberty they had demanded for themſelves. Nevertheleſs, as their number was conſiderable, and they might, at laſt, find a leader capable to conduct their affairs, the deceaſed protector thought it proper to manage them, and preſerve their government in the church, but without obliging any perſon to conform to it. This moderation kept the Presbyterians quiet under Oliver's government, and the more, as they could expect no aſſiſtance from the army, as it was then modelled. But in remaining thus ſeparate from all the other parties, they diſabled themſelves from making any great progreſs againſt the Independent party, who took care to keep them low. This gave the Royaliſts room to hope the Presbyterians would, at laſt, be obliged to unite with them, to free themſelves from the ſervitude in which they were held by the Independents and Republicans. The ſequel will ſhew, this hope was not groundleſs.

Richard's deſigns to become maſter of the council and the army. Phillips.

This ſhort recapitulation of the intereſts of the ſeveral parties, plainly demonſtrates Cromwell's capacity, who could keep them all in awe, without a poſitive declaration in favour of any one party. Richard propoſed to begin his protectorate with his father's maxims. He formed the deſign of making himſelf maſter of the deliberations of his council, and of reducing the army to receive his orders with ſubmiſſion. By theſe two things Oliver maintained his authority, and if he had lived, he would not have left an officer in the army of ſuſpected fidelity. But to purſue theſe maxims, and execute this project, Richard ſhould have had his father's capacity for civil and military affairs, his bravery and reſolution, and, in a word, by a ſeries of victories, ſhould have been able to ſtrike terror into all who could oppoſe his deſigns. But Richard had none of thoſe great talents to command fear and reſpect, or to inſpire his friends with hopes of a powerful protection. So, heading no party, and being incapable to govern all, he ſtood expoſed to their ambition and violence, without being ſure of an effectual aſſiſtance when he ſhould want it. In the interim, knowing that the bare election of his perſon by the council, and the addreſſes preſented to him, were inſufficient to eſtabliſh his authority, he believed it expedient to have his dignity confirmed by parliament, and accordingly ſummoned one to meet the 27th of January, 1658-9. This parliament was to conſiſt of two houſes, viz. a houſe of commons, containing 400 Engliſh, 30 Scotch, and 30 Iriſh members; and of the other houſe (for as yet it had no other name) which was inſtead of a houſe of peers, and conſiſted chiefly of officers. They were generally men of no birth, who had advanced themſelves by military poſt during the laſt war.

Calls a parliament of two houſes. Dec. 4 Clarend.

1658-9. He propoſes an addition of new members to his council. Phillips.

Richard had made no change in his father' council, but he was ſoon ſenſible, that this council, which was entirely directed by Oliver, was aſpiring to more power under his ſucceſſor. On the other hand, the army appeared leſs devoted to the ſon than to the father. They had even begun before Oliver's death, to appear leſs ſubmiſſive, which had obliged him to remove Lambert, and ſome other colonels and officers, who were ſowing diviſion among the troops. His deſign was to make other changes, by degrees, in the army, in order to reduce them to an entire obedience, but he was prevented by death. He wanted no aſſiſtance nor advice for ſuch purpoſes, and commonly his deſigns were executed before they were publickly known; and ſo well eſtabliſhed was his authority, that no officer whatſoever retained any credit amongſt the troops, the moment he was caſhiered. This Lambert and ſome others had lately experienced. Richard was deſirous to tread in his father's ſteps, but being ſenſible that his authority was not great enough, he thought he ſhould attempt nothing, without conſulting ſome of his principal friends. He, therefore, held a privy-council, in which he propoſed, firſt, the admiſſion of more new counſellors, to ſecure a majority, and make himſelf maſter of the debates, in ſpite of the old counſellors, who were leſs tractable than in the time of his father. Secondly, he propoſed to reduce the army to an entire dependence upon him.

His friends, whom he conſulted on this occaſion, were ſelf-intereſted, and attached to him, only in hopes of governing in his name. They apprehended, the protector's propoſal might be prejudicial to themſelves, and that in procuring him an abſolute power, they might be the firſt ſufferers. He, therefore, found a ſtrong oppoſition in theſe pretended friends. Inſtead of approving his deſign, they adviſed him to call into his council two colonels, wholly devoted to the Republican party. Nor was this all; ſome of the leading officers of the army were informed of the protector's deſigns, and that was ſufficient to put them in motion. Fleetwood his brother-in-law, and Desborough his uncle, were the firſt to combine againſt him, and cabal with the officers, to deprive him of the generalſhip of the army, to which they were authoriſed by the inſtrument of government. But, probably, they would never have thought of uſing that power, if Richard had not diſcovered his intentions of becoming abſolute maſter of the army, and putting himſelf in a condition not to want their aſſiſtance. However, as the army lay diſperſed, and it was neceſſary, that the officers ſhould conſult together, and act in concert, for the preſervation of their authority, and the oppoſing the protector's deſigns, a ſnare was laid, in which he ſuffered himſelf to be taken. It was inſinuated, that the parliament which was going to ſit, might prove dangerous to his authority, ſhould they not be tractable, and therefore it was neceſſary to fortify himſelf with a good number of officers, as well to conſult them, as to ſhew the parliament, he was

The principal officers of the army adviſe him to call a great number of officers to London. Ludlow.

ſupported by the army, which could not but produce a good effect. Richard believing, this advice proceeded from their zeal for his ſervice, was eaſily perſuaded to order ever regiment to ſend to London as many officers as could be ſpared. This order was punctually executed, and immediately a great number of officers appeared in London, who formed amongſt them a council, which frequently met, and aſſumed the title of the Great Council of the Army.

Theſe officers form a great council.

Offer a petition to the protector. Bates.

Beſides this great council, ſome members of the privy-council, and officers of the army met alſo at Desborough's houſe, as well to conſult how to deprive Richard of the generalſhip, as to direct the great council, which being compoſed of many inferior officers, wanted to be directed in their deliberations. The reſult of this council was, that Desborough, attended with ſeveral officers, waited on the protector with a petition, "That no officer or ſoldier ſhould be turned out but by ſentence of a council of war: That no member of the army ſhould be proceeded againſt capitally, otherwiſe than by martial law: And laſtly, that the army might have power to chuſe their own general." As nothing was more contrary to Richard's deſigns than this demand, he poſitively rejected it, and threatened even to caſhire them if they brought him any more ſuch propoſals.

The parliament meets Clarend.

The parliament aſſembling the 27th of January, it was immediately debated in the lower houſe, by what right the Scots and Iriſh ſent repreſentatives to the Engliſh parliament. The authority of the other houſe was alſo taken into conſideration, and the ſame objections made to it, as had been in Oliver's laſt parliament. As there were many Republicans in the houſe of commons, great endeavours were uſed to ſuppreſs the other houſe, for fear of its becoming, at laſt, a houſe of lords, and oppoſing the re-eſtabliſhment of the commonwealth, which was the object of their moſt ardent wiſhes. The debate upon theſe two articles held two whole months, and it was the 28th of March, before it was reſolved, by a majority of voices, that the other houſe ſhould ſubſiſt, and the Scotch and Iriſh repreſentatives continue to ſit in the houſe of commons. After that, the parliament made an act, to recognize Richard Cromwell for protector of England, Scotland, and Ireland.

An act to recognize Richard. Whiteloc.

1659.

Petition of the officers in favour of Fleetwood. Clarend.

While theſe things were tranſacting in parliament, the great council of officers at Fleetwood's houſe, and the private council at Desborough's continued their conferences and deliberations. At laſt, they preſented a petition to the protector, deſiring Fleetwood for their general. This was directly depriving the protector of the command of the army, to which he could not conſent, without expoſing himſelf to the caprices of the principal officers, who directed the army as they pleaſed. Wherefore, inſtead of returning a favourable anſwer to their petition, he ſharply reprimanded them, ordering them to diſſolve their council, and return to their quarters. On the other hand, the houſe of commons perceiving, the officers were contriving ſome plot which might be prejudicial to the parliamenvoted, againſt the holding a council of officers during the ſeſſion of the parliament; and moreover, that no perſon ſhould have any employ in the army, till he had taken an oath not to diſturb the deliberations of the parliament. Immediately after, theſe votes were ſent to the other houſe, now called the upper-houſe, for their concurrence. But as the officers were moſt prevalent there, they believed it no part of their duty to contradict what their comrades were doing. So, the votes of the commons were no more capable, than the orders of the protector, to diſſipate the councils of the officers who ſtill continued to aſſemble.

Whiteloc.

At laſt, on the 22d of April, Richard had notice, that the officers had reſolved to force him to diſſolve the parliament. He imediately aſſembled his council to prevent, by their advice, this attempt. Some were of opinion, that he ought abſolutely to refuſe ſuch a demand, and adhere to the parliament, as his only ſupport. But he was not directed to the means to defend himſelf againſt the officers, who began to aſſemble in the neighbourhood of Whitehall, and would, probably, have been too ſtrong for his guards. Others adviſed him to leave Whitehall, and ſuffer the officers to do as they pleaſed with the parliament, without any promiſe to diſſolve it. But the officers, foreſeeing, he might take that courſe, had now ſeiſed all the avenues about Whitehall. In ſhort, every man propoſed expedients, to which others objected inſuperable difficulties. During theſe irreſolutions, Desborough, with a ſtrong retinue, demanded an audience of the protector, and required him in the name of the officers, to diſſolve the parliament. Richard, at firſt, refuſed to grant this demand; but he was told, his refuſal would be attended with danger to himſelf, and that, in a word, they were reſolved to obtain, by fair means or foul, what they demanded. In fine, Richard, who, before Desborough came, had not been able to take any reſolution, was ſtill more incapable to conſider what was to be done, after he was ſurrounded with men who ſhewed but little regard for his authority. He, therefore, promiſed to diſſolve the parliament by commiſſion under the great-ſeal. But as the commons, informed of what paſſed, had adjourned themſelves for three days, the parliament was diſſolved by proclamation.

The officers force the protector to diſſolve the parliament. Clarend.

Richard loſes all his credit.

From that time, Richard was no longer regarded, tho' he ſtill bore the title of protector. The officers conſidered him as an impotent enemy, incapable of hurting them. So he loſt on a ſudden the ſupport of the parliament, without gaining that of the army. This is what cannot be denied. But thoſe who imagine, that if he had ſtood by the parliament, he would have engaged the people in his intereſts, and been ſupported by Monk and his army, build their conjecture upon a very uncertain ſuppoſition. Beſides, was it in his power to refuſe a diſſolution of the parliament, without hazarding his own life, or to ſupport

1659.

The officers ſeiſe the government. Philips.

ſupport himſelf, till he ſhould have received a ſufficient aid, againſt the violences of the army? Be this as it will, after the parliament was diſſolved, the great council of officers thought themſelves impowered to ſettle the government as they pleaſed, without conſulting the protector, who was now regarded but as a private perſon. This anarchy, however, laſted only a few days, during which the officers elected Fleetwood for their general. They diſcharged, alſo by their, own authority five colonels, who adviſed Richard to adhere to the parliament, viz. Ingoldſby, Goff, Whaly, lord Falconbridge, brother-in-law to Richard, and Howard afterwards earl of Carliſle, and, reſtored Lambert, and others, diſmiſſed by Cromwell a little before his death. After this, they conſidered of ſettling the government, it being impoſſible for things to continue long in their preſent ſituation.

Lambert's deſigns. Ludlow.

Lambert was a man of immoderate ambition, and would not have ſcrupled to follow the example of Oliver, had the juncture ſeemed favourable to him. But Fleetwood being his general, and the idol of the army, he could not hope to ſucceed in an attempt to ſeiſe the government. He, therefore, thought proper to wait a more favourable opportunity, and, in the interim, hinder Fleetwood from putting himſelf at the head of the government, whether under the name of protector, or any other title, to which he had ſeveral reaſons to belive he was aſpiring. Firſt, Cromwell had once named him for his ſucceſſor, by an inſtrument under his own hand, and many believed this inſtrument had been artfully conveyed out of the way, either during Cromwell's life, or after his death, leaſt it ſhould obſtruct his ſon Richard's election. It was even ſaid, that Cromwell's nomination of his ſon, in the time of his illneſs, was only the contrivance of ſecretary Thurlo, and another perſon, to procure the ſucceſſion for Richard. Secondly, Fleetwood was one of the moſt zealous Enthuſiaſts, of whom the army was full, and, therefore, lookep upon with veneration by the ſoldiers, and judged moſt worthy to be Cromwell's ſucceſſor. Thirdly, it was hardly to be doubted, that it was the intereſt of the army to chuſe a protector, who ſhould depend on them, and in his turn ſupport their credit. This Lambert conſidered; but as it was not for his advantage to have Fleetwood raiſed to a dignity to which he himſelf aſpired, he ſecretly engaged colonel Lilburn, to cabal among the inferior officers, and break Fleetwood's meaſures, if they pointed to the protectorſhip, whilſt he regularly made his court to him, and endeavoured by his flatteries to influence him, as Cromwell had formerly influenced Fairfax. This example made Lambert hope, that he might, the ſame way, put himſelf one day at the head of the government.

Lambert's cabal being made with the greateſt ſecrecy, Fleetwood, as general, convened his officers to Wallingford houſe to ſettle the government. All the ſuperior officers came; but at the ſame time the inferior, by the intrigues of Lambert and Lilburn, aſſembled at St. James's, in much greater numbers. In this aſſembly, the ſettlement of the governmant was likewiſe debated, and occaſion taken, to magnify the happineſs which England enjoyed under the adminiſtration of the parliament, from the 6th of December, 1648, to the 20th of April, 1653, when it was diſſolved by Cromwell. Their prudence, ſteddineſs, and happy ſucceſs in England, Scotland, Ireland, and in the Dutch war, were extolled, with ſome intimations of advice, that nothing could be more advantageous to the three nations, than the reſtoration of that parliament.

1659.

The officers came to a reſolution of reſtoring the parliament diſſolved by Cromwell in 1653, May 5. Clarend.

This debate was carried no farther; but it ſufficed to convince the aſſembly at Wallingford houſe that a diviſion between them and the inferior officers could not but be dangerous to both, and that their beſt way was to join with the inferior officers, in reſtoring the Long-Parliament It is not known what was the deſign of the chief officers, with regard to the government, but it is certain, the propoſal of the inferior officers was contrary, neither to the principles nor the ſentiments of the army in general. This will be eaſily perceived, when it is conſidered, that the officers and ſoldiers, for the moſt part, were Independents, Anabaptiſts, Enthuſiaſts, Republicans, ſuch in a manner as were the members of the parliament diſſolved in 1653, and now propoſed to be reſtored. However this be, all the officers being united, declared for the good old cauſe, that is, for the cauſe ſupported by the parliament, which brought the king to the ſcaffold, and turned the monarchy into a commonwealth. It was, therefore, reſolved in a general council, at Fleetwood's houſe, to reſtore the Long-Parliament.

They have a mind to take ſome precautions for their ſecurity. Ludlow.

In the interim, as this parliament had no reaſon to be pleaſed with the army, which, in 1653, took part with Cromwell againſt them, the great officers were afraid, that when the members were reſtored to their authority, they would think of being revenged. Beſides, they knew the reſolution and firmneſs of theſe members, who would infallibly keep the army in a ſtate of dependance. The officers therefore, judged it abſolutely neceſſary, before they proceeded, to demand certain conditions, and to be previouſly aſſured of the compliance of the parliament, when they ſhould reſume their authority. For this purpoſe, they had conferences with ſome of the members, who had been the leading men in that parliament, viz. Vane, Haſlerig, Scot, and Salway, to engage them to promiſe, theſe conditions ſhould be granted. But theſe members would not make any ſuch promiſe, under colour, it did not belong to them to preclude the reſolutions of the parliament. This refuſal rendered them ſuſpected to the ſuperior officers, but the inferior, being the moſt numerous, overlooked this difficulty, and were contented with a verbal promiſe from theſe four members, that they would uſe their endeavours to procure a grant of theſe conditons.

The parliament diſſolved in 1653, is reſtored, May 7. Whitelock.

THINGS being thus ſettled, Lambert at the head a conſiderable number of officers,

cers, repaired to the houſe of Lenthal, ſpeaker of the Long-Parliament, and preſented to him the declaration of the great council of officers, by which the members of the parliament, diſſolved by Cromwell, April the 20th, 1653, were invited to return to the exerciſe of their authority. Lenthal anſwered, he would communicate the declaration to the members then in London, which he did the next day, and, the invitation being accepted, they met in parliament the 7th of May, to the number of only 42. Thus the three nations were once more under the tyranical dominion of a parliament, which had not feared to imbrue their hands in the blood of their ſovereign: but with this difference, that the number was reduced to the half of what it was in 1648, when the Preſbyterian members were excluded. Hence they were called in deriſion the Rump-parliament, in alluſion to a foul all devoured but the rump. The Preſbyterian members, who had been expelled in 1648, would have reſumed their ſeats, but none were admitted beſides thoſe who had ſat, from the firſt of January, 1648, to the 20th of April, 1653, and in this the pretended parliament was ſupported by the officers, whoſe intereſt it was, not to ſuffer the Preſbyterians to prevail in the houſe.

Called in deriſion the Rump, and why.

The parliament ſend Clarges to Monk. Burnet.

Monk ſubmits to the authority of the parliament.

When the parliament was reſtored to their authority, they ſent Clarges to Monk, to engage him to ſubmit to the new government. They knew, Monk was not of their principles, and if they had dared, inſtead of deſiring his acquieſcence, they would have ſent him a ſucceſſor, to govern Scotland. But Monk had ſo eſtabliſhed himſelf in that country, that being maſter of the fortified places, and aſſured of the affection of the Scots, and of his army, it would have been dangerous to deprive him of his government againſt his will. It was, therefore, judged ſafeſt by the parliament to gain him by fair means, and undermine by degrees his credit and authority in the army. Monk had ſo little foreſeen the late change in England, that he had not time to take any meaſures to regulate his conduct. When he ſounded his officers, he found they were pre-ingaged by letters from their friends in London. So, all he could do, after the arrival of Clarges, was to acquieſce, and, expreſs his ſatisfaction to ſee the parliament reſtored, tho' he was convinced, the leading men both in the parliament and army were not his friends.

The officers preſent a petition to the parliament. Phillips.

Four days after the parliament met, Lambert, attended by ſeveral officers, preſented a petition and addreſs from the general council of officers, in which, after ſome compliments, they demanded,

‘ 1. That the liberty of the perſons, and property of the eſtates of all free people of theſe nations, be maintained, preſerved, and kept inviolable, according to law, under the government of a free ſtate and commonwealth, without a ſingle perſon, kingſhip, or houſe of peers.

‘ 2. That there may be ſuch a juſt and due regulation of law, and courts of juſtice and equity, as that they may be a protection, and not vexatious or oppreſſive to the people of theſe nations.

‘ 3. That by an act of oblivion, all and every perſon and perſons, who have, ſince the 19th of April 1653, mediately or immediately adviſed, acted, or done any matter or thing whatſoever, in reference to the ſeveral changes or alterations in the government of theſe nations, ſince the ſaid 19th of April 1653, or in order to the publick ſervice, peace, or ſafety of theſe nations, be indemnified and ſaved harmleſs, to all intents and purpoſes whatſoever.

‘ 4. That all laws, ordinances, declarations, and eſtabliſhments, made in the ſeveral changes and alterations of government, that have been in theſe nations, ſince the 19th of April aforeſaid, and not as yet particularly repealed, be deemed good in law, until particularly repealed.

‘ 5. That ſuch debts as have been contracted for the publick ſervice, and affairs of this commonwealth, and for the charges of the government, ſince the 20th of April 1653, be carefully paid and ſatisfied.

‘ 6. That all perſons who profeſs faith in God the Father, and in Jeſus Chriſt his eternal ſon the true God, and in the Holy ſpirit God co-equal with the Father and the Son, one God bleſſed for ever, and do acknowledge the holy ſcriptures of the old and new teſtament, to be the revealed or written word or will of God, ſhall not be reſtrained from their profeſſion, but have due encouragement, and equal protection in the profeſſion of their faith, and exerciſe of religion, whilſt they abuſe not their liberty to the civil injury of others, or diſturbance of others in their way of worſhip: So, that this liberty be not extended to popery or prelacy, nor to ſuch as ſhall practice or hold forth licentiouſneſs or prophaneneſs, under the profeſſion of religion: And that all laws, ſtatutes, or ordinances, and clauſes in any laws, ſtatutes, or ordinances to the contrary, may be declared null and void.

‘ 7. That a godly, faithful, and painful goſpel-preaching miniſtry be every where encouraged, countenanced, and maintained.

‘ 8. That the univerſities, and ſchools of learning, be ſo countenanced and reformed, as that they may become the nurſeries of piety and learning.

‘ 9. That ſuch perſons as have, at any time ſince the 20th of May 1642, aided, or aſſiſted, or adhered to the late king, Charles Stuart his ſon, or any other perſon or perſons whatſoever of that party, againſt the parliament or commonwealth of England, and all other perſons whatſoever, that have made uſe of any authority or power, under pretence of law, or otherwiſe, to deprive or abridge any of the good people of theſe nations of their chriſtian liberty, or have, or ſhall expreſs themſelves in any way mockers, ſcoffers, or revilers of godlineſs, or of the profeſſors thereof, or are otherways ſcandalous or looſe in their converſations, or have not given good ſatisfaction of their affection and faithfulneſs to this cauſe, may be ſpeedily removed out of all places of power or truſt in the majeſtracy, or other management of the publick affairs of theſe nations; and that no ſuch perſons may be admitted unto any ſuch place of power or truſt for the future.

‘ 10. And foraſmuch as no godly, or other good intereſt can be preſerved, or maintained, unleſs the perſons, who are chiefly intruſted with the management and exerciſe of the government, be of ſutiable ſpirits to thoſe intereſts; that thoſe who are or ſhall be intruſted therein, be ſuch perſons as ſhall be found to be moſt eminent for godlineſs, faithfulneſs, and conſtancy to the good cauſe and intereſts of theſe nations.

‘ 11. That to the end the legiſlative authority of this commonwealth may not, by their long ſitting, become burnthenſome or inconvenient, there may be effectual proviſion made for a due ſucceſſion thereof.

‘ 12. And for the better ſatisfaction, and more firm union of the forces of this commonwealth, in this juncture of affairs, for preſerving and maintaining the principles, and other matters thereunto ſubſervient, we do unanimouſly acknowledge and own the lord Charles Fleetwood lieutenant-general of the army, to be commander in chief of the land-forces of this commonwealth.

‘ 13. That in order to the eſtabliſhing and ſecuring peace, welfare, and freedom of the people of theſe nations, for the ends before expreſſed, the legiſlative power thereof may be in a repreſentative of the people, conſiſting of a houſe, ſucceſſively choſen by the people, in ſuch a way and manner as this parliament ſhall judge meet, and of a ſelect ſenate, co-ordinate in power, of able and faithful perſons, eminent for godlineſs, and ſuch as continue adhering to this cauſe.

‘ 14. That the adminiſtration of all executive power of government, may be in a council of ſtate conſiſting of a convenient number of perſons qualified, in all reſpects, as aforeſaid.

‘ 15. That all debts, contracted by his late highneſs, or his father, ſince the 15th of December 1653, may be ſatisfied, and that an honourable revenue of 10,000 l. per Annum, with a convenient houſe, may be ſettled upon him and his heirs for ever; and 10,000 l. per Annum more upon him during life; and upon his honourable mother, 8000 l. per Annum during her life, to the end, a mark of the high eſteem this nation hath of the good ſervice done by the father, our ever renowned general, may remain to poſterity.’

The parliament's anſwer. Philips.

The parliament returned a general anſwer to this petition, and thanked the army for their affection to the publick. Then, taking it into conſideration, they approved of all the articles in general, but appointed a particular committee to examine thoſe which concerned the government. As to what related to Richard Cromwell, and his mother, it was not to be debated, till they ſhould be aſſured of his ſubmiſſion to the government. For this purpoſe, a committee was ſent to inform him of the reſolutions of the houſe, and to require his acquieſcence in the late change. The day after, Richard delivered to them the following anſwer in writing:

The protector Richard's ſubmiſſion to the powers in being. Philips.

‘ I have peruſed the reſolve and declaration which you were pleaſed to deliver to me the other night, and for information, touching what is mentioned in the ſaid reſolve, I have cauſed a true ſtate of my debts to be tranſcribed, and annexed to this paper, which will ſhew what they are, and how they were contracted.

‘ As to that part of the reſolve, whereby the committe are to inform themſelves, how far I do acquieſce in the government of this commonwealth, as it is declared by this parliament:

‘ I truſt, my carriage hitherto hath maniſeſted my acquieſcence in the will and diſpoſition of God, and that I love and value the peace of this commonwealth much above my own concernments; and I deſire, that by this, a meaſure of my future deportment may be taken, which, through the aſſiſtance of God, ſhall be ſuch as ſhall bear the ſame witneſs, having, I hope, in ſome degree, learned rather to reverence and ſubmit to the hand of God, than to be unquiet under it. And (as to the late providences that have fallen out amongſt us) however, in reſpect of particular engagemenss that lay upon me, I could not be active in making a change in the government of the nations; yet, through the goodneſs of God, I can freely acquieſce in it being made; and do hold myſelf obliged, as (with other men) I expect protection from the preſent government, ſo to demean myſelf with all peaceableneſs under it, and to procure to the utmoſt of my power, that all in whom I have any intereſt do the ſame.’

RICHARD CROMWELL

The parliament grant him but 20,000 l. to pay his debts, and order him to quit Whitehall. Whiteloc.

When the parliament examined the account of Richard's debts, the article of expences for his father's funeral was rejected, ſo that Richard was forced to pay that debt out of his inheritance, which ſwept away the greateſt part of his eſtate, which was not very large, conſidering Cromwell's advancement during his life. As to the revenue, and annual penſion, deſired by the officers, for Richard and his mother, the parliament referred the conſideration of them to another opportunity, and contented themſelves with aſſigning 20,000 l. for the payment of his private debts. The members had but to much cauſe to complain of Oliver Cromwell, who had deceived, and ſhamefully diſmiſſed them, to think themſelves obliged to do ſo much honour to his memory, and beſtow ſo great advantages on his widow and ſon. When they granted him the 20,000 l. they required him to remove from Whitehall in ſix days.

Fleetwood appointed general but for one year only.

It may be obſerved in the 12th article of the petition of the officers, that, as they expreſſed themſelves, they did not intend to leave to the parliamrnt the liberty of not appointing a

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general, or of naming any other than Fleetwood, ſince, inſtead of petitioning, they ſaid in that article, "We do unanimouſly acknowledge the lord Charles Fleetwood to be commander in chief of the land-forces of the commonwealth." The parliament thought it not proper then to examine the manner in which this article was expreſſed, for fear of raiſing ſome differences between them and the army, at a time when they derived their authority only from the declaration of the officers, who had reſtored them. Fleetwood, therefore, was appointed commander in chief of the land-forces of England, Scotland, and Ireland, but only for one year. This reſolution being taken, the parliament voted, that Fleetwood ſhould have power to ſign and ſeal ſuch commiſſions, for the conſtituting of officers under him, as ſhould be approved by the parliament, and nominated by Sir Henry Vane, Sir Arthur Haſlerig, lieutenant-general Fleetwood, and the colonels Lambert, Deſborough, Ludlow, Berry, or the major part of them, who were made commiſſioners for that purpoſe. But upon the ſecond reading of the bill, the clauſe impowering Fleetwood to ſign commiſſions was altered, and it was ordered, that all commiſſions, both to the commiſſion-officers of the army, and the captains of the fleet, ſhould be ſigned by the ſpeaker of the parliament of the commonwealth of England to be written by the clerks attending the council of ſtate, and delivered to the officers gratis by the ſpeaker, in the parliament-houſe. This was a plain indication, that the parliament pretended, that the officers ſhould owe their advancement to them alone. The ſame day, the parliament voted, that the government of Ireland ſhould be by commiſſioners, nominated and appointed by parliament, and not one perſon, and that Henry Cromwell ſhould be acquainted with the order, and required forthwith to repair to the parliament. He peaceably ſubmitted, tho', in all probability, if he had been inclined to reſiſt, the new governors would have found it difficult to remove him. He was extremely beloved in Ireland, both by the army and the Engliſh inhabitants, having never injured any perſon; but on the contrary, obliged every one, as far as lay in his power. But, doubtleſs, not thinking himſelf ſecure of ſucceſs, and receiving no orders from his brother, he was unwilling to undertake ſo important an affair. All the hiſtorians are unanimous in their praiſes of him, and generally believe, that if he had been protector, inſtead of his elder brother, the officers would have met with their match, or not attempted what they undertook againſt Richard.

Henry Cromwell's good character. Clarend.

The parliament enters upon meaſures to make it ſelf maſter of the army: Phillips

Fleetwood, Deſborough, Lambert, and the reſt of the principal officers, wereby no means pleaſed with the proceedings of the parliament, but knowing, the inferior officers conſidered their dependence on the parliament, as an advantage, they diſſembled their reſentments, and received their commiſſions from the ſpeaker. On the other hand, the parliament believed it of the utmoſt importance, to be maſter of the army; which they flattered themſelves, would enable them to rule peaceablely and abſolutely; and without doubt, perpetuate their authority But till this was done, they ſaw they were to expect a ſtrong oppoſition, conſidering the reſtleſs temper of the principal officers, who were ever ſeeking to make themſelves neceſſary, for fear of loſing their poſts. This was the firſt, and almoſt open deſign of the parliament. For this purpoſe, the committee appointed to examine commiſſioners was continued, who knowing the intentions of the houſe, made great alterations in the army, diſplacing ſuch as were ſuſpected, and ſubſtituting others of more aſſured fidelity. The ſame thing was done to the army commanded by Monk, and many officers being removed, others were appointed to ſucceed them, and thoſe that were diſplaced were moſt confided in by Monk. Clarges had now acquainted Monk with the parliament's deſigns, which were ſo manifeſt, and Monk had but too much cauſe to perceive them, by the alterations, the committee would have made in the army of Scotland. He wrote to the committee ſo, as to ſhew them, he plainly ſaw their deſign to undermine his authority. He uſed ſome expreſſions in his letter, which made the parliament apprehenſive there would be danger of driving a man to extremities, who had twelve thouſand men, and all Scotland at his diſpoſal. For this reaſon, the officers, appointed by the committee to go into Scotland, received orders, not to proceed on their journey. But this was only to gain time, in expectation of a more favorable opportunity.

They continue the monthly Tax upon the three kingdoms. Ludlow.

The 18th of June the parliament voted the continuation of the monthly aſſeſſment of thirty-five thouſand pounds, impoſed by the parliament of the year 1656. Then, commiſſioners were named for the civil government of Ireland, and a commiſſion granted to Edmund Ludlow, who was one of the king's judges, and a moſt zealous republican, to command the forces of that country.

A conſpiracy of the royaliſts in favour of the king. Clarend.

In the interim, the parliament having received confuſed intimations, of a plot forming in favour of the king, the royaliſts had orders to withdraw twenty miles from London. This intimation was not groundleſs. In March this year, the king, by a declaration, had impowered commiſſioners to treat in his name with thoſe, who having been againſt him, or his father were willing to return to his obedience. Theſe commiſſioners ſpared neither pains nor promiſes, to increaſe the number of the king's friends, and certainly there could not be a more favourable opportunity. All were weary of the tyranny of an independent parliament, conſiſting of forty perſons, and of an army, whoſe officers were moſtly Fanaticks, and who under the colour of promoting piety, and extending the kingdom of Chriſt, had only their intereſt in view. The Preſbyterians themſelves, and the members of that party, who had been expelled the houſe in 1648, ſeeing little appearance of ever recovering the ground they had loſt, and that nevertheleſs they remained expoſed to the tyranny of the Independents

The preſbyterians inclinable to join with them. R. Coke.

pendents and Fanaticks, agreed, at laſt, with the king's party, to deliver the nation from the ſervitude to which it was reduced. The particulars and terms of this union are not known, becauſe the hiſtorians who ſpeak of it, being all royaliſts, have not thought fit to do ſo much honour to the Presbyterians. But it can't be concealed, that from this time, the Presbyterians no longer appeared as the king's enemies, but on the contrary, as will hereafter be ſeen, very much promoted his reſtoration.

The project of an inſurrection. Clarend.

It was on the hopes, that the Presbyterians would aſſiſt, or, at leaſt, not oppoſe them, that the royaliſts projected an inſurrection in ſeveral parts of the kingdom, in expectation, it would, at laſt, become general. For this purpoſe, they intended to ſeiſe, at once, Gloceſter, Lynn, Plymouth, Exeter and Cheſter. They believed their meaſures ſo well taken, that they doubted not of ſucceſs; for they ſtill relied on the people's affection for the king, in which they were often miſtaken. Mr. Mordaunt croſſed the ſea, to inform the king of the project, which he thought ſo well that he repaired ſecretly to Calais, and then to St. Malo's, to be nearer England, in caſe the plot ſucceeded; but this project vaniſhed like the reſt. Sir Richard Willis who as I have ſaid, betrayed the king's party, informed Thurlo of it, and Thurlo the council of ſtate, who immediately put the militia in ſafe hands and took other precautions, which invincibly obſtructed the execution of the project. Maſſey was taken in attempting to ſurpriſe Glouceſter, but found means to eſcape. The lord Willoughby of Parham, and Sir Horatio Townſend, who were gone to the weſt to ſerve the king, were arreſted and ſent to priſon. There was only Sir George Booth, who aſſembling about 4 or 5000 men, took Cheſter, and publiſhed a manifeſto againſt the tyranny of the parliament, without any mention of the king, intending to make the publick believe, that the people's diſcontent was the ſole motive of his taking arms. Sir Thomas Middleton joined him with ſome troops, but theſe two united bodies were ſo inconſiderable, that Lambert, who marched againſt them, by order of parliament, eaſily defeated them, and re-took Cheſter. Sir George Booth had the good fortune, at firſt, to eſcape, but was taken ſome days after in woman's clothes, and brought to the Tower of London. Middleton retired to a Caſtle of his own, which held out but few days. It did not appear, on this occaſion, that the people had the king's intereſt much at heart.

Are betrayed by Willis. Clarend.

Sir George Booth ſeiſes Cheſter, and publiſhes a manifeſto

Joined by Sir Thomas Middleton. Defeated by Lambert Aug. 19 Claren.

During theſe tranſactions, the king's friends not doubting of ſucceſs, ſent the reverend Nicholas Monk, the general's brother, into Scotland, to engage him in the king's party. Some have pretended, that Monk, full of hopes, that the king's party in England would ſucceed, was upon the point of marching to ſupport them but was ſtopped by the news of Booth's defeat, and forced to feign himſelf entirely devoted to the Parliament. I cannot eaſily believe that Monk ſo early thought of ſerving the king. However, it cannot be denied, that the Parliament looked on Monk as a man in whom they could not confide, becauſe his principles were very far from fanaticiſm, which then infected both parliament and army. This the parliament plainly ſhewed, immediately after Booth's and Middleton's defeat by Lambert; for judging that victory would keep Monk in awe, they readily confirmed the changes before intended in the army of Scotland. Monk was ſo offended with this proceeding, that he writ to the ſpeaker, to deſire his diſmiſſion, but Clarges, his brother-in-law, prevailed with their ſpeaker not to communicate this letter to the parliament, who, doubtleſs, would not have failed to grant his requeſt.

Monk the Clergyman ſent by the royaliſts to general Monk. Clarend.

As the peace between France and Spain was to be treated at St. Jean de Luz, by the prime miniſters of the two crowns, the king believed his preſence at this negotiation might procure him ſome advantage. He, therefore, departed for Fontarabia in September, and croſſed the kingdom of France incognito. I ſhall ſpeak preſently of the ſucceſs of this journey, but muſt firſt relate the change which happened in England.

The king goes to Fontarabia Clarend.

Conferences of the army-officers, to prevent the deſigns of the parliament, Phillips.

The principal officers of the army, who kept in London, were ſtill highly diſpleaſed with the parliament, plainly perceiving, their deſign was to become maſter of the army. Wherefore, they began to think of means to prevent this deſign, and maintain themſelves in their credit and poſts. They had, for this purpoſe, ſeveral ſecret meetings. But one difficulty was to be ſurmounted, before any reſolution could be taken. This was, that the inferior officers were very well pleaſed with the Parliament, who greatly careſſed them, intending to uſe them, to get rid of their commanders. Lambert, who commanded the forces about Cheſter, was entirely in the party of Fleetwood and Desborough, knowing, the parliament had no better intentions for him, than for the others. Beſides, his chief view was to procure a perpetual confirmation of the generalſhip to Fleetwood, in hopes to govern and make uſe of him for his own advancement to that poſt, as Cromwell had before done to Fairfax. Tho' he was abſent from London, he was informed of what paſſed at their meetings, and gave his advice. At laſt, after many deliberations, it was reſolved, that Lambert ſhould try to gain the inferior officers of his army, who were diſperſed in different quarters. Purſuant to this reſolution, Lambert coming to Derby, ſo managed, that his officers, whom he had carefully inſpired with diſcontent, met to draw a petition, which, before it was offered to the parliament, was to be communicated to Fleetwood, for the approbation of the general-council of officers. Sir Arthur Haſlerig having received advice, that the petition was come to London, informed the commons, and told them, the army was contriving a very dangerous plot, of which it was neceſſary to prevent the conſequences. Upon this declaration Fleetwood was examined by the parliament, whether he knew any thing of the petition? He anſwered, he had a copy of it, and the original was in the hands of three officers whom he named. Whereupon he was ordered

His officers ſend the plan of a petition to be offered to the Parliament Sept. 16. Clarend.

to give notice to theſe officers to attend the houſe that afternoon with the petition, which was done, and the petition read. The ſtile was in the faſhionable language of that time, amongſt thoſe who pretended to a more exalted piety. The ſubſtance of it was to this effect:

Demands of Lambert's officers.

‘1. That the parliament would be pleaſed not to ſuffer the petition of the general-council of officers at Wallingford houſe to be laid aſleep, as it was the beſt expedient yet offered to a happy and durable ſettlement.

‘2. That ſince a great many ill-effected perſons, were endeavouring to ſow diviſion in the army, the parliament would be pleaſed for the preſervation of that union, wherein its greateſt ſtrength lay, to eſtabliſh firmly the lord Fleetwood in the command of the army, whoſe commiſſion was to expire in a few months, with Lambert for his lieutenant-general, Deſborough for the command of the horſe, and Monk of the foot.

‘3. That conſidering the negligence of a great many perſons intruſted with publick employs; the ill-deſigns of the enemies of the good cauſe; the activity of ſome to favour thoſe deſigns, and the affection and zeal ſhewn by others for a blameable neutrality, at a time, when their aſſiſtance is moſt wanted; the parliament would be pleaſed to make a diligent inquiry upon this ſubject, and proceed to the depriving of the guilty of all their employs: That on the contrary, ſuch as in this diſtracted juncture declared willingly and chearfully for the good cauſe, either in the county-troops, or militia-voluntiers, or otherwiſe, may be looked on as friends, encouraged, ſatisfied in their arrears, and inveſted with authority in their ſeveral countries.

‘4 That in the late inſurrections, ſome conſiderable corporations having aſſiſted the enemy, received and furniſhed them with arms; the parliament would be pleaſed to give ſome ſignal mark of their diſfavour againſt them; and for the future ſo regulate the corporations, that perſons well qualified, according to the government of a well conſtituted commonwealth, may be intruſted with authority of the magiſtracy in any of the ſeveral towns, that ſo the footſteps of monarchy may be rooted out.

‘5. That all perſons whatſoever, magiſtrates, miniſters, or others, who have ſecretly ſtirred up the inhabitants of theſe nations to war and commotions againſt the parliament, and particularly, to the late inſurrections, may be proceeded againſt as the parliament in their judgment ſhall think fit.

The parliament vote againſt it.

The houſe in a debate upon this petition the next morning voted, “That to have any more general officers in the army than are alreade ſettled by the parliament, is needleſs, chargeable, and dangerous to the commonwealth; and that Fleetwood ſhould acquaint them with this reſolve.”

Fleetwood having communicated this vote to ſome officers at his own houſe, it was reſolved, that the petition ſhould not be inſiſted on, but on the contrary, an addreſs offered to the parliament, to profeſs on adherence to their authority againſt the common enemy, and that they would ſtand by them in the ſettlement of the commonwealth, againſt all diſturbances whatſoever; and that this ſhould be prepared and brought to be read, and conſidered by a general council of officers, to meet for that purpoſe, the 27th of September.

The great council of officers reſolve to preſent another petition. Phillips.

Thoſe who had the care of preparing this addreſs, diſcharged their truſt, in a manner little agreeable to the intention of the perſons who ordered it, as will be ſeen preſently. However, the addreſs was approved in the general council of officers, by a majority of voices, and ſigned by 230 officers, who were in and about London, but was not preſented till the 5th of October. In this interval of ſeven or eight days, the officers ſent a copy of the petition to general Monk for his concurrence, tho' they were reſolved not to ſtay for his anſwer. On the other hand, the parliament took all poſſible meaſures to hinder its being preſented, whether by ſatisfying in its arrears, or by ſowing diviſion among the officers, as they knew the addreſs was not univerſally approved, the viſible view whereof was, to beget a breach between the army and the parliament. But all their endeavours were fruitleſs. The 5th of October, Deſborough, with many other officers, went to the houſe to preſent the petition. It was introduced by a long preamble, in which it was pretended, that the intentions of the army were maliciouſly repreſented to the parliament by ill-effected perſons, to create diviſion between the parliament and the army; and that it was in juſtification of themſelves, from ſuch falſe accuſations, that they preſented this humble addreſs, containing the four following aſſertions:

The parliament tries to prevent it.

‘We do humbly and plainly declare,

It is preſented. October 5. Phillips.

‘1. That notwithſtanding what any perſons may ſuggeſt, or ſay to the contrary, we are not for, but againſt the ſetting up any ſingle perſon whatſoever in ſupreme authority: And for a demonſtration hereof we may appeal to your own judgments, upon our late actings, wherein, ſince our declaration of the 6th of May laſt, we have, with all induſtry and faithfulneſs, endeavoured to render ourſelves ſerviceable to you and the commonwealth, and have chearfully obſerved your commands, ſome of us with our lives in our hands in your late ſervice: Wherein to our great encouragement, the Lord hath once more appeared to own you and your army, and the good old cauſe, for which we have contended. And at the late return of this parliament to the diſcharge of their remaining truſt, we did with ſimplicity and plaineſs, in our humble petition and addreſs preſented to you, manifeſt our hearts and deſires, and that with much unanimity and fullneſs of conſent, which we apprehend was well accepted by you.

‘2. That we have not ſince changed our principles leading to a well-regulated commonwealth, wherein the liberties of the people thereof, both ſpiritual and civil, may be fully ſecured, and perſons of known integrity, piety, and ability, employed in places of truſt and concernment; but reſolve, by the aſſiſtance of God, to remain conſtant to them: And make it your humble prayer to God, that he would incline your hearts effectually to proſecute the ſame, and make you inſtrumental in bringing forth ſuch a foundation of government, whereby all the good people of theſe nations may rationally expect, that ſuch liberties and rights ſhall be preſerved to them and their poſterities. And we can truly ſay, that it is in our hearts earneſtly to deſire that God would crown you with the honour of making theſe nations happy, by ſuch a ſettlement as may not be liable to to every change of governors, and to have the peace thereof diſturbed by introducing new governments.

‘3. Whereas a petition and propoſals were lately drawn up by the officers of the brigade, that (under the command of major-general Lambert) hazarded themſelves in your ſervice with good ſucceſs, whereby through the bleſſing of God upon them, and others of your faithful friends and ſervants, the peace of this commonwealth is ſtill continued: And the ſaid petition was ſent up to ſome officers here, to be preſented to the lord Fleetwood; which had been by ſome interpreted to evil and ſiniſter ends, and and from thence ſuggeſtions derived, as if they were intentions to violate the parliament, to ſet up a ſingle perſon, or another general: In order thereunto, we do ſincerely profeſs (whatever the deſign of any perſons may be to promote ſuch cauſeleſs jealouſies) we have had no other than faithfulneſs and candour in our hearts and actions towards the parliament; nor do we apprehend (with ſubmiſſion we may ſpeak it) any reaſon or cauſe of offence to be conceived againſt your faithful ſervants, who lately gave ſo ample proof of their fidelity and courage.

‘4. We cannot but eſteem ourſelves unhappy to have been ſo miſrepreſented to the parliament, as ſhould occaſion ſuch a publick admonition upon record; and conſidering what evil uſe may be made of theſe things by the publick enemy, andto the end they may be diſappointed of their hopes, and all ſuch perſons diſcouraged, as ſhall go about for the future to promote jealouſies, or by miſinformation, to beget diviſions betwixt the parliament and their faithful ſervants the army: And that a good underſtanding may be preſerved between them, we humbly pray:

‘1. That the officers of the army, and particularly thoſe who have reaſon to bear the marks of your favour, for their faithfulneſs in the late northern expedition, may ſtand right in your opinion, and have your countenance.

‘2. That whatſoever perſon or perſons ſhall for the future groundleſly and cauſeleſly, inform the houſe againſt your ſervants, thereby creating jealouſies, and ſcandalous imputations upon them, may be brought to examination, juſtice, and condign puniſhment.

‘3. That it being an undoubted right of the people to have a liberty, in a peaceable and ſubmiſſive way, to petition the ſupreme authority, which liberty hath been by yourſelves aſſerted, allowed, and approved of; We cannot but alſo aſſert the ſaid liberty, and humbly conceive, that your faithful ſervants of the army, have no ways forfeited their rights as freemen, and that therefore they hope it will be no offence for them to ſubmit their humble deſires to the Parliament.

‘4. That you would be pleaſed to take into your ſerious conſideration, the neceſſitous condition of the poor ſoldiers of your armies, and that all poſſible care may be taken for their timely ſupply, their wants being ſuch as earneſtly call for it: And that ſome ſpeedy and effectual courſe may be taken to provide for the maimed ſoldiers, and the poor widows and orphans of ſuch as have been ſlain in your ſervice, that the bleſſing of God may be upon you.

‘5. That ſuch who have freely offered themſelves in the ſeveral counties and cities of theſe nations, to own and ſtand by you, and your cauſe, in the late inſurrections, with the hazard of all which is dear unto them, may have your encouragement, and be employed in places of truſt and command.

‘6. That it being a thing granted by all, that without due execution of martial diſcipline, the peace, union, and good government of the army cannot be preſerved; the diſcipline of an army may be preſerved inviolable, and in particular, that no officer or ſoldier of the army may be caſhiered, or diſmiſſed from their places, without a due proceeding at a court-martial, or by his own conſent, except in caſes of reducement or diſbanding.

‘7. That it being judged neceſſary by the parliament, for the keeping of the army under ſuch a conduct, as may render the ſame ſerviceable to the commonwealth, to appoint a committee of nominations, for the propoſing of officers to the parliament, for their approbation; we humbly pray, that no officers may be brought into the army, but ſuch as ſhall firſt come under the conſideration of the ſaid committee, and be by them preſented.

‘8. The office of the commander in chief of the army, being of ſo great concernment to the peace of this commonwealth, and his commiſſion at preſent (as we conceive) expiring within a few months, we humbly pray, that the conſideration of that matter may come before you, and ſome ſuch effectual courſe be taken therein, as may prevent our fears, and the hazard of leaving the army to confuſion.

‘9. And that you would retain a good opinion of your army, and, againſt all diſcouragement whatſoever, proceed in the carrying on of that good work intruſted in your hands, for the glory of God, and advantage of theſe nations. In the proſecution whereof, thro' the help of our God, we ſhall be found (notwithſtanding

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'(notwithſtanding all endeavours to the contrary) faithful to you and this commonwealth.'

The parliament offended, yet returns a mild anſwer. Phillips.

How reſpectful ſoever the terms of this addreſs might be, the parliament were not pleaſed with the contents, as it ſeemed to teach them their duty, or rather to reproach them for neglecting it. They had forgot, that this was the language of the army to the Preſbyterian parliament, in ſupport of the Independent-party, and how grateful it had been to them. It was manifeſt, the officers ſought an occaſion of quarrel, and the parliament was but too ſenſible of it. But they had no ſupport againſt the army, and the hopes of diviſion amongſt the officers, becauſe many oppoſed the preſenting this addreſs, was their only reſource. For this reaſon, after ſome members had warmly inveighed againſt the officers, the houſe, however, returned a moderate anſwer, to gain time, and keep them in temper, whom they were unable to reſiſt. The officers, therefore, who had delivered the addreſs, were called in and thanked by the ſpeaker, for their affection and faithfulneſs to the parliament; to which he added, that the parliament had already taken into conſideration the relief of the maimed ſoldiers, orphans, and widows; and had alſo ſettled a way for ſatiſfaction of the arrears due to the army, and would endeavour to bring the ſame to ſpeedy effect.

Deſborough brought this anſwer to the general council of officers, who aſſembled that day. But as they were informed of the ſpeeches againſt them in the houſe, it was ſuſpected, that the parliament intended only to gain time, to ſtrengthen themſelves, or to change the conſtitution of the army. Wherefore, they reſolved to cauſe their addreſs to be ſigned by all the regiments in England, Scotland, and Ireland, and to write to them on that ſubject, which was done the ſame day.

Monk writes ſubmiſſively to the parliament. Skinner.

The parliament returns a haughty anſwer to the addreſs from the officres. Octob. 10. Phillips.

Lambert comes to London, and draws his forces thither. Clarend.

Two days after, the parliament receiving a letter from Monk, with aſſurances of his entire obedience, returned him a gracious anſwer, letting him know the high eſteem they had of his ſervices, with a promiſe to revoke all orders which might have given him any cauſe of diſguſt. The parliament and officers thought it of great importance to gain Monk to their intereſt. The parliament's hopes of that general's good diſpoſition towards them, gave them a little more firmneſs then they had at firſt ſhewn. So, in their debates upon the propoſals of the officers, a particular anſwer was returned to each article, and the officers given to underſtand, that their complaints were cauſeleſs, and the parliament neither obliged nor pleaſed to give them an account of their conduct. This anſwer convinced the officers that things were come to that point, that they were either to ſubmit to the parliament, or endeavour a diſſolution. But they could not reſolve to ſubmit, without trying firſt to render themſelves ſuperior. To this end, Lambert marched his brigade towards London, and appeared there himſelf to ſupport his friends. The parliament, on their ſide, ſeeing a breach with the army was not very remote, haſtily paſſed an act, to declare it high-treaſon to levy mony upon the people, without the conſent of parliament. Herein their view was to hinder the army's ſubſiſtence. They did ſtill more; for Monk the clergyman, being arrived from Scotland, with aſſurances from his brother, the general, of his ſupporting the parliament, and marching to their aſſiſtance, if required, Lambert, Deſborough, and ſome other general officers, who had ſigned the addreſs, were diſplaced by the parliament. Then they annulled Fleetwood's commiſſion, and named commiſſioners for the government of the army, from the 11th of October to the 22d of February. But theſe proceedings not being ſupported with power, the officers received the parliament's orders with ſcorn.

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Lambert aſſembles the army. Two regiments ordered to Weſtminſter by the council of ſtate for ſecurity of the parliament. R. Coke.

Lambert hinders the ſpeaker from going to the houſe.

In the interim, the council of ſtate, being informed that Lambert was aſſembling the army, ordered two regiments to Weſtminſter, to guard the parliament, whoſe colonels and officers were devoted to them, and had refuſed to ſign the addreſs. This did not prevent Lambert from executing his deſign. Having drawn ſome regiments into London, on the 13th of October, he ſecured all the avenues to the parliament. Preſently after, the ſpeaker appearing in his coach, as he was going to the houſe, was ſtopped by Lambert, and forced to return. Then he ſent to the colonels of the two regiments in Palace-yard, to retire to their quarters, which they refuſing to do, he ſmiled and bid them ſtay as long as they pleaſed. But at the ſame time, he took care to ſtop all the members who were going to the houſe, and hinder them from entering, So the parliament, as well for want of a ſufficient number of members, as for the abſence of the ſpeaker, not being able to ſit that day, the two regiments placed at Weſtminſter, to ſecure them from violence, retired, after having remained there till night. They were no ſooner gone, than Fleetwood ſeiſed the poſts, and placed a ſtrong guard at the door of the parliament-houſe, to hinder the members from aſſembling. Next day, the diſcontented officers caſhiered, by their own authority, thoſe of the two regiments appointed to guard the parliament, and ſent others to fill their places. The ſoldiers obeyed their new officers, and abandoned the old.

An annarchy of a few days. 1659.

This Anarchy laſted ten days, before the officers, now grown ſuperior, thought of ſettling any form of government. All they did, was to nominate ten of their own body to form a council, to take care of the moſt urgent affairs. Then they declared Fleetwood their general, Lambert their lieutenant-general, and Deſborough commiſſary-general of the horſe. They eſtabliſhed likewiſe a council of ſeven to nominate ſuch officers as were not ſuſpected, with orders to exclude thoſe, in whom they could not confide. In the interim a diſcipline ſo exact was obſerved by the troops, that it was wonderful to ſee ſoldiers ſo ſubmiſſive to their officers, and ſo inoffenſive to the people during ſuch an anarchy. As the officers were ſtill uneaſy about Monk, whom they ſuſpected, becauſe he was not of

their

1659.

Col. Cobbet ſent to Monk by the officers. Clarend.

their principles, and beſides, was an enemy to Lambert, colonel Cobbet was ſent to try to gain him to their party, with ſecret orders, in caſe he could not ſucceed, to endeavour to corrupt his troops, and, if poſſible, put him under an arreſt. Clarges gave Monk intelligence of Cobbet's ſecret commiſſion.

The king's ſucceſs at Fontarabia.

During theſe tranſactions in England, the king was in his journey to Fontarabia, where he arrived but very little time before the treaty between the two crowns was concluded, having by miſtake proceeded to Saragoſſa, where he had no buſineſs, while the two miniſters of France and Spain finiſhed their treaty. But in all likelihood, he would have received no advantage from that treaty, tho' he had arrived at the beginning. Nay, it is difficult to conceive, what advantages he propoſed to himſelf from this journey, nor has the earl of Clarendon thought fit to inform his readers. Don Lewis de Haro, prime miniſter of Spain, received him very civilly, and expreſſed a ſenſe of his unhappy condition, by making him a preſent of 7000 piſtoles. But cardinal Mazarin, for fear of rendering himſelf ſuſpected to the parliament, would not ſo much as ſee him. So the king left Fontarabia, in order for Bruſſels, where he arrived the latter end of December.

The army erect a committee of ſafety for the adminiſtration of the government. Oct. 26. Whitelock.

MEAN time, the great council of officers held frequent aſſemblies in London, to endeavour at ſome ſettlement of the government, which could not be in greater confuſion than at preſent. At laſt, on the 26th of October, 13 days after the diſperſion of the parliament, they agreed to eſtabliſh a committee of ſafety, and put the government into their hands. Sir Henry Vane, who, ſince the laſt change, had come into the meaſures of the army, was of this committee, with Fleetwood, Lambert, Deſborough, Ludlow, &c. The great council of officers, as ſole ſovereign then of the three kingdoms, authoriſed this committee to execute all the powers of the late council of ſtate, with authority to puniſh delinquents concerned in the late conſpiracy: To give indemnity to all who had acted for the commonwealth ſince the year 1649: To oppoſe and ſuppreſs all rebellions and inſurrections: To diſpoſe of all places of truſt that were void, and remove ſuch as were ſcandalous: To treat with foreign ſtates: To raiſe the militia: And laſtly, to make ſale and compoſition for the eſtates of delinquents. At the ſame time a declaration was publiſhed, to annul the acts or orders of the parliament, of the 10th, 11th, and 12th of October. In this paper the officers declared, that they had no deſign to erect a military government, but had already lodged the executive part in a committee of ſafety, who were to prepare ſuch a form of government as might beſt comport with a free ſtate and commonwealth, without a ſingle perſon, kingſhip, or houſe of lords. This declaration ended with ſome ſcriptural expreſſions, adapted to the taſte and practice of the godly party.

State of Monk's affairs in Scotland. Burnet.

While the officers ruled in England, Monk was greatly embaraſſed in Scotland. He was indeed at the head of the government, and of 12,000 men, moſt of whom he could rely on, though many of the officers were Fanaticks, or inclined to be ſo, and conſequently juſtly ſuſpected by him. But this army was ſupported by money regularly paid from England, Scotland being unable to maintain them. Monk had thereby been able to keep the army under ſtrict diſcipline, and to procure Scotland a tranquillity, to which ſhe had long been a ſtranger, tho' the clergy were diſſatiſfied with the liberty of conſcience granted to all except Catholicks and Prelatiſts. But forts erected by Monk, in ſeveral parts of the kingdom, and well garriſoned by him, prevented all inſurrections. The changes in England ſince Cromwell's death, diſturbed Monk's peaceable ſtate in Scotland; for tho' he was equally careſſed by the army and parliament, becauſe they either wanted or feared him, he perceived, that on which ſide ſoever the advantage ſhould turn, he was to be the victim. He had already experienced it in the parliament's endeavours to undermine his credit, and could not doubt, if that parliament had ſubſiſted, he ſhould have been, by one means or other, diſplaced, becauſe he was feared. On the other hand, his hopes were no better from the army, which was properly commanded by Lambert, under the name of Fleetwood. Lambert conſidered Monk as a formidable rival, who would never ſuffer him to execute his deſigns, if it was in his power to prevent him. Monk, for his part, would never have been willing to ſubmit to Lambert. He was nevertheleſs under an abſolute neceſſity of taking one of the two courſes. A neutrality would have expoſed him to the danger of being ſacrificed by both, if they ſhould be reconciled, which was not impoſſible. Beſides, on ſuch occaſions, the victorious party never thinks any great regard due to thoſe who have ſtood neutral. In fine, a neutrality would have entirely deprived him of the ſupplies received from England for the ſubſiſtence of his army. He therefore, determined to ſide with the parliament, and, without any evaſion, ſent his reſolution to Fleetwood. For this purpoſe, he prepared for a ſpeedy march into England with the beſt part of his army.

Reſolves to march into England.

Motives of this reſolution.

When this reſolution is conſidered, it is difficult to believe, that Monk could take it, without being influenced by other motives than what appear at firſt ſight. Firſt, he had no cauſe to be pleaſed with this parliament, nor is it ſeen what intereſt, either publick or private, he could have, to reſtore a parliament generally hated, and which had always been diſtruſtful of him. Secondly, Monk had joined with the Republicans only to free himſelf from confinement. Thirdly, tho' he had 12,000 men, he could, at moſt, take with him but half, unleſs he would give the Scots opportunity to ſhake off the Engliſh yoke. How, therefore, could he venture to go with 5 or 6000 men, to encounter an army ſtronger than his own? Laſtly, the people of England hitherto had declared for neither parliament nor army, but equally hated both. Monk, therefore,

fore, could not expect the people's aſſiſtance, to reſtore a parliament which had ever held them in ſervitude. This was not, at leaſt, the intereſt of the Royaliſts or Preſbyterians, who properly were the body of the nation, there being but very few who were really attached to the parliament or the army, tho' fear compelled them to obedience And, by the way, the ſmall intereſt which the parliament had in the boroughs and counties, was the true reaſon that they never filled the vacant ſeats, becauſe they could not be aſſured that ſuch members would be choſenas they deſired. Theſe are the conſiderations which naturally create a belief, that Monk, when he reſolved to march into England, under colour of re-eſtabliſhing the parliament, ſecretly intended to ſerve and reſtore the king. This is almoſt univerſally agreed. But it is not equally clear what was his plan, or his means to accompliſh ſuch a deſign. If the Royaliſts authors are to be credited, he marched into England with only 5000 men, and the terrour of that army, joined to the wiſhes of the nation, and Monk's prudent conduct, produced this happy reſtoration. All this is true, but it is not the whole of the truth, party-intereſt having obliged the hiſtorians to conceal, or ſpeak confuſedly of ſome things. For my part, I ſhall give my opinion, and leave it to the judgment of the unprejudiced reader. I own, I cannot ſupport it with the clear and undeniable teſtimony of the hiſtorians; of thoſe times. But I think, I can ground it upon ſomething ſtronger than the teſtimony of the hiſtorians; I mean,upon the facts themſelves, and general Monk's whole conduct. The reader will judge of ithereafter.

He deſigns to reſtore the king. Clarend.

His plan in ordar to the king's reſtoration.

Since the Preſbyterians had been expelled from the parliament in 1648, they had been kept extremely low, becauſe their number ever rendered them formidable to the Independent parliament, and afterwards to Cromwell. They had never been able to recover their ſeats in parliament, a few only excepted, who had thruſt themſelves in by a diſſimulation,which, nevertheleſs, as appears in Ludlow's Memoirs, could not deceive the Independents. Sir William Waller, one of their generals, was not in condition to head an army, and Maſſey had eſpouſed the king's cauſe. So, having nothing more to ſay in the parliament, and wanting a leader to head them, they had remained in ſubjection to the Independent Parliament, and afterwards to Cromwell, without any likelihood of reviving their humbled party. They had for enemies Cromwell, the army, the parliament, the Royaliſts, and were in no places of truſt, which might give them credit. We have already ſeen, that being weary of this ſituation, they had diſcovered an inclination to unite with the king's party, or at leaſt ſhewn, that they ſhould not be diſpleaſed with the good ſucceſs of that party's deſign for an inſurrection in ſeveral parts of the kingdom. The miſcarriage of that undertaking was doubtleſs the reaſon, that the union was carry'd no farther. Nevertheleſs, Monk knowing how the Preſbyterians ſtood diſpoſed, employed, in all likelihood, Clarges his confident, to make a ſecret agreement with ſome of their chiefs, for reſtoring the king by their means. The ſcheme formed for that purpoſe, and which could not be executed without the Preſbyterians, was, as appears by the ſequel, briefly this:

The Preſbyterians contribute to the king's reſtoration.

Monk ingaged, no doubt, to march into England and reſtore the Rump-Parliament, diſperſed by the officers. This was the firſt ſtep he was to take. The parliament being reſtored, Monk was to join with the city of London, wholly Preſbyterian, and demand, that the members expelled in 1648, might reſume their ſeats, or, if the Rump refuſed to admit them, to introduce them by force. Theſe reſtored members could not but, by their number, have a great majority in the houſe, and compoſe properly a Preſbyterian Parliament. It was agreed, that this parliament ſhould diſſolve itſelf, after ſummoning another free parliament, compoſed, agreeably to the ancient conſtitution, of a houſe of lords and a houſe of commons. This new parliament muſt have naturally conſiſted of Royaliſts and Preſbyterians (the Independents having too little credit to carry any elections) and was to reſtore the king, to which the Preſbyterians ſhould conſent. In all likelyhood theſe laſt ſtipulated ſome conditions, the particulars whereof are not known. It cannot however be doubted, that there were conditions, ſince, after the reſtoration of Charles II, they complained bitterly of breach of promiſe. This alſo appears in that, to vindicate Charles II, for not keeping his word with the Preſbyterians, it is pretended, it was not in his power to diſpence with the laws, and conſequently his promiſe was void. This was the ſcheme for reſtoring the king, which, as will hereafter be ſeen, was cloſely purſued. If, on ſome occaſion, Monk ſeemed to ſwerve from it, it was becauſe he believed diſſimulation abſolutely neceſſary, and that he could not diſcover his intention without danger of rendering the project abortive. It was to be done on a ſudden, and under other pretences, before the enemies to royalty ſhould have time to oppoſe it. Now he could not uſe more proper inſtruments than the Preſbyterians, who were little ſuſpected of deſiring the king's reſtoration. But the hiſtorians are very unwilling to allow the Preſbyterians any ſhare in this unexpected event, tho' they are forced, in ſome meaſure, to follow, in their hiſtories, the ſcheme I have explained. They are contented to inſinuate, that this reſtoration was owing to the prayers of the people, as if the Preſbyterians had not been a conſiderable, and perhaps the major part of the people. This ſcheme being ſuppoſed, all difficulties will vaniſh, and Monk's proceedings appear natural, and conſequences of it. But if it be ſuppoſed, that Monk reſtored the preſbyterian members, expelled from the parliament in 1648, without any previous agreement, it can never be conceived, that he ſhould think it neceſſary to reſtore a Preſbyterian Parliament, in order to place the king on the throne without any conditions.

The committee of ſafety ſend Clarges to Monk, to propoſe an accomodation. Clarend.

The firſt thing done by the committee of ſafety, lately eſtabliſhed by the general council of officers, was to ſend Clarges to Monk, to bring him to ſome agreement. They were not ignorant of the error committed by the officers, in uſurping the ſovereign power, without the approbation of a general at the head of 12,000 men, and would have gladly repaired it. But they could not chuſe a worſe meſſenger than Clarges, whoſe ſole aim was to ſerve the king, and who, probably, had engaged Monk in the ſame deſign.

Monk prepares for his march. Skinner.

Mean while, Monk was preparing with all poſſible diligence for his expedition, tho' not without ſeveral obſtacles. 1. His forces being diſperſed through all Scotland, required, at leaſt, ſix weeks to draw them together. 2. Ready mony was to be provided for their maintenance, becauſe he could expect no more from England. For this purpoſe, the taxes were to be anticipated, and even extraordinary ſupplies obtained of the Scots. 3. In his troops were ſome officers, on whoſe fidelity he could not rely. 4. In ſhort, it was abſolutely neceſſary to his deſign, to have ſome towns on the frontiers of England, to faculitate his enterance, as he knew that Lambert was marching to oppoſe him. All theſe difficilties were happily ſurmounted, except the firſt, becauſe of the remoteneſs of his forces. As to the reſt, he began with caſhiering ſeveral of his ſuſpected officers, and ſubſtituting others in their room. He kept thoſe whom the parliament had diſplaced, and whoſe ſucceſſors were not yet come. Then he ſummoned to Edinburgh the officers of the neareſt regiments, and communicating to them his deſign of marching into England, to reſtore the parliament, he had the ſatisfaction to meet with their concurrence. This done, he found means to ſecure Berwick, and arreſt colonel Cobbet, who was there, whoſe ſecret inſtructions were told him by Clarges. Cobbet was ſent to Edinburgh, and there impriſoned. Monk alſo attempted to ſurpriſe Newcaſtle, but was diſappointed. As to the money he wanted, he raiſed as much as was poſſible, and while his army was aſſembling, ſollicited the Scots for an extraordinary ſupply.

Clarges comes to him in Scotland. May 2. Philips. Monk and he agree to amuſe the committee by a negotiation. Commiſſioners ſent to London for that purpoſe.

While Monk was making theſe preparations, Clarges, his brother-in-law, arrived in Scotland, with a propoſal for a treaty with the committee of ſafety. It was reſolved betwixt them to accept the propoſal, not with deſign to conclude the treaty, but to gain time till Monk's army was ready. Purſuant to this reſolution, Monk with the conſent of his officers, made choice of colonol Wilks, lieutenant-colonel Cloberry, and major Knight, to go and treat in his name with the committee, and ſent them away with ſuch inſtructions, as he thought would raiſe inſurmountable obſtacles to the concluſion of the treaty. Theſe three commiſſioners met Lambert at York, who told them, he was ſufficently impowered to treat with them. But to their demand for reſtoring the parliament, he anſwered, his power did not extend to that article, and ſo they were obliged to go to London.

A treaty concluded contrary to Monk's intention, who refuſes to ratify it. Nov. 15. Ludlow.

Theſe commiſſioners, ignorant of Monk's ſecret intentions, were no ſooner at London, than they made all poſſible haſte to conclude with the committee of ſafety, and the rather, becauſe every thing which they propoſed was accepted. So, the treaty was concluded and ſigned the 15th of November, to the great diſſatisfaction of Monk, whoſe aim was to prolong it, and then to break off the negotiation. It would be needleſs to inſert the treaty, becauſe it was never executed. I ſhall only obſerve, that by the firſt article, a vigorous oppoſition to the king's reſtoration was agreed to, by both parties. Monk, upon receiving the treaty, ſought evaſions to hinder the ratification, pretending, his commiſſioners had acted contrary to their inſtructions, and thereby become ſtill more ſuſpected by the committee of ſafety.

The members of parliament buſy to reſtore themſelves. Whiteloc.

While Monk was preparing to march into England, the members of the late parliament were not idle. They were ardently endeavouring to re-eſtabliſh themſelves, and wreſt from the officers their uſurped authority, but without the leaſt thought of reſtoring the king. They believed, or pretended to believe, that Monk had no other view than the reſtitution of the parliament, and, in this belief, conſidered Monk's friends as their own. This was true in general, tho' ſome there were of Monk's adherents in London, better informed than the reſt, who knew what they were to believe. Be this as it will, all the friends of the Rump united to ſupport Monk's deſigns, imagining, his ſole intention was to reſtore the parliament. For that reaſon, the members who had formed the council of ſtate, before the interruption of the parliament, being privately aſſembled, ſent to Monk a commiſſion, conſtituting him general of the armies of England, Scotland, and Ireland.

The governor of Portſmouth declares for the parliament. Whiteloc.

On the other hand, colonel Whetham governor of Portſmouth, Monk's particular friend, declared for the parliament, and received into his garriſon Haſlerig, Walton, and Morley, three members of parliament, the moſt incenſed againſt the army. The committee of ſafety, upon the firſt notice of this defection, ſent a detachment of the army to block up Portſmouth, but the ſoldiers deſerted their officers, declared for the parliament and were received into Portſmouth as friends. Another detachment ſent from the army on the ſame errand, did almoſt the ſame thing, ſo that the committee knew not on whom to rely. At the ſame time, Lawſon, vice-admiral declared for the parliament againſt the army, and entered the Thames with ſeveral of his ſhips, to awe the adherents of the committee. Lambert, who commanded a body of the army in the north, being informed of the ill ſituation of the committee's affairs, detached Deſborough's regiment to the aſſiſtance of his friends at London, but that regiment, at St. Albans, declared for the parliament.

The town is blocked up and the ſoldiers deſert.

Vice-admiral Lawſon does the ſame. Whiteloc.

And a regiment ſent from Lambert.

Committee of ſafety conſents to reſtore the parliament Phillips.

Mean while, the committee of ſafety ſeeing all this oppoſition, ſeemed to be diſcouraged. They took no meaſures for their own preſervaſion, and inſtead of aſſembling the army

ſuffere

ſuffered it to be diſperſed into quarters. It is likely, they feared to ſee the army together, ſince the ſoldiers of the two detachments ſent to Portſmouth had deſerted their officers. In the interim, Haſlerig, Walton, and Morley, finding themſelves ſufficiently ſtrengthened by the ſoldiers of the army, which had retired to Portſmouth, marched at the head of theſe troops, towards London. Then it was that Fleetwood, and the reſt of the committee of ſafety, were in the utmoſt perplexity. They durſt not truſt their own ſoldiers, and knew not what courſe to take. Whitelock, as appears in his Memorials, adviſed Fleetwood either to head the army, or agree with the king. He ſeemed to approve the laſt courſe, but preſently after altered his mind, and did neither. At laſt his collegues and himſelf wanting capacity and reſolution to extricate themſelves out of ſuch an emergency, conſented to the meetting of the parliament, and voluntarily reſigned their uſurped authority. They had no ſooner given their conſent, than they were entirely abandoned by their whole party.

The Rump reſtored, who meets the 26th of December. Lambert put under an arreſt by his own troops. Clarend.

THUS the parliament met peaceably the 26th of December, and named a committee to govern the army in their name, and under their direction. Then they diſpatched expreſs orders to Lambert to diſperſe his forces, and ſend them into the quarters aſſigned by the ſame order. But Lambert's troops hearing the parliament was reſtored, had in ſome meaſure prevented this order, and put their general under arreſt, who was ſent priſoner to the tower of London. At the ſame time Sir Henry Vane, and ſome other members of parliament, who had taken part with the army, were confined to their own houſes. Thus, by a revolution, little expected, the firſt and moſt difficult part of Monk's undertaking, viz. the reſtitution of the parliament, was executed even before he left Scotland, and without having any other ſhare in it, than his reſolntion to march into Fngland.

Vane put under an arreſt. Whiteloc.

The king's affairs believed to be deſperate.

In the interim, this revolution ſeemed entirely to deſtroy the hopes of the king, ſince a parliament was reſtored ſo oppoſite to him. He was believed to be irrecoverably loſt. France and Spain began to think of making a firm and laſting alliance with the parliament, whereby the king would not have known where to retire for a ſubſiſtance. But tho' he himſelf feigned to be extremely afflicted, not to diſcover his ſecret, very probably, he was informed of Monk's intentions, and of the manner in which they were to be executed. For tho' the earl of Clarendon affirms, the king had but a very faint hope of being ſerved by Monk, in order to provide for his own ſecurity, yet I cannot believe, that Monk, however reſerved he might be to others, concealed his intentions from the king, ſince there was no danger in the diſcovery.

Whiteloc.

Be this as it will, Monk before he left Scotland, by circular letters, aſſembled at Edinburgh two commiſſioners from every ſhire, and one from each burrough, and communicated to them his intention to march into England, to reſcue the parliament from the force put upon them by the army, and reſtore them to their authority. Theſe commiſſioners, who made a ſort of convention of eſtates, tho' the union of the two kingdoms denied them the name, offered Monk to increaſe his army with 20,000 men of their nation, and granted him 30,000 l. above the aſſeſſments to enable him to maintain them. He accepted the money, but refuſed the troops, believing he wanted them not. Some Scotch writers affirm that in diſmiſſing this aſſembly, he recommended to them, to take all poſſible care to preſerve the peace and tranquillity of the kingdom, and deſired them to abjure the king, and royal family. But Gumble, who was his chaplin, and writ his life, poſitively denies it. Thus much is certain, it was abſolutely neceſſary for him, carefully to conceal his intention to ſerve the king, and his fear of betraying this ſecret, made him, on ſome occaſions, carry his diſſimulation to exceſs. He was, however, extremely ſuſpected by thoſe, who would not hear of the king's reſtoration. Theſe men were very numerous, not to mention the army, which aſſuredly had no ſuch intention, tho', unknown to them, their march was deſigned for that purpoſe alone.

Monk procures a ſupply of money from the Scots. R. Coke.

1659-60. Armies in England. Jan. 2. Clarend.

Monk entered England with his army the 2d of January 1659-60, and conſequently might now be informed of the Rump's re-eſtabliſhment. Some days after he received a letter from the ſpeaker, acquainting him with the late tranſactions, thanking him, in the name of the parliament, for his kind intentions, and inſinuating, that if he thought it proper, he might ſave himſelf the trouble of coming to London, ſince the parliament was in peaceable poſſeſſion of their authority. But this letter did not interrupt his march. If it be conſidered, that the pretence he had hitherto alledged for his expedition into England, was the reſtitution of the parliament, and that he continued his march, tho' the parliament was reſtored, it will be eaſy to perceive, that he had quite another motive than what was at firſt alledged. This pretence failing him, he was obliged to find another, and that was to aſſiſt the parliament, to reduce the army to obedience and ſubmiſſion. On his arrival at York, he found the lord Fairfax, formerly general to the parliament, at the head of ſome troops of that county, and in poſſeſſion of the city, in order to hinder the committee of ſafety from being maſters of it. The lord Fairfax received Monk into York without any difficulty, and they had many conferences together. Fairfax was a Presbyterian, tho' Cromwell had made him ſubſervient to the riſe of the Independents. So, it would be hard to conceive what intereſt he could have in countenancing Monk's deſigns, if the Presbyterian party had not ſecretly agreed to concur in the king's reſtoration.

The parliament ſuſpects Monk.

Whatever diſſimulation Monk had uſed, in pretending that he had no other view than to reſtore the Rump, the members of that parliament were too wiſe not to perceive, he had ſome other hidden deſign. But they heſitated

Forms a Council of State. Phillips.

And impoſes an oath upon the members. Whiteloc.

between two opinions, in appearance equally probable, namely, that he intended either to advance himſelf in imitation of Cromwell, or to reſtore the King. For this reaſon, the Rump, a few days after their meeting, appointed a Council of State, conſiſting of 28 members, of whom Monk was one, and ordered each Counſellor to take the following oath:

> "I do hereby ſwear that I do renounce the pretended title of Charles Stuart, and the whole line of the late king James, and of every other perſon as a ſingle perſon, pretending, or which ſhall pretend to the crown or government of theſe nations of England, Scotland, and Ireland, or any of them, and the dominions and territories belonging to them, or any of them; and that I will, by the grace and aſſiſtance of almighty God, be true, faithful and conſtant to the parliament and commonwealth, and will oppoſe the bringing in, or ſetting up any ſingle perſon or houſe of lords, and every of them in this commonwealth."

Sends two commiſſioners to be ſpies upon him. Phillips.

Monk receives an addreſs from London for the reſtitution of the ſecluded members. Clarend. And others of the like nature Whiteloc.

This precaution, however, did not remove the fears of the parliament, with regard to Monk, who daily became more ſuſpected, notwithſtanding all his care to conceal his intentions. It was therefore reſolved to ſend two of their members to him, under the pretence of doing him honour, but in reality, to obſerve his proceedings. Scot and Robinſon were named, who found him at Leiceſter the 22d of January. In this town he received alſo commiſſioners from London, with an addreſs to deſire the re-admiſſion of the members ſecluded in the year 1648. Scot, one of the commiſſioners from the parliament, interrupted the London commiſſioner who was reading the addreſs, and commanded him ſilence, looking upon this propoſal as tending directly to the deſtruction of the republican parliament. Nevertheleſs, Monk received the addreſs. As he continued his march, he received many ſuch, ſo that it ſeemed to be the general ſenſe of the nation, that the Presbyterians ſhould reſume the reins of the government. Let us reflect here a little on this extraordinary change.

Reflections upon this occaſion.

Burnet.

It cannot be denied, that the ſecluded members in 1648 were Presbyterians, who had, on all occaſions, ſhewn an extreme animoſity againſt the king and the church of England. If they had teſtified a deſire to reſtore the late king, by the treaty of Newport, this was owing to conditions, which he looked upon as intolerable, and which neceſſity alone compelled him to grant. Nay, the parliament could not reſolve to allow ſome reſtrictions deſired by the king to their demands. If they voted that the king's conceſſions might ſerve for foundation to a peace, it was at a time when the army was now in London, ready to execute the violence which was acted the next day. The Presbyterians therefore cannot be conſidered as having been at any time, favourable to Charles I. Since the 6th of December 1648, they had been kept very low, having conſtantly had for enemies the royaliſts, parliament, protector, and army, ſo that they were without any power. And yet, during Monk's march, this party not only revives, but even becomes ſuperior to all the reſt, and the whole nation ſeems to conſpire to reſtore them the ſupreme authority, in demanding the re-admiſſion of the ſecluded members in 1648. What could be the motive of ſo great a number of addreſſes on this account, preſented to Monk in his march? And why did Monk receive them ſo favourably? Certainly, when he left Scotland, his intention, however concealed, was to labour the king's reſtoration. But if the Presbyterians had not ingaged to favour this reſtoration, the raiſing their party, and putting them in poſſeſſion of the government, would have been a very unlikely means to accompliſh it. All that Monk could thereby have gained, was, the king's reſtoration on the ſame terms which his father had granted in the treaty of Newport, which, doubtleſs, was very far from his intention. Let us therefore conclude, that all theſe addreſſes were an effect, or conſequence of a ſecret agreement between the royaliſts and Presbyterians, whereby theſe laſt had conſented to the king's reſtoration, on conditions relating to their religion alone, without inſiſting, as they had before conſtantly done, on any terms concerning the government. Without this ſuppoſition, the ſteps, afterwards taken for the king's reſtoration, can never be conceived, and, with it, all the proceedings are natural.

Monk's diſſimulation.

This agreement was a ſecret which was carefully to be concealed, leſt its diſcovery ſhould produce an accommodation between the parliament and the army, in which caſe Monk, who had but 5000 men, would have been little able to execute his deſigns. Wherefore, tho' he received all the addreſſes, he was careful not to expreſs the leaſt ſigns of approbation, but contented himſelf with a general anſwer, that they ſhould be laid before the parliament.

The reaſon of it. Skinner.

Monk, as I ſaid before, had but 5000 men; with this army it was not poſſible to withſtand the other, which was three times as numerous, and of which ſeveral regiments were now in London. If the parliament and army could have united together, they would, doubtleſs, have rendered all Monk's projects impracticable. But the parliament was ſtill more jealous of their own army than of Monk. They only ſuſpected that general of having ſecret deſigns, without knowing exactly wherein they conſiſted. But that the general-officers of the army would become maſters, if their aſſiſtance was neceſſary, could not be doubted. It was Monk's intereſt therefore to foment this diſunion, and he could not more ſucceſsfully do it, than by profeſſing an entire devotion to the parliament. He thereby removed from the parliament all thoughts of an union with the army, which appeared unneceſſary, while Monk's fidelity could be relied on. This was the true reaſon of Monk's extreme diſſimulation, and of his pretending, on all occaſions, that his march to London was only to ſerve and obey the parliament.

Monk's demands

When he came to St. Albans, within 20 miles of London, he writ to the parliament, That the forces in London withdraw, to make room for him Clarend.

to deſire that the regiments in the city might be ſent to more diſtant quarters, it not being convenient, that troops, which had ſo lately been in rebellion, ſhould mix with thoſe which were entirely devoted to the parliament, and come to offer their ſervice. With this letter he ſent the manner in which his ſoldiers might be lodged in London, as alſo the quarters that might be aſſigned to the regiments which were to be removed. Though this demand was ſuſpected by many members to have ſome myſtery in it, it was however granted by a majority of voices, and the regiments in the city were ordered to remove. This ſhews, either that Fleetwood and Deſborough were no great politicians, if they did not ſee that Monk's demand tended to make himſelf maſter of the city and parliament, or that they believed they had not a ſufficient influence over their inferior officers, to ventute to oppoſe it. It ſeems, they could reſolve nothing without Lambert, who was now priſoner in the tower.

His demand granted.

Monk enters London, February 3. Phillips.

However this be, Monk artfully improving the diviſion between the parliament and the army, entered London in triumph, the 3d of February 1659-60. After he had given orders for quartering his troops, he repaired to the council of ſtate, who immediately tendered him the abjuration-oath, which all the members were obliged to take. But he aſked time to reſolve, ſaying, he had been informed that ſtrong objections had been made to this oath, even in the parliament itſelf. Upon this refuſal he was denied admittance into the council of ſtate, till he had taken the oath, and was obliged to withdraw.

Refuſes the abjuration oath. Complemented by the ſpeaker of the houſe of commons. Clarend.

The 6th of February he went to the parliament, where, by the mouth of the ſpeaker, he received the compliments and thanks of the houſe; to which he returned the following anſwer:

Mr. Speaker,

‘AMONGST the many mercies of God to theſe poor nations, your peaceable reſtitution is not the leaſt. It is (as you ſaid) his work alone, and to him belongs the glory of it; and I eſteem it as a great effect of his goodneſs to me, that he was pleaſed to make me, amongſt many worthier in your ſervice, ſome way inſtrumental in it. I did nothing but my duty, and deſerve not to receive ſo great an honour and reſpect as you are pleaſed to give me at this time and place, which I ſhall ever acknowledge as a high mark of your favour to me.

‘Sir, I ſhall not now trouble you with large narratives, only give me leave to acquaint you, that as I marched from Scotland hither, I obſerved the people in moſt counties, in great and earneſt expectations of a ſettlement, and ſeveral applications were made to me, with numerous ſubſcriptions to them. The chiefeſt heads of their deſires were for a free and a full parliament, and that you would determine your ſitting; a goſpel-miniſtry; encouragement of learning and univerſities; and for admittance of the members ſecluded before the year 1648, without any previous oath or engagement. To which I commonly anſwered, that you are now in a free parliament; and if there be any force remaining upon you, I would endeavour to remove it; and that you had voted to fill up your houſe, and then you would be a full parliament alſo; and that you had already determined your ſitting: And for the miniſtry, their maintenance, the laws and univerſities, you had largely declared concerning them in your laſt declaration; and I was confident you would adhere it: But as for thoſe gentlemen ſecluded in the year 1648, I told them you had given judgment in it, and all people ought to acquieſce in that judgment; but to admit any members to ſit in parliament, without a previous oath or engagement, to preſerve the government in being, it was never done in England.

‘But altho, I ſaid it not to them, I muſt ſay, with pardon, to you, that the leſs oaths and engagements are impoſed (with reſpect had to the ſecurity of the common cauſe) your ſettlement will be the ſooner attained to. I am the more particular in theſe matters to let you ſee how grateful your preſent conſultations about theſe things will be to the people. I know all the ſober gentry will cloſe with you, if they may be tenderly and gently uſed; and I am ſure you will ſo uſe them, as knowing it to be the common concern, to amplify, and not to leſſen our intereſt, and to be careful that neither the Cavalier, nor Fanatick party have yet a ſhare in your civil or military power, of the laſt of whoſe impatience to government, you have lately had ſo ſevere experience. I ſhall ſay ſomething of Ireland, and Scotland; indeed Ireland is in an unſettled condition, and made worſe by your interruptions, which prevented the paſſing an act for the ſettlement of the eſtates of adventurers and ſoldiers there, which I heard you intended to have done in a few days; and I preſume, it will be now quickly done, being ſo neceſſary at this time, when the wants of the commonwealth call for ſupplies; and people will unwillingly pay taxes for thoſe eſtates, of which they have no legal aſſurance: I need not tell you how much you were abuſed in the nomination of your officers of your armies there; their malice that deceived you, hath been ſufficiently manifeſted: I do affirm, that thoſe now that have declared for you will continue faithful, and thereby evince, that as well there as here, it is the ſober intereſt muſt eſtabliſh your dominion. As for Scotland, I muſt ſay, the people of that nation deſerve to be cheriſhed; and I believe your late declaration will much glad their ſpirits; for nothing was to them more dreadful, than a fear to be over-run with fanatick notions. I humbly recommend them to your affection and eſteem; and deſire the intended union may be proſecuted, and their taxes made proportionable to thoſe in England, for which I am engaged by promiſe to become a ſuitor to you. And truly, Sir, I muſt ask leave to entreat you to make a ſpeedy proviſion for the civil government there, of which they have been deſtitute near a year, to the ruin of many families: And except commiſſioners for managing of the government, and judges to ſit in courts of judicature, be ſpeedily appointed, that country will be very miſerable.

‘ I directed Mr. Gumble lately to preſent ſome names to you, both for commiſſioners and judges; but by reaſon of your great affairs, he was not required to deliver them in writing: But I humbly preſent them to your conſideration.’

Phillips.

This ſpeech was not agreeable to all; ſome of the members complained, Monk ſpoke too poſitively, and aſſumed too great an authority: That he affected a popularity, which juſtly rendered him ſuſpected: That he engaged for the fidelity of the Iriſh officers, which, however, was to be doubted: In ſhort, that in ſaying, the Cavaliers were not yet to have a ſhare in the government, he gave that party hopes of being one day admitted.

The city of London refuſes the payment of taxes. Phillips.

Two days after, the parliament had occaſion to try Monk's fidelity, and to be aſſured whether he was ſo devoted to their intereſt as he ſtudied to appear. The common-council of the city of London, aſſembling the 7th of February, reſolved to pay no more taxes till the parliament was filled. They knew Monk's deſign was to reſtore the members ſecluded in 1648, and, doubtleſs, thought by this reſolution to advance the affair. They had nothing to fear from Monk, and knew the parliament would not recall the regiments which were removed from London, to force the city to obedience. Upon advice of this reſolution, the parliament ordered Monk to lead his army into the city, ſeize 11 members of the common-council, and pull down the chains, gates, and portcullices. Monk readily and inſtantly obeyed the order. He aſſembled his forces, entered the city, and arreſted the 11 members of the common-council. Then he writ to the parliament an acccount of what he had done, praying them withal to moderate their rigour, with reſpect to the gates and portcullices. But the parliament, whether through animoſity againſt the city, or a farther trial of Monk's fidelity, and perhaps to engage him in an irreconcileable quarrel with the city, inſiſted upon a punctual compliance with their order, and were immediately obeyed. After that, he returned with his troops to Whitehall, which diſpleaſed the parliament, believing Monk ought not to have quitted the city without their order. The ſame, or the following day, Praiſe-God Barebone, formerly mentioned, on occaſion of Oliver Cromwell's firſt parliament, preſented a petition to the houſe, ſubſcribed by many perſons, deſiring the oath of abjuration of Charles Stuart might be taken by all perſons without exception, and he received the thanks of the houſe.

Monk ordered by the parliament to chaſtiſe the city for its inſolence. Clarend.

Barebone preſents a petition that the abjuration oath might be univerſallytaken Clarend.

Monk's late proceedings aſtoniſhed both his friends and the city of London. The magiſtrates enraged at this treatment, looked upon him as a perfidious man, who had amuſed them with hopes of his ſupporting the re-admiſſion of the ſecluded members, in order to know their ſentiments, and as one abſolutely devoted to the parliament. On the other hand, his friends repreſented to him, that he was guilty of an irreparable fault, in quarrelling with the Londoners, who alone were able to ſupport him againſt the parliament bent upon his ruin, whatever they might pretend. That this commiſſion was a ſnare, which had loſt him the confidence of the city, and expoſed him to the parliament's deſigns againſt him; beſides that, without the aſſiſtance of London, he would never, with his ſmall army, be able to execute his intentions.

Monk by the remonſtrances of his friends comes to know his error in embroiling himſelf with the city.

Reſolves to repair it. Phillips.

Monk, convinced by theſe reaſons, that he had carried his diſſimulation too far, thought only of repairing his error, by an open rupture with the parliament, in order to regain the eſteem of the city; he therefore ſent, without loſs of time, Clarges his confident, to Sir Thomas Alleyne lord-mayor, to tell him, he was very ſorry for what he had done, and deſired a conference with him, and the common-council, to make reparation for his fault. But Clarges could obtain nothing from the lord-mayor, who was perſuaded that Monk was deceitful and treacherous, and only ſought to deceive him. Notwithſtanding all this, Monk aſſembled his forces, with a reſolution once more to march into the city, and be reconciled to the magiſtrates, whatever might be the conſequence. At his departure he ſent a letter to the parliament, writ with the approbation of his principal officers, complaining, ‘That they gave too much countenance to Lambert, Vane, and ſeveral that engaged with the late committee of ſafety; and that they had permitted Ludlow and ſome others to ſit in their houſe, that had been, by Sir Charles Coot and ſome of the Iriſh officers, accuſed of high-treaſon; and had countenanced too much a late petition to exclude the moſt ſober and conſcientious, both miniſters and others, by oaths, from all employment and maintenance; and in fine, peremptorily demanded, that by Friday next, they would iſſue out writs to fill up their houſe; and when filled, ſhould riſe at an appointed time, to give place to a full and free parliament.’

Brings back his forces into the city. Clarend.

Writes a letter to the parliament, filled with complaints and reproaches. Ludlow.

Marches into the city. R. Coke.

By this letter the parliament eaſily perceived, Monk ſought an occaſion of quarrel, which, as it was difficult to avoid, it was judged the wiſeſt courſe to vote Monk the thanks of the houſe, for his care, and that his deſires ſhould be ſatisfied without delay. At the ſame time, Scot and Robinſon were diſpatched to him with this reſolution. But Monk was now marched into the city, and had, tho' with great difficulty, prevailed with the mayor to aſſemble the common-council that afternoon. Mean time, the two commiſſioners of the parliament, having waited on Monk with the meſſage, returned with little ſatisfaction. He only told them, all would be well, if his letter was complied with. Upon this anſwer, the parliament voted, that the command of the army ſhould be lodged in five commiſſioners, of

The parliament ſends deputies to him, to ſatisfy him. Whitelock.

But without ſucceſs.

Paſſes an inſignificant vote.

of whom Monk himſelf was one, and that the quorum of them ſhould be three; but when it was moved, that Monk ſhould always be one of the three, it was carried in the negative.

Monk reconciles himſelf with the city magiſtrates. Clarend.

In this interval, Monk repairing to the common-council, made a ſpeech, in which he teſtified his concern for having accepted a commiſſion, ſo diſagreeable in the execution to the city. That he was forced to accept it or quit his command, which he had thought proper to keep at ſuch a juncture, for the good of the city, and of the whole nation, whoſe happineſs and advantages he ſhould always promote to the utmoſt of his power. To give an unqueſtionable proof of the ſincerity of his intentions, he communicated to the council his letter to the parliament, and anſwer to the two commiſſioners. As theſe laſt proofs were convincing, the council was appeaſed, and Monk looked upon as a friend come to their relief, notwithſtanding the tranſactions of the foregoing day. When the news of this reconciliation was diſperſed thro' the city, it was followed with ringing of bells, and bone-fires in every ſtreet, at which were roaſted numberleſs rumps in contempt of the parliament. Some days after, the council of ſtate ſent to deſire Monk to come and aſſiſt them with his counſels, in regulating the affairs of the nation: But he did not think fit to expoſe himſelf to this danger. He anſwered, that the inhabitants of London were ſo diſſatisfied, that his preſence was abſolutely neceſſary in the city, to keep them in awe. On the other hand, the lord-mayor and aldermen conjured him to ſtay in the city, acquainting him, that the parliament was ſecretly endeavouring to corrupt his army, and that Sir Arthur Haſlerig had writ to ſeveral perſons in London, to that purpoſe. So Monk took care to avoid the ſnare laid for him.

Great rejoicings in the city. Phillips.

Monk receives great numbers of petitions for the re-eſtabliſhment of the excluded members. Phillips.

Since Monk's union with the city, addreſſes for the re-admiſſion of the ſecluded members were more frequent than ever. Very likely, there were emiſſaries diſperſed in ſeveral quarters, to incite the people to offer theſe petitions, which were always favourably received by Monk, it being neceſſary for him to ſupport his deſigns, by the general inclination of the people. He knew what uſe was to be made of a Preſbyterian parliament, tho' many who ſigned the petitions, imagined, that Preſbyterianiſm was going to re-mount the throne.

A conference between the members of the preſent parliament, and the ſecluded ones of 1648, comes to nothing. Clarend.

At laſt, on the 18th of February, Monk ſo ordered it, that ſome of the ſitting members had a conference with ſome of the ſecluded concerning their re-admiſſion. He could have wiſhed, this might have been done by common conſent. But the conferences was fruitleſs, becauſe the ſitting members could not, or would not, undertake for the parliament's accepting the conditions which ſhould be agreed on. They were for leaving that to the determination of the parliament, who, doubtleſs, would have found means to prolong the affair. But Monk ſaw himſelf indiſpenſably obliged to bring it to a ſpeedy concluſion, for fear a delay might produce an agreement between the army and parliament. This union was ſo natural, in the extremity to which the affairs of the parliament were reduced, that it is aſtoniſhing no endeavours were uſed to procure it. At leaſt, hiſtory is ſilent upon that head. So Monk, deſirous to improve ſo favourable a juncture, reſolved to introduce the ſecluded members into the parliament, in ſpite of thoſe who were now ſitting. But as this could not be done without the aſſiſtance of the army, he aſſembled his officers, to acquaint them with his intentions. All conſented, on certain conditions, relating to their own intereſts, and which were poſitively promiſed. Then Monk made the ſecluded members engage, that after their re-admiſſion, they would call a free parliament, and diſſolve the preſent.

Monk's Reaſons to preſs the concluſion of the conference. He reſolves to reſtore by force the ſecluded members. Clarend.

The ſecluded members reſume their places. Feb. 21. 1659-60. Clarend.

Theſe reſolutions being taken, Monk repaired to Whitehall the 21ſt of February, attended by all the ſecluded members, and after an exhortation to take care of the intereſts of the nation, gave them a guard to conduct them to the parliament, where they took their ſeats, without any previous notice to the ſitting members. They were ſo ſuperior in number to the Independents, that the heads of that party, after a ſhort demur among themſelves, thought fit to withdraw, and abandon their cauſe.

The Independent chiefs withdraw. Phillips.

Circular letters ſent by Monk and his officers to all the regiments.

The ſame day, Monk wrote a circular letter to all the regiments, to inform them of the change in the parliament, to aſſure them of the zeal of the reſtored members for the intereſts of the army, and to deſire their oppoſition to all attempts in favour of Charles Stuart. This laſt clauſe was thought neceſſary to keep the army in temper, which was yet far from deſiring the king's reſtoration. This letter was ſigned by Monk himſelf, and his principal officers, and ſent the ſame day to the colonels of the ſeveral regiments.

Acts made by the parliament during the remainder of its Seſſion.

This parliament continued their ſeſſion but twenty five days, during which they did ſeveral things, plainly ſhewing they were far from being the king's enemies. Some of their proceedings ſhall here be laid together, that I may not be obliged to break the thread of the narration. They annulled all votes and orders made by the parliament, ſince the 6th of December 1648, againſt the ſecluded members. 2. They releaſed all the impriſoned friends of the king, and amongſt the reſt Sir George Booth. 3. They conſtituted Monk, by act of parliament, captain general of the armies of the three nations. 4. They repealed the oath of abjuration of Charles Stuart, and all the royal family. 5. They appointed a new council of ſtate conſiſting of one and thirty members, moſt of them Royaliſts, and well-diſpoſed to ſerve the king. 6. They made great changes in the militia of London, and the ſeveral counties, and revoked all commiſſions granted by the Republicans. 7. They abrogated the engagement to be true and faithful to the common-wealth without a king, or houſe of peers; by which the lords, who were generally the king's adherents were reſtored to their right of conſtituting a ſeparate houſe in parliament. Laſtly, they diſſolved themſelves the 16th of March, after having iſſued out writs for a free parliament to meet the 25th of April, who were to reſtore the king, which was no longer doubted. However, as ſuch a change could not pleaſe every one, after ſo long an interruption of kingly power, the parliament, before their ſeparation, thought it ſtill neceſſary to amuſe the publick, or at leaſt to leave room to doubt whether the king's reſtoration was intended.

Votes of the parliament before its ſeparation to amuſe the publick.

Wherefore it was voted, firſt, that no perſon ſhould be admitted to any military employ, before he had ſworn to accknowledge the lawfulneſs of taking arms againſt the late king. Secondly, that no perſon, who had been in arms againſt the parliament, ſhould be choſen a member of the next parliament. In all appearance, theſe reſolutions were only taken to prevent diſturbances from the male-contents, in the interval betwixt the two parliaments. It is at leaſt certain, that the laſt was neglected in the new elections of repreſentatives, among whom were great numbers of Royaliſts. As the non-obſervance of it was to be queſtioned by the next parliament only, there was nothing to be ſaid, till they ſhould meet.

The Republicans endeavour to prevail with Monk to take the government upon himſelf. Phillips.

But theſe deceitful votes were not capable of impoſing on the Republicans, who ſaw but too plainly, that a reſolution was taken to reſtore the king. To prevent this blow, which could not but cruſh them entirely, they endavoured to perſuade Monk to take upon himſelf the government, and ſupply the place of Oliver Cromwell, chuſing rather to own him for governor or even ſovereign, than be expoſed to the king's vengeance. Monk having conſtantly rejected this offer, they applyed to Clarges to deſire him to perſuade the general to accept the government. But Clarges diſcovered their plot to the council of ſtate, who, if Monk had not interceeded for them, would have puniſhed them ſeverely.

But without ſucceſs. Phillips.

An engagement of ſome officers preſented to Monk to oblige him to abjure the king. He rejects it. Phillips.

This attempt failing, they privately excited a good number of officers of their own principles to draw up a declaration, by which they engaged to ſupport the republican government. They brought this declaration to the general to ſign, pretending it ſhould afterwards be ſubſcribed by the whole army. But Monk excuſed himſelf, alledging, this precaution was needleſs after the vote, that no adherent of the king ſhould be elected to ſerve in the enſuing parliament. But they made no account of this evaſion, knowing, that it belonged to the houſe of commons to judge of the qualifications of their members. In ſhort, as they continued to importune him, he forbad them with an air of authority, to aſſemble without his permiſſion.

Forbids the officers to aſſemble without leave from him.

Mazarin endeavours to intereſt himſelf in the Engliſh affairs, but without ſucceſs.

The tranſactions in England being quickly carried to cardinal Mazarin, it was not difficult for him to perceive, that Monk had ſome great deſign in view. But as he could not judge whether that general was labouring for himſelf or the king, he ordered Mounſier de Bourdeaux, the French ambaſſador at London, to offer his friendſhip to Monk, and every thing in his power, whatever was his deſigns. Probably, the cardinal, who had always treated the king with neglect, and was but little, if at all, deſirous of his reſtoration, would have been glad, Monk had been labouring for himſelf [*]. But in caſe Monk intended to reſtore the king, the cardinal was willing to have ſome ſhare in it, in order to make amends for his harſh uſage of the king, on ſundry occaſions. The ambaſſador applying to Clarges, intimated to him, that the cardinal was ready to ſerve the general in all his undertakings, and deſired a conference with him. But tho' Monk would not abſolutely refuſe a viſit from the ambaſſador, he ordered Clarges to tell him, it was on condition, he ſhould not propoſe any thing to him in reference to the Engliſh affairs. So, the viſit paſſed in general compliments.

Sir John Greenvil diſpatched to Monk from the king. Clarend.

The day after the diſſolution of the parliament, Sir John Greenvil, ſent by the king to general Monk, was introduced to him in the night. He told him, the king expected great ſervices from him, and that he would finiſh a work ſo happily begun, and even very far advanced. Monk anſwered, he was always diſpoſed to ſerve his majeſty to the utmoſt of his power: But the troops of the two armies were yet ſo averſe to his reſtoration, that the deſign could not be kept too ſecret, becauſe a diſcovery would give occaſion to the Republicans to ſubvert it. Diſſimulation therefore was yet neceſſary, till the parliament, which was to meet, ſhould complete the work; and, in the mean time, it ſhould be his care to model the army to the king's advantage, by the removal of the moſt ſuſpected officers. He added, the better to execute the projected deſign, he thought it abſolutely neceſſary for the king to prepare a declaration, capable of diſpelling the fears of thoſe who were moſt guilty, and promiſe a free and general pardon to all his ſubjects, except ſuch as ſhould be exempted by parliament; and that he would conſent to any act which ſhould be preſented to him for the payment of the arrears due to the army, and for the ſettlement of publick ſales and diſpoſitions of lands to officers, ſoldiers and others; as alſo for toleration or liberty of conſcience, and that no perſon ſhould be moleſted on account of religion, who ſhould not diſturb the publick peace. Laſtly, his advice was, that the king ſhould remove in time to ſome town of the United Provinces, to prevent his being arreſted by the Spaniards, ſhould they have any ſuch intention, which might ruin the whole undertaking.

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[*] Mr. Lock ſays, that Monk had agreed with the French ambaſſador to take the government on himſelf, by whom he had promiſe from Mazarin of aſſiſtance from France, to ſupport him in this undertaking. This bargin was ſtruck between them late at night, but not ſo ſecretly, but that Monk's wife, who had poſted herſelf behind the hangings, where ſhe could hear all that paſſed, finding what was reſolved, ſent immediately notice of it by her brother Clarges to Sir Anthony Aſhley Cooper. She was zealous for the reſtoration of the king, and promiſed Sir Anthony, to watch her huſband, and inform him, from time to time, how matters went. Upon this notice Sir Anthony ſummoned the council of ſtate, and before them, indirectly charging Monk with what he had learned, propoſed, that to remove all ſcruples, Monk would at that inſtant take away their commiſſions, from ſuch and ſuch officers in his army, and give them to thoſe whom he named. By this means the army ceaſed to be at Monk's devotion, and was put into hands that would not ſerve him, in the deſign he had undertaken. Memoirs of the earl of Shaftsbury.

Clarend.

The king punctually followed theſe inſtructions, as will be preſently ſeen, and removed from Bruſſels to Breda, not without danger of being ſtopped at Bruſſels, according to the lord Clarendon.

Monk caſhiers ſeveral officers, and ſubſtitutes othes more faithful in their places. Phillips.

Mean while, Monk made good uſe of the time, which remained till the meeting of the parliament. He diſplaced, on divers pretences, ſuch officers as were moſt ſuſpected by him, and filled their poſts with others in whom he could entirely confide. Moreover, ſome officers, by his direction, framed an engagement in form of an addreſs, to the general, by which they promiſed a ready obedience to the orders of the parliament, when aſſembled. This engagement being preſented to Monk, he approved it, and ordered it to be ſubſcribed by all the regiments in England, Scotland, and Ireland. This gave him a pretence to remove ſuch as refuſed to ſign it.

1660. Lambert eſcapes out of the tower, and puts himſelf at the head of ſome troops. April 9. Whiteloc.

While the hopes of the king and his party were daily increaſing, an accident happened, which might have been attended with ill-conſequences, had it not been ſpeedily remedied. This was Lambert's eſcape out of the tower, and his putting himſelf at the head of ſome troops. As he was greatly eſteemed by the ſoldiers, there was danger, that all the Republicans, who were very numerous in the army, would declare for him. Wherefore Monk loſt not a moment to prevent this danger, before the miſchief reached any farther. Lambert having aſſembled ſome diſcontented troops at Daventry, Ingoldsby was immediately ſent againſt him, with Monk's own regiment, and ordered to take ſome other troops in his way, and give him battle. This extreme diligence did the buſineſs effectually. As Lambert had not yet time to aſſemble many troops, Ingoldsby met him the 22d of April, 13 days after his his eſcape, defeated, and ſent him to the tower. Thus the fear which Lambert's eſcape had infuſed into the king's party was entirely diſpelled.

Is defeated and made priſoner Ingoldsby.

A forged letter diſperſed, to prevent the king's reſtoration. Phillips.

Two days before the parliament met, the Republicans made another attempt, to prevent the king's reſtoration, by diſperſing a forged letter from Bruſſels, in which it was ſaid, that the king only waited his reſtoration, to be ſeverely revenged upon all his oppoſers. It was alſo added, that his party was preparing to put them all to the ſword. This forged letter beginning to do miſchief, the lords, and others of the king's party, publiſhed a declaration ſigned by ſeventy perſons, in which they diſavowed the intentions aſcribed to them, and proteſted, that their deſire was to live peaceably, without any thoughts of revenge upon the authors of their ſufferings.

Declaration of the king's party. Clarend.

The parliament meets. Whiteloc.

The new parliament met the 25th of April, in two houſes, the one of lords, the other of commons, agreeably to the antient conſtitution. In the houſe of lords moſt were the king's friends. In that of the commons, it was found, that many Royaliſts were elected, notwithſtanding the above-mentioned vote. Some Preſbyterians, who were notin the ſecret, had a mind to complain, and moved for an examination of the elections but were not heard. Moſt of the preſbyterian members were no leſs zealous than the Royaliſts for the king's reſtoration, which every one wiſhed, not ſo much, perhaps, out of affection to him, as to deliver the kingdom from the dominion of the Independents and Fanaticks, and from the tyranny of the army, which had laſted twelve years.

The king ſends a commiſſion to Monk, to make him general. Phillips.

Two days after the opening of the parliament, Greenvil, returning from Bruſſels, waited on Monk, with a commiſſion from the king, conſtituting him captain-general of all the forces of the three kingdoms, and alſo with a letter from his majeſty to be communicated to the council of ſtate, and the officers of the army. But Monk declined to open the letter, till he had received the parliament's directions. Mean time, the commons having adjourned themſelves, for two or three days, Greenvil applied himſelf to the lords, and preſented to them a letter from the king, with a declaration dated the 14th of April.

Greenvil preſents a letter, and a declaration to the lords from the king.

The ſubſtance of it; Clarend.

In the letter, the king told the lords, that hearing, they were again acknowledged to have the authority, belonging to them by their birth, he hoped they would make uſe of it for the publick good, for compoſing the diſtractions of the kingdom, and for reſtoring him to his juſt prerogatives, the parliament to their privileges, and the people to their liberties. As for the declaration, it will be neceſſary to inſert it at large.

Charles Rex.

The king's declaration. Phillips.

'CHARLES by the grace of God, king of England, Scotland, France and Ireland, defender of the faith, &c. To all our loving ſubjects, of what degree or quality ſoever, greeting. If the general diſtraction and confuſion, which is ſpread over the whole kingdom, doth not awaken all men to a deſire and longing, that thoſe wounds which have ſo many years together been kept bleeding, may be bound up, all we can ſay will be to no purpoſe: However, after this long ſilence, we have thought it our duty to declare how much we deſire to contribute thereunto. And that as we can never give over the hope, in good time to obtain the poſſeſſion of that right, which God and nature hath made our due; ſo we do make it our daily ſuit to the Divine Providence, that he will, in compaſſion to us and our ſubjects, after ſo long miſery and ſufferings, remit, and put us into a quiet and peaceable poſſeſſion of that our right, with as little blood and damage to our people as is poſſible; nor do we deſire more to enjoy what is ours, than that all our ſubjects may enjoy what by law is theirs, by a full and entire adminiſtration of juſtice throughout the land, and by extending our mercy where it is wanted and deſerved.

'And to the end that fear of puniſhment may not engage any, conſcious to themſelves of what is paſt, to a perſeverence in guilt for the future, by oppoſing the quiet and happineſs of their country, in the reſtoration both of king, peers, and people, to their juſt, antient, and fundamental rights; we do by theſe preſents declare,

1660.

that we do grant a free and general pardon, which we are ready, upon demand, to paſs under our great-ſeal of England, to all our ſubjects, of what degree or quality ſoever, who within 40 days after the publication hereof, ſhall lay hold upon this grace and favour, and ſhall, by any publick act, declare their doing ſo, and that they return to the loyalty and obedience of good ſubjects, excepting only ſuch perſons as ſhall hereafter be excepted by parliament: Thoſe only excepted, let all our ſubjects, how faulty ſoever, rely upon the word of a king, ſolemnly given by this preſent declaration, that no crime whatſoever, committed againſt us, or our royal father, before the publication of this, ſhall ever riſe in judgment, or be brought in queſtion againſt any of them, to the leaſt endamagement of them, either in their lives, liberties, or eſtates, or (as far forth as lies in our power) ſo much as to the prejudice of their reputations, by any reproach, or terms of his diſtinction from the reſt of our beſt ſubjects; we deſiring and ordaining, that henceforward all notes of diſcord, ſeperation, and difference of parties, be utterly aboliſhed among all ſubjects, whom we invite and conjure to a perfect union among themſelves, under our protection, for the reſettlement of our juſt rights and theirs, in a free parliament, by which, upon the word of a king, we will be adviſed.

‘And becauſe the paſſion and uncharitableneſs of the times, have produced ſeveral opinions in religion, by which men are engaged in parties and animoſities againſt each other, which, when they ſhall hereafter unite in a freedom of converſation, will be compoſed, or better underſtood; we do declare a liberty to tender conſciences; and that no man ſhall be diſquieted, or called in queſtion for differences of opinion in matters of religion, which do not diſturb the peace of the kingdom, and that we ſhall be ready to conſent to ſuch an act of parliament, as, upon mature deliberation, ſhall be offered unto us, for the full granting that indulgence.

‘And becauſe in the continued diſtractions of ſo many years, and ſo many and great revolutions, many grants and purchaſes of eſtates have been made to and by many officers, ſoldiers, and others, who are now poſſeſſed of the ſame, and who may be liable to actions at law, upon ſeveral titles; we are likewiſe willing, that all ſuch differrences, and all things relating to ſuch grants, ſeals and purchaſes, ſhall be determined in parliament, which can beſt provide for the juſt ſatisfaction of all men who are concerned.

‘And we do further declare, that we will be ready to conſent to any act or acts of parliament to the purpoſes aforeſaid, and for the full ſatisfaction of all arrears due to the officers and ſoldiers of the army, under, the commad of general Monk, and that they ſhall be received into our ſervice upon as good pay and conditions as they now enjoy.’

1660.

Votes of the lords in favour of the king. Phillips.

Immediately after the reading of this declaration, the lords voted, ‘That according to the antient and fundamental laws of this kingdom, the government is, and ought to be, by king, lords, and commons.

The commons receive a letter from the king, with the declaration.

Then, Sir John Greenvil came to the houſe of commons, and preſented a letter to them from his majeſty, with the ſame declaration incloſed, which was read, as well as the letter directed to general Monk, to be communicated to the council of ſtate and the army. Theſe papers, which three months before, would have lain unregarded on the table, were now conſidered as convincing proofs of the king's good intentions, and ſufficient reaſons to reſtore him to the exerciſe of the kingly power, without requiring other conditions than what he ſhould himſelf be pleaſed to grant. The commons therefore readily agreed to the vote of the lords, and ſo the king ſaw himſelf reſtored, without any of the conditions which had cauſed ſo long a war, and ſo great an effuſion of blood. This is a clear evidence, either that the Royaliſts were much ſuperior in number in the houſe, which nevertheleſs is not very probable, or that the Preſbyterians were willing to deſiſt from conditions which they had formerly ſo ardently demanded, for certain terms relating to their religion, which had been poſitively promiſed, but which, as they were never performed, gave afterwards too juſt cauſe of complaint.

The commons concur with the lords, and the king reſtored without any conditions.

Preſents made by the commons to the king, duke of York, and duke of Gloceſter. Clarend.

The king being effectually recognized, by the vote of both houſes, the commons ordered, that 50,000 l. ſhould be preſented to him, 10,000 to the duke of York, and 5000 to the duke of Gloceſter. Theſe princes had never before been maſters of ſuch ſums.

Then the commons ordered, that all journals ſhould be ſearched, and thoſe acts and orders razed out, which were inconſiſtent with the government of king, lords and commons. The army, the navy, and the city of London prepared addreſſes to congratulate his majeſty on his reſtoration, and to promiſe him perfect obedience; and theſe addreſſes were delivered to Clarges, who undertook to carry them to the king. The 8th of May, the king was proclaimed in London with great ſolemnity, and commiſſioners from the parliament and city departed on the 11th to wait on the king, who expected them at the Hague. Some Preſbyterian miniſters alſo repaired thither, as well to imprint on the king a ſenſe of the ſervice lately done him by their ſect, as to ſound his inclinations with regard to the liberty, which they had probably ſtipulated, before they engaged in the affair of his reſtoration. The king, confirmed by word of mouth, what he had promiſed by his declaration. But when they beſought him not to revive the uſe of the Common-Prayer in his chapel, and that the ſurplice might be diſcontinued, he warmly anſwered, ‘That whilſt he gave them liberty, he would not have his own taken from him.’

The king proclaim'd May 8. Phillips. Commiſſioners from the parliament and city to the king. Clarend. Conferences between ſome Preſbyterian miniſters and the king.

The king gives audience to the deputies from the parliament. May 26.

After the king had given audience to the parliament's commiſſioners the 16th of May, and received the homage of admiral Montague,

1660. tague, and the other officers of the navy, who waited on him at Scheveling, he ſtill remained ſome days at the Hague, as well to prepare for his departure, as to receive the compliments of the States, and embarked the 23d. He arrived at Dover the 25th, and the ſame day at Canterbury, where on the morrow, he honoured Monk with the Order of the Garter. The 29th, his birthday, he arrived at Whitehall, thro' a numberleſs multitude of people, who, by their acclamations, demonſtrated their joy at his reſtoration *. 1660.

Arrives at Whitehall. May 29. Phillips.

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* Burnet obſerves, in his Hiſtory of his own Times, that ſuch unanimity appeared in the proceedings of the parliament for the king's reſtoration, that there was not the leaſt diſpute among them, but upon one ſingal point, yet that was a very important one. Hale, afterwards the famous chief juſtice, moved, that a committee might be appointed to look into the propoſitions, that had been made, and the conceſſions that had been offered by the late king, and from thence digeſt ſuch propoſitions, as they ſhould think fit to be ſent over to the king. This was ſeconded, but by whom the biſhop forgot. As ſuch a motion was foreſeen, Monk was inſtructed how to anſwer it: He told the houſe, that he had information of ſuch numbers of incendiaries ſtill in the kingdom, that if any delay was put to the ſending for the king, he could not anſwer for the peace either of the nation or army. And as the king was to bring neither army nor treaſure with him, either to fright or corrupt them, propoſitions might be as well offer'd to him when he ſhould come over; ſo he moved for ſending commiſſioners immediately. This was ecchoed with ſuch a ſhout over the houſe, that the motion was no more inſiſted on. And this, ſays Burnet, was indeed the great ſervice Monk did. To the king's coming in without conditions, may be well imputed all the errors of his reign, and it may be added, many miſchiefs that followed afterwards.

THE HISTORY OF ENGLAND.

BOOK XXIII.

26. CHARLES II.

1660. Hopes of the ſeveral parties at the king's arrival. **Burnet.**

AT the arrival of the king, the face of England was entirely changed, and joy, pleaſures, publick and private rejoicings, ſucceeded to trouble, fear, and conſternation. The people were ſo tired of the life they had led for 20 years paſt, that they did not believe it poſſible to be in a worſe ſtate. Every one rejoiced to ſee at laſt a calm, after ſo long a ſtorm, and expected to enjoy a tranquillity, ſought in vain for ſo many years. The Royaliſts and Epiſcopalians were at once raiſed to the height of their wiſhes, in beholding Charles II, on the throne of his anceſtors, and the church of England about to reſume her former luſtre. The Preſbyterians flattered themſelves, that their late ſervices for the king, would, at leaſt, procure them an entire liberty of conſcience, and the free exerciſe of their religion. The Republicans, Independents, Anabaptiſts could not, indeed, hope to be reſtored to the ſtate they had enjoyed ſo many years, but expected, at leaſt, an entire impunity, agreeably to the Breda declaration. The regicides, that is, the late king's judges, were the only perſons that could not but expect the puniſhment, they juſtly deſerved, and yet, even they deſpaired not of the king's clemency, as, indeed, ſuch as caſt themſelves upon it, were not wholly diſappointed. It is not, therefore, ſtrange that the whole kingdom ſhould reſound with joyful tranſports, and unite in receiving, with loud acclamations, a king, who, according to the general expectation, was to reſtore the publick tranquillity and happineſs, and put all things in their natural order.

1660. Extreme prepoſſion in favour of the king.

Charles II, at the time of his reſtoration, was 30 years of age, and but little known to moſt of his ſubjects, becauſe he had long lived out of his dominions. His actions in the weſt, during his youth, where he commanded for the king his father, had been diſtinguiſhed by no advantageous event. His conduct in Scotland, when he was called to the crown of that kingdom, had not redounded to his honour, ſince, in his declaration publiſhed there, he had not ſcrupled to ſacrifice the king, his father, to his own private advantage. In ſhort, the battle of Worceſter had acquired him no reputation, in which ſome pretend he had been too careful of his perſon, tho' others ſpeak of his valour on that occaſion with great commendation. However this be, his defeat did not contribute to raiſe his fame as a general. Nevertheleſs, his friends, with a view to his reſtoration, had publiſhed ſuch extravagant praiſes of him, and with ſuch aſſurance, that, before his arrival in England, he paſſed there for an accompliſhed prince, endowed with all the virtues and noble qualities of a heroe. This prepoſſeſſion did more miſchief to England, than all the calumnies thrown upon the laſt king. Every one was thereby almoſt equally diſpoſed to put an entire confidence in the new king, in the belief, that a prince of ſuch a character could never abuſe it*. It was hoped, that content with reſtoring the government to the ſtate it

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* When the earl of Southampton came to ſee what Charles II, was like to prove; he ſaid once, in great wrath to chancellor Hyde, that it was to him they owed all they either felt or feared; for if he had not poſſeſſed them in all his letters, with ſuch an opinion of the king, they would have taken care to have put it out of his power, either to do himſelf or them any miſchief. Hyde anſwered, He thought the king had ſo true a judgment, and ſo good nature, that when the age of pleaſure ſhould be over, and the idleneſs of has exile turned to an obligation to mind affairs, that he would have ſhaken off theſe intanglements. Burnet.

Deſign to render the king abſolute.

was in under queen Elizabeth, he would avoid treading in the ſteps of his father and grandfather, without attempting to extend his prerogative. This hope was the more readily entertained, as it was not doubted, that the example of his father had made a ſtrong impreſſion upon him. It will hereafter appear, to what exceſs this confidence was carried, and what uſe Charles made of it, to begin the ruin of the liberty and religion of the Engliſh, which his ſucceſſor James II. had certainly accompliſhed, had not God, by a revolution the moſt wonderful, blaſted his deſigns, when he thought himſelf moſt ſecure of ſucceſs. This project to render the king abſolute, and equally employ, for that purpoſe, the aſſiſtance of Catholicks and Proteſtants, begun by James I, vigorouſly purſued by Charles I, interrupted by 20 years troubles, was eagerly reſumed under Charles II. If this be not laid down, as the baſis of the events of this reign, I don't think it poſſible to account for the conduct of king Charles II, unleſs it be believed, that he acted by mere caprice, without principles, maxims, or any deſign, which cannot be thought of a prince, who had as much wit and ſenſe as any prince in Europe. But it is not yet time to deſcend to theſe particulars, eſpecially as it is uncertain whether this project was formed at the beginning of his reign, or owing to ſome favourable junctures. At leaſt, the conduct of Charles immediately after his reſtoration, gives no occaſion to ſuſpect he had already thought of it.

The king's religion. Burnet.

The earl of Mulgrave in his character of Charles II.

Charles had, as I have ſaid, embraced the Catholick religion, before his return into England. Some ſay, he abjured the Proteſtant religion to cardinal de Retz, before he left France the laſt time. Others pretend, it was in the year 1659, in his journey to Fontarabia, in order to procure his reſtoration, by the aſſiſtance of the two crowns of France and Spain. However this be, the ſecret, known only to the earl of Briſtol, and Sir Henry Bennet, afterwards earl of Arlington, was ſo well concealed, that the publick was ignorant of it, till after the king's death, when his ſucceſſor, James II, was pleaſed to divulge it. But at preſent, it is a thing of which there is no room to doubt. It may be affirmed, his embracing the Catholick religion was not through a principle of conſcience, ſince, in the whole courſe of his life, he ſhowed no ſenſe of religion. The greateſt compliment a famous author thinks fit to pay him, is, to ſay he was no atheiſt. This is confirmed by the character given of him by the earl of Mulgrave, who cannot be ſuſpected of a deſign to ſlander him. His ſentiments of religion in general may be judged of, by what Dr. Burnet ſays of him, in the hiſtory of his own times, viz. That he ſcrupled not to communicate the ſame day in two different chapels, publickly in the Proteſtant, and privately in the Popiſh. However, he loſt no opportunity, in his ſpeeches to the parliament, to boaſt of his attachment to the Proteſtant religion, and his zeal for its advancement. Such behaviour, ſo unworthy of a chriſtian, cannot but be very injurious to his memory. Accordingly, thoſe, who have moſt endeavoured to palliate his failings, have not been able to deny, he was a perfect maſter of diſſimulation.

King Charles's governing maxim. Burnet.

He had, beſides this, a maxim not leſs dangerous, viz. that there was neither ſincerity nor chaſtity in the world out of principle, but that ſome had the one or the other out of humour or vanity; and believed no body ſerved him out of love, and therefore, he was quits with all the world, and loved others as little as he thought they loved him. He was extremely affable, and ſo eaſy and complaiſant, that he ſeemed to take a pleaſure in beſtowing favours, by his manner of receiving the requeſts that were made to him. But he forfeited, at laſt, the eſteem and affection of his ſubjects, who had almoſt adored him in the beginning of his reign, becauſe they diſcovered how little they could depend on kind words, and fair promiſes, in which he was liberal to exceſs.

His faults. Burnet.

He was ſo addicted to his pleaſures, that tho' he was very capable of buſineſs, had a good judgment, quick apprehenſion, and great penetration, his miniſters could hardly prevail with him to ſuſpend his pleaſures ſome hours, and attend to affairs, which required ſome application. But it happened alſo, ſometimes, that when he would apply himſelf to buſineſs, he diſpatched more in one day, than his miniſters in ſeveral.

As his miſtreſſes devoured his whole time, ſo they conſumed all his treaſures. Though his revenues were larger than thoſe of any of his predeceſſors, except Henry VIII, and the parliament often granted him extraordinary ſupplies, he was ever in want, becauſe he ſpent his money without meaſure or diſcretion, as he received it. This threw him upon his parliament, and, not to break with the commons, he was obliged to promiſe what he never intended to perform.

His good qualities.

Theſe are the principal faults imputed to king Charles. But, on the other hand, it cannot be denied, that he had many good qualities, which might have produced happy effects, had he made a better uſe of them. His wit was lively, his conception wonderful, and his judgment exquiſite. He knew the intereſts of the princes of Europe, better than any of his miniſters. He had applied himſelf during his exile, to the ſtudy of phyſick and the mathematicks, and more particularly to navigation, and the building of ſhips, in which he had made great progreſs. With theſe qualities, he might very eaſily have governed his dominions, in a manner glorious to himſelf, and advantageous to his ſubjects, and made himſelf arbiter of Europe. And yet, his reign cannot be ſaid to be either glorious to himſelf, or happy to his ſubjects. The reaſon is, that becauſe of his attachment to his pleaſures, and natural remiſſneſs, he delivered himſelf up to the counſels of his miniſters, and particularly of his brother the duke of York, who, during this whole reign, had but too much influence upon the reſolutions of the king's council, into which he found means to introduce ſuch, as he believed proper for the execution of his projects, with regard to church and ſtate. The duke of York was of a temper more active, violent, haughty, and revengeful

He had formed the deſign of raiſing the royal authority to a great height, and withal, of reſtoring the catholick religion in England. He never ceaſed, through this whole reign, to purſue theſe projects, but more eſpecially, after he was aſſured, the king his brother could not expect any legitimate children. All the principal events of this reign, depending properly upon the humour and character of theſe two princes, I thought it neceſſary to premiſe this deſcription of them.

Great licentiouſneſs in England.

The king was received in London with extraordinary acclamations, and it began then to be perceived, that, under colour of rejoycing for the king's reſtoration, the Engliſh were throwing themſelves into a diſſoluteneſs, which would not have been endured under the Presbyterians and Independents, but which daily increaſed during this whole reign, by the ill examples of the king and the court.

The king forms his council.

The king's firſt care was to eſtabliſh a council, compoſed chiefly of thoſe who had ſhown moſt zeal or affection for himſelf, or the king his father. He received, however, ſome men into it, who ſeemed naturally to have no pretenſions thereto. This was the effect of his policy: For it appeared, in his conduct at firſt, that his principal aim was to ſuppreſs the former troubles, in which he could not better ſucceed, than by ſecuring a perfect reliance on his promiſes, publiſhed in his Breda declaration. His intention was to ſtifle, as much as was poſſible, the enmities which had ſo long divided his ſubjects, and to unite them all in an obedience to the laws, and a ſincere attachment to his perſon, as their truecenter. He laboured this for ſome time with zeal, even, as I ſaid, to the receiving into his council, men who had profeſſed themſelves his greateſt enemies. Herein he imitated his grandfather Henry IV. of France; but, as will be ſeen hereafter, he was not ſuffered long topurſue this courſe.

Chancellor Hyde his firſt miniſter.

Edward Hyde, lord chancellor, and ſoon after earl of Clarendon, was the king's prime miniſter, in whom, with great reaſon, he entirely confided. But, as very viſibly appears, in his hiſtory of the civil wars, he was a mortal enemy of the Presbyterians, and conſequently, little proper to preſerve the kingin his reſolution of procuring tranquillity for all his ſubjects without diſtinction.

The parliament called a convention.

June 1.

Acts paſſed by it. Statutes 12 Car. 2.

As ſoon as the king was arrived in England, the aſſembly, which from the 25th of April had been honoured with the name of parliament, was only called the convention, the king being unwilling to own for parliament, an aſſembly which had not been ſummoned by his writs. But this change of name was of no long continuance. Two days after his arrival, the king went to the houſe of lords, where he ſent for the commons, and gave the royal aſſent to three acts; the firſt was, to change the convention into a parliament the ſecond; to continue the monthly tax of ſeventy thouſand pounds for three months; and the third, to continue all judicial proceedings. Had the directions and orders of the foregoing parliament been followed, this parliament ſhould have admitted no member, who had either ſerved the laſt or preſent king. But this order having been neglected in the elections, all were admitted without diſtinction, or examination, who had been choſen. As the ſcheme for the king's reſtoration was entirely formed, when this parliament met, the Presbyterians, whe were much ſuperior in number, did not think proper to exclude the Royaliſts, with whom they had agreed to reſtore the king. Neither was it thought fit to exclude the Republicans, nor the regicides themſelves, who were not conſiderable enough to obſtruct the project agreed on. This parliament is therefore to be looked upon as an aſſembly, where the Presbyterians had certainly a ſuperiority of voices, and it was this parliament that reſtored the king to the throne of his anceſtors, and, during their ſhort continuance, gave him very real marks of their zeal for his ſervice, and the re-eſtabliſhment of peace and tranquillity in the kingdom. *

The parliament chiefly compoſed of Presbyterians. R. Coke.

Principal affairs of the parliament. An act of indemnity. Phillips.

The affairs of this parliament, after the king's arrival, conſiſted in three principal points. The firſt was an act of pardon or indemnity, for whatever had paſſed ſince the beginning of the troubles. This act was abſolutely neceſſary for the ſecurity both of the perſons and deſcendents, of thoſe who had been concerned in theſe troubles, and were liable to be called to an account, if the laws had been ſtrictly executed. For as, from the year 1642, the king's party had been deemed rebels by thoſe who were in power; the king, coming to rule in his turn, might have declared rebels all who had been in arms either againſt him or his father. The queſtion of right concerning the war between the king and the parliament, remaining undecided, it was natural for him, who had the power in his hands, to explain the laws in his own favour. But, on the other hand, it was to be feared, that rigour, on this occaſion, would kindle a new flame. Beſides, it was very difficult preciſely to explain wherein conſiſted the rights of the king, and thoſe of the ſubject, conſidering the arguments on both ſides, and the infinite cavils to which ſuch a diſcuſſion was liable. In a word, explications of this nature had occaſioned the troubles, which, if it was poſſible, were intended to be buried in eternal oblivion. It was thought therefore, that the beſt means to quiet the minds of the ſubjects was, an act of indemnity for every thing during the troubles.

The ſecond affair of the Parliament, was to enable the king to diſband the army. There was no reaſon for keeping on foot an army which had been the principal cauſe of the diſorders committed of late years, and which would have been ſtill capable of diſturbing the peace of the kingdom under an able leader.

The third affair was the ſettling the king's revenue, ſince it was abſolutely neceſſary to give

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* Burnet ſays, theſe five following perſons, all Presbyterians, had the chief hand in the reſtoration, Sir Anthony Aſhley Cooper, afterwards earl of Shaftsbury, Sir Arthur Anneſley, afterwards earl of Angleſey, Denzil Holles created lord Holles of Iſield, the earl of Mancheſter, and the lord Roberts.

him wherewithal to ſupport the goverment, and put him in a condition to be courted and feared. On theſe three important affairs the parliament beſtowed their firſt care, and began with with the act of indemnity, as being the moſt urgent. For this purpoſe the houſe of commons ſolemnly declared, in an addreſs preſented to the king by the whole houſe, that they accepted, in the name of themſelves, and all the commons of England, the gracious pardon offered by his majeſty in his declaration from Breda, with reference to the excepting of ſuch as ſhould be excepted in an act of pardon. The lords likewiſe preſented a petition of the like import.

The commons accept the pardon promiſed by the king. Kennet.

So do the lords.

Proclamation in favour of the king's judges. June 6. Phillips.

Immediately after, the king publiſhed a proclamation, declaring, that all ſuch of the late king's judges as did not ſurrender themſelves within fourteen days, ſhould be abſolutely excluded from the general pardon. Though by the words of this proclamation, thoſe who ſurrendered themſelves could not be aſſured of their lives, it was nevertheleſs underſtood, that the king made uſe of this artifice only to have it believed, that he would not limit the power and reſolutions of the parliament on this point, and it was not doubted, that the two houſes conſidered this proclamation as a ſort of pardon, at leaſt, for life, to thoſe who ſhould confide in it. In conſequence of this proclamation, twenty of the late king's judges voluntarily ſurrendered themſelves. Others withdrew out of the kingdom, and ſome were taken in attempting to eſcape.

The Republicans demand of the king particular letters of pardon.

While the parliament proceeded in the bill of indemnity, ſome leading Republicans, who had not been the king's judges, but had exerciſed civil or military employs, during the troubles, fearing to be called to an account, demanded of the king letters of pardon, under the great ſeal, in order to ſcreen themſelves from all proſecution. The king very readily granted their requeſt, ſhowing thereby that he really intended to perform his promiſe in his Breda declaration. For he was perſuaded, there was no better way to pacify the troubles, and give his ſubjects confidence, than the exact obſervance of his promiſes.

The king, his brothers, &c. dine in the city. Phillips.

The 5th of July, the city of London invited the king and the two princes his brothers, the great officers of the crown, and both houſes of parliament to an entertainment, the magnificence whereof was ſuitable to the riches of the city which gave it, and the quality of the perſons invited.

The act of indemnity meets with ſome hindrances. Ibid.

Though the king really intended the act of indemnity ſhould be quickly diſpatched, it met, with great obſtacles in the houſe of commons, with regard to the clauſes which were to be inſerted. Some were for having no regard to the Breda declaration, but for making examples of all who had moſt ardently ſupported the late uſurpation. This raiſed a ſuſpicion that the king incouraged theſe men, and intended to ſuſpend the effect of his declaration, by means of the parliament, till he was revenged of his enemies. This was induſtriouſly diſperſed amongſt the people in libels, tending to deſtroy all confidence in the king's promiſes, and revive the troubles, by driving to deſpair thoſe who knew themſelves moſt guilty. To diſpel therefore theſe ſuſpicions, which might have produced ill effects, the king ſent a meſſage to the houſe, to preſs them to diſpatch the act of indemnity, and to make it agreeable to his declaration from Breda. This meſſage ſo quickened the debates, that a few days after, the act paſſed the houſe of commons, and was ſent up to the lords for their concurrence.

Prepared by the commons. Phillips.

The king's ſpeech to the lords.

In this bill, the houſe of commons excepted for life and eſtate, but a few of the moſt notorious and active regicides. But the lords, incited by divers petitions of the widows, children, and relations of perſons executed by the ſentences of the courts erected, during the uſurpation, were for excepting from pardon all who had been judges in thoſe courts. The king fearing new delays, from this difference of ſentiments between the two houſes, came to the houſe of lords, the 27th of July, and in a pathetick ſpeech, endeavoured to perſuade them to paſs the bill as ſent up by the commons. He repreſented to them " That he was obliged in honour to perform what he had promiſed in his declaration; that he never thought of excepting any but the immediate murtherers of his father; that the peace and tranquillity of the kingdom entirely depended upon the performance of his promiſe, which (ſays he) if I had not made, I am perſwaded neither I nor you had now been here: I pray therefore let us not deceive thoſe who brought or permitted us to come together, and earneſtly deſire you to depart from all particular animoſities and revenge, or memory of paſt revocations, and paſs this act without other exceptions, than of thoſe who were immediately guilty of the murder of my Father."

Amendments made by the lords to the bill of the commons. Phillips.

This ſpeech, and a meſſage ſent by the king to both houſes on the ſame ſubject, determined the lords to conform to the declaration from Breda. They, therefore, ſent the bill to the commons with two amendments. The firſt concerned 20 perſons, who by the commons bill were liable to all the penalties, it ſhould pleaſe the parliament to inflict, death excepted, tho' they were not the king's judges. The lords refuſed their conſent to this clauſe, becauſe it was contrary to the declaration from Breda. The other amendment related to the 20 judges of the late king, who had voluntarily ſurrendered themſelves upon the king's proclamation of the 6th of June. For the lords included in the pardon, both for life and eſtate, theſe 20, who had diſtinguiſhed themſelves from the reſt by their confidence in the king's clemency, whereas the commons were only for granting them life, leaving them liable to forfeiture of eſtates, impriſonment, baniſhment, or ſuch other penalties as the parliament ſhould think proper. This was the ſubject of ſeveral conferences between the two houſes, which, in the end, produced an unanimity of ſentiments, according to which the act was formed. In one of theſe conferences, chancellor Hyde declared, that being employed in an embaſſy to Spain, he was expreſly charged by

Conference upon that ſubject. Phillips.

his majeſty to avow, "That the horrible 'murther of his father was not the act of the 'parliament, or people of England, but of a 'very wretched and little company of miſ'creants in the kingdom.' This was ſo agreeable to the commons, that they ordered ſuch of the privy-council, as were members of the houſe, to thank the king for this juſt defence of the parliament and people of England. At laſt, the king repairing to the houſe of lords the 29th of Auguſt, gave the royal aſſent to the act of indemnity, which contained in ſubſtance:

Act of indemnity. Statutes, Phillips.

Penalties againſt thoſe who ſhould uſe any words of reproach tending to revive the memory of the late troubles, with an abſolute pardon to all who had been engaged in them, excepting the following perſons, namely,

Forty nine of thoſe who had been the late king's judges, with this diſtinction, that as to the 20, who had voluntarily ſurrendered themſelves, if they were condemned, their execution ſhould be ſuſpended till the king and parliament ſhould order the ſame.

Oliver Cromwell, Bradſhaw, Pride, and 21 others, who were dead, were made ſubject to confiſcations, and other penalties which the king and parliament ſhould ordain.

Phelps and Sir Arthur Haſlerig were put in the ſame condition.

Hutchinſon and Laſſels were declared incapable of exerciſing any office, and condemned to one year's forfeiture of the revenue of their eſtates.

It was moreover ordained, that Oliver St. John, and 17 others named in this article, ſhould be excluded from any benefit by this act, if they accepted, or executed any office in England, either eccleſiaſtical, civil, or military.

All that had given ſentence of death, in any of the late illegal high-courts of juſtice, except colonel Ingoldsby and colonel Thomlinſon, were diſabled from being members in any parliament, or bearing any office in England or Wales.

Thoſe who had converted to their uſe any goods, belonging to the church, were excluded from the benefit of this act.

Sir Henry Vane and Lambert were excepted from pardon both as to life and eſtate.

The king likewiſe paſſed on this occaſion the following acts.

Other acts. Statutes.

1. An act for confirmation of judicial proceedings, from the 1ſt of May 1642, notwithſtanding their illegality.

2. An act for proviſion of monies to pay off the armies and navy.

3. An act to fix the intereſt of money at 6 per cent.

4. An act for a perpetual anniverſary thankſgiving on the 29th of May, the day of his majeſty's nativity and reſtoration.

The king's ſpeech to the parliament Phillips.

After the king had given his aſſent to theſe five acts, he made a ſpeech to both houſes, to teſtify how much he was pleaſed with them; concluding, 'I am ſo confident of your affec'tions, that I will not move you in any thing 'that immediately relates to my ſelf: And 'yet I muſt tell you, that I am not richer, that 'is, I have not ſo much money in my purſe, as 'when I came to you. The truth is, I have 'lived principally ever ſince, upon what I 'brought with me, which was indeed your 'money; for you ſent it to me, and I thank 'you for it. The weekly expence of the na'vy eats up all you have given me by the bill 'of tunnage and poundage; nor have I been 'able to give my brothers one ſhilling ſince I 'came into England, nor to keep any table in 'my houſe, but what I eat at my ſelf. And that 'which troubles me moſt is, to ſee many of you 'come to my Whitehall, and to think you 'muſt go ſome where elſe to ſeek your dinner 'I do not mention this to you as any thing 'that troubles me: Do but take care of the 'publick, and for what is neceſſary for the 'peace and quiet of the kingdom, and take 'your own time for my own particular, which 'I am ſure you will provide for, with as much 'affection and frankneſs, as I can deſire.'

Preſents made by the parliament to the king's brothers. A vote to ſettle on the king 1200000l. Burnet. The parliament prorogued. Divers acts.

The commons obſerving what the king ſaid concerning his brothers, made a preſent to the duke of York of 10,000 l. and of 7000 to the duke of Gloceſter. After this, they proceeded to the ſettling the king's revenue, and reſolved to raiſe it to 1200,000 l. which was more than any king of England had ever enjoyed, except Henry VIII. But before this could be compleated, the king came to the parliament the 13th of September, and paſſing ſome bills that were ready, they adjourned themſelves to the 6th of November. The acts paſſed on this occaſion were:

1. An act for the ſpeedy raiſing of 100,000 l. for a preſent ſupply by way of land-tax.

2. An act to impower and direct the commiſſioners, in what manner to disband the army, and to pay off ſome part of the fleet.

3. An act for raiſing 140,000 l. at 70,000 l. a month, to begin the 1ſt of November.

4. An act for regulating the bay trade.

5. An act for incouraging and increaſing ſhipping and navigation.

6. An act for reſtoring ſome miniſters to their places, and confirming others in vacant places.

Duke of Gloceſter dies. Sandford.

The ſame day died the duke of Gloceſter the king's brother. This prince, now 20 years of age, was unexpectedly taken out of the world by the ſmall-pox. As he had very good qualities, the king his brother who loved him tenderly, appeared more concerned for this loſs, than for any misfortune which had ever befallen him.

Trial and execution of the regicides. Octob. ſtate-trials

During the adjournment, the king appointed commiſſioners for tryal of the regicides. The number of thoſe concerned in the late king's death, as judges, officers of the court of juſtice, and others, amounted to 81, of whom 25 were dead, 19 had made their eſcapes, 7 others, for having been leſs ingaged in the crime, were thought worthy of the king's clemency, and 29 were condemned to die. But of theſe, 20 who had ſurrendered themſelves upon the proclamation of the 6th of June, were pardoned as to life, but reſerved for other penalties, as impriſonment, baniſhment, and forfeiture of eſtate. So, 10 only were executed, viz. Harriſon, Carew, Cook, Peters, Scot, Clement, Scroop, Jones, Hacker, Axtel. What was moſt remarkable in the death of theſe men was, that not one expreſſed any ſigns of repentence, or did not think himſelf a martyr. Two only were prevailed with to pray for the king. They were almoſt all Anabaptiſts, Enthuſiaſts, Fifth-monarchy-men, who believed no violence unlawful to advance the kingdom of Chriſt, and all men of mean birth, except Carew and Scroop.

A proclamation concerning religion. Oct. 25. Kennet's regiſter.

A few days after the adjournment of the parliament, the king publiſhed a proclamation concerning religion, containing eight articles, moſt of which preſcribed certain rules to the biſhops in the exerciſe of their ſpiritual juriſdiction. The two laſt deſerve a particular notice, becauſe they diſcover that the Preſbyterians were not like to continue long undiſturbed. The VIIth ran, that a certain number of divines ſhould be appointed to reviſe the liturgy, and make ſuch alterations in it as ſhould be judged neceſſary, and that ſcrupulous perſons ſhould not be puniſhed or troubled for not uſing it at preſent. The VIIIth was concerning ceremonies, to which, for the preſent, no perſon ſhould be obliged to conform. This reſtriction, for the preſent, clearly ſhows, that thoſe who adviſed the king to this proclamation, had no intention to leave the Preſbyterians in poſſeſſion of that liberty which had been promiſed them by the Breda declaration, and, doubtleſs, by general Monk, when they engaged to promote the king's reſtoration.

The biſhops reſtored. Phillips.

There were yet living, nine of the old biſhops, who were reſtored to their ſees without any difficulty. Seven or eight others were newly conſecrated for other dioceſes, and Coſins, againſt whom ſo many complaints had been brought before the parliament in 1640, for the ſee of Durham, where he had once been prebend. Biſhopricks and eccleſiaſtical benefices were offered to the moſt eminent Preſbyterian-miniſters, but all refuſed except Reynolds, who accepted the biſhoprick of Norwich.

Embaſſies from divers parts.

I ſhall not enlarge on the embaſſies to the king, from divers princes of Europe, to congratulate him upon his reſtoration; the ſtates of the United-Provinces were the firſt who paid their compliments, on this occaſion, and at the ſame time, ſent him ſeveral excellent pictures, drawn by the beſt hands.

The princeſs dowager of Orange arrives in England. And the queen-mother. Her buſineſs at the court of England. Kennet's Regiſter.

September the 25th, the princeſs dowager of Orange came to London, to congratulate the king, her brother, upon his reſtoration. And in November arrived from France the queen-mother, who brought with her the princeſs Henrietta her daughter, and the prince Palatine Edward, brother to prince Rupert. It is pretended, the queen endeavoured to perſuade the king to marry Hortenſia Mancini niece to cardinal Mazarin: but her propoſal being coldly received, ſhe adviſed him to purſue the negotiation already begun, of his marriage with the Infanta of Portugal. Thus much is certain, ſhe propoſed to the king the marriage of the princeſs Henrietta, with the duke of Orleans, to which ſhe found no obſtacle. If ſome authors are to be credited, ſhe had two other ends in her viſit. The firſt was to draw the king her ſon into the intereſt of France, againſt Spain. The ſecond, to perſuade him to remove the chancellor, whom ſhe did not love, as he himſelf ſhows in his hiſtory. But the king did not think fit to part with ſo ſerviceable and affectionate a miniſter, to pleaſe his mother.

The parliament meets. Phillips.

The parliament meeting the 6th of November, appointed a committee to congratulate the queen mother on her return to England. Soon after, the commons made a preſent of 10,000 l. to each of the two princeſſes her daughters.

The duke of York's firſt marriage. Burnet.

The duke of York had, ſince his return to England, married Ann, chancellor Hyde's eldeſt daughter, to which he had been in ſome meaſure compelled. The young lady proving with child, there were not wanting perſons to diſſuade the duke from ſo unequal a match. But the king's affection then for the chancellor, over-ruled all conſiderations of the injury which the duke his brother, and the royal family, might receive from it. He ſignified to the duke, that it would oblige him not to uſe any ſhifts, and plainly told him, he muſt drink as he had brewed, to which the duke ſubmitted from a motive of obedience. It may eaſily be imagined, the queen-mother, who hated the chancellor, was not pleaſed with this marriage. Accordingly ſhe long refuſed to ſee her daughter-in-law, and it was at the preſſing inſtances of the king that ſhe, at laſt, conſented to receive her reſpects. But during her ſtay in England, ſhe ever treated her with ſo much coldneſs, that her averſion to the marriage was very viſible.

Money for diſbanding the army.

The parliament having, in their firſt ſeſſion, diſpatched every thing relating to the act of indemnity, applied their next care to put the king in a condition to diſband the army. For this purpoſe, ſeveral ſums were granted him, and as the money was raiſed, regiments were broke, ſo that this work was finiſhed in the ſpace of a few months. Thus, the army, which had ſo long been the terror of England, was reduced to Monk's ſingle regiment. But in diſbanding the army, the king introduced a novelty, which diſpleaſed many people: he formed, for his ordinary guard, two regiments, one of horſe, and one of foot, in imitation of France, and other kingdoms. This was ſo much like a ſtanding army, which the Engliſh have always oppoſed, that many began then to fear the king had ill deſigns upon the publick liberty. His predeceſſors had no other guards than the gentlemen penſioners, eſtabliſhed by Henry VII.

The vote of the 1200000 l. to be ſettled on the king confirmed.

The diſbanding of the army being in ſuch forwardneſs, the king told the parliament, it was his intention to diſſolve them in December. Whereupon, the commons, to give his majeſty a freſh inſtance of their zeal, confirmed and renewed their former reſolution, of granting the king an annual revenue of 1200,000 l. But the time being too ſhort to ſettle the funds on which this revenue was to be raiſed, the houſe thought it more proper to employ what remained, in preparing the bills to be paſſed, before the diſſolution.

The author's conjecture upon the diſſolution of this parliament.

Little care has been taken to ſhew the reaſons inducing the king to diſſolve a parliament, which had been ſo favourable to him, and expreſſed ſuch zeal for his intereſt. It is my private opinion, that the miniſtry, and particularly the chancellor, looked with no good eye upon a parliament, which had ſo many members of that of 1640, and who, in all appearance, whatever they might pretend, had not relinquiſhed their antient principles, concerning kingly power. They, doubtleſs, believed, it would be very difficult to manage and govern ſuch a parliament, at their pleaſure. Beſides, very probably, the chancellor, great enemy to the Preſbyterians, had formed the deſign of depriving them of their promiſed liberty, which would have been impoſſible, if this parliament had continued. They believed therefore, that in the preſent favourable diſpoſition of the people to the king, their credit would be ſufficient to have a new parliament, more proper for the execution of their deſigns. The tranſactions of the next parliament confirm this conjecture. It muſt, however, be ſaid for the chancellor, that though he deteſted the maxims of the parliament of 1640, with reſpect to the royal authority, yet he went not the lengths of the other ſide, nor believed it for the intereſt of England to have a king, whoſe will ſhould be a law. This is manifeſt, from an incident at the very time I am ſpeaking of. A member of the commons, Mr. Alexander Popham, who had a conſiderable influence in the houſe, offered the king, that provided he was ſupported by the court-party, he would undertake to procure an act for ſettling on him and his ſucceſſors two millions a year, which would free him from any dependance on his parliament, except in extraordinary caſes. The king was pleaſed with the propoſal, and ſpoke to the chancellor of it, as of a project advantagious for his intereſt. But he bravely anſwered, "That the beſt revenue his majeſty could have, was the affection of his ſubjects, and if he would truſt to them, he would never want ſupplies in time of need." Nor did he reſt ſatisfied with this anſwer to the king, but took pains to undeceive the lord-treaſurer the earl of Southampton, who had approved of the project, and by very ſolid reaſons, convinced him, that the ſucceſs of it would be the ruin of the kingdom. It is pretended, the chancellor's oppoſition to Popham's propoſal, was one of the chief cauſes of his diſgrace.

Welwood.

The bodies of Cromwell, and other rebels dug up. Phillips.

The parliament, before their diſſolution, ordered the bodies of Oliver Cromwell, Ireton, Bradſhaw, and Pride, to be taken out of their graves, drawn on a hurdle to Tyburn, and there hung from ten a-clock till ſun-ſet, and then buried under the gallows. At the ſame time, an act of attainder paſſed, not only againſt theſe four, but againſt the 19 judges of the late king, who were fled from juſtice, among whom was Ludlow, author of the Memoirs under his name.

A treaſonable libel publiſhed. Kennet's Regiſter.

About the ſame time, William Drake, citizen and merchant of London, publiſhed a book, intitled, The long Parliament revived, in which he endeavoured to prove, that the ſaid parliament was not yet legally diſſolved. The commons brought an impeachment of high-treaſon againſt the author, but had not time to bring it to a trial.

A pretended plot. ibid.

At this time likewiſe ſeveral officers, who had ſerved under Cromwell, Desborough, Morgan, Overton, and ſeveral others, were arreſted upon an uncertain rumour of a plot to ſecure the king's perſon, ſeize the tower, and kill the queen-mother, but it did not appear that this rumour had any good foundation.

Acts ibid.

At laſt, on the 29th of December, the king came to the parliament, and gave the royal aſſent to the following acts.

1. An act for levying the arrears of the 12 months aſſeſſment.
2. An act for the farther ſupplying ſeveral defects in the act for disbanding the army.
3. An act for ſix months aſſeſſment, 70,000 l. per month, to begin the 1ſt of January.
4. An act for the better ordering the ſelling of wines by retail, and for preventing abuſes in the mingling, corrupting, and limiting the prices of the ſame.
5. An act for erecting a poſt-office.
6. An act for an impoſt upon ale, beer, cyder, and other liquors, to hold for his majeſty's life.
7. An act for raiſing 70,000 l. for his majeſty's further ſupply.
8. An act for the attainder of ſeveral perſons guilty of the horrid murder of Charles I.
9. An act for confirmation of leaſes and grants for colleges and hoſpitals.
10. An act to prohibit the exportation of wooll, and fuller's-earth.
11. An act for prohibiting the planting of tobacco in England and Ireland.
12. An act for taking away the court of wards, and liveries, together with tenure in capite, knights ſervice, and purveyances, and for ſettling a revenue upon his majeſty in lieu thereof.

After giving the royal aſſent to theſe acts, the king made the following ſpeech to both houſes.

My lords and gentlemen,

‘I Will not entertain you with a long diſcourſe, the ſum of all I have to ſay to you, being to give you thanks, very hearty thanks: And I aſſure you, I find it a very difficult work to ſatisfy my ſelf, in my own expreſſions of thoſe thanks. Perfunctory thanks, ordinary thanks for ordinary civilities, are eaſily given; but when the heart is full as mine is, it is a labour to thank you. You have taken great pains to oblige me; and therefore it cannot be eaſy for me to expreſs the ſenſe I have of it. I will enlarge no further to you upon this occaſion, than to tell you, when God brought me hither, I ‘brought with me an extraordinary affection and eſteem for parliaments. I need not tell you how much it is improved by your carriage towards me. You have out-done all the good and obliging acts of your predeceſſors towards the crown; and therefore you cannot but believe, my heart is exceedingly enlarged with the acknowledgment. Many former parliaments have had particular denominations for what they have done: They have been ſtiled learned and unlearned, and ſometimes have had worſe epithets: I pray let us reſolve, that this be for ever called the healing, and the bleſſed parliament. As I thank you, though not enough, for what you have done, ſo I have not the leaſt doubt, by the bleſſing of God, but when I ſhall call the next parliament (which I ſhall do as ſoon as you can reaſonably expect or deſire) I ſhall receive your hearty thanks for what I have done, ſince I parted with you. For I deal truly with you: I ſhall not more propoſe any one rule to my ſelf in my actions and counſels than this; what is a parliament like to think of this action, or this counſel? And it ſhall be a want of underſtanding in me, if it will not bear that teſt. I ſhall conclude with this, which I cannot ſay too often, nor you too often where you go: That next to the miraculous bleſſing of God Almighty, and indeed as an immediate effect of that bleſſing, I do impute the good diſpoſition and ſecurity we are all in, to the happy act of indemnity and oblivion: That is the principal corner-ſtone which ſupports this excellent building, that creates kindneſs in us to each other, and confidence is our joint and common ſecurity. You may be ſure, I will not only obſerve it religiouſly and inviolably my ſelf, but alſo exact the obſervance of it from others: And if ever any perſon ſhall have the boldneſs to attempt to perſuade me to the contrary, he will find ſuch an acceptation from me, as he would have, who ſhould perſuade me to burn magna charta, cancel all the old laws, and to erect a new government after my own invention and appetite.’

The chancellor's ſpeech. Kennet's Regiſter.

This flattering ſpeech was received by the people with great applauſe, every one hoping, that a prince of this character would have no other view, than the cauſing his ſubjects to live in peace and plenty. After the king had done ſpeaking, the chancellor made a ſpeech to both houſes, much longer than the king's, but tending to the ſame end, viz. to perſuade them, that the king, being extremely tender of his people, all his actions would be directed to render them happy. He forgot not to mention the pretended conſpiracy, for the ſubverſion of the preſent government. But without entering into any particulars, he contented himſelf with aſſuring, that the conſpiracy was real, and Ludlow, one of the fugitive regicides, deeply concerned in it. This inſinuation was neceſſary for two purpoſes. The firſt was to convince the people of the neceſſity of putting the militia into the king's hands, to enable him to ſuppreſs the male-contents. The ſecond, to get a pretence for the breach of the king's promiſe, in his Breda declaration, by the indiſpenſable neceſſity of providing for the ſafety of the ſtate, againſt the ill deſigns of the ſectaries. This will appear more clearly hereafter. When the chancellor had ended his ſpeech, he declared the parliament diſſolved.

A remark upon this parliament. Welwood.

Thus ended this parliament, about eight months after the firſt meeting, and ſeven after the king's reſtoration. I have already obſerved, that moſt of the members were Presbyterians, or, at leaſt, that party was ſuperior in the parliament. For this reaſon, no doubt, ſome writers magnifying what this parliament did for the king, and their diſpoſition in his favour, have inſinuated, it was a ſort of miracle, that they did not throw up at once all the liberties of the nation, upon the king's reſtoration. But this is a groundleſs exaggeration. For if all the acts of this parliament be conſidered, not one will appear to ſupport this opinion. They recalled the king, but certainly that will not be thought ſtrange. They voted a revenue of 1200,000 l. for the king, but it was only a vote which was executed by the next parliament. They paſſed the act of indemnity at the king's preſſing inſtance, and which was indeed neceſſary. They granted the king a ſupply, to pay off the fleet and the army. But could this be avoided without endangering the publick tranquility? They preſented the king with, after all, an inconſiderable ſum, for his occaſions, and his brothers and ſiſters, with 37000 l. But was any thing more juſt or more natural than to enable him to maintain his houſhold, till his revenues were ſettled? There is nothing therefore in the actions of this parliament which infers a diſpoſition to throw up the liberties of the nation. But it will be ſeen, that this diſpoſition, which is groundleſly ſuppoſed in this parliament, was really and truly in the next: and that after doing too much, they were forced to alter their meaſures, and uſe extraordinary means to oppoſe the deſigns of that very king, to whom they had given an almoſt unlimited power. This ſecond parliament however has not been cenſured, whilſt the compliance of the firſt has been induſtriouſly aggravated. The reaſon of this difference is very obvious, viz. that the ſecond parliament beſt follows the views and principles of the writers, who have thus remaked on the former. In ſhort, if it be conſidered, that the firſt parliament ſat only ſeven months after the king's reſtoration, and that the ſecond continued 18 years, it will be eaſily perceived, to which of the two may moſt juſtly be aſcribed the deſign of throwing up the liberties of the nation.

Death of the princeſs of Orange. Sandford.

The concluſion of this year brought the king a new cauſe of affliction, in the death of the princeſs of Orange his ſiſter, who died of the ſmall pox the 24th of December, at the age 29 years. She left but one ſon, who was afterwards king of England by the name of William III.

Other deaths.

This ſame year died William Seymour earl of Hertford, lately reſtored to the title of duke of Somerſet, he as been often mentioned in the reign of Charles I. Doctor Hammond the famous divine, died a little before the king's reſtoration.

The royal ſociety founded. Kennet.

It was alſo this year that the royal ſociety was erected by the king's letters patents, who beſides granted it all the neceſſary encouragement towards a diſcovery of the ſecrets of nature, and of what is moſt curious and neceſſary in naturally philoſophy and mechanicks.

Before we cloſe this year, it will not be improper briefly to mention the tranſactions of Scotland, from the time of the king's reſtoration.

Affairs of Scotland. Burnet.

After the king left Scotland, with an army to invade England, the Engliſh entirely conquered that kingdom, under the conduct of general Monk, who ſerved the parliament. If the king, after that, thought of Scotland, it was only to cheriſh the diſcontents, and try, by means of his adherents, to excite a revolt. For tho' he had been recognized and crowned in Scotland, he always conſidered his intereſts as directly oppoſite to thoſe of that kingdom, or at leaſt, of the governing party. He never loved the Scots, and his belief of their ſelling the king his father to the Engliſh parliament, greatly inflamed his prejudice againſt them, nor was it diminiſhed by his reſidence in that country. His reſtoration to the Engliſh throne rendered him doubly maſter of Scotland; firſt, becauſe he was her natural king, and had even been crowned there; ſecondly, becauſe Scotland had been conquered by the Engliſh. Nothing would have been eaſier than to leave Scotland in dependance upon England, there being no likelihood that the Scots would ever be able to recover their liberty. It even ſeems, the king was not averſe to this thought, ſince he left Scotland to be governed by the Engliſh, more than two months after his reſtoration. But at laſt he reſolved to reſtore that kingdom to its antient form of government. For this purpoſe, Monk wrote in the king's name to the Engliſh commiſſioners, who had been employed as judges there, to diſcontinue their functions the 22d of Auguſt; and at the ſame time proclamation was made, for the convening of the committee of eſtates, till a parliament ſhould be called. The king named the great officers of the kingdom, and took care to chuſe for theſe poſts, and for his council, ſuch as were believed moſt firmly devoted to him. The earl of Glencairn was made lord chancellor, the earl of Crawford, lord-treaſurer, the earl of Caſſilis juſtice-general, the earl of Lautherdale firſt ſecretary of ſtate, and general Midletoun, the king's commiſſioner. Theſe men, as well as thoſe who formed the council, had been always firmly attached to the king's intereſt. Thus the Scots, freed from the yoke laid on them by Cromwell, were exactly in the former ſtate, as before the troubles in 1637, that is, under the government of a king and miniſters of the very ſame principles with Charles I, and the miniſters of that time. But there was this diſadvantagious difference, that they were no longer able to make themſelves feared, being entirely ſubdued. They had ſoon occaſion to know what they were to expect. Some of their miniſters aſſembling for the drawing up a remonſtrance concerning their grievances, were ſent to priſon by the committee of eſtates, without any examination of the nature, motives, or languge of the remonſtrance; as if the bare deſign of preſenting it had been criminal. Moreover, a proclamation was publiſhed againſt all unlawful aſſemblies and ſeditious writings, on ſuppoſition, that the aſſembly of the miniſters, and their petition, were of that nature. This might have ſatisfied the Presbyterians, who were the body of the Scotiſh nation, what was preparing for them, and that they had no remedy but ſubmiſſion and patience.

They had another very convincing proof. The marqueſs of Argyle, repairing to London to pay his duty to the king, was arreſted, ſent to the tower, and afterwards to Scotland, to be tried on an impeachment of high-treaſon. The king in his declaration from Breda, had not mentioned Scotland. So, the Scots were expoſed to the reſentment and vengeance of their enemies. Amongſt theſe, chancellor Hyde was one of the moſt violent, as he has plainly diſcovered in his hiſtory of the civil wars, and, unhappily for the Scots, he was prime miniſter in England, and had the principal direction of the king's affairs. Some indeed of the Engliſh council were of opinion, it would be very advantageous to the king, to ſuffer the Scots to enjoy the benefit of the Breda declaration. But the contrary advice prevailed, whether from the king's animoſity, and that of his councellors, or from the hopes of ſuch as had faithfully ſerved the king in his troubles, of having the eſtates of the condemned.

Burnet.

This reſolution being taken, the king ſummoned a parliament in Scotland, to meet the 12th of December, and publiſhed a proclamation, declaring, that he left it entirely to this parliament, to examine the conduct of his ſubjects of Scotland; and that after his honour was vindicated, and his prerogative eſtabliſhed, he would grant a pardon which would witneſs how much he deſired the happineſs of his people. It will appear what method he took to procure this happineſs to the Scots.

Affairs of Ireland. Cox.

As for Ireland, the king committed the government of it to Sir Maurice Euſtace chancellor, and the earls of Orrery, and Montrath, in quality of lords-juſtices, till a lord-lieutenant ſhould be appointed.

1660-1. Inſurrections of the Anabaptiſts under Venner. Phillips.

The year 1661, was uſhered in by an extraordinary event. This was an Inſurrection of ſome Fifth-Monarchy-Men, who believed themſelves bound in conſcience to uſe their utmoſt endeavours to advance the Kingdom of Chriſt on earth. As I have elſewhere ſpoken of theſe men, and as their principles are ſufficiently known, by the tragedies acted by them at Munſter, and other places of Germany, it will be needleſs to give a more particular account of their tenets. The 10th of January, while the king was attending the queen-mother, and the princeſs his ſiſter to Dover,

1660-1.

in their return to France, about fifty of theſe men, under the conduct of one Thomas Venner, aſſembled in the evening, in St. Paul's church-yard, and killed a man, who upon demand, had anſwered, for God and the king. This giving an alarm to the city, ſome trained-bands were ſent againſt them, whom theſe men quickly routed, and then marched through ſeveral ſtreets, and at laſt, retired to Cane-wood from whence a party of horſe and foot, ſent by general Monk, diſlodged them, and took ſome priſoners. But this did not prevent the reſt from returning to the city, where they fought furiouſly, till they were obliged to take ſanctuary in a houſe. They there defended themſelves like men fearleſs of death, or rather, as ſecure from all danger, under the protection of Jeſus Chriſt. Here it was that Venner, being wounded, and twenty of his men killed, with as many of the aſſailants, was taken with the reſt of his fellows. A few days after, they were all tried, condemned, and executed, without any confeſſion of guilt, and perſiſting in their extravagancies to the laſt. Two young men only ſhowed ſome ſigns of repentance.

Jan. 17. Kennet's Regiſter.

The court takes occaſion from this inſurrection to forbid conventicles. Jan. 10.

Tho' this attempt could not juſtly be conſidered as the conſequence of a deſign formed by a whole party, and tho' the Anabaptiſts had been all guilty, there was no reaſon to blame the other ſects, yet the court urged this inſurrection to confirm the rumours of a conſpiracy againſt the government. The king took occaſion to publiſh a proclamation, forbidding all meetings, and conventicles, under pretence of religion, and commanding the oaths of allegiance and Supremacy to be tendered to all perſons diſaffected to the government, and in caſe of refuſal, they were to be proſecuted on the ſtatute of the 7th of James I.

A remark upon this ſubject.

It will, doubtleſs, be thought ſtrange, that by reaſon of the extravagance of ſome Anabaptiſts, all the other ſects ſhould be included in the prohibition of all meetings on account of religion, contrary to the expreſs terms of the declaration from Breda. But it will be immediately ſeen, that the ruin of the Presbyterian party was now reſolved, and that pretences were ſeeking to execute this reſolution, particularly, pretences which might create a belief, that what was done, was only for the ſecurity of the king's perſon and government. The end propoſed was to inſinuate, that religion was no way concerned, but only the ſtate, and thereby obviate the objection which would naturally be drawn from the Breda declaration, wherein the king ſolemnly promiſed, that no perſon ſhould be moleſted for his religion. To ſucceed the better in this deſign, an admirable expedient was deviſed. This was to range under the ſame denomination, all the ſects differing from the church of England, in order to impute to the whole body, conſiſting of all theſe ſects, what could have been imputed but to one, had they been diſtinguiſhed. This denomination was, that of Diſſenters, or Nonconformiſts, under which were comprehended, as well the Presbyterians, as the Papiſts, Anabaptiſts, and other ſects. Thus, by this affected confuſion, all the Non-conformiſts were charged with the faults of one of the ſects compriſed under that name, and, as if they had made but one body, puniſhed without diſtinction, on pretence of keeping them in awe, and preventing them from diſturbing the ſtate. The Catholicks, the Independents, the Anabaptiſts, were Non-conformiſts. Precautions therefore were to be taken againſt the Non-conformiſts, and conſequently againſt the Presbyterians, becauſe their enemies were pleaſed to comprehend them under the ſame general appellation. Undeniable proofs of what I advance, will hereafter appear. The truth is, the Presbyterians only were properly aimed at, whoſe ruin was reſolved, notwithſtanding the declaration from Breda. For indeed, it is not likely, that a king, who had privately embraced the Romiſh religion, would turn perſecutor of the Catholicks. And the Independents and Anabaptiſts made then ſo inconſiderable a figure, that the king's miniſters had but little reaſon to fear them. But tho' there had been cauſe to ſuſpect them, why were they not diſtinguiſhed from the Presbyterians, who had given no room for ſuch ſuſpicions? All this was only to ſave, in ſome meaſure, the king's honour, at a time when his promiſes, contained in his declaration from Breda, were openly evaded. This name of Non-conformiſts, is therefore to be conſidered as a very ambiguous term, which indeed ſignifies men who conform not to the church of England, but not in the ſenſe which was given it, of a body of men inſeparably united, compoſed of all the Diſſenters, and acting with the ſame views, and for the ſame intereſt.

The name of Nonconformiſts applied indifferently to all ſectaries.

1660-1.

Conference at the Savoy, between the biſhops and Presbyterian miniſters. Account of that conference. London, 1661. Baxter.

Some of the Presbyterian miniſters obſerving they were induſtriouſly confounded with ſects, with whom they had no relation, petitioned the king for a conference between them and the biſhops, in order to examine wherein conſiſted their differences, and the objections of the Presbyterians, to the book of common-prayer. The king granted their requeſt, and immediately named twelve biſhops, as principals, and nine other clergymen as aſſiſtants; and on the Presbyterian ſide, twelve miniſters as principals, and nine others as aſſiſtants, to confer together at the biſhop of London's houſe, who then lodged in the Savoy. The commiſſion ran: 'That the commiſſioners appointed ſhould 'act for four months, from the 25th of March, 'and particularly were ordered to adviſe upon 'and review the book of common-prayer; --- 'to take into their ſerious and grave conſiderations, the ſeveral directions and rules, 'forms of prayer, and things in the ſaid book 'of common-prayer contained; and to adviſe 'and conſult upon and about the ſame, and 'the ſeveral objections and exceptions which 'ſhall now be raiſed againſt the ſame; and '(if occaſion be) to make ſuch reaſonable 'and neceſſary alterations, corrections, and 'amendments, as ſhall be agreed upon to be 'needful and expedient, for giving ſatisfaction to tender conſciences, and the reſtoring 'and continuance of peace and unity in the 'churches under his majeſty's government 'and protection---and to certify to his majeſty 'in writing, under their ſeveral hands, the 'matters and things whereupon they ſhall ſo 'determine, to be by his majeſty approved '&c.' Thus the king gave to theſe twenty-one miniſters, a power, they had not deſired to decide, as well for themſelves as their brethren, who were more than two thouſand, and for the whole body of the Presbyterians, what was neceſſary to be altered in the liturgy, without empowering them to meet beforehand to ſettle their demands, in order to an union with the church of England.

1661. From the firſt day of the conference, it was eaſy to foreſee it would be fruitleſs. For though the miniſters had already acquainted the king and the chancellor that they could decide nothing, ſince they were not authorized by their brethren. Sheldon, the biſhop of London, immediately told them, that as themſelves had requeſted this conference, they were to produce at once all their exceptions to the liturgy in writing, together, with the additional forms and alterations which they deſired. The miniſters anſwered, as they had before done to the king and the chancellor, that they could decide nothing, without having firſt conſulted their abſent brethren, and received from them a commiſſion in form. This tended to a requeſt that they might be permitted to meet in ſynod, and debate together on theſe matters; But this was never intended to be granted: They were therefore urged, only to declare their own ſenſe, when it was ſeen, that they could not be brought to act as deputies of a body, by which indeed they were not commiſſioned. To this it was anſwered, that they were willing to give in writing their particular ſentiments, provided, at the ſame time, the biſhops would bring in their utmoſt conceſſions, that when both were compared, a judgment might be made of the ſucceſs. But the biſhops abſolutely rejected this propoſal. At laſt, the miniſters conſented to produce, at once, all their exceptions, reſerving to themſelves, however, a power to make additions according to the anſwers, they ſhould receive, and their offer was accepted. Whereupon, the exceptions were drawn up, and an anſwer given in by the biſhops, who accepted a reply, and at length ſome ſlight alterations in the liturgy were agreed on. But, beſides that the miniſters conſidered theſe alterations as inſufficient, there was an invincible obſtacle to an agreement; which was, that the miniſters not being commiſſioned, whatever they ſaid, could be eſteemed but as their private opinion.

I ſhall enter no farther into this conference, becauſe, to underſtand it, requires a competent knowledge of the Engliſh liturgy, and the manner in which divine ſervice is celebrated, which cannot be ſuppoſed with regard to the generality of foreigners, for whom this hiſtory is deſigned. I ſhall content my ſelf therefore with ſome general remarks, to aſſiſt the reader to underſtand wherein conſiſted the differences betwixt the church of England and the Presbyterians, and the conduct of both ſides.

Obſervations. During the whole reign of king James, and the fifteen firſt years of Charles I, the Presbyterians were oppreſſed, or at leaſt, may be ſaid, not to be treated by the church of England as Chriſtian charity ſeemed to require. From the beginning of the parliament of the 3d of November 1640, the church of England was perſecuted in her turn, and epiſcopacy itſelf at laſt entirely aboliſhed. When the Independents were become maſters of the parliament and army, the Epiſcopalians ſtill continued under oppreſſion, and though the Presbyterian church-government was outwardly preſerved, there was nevertheleſs an entire liberty for all Proteſtant ſects, which the Presbyterians conſidered as a violent perſecution. This ſtate continued till the beginning of the year 1660, when Monk forming the deſign of reſtoring the king, believed it could not be effected without a reſtitution of that very Presbyterian parliament which had aboliſhed epiſcopacy. This expedient was crowned with ſucceſs; and by the united endeavours of the Presbyterians and Epiſcopalians, the king was at laſt replaced on the throne. The reſtoration of the king produced that of the church of England, which was at once in almoſt the ſame ſtate ſhe had been before the year 1640. There was, however, this difference, that, during the troubles, the number of the Presbyterians was exceedingly increaſed, and thereby they were grown much more formidable than under the reign of king James, and the firſt fifteen years of Charles I. It was therefore the intereſt of the church of England, either to ruin entirely the Presbyterian partiy, which could ſtill raiſe freſh troubles in church and ſtate, or oblige them to unite with the national church, by ſome ſmall conceſſions. And for this laſt purpoſe, the conference now mentioned ſeemed to be intended.

But, ſuch conferences upon religion, are ſeldom attended with a happy ſucceſs; firſt, becauſe the two parties muſt be equally animated with the ſpirit of peace and charity, which is rarely found amongſt men, and, if I may venture to ſay it, ſtill more rarely amongſt churchmen. Secondly, becauſe in theſe conferences, one of the parties is uſually ſuperior, and in poſſeſſion of power, and therefore not very ready to quit that advantage, to be reduced to an equality. So, no ſucceſs can be expected, unleſs one of the parties will yield every thing to the other. This recalls to my mind a ſaying of a French Catholick, a man of wit, to a miniſter after the concluſion of the religious war in France. If, ſaid he, you had come to a compoſition with us while the ſword was in your hand, we might have made you ſome conceſſions; but now that you are conquered, we would not yield you ſo much as the chriſtening of bells. The caſe was much the ſame in England, at the time I am ſpeaking of. We have ſeen the conceſſions of Charles I, in the treaty of Newport, with regard to epiſcopacy, which, if it was not entirely given up by him, was however reduced to a very ſmall matter. But after the reſtoration of Charles II, the uſe of the ſurplice was of too great conſequence to religion, to be relinquiſhed. Thirdly, the animoſity between the two parties, generally hinders the conferences from ſucceeding. The one cannot bear to receive laws from the other, nor think of revoking what has been once advanced. Fourthly, inſtead of thinking ſeriouſly on peace, both parties ſeek only to ſurprize one another. Laſtly, it too often happens, that theſe conferences are granted by the prevailing, to the oppreſſed, party, only to have it ſaid, that peace was offered, but rejected by the contrary party. There is room to believe, that in this conference all theſe circumſtances met, and therefore it is no wonder, it ſucceeded like the reſt of the ſame nature; for, in ſhort, it broke off without any effect, and, as too commonly happens, each party threw the blame upon the other. Mr. Baxter, in his relation of it, ſays, that the biſhops were abſolutely againſt all conceſſions. But in another relation it is ſaid, the Presbyterians were ſo obſtinately attached to their opinions, that they would not recede from a ſingle point, and that at laſt, upon the biſhop of Durham's propoſal, being required to declare in writing what they thought ſinful in the liturgy, they put into the liſt all the articles which kept them from joining with the church of England, without one exception. They thereby ſhowed, that they conſidered as ſinful, all the forms and practices of the church of England, even to the uſe of the ſurplice, and by conſequence their refuſal of an accommodation, unleſs their opinions were entirely conformed to. Theſe are the mutual accuſations of the two parties, on which I am far from deciding any thing as to the truth of the facts. All I can ſay, without wronging either party, is, that the Presbyterians ought to have receded from ſeveral points, which are manifeſtly indifferent; and that the biſhops ſhould not have ſcrupled to give up the ſame points. But people were then very far from being inclined to charity and condeſcenſion.

The king crowned. Phillips.

During this conference at the Savoy, the king was magnificently crowned on St. George's day, the 23d of April.

A new parliament, and how compoſed.

The parliament, which had been ſummoned for the 8th of May, met on the day appointed. The repreſentatives, for the moſt part, were elected agreeably to the wiſhes, and, without doubt, by the influence of the court. The greateſt part were high-church-men, that is, violent enemies of the Presbyterians, great aſſertors of the minuteſt ceremonies of the church, and moſt devoted to the king and the royal prerogative. They literally followed the principles of Laud, archbiſhop of Canterbury, which had cauſed the troubles in the late reign. In a word, this parliament may be ſaid to be compoſed by chancellor Hyde, prime-miniſter, and on the 20th of April created earl of Clarendon. Let it alſo be added, that this parliament was called the penſionary parliament, becauſe it was afterwards diſcovered, that many of the members received penſions from the court. It is true, many will not allow that this was ſo at firſt, but pretend, that by length of time, and changes upon death the new members ſuffered themſelves to be bribed. I cannot however help remarking, that, at the very beginning, this parliament did things in favour of the king, which no other had ever done, and that it was not till afterwards that they retracted their extravagant maxims, concerning the royal prerogative. This ſhows the parliament was bribed betimes, notwithſtanding the the inſinuations of ſome to the contrary. However it be, it may be judged how favourable this parliament was to the king, ſince it continued almoſt eighteen years, on which account it was more juſtly called the long parliament, than that of 1640.

As religion, whether Popery, or Presbyterianiſm, and the royal prerogative, are concerned in almoſt all the tranſactions of this reign, it is abſolutely neceſſary to acquaint the reader with ſome things concerning the hiſtorians; otherwiſe, they will be extremely embaraſſed, when they read in ſome hiſtories things quite contrary to what they read in others. My deſign is, therefore, by a few remarks upon this ſubject; firſt, to prevent their being inſenſibly, and for want of examination, biaſſed by the opinions or prejudices of the hiſtorians: Secondly, to incline; and thirdly, to aſſiſt them, in ſome meaſure, to make this examination.

Remarks upon the hiſtorians of Charles II.

There are three ſorts of authors, who have writ the hiſtoryof this reign. The firſt are thoſe who profeſs to be high-church, with regard to religion; and with reſpect to the government, aſcribe to the king an almoſt unlimited power, provided the king be of their party. Theſe are, in a word, what are called the high-fliers, or rigid tories: they are good Proteſtants, but, however, much leſs enemies of the Papiſts than of the Presbyterians; for hardly will they allow the latter to be Chriſtians, becauſe they have no biſhops: now, according to their principles, no valid ordination can be had without biſhops, and conſequently no valid adminiſtration of the ſacraments; whence it follows, that Presbyterians baptized by miniſters unordained by biſhops, are not truly baptized.

There is another ſet of writers of this reign, who, being Proteſtants, embrace not the extravagant principles of the former, either concerning the church, or the government. Theſe are of the number of thoſe who are called whiggs, among whom there is a mixture of Churchmen and Presbyterians.

Laſtly, there are popiſh hiſtorians, whoſe tenets and principles are ſufficiently known.

Each of theſe authors has writ the hiſtory of this reign, according to his principles; for this reaſon, what is praiſed and approved by one hiſtorian, is blamed and cenſured by another. For inſtance, as to this ſecond parliament, ſome openly inſinuate, that the firſt years tranſactions, whether for extending the royal power, or oppreſſing the Presbyterians, were agreeable to reaſon, juſtice, and the good of the kingdom; but what was done, after the breach with the king, was only the effect of corruption and cabal. Others, on the contrary, maintain, that this parliament's zeal, whether for the king or againſt the Presbyterians, was an extravagant zeal, which threw them upon meaſures very detrimental to the nation, and unavoidably ingaged them to favour the ill deſigns of the court; but perceiving at laſt the ill uſe the court made of this diſpoſition, they eſpouſed the true intereſts of the kingdom, in oppoſing the king's deſigns.

The Popiſh hiſtorians are of the ſame principles with the high-flying tories, concerning the government. But, whereas king Charles's deſign of introducing Popery into England is very unwillingly owned by the tories, the Papiſts, on the contrary, make it a glorious deſign, as being very juſt and religious.

A man muſt, therefore, prepare himſelf to meet theſe contrarieties, if he reads ſeveral hiſtories of this reign, and to chuſe that ſcheme which appears moſt coherent and beſt ſupported. For this purpoſe, it will be proper to adhere only to plain facts, without regarding the frequent inſinuations of the hiſtorians, moſt of whom ſuppoſe, without ceremony, their own ſcheme, even in the facts they relate. I own this is difficult; I but ſuppoſe the reader's ſearch is after truth, which he will never attain, if he implicitly follows, without examination, the firſt hiſtorian which comes in his way. Wherefore, I thought it proper to inform him before hand of what he is to expect, and withal to leave him at liberty to examine my ſcheme as well as that of others. But to return to the parliament.

The king's ſpeech to the parliament. Kennet's Regiſter.

The king going thither the 8th of May, made a ſpeech to both houſes, in which, after ſome expreſſions of his great affection for his people, he recommended two bills, which he had prepared to confirm the act of indemnity. He repeated the ſame words he had ſaid to the laſt parliament. Adding, that they might be as ſevere as they pleaſed againſt new offenders, but he ſhould not think him a wiſe man, or his friend, who ſhould perſuade him to infringe the act of oblivion, or to conſent to a breach of a promiſe ſolemnly made when he was abroad. Laſtly, he communicated to them his intended marriage with the infanta of Portugal, which had been reſolved with the approbation of his whole council.

The chancellor's ſpeech. ibid.

The earl of Clarendon, lord-chancellor, afterwards inlarged on the particulars mentioned by the king in his ſpeech, but chiefly upon two points untouched by the king. The firſt related to the ſeditious ſermons of certain preachers, which tended to renew the old troubles, and whoſe licenſe it was neceſſary to curb. The ſecond point on which he inſiſted, was the late inſurrection, which he aggravated in the ſtrongeſt expreſſions, intimating, that by intercepted letters it might be concluded, that the combination reached very far, and if the vigilance of the lord-mayor had not prevented it, the city had been in danger of being burnt to aſhes. He did not name the authors of the ſeditious ſermons, becauſe his deſign was not to accuſe this or that perſon, or any particular ſect, but only to obtain a general order againſt the preachers who were not of the church of England. As to the pretended conſpiracy diſcovered, as he aſſured, by a multitude of intercepted letters, it does not appear that any one was proſecuted in conſequence of theſe letters, or that others beſides Venner and his companions, were proved to be concerned in it. It is therefore manifeſt, this ſpeech tended only to incenſe the parliament againſt the ſectaries or Non-conformiſts in general, under colour of providing for the ſafety of the king and ſtate, in a ſuppoſition, that it was only from them any danger could be feared. This will appear hereafter to be more than a mere conjecture.

Sir Edward Turner, the duke of York's attorney-general, being choſen ſpeaker of the houſe of commons, at the recommendation of the court, both houſes unanimouſly voted their thanks to the king for the gracious communication of his reſolution to marry, and went in a body to congratulate him. Then the houſe of commons ordered all their members to receive the ſacrament according to the preſcribed liturgy within a certain time, upon pain of being expelled the houſe.

The commons ordered to receive the ſacrament in the church of England. Kennet's Regiſter.

The 20th of May the two houſes jointly ordered, that the writing, called the Solemn League and Covenant ſhould be burnt by the common hangman; which was performed with great triumph. Three days after, the following acts were alſo ordered to be burnt. The act for erecting a high-court of juſtice for trying and judging Charles Stuart, &c. The act for ſubſcribing the engagement againſt a king and houſe of peers: the act for declaring the people of England to be a commonwealth, &c. The act for renouncing the title of Charles Stuart, and another for the ſecurity of the protector's perſon.

Several acts burnt by the common hangman. Phillips.

The zeal of the two houſes breeding a fear in the Republicans, that the act of indemnity paſſed in the late parliament, would not be ſufficient for their ſecurity, if it was not confirmed by the preſent, they addreſſed the king for this confirmation. Upon their petition, the king wrote to both houſes the 2d of June, earneſtly recommending to them to paſs the bill he had prepared for them. He even told them plainly, however neceſſary the bills might be, that were ready for the royal aſſent, he had no mind to paſs them till the act of indemnity was likewiſe preſented to him. This letter having produced the deſired effect, the king came to the parliament the 8th of July, and paſſed the following acts.

Acts. Kennet's Regiſter.

An act to confirm the act of indemnity paſſed in the late parliament.

An act to impower the king to receive from his ſubjects a free and voluntary contribution for his preſent occaſions.

After this the king made a ſhort ſpeech to both houſes, to remind them of his declaration from Breda, and of that ſigned by his adherents, when his reſtoration began to be talked of, in which they promiſed to renounce all memory of former unkindneſſes, and vowed all imaginable good will to each other. “Therefore, continues he, let it be in no man's power to charge me or you with breach of our word or promiſe.”

Theſe

Orders concerning ſome regicides. Heath.

Theſe two acts being diſpatched, the parliament proceeded with vigour in finiſhing the other bills which were before them, and in particular, one for the confiſcation of the eſtates of 21 regicides deceaſed, and to puniſh three, who were ſpared as to life, but liable to other penalties. Theſe were the lord Monſon, Sir Henry Mildmay and Robert Wallop. It was ordered, that they ſhould (on January 30) be drawn upon ſledges, with ropes about their necks, to the gallows at Tyburn, and from thence conveyed to the Tower, there to remain priſoners during their lives,

The 30th of July the king came to the parliament, and gave the royal aſſent to ſeveral acts.

Other acts.

1. An act for the ſafety and preſervation of the king's perſon and government; which had three remarkable clauſes.

The firſt, that if any perſon ſhould compaſs, imagine, or intend the king's death, deſtruction, or bodily harm, to impriſon or reſtrain his royal perſon, or depoſe him, or ſhould levy war againſt him, within or without his realm, or ſtir up any foreign power to invade him; or ſhould declare or expreſs ſuch his wicked intention, by printing, writing, preaching, or malicious and adviſed ſpeaking, he ſhould, being thereof legally convicted, be ajudged a traytor.

The ſecond, that if any man ſhould maliciouſly or adviſedly publiſh or affirm his majeſty to be an heretick or a papiſt, or that he endeavoured to introduce popery; or ſhould ſtir up the people to hatred or diſlike of his royal perſon or government; that every ſuch perſon ſhould be made incapable of any office or employment either in church or ſtate.

The third, that if any man ſhould maliciouſly and adviſedly affirm, that the parliament, begun at Weſtminſter the 3d of November 1640, is yet in being, or that any covenant or engagement ſince that time impoſed upon the people, doth oblige them to endeavour a change of the government either in church or ſtate, or that either, or both houſes of parliament, have a legiſlative power, without his majeſty, that then every ſuch offender, being legally convicted thereof, ſhould incur the penalties of a premunire mentioned in the ſtatute of the 16th of Richard II.

The other acts now paſſed were:

An act to repeal the law made in the 17th year of Charles I, for the excluſion of the biſhops from the houſe of peers.

An act to prevent tumults and diſorders committed under pretence of preparing, or preſenting petitions to the king and parliament.

An act to declare the ſole right of the militia to be in the king.

An act to impower his majeſty to diſpoſe of the land-forces.

An act for the regulation and government of his majeſty's navies, and forces by ſea.

An act to impoſe certain pains and penalties upon the perſons or eſtates of thoſe who had a hand in the horrible murder of the late king.

An act for the collection of the great arrears of the duty of exciſe.

An act for the providing neceſſary carriages the king in all his progreſſes and removals.

After theſe acts had received the royal aſſent, the king thanked the two houſes for them, and particularly for that which reſtored the biſhops to their ſeats in parliament, and that which concerned the militia. This done, he gave them leave to adjourn to the 20th of November.

A convocation. Kennet's regiſter.

When the king called this parliament, he had no intention to aſſemble the clergy in convocation, believing, the Savoy conference was equivalent to a convocation. But Dr. Heylin, in a letter to a miniſter of ſtate, ſhowed, that this conference ought not to hinder the king from aſſembling the clergy. He alledged, among other reaſons, that the clergy could not be bound by the acts of the Savoy aſſembly. This was preciſely what the Preſbyterian miniſters, appointed by the king, had alledged, to ſhew they had no power to act for their brethren. This convocation did nothing conſiderable, except granting the king a benevolence by virtue of the act above-mentioned.

Affairs of Scotland. Burnet.

While theſe things paſſed in England, the parliament in Scotland proceeded with no leſs vigour. Being aſſembled in January, they began firſt with abrogating and annulling the ſolemn league and covenant of the two kingdoms; and commanded that none of his majeſty's ſubjects preſume, on pretence of any authority whatſoever, to require a renewing, or ſwearing to the ſaid league and covenant, without his majeſty's ſpecial warrant and approbation.

They next declared the power of the militia to be in the king alone, and the act of the 16th of January 1647, by which the late king was deliverd to the Engliſh, to be infamous, diſloyal, and contrary to all laws divine and human.

Epiſcopacy there received. Burnet.

Epiſcopacy was reſtored in Scotland, and for that purpoſe, four Preſbyterian miniſters, Sharp, Hamilton, Barwell and Leighton came to London, where, after being ordained deacons and prieſts, they were conſecrated biſhops by the biſhop of Wincheſter, (with two other aſſiſting prelates.) All four renounced their firſt ordination as invalid, and before their departure for Scotland, obtained from the king a declaration of his pleaſure to reſtore in Scotland the government of the church, by archbiſhops and biſhops, as it was in the year 1637. Upon this declaration, the privy-council of Scotland ſtrictly diſcharged all eccleſiaſtical meetings at ſynods and preſbyteries, &c. till they ſhould be authorized by the archbiſhops and biſhops. An act was alſo paſſed in the Scotch parliament, to prohibit all meetings and conventicles in private houſes for religious worſhip. By another act the right of patronage was revived. And laſtly, by another, it was ordained, that all perſons in any publick office, ſhould ſign a ſolemn declaration againſt the national covenant in 1638, and the ſolemn league and covenant in 1643, in which they declared it unlawful to ſubjects, upon pretence of reformation, or any other pretence whatſoever, to enter into leagues and covenants, or take up arms againſt the king, or thoſe commiſſioned by him.

The marqueſs of Argyle beheaded at Edinburgh Burnet.

The marquiſs of Argyle having been ſent priſoner to Edinburgh, was there tried, and condemned; and beheaded the 27th of May. Many believed, that revenge, and the avarice of ſome perſons, who hoped for the confiſcation of his eſtates, were more powerful motives for his ſentence, than juſtice. A few days before his death, the remains of the unfortunate marqueſs of Montroſe were ſolemnly interred, and the head of the marqueſs of Argyle was ſet up in the place where his ſtood.

June 7. Heath.

In England the bodies of Sir Charles Lucas and Sir George Liſle, who were ſhot at Colcheſter in 1648, were likewiſe honourably interred.

Complaints of the Royaliſts. Burnet.

During the receſs of the Engliſh parliament, the Cavaliers or Royaliſts made great complaints of the king's ingratitude, for ſuffering them to periſh with hunger, while, by the act of indemnity, he procured his enemies the ſecure enjoyment of immenſe riches, acquired by illegal means. The city ſwarmed with libels on this ſubject. One, amongſt the reſt, wrote by L'eſtrange, told the king bold truths with great freedom. But the king thought not proper to take notice of them, believing, the leaſt he could do for the loyal ſufferers, was to let them complain, ſince it was neither in his inclination nor power to reward them.

Rumours of a conſpiracy. Heath.

To ſuſpend theſe complaints, the city was filled with rumours of projects and plots againſt the king's perſon and government. But many believed this only an artifice to incenſe the parliament againſt the Non-conformiſts in general, and the Presbyterians in particular, and afford a pretence to proceed againſt them. The Presbyterians were always confounded with the other ſects, under the denomination of Non-conformiſts, who were charged with ill-intentions againſt the government, tho' hitherto the Presbyterians had given no cauſe of ſuſpicion, at leaſt, nothing was proved againſt them. The moſt plauſible thing urged, was that the Independents, Anabaptiſts, and the other Republicans, ſeeing the Presbyterians no better treated than themſelves, formed great projects, in hopes of being joined by the Preſbyterians at a proper time. Thus much is certain, the project of the act of uniformity, which will be mentioned hereafter, was now formed, and the rumours, true or falſe, of plots carried on by the Non-conformiſts, might be very uſeful to palliate the breach of the declaration from Breda, under colour of providing for the ſafety of the ſtate. For the Presbyterians could not be attacked on account of religion, without a moſt manifeſt violation of the king's promiſe.

Algier expedition proves abortive. July. Heath.

The earl of Sandwich, vice-admiral, being ſent with a fleet to Liſbon, to bring home the new queen, appeared before Algier to make a treaty with the Corſairs, or reduce them to reaſon by force. But he found them ſo well prepared, that he was obliged to return to Liſbon without any thing done.

The parliament meets. The king's ſpeech to them.

The parliament re-aſſembling the 20th of November, the king made a ſpeech to both houſes, without any neceſſity, as they had only been adjourned. He gave for reaſon, that it was to have the pleaſure to ſee the biſhops reſtored to their places in parliament. He then deſired the commons, 'To think ſeriouſly upon ſettling his revenue, and providing for the navy; adding, that he asked nothing for himſelf, but as his intereſt was united to the people.' He told them, 'That he was willing they ſhould make a full inſpection into his diſburſements and receipts, but would not have them believe any looſe diſcourſes, of giving away of 80,000 l. in a morning. That he had much more reaſon to be ſorry, that he had not rewarded thoſe who had ever faithfully ſerved the king his father and himſelf, than aſhamed of any bounty he had exerciſed towards any man.'

After this, he told the two houſes, 'That he was ſorry to find, the general temper and affections of the nation were not ſo well compoſed as might have been expected, after ſuch ſignal bleſſings from God Almighty upon all, and after ſo great indulgence and condeſcenſions from him towards all intereſts. That there were ſtill many wicked inſtruments, who laboured night and day to diſturb the publick peace, and make all people jealous of each other. That it was worthy of their care and vigilance, to provide proper remedies for the diſeaſes of that kind; and if they found new diſeaſes, they muſt ſtudy new remedies. That the difficulties which concerned religion were too hard for him, and therefore he recommended them to their care and deliberation, who could beſt provide for them.'

Remarks upon this ſpeech.

When the king publiſhed his declaration at Breda, and expreſſed ſo much zeal for paſſing an act of indemnity, agreeably to this declaration, he did not think it out of his power to give a poſitive promiſe, that no perſon ſhould be moleſted on account of religion. But, in all appearance, ſince the elections of members for this new parliament had been made, according to the wiſh of the miniſtry, in favour of high-church, it was ſuggeſted to the king, that the beſt expedient to obtain whatever he deſired, was to ſacrifice the Non-conformiſts to the parliament. It is not very ſtrange, that a prince of his character, who had ſecretly embraced the Roman Catholick religion, or, to ſpeak more properly, had no religion at all, ſhould not think it a point of honour to ſupport the Presbyterians, at the hazard of loſing the affection of his parliament. He viſibly begins therefore, in the concluſion of his ſpeech, to uſe evaſions; and by talking in general of perſons, labouring to trouble the peace of the kingdom, furniſhed his parliament with a pretence of treating the Non-conformiſts with rigour, as diſturbers of the publick tranquillity. As to religion, he leaves the care of it to the parliament, as of a thing too difficult for him. By this he entirely departs from his Breda declaration, and the act of indemnity, which till now he had ſo much inſiſted on.

The Preſbyterians perſecuted.

This ſpeech was as the ſignal to the proſecution, which, ſoon after, broke out againſt the Non-conformiſts, and particularly the Presbyterians, for they alone were properly aimed at. We ſhall ſee preſently, that upon rumours of conſpiracies forming againſt the ſtate, by the Non-conformiſts, without diſtinction of any ſect, acts were grounded, which manifeſtly deſtroyed the Breda declaration, as well as that publiſhed by the Royaliſts, when the king's reſtoration was in view.

I ſhall briefly ſtate the argument uſed to ſupport this perſecution. It is true, the king generouſly pardoned the offences committed before this declaration: but he did not promiſe to pardon ſuch as ſhould be afterwards committed. Now, ſince the king has been reſtored, the Non-conformiſts are plotting to diſturb the government. It is therefore neceſſary to take all poſſible precautions, to diſable them from executing their deſigns; in anſwer to this argument, it is needleſs to urge the ſlender foundation of theſe pretended plots, for which no man was ever puniſhed, or even proſecuted. It ſuffices to remark, that it ſuppoſes, what is entirely falſe, that the Non-conformiſts made but one body, becauſe their enemies had been pleaſed to give them all one common name. And yet, upon this ſuppoſition ſo notoriouſly falſe, it was thought lawful, to deprive all the ſects, and particularly the Presbyterians, of the benefit of the declaration from Breda, only becauſe their enemies were pleaſed to confound them with the Independents and Enthuſiaſts, under the ſame appellation of Non-conformiſts. I do not think it neceſſary to ſtay to demonſtrate the weakneſs of this argument. But it was ſufficiently valid, for men who had the power in their hands.

Petition of the parliament. Kennet's Regiſter.

To prepare the way for the deſigned alteration, ſolely founded upon rumours of an imaginary conſpiracy, the parliament thought proper to ſupport theſe rumours, by a petition to the king for a proclamation, to order all officers and diſbanded ſoldiers to depart 20 miles from London. It was natural to infer from thence, that there were grounds for fear, which was indeed the deſign of this proclamation.

A ſupply granted to the king.

The ſame day, the commons voted the king a ſupply of 1200,000 l. for his preſent occaſions, that is, to be diſpoſed of as he pleaſed, this was the firſt fruits of his condeſcenſion, with regard to the Breda declaration.

Some regicides called before the parliament. Nov. 25. Heath.

Then the parliament reſumed the affair of the 19 regicides, who had voluntarily rendered themſelves upon the proclamation of the 6th of June, and yet had been ſentenced to death. They were aſked, what they had to ſay, why judgment ſhould not be executed upon them? They alledged the king's proclamation, on which they had relied, believing it was his intention to pardon them. But this did not prevent a bill from being brought in for their execution, which was read twice, and then dropped, probably, on the king's powerful ſollicitation in favour of the condemned, who could not have been executed without great prejudice to his honour and faith.

The chancellor ſupports the rumour of the plot. Kennet's Regiſter.

The rumours, as I ſaid, of plots, were abſolutely neceſſary to ſerve for foundation to what was intended to be done. The earl of Clarendon had mentioned theſe plots at the cloſe of the laſt parliament, and the king at the opening of this. To ſtrike a greater blow, the earl of Clarendon, at a conference between the two houſes, affirmed poſitively, that there was a real conſpiracy, which had been forming ever ſince March, to diſturb the peace of the kingdom. He named ſeveral perſons engaged, and gave an exact account of the manner how it was to be executed. He ſaid, tho' the deſign ſeemed diſconcerted as to the city of London, where the officers and diſbanded ſoldiers had been invited to repair the 11th of the inſtant December, it was ſtill purſued in the country. The lords, upon this information, named a committee of 12 of their houſe, to whom they deſired the commons to add a proportionable number of their members, to examine this horrible deſign, that the execution of it might be prevented, and the peace of the kingdom ſecured.

A remark upon this ſubject.

Certainly, it cannot but appear ſtrange to all, who are not prejudiced by paſſion or party, that a plot, of which the court ſo well knew all the circumſtances, the parties engaged, the day of its deſigned execution in London, the endeavours ſtill uſed to promote it in the country, and concerning which a multitude of letters had been intercepted, that this plot, which was examined by a numerous committee of both houſes, ſhould not be attended with the death of any of the accomplices, nor even with the proſecution of one ſingle perſon. It was, however, upon this ſole foundation, that the corporation act, of which I am going to ſpeak, and all the proceedings againſt the Non-conformiſts were built.

Kennet's Regiſter.

The 20th of December, the king came to the parliament, and paſſed the two following acts:

Acts. Statute.

An act to grant the king 1260,000 l. for his preſent occaſions, to be levied by a monthly tax of 70,000 l. for 18 months.

An act for regulating corporations.

This act, which was called the corporation act, ran, that in order to perpetuate the ſucceſſion in corporations, in the hands of perſons well-affected to the government, it was ordained, that every mayor, alderman, common-council-man, or any other officer in a corporation, ſhould be obliged, beſides the common oath of allegiance and ſupremacy, and a particular declaration againſt the ſolemn league and covenant, to take an oath, declaring, "That it was not lawful, upon any pretence whatſoever, to take arms againſt the king; and that he did abhor that traiterous poſition, of taking arms by his authority againſt his perſon, or againſt thoſe commiſſioned by him."

A remark.

If the oath had imported, that it is not lawful, on any pretence, to take arms againſt the eſtabliſhed government, there had been nothing in it extraordinary. But in this oath, the king was ſuppoſed to be ſole maſter of the government, which is manifeſtly falſe, ſince he can neither make no repeal a law, without the concurrence of the parliament, and conſequently, the ſovereign authority does not reſide in him alone. This ſuppoſition was exactly like that of the parliament of 1640, that the ſupreme authority reſided in the people, or their repreſentatives in parliament, the abſurdity of which was expoſed by Charles I, in almoſt every one of his papers. They are both equally falſe, and to ſhow that the people of England do not think them true, we need only obſerve, the abſurd conſequences they have produced, and which have been conſtantly rejected by the Engliſh. By the maxim of the parliament of 1640, that parliament believed, they had a right to aboliſh monarchy, and change the eſtabliſhed religion. By the maxim contained in this oath, James II, believed he had a right to introduce a new religion, and eſtabliſh an abſolute power. But the Engliſh nation thought themſelves bound by neither the one nor the other of theſe extravagant maxims. Charles II. was reſtored, notwithſtanding the deciſion of the parliament of 1640; and James II. was dethroned, notwithſtanding the deciſion of this parliament, which had ordered the oath we are ſpeaking of, tho' the king had concurred to the act. It is impoſſible in England to mark out the degree of obedience due from the people to the king, or the parliament, when they are diſunited. The reaſon is evident, becauſe in their union conſiſts the eſſence of the government. It is in the king and parment united together, that the abſolute power, neceſſary to all governments, is lodged. Wherefore, to ſay, " that upon any pretence " or reaſon whatſoever," it is not lawful to reſiſt the king or the parliament, is, properly throwing up the liberties of the nation to the mercy of the one or the other. The high-churchmen, of which this parliament was principally compoſed, had then extraordinary ideas of the royal authority. And I know not whether they have yet intirely loſt them. But it is certain, many of them at laſt opened their eyes, and ſaw the dangerous conſequences of their maxims, and even this parliament did not think fit to admit them all, as will hereafter appear.

When theſe acts were paſſed, the parliament was adjourned to the 10th of January.

Death of the queen of Bohemia.

Elizabeth Steuart, daughter to James I, electreſs Palatine, and queen of Bohemia, died at London the 13th of February.

1661-2. Report of the conſpiracy made by the chancellor. Parker.

The parliament being aſſembled the 10th of January, the firſt thing the lords did, was to receive the report of the committee, appointed to examine the conſpiracy, ſuppoſed to have been forming now almoſt a year, but which had yet produced no effect. The earl of Clarendon, who made the report, ſays, that two perſons, viz. Wildman and Salmon were particularly engaged, and that a liſt of 140 officers of the late army had been found with the latter; that it was further diſcovered, that the conſpirators were to have had a meeting at London the 10th of December, and deſigned to have ſecured Shrewſbury, Coventry, and Briſtol, by the end of January: That where they were prevalent, they were to begin with horrible aſſaſſinations, which moved one of them to relate, that the fugitive judges of the late king were entertained in France, Holland, and Germany, and held a ſtrict correſpondence with the Engliſh conſpirators, and were encouraged by foreign princes: That they had bought a large quantity of arms, and boaſted, if they could once ſet foot in England, they ſhould not want means to carry on their work. That this had been diſcovered by one of the complices, and confirmed by ſuch intelligence from abroad, as never failed: That many met at Huntington, and rode about the town in the night, to the great terror of his majeſty's good ſubjects: That it might be wondered, that ſome propoſals were not made to remedy the impending evil, but the king, having conferred with the duke of Albemarle, had ordered two troops of horſe to Shrewſbury, and as many to Coventry, who in their way, had diſperſed a great knot of thieves, and taken 20: That a rumour was ſpread, that the appointing of this committee was only a plot of the court to govern by an army, but the committee was very ſenſible of the reality of the danger, and hoped the two houſes would be ſo too: That ſince their enemies were united for their deſtruction, they ſhould alſo be united for their preſervation.

A remark upon this ſubject.

When it is conſidered, that after a ſtrict examination of this conſpiracy, by a numerous committee of both houſes, the whole amounted only to a liſt of 140 officers found upon a man, without any other circumſtances; and concerning one of the complices not named; to ſecret intelligence that never failed; to a company of men aſſembled about Huntington, in the night, for ſome unknown reaſon; that not any of theſe pretended conſpirators, who might have been known by one of their party, who had diſcovered the whole plot, was either puniſhed or proſecuted for this ſuppoſed crime; that in ſhort the noiſe of this conſpiracy ceaſed at once, after the uniformity-act had paſſed: when theſe things, I ſay, are conſidered, who can help thinking it a mere invention, to give ſome colour to this act. The government durſt not attack the Preſbyterians directly, on account of their religion. The declaration from Breda was too expreſs on that article. But they were to be charged with new crimes, in order to be deprived of the benefit of that declaration. They were not even accuſed of attempting to diſturb the ſtate, ſince the king's reſtoration; but the Non-conformiſts in general were accuſed in order to puniſh the Preſbyterians, as if they made but one body with Independents, Anabaptiſts, Enthuſiaſts, becauſe to all theſe ſects was given the common name of Non-conformiſts.

The king's ſpeech to the commons. Kennet's Regiſter.

The 1ſt of March, the king ſent for the commons to Whitehall, and reproached them, tho' very civilly, with having done nothing towards the ſettling of his revenues. He artfully inſinuated, that the late troubles had principally been owing to the wants and neceſſities of the crown; thereby intimating, that this had obliged his father to ſtretch the royal prerogatives.

1661-2.

rogative. He added, that there was ſtill in the kingdom a Republican-party, who promiſed themſelves a ſecond revolution, and therefore the only way to diſappoint their hopes, was to enable the crown to ſupport itſelf, and ſecure them. He continued his ſpeech in this manner, 'Gentlemen, I hear you are very zealous for the church, and very ſollicitous, and even jealous, that there is not expedition enough uſed in that affair. I thank you for it, ſince I preſume it proceeds from a good root of piety and devotion: But I muſt tell you, I have the worſt luck in the world, if after all the reproaches of being a papiſt while I was abroad, I am ſuſpected of being a presbyterian now I am come home. I know you will not take it unkindly, if I tell you that I am as zealous for the church of England, as any of you can be, and am enough acquainted with the enemies of it on all ſides; that I am as much in love with the book of common-prayer as you can wiſh, and have prejudice enough to thoſe who do not love it, who, I hope, in time will be better informed, and change their minds; and you may be confident I do as much deſire to ſee an uniformity ſettled as any amongſt you. I pray truſt me in that affair: I promiſe you to haſten the diſpatch of it with all convenient ſpeed; you may rely upon me in it, I have tranſmitted the book of common-prayer, with thoſe alterations and additions, which have been preſented to me by the convocation, to the houſe of peers, with my approbation, that the act of uniformity may relate to it *. So that I preſume it will be ſhortly diſpatched there: And when we have done all we can, the well ſettling of that affair will require great prudence and diſcretion, and the abſence of all paſſion and precipitation.'

The king's deſign in this part of his ſpeech, was to obtain, that the execution of the act of of uniformity when it ſhould be paſſed, might be left entirely to him, in order to have it in his power to diſpenſe with whom he pleaſed. This he afterwards diſcovered in words more clear and preciſe, tho' the parliament would not grant his deſire.

Act againſt the Quakers. Kennet's Regiſter.

The commons being returned to their houſe, prepared ſeveral bills, and amongſt the reſt one againſt the Quakers, for refuſing the oaths. Not that they believed themſelves freed by this refuſal from the obligations impoſed by theſe oaths, but becauſe they conſidered all oaths as unlawful. This act, and another for the repairing of the ſtreets and high-ways in and about London, were paſſed by commiſſion.

At laſt, on the 17th of May, the king coming to the parliament, gave his aſſent to ſeveral acts, of which I ſhall only mention the moſt important.

An act for the uniformity of publick prayers, and the adminiſtration of the Sacraments.

An act for the better regulation and ordering of the ſtanding forces of the nation.

Other acts.

An act for laying a perpetual and annual tax of two ſhillings on every chimney-hearth in each houſe, alms-houſes excepted.

An act to impower his majeſty to levy, for the next enſuing three years, a tax of 70,000 l. per month, if neceſſity ſhall ſo require.

Moreover, the houſe of commons ordered 60,000 l. which exceeded the ſum of 1,200,000 l. granted by a former act, to be diſtributed among the poor Cavaliers, who had been ſufferers in the late troubles.

After the paſſing of theſe acts, the parliament was prorogued to the 18th of February.

Act of uniformity. Ibid. Kennet's Regiſter.

Amongſt theſe acts three are particularly remarkable. By the act of uniformity, every miniſter was obliged, on pain of loſing all his eccleſiaſtical preferments, to conform to the worſhip of the church of England, according to the new book of common-prayer, before the feaſt of St. Bartholomew next, from whence it was called the Bartholomew act. Every miniſter was alſo obliged to ſign the following declaration. "I do here declare my unfeigned aſſent and conſent to all and every thing contained and preſcribed in and by the book, intitled, the book of common-prayer, &c." Beſides this, every perſon was obliged to ſign a declaration contained in the militia-act, in which declaration he was not only to promiſe to conform to the liturgy of the church of England, but likewiſe to renounce the ſolemn league and covenant, declaring it to be an unlawful oath, and impoſed upon the ſubjects of this realm againſt the known laws and liberties of the kingdom.

The penalties annexed to this act were many, particularly,---"No perſon ſhould be capable of any benefice, or preſume to conſecrate and adminiſter the holy ſacrament of the lord's ſupper, before he be ordained prieſt, by epiſcopal ordination, upon pain to forfeit for every offence the ſum of one 100 l."

Remarks upon the act.

I ſhall make but three obſervations upon this act; the firſt ſhall be in the very words of the declaration from Breda. "And becauſe the paſſion and uncharitableneſs of the times have produced ſeveral opinions in religion, by which men are ingaged in parties and animoſities againſt each other, which, when they ſhall hereafter unite in a freedom of converſation, will be compoſed, or better underſtood; we do declare a liberty to tender conſciences, and that no man ſhall be diſquieted, or called in queſtion, for differences of opinion in matters of religion, which do not diſturb the peace of the kingdom; and that we ſhall be as ready to conſent to ſuch an act of parliament, as upon mature deliberation ſhall be offered to us for the full granting that indulgence."

Let this clauſe be compared with the act of uniformity, and it will eaſily be ſeen, what care

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* There were added ſome new collects, as the prayer for all conditions of men, and the general thankſgiving, and the prayer for the high court of parliament, and a new office was made for baptiſm of ſuch as were of riper years, and two more, one for the 30th of January, the other for the 29th of May. In the collect for the parliament, the king was ſtiled, our moſt religious king, an Epithet that gave great offence, and occaſioned much indecent raillery. Some new holy-days were added alſo, as St. Barnabas, and the converſion of St. Paul, and more leſſons were taken in out of the Apochrypha, particularly the ſtory of Bell and the Dragon. Burnet.

the king's own miniſters, who were the real authors or promoters of this act, had of his honour, and what regard he himſelf payed to his promiſe. Notwithſtanding all this, ſome did then, and do ſtill conſider this act as the great ſupport and bulwark of the church of England, and extol the authors as deſerving the everlaſting praiſes and bleſſings of the church; whilſt others, perhaps, no leſs ſincerely attached to the church of England, looked upon it as her reproach.

My ſecond remark is, that to this came the promiſes made to the Preſbyterians,bythe king's party, upon the aſſurance of which they had ſo chearfully laboured for his reſtoration, according to the directions received from his friends.

My third obſervation is, that by an artifice the moſt groſs, not only conſpiracies were invented, which had no reality, but which tho' they had been true, could not have been imputed to the Preſbyterians, who were not to anſwer for the crimes of the other ſects.

It will perhaps be imagined, that being a Preſbyterian, I ſpeak out of intereſt and paſſion. But I proteſt, I have always had, and ſtill have, a profound reſpect and extreme veneration for the church of England, to which I always conformed during my reſidence there, and am ready to do it again, were I to return. But this does not oblige me to conſider all her members as free from failings, paſſions and prejudices; eſpecialy on the preſent occaſion, wherein, as a hiſtorian, truth requires of me to ſhew clearly ſo material a point of hiſtory, as the treachery which was uſed to the Preſbyterians. For at their ruin it was that the uniformity act was principally levelled.

Militia act.

The act concerning the militia, intitled, an act for the better regulating and ordering the ſtanding forces of the nation, contained amongſt others the following clauſe.

“ Foraſmuch as within all his majeſty's realms and dominions, the ſole and ſupreme power, government, command and diſpoſition of the militia, and of all forces by ſea and land, and of all ſorts and places of ſtrength, is, and by the laws of England ever was, the undoubted right of his majeſty, and his royal predeceſſors, kings and queens of England; and that both or either of the houſes of parliament, cannot, nor ought to pretend to the ſame; nor can, nor lawfully may raiſe, or levy any war offenſive or defenſive againſt his majeſty, his heirs or lawful ſucceſſors, &c.”

An oath enjoined.

It was ordained by this act that all lord-lieutenants, deputy-lieutenants, officers, and ſoldiers, ſhould take the following oath:-- “ I do declare, and believe, that it is not lawful upon any pretence whatſoever to take arms againſt the king; and that I do abhor that traiterous poſition, that arms may be taken by his authority againſt his perſon, or againſt thoſe that are commiſſioned by him, in purſuance of ſuch military commiſſions.”

Echard.

When in the latter part of the oath the words, commiſſioned by him, came to be debated in the houſe of commons, a great lawyer moved, that the word lawfully might be added to make all clear. But the attorney-general Sir Heneage Finch anſwered, “ That it was not neceſſary, for the very word commiſſion imported it; ſince if it was not lawfully iſſued out to lawful perſons, and for a lawful reaſon, it was no commiſſion.” And the whole houſe aſſented to this interpretation. The ſame difficuly, offered in houſe of lords, was removed in the ſame manner. But in ſuppoſing that by commiſſioned could be only meant lawfully commiſſioned, where would have been the hurt to add the word lawfully, in order to take away all obſcurity, if the parliament had intended to put any reſtriction upon the royal power?

Suppoſe now, the king inveſted with ſuch a power, had attempted to abrogate all the old, and ſubſtitute new laws, at his pleaſure, to aboliſh the uſe of parliaments, and force his ſubjects to embrace the Popiſh religion; which way could they have maintained their liberties and religion, ſince there was no ſupreme court to call the king to an account, and ſince by this oath it was high-treaſon to take arms againſt him upon any pretence whatſoever? Theſe are the uſual effects of factions in a ſtate. Each party, when ſuperior, thinks only of doing the contrary to what the other has done, without conſidering the conſequences; and generally both parties run into extremes. The parliament of 1640, incenſed againſt Charles I, for attempting to ſtretch his prerogative, are not content to reduce him within due bounds, but aſſume alſo privileges inconſiſtent with the conſtitution, and proceed at laſt entirely to deſtroy the monarchy. The parliament of 1661, not ſatisfied with reſtoring the king to his juſt rights, inveſt him with an unlimited power, and render him as abſolute as any monarch in the univerſe.

Chimney act.

The annual tax of two ſhillings upon every fire-hearth, not only to this king for his life, but to his ſucceſſors for ever, ſhewed, that this parliament acted not upon a bare motive of zeal and affection for the reigning king, but alſo ſeemed to have an intention of putting the kings of England in a condition to ſupport themſelves without parliaments, by ſo great a power aſcribed to them. And indeed, this ſingle tax amounted to about 256,000 l. a year, which, together with tunnage and poundage exciſe, and other duties, made the revenue of the king double to any of his predeceſſors; ſo fearfull was this parliament, of not ſufficiently ſhewing their zeal for monarchical government, which had been, many years, ſo unworthily treated.

The queen's arrival. Kennet's Regiſter.

The ſeſſion of parliament being ended, the court was wholly employed in preparing for the reception of the new queen, who was daily expected. She left Liſbon the 15th of April, and arrived at Portſmouth the 14th of May, where the king went to receive her. A report was ſpread that the marriage was ſolemnized by Sheldon, biſhop of London, tho' others, who believe themſelves better informed, ſay, the queen refuſed to be married by any but a Catholick prieſt; that the king conſented to it, and that very few perſons were preſent at the ſolemnity. And marriage. July 28. This marriage had been propoſed by D. Franciſco de Mello, the Portugueſe ambaſſador,

baſſador, to general Monk, at the time that he was labouring the king's reſtoration. The ambaſſador's aim, was to procure Portugal a powerful aſſiſtance from England, ſince by the Pyrenean treaty, the king his maſter had no farther expectations from France. To prevail with Monk, and by his means, with the king, he engaged, that the king of Portugal ſhould give with the princeſs his ſiſter, 300,000 l. ſterling, the town of Tangier upon the coaſt of Africa, and the iſle of Bombaim in the Eaſt-Indies. Monk, pleaſed with theſe offers, propoſed this marriage to the king immediately after his arrival. The king approved of it, and accordingly it was concluded in the year *1661*. Some pretend, that chancellor Hyde ſtrenuouſly oppoſed the marriage, upon an information, that the princeſs of Portugal, by ſome natural infirmity, was incapable of having children, but that the king took this for an artifice of the court of Spain to prevent a marriage, which could not but prove prejudicial to their great deſigns upon Portugal. Others ſay, the chancellor was the chief author of this match. Before the conſummation of the marriage, the king, in a treaty with Portugal, engaged to aſſiſt that kingdom againſt Spain, and in the 19th article, obliged himſelf never to reſtore Dunkirk to that crown.

Arrival of the qeen-mother. July 28. Heath.

When this marriage was compleated, the queen-mother arrived in England, with deſign, as it ſeemed, to ſpend there the reſidue of her days. The king aſſigned Somerſet-houſe for her reſidence, and gave her wherewithal to keep a ſplendid and magnificent court. But ſhe did not, it ſeems, find in England, the ſatisfaction ſhe expected, for after three years ſhe returned to France.

The ſale of Dunkirk. Kennet's Regiſter.

The moſt conſiderable tranſaction at the Engliſh court, in the remaining part of this year, was the ſale of Dunkirk. The king looked upon this place as his property, ſince it was ſurrendered to Cromwell by France, in conſideration of the ſuccours ſhe had received in her war with Spain. Whether this reaſon was ſolid or not, it is certain, the king believed he had a power to diſpoſe of the town as he pleaſed. The two years large ſupplies, granted him by parliament, were all conſumed, and his coffers empty, tho' his extraordinary occaſions had been only the diſbanding of the army, and payment of the arrears due to the fleet. Whatever were the king's motives to part with this important place, he reſolved to ſell it to France, by which it was gladly purchaſed. The negotiation for this ſale began in July 1662, and ended the following October. The king's firſt demand was 12,000000 of Livres, and count d'Eſtrades, who managed this affair for Lewis XIV, offered but 1500,000. This great difference between the ſum demanded and offered, was the ſole ſubject of the negotiation. Each feigned, however, to be unwilling to recede, though both were equally impatient, the one to ſell, and the other to purchaſe, and knew one another's intention. Charles told count d'Eſtrades by his chancellor, that four ways was propoſed for the diſpoſal of Dunkirk. The firſt was, to ſurrender it to the Spaniards, who offered what price the king ſhould be pleaſed to demand. The ſecond was, to treat with the Dutch, who offered immenſe ſums. The third was, to put it into the hands of the parliament, who would keep it, without any diminution to the king's pretentions as ſovereign. The fourth, which he thought moſt juſt, and ſuitable to his intereſts, was to ſell it to the king of France. There was alſo a fifth way propoſed by the earl of Sandwich, which was to demoliſh it, and fill up the harbour, to render it entirely uſeleſs.

The king of France anſwered, he much doubted the offer of the Spaniards, who had not yet been able to pay his queen's portion, tho' on that payment depended the validity of her renunciation: That it would be more advantagious to the king of England, to make a free gift of the place to the Spaniards, than to receive for it 20,000000 from the Dutch, which, moſt certainly, they would not give. And as to delivering it to the parliament, the king knew better than he, how dangerous it was to increaſe the parliament's power.

In ſhort, Charles came to 700,0000 of livres, and the count d'Eſtrades offered him two, then two and half, and at laſt three. But the king his maſter had given him power to offer four, at the very time that Charles conſented that the ſale ſhould be fixed at 5000000. The king of France was obliged to come up to his price, when he found nothing would be abated, and that he ran the riſque of being diſappointed, if he ſtood out any longer. There was alſo ſome difficulty about the time of payment; the king of England would have all the money at once, upon the delivery of the place, and the king of France offered to pay it at ſeveral times. At laſt it was ſettled, that one half ſhould be paid down, and the other in two years, at two ſeveral payments.

Dr. Burnet, in the hiſtory of his own times, ſays, that Charles ſquandered away the money, received for Dunkirk, among the miſtreſs's creatures. Others aſſure, that with one part he diſcharged his ſiſter the ducheſs of Orlean's dowry, and with the other aſſiſted Portugal.

The motives alledged by the chancellor to the count d'Eſtrades, to ſhew, the king was under a neceſſity to ſell Dunkirk, were, that his coffers being empty, he could only by that means be enabled to aſſiſt Portugal. But in England, this reaſon was not to be urged, becauſe all knew what vaſt ſums the king had received from the parliament. To cover therefore the diſhonour of this ſale, it was pretended, that the garriſon and repairs of the fortifications coſt the king immenſe ſums to no purpoſe; that the ſea was ſo tempeſtuous, and the grounds ſo rowling upon every ſtorm, that there would never remain a certain ſteerage to that port. On this occaſion ſeveral pamphlets were publiſhed, tending to ſhew the injury done to the nation in the ſale of Dunkirk to France, and others to palliate, or to demonſtate the neceſſity of the ſale.

1662.

But the greateſt diſpute concerning this ſubject, was upon two queſtions, whether the propoſal came from France or England? and whether the earl of Clarendon, as he was generally accuſed, was the author and promoter of this ſale, or as ſome pretend, proteſted he would not be concerned? I find Mr. Echard, in his Hiſtory of England, and Dr. Burnet, in that of his own times, entirely clear the earl of Clarendon. It is however a fact, as certain as a fact of this nature can be, that the earl of Clarendon propoſed it, negotiated the ſale, and concluded it. To prove this truth, I need only quote the letters of count d'Eſtrades, who was commiſſioned to manage this affair, and conſequently knew more of it than any other. It muſt however be ſaid, in excuſe of Mr. Echard, and Dr. Burnet, that when they writ this part of their hiſtories, count d'Eſtrades's letters, concerning the Dunkirk negotiation, were not publiſhed, and that they knew no more of this affair, than what they had received from the earl of Clarendon's friends.

Count d' Eſtrades, being ambaſſador at London the beginning of the year *1662*, had ſecretly agreed with the king, that the French king ſhould ſupply him with a certain ſum of money, to enable him to aſſiſt Portugal. But this was to be kept very ſecret, becauſe of the Pyrenean treaty, by which Lewis had ſolemnly engaged to give no aſſiſtance to Portugal, either directly or indirectly. This ſecret however, took air, and occaſioned a letter from Lewis to count d' Eſtrades, dated the 4th of of March, in which are theſe words: '---You may tell the king of England, that what is known here of the money of Havre, came from Fox himſelf, who has not been very careful to keep the ſecret. This was partly the cauſe of all the ſenſeleſs noiſe made in Paris, which doubtleſs muſt have reached London, that I am treating for Dunkirk with the ſaid king for a ſum of money, in order to exchange it with the king of Spain, for Cambray, or Aire, and St. Omer, You know better than any man, whether I had ever ſuch a thought.'

It is not unlikely, that this was an inſinuation which begot in Charles the thought of ſelling Dunkirk to France; but the ſale was not mentioned till ſome months after. Count d' Eſtrades being returned to France in April this year, was appointed ambaſſador extraordinary to Holland. But as he was on his journey, he received a letter from the king of England, of the 17th of July, to deſire him to come to London, where he wiſhed to communicate to him an affair propoſed by the chancellor. Count d' Eſtrades, with his maſter's leave, went to London, and there received from him a letter, in which he told him, '----You may gueſs with what impatience I expect the arrival of the king of Great Britain's deſiring to ſpeak with you, and obliging you to defer your journey to Holland, &c.'

As all the other letters, till October, ſhew, that count d' Eſtrades was employed only in this negotiation during his ſtay at London, there is no reaſon to doubt, that the firſt propoſition for the ſale of Dunkirk, came from England.

1662.

As to the ſhare the earl of Clarendon had in this affair, it clearly appears in a letter of the 17th of Auguſt, wrote by count d' Eſtrades, to the king his maſter, wherein he gives an account of a conference he had with the earl of Clarendon. Theſe are his words: 'The chancellor added, that the thought of this treaty came from him, and did not conceal, that the neceſſity of the Engliſh affairs had inſpired him with it. That the king, the duke of York, and himſelf, were alone of this opinion, and that Monk, the lord-treaſurer, and the earl of Sandwich were ſtill to be managed, whom he could not hope to gain, but by the great ſums which would accrue to the king: That having already propoſed it to them, from the urgent occaſions of the ſtate, they had offered an expedient to preſerve the place for the king, and eaſe him of this expence.-----I muſt not forget to tell your majeſty, that the chancellor hinted to me, that the king had precautions to obſerve with the queen his mother on this affair: That therefore the king had told the queen, that his ſending for me into England, was to deſire my application to your majeſty, for a ſum of money to be lent him in his preſſing neceſſities, and that he had ordered the chancellor to confer with me upon it. The chancellor added, that the king and he were agreed, that the king ſhould complain much of my non-compliance, with regard to this loan, and that the chancellor particularly ſhould tell the queen, by way of ſecret, that I was a ſtrange man, and he very much miſtaken, if by what I had ſaid to him, I did not intend to demand for ſecurity of this loan, ſome cautionary town, as England had formerly done by France and Holland, in a like caſe; but that he had pretended not to underſtand me, as being a demand to which he would never adviſe his maſter to conſent. All this diſguiſe is uſed to prepare the queen to believe, that ſhe knew ſomething of the treaty, if it ſhould come to a concluſion, and that neceſſity was the motive to it. I am likewiſe to complain of the chancellor, as of a man who blindly deſires to procure advantages for his maſter, without regarding the intereſt of your majeſty. The whole proceeding confirms me in the opinion, that they have a mind to a treaty, and that they are reaſonable in every thing but the price.'

In another letter of the 21ſt of Auguſt, count d' Eſtrades wrote to the king, that the chancellor told him,---'That when it ſhould be known for how ſmall a ſum this treaty was to be made, the king could not avoid reproach, and that, at the leaſt, he (the chancellor) would be liable to publick cenſure, which might endanger his life. That therefore it was his opinion to make a preſent of it to your majeſty, and leave the reward to your generoſity: but as he was not maſter, and ‘was highly concerned to take care of himſelf in ſo nice an affair, he was obliged to conceal his ſentiments, and pretend to adhere to thoſe of others, that he might not be taken for the principal author of the treaty, ——He farther enlarged upon the importance of this place, and the advantages which your majeſty might receive from it, if you ſhould ever deſign to make conqueſts upon Flanders, &c.’

Theſe letters demonſtrate, that the earl of Clarendon, ſon of the chancellor, was ill-informed, when he told Dr. Burnet that his father kept himſelf out of that affair entirely. It may be ſaid, however, in the chancellor's juſtification, that poſſibly the thought of ſelling Dunkirk came firſt from the king; that perhaps the chancellor endeavoured to diſſuade him from it, and not ſucceeding, had a mind to give him a proof of his obedience, in taking this negotiation upon himſelf, in order to manage it to the king's advantage. For Dr. Burnet, in his character of this miniſter, obſerves, that tho' a reſolution was taken contrary to his ſentiment, he executed it with the the ſame zeal, as if propoſed by himſelf. But this is only a bare poſſibility, which every one will regard as he pleaſes.

Three regicides executed. Kennet's Regiſter.

While this negotiation employed the king and his firſt miniſter, three of the late king's judges, who had found means to eſcape out of the kingdom, were publickly executed at Tyburn. They had, after wandering through Low and High-Germany, ſettled for ſome time at Hanaw, under borrowed names, and returned in the ſpring to Delft in Holland, having appointed their wives to meet them there, in order to learn the ſtate of affairs in England, and what hopes were left for them; but Sir George Downing, the king's reſident at the Hague, and formerly of their party, having intercepted their letters, obtained the conſent of the ſtates to ſeiſe and put them on board an Engliſh ſhip, which brought them to England, where they were executed. The names of theſe three regicides were Corbet, Okey, and Berkſtead.

Proceedings againſt Vane and Lambert. June 2.

This execution was followed with the trials and condemnation of Sir Henry Vane and general Lambert, who had been particularly excepted in the act of pardon, tho' they were not amongſt the king's judges, becauſe they were conſidered as the chief authors of the troubles. Vane had been confined, ſoon after the king's arrival, on a bare ſuſpicion of framing ſome plot againſt the government. But tho' he was excepted in the act of indemnity, he had, by means of his friends, found ſo much favour from the ſame houſe of commons, who had excepted him, that they petitioned the king, jointly with the peers, that he might not ſuffer death, which was granted by the king. He was therefore kept in priſon without being tried, till the time I am ſpeaking of. But this ſecond parliament being compoſed of men of a different character from the firſt, the commons addreſſed the king to bring him as well as Lambert to their tryals. In vain did he alledge in his defence the petition of the firſt parliament, and many other reaſons; he was ſentenced to die as a traitor. Lambert was alſo tried and condemned, but was reprieved at the bar, juſt as he was going to receive ſentence. He was confined in the iſle of Guernſey, where he lived a priſoner 36 years. Sir Henry Vane met not with the ſame favour from the king. This, it is pretended, was owing to his inſolent behaviour at his trial. But many believed him a ſacrifice to the manes of the earl of Strafford, to whoſe death he had greatly contributed. His indiſcretion and inſolence, as well at his tryal as his execution, have been extremely aggravated. But it is eaſy to ſee, it was only to ſave the king's honour, who, having poſitively promiſed a pardon to all, except the king's judges, could not avoid granting a pardon to Vane, without violating his promiſe, and eſpecially after ſparing his life at the requeſt of the late parliament. It was ſo feared that he would inſiſt upon this point in his laſt ſpeech, that drummers were placed under the ſcaffold, who, as ſoon as he began to ſpeak, upon a ſign given, drowned his voice with their drums. All the favour he could obtain from the king, was to be beheaded. Great care was taken after his death, to publiſh the king's inclination to pardon him, if he had not been provoked by his inſolence. But this is a thing very hard to be proved.

Lambert pardoned.

Vane executed. June 14. Burnet.

The Preſbyterian miniſters quit their livings, rather than ſubmit to the act of uniformity. Kennet's Regiſter.

St. Bartholomew's day being come, on which the act of uniformity was to take place, 2000 Preſbyterian miniſters choſe rather to quit their livings, than ſubmit to the conditions of this act. It was expected, that a diviſion would have happened amongſt them, and that a great number would have choſe rather to conform to the church of England, than ſee themſelves reduced to beggary. It was not therefore without extreme ſurpriſe, that they were all ſeen to ſtand out, not ſo much as one ſuffering himſelf to be tempted. As this is a conſiderable event of this reign, it will not be improper to enquire into the cauſes of this rigour againſt the Preſbyterians: I ſay the Preſbyterians, becauſe it was not the other ſects that the church of England moſt dreaded.

A remark upon it.

1. It cannot be denied, that the high-churchmen, who prevailed in the parliament, acted in a ſpirit of revenge. But this revenge ſhould not appear very ſtrange, conſidering the perſecution, and at laſt, the entire deſtruction, brought upon the epiſcopal church by the Preſbyterians, if honour had not been wounded, nor any promiſe made to the Preſbyterians. The church of England was the national church, which had flouriſhed from the reformation, to the time of the war between Charles I. and the parliament, when the Preſbyterians entirely ſubverted it. It was therefore but juſt to reſtore it to its former condition. But it was injuſtice to violate the promiſe made to the Preſbyterians, eſpecially as they had greatly contributed to the king's reſtoration, and withal, to that of the very church, which perſecuted them, after being re-eſtabliſhed by their aſſiſtance.

2. But revenge was not the ſole cauſe of the preſent rigour exerciſed againſt the Presbyterians. The deſire of ſelf-preſervation was no leſs concerned. Experience of what had paſſed, taught the church of England, that if the Presbyterians ſhould ever find an opportunity like that which they once had, they would not fail to improve it. They were always irreconcilable enemies tho', in the preſent juncture, they were unable to do any hurt, and obliged to ſue for mercy. It was therefore, undoubtedly, the intereſt of the church of England, to uſe all poſſible precautions to hinder the increaſe of a party already too powerful, and which, probably, would never ceaſe contending for the ſuperiority.

3. We have ſeen what were the notions of this parliament, and of high-church, concerning the royal prerogative, and to what height it was carried. The Presbyterians, as well as the other ſects, were known to follow quite contrary maxims, and if they were not entirely Republicans, at leaſt, they endeavoured to reduce the royal power within very narrow bounds, as appeared in the reſolutions and conduct of the parliament of 1640. But while the church of England had no ſuſpicion of the king's religion, and believed him a zealous member, it was her intereſt to ſupport and extend the prerogative, and conſequently to diſable the Presbyterians from proſecuting their maxims.

4. The church of England's intereſt required, that ſhe ſhould improve ſo favourable an opportunity, which perhaps might never return. It was ſeen, how greedy the king was of money, to throw it away with the greateſt profuſion, and that he could not be without the aſſiſtance of his parliament; and the church had the good fortune to have a parliament conſiſting of her moſt zealous members, and diſpoſed to ſacrifice to the king a little of the nation's treaſure, provided the king would, in his turn, make them a ſacrifice of the Presbyterians. Tho' he was not ſuſpected to be a Papiſt, it could not be thought, he would, from a pure principle of honour and honeſty, quarrel with a parliament, ſo favorable to him, for the ſake of the Presbyterians, whom he neither did, nor had reaſon to love. There was nothing therefore but what might be expected from his complaiſance, provided care was taken to ſupply him with money. Such a juncture was not to be neglected.

5. But there was another ſtill more powerful cauſe of the parliament's ſeverity againſt the Presbyterians. This was the intereſt of the Papiſts, who had ever a great influence during this reign. Some made an open profeſſion of their religion, and yet were looked upon with a very favourable eye by the court. Others, after the king's example, pretended to be good Proteſtants, and zealous members of the church of England, in order to be more ſerviceable to their party. The firſt uſed their utmoſt endeavours to incite the parliament to a ſevere treatment of the Presbyterians, in order to deſtroy a party which had ſo openly declared againſt the royal power. The others concealing them under a falſe zeal for the Proteſtant religion, laboured with the ſame ardour, to excite the enmity of the heads of the church of England, and of thoſe whom they knew to be moſt warm, againſt men, who would not ſpare them, if ever they were in a condition to ruin them, as they had manifeſtly ſhewn. But while they were thus zealouſly labouring to bring things to extremities, they were endeavouring, on the other hand, by their emiſſaries, to incourage the Presbyterians, and exhort them to the cloſeſt union, by inſinuating it to be the moſt effectual means to defeat the meaſures of their enemies. They were told, their number was ſo great, that, in all likelihood, it would deter the parliament from attempting the ruin of ſo many at once, for fear of exciting new troubles. Whereas, if their party ſhould divide, they would be inſenſibly and irrecoverably ruined. In ſhort, to induce them the more eaſily not to deſpair, they weretold, the king provoked with the ill-treatment they received, notwithſtanding his promiſe to them, would protect them openly if they would remain united; but a diviſion would put it out of his power to do them any ſervice. It is certain, the court was in this diſpoſition, not from any pity to the Presbyterians, or regard to the king's honour, but from the hopes that the union amongſt the Non-conformiſts would procure them more favourable conditions, of which the Papiſts might make an advantage. But when I ſay the court, I do not pretend to include the earl of Clarendon, tho' prime miniſter. This juſtice muſt be done him, to ſay, that not only he did not contribute to the deſigns of the king and the Papiſts, but was the man that broke their meaſures, by ſecret intrigues, wellknowing what was concealed under this feigned moderation of the king to the Presbyterians. However the king, the duke of York, and the other leading Papiſts, believed it neceſſary, to puſh the Presbyterians, and then encourage them to hold together, that the danger, ariſing from their union, might prevail with the parliament, to grant to all the Non-conformiſts in general, a toleration which ſhould extend to the Papiſts. This is not a bare conjecture. All the king's proceedings demonſtrate this was the ſcheme he had formed.

Rigorous execution of the corporation act.
Heath.

I have already mentioned the corporation act, made to prevent diſaffected perſons from being admitted into offices. For the better executing this act, the parliament appointed commiſſioners, who were employed all this year, in viſiting corporations, and inſpecting the conduct of the members. A very extenſive power was given to theſe commiſſioners, with abſolute authority to turn out of the corporations, all members who were ever ſo little ſuſpected. For the deſign of this act, was to diveſt of all credit, every perſon not entirely devoted to the king and the church of England. This power was exerciſed with all imaginable rigour: ſo that the corporations had not one member left, who was not of the ſame principles with the houſe of commons. Moreover, the walls of Gloceſter, Coventry, Northampton, Leiceſter and Taunton were, by order of theſe commiſſioners demoliſhed, becauſe theſe towns had diſtinguiſhed themſelves by their fidelity to the parliament.

A plot.
Ludlow.

About the end of the year a conſpiracy was diſcovered, formed by the Fifth-monarchy-men, and upon the informations of ſome of the complices, ſix were executed. Nevertheleſs, many believed, this was only an artifice to excuſe the ſeverity practiſed againſt the Nonconformiſts. The ground of this ſuſpition was, that in a plot formed to ſeize and kill the king, the duke of York, and general Monk, and to ſeize the tower, and caſtle of Windſor, only ſix conſpirators were diſcovered, viz. George Phillips a ſergeant of foot, Thomas Tonge a diſtiller, Francis Stubbs a cheeſemonger, James Hind a gunner, John ſellers a compaſs-maker, and Nathaniel Gibbs a felt-maker. Few could believe ſuch men ſhould ever think of ſucceeding in a deſign of that nature. It is true, that to render this conſpiracy more probable, it was ſaid, the old colonels were to aſſemble their disbanded forces, and Ludlow, then in Switzerland, to come and head them. But tho' ſuch an undertaking required perſons of ſome diſtinction, yet only thoſe ſix wretches who were executed, could be diſcovered. At leaſt, if the conſpiracy was real, the plotters had yet made no great progreſs.

Six conſpirators executed.
Dec 22.

Peace with Algier.
October 5.
Collect. of Treaties.

To finiſh the moſt remarkable tranſactions of this year, I ſhall briefly add, that after the earl of Sandwich left Liſbon, to conduct the queen into England, vice-admiral Lawſon ſailed with a ſquadron to Algier, and forced the Algerines to a peace with England. As the king was in poſſeſſion of Tangier, they doubtleſs, believed, it would not be advantagious to have him for their enemy. Shortly after, the king declared Tangier a free port, and inveſted it with great privileges.

1662-3.
The king's conduct to the Preſbyterians.

The king had already diſcovered, how agreeable it would be to him to have the management of the uniformity act; but the parliament had returned no anſwer to his deſire. Before this act, the Preſbyterians had behaved in a manner which gave no juſt cauſe of complaint againſt them, and the king had made them a poſitive promiſe, either that he would never conſent to the act, or procure them a particular exemption; but he performed neither; his aim having been only to keep them united, by giving them hopes of his protection. After the act was paſſed, he ſtill continued to feed their expectations, and hence it was, that they addreſſed the king and council, for a diſpenſation from the penalties annexed to the act of uniformity. This petition would doubtleſs have been rejected, if the king had not ſignified to the council the obligation he was under to grant their requeſt. Some time after he publiſhed a declaration, dated the 26th of December, but which appeared not till the beginning of January 1662-3. In this declaration, after an aſſurance of his firm adherence to the act of uniformity, he ſaid however, that for the ſake of others, he was willing to diſpenſe with ſome matters in it. Upon this declaration, Mr. Calamy, a Preſbyterian miniſter, being in the church of Aldermanbury, of which he had the cure, before the execution of the act, and ſeeing the miniſter, who was expected, did not come, aſcended the pulpit and preached, for which he was committed to Newgate by the lord-mayor of London. But in a few days, he was diſcharged, by the king's expreſs order.

A declaration in their favour.
Kennet's Regiſter.

The earl of Clarendon begins to ſink in his credit.

The king, as we have ſeen, meant to procure ſome advantages for the Preſbyterians, in order to procure the ſame for the Papiſts. This was his ſcheme, and as it was directly contrary to the earl of Clarendon's principles, mortal enemy to the Preſbyterians, and no friend to the Papiſts, it is not ſurpriſing, it ſhould be formed without the privity of this miniſter, whoſe credit, for that reaſon, began now to decline. Nay the king had plainly ſhewn, he had not the ſame affection for him, by obliging his intimate friend ſecretary Nicholas, worn out with age, to reſign his poſt to the chancellor's profeſſed enemy, Sir Henry Bennet, afterwards earl of Arlington. This ſufficiently diſcovered, that his credit with the the king was ſenſibly diminiſhed. On the other hand, tho' the king affected a great zeal for the Proteſtant religion, the choice of Bennet to be ſecretary of ſtate, ſhewed his inclination for the Roman Catholicks, as Bennet was ſtrongly ſuſpected of being a Papiſt in his heart, and known for their protector. It is ſaid, he and the earl of Briſtol had induced the king to change his religion at Fontarabia, and that Bennet durſt not return into England, till after the death of the lord Culpeper, who had threatned him to diſcover it to the parliament. Be this as it will, Bennet being the chancellor's enemy, this laſt could not but look upon his enemy's advancement to the poſt of of his intimate friend, as a prelude to his diſgrace.

The king's deſign in favouring the Preſbyterians.

The king's declaration, in favour of the Preſbyterians, was a farther indication of the chancellor's fall. This declaration had been reſolved, and prepared, without his knowledge at Somerſet-houſe, where the queen-mother reſided, and probably by a Catholick junto, or by ſecret favourers of that religion. Thoſe who knew the chancellor's principles, eaſily judged, he had no hand in it. They had reaſon to be afterwards confirmed in this opinion, when every one evidently ſaw, the king, in his pretended compaſſion for the Preſbyterians, deſigned only to procure a toleration for the Catholicks. The chancellor, however, kept his poſt for ſome years, though with a great diminution of credit.

Phillips.

The parliament meeting the 18th of February, the king made a ſpeech to both houſes, in which he confined himſelf to one ſingle point, namely, his declaration concerning the act of uniformity. His words were theſe:

The king's ſpeech to both houſes in favour of his declaration.
Echard.

‘---To cure the diſtempers, and compoſe the different minds among us, I ſet forth my declaration of the 26th of December, in which you may ſee, I am willing to ſet bounds to the hopes of ſome, and to the fears of others; of which, when you ſhall have examined well the grounds, I doubt not but I ſhall have your concurrence therein.

' in. The truth is, I am, in my nature, an enemy to all ſeverity for religion and conſcience, how miſtaken ſoever it be, when it extends to capital and ſanguinary puniſhments, which I am told were begun in Popiſh times: therefore, when I ſay this, I hope I ſhall not need to warn any here, not to infer from thence, I mean to favour Popery. I muſt confeſs to you, there are many of that profeſſion, who having ſerved my father and my ſelf very well, may fairly hope for ſome part of that indulgence I would willingly afford to others who diſſent from us; but let me explain my ſelf, leſt ſome miſtake me herein, as I hear they did in my declaration: I am far from meaning by this, a toleration or qualifying them thereby to hold any offices or places in the government; nay, further, I deſire ſome laws to be made to hinder the growth and progreſs of their doctrines. I hope you have all ſo good an opinion of my zeal for the Proteſtant religion, as I need not tell you, I will not yield to any therein, not to the biſhops themſelves, nor in my liking the uniformity of it, as it is now eſtabliſhed; which being the ſtandard of our religion, muſt be kept pure and uncorrupted, free from all other mixtures: and yet, if the Diſſenters will demean themſelves peaceably and modeſtly, under the government, I could heartily wiſh, I had ſuch a power of indulgence, to uſe upon occaſions, as might not needleſsly force them out of the kingdom, or ſtaying here, give them cauſe to conſpire againſt the peace of it.

' My lords and gentlemen, It would look like flattery in me to tell you, to what degree I am confident of your wiſdom and affection in all things, that relate to the greatneſs and proſperity of the kingdom. If you conſider well what is beſt for us all, I dare ſay we ſhall not diſagree.'---

The commons alarmed. Echard.

This ſpeech, with the declaration of the 26th of December, alarmed the houſe of commons. It may almoſt be affirmed, that whatever the commons had done in favour, of the king, was only to procure his aſſent to the act of uniformity, and yet, they ſaw him not only diſpenſe with this act, but even deſire a power to diſpenſe with it, that is, to ſet it aſide as often as he pleaſed: that this was not only in favour of the Preſbyterians, who had a better claim to indulgence than the other ſects, but moreover, in favour of all the Nonconformiſts. Nay, it was eaſy to perceive, from what he ſaid concerning the Catholicks, that his intention was to prevent their being diſtinguiſhed from the Proteſtant ſects, in caſe his deſires were complied with. This juſtice ought to be done to the high-church party, that tho' their enemies frequently brand them for Papiſts, on account of their extreme attachment to certain forms and ceremonies, yet are they as far removed from the eſſence of Popery, as the other Epiſcopalians, and even the Preſbyterians themſelves: this they have demonſtrated, on ſeveral very remarkable occaſions. The houſe of commons, which, as I ſaid, was chiefly compoſed of high-churchmen, found in the king's demand, two articles equally oppoſite to their principles, viz. indulgence for the Preſbyterians, and indulgence for the Catholicks. Wherefore, they reſolved to preſent an addreſs to the king, wherein, after the neceſſary compliments, they proceeded in the following manner.

Addreſs of the commons about the king's declaration. Feb. 27. Phillips.

'--- It is with extreme unwillingneſs and reluctancy of heart, that we are brought to differ from any thing which your majeſty has thought fit to propoſe: And tho' we do no way doubt, but that the unreaſonable diſtempers of ſome men's ſpirits, and the many mutinies and conſpiracies which were carried on, during the late intervals of parliament, did reaſonably incline your majeſty to endeavour by your declaration, to give ſome allay to thoſe ill-humours, till the parliament aſſembled; and the hopes of indulgence, if the parliament ſhould conſent to it; eſpecially ſeeing the pretenders to this indulgence, did ſeem to make ſome titles to it, by virtue of your majeſty's declaration from Breda. Nevertheleſs, we your majeſty's moſt dutiful and loyal ſubjects, who are now returned to ſerve in parliament, from thoſe ſeveral parts and places of your kingdom, for which we were choſen, do humbly offer to your majeſty's great wiſdom, that it is in no ſort adviſeable, that there be any indulgence to ſuch perſons who preſume to diſſent from the act of uniformity, and the religion eſtabliſhed: for theſe reaſons we have conſidered the nature of your majeſty's declaration from Breda, and are humbly of opinion, that your majeſty ought not to be preſſed with it any further; 1. Becauſe it is not a promiſe in itſelf, but only a gracious declaration of your majeſty's intentions, to do what in you lay, and what a parliament ſhould adviſe your majeſty to do; and no ſuch advice was ever given or thought fit to be offered, nor could it be otherwiſe underſtood, becauſe there were laws of uniformity then in being, which could not be diſpenſed with but by act of parliament. 2. They who do pretend a right to that ſuppoſed promiſe, put the right into the hands of their repreſentatives, whom they choſe to ſerve for them in this parliament, who have paſſed, and your majeſty conſented to the act of uniformity. If any ſhall preſume to ſay, that a right to the benefit of this declaration doth ſtill remain after this act paſſed. 3. It tends to diſſolve the very bonds of government, and to ſuppoſe a diſability in your majeſty and the houſes of parliament, to make a law contrary to any part of your majeſty's declaration, though both houſes ſhould adviſe your majeſty to it.

' We have alſo conſidered the nature of the indulgence propoſed, with reference to thoſe conſequences which muſt neceſſarily attend it. 1. It will eſtabliſh ſchiſm by a law, and make the whole government of the church precarious, and the cenſures of it of no moment or conſideration at all. 2. It will no way become the gravity or wiſdom of a parliament, to paſs a law at one ſeſſion for uniformity, and at the next ſeſſion (the reaſons of uniformity continuing ſtill the ſame) to paſs another law to fruſtrate or weaken the execution of it. 3. It will expoſe your majeſty to the reſtleſs importunity of every ſect or opinion, and of every ſingle perſon alſo, who ſhall preſume to diſſent from the church of England. 4. It will be a cauſe of ſects and ſectaries, whoſe numbers will weaken the true Proteſtant profeſſion ſo far, that it will at leaſt be difficult for it to defend itſelf againſt them; and which is further conſiderable, thoſe numbers, which by being troubleſome to the government, find they can arrive to an indulgence, will, as their numbers increaſe, be yet more troubleſome, that ſo at length they may arrive to a general toleration, which your majeſty hath declared againſt, and in time ſome prevalent ſect will at laſt contend for an eſtabliſhment; which, for ought can be foreſeen, may end in Popery. 5. It is a thing altogether without precedent, and it will take away all means of convicting recuſants, and be inconſiſtent with the method and proceedings of the laws of England. Laſtly, it is humbly conceived, that the indulgence propoſed, will be ſo far from tending to the peace of the kingdom, that is rather likely to occaſion great diſturbance. And on the contrary, that the aſſerting of the laws and the religion eſtabliſhed, according to the act of uniformity, is the moſt probable means to produce a ſettled peace and obedience throughout your kingdom; becauſe the variety of profeſſions in religion, when openly indulged, doth directly diſtinguiſh men into parties, and withal gives them opportunity to count their numbers; which, conſidering the animoſities that out of a religious pride will be kept on foot by the ſeveral factions, doth tend directly and inevitably to open diſturbance. Nor can your majeſty have any ſecurity, that the doctrine or worſhip of the ſeveral factions, which are all governed by a ſeveral rule, ſhall be conſiſtent with the peace of your kingdom. And if any perſon ſhall preſume to diſturb the peace of the kingdom, we do in all humility declare, that we will for ever, and on all occaſions, be ready with our utmoſt endeavours and aſſiſtance, to adhere to, and ſerve your majeſty, according to our bounden duty and allegiance.'

This addreſs, notwithſtanding the weakneſs of the reaſons alledged in it, produced the effect the commons expected, which was, to let the king ſee, it would be in vain to endeavour to obtain from the parliament a power of diſpenſing with the uniformity act. He anſwered in writing, about three weeks after, that he was unwilling to reply to their reaſons, though he found he had been miſunderſtood; but renewed his thanks for their declaration to aſſiſt him againſt any perſon, that ſhould preſume to diſturb the peace of the kingdom.

The king's anſwer. March 16. Echard.

As in the king's ſpeech and declaration, there were two articles which gave an alarm to the parliament, the one relating to the Nonconformiſts in general, the other concerning the Papiſts in particular, the commons, after acting againſt the former, reſolved alſo to proceed againſt the latter. To this end, they obtained the concurrence of the lords, for an addreſs to be jointly preſented to the king, wherein both houſes ſaid, 'That his majeſty's lenity towards the Papiſts, had drawn into the kingdom a great number of Romiſh prieſts and jeſuits: they were therefore humble ſuitors to him, to iſſue out a proclamation to command all jeſuits, and all Engliſh, Iriſh, and Scotiſh popiſh prieſts, and all ſuch other prieſts as have taken orders from the ſee of Rome, or by authority thereof, (except ſuch foreign jeſuits or prieſts, as by contract of marriage, are to attend the perſons of either of the queen's, or by the law of nations to attend foreign ambaſſadors) to depart this kingdom by a day, under pain of having the penalties of the law inflicted upon them.' The king anſwered in writing: 'That he was not a little troubled, that his lenity and condeſcenſion toward many of the popiſh perſwaſion (which were but natural effects of his generoſity and good nature, after having lived ſo many years in the dominions of Roman Catholick princes; and out of a juſt memory of what many of them have done and ſuffered in the ſervice of his father and himſelf) had been made ſo ill uſe of, and ſo ill deſerved, that the reſort of jeſuits and prieſts into this kingdom, had been thereby increaſed, with which his majeſty was and is highly offended. But that he would iſſue out a proclamation as he was deſired, and take care it ſhould be more effectual than any proclamation of that kind had ever been. He declared farther to both houſes, and all his loving ſubjects, that as his affection and zeal for the Proteſtant religion, and the church of England, had not been concealed or untaken notice of in the world, ſo he was not, nor ever would be, ſo ſollicitous for the ſettling his own revenue, or providing for the peace and tranquility of the kingdom, as for the advancement and improvement of the religion eſtabliſhed, and for the uſing and applying all proper and effectual remedies to hinder the growth of popery, both which he in truth looked upon the beſt expedients to eſtabliſh the peace and proſperity of all his kingdoms.'

The king addreſſed by the two houſes. April 1.

His anſwer Echard.

The proclamation was accordingly publiſhed, but no better obſerved than all thoſe publiſhed for the ſame purpoſe, ſince the beginning of the reign of James I. As it was not then known that the king was a Catholick, his aſſurances of zeal for the Proteſtant religion were taken for ſo many truths, which removed all ſuſpicion of his having the leaſt deſign to reſtore the Catholick religion in England. As we are now better informed, we are better able to judge of his intentions.

A proclamation againſt Romiſh prieſts. April 9. Kennet's Hiſt.

This affair being ended, the commons proceeded next to examine the ſtate of the king's ordinary revenue, and to think of means to raiſe 1200,000 l. according to their promiſe. But as this affair required a long diſcuſſion, the king, who deſigned an immediate prorogation of the parliament, thought proper to make an

attempt

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attempt for a ſpeedy and extraordinary ſupply from the commons, till his revenues ſhould be ſettled. For this purpoſe he ſent for them to the banquetting-houſe, and in a ſpeech, the moſt flattering, pathetick, and affectionate, he had ever yet made, demanded a preſent ſupply of money, without which he aſſured them it was impoſſible to ſtruggle with the difficulties, he was preſſed with. He offered to ſhew, that the 1200,000 l. formerly granted him, had been, to the laſt penny, diſpoſed for the publick ſervice. But he well knew there was no danger in the offer, tho' it was not eaſy to imagine to what publick uſe this money had been applied. However that be, the commons moved with the king's great affection for his people, and his ardent zeal for the Proteſtant religion, granted him four entire ſubſidies; and the clergy in convocation, following their example gave him the ſame.

The king demands a ſupply. June, 12. Echard.

Has it granted.

The chancellor's credit declines.

In the interim, the chancellor's credit daily declined, not that his affection for the king was leſſened, but, probably, becauſe the king, enrering into new projects, advantagious neither to the ſtate nor religion, did not believe this miniſter a proper inſtrument to aſſiſt him in the execution thereof. If the chancellor's enemies had met with incouragement from the king, he would have been already diſgraced, but his ſervices, affection, and fidelity, as well during the king's exile, as ſince his reſtoration, could not eaſily be forgot. Wherefore he was continued, not only in his poſt, but even in ſome degree of favour, which made the Papiſts fear, he would at laſt recover his credit, and break all their meaſures. This probably engaged the earl of Briſtol, a profeſſed Papiſt, to endeavour utterly to ruin the chancellor, by impeaching him before the lords of high-treaſon; believing doubtleſs, the king would not be diſpleaſed to ſee him fall by this means, without his having any hand in it. But if it was eaſy to accuſe the chancellor, it was difficult to draw an impeachment ſo plauſible and coherent as to make him appear criminal. The articles exhibited againſt him by the earl of Briſtol, were to this effect:

Burnet.

Articles of accuſation againſt him. July 10. Kennet.

'1. That he had endeavoured to alienate the hearts of his majeſty's ſubjects, by artificially inſinuating to his creatures and dependants, that his majeſty was inclined to Popery, and deſigned to alter the eſtabliſhed religion,

'2. He had ſaid to ſeveral perſons of his majeſty's privy-council, 'That his majeſty was dangerouſly corrupted in his religion, and inclined to Popery: that perſons of that religion had ſuch acceſs, and ſuch credit with him, that unleſs there was a careful eye had unto it, the Proteſtant religion would be overthrown in this kingdom.

'3. Upon his majeſty's admitting Sir Henry Bennet to be ſecretary of ſtate, in the place of Sir Edward Nicholas, he ſaid, "That his majeſty had given 10,000 l. to remove a zealous Proteſtant, that he might bring into that place of high truſt a concealed Papiſt.

'4. In purſuance of the ſame traiterous deſign, ſeveral friends and dependants of his have ſaid aloud, 'That were it not for my lord chancellor's ſtanding in the gap, Popery would be introduced into this kingdom.

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'5. That he had perſuaded the king contrary to his reaſon, to allow his name to be uſed to the pope and ſeveral cardinals, in the ſollicitation of a cardinal's cap for the lord Aubigney, great almoner to the queen: In order to effect which, he had employed Mr. Richard Bealing, a known Papiſt; and had likewiſe applied himſelf to ſeveral popiſh prieſts and jeſuits for the ſame purpoſe, promiſing great favour to the prieſts here, in caſe it ſhould be effected.

'6. That he had likewiſe promiſed to ſeveral Papiſts, he would do his endeavour, and ſaid, "He hoped to compaſs the taking away all penal laws againſt them; to the end they might preſume and grow vain upon his patronage; and by their publiſhing their hopes of a toleration, encreaſe the ſcandal endeavoured by him to be raiſed throughout the kingdom.

'7. That being intruſted with the treaty betwixt his majeſty, and his royal conſort the queen, he concluded it upon articles ſcandalous and dangerous to the Proteſtant religion: Moreover he brought the king and queen together, without any ſettled agreement about the performance of the marriage-rites: whereby the queen refuſing to be married by a Proteſtant prieſt, in caſe of her being with child, either the ſucceſſion ſhould be made uncertain for want of due rites of matrimony, or elſe his majeſty be expoſed to a ſuſpicion of his being married in his own dominions by a Romiſh prieſt.

'8. That having endeavoured to alienate the affections of the king's ſubjects, upon the ſcore of religion, he made uſe of all malicious ſcandals and jealouſies to raiſe to himſelf a popular applauſe of being the zealous upholder of the Proteſtant religion.

'9. That he further endeavoured to alienate the affections of the king's ſubjects, by venting, in his own diſcourſe, and thoſe of his emiſſaries, opprobrious ſcandals againſt his majeſty's perſon, and courſe of life, ſuch as are not fit to be mentioned, unleſs neceſſity ſhould require it.

'10. That he endeavoured to alienate the affection of the duke of York, from his majeſty, by ſuggeſting to him, that his majeſty intended to legitimate the duke of Monmouth.

11. That he had perſuaded the king, againſt the advice of the lord-general, to withdraw the Engliſh garriſons out of Scotland, and demoliſh all the forts built there, at ſo vaſt a charge to this kingdom; and all without expecting the advice of the parliament of England.

'12. That he endeavoured to alienate his majeſty's affections and eſteem for his preſent parliament, by telling him, 'That there was never ſo weak and inconſiderable a houſe of lords, nor never ſo weak and heady a houſe of commons; and particularly, that it was better to ſell Dunkirk, than to be at their mercy for want of money.

'13. That, contrary to a known law made laſt ſeſſions, by which money was given and applied for the maintaining of Dunkirk, he adviſed and effected the ſale of the ſame to the French king.

'14. That he had, contrary to law, enriched himſelf and his creatures by the ſale of offices.

'15. That he had converted to his own uſe vaſt ſums of publick money raiſed in Ireland, by way of ſubſidy, private and publick benevolences, and otherwiſe given and intended to defray the charge of the government in that kingdom.

'16. That having arrogated to himſelf a ſupreme direction of all his majeſty's affairs, he had prevailed to have his majeſty's cuſtoms farmed at a lower rate than others offered, and that by perſons, with ſome of whom he went a ſhare, and other parts of money reſulting from his majeſty's revenues.'

Rejected by the lords. Echard.

Without entering into the particulars of this charge, I ſhall content my ſelf with obſerving, it was unanimouſly rejected, as improbable, and even contradictory. For beſides that the earl of Clarendon was known to be no leſs prejudiced againſt the Papiſts than againſt the Presbyterians, it could not but appear ſtrange, that an open and declared Papiſt, as the earl of Briſtol was, ſhould accuſe the chancellor of favouring the Romiſh religion, and, on the other hand, of inſinuating, that the king was a Papiſt, in order to alienate the affection of his ſubjects. But what was ſtill more extraordinary in this impeachment, is, that the inſinuations the chancellor was accuſed of, concerning the king, were true in themſelves, and that the earl of Briſtol pretended to repreſent them as ſlanders.

The revenue of the poſt ſettled on the duke of York. ibid.

In this ſeſſion, the parliament granted the duke of York the revenues, of the poſt-office and wine-licenſes. Theſe revenues which afterwards conſiderably increaſed, enabled the duke of York to keep a ſeparate court, and live independent of his brother.

The parliament prorogued. ibid.

The 27th of July, the king gave his aſſent to the ſubſidy-act, and ſome others, after which he prorogued the parliament to the 16th of March the following year 1663-4.

The king makes a progreſs. ibid.

Shortly after, the king and queen made a progreſs into the weſt, where they were received with great pomp and magnificence, particularly at Oxford. This was only a journey of pleaſure, and after five or ſix weeks ſpent in it, they returned to London in October.

A plot of the Republicans and Independants. Ludlow.

While the king was upon his progreſs, a conſpiracy was diſcovered, carried on by the old Republicans and Independents, to reſtore the commonwealth. It is pretended, they were to ſeiſe ſeveral towns, particularly in the north, where they believed themſelves ſtrongeſt, and then raiſe a general inſurrection. But being diſcovered by one of the complices, many were apprehended, and 21 convicted, and executed the January following. It was aſſured, that Ludlow and Lambert were to head theſe rebels, tho' the firſt never ſtirred out of Switzerland, where he had fled for refuge. As for Lambert, beſides that he never left the Iſle of Guernſey, where he was confined, if any proofs had appeared againſt him, he would, doubtleſs, not have been ſpared. It is true, Ludlow, in his Memoirs, ſeems to own, there was, this year, ſome project ſet on foot by the Republicans in England.

This year died Dr. Juxon archbiſhop of Canterbury, and was ſucceeded by Gilbert Sheldon biſhop of London.

The king's ſpeech to the parliament. Echard.

The parliament meeting the 16th of March, the king, in a ſpeech to both houſes, demanded a repeal of the triennial act made in 1641. To come to this demand, he enlarged on the late conſpiracy, which he ſaid was ſtill on foot, and that there were men, who, on pretence that this parliament was at an end, by ſome clauſe in the triennial bill, fancied they might aſſemble themſelves, and chuſe new members. He deſired the two houſes not to leave an act in being, which paſſed in a time very uncareful for the dignity of the crown, or ſecurity of the people. Laſtly, he told them, he loved parliaments; that never king was ſomuch beholden to them as himſelf, nor did he believe the crown could ever be happy without frequent parliaments; but he would never ſuffer a parliament to come together by the means preſcribed by that bill. He then told them, that the four ſubſidies granted the laſt ſeſſion, had fallen very ſhort of what he expected, or they intended: That the revenues of the exciſe, and tunnage and poundage were greatly diminiſhed by the frauds of brewers and merchants, and the tax upon chimnies declined, the laſt half year having brought in leſs than the former. He therefore prayed them to let him have the collecting of this tax by his own officers.

1664. The act of triennial parliaments revoked.

The commons returning to their own houſe, proceeded immediately upon a bill to repeal the triennial act, and made another in its room, viz. that the ſitting of parliament ſhould not be diſcontinued above three years at moſt. This bill being ready, and paſſed by the lords, the king came to their houſe the 5th of April, and gave it the royal aſſent.

Cauſe of the Dutch war. Phillips.

The king had ſometime ſince reſolved upon a war with Holland; but it is difficult to know the true motive of this reſolution. For the cauſes alledged were only general, except the taking of two ſhips in the Eaſt-Indies, valued at the moſt but at 8 or 10,000 l. ſterling. If ſome Engliſh hiſtorians are to be credited, the king had no thoughts of this war: The Dutch were the aggreſſors, and being incouraged by promiſe of great aſſiſtance from France, ſought a quarrel with England. They alſo pretend, it was ſolely at the preſſing inſtances of the parliament, that the king was drawn into this war, to revenge the wrongs and damages done by the Dutch to the Engliſh in India, Africa, and elſewhere. But as theſe hiſtorians deſcend not to particulars, but keep to generals, the reader would be very ill informed, if he adhered only to what they ſay. I ſhall therefore relate here what I meet with in others, who more fully explain this affair.

Baſnage.

The 27th of April 1662, the ſtates-general of the United-Provinces made a treaty with the king of France, by which both parties ingaged to aſſiſt one another, in caſe of any attack upon either in Europe. The ſame year they made a like treaty of league and alliance with the king of England. This had relation to another made in *1659*, between England and the ſtates before the king's reſtoration, and and ſeemed to be renewed only to remove the defect of that of *1659*, made on the part of England by an unlawful authority. However, it happenned, in the interval between the two treaties, that the Dutch had ſunk or taken in the Indies two Engliſh ſhips, called the Bonadventure and the Good-Hope, which occaſioned a miſunderſtanding between the two nations. The Engliſh pretended, theſe two ſhips were attacked without any juſt cauſe, and the Hollanders maintained the contrary. In the treaty of *1662*, the affair of theſe two ſhips was again debated; but as their value was inconſiderable, it was not thought proper to delay a treaty advantagious to both nations. It was therefore agreed, that the Engliſh ſhould be allowed to proſecute the proceſs, commenced on account of theſe ſhips, and the ſtates depoſited 80,000 florins by way of ſecurity, to pay the full value in caſe the affair was decided againſt them. Some time after another diſpute aroſe upon the ſame ſubject, and this was, the king pretended, that the ſtates-general were judges of this proceſs, to which the ſtates replied, that it belonged to the cognizance of the admiralty of Amſterdam, who only had a right to decide it. The affair remained in this ſtate till April this year *1664*, when the commons, after inquiry into the obſtructions of the trade of the nation, voted, and obtained the concurrence of the lords to their vote, 'That the wrongs, diſhonours, and indignities done to his majeſty by the ſubjects of the united-provinces in India, Africa, and elſewhere; and the damages done by them to the Engliſh merchants, are the greateſt obſtructions of the trade of England. That the ſame be ſpeedily preſented to his majeſty, and he be moved to take ſome effectual courſe for redreſs of theſe injuries, and all other of the like nature, and for prevention of the like for the future. And in proſecution thereof, they will with their lives and fortunes aſſiſt his majeſty, againſt all oppoſitions whatſoever.' In purſuance of this reſolution, the two houſes preſented, the ſame day, an addreſs to the king, to which on the morrow, they received this anſwer in writing. 'That he was pleaſed with their zeal for the advancement of trade, and the removal of all obſtructions which might hinder the ſame; being convinced, that nothing would more contribute to the honour of the nation, and the proſperity of his people. That he would examine the particular complaints which had been repreſented to his parliament, and order his miniſter in Holland to demand ſpeedy reparation, and in caſe of a denial, he relied on their promiſe and declaration to ſtand by him.'

Vote of the parliament againſt the Dutch. Echard.

The parliament addreſſes the king. His anſwer. April 27. Echard.

It is eaſy to ſee, that no particulars were ſpecified either in the addreſs or the anſwer, and that hitherto all was confined to generals. It will afterwards appear, that the Engliſh always kept to the ſame expreſſions, till the negotiation of the peace, when they were obliged to declare wherein conſiſted the injuries they complained of, the principal of which was found to be the loſs of the two ſhips before-mentioned. It is now time to ſhew, that when theſe complaints were brought to the parliament, the king had already reſolved on the war, and that theſe complaints were only deſigned to furniſh a pretence, and ingage the parliament to grant him the neceſſary ſupplies to ſupport it.

Since the treaty of *1662*, the ſtates had greac cauſe of complaints againſt the Algerines, notwithſtanding the peace concluded with them in *1661*. England was no leſs concerned than the ſtates in the depredations committed by the Algerines upon all ſorts of ſhips, and therefore the ſtates deſired the king of England to join a ſquadron of his ſhips with a fleet they were equipping, to oblige the Algerines to a more exact obſervation of the peace. The king anſwered, he had rather act ſeparately.

Baſnage.

After this anſwer, the ſtates ſent Ruyter into the Mediterranean, with a ſquadron of 12 ſhips, and the king ſent thither a fleet of 20 ſail under the command of Lawſon. Theſe two fleets departed in May this year, and about the ſame time the duke of York, as governor of the royal African company, ſent vice-admiral Holms to Cape Verde, with a ſquadron of 14 men of war, to take all poſſible advantages againſt the Dutch Eaſt-India company. Lawſon meeting Ruyter in the Mediterranean, was ſaluted by the Dutch admiral, but returned not the compliment, contrary to what had been ſtipulated in the treaty of *1662*. It is not neceſſary to take notice here of the little ſucceſs Lawſon and Ruyter had againſt the Algerines. What Holms did at Cape Verde is much more material.

D'Eſtrades

In the months of Auguſt and September, Holms made himſelf maſter of fort St. Andrews, and moſt other places belonging to the Dutch, in the neighbourhood of Cape Verde; and, after taking the fort built on the Cape itſelf, he gave it the name of York. He erected a fort in the mouth of the river Gambia, and then ſailing for Guinea, ſeized all the forts the Dutch had on that coaſt, except fort Achin and fort St. George de Mina. After this he returned to England. Now, if it be conſidered, that Holms ſailed from England in May, or at the lateſt, in June: that ſome time was required to equip this fleet, and that the parliament's addreſs was preſented to the king but the 27th of April, it will be eaſily perceived, that the war was reſolved in England before any complaints of depredations committed by the Dutch were repreſented to the parliament, and that theſe complaints were only pretences for the war. It muſt be obſerved, that not a ſingle Engliſh hiſtorian ſpeaks of the hoſtilities committed by Holms at Cape Verde and Guinea, long before any declaration of war.

D'Eſtrades

But what clearly ſhews, the king, ſince his reſtoration, had ever intended this war, is, his conduct whilſt the treaty between France and the ſtates was negotiating at Paris: for he did his utmoſt to obſtruct it. The principal condition of this treaty conſiſted, in a reciprocal guaranty of what the two parties poſſeſſed, or ſhould afterwards lawfully acquire. In this general clauſe, the ſtates comprehended the article of the fiſhery, as an eſſential article, and the king of France made no objection to it. But Charles oppoſed it, and endeavoured to hinder the king of France from agreeing to that article. Lewis, in complaiſance to Charles, ſought expedients to ſatisfy him, by confining himſelf to a general guaranty, which ſhould include all without exception. But the ſtates refuſed to conclude the treaty, unleſs the article of the fiſhery was expreſly inſerted in the guaranty. Charles finding, the king of France would at laſt conſent, ordered count d'Eſtrades, the French ambaſſador at London, to be told, that he had reſolved to oblige the ſhips of all nations without exception, to ſtrike to his. But perceiving, the king of France, inſtead of being intimidated by this menace, anſwered it in a high ſtrain; he let him know, he would deſiſt from this pretenſion as to him, provided he would deſiſt from the guaranty of the fiſhery in favour of the Dutch. But Lewis, being ſenſible, the Dutch would never recede from that particular clauſe, agreed to it at laſt, and the treaty was concluded.

Hence it appears, that Charles was then ſeeking a quarrel with the Dutch, on the article of the fiſhery. But finding France had expreſly engaged to be guaranty of it, he himſelf concluded, that very year, a treaty of alliance with the Dutch, in expectation of ſome other occaſion to begin a war with them.

This deſign was no longer deferred, than till the beginning of this year 1664, when a fleet was preparing in England, to act at Cape Verde, and in Guinea, under the command of Holms. Shortly after, ſome Engliſh merchants complained to the parliament of the horrible depredations of the Dutch. But it was never known wherein conſiſted the injuries received by the Engliſh. This extraordinary proceeding is a clear evidence, the court was in good underſtanding with thoſe who complained to the parliament. For, naturally, and according to the uſual practice in ſuch caſes, they ſhould have firſt brought their complaints to the king, who ſhould have applied to the ſtates for redreſs, and, in caſe of refuſal, demanded the aſſiſtance of his parliament. But here the order was inverted. The parliament was firſt addreſſed to, who prayed the king to demand immediate reparation, and offered their aſſiſtance to carry on a war againſt the ſtates, before it was known, whether theſe complaints had any foundation, or whether the ſtates were inclinable to repair the pretended damages. All this demonſtrates, the war was reſolved, before the parliament was informed of the cauſes and grounds of it. For it was May before the king, by his ambaſſador, Downing. demanded of the ſtates reparation for theſe pretended injuries.

What I have been ſaying, is farther confirmed by the ſpeaker's ſpeech to the king, at the prorogation of the parliament, wherein he ſaid, the houſe, upon examination of the reaſons of the decay of trade, had found, that the Dutch, within a few years, had ſpoiled his ſubjects, to the value of 7 or 800,000 l. tho' Downing had not yet preſented his memorial to the ſtates, nor, conſequently, received any anſwer.

Acts. Echard.

The 17th of May, the king coming to the parliament, the ſpeaker preſented the bills which were ready, and amongſt the reſt, one for empowering the king to levy the chimney-mony by his own officers, as he had deſired. This bill was afterwards the cauſe of great vexations, complaints, and murmurs which obliged king William III. to drop this tax, tho' as it was levied in the reigns of Charles II. and James II, it amounted to above 256,000 l. a year. After the ſpeaker had mentioned this bill, he told the king:

The ſpeaker's ſpeech to the king. Echard.

' -- Whilſt we were intent upon theſe weighty affairs, we were often interrupted by petitions, and letters, and motions, repreſenting the unſettled condition of ſome counties, by reaſon of Phanaticks, Sectaries, and Nonconformiſts: They differ in their ſhapes and ſpecies, and accordingly are more or leſs dangerous; but in this they all agree, they are no friends to the eſtabliſhed government either in church or ſtate, and if the old rule be true, Qui eccleſiæ contradicit non eſt pacificus, we have great reaſon to prevent their growth, and to puniſh their practice. To this purpoſe, we have prepared a bill againſt their frequenting of conventicles, the ſeed-plots and nurſeries of their opinions, under pretence of religious worſhip. The firſt offence is made puniſhable with 5 l. or three months impriſonment, and 10 l. for a peer: The ſecond offence, with 10 l. or ſix months impriſonment and 20 l. for a peer: But the third offence, after a tryal by a jury, and the tryal of a peer, by his peers, the party convicted ſhall be tranſported to ſome foreign plantation, unleſs he lays down 100 l. Immedicabile vulnus enſe reſcindendum ne pars ſincera trahatur." ----

A reflection upon this act.

The Presbyterians were more numerous than all the other ſects together. Since the king's reſtoration, they had never been accuſed of an inſurrection againſt the government, or of entering into the plots of the Anabaptiſts and Republicans; and yet, by this act they were made liable to the ſame penalties as the other ſects; and, on pretence that their religious meetings were nurſeries of their opinions, againſt the government in church and ſtate, they deſerved to be tranſported to America, if they had the boldneſs to aſſemble three times. It ſeems, that by this extreme rigour, it was not ſo much deſigned to puniſh their pretended tranſgreſſions, as to drive them to deſpair, that they might render themſelves guilty indeed.

Prorogation of the parliament. Echard.

After paſſing theſe acts, the king prorogued the parliament to Auguſt, ſignifying withal, that it ſhould not meet till November, unleſs a certain affair obliged him to aſſemble it ſooner.

The king demands reparation of damages. Baſnage.

This affair was the Dutch war, which the king had reſolved. For this purpoſe, Downing preſented to the ſtates a memorial, drawn in very high terms, wherein he demanded, on the part of the king, reparation for the damages done to the Engliſh, which by his calculation amounted to 7 or 800,000 l. ſterling. After the moſt diligent ſearch, I have not been able to diſcover the particular Articles of theſe damages, except the two ſhips before-mentioned, and another article concerning the iſle of Poleron, of which I ſhall ſpeak hereafter. Wherefore, in imitation of the Engliſh hiſtorians, I am forced to leave the reader in the dark, with regard to the particulars of the damages on which this war was founded.

An ambaſſador ſent from the ſtates. Kennet.

The king was bent on a war at any rate, whilſt the ſtates uſed all poſſible endeavours to avoid it. Nevertheleſs, not judging it proper to treat with Downing, who behaved to them with great haughtineſs, they ſaid in anſwer to his memorial, that they would ſend an ambaſſador to the king. Accordingly, they diſpatched Van Goch, who had his firſt audience of the king the 25th of June. As he was ſpeaking, at this audience, of the trade of Africa, kand the Weſt-Indies, the king interrupted him, and ſaid, it was not to be ſuffered, that the Dutch Weſt-India company ſhould pretend, by means of three or four ſhips, and a few forts on the coaſt of Guinea, to exclude other nations from that commerce. The ambaſſador anſwered, the difficulties about that affair were terminated by the laſt treaty, and it ought to be examined, whether the Dutch had acted contrary to it. Afterwards, the ſtates being informed of the hoſtilities committed by Holms at Cape Verd, and in Guinea, their ambaſſador complained to the king; who anſwered, he had not the leaſt knowledge thereof. Some days after, the ambaſſador preſented a large memorial on that ſubject, with a freſh complaint, that the king had forbid the importation of Dutch commodities into England. The king gave the ſame anſwer, as before, to the firſt article of this memorial, that he had no knowledge of what was acting by Holms; and to the ſecond, that the prohibition of commodities, was upon the account of the plague then reigning in Holland. It appeared afterwards, that the king pretended, the affair of Cape Verd and Guinea did not concern him, but was a private difference between the Engliſh and Dutch companies, and therefore it had not been neceſſary to inform him of it. But it will hardly be conceived, that the duke of York, as governor of the royal African company, ſhould ſend a fleet of 21 men of war to Guinea without the king's knowledge.

Preparations for war.

The city of London lends the king money. Echard.

While Downing at the Hague, and Van Goch at London, fruitleſsly preſented memorials upon memorials, the king was diligently equipping his fleet. As he wanted money, he borrowed 100,000 l. of the city of London, who willingly lent him that ſum, in the belief, that he intended only the good of the Engliſh trade, by the deſtruction of that of Holland. The ſtates, on their ſide, prepared for their defence; but not with the ſame vigour that their enemies were preparing to attack them. Their deſign was to gain time, in hopes, their fleets of merchant men would return before the declaration of war; and the king's intention was to intercept thoſe fleets before the publiſhing of any declaration.

The Engliſh intercept the Dutch merchant-men returning from Bourdeaux before the war was declared.

A reflection upon this procedure. Echard.

The king diſcovered his deſign in a manner not to be miſtaken. For ſending his fleets to ſea, under the command of the duke of York, as high-admiral, this fleet met, in November, with the Dutch Bourdeaux fleet, home-ward bound, laden with wine and brandy, and took 130 ſhips, which were brought into England, and condemned for lawful prizes, tho' no war had yet been proclaimed. It is needleſs to reflect on the king's conduct, or on the judgment of the Engliſh admiralty. Every unprejudiced perſon will eaſily believe, that the law of nations was never more unjuſtly, or more manifeſtly violated. In vain do ſome hiſtorians endeavour to palliate this action, with two reaſons, which diſcover, by their weakneſs, how much they themſelves were perſuaded of the reality of this injuſtice. The firſt is, that about the ſame time, Ruyter diſpoſſeſſed the Engliſh of their factories at Cape Verd, and on the coaſt of Guinea. But, firſt they take no notice, that theſe factories were mere uſurpations of the Engliſh, who had the ſame year diſpoſſeſſed the Dutch of them. Secondly, Ruyter did not recover the forts at Cape Verd, and on the coaſt of Guinea, till the following year, 1665. For it muſt be conſidered, that Holms committed his hoſtilities at Cape Verd, in the months of Auguſt and September, and afterwards ſailed to the coaſt of Guinea, where he ſeized ſeveral forts. This news muſt therefore be brought to Holland, the ſtates muſt ſend to Ruyter in the Mediterranean to repaſs the Streights, and ſail to Cape Verd; and laſtly, Ruyter muſt execute his orders, and the news of his expedition be carried to England. Now if all this cannot be effected within the ſpace of ſix weeks, how is it poſſible to juſtify the taking of the Bourdeaux fleet in November, on account of Ruyter's expedition to Cape Verd and Guinea, three months after? The ſecond reaſon is, that this war was not the project of the king, but the voice of the people and parliament; as if, even on this ſuppoſition, the people and parliament were leſs obliged than the king to obſerve the law of nations. But this was not the only fault of this nature committed by Charles II, through a deſire of money.

Charles refuſes the French king's Mediation. Echard.

Mean time, the king of France apprehending he ſhould atlaſt be involved in this war, by aſſiſting the ſtates, purſuant to the treaty of 1662, believed it incumbent upon him to uſe ſome endeavours to prevent it, and to that end offered his mediation to the two parties. The ſtates willingly accepted it, but it was rejected by Charles, who ſaid, he would enter into no negotiation, till he had received entire ſatisfaction on his demands. He had now ſent Sir Richard Fanſhaw to Spain, and the lord Holles to France to endeavour to ingage theſe two crowns in a war with the Dutch. But he ſucceeded neither at Paris nor Madrid. Nevertheleſs, he perſiſted in his reſolution, to make war, tho' he had no other reaſons to alledge for it than the pretended depredations committed by the Dutch upon the Engliſh, the particulars of which were never known to this day.

Conjecture upon the grounds of this war. Burnet.

When it is conſidered, with what animoſity this war was undertaken and purſu'd, not only by the king, duke of York, and the Miniſtry, but even by the parliament, one can hardly help thinking, that they who excited this animoſity, had ſome other ſecret end than that of ſupporting trade. But hitherto, conjectures only have been offered on this ſubject. Some ſay, this war ought to be aſcribed to the duke of York's ambition, who was impatient to diſtinguiſh himſelf, by commanding, as lord high-admiral, the king his brother's fleet. Others believe, the king finding his coffers empty, not withſtanding all the money given him by parliament, and that raiſed by the ſale of Dunkirk, ingaged by intrigues the parliament to propoſe this war to him, to have a pretence of demanding extraordinary ſupplies, which ſhould not be all expended in the war. There are others who believe, the king, the parliament, the city of London, found this war abſolutely neceſſary to humble the maritime power of the Dutch, who aimed to engroſs the whole commerce of Europe, as they had already done that of the Indies: That tho' the cauſes of the war were never fully made known, every one underſtood, it was a war occaſioned by the jealouſy of trade. Laſtly, there are who ſuſpect, that the project to introduce Popery into England being now formed, the execution of it was only ſuſpended till the Dutch were rendered unable to ſuccour the Engliſh Proteſtants, ſince it was only from them that they could receive aſſiſtance. I ſhall not take upon me to determine what were the ſecret motives of this war, which certainly was undertaken on very ſlight grounds, as will hereafter more fully appear.

The king's ſpeech to the parliament for money. Echard.

The parliament meeting the 24th of November, after two prorogations, the king made a ſpeech to both houſes, upon the preſent affair, namely, the war with the ſtates-general. He ſaid, that upon the ſtock of his own credit he had ſet out a fleet, not inferior to any England had ever ſeen, and which had coſt him 800,000l. All this tended to demand of the commons a proportionable ſupply. He then added,

------ 'I know not whether it will be worth my pains to endeavour to remove a vile jealouſy which ſome ill men ſcatter abroad, and which I am ſure will never ſink into the breaſt of any man who is worthy to ſit upon your benches; That when you have given me a noble and proportionable ſupply, for the ſupport of the war, I may be induced, by ſome evil counſellors (for they will be thought to think very reſpectfully of my own perſon) to make a ſudden peace, and get all that money for my own private occaſions. I am ſure you all think it an unworthy jealouſy, and not to deſerve an anſwer. I would not be thought to have ſo brutiſh an inclination to love war for war's ſake. God knows, I deſire no bleſſing in the world ſo much, as that I may live to ſee a firm peace between all Chriſtian princes and ſtates. But let me tell you, and you may be confident of it, that when I am compelled to enter into a war, for the protection, honour and benefit of my ſubjects, I will, God willing, not make a peace, but upon the obtaining and ſecuring thoſe ends for which the war is entered into: And when that can be done, no good man will be ſorry for the determination of it.'

It will be ſeen hereafter, how the king diſcharged his promiſe in this ſpeech. After he had done, he farther declared to them, that he did intend the lord chancellor ſhould have made a narrative concerning the treaty and manner of proceeding with the Dutch; but the chancellor being laid up with the gout, he had ordered the narrative to be put into writing, which was delivered to both houſes.

The Parliament thanks the city of London. Echard.

It will be eaſily imagined, this narrative contained only what ſhould inflame the parliament. But the hiſtorians have not been pleas'd to relate the contents, perhaps for want of knowing them. Be this as it will, the king found the king found the parliament ſo well diſpoſed in his favour, that the two houſes, by ſix lords and twelve commoners, ſent their thanks to the city of London for their loan to the king. A few days after, the commons voted the king a ſupply of 2,500,000 l. towards the maintenance of a war ſo neceſſary to the ſtate; and in leſs than three weeks, ways and means were found for raiſing that ſum in three years; after which both houſes adjourned to the 12th of January.

A declaration concerning letters of mart againſt the Dutch. Echard.

Immediately after, the king publiſhed a declaration, by which general repriſals were granted againſt the ſhips, goods, and ſubjects of the ſtates-general, and the court of admiralty order'd to condemn them as prizes, according to the courſe of admiralty, and law of nations. This declaration was founded upon the grievous damages and inſults done to the Engliſh, but without ſpecifying one article.

The Engliſh take a great many Dutch veſſels. Kennet.

When the Bourdeaux fleet had been ſeized and condemned, the Engliſh took all the Dutch ſhips they met, tho' the war was not yet proclaimed. But it was much worſe ſince the declaration for general repriſals had been publiſh'd.

When the ſtates were informed of the hoſtilities committed by Holms at Cape Verd and in Guinea, they ſent an expreſs to Ruyter, to order him to repaſs the Streights, and ſail towards theſe coaſts, to recover what the Dutch Weſt-India company had loſt. Ruyter executed this order with great vigour, and retook moſt of the forts ſeized by the Engliſh. He likewiſe took ſeveral of their ſhips. This news reached London the beginning of February, and furniſh'd the king with a new pretence for the declaration of war, which was publiſhed in a few days.

The money bill is paſſed. Echard.

The parliament meeting the 12th of January, the houſe of commons proceeded immediately to the money-bill, as the moſt preſſing affair. This bill being ready, the king came to the houſe to give his aſſent, after which, war was formally declared againſt the ſtates-general. This declaration was founded upon the numberleſs injuries and unſpeakable damages, the Engliſh had ſuffered from the Dutch, without being able to obtain the leaſt reparation. The king added, that the ſhips belonging to the Dutch were not detained by him, till he found that Ruyter was order'd, not only to abandon the conſortſhip againſt the Algerines, to which he had been invited by the ſtates, but alſo to uſe all acts of depredation againſt his ſubjects in Africa. He therefore declared to all the world, that the Dutch were the aggreſſors, and ought in juſtice to be ſo looked upon by all men.

A remark upon this declaration.

What is very aſtoniſhing in this declaration is, that the king did not even take care to preſerve appearances, as if his ſubjects, and all Europe, had been void of common ſenſe, or it was not known that the fleet from Bourdeaux had been intercepted in November, before Ruyter had reached Guinea. He pretended, that all the world muſt be ignorant, becauſe he himſelf feigned not to knew, that Holms had begun hoſtilities at Cape Verd and in Guinea, in Auguſt and September. In ſhort, he would have all the world, believe on his bare word, that the Engliſh had ſuffered grievous damages, without his vouchſafing to ſpecify one ſingle injury. This declaration was approved of by 22 privy-counſellors only, the earls of Southampton and Carendon having been either unable or unwilling to be preſent when it was reſolved. It was dated the 22d of February, but was not publiſhed till the 2d of March.

The parliament prorogued.

The king having notice that ſome bills were ready for the royal aſſent, came to the parliament the 2d of March, and after paſſing the bills, which were of no great importance, he prorogued the parliament to the 21ſt of June. Afterwards, he continued the prorogation to the 1ſt of Auguſt, and then to the 9th of October.

The clergy give up their right of taxing themſelves. Burnet.

In this ſeſſion the clergy voluntarily reſigned their right of taxing themſelves in convocation, and from this time have been taxed in common with the people in parliament. This has made convocations leſs neceſſary to the king, and conſequently leſs conſiderable in themſelves.

1665. Echard.

The war being declared, the duke of York, in the end of March, repaired to the fleet which he was to command; conſiſting of 107 men of war, and 14 fire-ſhips. But as the fleet was not yet ready, he could not ſail till May.

The king of France's conduct with regard to the war between England and Holland. d'Eſtrades.

Some time ſince, the ſtates, perceiving a war unavoidable, had preſſed the king of France to declare againſt England, purſuant to the treaty of 1662, but had not yet prevailed. Charles on his ſide ſollicited him to abandon the ſtates, and allured him with very tempting advantages. So, Lewis was not a little embarraſſed. He was deſirous to keep fair with the king of England, whom, he foreſaw, he might want; and, on the other hand, if he abandoned the ſtates, there was danger of their being overcome, and of penſionary De Wit loſing all his credit. This could not happen, without a change of the government, the re-eſtabliſhment of the young prince of Orange, and the king of England's being in effect maſter in Holland. It was through the ſole influence of the penſionary that the ſtates were attached to the intereſts of France, and conſequently his fall could not but be extremely prejudicial to that kingdom. The courſe therefore which Lewis took on this occaſion, was to gain time, one while by cavilling at the terms of the treaty of 1662, another while, by giving hopes to the ſtates of his declaring againſt England, and laſtly, by a ſplendid ambaſſy to London, with the duke of Verneuil at the head of it, to mediate a peace between England and Holland. In order to know his ſituation, let us hear what he ſays himſelf in a letter to count d' Eſtrades his ambaſſador at the Hague, dated the 19th of December 1664.

His letter to the count d'Eſtrades.

-----‘ However, I own, I am a little
‘ emborraſſed, conſidering, if I litterally exe-
‘ cute the treaty of 1662, I ſhall very much
‘ prejudice my principal intereſt; and this, in
‘ favour of a nation, which not only will never
‘ be ſerviceable to me, but which I ſhall find
‘ oppoſite in the only caſe where I ſhould want
‘ them, and then, the aſſiſtance I ſhall have
‘ given them, will turn againſt me. Beſides
‘ this, I loſe England, which is upon the
‘ point of concluding a ſtrict alliance with
‘ Spain, in caſe I reject her offers, and theſe
‘ offers, for I may truſt you with the ſecret,
‘ are a Carte blancheein every thing I can de-
‘ ſire for the Netherlands, without one inch of
‘ land expected for England. Beſides the
‘ king of England himſelf ſuggeſts to me, how
‘ to avoid with honour aſſiſting the Dutch.
‘ He pretends, they are the aggreſſors: that
‘ he has a right to the forts, they have ſeiſed
‘ in Guinea: that they firſt armed: that they
‘ have made a national quarrel for a private
‘ diſpute between two companies, which they
‘ ſhould have been ſuffered to decide: that
‘ they committed the firſt act of violence in
‘ ill-treating one of his ſhips laden with maſts
‘ from Sweden. That however, I am only
‘ ingaged for what paſſes in Europe: that it
‘ is viſible all the differences, except that of
‘ Guinea, are eaſy to be adjuſted. That it is
‘ not reaſonable, their capricious obſtinacy to
‘ maintain a country for which I am not en-
‘ gaged, ſhould kindle a war in theſe parts,
‘ becauſe as I am not obliged for the princi-
‘ pal, I cannot be ſo for the acceſſions and
‘ dependencies. I omit how I was ſerved by
‘ the ſtates at Munſter, &c. What I now
‘ write muſt be a ſecret.

Reflections upon this letter.

I cannot forbear making ſome remarks on this letter.

Firſt it ſhews, the king of France did not excite the war between England and Holland, as moſt of the Engliſh hiſtorians pretend.

Secondly, if Charles had really intended the welfare of his kingdom, in undertaking this war, he would not have offered the king of a Carte blanche for the Netherlands, in order to accompliſh the deſtruction of Holland. This was a thing directly contrary to the intereſts of England, and very different from the ſatisfaction demanded, for the injuries, his ſubjects might have received from the Dutch.

Thirdly, in what Charles alledged to Lewis, there appears no proof, that the Dutch were the aggreſſors, nor any thing of the pretended damages of 800,000 l.: But that the principal point in diſpute was the propriety of ſome forts on the coaſt of Guinea, which, according to him, was an affair between the two companies, and that the reſt was eaſy to be adjuſted.

Fourthly, Charles ſuppoſes the ſtates to have made it a national quarrel, by ſending Ruyter to Guinea; but that he had not concerned himſelf with this affair, becauſe Lawſon had been ſent with 21 ſail, in the name of the duke of York, and the royal African company.

Laſtly, the ſtates had no reaſon to expect much aſſiſtance from France, unleſs the chance of war ſhould render it neceſſary for them, or the king of France find ſome conſiderable advantage in eſpouſing their quarrel.

It was therefore to gain time that the ambaſſy was ſent to London, becauſe Lewis pretended, that as long as there was any hopes of an accommodation, he was not obliged to declare againſt England. Now whilſt his ambaſſadors were at London, he could ſay, that the hope of a reconciliation was not entirely deſperate. He managed ſo artfully, that he kept them there till the end of the year 1665, declared not againſt England till January 1666, and his declaration was of little ſervice to the ſtates.

The duke of York ſails out with the Engliſh fleet. Kennet.

The duke of York ſailed with the Engliſh fleet in May, and before the Dutch could be ready, alarmed the coaſts of Holland. He continued a fortnight near the Texel, to prevent the fleet of Holland from joining that of Zealand, in which he could not fail of ſucceſs. In the mean time, he took ſeveral Dutch homeward bound ſhips, who had not been informed of the war. However, as the war was not made only to hinder this junction, the duke at laſt ſailed away, with deſign to meet Ruyter, who was returning to Holland by order of the ſtates. But finding, his proviſions were conſumed upon an uncertain expectation, he retired with his fleet to Harwich, contenting himſelf with ſending ſome frigates to cruiſe in the channel, and bring him intelligence of the enemy.

The fleet of the ſtates put under the command of Obdam. Echard.

Mean while, the Holland and Zealand ſquadrons joined, and formed a fleet of 121 men of war, beſides fire-ſhips, under the command of Obdam de Waſſenaer. He had under him Cortenaer, vice admiral of the Maeſe, Evertzen, vice admiral of Zealand, and Cornelius Tromp ſon of the famous Martin Tromp. The rear-admirals and captains were very far from anſwering to their ſuperiors in capacity, more care having been taken to fill theſe poſts with the relations and friends of thoſe, whom the penſionary wanted, to preſerve his credit, than with experienced officers. So, except 15 or 16 captains, the reſt were unexperienced. This is a misfortune to which republicks are more liable than monarchies. Tho' De Wit managed the affairs as he pleaſed, he had for enemies all the party of the houſe of Orange, who were ſpies upon his conduct, and miſrepreſented all his proceedings, in order to ruin him. The penſionary was not ignorant of it, and therefore believed, the only way to ſecure himſelf, and preſerve his authority, was to hazard a ſea engagement. Succeſs would diſarm the malice of his enemies, and the loſs of a battle, would of courſe oblige the French to execute the treaty of 1662, and ſilence the complaints and murmurs of the Orange party, who induſtriouſly publiſhed that Lewis only amuſed the ſtates. Agreeably to this reſolution, which the penſionary cauſed the ſtates to approve, an order was ſent to Obdam, to go in queſt of the enemy. He obeyed, and came in ſight of them the 1ſt of June, not far from Harwich. But the wind being ſoutherly, and the next morning ſouth-weſt, he retired to the mouth of the Maeſe. He acquainted the ſtates by an expreſs, with the reaſon of his retreat, and that he did not think proper to attack the Engliſh while they had the advantage of the wind. But he received ſtill more poſitive orders to fight, let the wind be as it would, on peril of anſwering it with his head. After ſo expreſs an order, there being no way to recede, he weighed anchor at break of day, and within an hour diſcovered the Engliſh fleet divided into three ſquadrons. The firſt under the red flag, was commanded by the duke of York, aſſiſted by Pen and Lawſon. The ſecond, being the white ſquadron, was conducted by prince Rupert, aſſiſted by Minnes and Sampſon. The third, which was the blue ſquadron, was commanded by the earl of Sandwich, who had with him Cuttings, and Sir George Aſcough.

Who receives orders to fight. Baſnage.

Sea fight gained by the Engliſh. Death of Obdam. Kennet.

I ſhall not pretend to deſcribe this engagement, fought the 3d of June, for which I own myſelf unqualified. I ſhall therefore only ſay, the Dutch fleet was overthrown, chiefly by the ill conduct of ſeveral captains, who were wanting in their duty; by the death of Obdam, who with his ſhip and all his men were blown up; by the loſs of Cortenaers who was killed upon the deck, after hoiſting the admiral-flag, and by many other cauſes which are ſcarce intelligible but to thoſe who are verſed in ſea-affairs. The Dutch loſt 19 ſhips burnt and ſunk, with about 6000 men*. On the Engliſh ſide, the loſs was only of four ſhips, and about 1500 men, among whom were Charles Berkley earl of Falmouth, admiral Sampſon, James Ley earl of Marlborough, and vice-admiral Lawſon, who died ſhortly after of his wounds†. The remains of the Dutch fleet retired to the Maeſe or the Texel, and were purſued all the next day being Sunday, tho', according to ſome, the duke of York did not in this purſuit, diſcover the ſame ardour he had ſhown in the battle. See what doctor Burnet biſhop of Saliſbury, ſays of it in his poſthumous hiſtory of his own times.

Burnet.

That famous hiſtorian ſays, ‘After the fight, a council of war was called to concert the method of action, when they ſhould come up with them. In that council, Penn, who commanded under the duke, happened to

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* Our hiſtorians ſay, that we loſt but one ſhip; and that the Engliſh took 18 Dutch men of war, and ſunk and fired about 14 more. They alſo took 2063 priſoners, where of 16 were captains. See Burchett.

† And likewiſe the lord Muskerry, and Mr. Boyle, the earl of Burlington's ſecond ſon, theſe two, with the lord Falmouth, were killed with the ſame cannon-ball, juſt by the duke of York, and ſo near him, that he was ſprinkled with their blood and brains. The earl of Portland was likewiſe killed. Burchet.

'ſay, that they muſt prepare for hotter work in the next engagement. He knew well the courage of the Dutch was never ſo high as when they were deſperate. The earl of Montague, who was then a volunteer, and one of the duke's court ſaid to me, it was very viſible that made an impreſſion: And all the duke's domeſticks ſaid, he had got honour enough: Why ſhould he venture a ſecond time? the ducheſs had alſo given a ſtrict charge to all the duke's ſervants to do all they could to hinder him to engage too far. When matters were ſettled, they went to ſleep; and the duke ordered a call to be given him when they ſhould get up to the Dutch fleet. It is not known what paſſed between the duke and Brounker, who was of his bed-chamber, and was then in waiting; but he came to Penn, as from the duke, and ſaid, the duke ordered the ſail to be ſlakened. Penn was ſtruck with the order, but did not go to argue the matter with the duke himſelf, as he ought to have done, but obeyed it. When the duke had ſlept, he upon his awaking went out upon the quarter-deck, and ſeemed amazed to ſee the ſails ſlakened, and that thereby all hope of overtaking the Dutch was loſt. He queſtioned Penn upon it. Penn put it on Brounker, who ſaid nothing. The duke denied he had given any ſuch order. But he neither puniſhed Brounker for carrying it, nor Penn for obeying it. He indeed put Brounker out of his ſervice, and it was ſaid, that he durſt do no more, becauſe he was ſo much in the king's favour, and in the miſtreſs's. Penn was more in his favour after that than ever before, which he continued to his ſon after him, tho' a Quaker. And it was thought, that all that favour was to oblige him to keep the ſecret. Lord Montague did believe, that the duke was ſtruck, ſeeing the earl of Falmouth the king's favourite, and two other perſons of quality, killed very near him, and that he had no mind to engage again, and that Penn was privately with him. If Brounker was ſo much in fault as he ſeemed to be, it was thought the duke, in the paſſion that this muſt have raiſed in him, would have proceeded to greater extremities, and not have acted with ſo much phlegm.'

Medals ſtruck in honour of the duke of York. Evelyn's Numiſm.

The duke of York, ſeeing it was in vain to continue his purſuit, retired to the coaſt of England, and repaired to Whitehall, to receive the acclamations of the court and city of London. The king appointed a day of thankſgiven throughout the kingdom for this victory, and ſeveral medals were ſtruck in honour of the victorious duke of York, who was now in a very agreeable ſituation *. For beſides that he was lord high-admiral, governor of the Cinque-Ports, and of Portſmouth, and had the benefit of the poſt-office, and the wine-licences, all which enabled him to keep a ſplendid court, he had ſtill a much more conſiderable advantage. He begun to be conſidered as heir to the crown, the king his brother having no children by his queen. This attached many to him, and particularly the Papiſts, who knew his religion, tho' he yet concealed it, as well as the king.

The queen mother returns to France. Echard.

Shortly after, the queen-mother, having reſolved to paſs the reſidue of her days in France, the king and the duke of York attended her in the Catherine Yatch to the Nore, and there took their laſt leave of her. It is very likely, ſhe was not pleaſed with having ſo ſmall a ſhare in the publick affairs, having been uſed to the contrary, in the reign of the king her husband.

The Engliſh fleet put under the command of the earl of Sandwich. July. Echard.

However glorious this firſt ſea-fight of the duke of York might be, the king and council did not think it proper he ſhould venture his perſon in a ſecond engagement. Therefore the command of the fleet was given to Edward Montague earl of Sandwich †, who uſed his endeavours to prepare it for the ſea, as ſoon as poſſible; in order to prevent that of the ſtates, which was repairing with all poſſible diligence. Beſides, the ſtates, having appointed Ruyter to ſucceed Obdam, ordered him to return immediately with the fleet, conſiſting of 17 men of war. The diligence, uſed by the ſtates to repair their fleet, was not ſo much to be revenged of the Engliſh, as to ſecure their merchant-men home-ward bound from Smyrna and the Eaſt-Indies. The Engliſh, on their ſide were leſs deſirous to fight than to ſeiſe the riches which thoſe fleets were bringing to Holland.

And that of the Dutch under Ruyter

Several Dutch ſhips retire to Berghen in Norway. Burnet.

It happened, in the mean time, that the Dutch-Smyrna-fleet, and ſeveral Eaſt-India ſhips, not daring to enter the channel, retired to the port of Berghen in Norway, waiting for Ruyter to convoy them to Holland. Mean while, the king of Denmark, diſcourſing one day with Sir Gilbert Talbot, the Engliſh envoy, made great complaints of the Dutch, who, he ſaid had drawn the Swediſh war on him, that he might be forced to have recourſe to them for ſupplies of money and ſhips, and deliver to them the cuſtoms of Norway and the Sound for their ſecurity. Upon this the envoy told him, he had now a good opportunity of being revenged, by the ſeiſure of their ſhips at Berghen, worth many millions. But the king anſwering, he wanted ſtrength to execute ſuch a deſign, the envoy told him, he doubted not but the king of England would lend him his ſhips, provided he was aſſured of equal partaking of the ſpoil; to which the

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* One of theſe medals had on one ſide, the duke's effigy in buſt, clad in a Roman mantle, with theſe words round it, JACOBUS DUX EBOR. & ALBAN. DOMIN. MAGN. ADMIRALIUS ANGLIÆ, &c. The reverſe repreſented the admiral and whole fleet in an engagement, with theſe words, NEC MINOR IN TERRIS. Jun. III, MDCLXV. Another had on one ſide, the duke in buſt, ſhort-hair, &c. with this inſcription, JACOBUS DUX EBOR. & ALBAN. FRATER AUGUSTISSIMI CAROLI II. REGIS. The reverſe, a trophy, and ſhips engaged, with theſe words, GENUS ANTIQUUM. See Evelyn's Numiſmata.

† Sir George Aſcough was vice-admiral under him, and Sir Thomas Tyddeman rear-admiral. Of the white, Sir William Penn was admiral, Sir William Berkely vice-admiral, and Sir Joſeph Jordan rear-admiral. And the blue flag was carried by Sir Thomas Allen, whoſe flag-officers were, Sir Chriſtopher Minnes, and Sir John Harman. Burchett.

1665.

The kings of England and Denmark atempt to ſeiſe them. The project miſcarries.

king of Denmark conſented. The king of England was pleaſed with Talbot's project, and ſent orders to the earl of Sandwich to ſail immediately and ſeiſe the Dutch ſhips at Berghen. The admiral readily obeyed, tho' he had received no intimation of the agreement between the two kings.

To effect this deſign, it was abſolutely neceſſary to inform the vice-roy of Norway, and the governor of Berghen of it, that they might favour it, in feigning to protect the Dutch ſhips, the king of Denmark being unwilling to appear openly. Nor was it leſs neceſſary to acquaint the earl of Sandwich with it, to prepare him againſt the noiſe and complaints of the governor of Berghen, on account of the attempt and violence of the Engliſh. But ſeveral accidents ruined this affair. The governor of Berghen, who was to receive orders from the vice-roy of Norway, was not informed ſoon enough. On the other hand, Talbot's expreſs, ſent from Copenhagen to the Engliſh fleet, was taken by the Dutch. In fine, the earl of Sandwich hearing, Ruyter was ſhortly expected, and being deſirous to perform the deed before his arrival, detached the ſquadron commanded by Sir Thomas Tyddeman, who attacqued the Dutch with great reſolution. But they now had time to put themſelves in a poſture of defence. On the other hand, the governor of Berghen, who had not yet received any particular directions how to behave, ſeeing open hoſtility, and obſerving that the ſhot from the Engliſh damaged the town, fired upon them from the citadel. In a word, this ſquadron was almoſt entirely ruined, and obliged to return to the fleet. The next day, the 4th of Auguſt, orders came to the governor of Berghen, but it was too late. It appeared, the king was not pleaſed with the earl of Sandwich's conduct, ſince, inſtead of continuing him in the command of the fleet, he ſent him ambaſſador to the court of Spain.

Ruyter arrives in Holland.

Puts to ſea. Echard.

In the interim, Ruyter arriving in Holland with many Engliſh prizes, took the oath to the ſtates as vice-admiral-general, after which he took the command of the fleet conſiſting of 93 ſhips well equipped. But tho' he bore the title of admiral, three commiſſionors attended him, viz. De-Wit the penſionary, Huygens, and Borreel, who had properly the command. The grand deſign of theſe commiſſioners was to meet the India fleet, which was to ſail round Ireland, to avoid entering into the channel. But the wind was ſo contrary, that the fleet would not have got ſoon enough out of the Texel, if the penſionary, who underſtood ſea affairs very well, had not by ſounding it himſelf all over very carefully, found more ways to get out by different winds, than was thought formerly practicable. So the fleet at laſt, ſailed out, and appeared before Berghen, where the commiſſioners gave their orders for convoying the merchant-men which were in that port. But it was not in their power to prevent a ſtorm, which diſperſed them, and threw 20 of them into the hands of the Engliſh. This ſtorm obliged Ruyter and the commiſſioners to return to Holland, with their fleet very much damaged.

1665.

A great plague in London. Skinner.

In the interim, the plague raged dreadfully in London, where it firſt appeared about the middle of May. It is ſaid, that in leſs than a year, it ſwept a way, in that ſingle city, above 100,000 perſons. The king at firſt retired to Hampton-Court, but afterwards, to be farther from London, reſided at Saliſbury.

Deſigns of the Republicans. Ludlow.

Made a handle to injure the Presbyterians.

It appears, that this year, the Republicans had projected an inſurrection, and were even encouraged by emiſſaries from the ſtates-general, who would have been glad to employ the king at home in domeſtick troubles. But this was a bare project, which ſerved only to furniſh the enemies of the Non-conformiſts with an opportunity to magnify the danget with which the kingdom was threatned from the enemies of the church in general; and to include, in that number, the Presbyterians, tho' they were not concerned in the Republican projects.

The biſhop of Munſter falls upon the Dutch. J. Phillips.

It was not only againſt England that the ſtates-general had to defend themſelves. Charles had raiſed them another enemy, who had no leſs embarraſſed them. This was the famous Bernard Van Ghalen, biſhop of Munſter, who, upon very ſlight pretences, entered the province of Overyſſel at the head of an army paid by the Engliſh. He made himſelf maſter of a great many ſmall places, and then attempted to ſurpriſe Groningen, but was repulſed. At laſt, before the end of the campaign, the king of France, and the duke of Lunenburgh having ſent a powerful aſſiſtance to the ſtates, the biſhop was forced to relinquiſh his great projects, and think of a peace, eſpecially as the money promiſed by the king of England was not regularly paid.

The parliament meets at Oxford.

The king's ſpeech. Kennet's

The parliament, which had been prorogued to the 9th of October, met on the day appointed, but at Oxford, on account of the plague which ſtill raged in London, whereas it did not much infeſt other parts of the kingdom. In his ſpeech to both houſes, the king told them, the ſupply of 2,500,000l. granted him for carrying on the war, was already ſpent. He inſiſted particularly on the great ſums paid to the biſhop of Munſter, for making a diverſion in the bowels of his enemies country; tho' it appears in Sir Whilliam Temple's letters, that theſe ſums were never well paid.

Another by the chancellor.

After the king had done ſpeaking, the chancellor by his order, enlarged upon the ſame ſubject, to ſignify to the commons, that they could not diſpenſe with putting the king in a condition to proſecute a war ſo glorious and neceſſary. Then, he ſpoke of the deſign formed by the Republicans, for the ſubverſion of the government. But, in aggravating with great warmth and eloquence the efforts and deſigns of theſe men, he took particular care not to diſtinguiſh them from the other ſects of Non-conformiſts. It was a conſtant artifice, as I have obſerved, to apply to the Presbyterians, under the general name of Non-conformiſts, all the actions and extravagances of the Independents, Anabaptiſts, and Republicans in general.

1665.

Money granted the king. Echard.

The five mile act. Burnet.

In a very few days, the commons voted the king a new ſupply 1250,000 l. to continue the war; 120,000 l. to the duke of York, for the great ſervice he had done to the nation.

After this, was brought into the houſe a bill, which paſſed without any difficulty, viz. ‘ That no Non-conformiſt teacher under what demination ſoever ſhall dwell, or come, unleſs upon the road, within five miles of any corporation, or any other place where they had been miniſters, or had preached, after the act of oblivion, unleſs they firſt took the following oath. “I do ſwear that it is not lawful, upon any pretence whatſoever, to take arms againſt the king; and that I do abhor the traiterous poſition of taking arms by his authority againſt his perſon, or againſt thoſe that are commiſſioned by him, in purſuance of ſuch commiſſions; and that I will not, at any time, endeavour any alteration of government either in church or ſtate,

The reaſon alledged in the act to juſtify this ſeverity, was, that the miniſters had ſettled themſelves in the corporations, ſometimes three or four in a place, and took opportunities to inſtil in the minds of the ſubjects, their poyſonous principales of ſchiſm and rebellion, to the great danger of the church and kingdom.

Reaſons urged againſt it. Burnet.

This bill met with great oppoſition in the houſe of lords, even from the earl of Southampton lord-treaſurer, tho' intimate friend of the earl of Clarendon, principal author of the perſecution againſt the Non-conformiſts. Indeed, the oath required to be taken, by the Non-conforming miniſters, ſuppoſed a thing, which was not generally allowed, viz. that every good ſubject and good Chriſtian, was obliged in conſcience to believe what was contained in this oath, otherwiſe it was abſurd to impoſe it on the miniſters. For there is a great difference between enjoining a certain practice, and obliging part of the ſubjects to ſwear that they believe it founded in religion and conſcience, while the reſt are left free, either to believe or not believe it. Accordingly, the commons, being aware of the force of ſo preſſing an objection, prepared a bill to oblige all the ſubjects to take the ſame oath. But the bill was thrown out, tho' only by two or three voices. At laſt, notwithſtanding theſe difficulties, the act, called the five mile act, paſſed in the houſe of lords, and the king gave it the royal aſſent the 31ſt of October, as well as to the money-bill and ſome others; after which he prorogued the parliament to the 20th of February *1665-6*.

It paſſes.

Reaſons alledged to juſtify the five mile act.

Several writers have endeavoured to juſtify the rigour of the five mile act, and what they have ſaid amounts to this.——That this rigour was occaſioned more by the ſeditious behaviour of the Non-conformiſts, than by the exerciſe of their religion. In which aſſertion, the ambiguity of the word Non-conformiſt is ſtill retained, as if all the ſects included under that denomination formed but one and the ſame body, united by the ſame common doctrines and intereſts, which is notoriouſly falſe. The Presbyterians alone were conſiderably more numerous than all the other Non-conformiſts together, and had doctrines and intereſts really ſeparate from thoſe of the other ſects. They could not be, nor were they, accuſed of boing ingaged in the conſperiacies, real, or pretended, of the Independents and Anabaptiſts ſince the king's reſtoration, who had even poſitively promiſed, they ſhould not be moleſted for their religion, after the great ſervice they had done him. And yet, becauſe their enemies had artfully included them in the general denomination of Non-conformiſts, they were to partake of the puniſhment due to the other ſects, who were called by the ſame name, tho' they had no ſort of union with them. Wherefore the reader may judge, whether this ſeverity did not partly ariſe from their religion. In ſhort, by the ſole ambiguity of the word Non-conformiſt the objection and juſt complaints of the Presbyterians, are pretended to be combated.

1665-6.

Extreme rigour ſhewn to the Preſbyerians in Scotland. Echard.

This ſame year, the council of Scotland ſhewed no leſs animoſity againſt the Presbyterians; on pretence of ſome inſolence committed by Alexander Smith, a private miniſter, a proclamation was publiſhed the 24th of December, ordering that all the ſilenced Preſbyterian miniſters ſhould, within 40 days, remove themſelves and their families from the places where they had been miniſters, and not reſide within 20 miles of the ſame, or within ſix miles of Edinburgh, or any cathedral church, nor within three miles of any royal borough, nor ſhould be more than two together in the ſame pariſh, on pain of incurring the penalties of the law againſt movers of ſedition. I own I ſee no other difference between ſentencing men to death, and putting them out of a capacity to live, unleſs, that the latter puniſhment offers thoſe who inflict it a more exquiſite vengeance. But this rigour will appear the more extreme, if it is conſidered that the Presbyterians made properly the body of the Scotch nation.

1665-6.

France declares war againſt. England. D'Eſtrades

In the beginning of the year *1666*, the king's affairs were in an ill ſituation. The king of France, preſſed by the repeated inſtances of the ſtates-general, recalled his ambaſſadors, and publiſhed the 19th of January, a declaration of war againſt England. This was not owing to his belief that the affairs of the ſtates were deſperate, (for the ſequel ſhewed they could defend themſelves without his aſſiſtance) but becauſe the penſionary, who was entirely attached to his intereſt, could no longer ſupport himſelf without this declaration; which, as will hereafter appear, was not very prejudicial to England.

The king's of Denmark joins with the ſtates. Baſnage.

On the other hand, the ſtates found means to ſecure the king of Denmark, by the promiſe of paying him yearly, as long as the war with England ſhould continue, 1500,000 florins, 300,000 of which were to be paid by the king of France. For this he engaged to maintain a fleet at ſea of 30 men of war for the ſervice of the allies.

The biſhop of Munſter makes a peace with the ſtates.

The ſtates alſo raiſed ſo many enemies to the biſhop of Munſter, that he was forced to make peace and diſband his forces. This peace was concluded at Cleve, and ſigned the 18th of April.

The

1666. The king of France not forward to ſuccour the ſtates. D'Eſtrades

The naval war was renewed in 1666, with all theſe diſadvantages to England. If the king of France had acted with the ſincerity, the ſtates thought they had reaſon to expect, very probably the Engliſh fleet would not have ventured to appear with unequal force againſt the united fleets of France and Holland. But Lewis XIV, as I have ſaid, only declared war againſt England to ſave Mr. De Wit, who was juſt ſinking, as appears in ſeveral letters of count d'Eſtrades. The penſionary being ſecure by this declaration, it was not difficult for the king of France to find pretences for retarding the aſſiſtance he had promiſed the ſtates. Tho' his declaration was publiſhed the 19th of January, the fleet which he promiſed ſhould join that of the ſtates, was in the Mediterranean, under the command of the duke of Beaufort, who, by accidents, real or pretended, arrived not at Belle-Iſle till the end of September.

On the other hand, the king of Denmark, without a junction of his fleet with that of the ſtates, contented himſelf with guarding his own coaſts. So, this year, as the laſt, the war by ſea was carried on between England and the ſtates only.

War proclaimed againſt France.

The king returning to London the 1ſt of February, proclaimed war againſt France, on the 10th.

The queen miſcarries.

A few days before, the queen miſcarried, which entirely deſtroyed the common report, that ſhe was incapable of having children.

Prince Rupert and the duke of Albemarle command the Engliſh fleet. Kennet.

The command of the Engliſh fleet was given to prince Rupert and the duke of Albemarle. They repaired to it the 23d of April, but were not ready to ſail till the end of May. It conſiſted of 78 ſhips of the line, beſides frigates and fireſhips. In all appearance, the king was till then ignorant of the French king's ſecret intentions. But he knew, the duke of Beaufort had orders to repair to Belle-Iſle with his fleet, ſaid to conſiſt of 36 ſail, to join the Dutch fleet in the channel. Wherefore, he ſent expreſs orders to prince Rupert to ſail with 20 great ſhips, and join 10 more at Plymouth, in order to go in queſt of the duke of Beaufort, which the prince immediately obeyed. It cannot well be denied that this order was ſent with too much precipitation, and without due conſideration. For, beſides that the Engliſh fleet could, without danger, have waited for the French, which could not, with ſafety, have ventured to paſs ſo narrow a ſea as the channel, while the Engliſh ſhould be in their ſtation, the French fleet was yet in the Mediterranean, when the order was ſent to prince Rupert, and that of Holland upon the point of ſailing out of their ports. The king had afterwards reaſon to ſee how unſeaſonably this order was given.

A ſea engagement. Echard.

The fleet of the ſtates, commanded by Ruyter, put to ſea with 71 ſhips of the line, 12 frigates, 13 fire-ſhips, and eight yatchs, and anchored between Newport and Dunkirk. Ruyter had under his particular conduct the ſquadron of the Maeſe: That of North Holland and Frieſeland was commanded by Evertzen, and that of Zealand by Tromp. The Engliſh having a fair wind, ſailed to attack the enemy, who on their ſide, cut their cables to be the ſooner ready to receive them. Tromp's ſhip was ſo diſabled at the firſt, that he was obliged to leave it for another. The ſame thing happened to Ruyter who was coming to his aſſiſtance, and the powder of a Dutch ſhip taking fire, ſhe blew up into the air. Ruyter ſunk an Engliſh ſhip of 50 guns, then another of 70, and afterwards three others of the firſt rate. In ſhort, this firſt day, the advantage was wholly on the ſide of the Dutch, except that they loſt vice-admiral Evertzen, who was killed by a cannon-ball.

The fight, interrupted by the night, was renewed early the next morning, but after laſting ſome hours, was diſcontinued till noon by reaſon of a calm. After that, the wind riſing, both fleets renewed the engagement with equal bravery. Tromp being once more obliged to change his ſhip, found himſelf ſo ingaged in the Engliſh fleet, that he would have been infallibly taken or ſunk, if Ruyter, by prodigious efforts, had not brought him off. This ſecond day, the Engliſh had ſtill the diſadvantage, by loſing eight of their largeſt ſhips either ſunk or burnt, and ſix taken, with Sir George Aſcough admiral of the White. The duke of Albemarle would have taken the advantage of the night to retire, but was purſued too cloſely to execute his deſign. So that he was obliged to fight all the next day, as he retired towards his own ſhore. About the evening, he diſcovered prince Rupert's ſquadron coming to his aſſiſtance. Whereupon the two Engliſh admirals attacked their enemies again the next morning. But this fourth day proved as unſucceſsful to them as the three former. They loſt four of their beſt ſhips, and were obliged to retreat with precipitation. A miſt happily conveyed them from Ruyter's purſuit. In theſe four days the Engliſh loſt 23 great ſhips, beſides ſeveral others of leſs note, 6000 men, and 2600 priſoners. Amongſt the ſlain were Sir William Berkley, vice-admiral of the white ſquadron, and Sir Chriſtopher Minnes. The Dutch loſt ſix ſhips, 2800 ſoldiers, and 80 ſailors, beſides the admirals Evertzen, Vander Hulſt, and Stockhover, with ſome other officers. Tho' the victory was ſo evidently on the ſide of the Dutch, bonfires and rejoycings were made at London, as if the Engliſh had been conquerors.

Another engagement. Baſnage.

The two fleets ſoon put to ſea again, and as they were in queſt of each other, they met the 24th of July, and fought a furious battle, where the victory was obſtinately diſputed. The Engliſh fleet conſiſted of above 100 ſail; and the Dutch, of 88 ſhips of the line, beſides 19 fireſhips. While Ruyter, and young Evertzen, engaged the red and white ſquadrons, Tromp after a long diſpute routed the blue ſquadron, commanded by Sir Jeremy Smith. But by an unpardonable error, inſtead of remaining with the fleet, he amuſed himſelf with purſuing the flying ſhips of the enemy. On the other hand, young Evertzen, who commanded one of the Dutch ſquadrons, was killed by a cannon-ball, and his ſquadron entirely defeated.

feated. But the Engliſh admiral who fought againſt him, was not guilty of the ſame error as Tromp. Inſtead of purſuing the flying enemy, he joined the red ſquadron, commanded by prince Rupert, and the duke of Albemarle, and theſe two ſquadrons attacked Ruter, who nevertheleſs, by means of the night, diſengaged himſelf. But the next day, he was obliged to ſuſtain the fight alone againſt theſe two ſquadrons, there being no news of Tromp. He never in his whole life ſhewed ſo much bravery and capacity as in this ſecond engagement. He ſuſtained, with his ſingle ſquadron, the brunt of the two Engliſh ſquadrons, and at laſt retreated with ſuch wonderful conduct, that he gained more honour by it than he would have done by a victory. The Engliſh leaving the chace in ſight of Fluſhing, went after Tromp, who, tho' he was met off Harwich, recovered the Texel without any loſs. Ruyter at his return, loudly complained of Tromp's conduct, and, to ſatisfy him, the ſtates put Tromp under an arreſt, diſmiſſed him from his poſt, and put Van Ghent in his place.

Ruyter's brave retreat.

Tromp turned out of his poſt. Baſnage.

About the time of theſe engagements between the Engliſh and Dutch, the duke of Beaufort arrived with his fleet at Rochelle, where he ſtayed to take in freſh water, which he greatly wanted.

The French fleet arives at Rochelle

As in the laſt engagement the Dutch fleet was diſperſed, part retiring to Fluſhing, and part to the Texel, the duke of Albemarle finding himſelf maſter of the ſea, detached 20 men of war to brave the coaſts of Holland. Holms coming to the iſle of Vlye, burnt 100 merchant ſhips, and two men of war deſigned for convoys. Then he advanced to the iſle of Schelling, and making a deſcent, burnt many houſes in the little town of Brandaris. His deſign was to improve a treaſon carrying on in this iſle by one Hemskirk for which Buat a French gentleman, who ſecretly correſponded with the Engliſh, was beheaded at the Hague. But Holms not finding things ready as he expected, returned to the fleet.

The Engliſh make a deſcent upon Holland with great damage to the Dutch. Kennet.

After this expedition, the Engliſh fleet ſailed into the channel, and anchored at St Helens; the iſle of Wight being the moſt proper ſtation for hindering the junction of the French and Dutch fleets. Ruyter on his ſide poſted himſelf in St Johns bay, near Boulogne, where he was ſeiſed by a diſtemper, which for ſome time was believed mortal. This obliged the ſtates to recall their fleet, of which they gave notice to the king of France.

The Engliſh fleet before the iſle of Wight.

The Dutch fleet recalled on account of Ruyter's illneſs.

In the interim, the duke of Beaufort, ignorant of the retreat of the Dutch fleet, left Belle-Iſle, where he arrived about the 20th of September, and entering the channel, ſafely ſailed by the iſle of Wight, without being attacked, and got into Dieppe. He ſtaied there a whole day without hearing any news of Ruyter. At laſt, being informed, that the Dutch fleet was retired, he ſailed once more by the iſle of Wight, without meeting with any oppoſition, and got into the ports of Bretagne. It is very ſurpriſing, that the Engliſh, who lay at the Iſle of Wight to prevent the junction of the two enemies fleets ſhould ſuffer that of France to paſs and repaſs without moleſtation. This may give occaſion to ſuſpect, there was ſome intelligence between France and England. But as I can not trace it, I ſhall not inſiſt upon it. But it plainly appears, the king of France, after having amuſed the Dutch a whole year on divers pretences, did not really declare againſt England till the 19th of January 1665-6, and ſtill amuſed them all this year, with the hopes of the arrival of the duke of Beaufort, who entered the channel but in September, when the ſea-campaign was over. If to this be added, Lewis's unwillingneſs to ſuccour the ſtates, as appears in his letter to d' Eſtrades, there will be no cauſe to wonder at the little advantage received by the Dutch from the junction of France.

The duke of Beaufort paſſes and repaſſes before the iſle of Wight, without being attacked by the Engliſh. Baſnage.

This year, the ſtates had intended to aſſiſt the male-contents in England and Scotland, in order to give the Engliſh arms a diverſion at home. This deſign was even communicated to the king of France. But he found ſo many objections to it, that it was ſuffered to fall unexecuted. Probably, the ſtates had ſome correſpondents among tha Republicans, who being partly diſcovered, a great noiſe was made, and, according to cuſtom, all the Non-conformiſts were charged with the plot.

Project to excite troubles in England. Ludlow.

Is dropped.

The misfortune which this year befel the city of London, I mean the terrible fire which laid ſo great a part of that vaſt city in aſhes, gave a freſh occaſion to the enemies of the Republicans, to charge them with being the authors thereof. This was only becauſe the fire happened to break out the 2d of September, a day eſteemed fortunate by the Republicans, on account of the victories of Dunbar and Worceſter, obtained by Oliver Cromwell, when general of the armies of the commonwealth of England. To repreſent without any aggravation, the ravages made by this fire in London, I need only inſert the inſcription upon one of the ſides of the column, erected on the place where the fire broke out. This column at London, is called the Monument, and viſited by all ſtrangers, but they only who underſtand the Engliſh language, can read this inſcription.

London burnt. Kennet.

“ In the year of Chriſt 1666, the ſecond day of September, at the diſtance of 202 foot (the height of this column) a terrible fire broke out about midnight, which, driven on by a high wind, not only waſted the adjacent parts, but alſo very remote places, with incredible noiſe and fury. It conſumed 89 churches, the city-gates, Guildhall, many publick ſtructures, hoſpitals, ſchools, libraries, a vaſt number of ſtately edifices, 13200 dwelling houſes, 400 ſtreets. Of the 26 wards it utterly deſtroyed 15, and left eight others ſhattered and half burnt. The ruins of the city were 436 acres, from the tower by the Thames ſide, to the Temple church, and from the north-eaſt gate, along the city wall to Holborn-brige. To the eſtates and fortunes of the citizens, it was mercileſs, but to their lives very favourable, that it might in all things reſemble the laſt conflagration of the world. The deſtruction was ſudden, for in a ſmall

Inſcription on the monument

“ ſpace of time the ſame city was ſeen moſt flouriſhing, and reduced to nothing. Three days after, when this fatal fire had baffled all human counſels and endeavours in the opinion of all, it ſtopped, as it were, by a command from Heaven, and was on every ſide extinguiſhed.

Conjectures upon the authors of this fire. Echard.

Men failed not to give a ſcope to their imagination, and to form conjectures upon the cauſes and authors of this fire. The pious and religious aſcribed it to the juſt vengeance of Heaven, on a city, where vice and immorality reigned ſo openly and ſhamefully, and which had not been ſufficiently humbled by the raging peſtilence of the foregoing year. Some again, as I have ſaid, aſcribed this miſfortune to the malice of the Republicans; others to the Papiſts. And there were ſome ſo bold, as even to ſuſpect the king and the duke of York. But tho' ſeveral ſuſpected perſons were impriſoned, it was not poſſible to diſcover, or prove, that the baker's houſe, where this dreadful calamity firſt broke out, was fired on purpoſe. However, one Robert Hubert, a French Huguenot, native of Roan, and a lunatick, confeſſing himſelf guilty of this fact, was condemned and executed. But it appeared afterwards, by the teſtimonyof the maſter of the ſhip, who brought him from France, that tho' he was landed at the time, he did not arrive in London till two days after the fire began. It is pretended likewiſe, that a Dutch boy, ten years of age, confeſſed, that his father, and himſelf, had thrown fire-balls into the baker's houſe, through a window that ſtood open. But beſides the objection which may be made to this teſtimony from the boy's age, there muſt have been ſome circumſtance in his narrative, not agreeable to the fact, ſince it was not thought proper to make a farther enquiry. Perhaps this was only a groundleſs report.

Extract from Burnets hiſtory relating to this fire.

But that which gives moſt cauſe to believe this fire did not happen caſually, is, the teſtimony of Dr. Lloyd, afterwaads biſhop of Worceſter. That prelate told Dr. Burnet,—‘ That one Grant a Papiſt had ſome time before applied himſelf to Lloyd, who had great credit with the counteſs of Clarendon, (who had a large eſtate in the new river that is brought from Ware to London) and ſaid, he could raiſe that eſtate conſiderably, if ſhe would make him a truſtee for her. His ſchemes were probable, and he was made one of the board that governed that matter; and by that he had a right to come as oft as he pleaſed to view their works at Iſlington. He went thither the Saturday before the fire broke out, and called for the key of the place where the heads of the pipes were, and turned all the cocks that were open, and ſtoped the water, and went away, and carried the keys with him. So when the fire broke out next morning, they opened the pipes in the ſtreets to find water, but there was none. And ſome hours were loſt in ſending to Iſlington, where the door was to be broke open and the cocks turned; and it was long before the water got to London. Grant indeed denied, that he had turned the cocks. But the officers of the works affirmed, that he had according to order, ſet them all a running, and that no perſon had got the keys from him beſides Grant; who confeſſed, he had carried away the keys, but pretended he did it without deſign.’

This is Dr. Burnet's account, and agrees in the main with Echard's, in his hiſtory of England. However, an anonymous author, who has wrote againſt Dr. Burnet's hiſtory, accuſes him directly of falſehood, and aſſerts, that Grant was not one of the board till after the fire. But it is difficult to know, what regard is due to the teſtimony of this anonymous writer, whereas one can hardly help crediting this illuſtrious prelate, when he ſays, he had it from Dr. Lloyd, that Grant was made one of this board before the fire, and that it was by his means. However, this great fire was generally imputed to the Papiſts, and the more, becauſe ſeveral other things afterwards helped to confirm this ſuſpicion.

The king's ſpeech to the parliament. Echard.

The parliament meeting the 21ſt of September, the king, in a ſpeech to both houſes. told them, the money granted him had not ſufficed to carry on the war, conſidering his two powerful enemies. He boaſted of the great ſucceſs with which God had been pleaſed to bleſs, ſuppoſig his fleet to have been always victorious. Immediately after, the commons liberally voted the king a ſupply of 1800,000 l. Thus in the ſpace of two years, this war coſt the people of England 5,550,000 l; that is, above 60,000000 of Dutch florins, and above 72,000000 of French livres, allowing 13 livres-tournois to one pound ſterling.

The parliament addreſſes the king againſt the Papiſts. Echard.

In the interim, the two houſes beginning to diſcover, that the king was not the zealous Proteſtant he affected to appear; that the Papiſts had great influence in his council, and that their religion made a viſible progreſs, preſented to him an addreſs for executing the laws againſt Popiſh prieſts and Jeſuits, who were labouring to pervert his ſubjects. The king, according to the method of his father, grandfather, and his own, immediately publiſhed a proclamation for baniſhing the prieſts and jeſuits, on pain of being puniſh'd according to law, if found in the kingdom after the 10th of December. So baniſhment was the worſt that could happen to them, even ſuppoſing the king's order ſhould have been executed. But the more rigorous the proclamations were, the more favourable was the execution. This manifeſtly appears in their being ſo often repeated. But to give a more convincing proof of the court's diſpoſition in this reſpect, I ſhall here produce a paſſage in a letter to the earl of Sandwich, ambaſſador at Madrid, from ſecretary Bennet, lately created earl of Arlington, a reputed Papiſt, tho' he profeſſed the Proteſtant religion. In this letter he told the ambaſſador, “ your excellency knows ſufficiently the ſprings upon which the animoſity to the Roman Catholicks riſes, and how hard it is for his majeſty to forbear declaring againſt them, when the complaint ariſes from both houſes of parliament, and accordingly you can your ſelf frame your anſwer to the queen of Spain.

1666-7.

An inſurrection in Scotland. Echard.

The rigor exerciſed againſt the Preſbyterians in Scotland cauſed ſome of the moſt impatient to riſe in arms to the number of 1500, and form a regular body, with officers in proportion to head them. probably, they hoped, if they ſhould gain ſome advantage to be join'd by their brethren. But in their firſt action with the king's forces, they were diſperſed with the loſs of 300 men, and 100 priſoners, who were moſt of them executed. It was not forgot to ſay that they held intelligence with the Engliſh Preſbyterians, and, if they had gain'd the victory, the like inſurrection would have appeared in England. But it may eaſily be judged, that the Preſbyterians in England would not have been ſpared, if they could have been proved guilty, conſidering how the government ſtood affected towards them. Inconſiderable as this inſurrection was, the Engliſh hiſtorians have been pleaſed to repreſent it as very important, ſaying, the nation was ſuddenly alarmed with an inſurrection of the Preſbyterians in Scotland, with whom it was not doubted thoſe of England held a ſtrict correſpondence. Theſe authors are to be forgiven, for not being willing to miſs the firſt opportunity to include the Engliſh Preſbyterians in theſe conſpiracies, tho' it be only on the authority of a 'Tis believed.

Meſſage ſent from the king to the commons, to haſten the money-bill. Dec. 15. Echard.

The king was impatient for the diſpatch of the money-bill, of which it ſeemed the commons took no farther notice. He, therefore, thought it neceſſary to quicken them by a meſſage. He likewiſe told them, he could not permit any adjournment at Chriſtmas, except for the principal holidays. But this meſſage, it ſeems, produced no great effect. The commons were then examining complaints againſt the lord Mordaunt governor of Windſor caſtle, who was accuſed of ſome arbitrary and tyrannical actions. But neither this affair, nor the money-bill could be finiſhed before the concluſion of the year.

Lord Mordaunt accuſed.

1666-7. Echard.

The parliament met the 2d of January, after a ſhort adjournment, and immediately the commons accuſed the lord Mordaunt, at the bar of the lords houſe, and then preferred articles of high crimes and miſdemeanors againſt him. But they were diſpleaſed, that the accuſed was ſuffered to be within the bar of the houſe, whilſt his accuſation was reading. This occaſioned a diſpute between the two houſes. There was alſo another difference between them, concerning the commiſſioners appointed by the commons to levy the poll-tax, and to take the publick accounts on oath. This was the ſubject of ſeveral fruitleſs conferences.

Poll-tax.

The king came to the parliament the 8th of January, and gave the royal aſſent to the poll-bill, but complained of the nomination of commiſſioners, as a mark of their diſtruſt of him.

The miſ-underſtanding between the two houſes ſtill continuing, the king came to the parliament the 8th of February, and after paſſing ſeveral acts, he aſſured them, the money granted ſhould be laid out for the ends it was given. Then he prorogued the parliament to the 10th of October. The acts paſſed were; an act to continue for 11 months, the monthly aſſeſſment of 70,000 l. which with the poll-tax was conceived ſufficient to make good the 1800,000 l. granted to the king. The other acts concerned chiefly the new buildings in London, which were finiſhed ſooner than could be expected, and in a manner more beautiful and regular than before the fire.

The parliament prorogued. Money act.

1666-7. Act for re-building London.

Steps taken by the ſtates towards a peace. Baſnage.

It is now time to ſpeak of the peace between England and Holland, which was now, though very ſecretly, negotiating, at the time the parliament granted 1800,000 l. or carrying on the war. In November 1665, before the king of France had declared againſt England, the ſtates, for a foundation of peace, had offered the king one of theſe two conditions, either that each of the parties ſhould reſtore what had been taken, or both keep what they were poſſeſſed of. This was a ſure way to obviate all difficulties which might occur in the negotiation of peace. Beſides, the laſt of theſe conditions was very advantagious to England, by reaſon of the great number of ſhips taken from the Dutch before even the war was proclaimed. This offer was renewed at Paris, about the middle of the year *1666*, in a conference there between Mr. de Lyonne, the lord Holles the Engliſh ambaſſador, and Mr. Van Beuninghen envoy from the ſtates. Probably, Charles expected greater advantages in the continuance of the war, ſince he returned no anſwer to this offer. He only complained of its obſcurity, without ſignifying wherein it conſiſted. Nevertheleſs, he received this advantage from it, that he knew how the ſtates were diſpoſed, and what he could depend on: ſo that it was in his power to make peace whenever he ſhould think proper. The 17th of September the ſame year, the ſtates repeated the ſame offer in a letter to the king. But as this was when the parliament was going to ſit, and when the king expected a large ſupply for carrying on the war, he did not think fit to embrace it. He contented himſelf with ſignifying to the ſtates, in a letter of the 4th of October, his diſſatisfaction at their proceedings, and at the calumnies they had raiſed againſt him, in accuſing him of being the aggreſſor, and rejecting all propoſals for peace. Then he largely juſtified himſelf upon what had been alledged by the ſtates againſt him. But the moſt important part of this letter was the king's poſitive aſſurance that he had accepted the mediation of Sweden. A place therefore to treat was to be agreed on. The choice of this place afforded the king a pretence to defer the negotiation ſome months. He was at firſt for having the peace negotiated at London, to which the ſtates would have readily conſented, if the kings of France and Denmark had believed it conſiſtent with their honour. Upon the repreſentation made by the ſtates, concerning the refuſal of the two kings their allies, he anſwered, that he had no affair to negotiate with France, and complain'd of the king of Denmark for making war againſt him without any reaſon. He was ſo offended with that king, that he made no ſcruple to tell the ſtates, it was at the inſtigation of Denmark, that he ſent his fleet to Berghen, and agreed with him to divide the ſpoil. At laſt, the ſtates left the nomination of the place to him, provided it was approved by their allies. The king accepted the

1667. offer, but inſiſted that the ſtates ſhould firſt write to him, to teſtify that they would willingly have ſent their plenipotentiaries to London, if the two kings their allies would have given their conſent. This letter was writ, as he deſired, the 13th of January 1666-7, and the king, in his anſwer of the 20th, named the Hague for the place of conference. He knew, the penſionary would not accept it, on account of the cabals which the Engliſh ambaſſadors might make againſt him, in favour of the young prince of Orange; accordingly de Wit privately cauſed the king of France to reject the propoſal.

All the king's proceedings clearly ſhew, he was deſirous of peace, and as it was in his power, he might have concluded it before the end of the year 1666. But too much haſte would have deprived him of the 18,00,000 l. granted for the continuance of the war. This was the true reaſon of the difficulties raiſed by him concerning the place of congreſs, in order to gain time, till the money-bill was paſſed, after he had given his aſſent to the laſt bill for the continuation of the monthly aſſeſſment of 70,000 l. all difficulties began to vaniſh, ſeven or eight days after, the earl of St. Albans was ſent to Paris, to notify to the king of France, that Charles conſented that things ſhould remain in the ſtate to which the chance of war had reduced them. He added however, one condition, namely, that France ſhould reſtore to him the iſle of St. Chriſtophers, and three other ſmall iſlands in America, ſeized by that crown the laſt year. But this was a thing proper to be diſcuſſed at the congreſs, whereas the choice of the alternative made the eſſence of the treaty with the ſtates. So, it may be ſaid, that from this time the peace was in a manner concluded; nothing being wanted but the formality of a treaty.

Echard.

In the interim, the king of France, to ſerve Mr. De Wit, in preventing the kng of England from inſiſting upon his nomination of the Hague, for the place of conference, thought of an expedient in which he ſucceeded. This was to name Dover for the place of congreſs. And when it was objected to, he added Breda, Boiſle-duc, and Maſtreicht, leaving to the king of England the choice of one of theſe four towns. At laſt, Charles, having no longer intereſt to delay the peace, writ to the ſtates the 18th of March, that he was willing to ſend his plenipotentiaries to Breda.

1667. Peace treated of at Breda. Echard.

The difficulty concerning the place of congreſs being removed, the next thing was to appoint ambaſſadors, and diſpatch the paſs-ports. And it was agreed the conferences for the peace ſhould begin the 10th of May. But the Engliſh plenipotentiaries arrived not at Breda till the 20th; theſe were the lord Holles, and Mr. Henry Coventry; from France came count d'Eſtrades, and Mr. Courtin; from Denmark, Meſſ. Klingenberg and Caniſius; and from the ſtates general, Meſſ. Beverninch, Hubert, and Yongſtal. The mediators from the king of Sweden were, Meſſ. Fleming and Coet. But the laſt dying at Breda, during the conferences, count de Dhona, the Swediſh ambaſſador to the ſtates, took his place.

1667. The conferences prolonged by a miſ-underſtanding. Baſnage.

At the firſt opening of the congreſs, a very obvious miſtake was diſcovered, but which, in all appearance, had been connived at by the two parties for fear of obſtructing the congreſs. In their letter to the king of England, the 17th of September, the ſtates had made two propoſals for peace, the ſecond of which was that each ſhould keep what he had taken, before, or during the war. This was what the ſtates had ever adhered to, without any variation. But the king, in a letter to the ſtates, the 24th of April 1667, ſaid, ---- "We take this opportunity to declare to you, that we accept the choice propoſed to us, that is, that each party ſhall keep whatſoever he has taken during this war, which being granted, we ſhall order our ambaſſadors to proceed in the preſent treaty, upon the foundation of that made between us in the year 1662."

It is manifeſt, that in the ſecond condition propoſed by the ſtates, was included whatever had been acquired by either party, not only during, but before the war, and that in the king's letter was compriſed only what had been taken during the war. Now the king, according to the term of his acceptation, pretended, the ſtates ſhould make him ſatisfaction for the two ſhips, the Good Hope, and the Bon Adventure, taken, or ſunk before the treaty of 1662. Morever, he pretended, that as the ſtates were obliged, by the ſame treaty to reſtore to him the iſle of Poleron in the Eaſt-Indies, and as that iſle was ſtill in their poſſeſſion, it ſhould be delivered to him. Theſe two articles were the principal ſubject of the diſputes in the conferences of Breda, and retarded the concluſion of the treaty, to the great damage of the Engliſh, as will hereafter appear. The ſtates kept to the terms of their offer, and the king to thoſe of his acceptation.

A difficulty relating to the iſle of Poleron. Echard.

I have already ſpoken of the two ſhips taken by the Dutch, in the interval, between the two treaties of the year 1659, and 1662. As for the Iſle of Poleron, the ſtates pretended, they had reſtored it in form, and produced a receipt from the Engliſh officer, to whom it was delivered. But before this ſurrender, they had entirely diſpeopled it, and cut down all the clove-trees, and in ſhort, had ſeized it again ſince the beginning of this war. But the king pretended, there were eſſential defects in the form of the reſtitution, and that the ſtates were obliged to reſtore it by the terms of the treaty 1662. The importance of this iſle conſiſted in that within four or five years it might be new ſtocked with clove-trees, if it was in the hands of the Engliſh, and ſo prove very prejudicial to the Dutch, who were maſters of the whole ſpice-trade.

Both parties intractable.

To decide theſe two articles, from which both parties made it a point of honour not to recede, couriers were to be ſent ſeveral times to London and the Hague, and thoſe from London brought only ſtricter orders to the ambaſſadors to inſiſt upon the two ſhips, and the iſle of Poleron. But at length the king yielded the laſt, ſo that the whole negotiation was reduced to the ſatisfaction demanded for the two ſhips. It is not very ſurpriſing, that the king ſhould inſiſt on this article. He had begun the war under the ſpecious pretence of procuring reparation for all the damages done to his ſubjects, which he computed at 7 or 800,000 l. ſterling. To enable him to obtain this reparation by force of arms, the parliament had furniſhed him 555,000 l. He had moreover taken 620 ſhips, before the war was declared, and above 80 ſince. In all appearance, he had not applied the product of theſe captures to the benefit of his ſubjects, who according to his calculation, had loſt 7 or 800,000 l and for which the war was undertaken. He could not therefore well diſpenſe with procuring the merchants, who had loſt theſe two ſhips, the ſatisfaction demanded by them without giving occaſion to believe, this war had been undertaken for imaginary pretenſions. For the pretenſions concerning theſe ſhips were properly the only things that were ſpecified. All the reſt conſiſted in generals, the diſcuſſion whereof was unneceſſary, by reaſon of the choice propoſed by the ſtates. It was not that they feared a diſcuſſion ſince they had offered it in the firſt of their two conditions. But it was the king's intereſt to avoid it, and accept the ſecond condition. If he had embraced it, in the ſame terms as offered by the ſtates, all the grounds of this war, ſo expenſive to England, would have remained in obſcurity. He could not therefore in honour but inſiſt upon the only article, which could be conſidered as a juſt cauſe of the war, tho' it did not amount to 10,000 l. ſterling. Mean while, as ſince the offer of the ſtates, he ſaw, he could make peace when he pleaſed, he thought it a needleſs expence to put to ſea a powerful fleet, as he had done the two foregoing years, and that it was better to ſave the beſt part of the money granted for the continuance of the war. To this end, relying on the certainty of a peace, he laid up his great ſhips, and kept only a ſquadron of 20 ſail, while the ſtates continued their preparations as uſual, in their uncertainty of the king's intention concerning peace.

Sends no fleet out.

In the interim, the ſtates ſeeing what difficulties the king formed, upon an article of ſo little conſequence, believed, or pretended to believe, he was averſe to peace. They therefore reſolved, either to force him to relinquiſh his pretenſions, or at leaſt, to continue the war this ſummer with advantage, becauſe they knew, that the king would have no fleet at ſea.

The Dutch come into the mouth of the Thames. Baſnage.

Purſuant to this reſolution, Ruyter ſailed out of the Texel with 50 ſhips, and came the 8th of June to the mouth of the Thames, from whence he detached vice-admiral Van Ghent, with 17 of his lighteſt ſhips, and ſome fireſhips.

Van Ghent, the 10th of June, ſailed up the Medway, made himſelf maſter of the fort of Sheerneſs, and after burning a magazine full of ſtores, to the value of 40,000 l. blew up the fortifications. This action alarmed the city of London; ſo that to prevent greater miſchiefs, ſeveral ſhips were ſunk, and a large chain put croſs the narroweſt part of the river Medway. But by means of an eaſterly wind, and a ſtrong tide, the Dutch ſhips broke through the chain, and ſailed between the ſunk veſſels. They immediately burnt three large ſhips, the Matthias, the Unity, and the Charles the Fifth, all taken from them in the preſent war, and carried away with them the hull of the Royal Charles, beſides burning and damaging ſeveral others. After this, they advanced as far as Upnore caſtle, and burnt the Royal Oak, the Loyal London, and the Great James. The Engliſh fearing all the Dutch fleet would ſail up to London bridge, ſunk (thirteen) ſhips at Woolwich, and four at Blackwall, and platforms furniſhed with artillery to defend them, were raiſed in ſeveral placees. The conſternation was very great, and the complaints were no leſs ſo. It was openly ſaid, the king out of avarice had kept the money ſo generouſly given him to continue the war, and left his ſhips and ſubjects expoſed to the inſults of the enemy, though he had exclaimed againſt the injuſtice done him, in believing him capable of ſuch an action. The king was under an inexpreſſible concern, as well for fear of greater damage from the Dutch fleet, as for the mortification this affair gave him, and the ſhame of having nothing to ſay to the murmurs of his people. Beſides, he could not but reproach himſelf for being the cauſe of this inſult, by inſiſting too long upon an affair of 10,000 l. and thereby retarding the concluſion of the peace.

Burn ſeveral ſhips.

Sail up as far as Chatham.

The king is very much mortified.

Other exploits of Ruyter. Echard.

After this exploit, Ruyter ſailed to Portſmouth, with a deſign to burn the ſhips in that harbour; but finding them ſecured, he ſailed to the weſt, and took ſome ſhips in Torbay. He then ſailed eaſtward, beat the Engliſh before Harwich, and chaced a ſquadron of 19 men of war, commanded by Sir Edward Spragg, who was obliged to retire into the Thames. In a word, he kept the oaſts of England in a continual alarm all July, till he received the news of the concluſion of a peace.

The peace concluded at Breda.

This event had ſo changed the face of affairs, that the Engliſh ambaſſadors at Breda grew more pliant, and were eaſily perſuaded to yeild the article of the two ſhips. It was however with the reſervation of the king's approbation, before the ſigning the treaty. For this purpoſe, Coventry, after all the articles were ſettled, paſſed into England the ſecond of July, and returned the 8th with the king's approbation, and the 21ſt the treaty of peace was ſigned. It was divided however into three ſeparate treaties, by reaſon of ſome inconveniences which would otherwiſe have followed. But by a writing ſigned by all the plenipotentiaries, it was declared, that the three treaties ſhould be eſteemed but one and the ſame.

The moſt important articles of the treaty between England and France, were,

Articles of the peace with France.

VII. The moſt Chriſtian king ſhall reſtore to the king of Great-Britain, that part of the iſle of St. Chriſtophers, which the French have taken from the Engliſh, ſince the declaration of war.

X. The king of Great-Britain ſhall reſtore to the moſt Chriſtian king, the country of Acadia, in North America, ſome time in poſſeſſion of the ſaid moſt Chriſtian king.

XI. The moſt Chriſtian king ſhall reſtore to the king of Great-Britain, the iſles of Antegoa,

tegoa, and Montſerrat, if they are ſtill in his poſſeſſion,and in general, all the territories,iſles, towns, and fortreſſes, which may have been conquered by his arms, and which belonged to the king of England before the beginning of the war with the ſtates-general, and reciprocally the king of Great-Britian ſhall reſtore the territories, iſles, towns, &c.

XVII. This article contained a regulation of all the captures, which might be made ſince the concluſion of the peace.

XVIII. In caſe of a war, it is ſtipulated, that ſix months notice ſhall be given to the merchants to withdraw their effects.

Principal articles of the treaty between Great-Britain and the ſtates-general.

Article III. Both ſides ſhall forget and forgive all offences, damages, and loſſes, which either have ſuffered during this war, or at any time before, or under any pretence, as if they had never happened.----Each party ſhall hold for time to come, in full right of ſovereignty, propriety and poſſeſſion, all ſuch countries, iſles, towns, forts, places and colonies, as, whether during this war, or before, have been taken and kept from the other by force of arms,and in what other manner ſoever, and that as they poſſeſſed and enjoyed them the 10th day of May laſt.

IV. All ſhips, goods and moveables, which, at any time, have come into the power of either party, ſhall remain in the preſent poſſeſſors thereof, without any compenſation or reſtitution for the ſame.

V. All actions demands, and pretenſions whatſoever for the ſame ſhall remain void, obliterated, and diſannuled, &c.

XV. The ſaid lord the king, and the ſaid lords the ſtates, ſhall not receive into their dominions, any ſuch perſons as ſhall be declared fugitive rebels, of the one or the other.

XIX. All ſhips and veſſels of the United-Provinces, as well men of war as merchant-ſhips, and others, which ſhall meet in the Britannick ſeas any ſhips of war belonging to the king of Great-Britain, ſhall ſtrike the flag, and lower the ſeal as it has formerly been practiſed.

XXXII. If had former differences ſhall be renewed, and turned into an open war, the ſhips, merchandize, and all moveable effects, of both parties, which ſhall be found in the ſea-ports and daminions of the adverſe party, ſhall be by no means confiſcated or damaged; but there ſhall be granted to the ſubjects of both parties the term of ſix whole months, during which time they may tranſport the ſaid effects where they pleaſe.

XXXVI. For the greater aſſurance, that the preſent treaty ſhall be obſerved with good faith, on the part of the ſtates-general, they engage themſelves by theſe preſents, that thoſe perſons who ſhall be choſen by the ſaid ſtates-general, or the particular provinces, into the offices of captain-general, ſtadtholder, field-marſhal, admiral, ſhall ſwear that they will obſerve and cauſe to be obſerved religiouſly this treaty.

By a ſeparate article, it was agreed, that if any any of the murderers of Charles I, ſhould be found in the dominions of the ſtates-general, they ſhould be delivered to the king, &c.

Reflections upon this peace.

If it is now conſidered, what advantages England received from a war, undertaken upon ſo ſlight grounds, and with ſuch animoſity, it will not be eaſy to diſcover a ſingle advantage that was not really contained in the treaty of the 4th of September 1662. But on the contrary, it will be found, that this war coſt 5,550,000 l. ſterling, beſides the loſs of the ſhips of war, whether in ſea engagements, or in the affair of Chatham. And yet the king had aſſured the parliament, in one of his ſpeeches, that he would never lay down his arms, till he had procured his ſubjects a reaſonable ſatisfaction for their loſſes, which upon his computation, amounting to 7 or 800,000 l. And if theſe loſſes are ſuppoſed real, this peace was ſo much the more diſhonourable to the king and the Engliſh nation. But on the other hand, it is eaſy to perceive, that the king andduke of York reaped by it conſiderable advantages: the king, by the large ſupplies of money which were granted him, but not expended in the war, at leaſt, the 1,800,000 l. given in January and February this year, and by the ſale of above 200 ſhips taken from the Dutch: the duke of York, by his claims upon theſe captures, as lord high-admiral, and by the preſent of 120,000 l. made him by the parliament. Such was the concluſion of this great armament, which was to humble the pride of the Dutch, and render them for ever incapable to ſupport their trade, and diſpute the empire of the ſeas with England. The peace was proclaimed at London, and at the Hague, the 24th of Auguſt.

The king of France invades the Netherlands. Kennet.

The king of France, as hath been ſeen, gave no very real aſſiſtance to his allies, ſince his fleet never joined that of the ſtates, not even this laſt year, when the Engliſh were in no condition to oppoſe the junction. He had then other deſigns, which he diſcovered in June, by an invaſion of the Netherlands, on account of his queen's pretenſions to Brabant, after the death of Philip IV, her father. In the whole courſe of the war, between the king of England and the ſtates-general, he clearly ſhewed his intention to make Charles his friend, in which he afterwards ſucceeded but too well. He would never have declared againſt him, notwithſtanding his ſtrict engagement with the ſtates, in the treaty of 1662, had he not believed ſuch a declaration abſolutely neceſſary to ſupport Mr. De Wit, who otherwiſe was in great danger of ruin. He earneſtly wiſhed to ſee the end of this war, in which he had unwillingly engaged. This appeared chiefly in the conferences at Breda, where his two plenipotentiaries performed properly the office of mediators, tho' thoſe of Sweden had the name. Accordingly, he was greatly ſuſpected in Holland of a ſecret correſpondence with England.

Complaints againſt the court. Echard.

Complaints and murmurs againſt king Charles and his miniſters, ſucceeded the animoſity with which the Dutch war was begun. When the advantages obtained by the peace were compared with the expence of the war, they were found ſo diſproportionable, that men could not forbear ſuſpecting, it had been raiſed by motives repugnant to the intereſt of England. The people had been told, it was undertaken to procure the merchants ſatisfaction for the damages received from the Dutch : to revenge the indignities the nation had ſuffered : and to incapacitate the United-Provinces ever to rival England again, but nothing of all this had been done. The merchants had received no ſatisfaction, even for the two ſhips, the Good-Hope and the Bon-Adventure, though that article was the moſt ſpecified. Inſtead of revenging the affronts offered the nation, England had received a real and moſt mortifying indignity, in the buſineſs of Chatham. Laſtly, after the peace of Breda, the United-Provinces were in a more flouriſhing condition than before the war, and looked on this peace as a triumph for them. On the other hand, few people could digeſt the king's preſſing the parliament for money to carry on the war, and that after receiving 1800,000 l. ſterling, he ſhould be ſo intent upon peace, as not to put himſelf in a condition to obtain reaſonable terms. This was a ſubject very apt to raiſe a ſuſpicion of the ſincerity of his intentions for the good of his people. In ſhort, it was more and more diſcovered that the Papiſts had great influence at court, and that the proclamations publiſhed againſt them, at the deſire of the parliament, were far from being rigorouſly executed. The earl of Arlington, almoſt open protector of the Papiſts, was made ſecretary of ſtate, and in great favour, while the credit of the earl of Clarendon, their enemy, daily declined. This began to produce ſuſpicions diſadvantagious to the king. Beſides, his diſſolute life did not help to preſerve the high opinion conceived of him in the beginning of his reign. His court was a ſcene of debauchery, where his miſtreſſes ruled abſolutely, and nothing was done but through their means. They conſumed his vaſt revenues, with almoſt all the money granted by parliament; ſo that in the midſt of riches, he was always in want, and forced to ſeek new pretences to draw money from his parliament, to ſupply his private occaſions.

Suſpicions againſt the king.

The diſorders of his court. Burnet.

Theſe ſuſpicions and complaints reaching the king, he reſolved to appeaſe them by ſacrificing the earl of Clarendon, who had hitherto acted as prime miniſter. He knew the people are always exceſſively pleaſed with ſacrifices of miniſters, who have enjoyed the greateſt credit, and on whom generally all the miſcarriages are thrown. But this was only a pretence uſed by the king, to be delivered of a miniſter, whom he no longer loved, and whoſe preſence and counſels were become inſupportable to him. The chancellor's regular life, his averſion to debauchery and libertiniſm, his grave and ſevere manners, his neglect of the king's favourites and miſtreſſes, and laſtly, his principles and maxims concerning religion and the ſtate, ill agreed with the diſorderly life of the court, and ſtill leſs with the projects formed in favour of the Papiſts, under colour of eaſing the Preſbyterians. For this reaſon, and for his rough, and always too haughty behaviour, he had rendred himſelf odious to all the courtiers, who never ceas'd to do him ill offices, eſpecially when they ſaw him in the decline of his favour. He had often taken the liberty to reprove the king for his diſorderly life, and firſt his reproofs were well received. But when the king had once abandoned himſelf to his pleaſures, he could no longer bear the preſence of a man, whoſe advice he had formerly received with a ſort of ſubmiſſion. The duke of Buckingham and ſome others perceiving this diſpoſition of the king, neglected nothing to cheriſh it. As often as they ſaw the chancellor coming, they would ſay to his majeſty, here comes your ſchoolmaſter! At other times they mimicked him before the king, in order to make him ridiculous. The duke of Buckingham uſed to walk, in a ſtately manner, with a pair of bellows before him for the purſe, whilſt colonel Titus carried a fire-ſhovel on his ſhoulder for the mace. The king ſuffered theſe buffooneries, and thereby diſcovered his diſguſt to his miniſter. But as theſe are only trifles, and as the king's diſguſt turned at laſt into real hatred, it is proper to relate the more ſerious cauſes which have been offered in vindication of the king's reſentment.

The chancellor's diſgrace. Echard.

1. It is pretended, the king deſigning to be divorced from his queen, on ſeveral weak pretenſes, could never obtain the chancellor's approbation.

Cauſes of his fall. Echard.

2. The king intended, after his divorce, to marry Mrs. Steuart his relation, of whom he was amorous. The earl of Clarendon, to prevent this, perſwaded the young duke of Richmond to marry her, by repreſenting, how ſerviceable it would be to gain him the king's favour. The duke, following this advice, made his addreſſes to the lady, who, knowing nothing of the king's deſign, believed ſhe ought not to refuſe ſo good an offer; and the marriage was immediately concluded. The king thus diſappointed, baniſhed the duke, with his new ducheſs, from the court, and never forgave the the chancellor.

3. Another, and, as was generally thought, the moſt apparant cauſe of the king's reſentment againſt the chancellor, was his oppoſing Popham's project of ſettling an annual revenue of 2,000,000 l. ſterling upon the king, which was ſeconded by the earl of Southampton.

Welwood.

4. The moſt probable cauſe of the chancellor's ruin was, that the Papiſts, whoſe counſels and projects were liſtened to, and approved by the king, omitted nothing to deſtroy him, knowing, that under his miniſtry they could never hope to accompliſh their deſigns.

5. A ſtately houſe built by him near St. James's Park, and in the very year of the plague, did him great injury in the minds of the people. It is pretended, it coſt him 50,000 l. ſterling, tho' at firſt he deſigned to lay out but 15 or 16,000 l. People gave it the name of Dunkirk-houſe, becauſe it was ſuppoſed, that his advice for the ſale of that place had furniſhd him with

Burnet.

the

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the means to build it. He committed another error, in purchaſing for this houſe the ſtones deſigned for repairing St. Paul's.

Has the great ſeal taken from him. Echard.

However this be, the king, under colour of giving ſome ſatisfaction to his people in ſacrificing this miniſter, deprived him of his office of high-chancellor, and made Sir Orlando Bridgeman lord-keeper of the great-ſeal.

The earl Southampton's death. Burnet.

The earl of Southampton lord treaſurer, dying three months before the chancellor's diſgrace, the king, was at once, deprived of two great and faithful miniſters, whoſe loſs was never repaired, at leaſt, with regard to their morals, their religion, and affection for their country. A little before Southampton's death, ſome perſon in council ſpeaking againſt the chancellor, he with ſome emotion ſaid---- "The earl "of Clarendon is a true Proteſtant, and an "honeſt Engliſhman, and while he is in place, "we are ſecure of our laws, liberties, and "religion: but whenever he ſhall be removed, "England will feel the ill effects of it. In this "he proved a true prophet."

After the earl of Southampton's death, the king put the treaſury into commiſſion. Among the commiſſioners was Sir Thomas Clifford a known Papiſt, on whom afterwards fell the king's choice for lord treaſurer.

The lord keeper's ſpeech to both houſes. Echard.

The parliament meeting the 10th of October, the king ſpoke but little, and left it to the lord-keeper, to acquaint both houſes with his intentions. His ſpeech ran chiefly upon a ſort of excuſe for the king's having, contrary to cuſtom, after a prorogation to October, ordered the parliament by proclamation to meet the 25th of July, and then, by another proclamation deferred the new ſeſſion to the time firſt appointed. He communicated to them the concluſion of the peace, and deſired them to ſettle the balance of trade with Scotland. He ſaid, the king having named commiſſioners to ſtate the publick accounts, and examine to what uſes the money granted by parliament had been applied, and this commiſſion not having ſucceeded as he expected, he left them to follow their own method, and examine them as ſtrictly as they pleaſed. He added, that ſome malicious perſons had diſperſed falſe reports againſt the government, with deſign to create a diſaffection in his ſubjects: but that his majeſty promiſed himſelf from their affection, they would, on the contrary, endeavour to preſerve a good underſtanding between him and his people. That if any juſt grievances have happened, his majeſty was ready to redreſs them, and did not doubt they would imprint upon the hearts of his ſubjects that known truth---- "That there is no diſtinct intereſt between the "king and his people, but the good of one is "the good of both.

The addreſs of both houſes to the king Kennet.

Some days after, the two houſes preſented an addreſs to the king to thank him for ſeveral things: 1. That he had diſbanded the late raiſed forces: 2. That he had diſmiſſed the Papiſts from out of his guards, and other military employments. 3. That he had revoked the Canary patent: 4. And more eſpecially, that he had diſplaced the late lord chancellor, and removed him from the exerciſe of publick truſt and employment in affairs of ſtate. The king anſwered to this laſt article, "That he "would never employ the earl of Clarendon "again in any publick affairs whatſoever.

The king ſufficiently diſcovering his intention not to protect the earl of Clarendon, the houſe was thereby incouraged to ſeek reaſons or pretences to impeach him of treaſon. But it is too litle to ſay, the king would not protect him. It is certain, he himſelf was his adverſary, and actuated the commons againſt him. This he clearly ſhowed, by reprimanding Sir Stephen Fox, who was of his houſhold, and member of the houſe of commons, for having voted in favour of the earl of Clarendon. To which Sir Stephen replied, "That he knew the earl to "be an honeſt man, and was ſure he could ne"ver be guilty of the crimes laid to his harge. At laſt, the commons proceeding with great paſſion, ordered an accuſation to be drawn and preſented to the houſe, the ſubſtance whereof is as follows.

Echard.

Articles againſt the earl of Clarendon. Nov. 6. Echard.

'I. That the earl of Clarendon hath de'ſigned a ſtanding army to be raiſed, and to 'govern the kingdom thereby; and adviſed the 'king to diſſolve this preſent parliament, and 'to lay aſide all thoughts of parliaments for 'the future; to govern by a military power, 'and and to maintain the ſame by free quar'ter and contribution.

'II. That he hath, in the hearing of the 'king's ſubjects, falſely and ſeditiouſly ſaid, 'that the king was in his heart a Papiſt, or 'popiſhly affected, or words to that effect.

'III. That he hath received great ſums of 'money for the procuring of the Canary-patent, 'and other illegal patents; and granted illegal 'injunctions to ſtop proceedings at law againſt 'them, and other illegal patents formerly 'granted.

'IV. That he hath adviſed and procured 'divers of his majeſty's ſubjects to be im'priſoned againſt law, in remote iſlands, gar'riſons, and other places, thereby to prevent 'them from the benefit of the law, and to pro'duce precedents for the impriſoning any other 'of his majeſty's ſubjects in like manner.

'V. That he procured his majeſty's cuſtoms 'to be farmed at under rates, knowing the 'ſame; and great pretended debts to be paid 'by his majeſty, to the payment of which his 'majeſty was not ſtrictly bound, and after'wards received great ſums of money for pro'curing the ſame.

'VI. That he received great ſums of money 'from the company of vintners, or ſome of 'them, or their agents, for enhancing the 'prices of wines, and for freeing them from 'the payment of legal penalties, which they 'had incurred.

'VII. That he had in a ſhort time gained 'to himſelf a greater eſtate than can be ima'gined to be gained lawfully in ſo ſhort a ſpace: 'and, contrary to his oath, he hath procured

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* The reſt of the commiſſioners were, the duke of Albemarle, the lord Aſhly-Cooper, Sir William Coventry, and Sir John Duncomb. Sir Thomas Clifford was then comptroller of the houſhold.

ſeveral grants under the ſeal, from his majeſty's to himſelf and relations, of ſeveral of his majeſty's lands, hereditaments and leaſes, to the diſprofit of his majeſty.

'VIII. That he had introduced an arbitrary government in his majeſty's foreign plantations, and hath cauſed ſuch as complained thereof, before his majeſty and council, to be long impriſoned for ſo doing.

'IX. That he did reject and fruſtrate a propoſal and undertaking approved by his majeſty, for the preſervation of Nevis and St. Chriſtopher's, and reducing the French plantations to his majeſty's obedience, after commiſſions were drawn for that purpoſe; which was the occaſion of our great loſſes and damages in thoſe parts.

'X. That he held coreſpondence with Cromwell and his accomplices, when he was in parts beyond the ſeas attending his majeſty, and thereby adhered to the king's enemies.

'XI. That he adviſed and effected the ſale of Dunkirk to the French king, being part of his majeſty's dominions; together with the ammunition, artillery, and all ſorts of ſtores there, and for no greater value than the ſaid ammuition, artillery, and the ſtores were worth.

'XII. That the ſaid earl did unduly cauſe his majeſty's letters-patents, under the great-ſeal of England, to one Dr. Crowther, to be altered, and the enrollment thereof to be unduly raiſed.

'XIII. That he hath in an arbitrary way examined and brought into queſtion divers of his majeſty's ſubjects, concerning their lands, tenements, goods, chattels and properties, determined thereof at the council-table, and ſtopped proceedings at law by order of the council-table, and threatened ſome that pleaded the ſtatute of the 17th of Char. I.

'XIV. That he hath cauſed Quo Warranto's to be iſſued out againſt moſt of the corporations of England, immediately after their charters were confirmed by act of parliament, to the intent he might require great ſums of money of them for renewing their charters; which when they complied withal, he cauſed the ſaid Quo Warranto's to be diſcharged, and proſecutions therein to ceaſe.

'XV. That he procured the bills of ſettlement for Ireland, and received great ſums of money for the ſame, in a moſt corrupt and unlawful manner.

'XVI. That he hath deluded and betrayed his majeſty, and the nation, in all foreign treaties, and negotiations relating to the late war, and betrayed and diſcovered his majeſty's ſecret counſels to his enemies.

'XVII. That he was the principal author of that fatal counſel of dividing the fleet about June 1666.'

Echard.

Upon the foundation of theſe articles, the commons, on the 12th of November, impeached the earl of high-treaſon, at the bar of the lords houſe and deſired that he might be ſent to the tower. But the lords did not think it propper to commit him upon any accuſation of treaſon in general, without any particular charge.

This raiſed a warm diſpute between the two houſes, which ſeveral conferences could not allay. At laſt, the commons came to this reſolution. 'That the lords not having complyed with the deſire of the commons, in committing the earl of Clarendon, and ſequeſtring him from parliament, upon the impeachment from that houſe, was an obſtruction of the publick juſtice of the kingdom, and a precedent of evil and dangerous conſequence.' At the ſame time, they appointed a committee to draw up a declaration to vindicate their proceedings.

But the earl of Clarendon ſeeing himſelf expoſed to the commons rage, and knowing, the king and the whole court were, againſt him, thought it adviſable to withdraw into France, and leave the following apology behind him, addreſſed to the lords.

Kennet.

'I am very unfortunate to find myſelf to ſuffer ſo much, under two very diſadvantagious reflections, which are in no decree applicable to me.

'The firſt, from the greatneſs of my eſtate and fortune, collected and made in ſo few years, which if it be proportionable to what is reported, may very reaſonably cauſe my integrity to be ſuſpected.

'The ſecond, that I have been the ſole manager, and chief miniſter in all the tranſactions of ſtate, ſince the king's return into England, to Auguſt laſt, and therefore, that all miſcarriages and misfortunes ought to be imputed to me and my counſels.

'Concerning my eſtate, your lordſhips will not believe, that after malice and envy hath been ſo inquiſitive and ſo ſharp-ſighted, I will offer any thing to your lordſhips, but what is exactly true; and I do aſſure your lordſhips in the firſt place, that (excepting from the king's bounty) I have never received nor taken one penny but what was generally underſtood to be the juſt lawful perquiſites of my office, by the conſtant practice of the beſt times, which I did in my own judgment conceive to be that of my lord Coventry, and of my lord Elleſmere; the practice of which I conſtantly obſerved, altho' the office, in both their times, was lawfully worth double to what it was to me and I believe now is.

'That all the courteſies and favours which I have been able to obtain from the king for other perſons in church or ſtate, or in Weſtminſter-Hall, have never been worth to me five pounds: So that your lordſhips may be confident I am innocent from corruption as from any diſloyal thought, which after 30 years ſervice of the crown, in ſome difficulties and diſtreſſes, I did never expect would be objected to me in my age.

'And I do aſſure your lordſhips, and ſhall make it very manifeſt, that the ſeveral ſums of money, and ſome parcels of land, which his majeſty hath bountifully beſtowed upon me ſince his return into England, are worth more

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more than all I have amounts unto; ſo far I am from advancing my eſtate by indirect means. And tho' this bounty of his hath very far exceeded my merit, or my expectation, yet ſome others have been as fortunate at leaſt in the ſame bounty, who had as ſmall pretences to it, and have no great reaſon to envy my condition.

‘Concerning the other imputation of the credit and power of being chiefeſt miniſter, and ſo cauſing all to be done that I had a mind to; I have no more to ſay, than that I had the good fortune to ſerve a maſter of a very great judgment and underſtanding, and be always joined with perſons of great ability and experince, without whoſe advice and concurrence, never any thing hath been done.

‘Before his majeſty's coming into England he was conſtantly attended by the then marqueſs of Ormond, the late lord Culpeper, and Mr. ſecretary Nicholas, who were equally truſted with myſelf, and without whoſe joint advice and concurrence, when they were all preſent (as ſome of them always were) I never gave any counſel. As ſoon as it pleaſed God to bring his majeſty into England, he eſtabliſhed his privy council, and ſhorty out of them he choſe a number of honourable perſons of great reputation, (who for the moſt part are ſtill alive) as a committee for foreign affairs, and conſideration of ſuch things as in the nature of them required much ſecrecy; and with theſe perſons he vouchſafed to join me: And I am confident this committee never tranſacted any thing of moment (his majeſty being always preſent) without preſenting the ſame firſt to the council-board; and I muſt appeal to them concerning my carriage, and whether we were not all of one mind, in matters of importance.

‘For more than two years I never knew any differences in the council, or that there were any complaints in the kingdom, which I wholly impute to his majeſty's great wiſdom, and the entire concurrence of his counſellors, without the vanity of aſſuming any thing to myſelf; and therefore I hope I ſhall not be ſingly charged with any thing that hath ſince fallen out amiſs. But from the time Mr. ſecretary Nicholas was removed from his place, there were great alterations; and whoſoever knew any thing of the court and council, knew well how much my credit hath ſince that time been diminiſhed, tho' his majeſty graciouſly vouchſafed ſtill to hear my advice in moſt of his affairs: Nor hath there been, from that time to this, above one or two perſons brought to the council or preferred to any conſiderable office in the court, who have been of my intimate acquaintance, or ſuſpected to have any kindneſs for me; and moſt of them moſt notoriouſly known to have been very long my enemies, and of different judgment and principles from me in church and ſtate, and have taken all opportunities to leſſen my credit with the king, and with all other perſons, by miſ-repreſenting and miſ-reporting all that I ſaid or did, and perſwading men I have done them ſome prejudice with his majeſty, or croſt them in ſome of their pretenſions. Tho' his majeſty's goodneſs and juſtice was ſuch that it made little impreſſion upon him.

‘In my humble opinion, the great misfortunes of the kingdom have proceeded from the war, to which it is notoriouſly known that I was always moſt averſe, and may, without vanity ſay, I did not only foreſee, but declare the miſchiefs we ſhould run into by entering into a war, before any alliance made with the neighbouring princes. And that it may not be imputed to his majeſty's want of care, or the negligence of his counſellors, that no ſuch alliances were entered into, I muſt take the boldneſs to ſay, his majeſty left nothing unattempted in order thereunto; and knowing very well, that France reſolved to begin a war upon Spain, as ſoon as his Catholick majeſty ſhould depart this world, which being much ſooner expected by them, they had in the two winters before been at great charges in providing plentiful magazines of all proviſions upon the frontiers, that they might be ready for the war. His majeſty uſed all poſſible means to prepare and diſpoſe the Spaniard with that apprehenſion, offering his friendſhip to that degree, as might be for the benefit and ſecurity of both crowns.

‘But Spain flattering itſelf, that France would not break with them, at leaſt, that they would not give them any cauſe by adminiſtring matter of jealouſy to them, never made any real approach towards a friendſhip with his majeſty, but, both by their ambaſſadors here, and to his majeſty's ambaſſador at Madrid, always perſiſted, as preliminaries, upon the giving up of Dunkirk, Tangier, and Jamaica.

‘Tho' France had an ambaſſador here, to whom a project of a treaty was offered, and the lord Holles, his majeſty's ambaſſador at Paris, uſed all endeavours to purſue and proſecute the ſaid treaty, yet it was quickly diſcerned, that the principal deſign of France, was to draw his majeſty into ſuch a nearer alliance as might advance their deſign; without which, they had no mind to enter into the treaty propoſed.

‘And this was the ſtate of affairs when the war was entered into with the Dutch, from which time, neither crown much conſidered the making any alliance with England.

‘As I did from my ſoul abhor the entring into this war, ſo I preſumed never to give any advice or councial for the way of managing it, but by oppoſing many propoſitions, which ſeemed to the late lord treaſurer and myſelf to be unreaſonable, as the payment of the ſeamen by tickets, and many other particulars which added to the expence.

‘My enemies took all occaſions to inveigh againſt me, and making their friendſhip with others out of the council, of more licentious principles, and who knew well enough how much I diſliked and complained of the liberty they took to themſelves of reviling all councils and counſellors, and turning all things ſerious and ſacred into ridicule. They took all ways imaginable to render me ungrateful to all ſorts of men, (whom I ſhall be compelled to name in my defence) perſuading thoſe that miſcarried in any of their deſigns, that it was the chancellor's doing; whereof I never knew any thing. However, they could not withdraw the king's favour from me, who was ſtill pleaſed to uſe my ſervice with others, nor was there ever any thing done but with the joint advice of at leaſt the major part of thoſe who were conſulted with. And as his majeſty commanded my ſervice in the leaſt treaties, ſo I never gave the leaſt advice in private, nor wrote one letter to any one perſon in either of thoſe negotiations, but upon the advice of the council, and alſo after it was read in council, or at late, by the king himſelf, and ſome others; and if I prepared any inſtructions or memorials, it was by the king's command, and the requeſt of the ſecretaries, who deſired my aſſiſtance; nor was it any wiſh of my own, that any ambaſſador ſhould give me an account of the tranſactions, but to the ſecretaries, whom I was always ready to adviſe; nor am I conſcious to myſelf of ever having given advice that hath proved miſchievous or inconvenient to his majeſty; and I have been ſo far from being the ſole manager of affairs, that I have not, in the whole laſt year, been above twice with his majeſty in any room alone, and very ſeldom in the two or three years preceding.

'And ſince the parliament at Oxford, it hath been very viſible, that my credit hath been very little, and that very few things have been hearkened to, which have been propoſed by me, but contradicted, eo nomine, becauſe propoſed by me.

'I moſt humbly beſeech your lordſhips to remember the office and truſt I had for ſeven years, in which, in diſcharge of my duty, I was obliged to ſtop and obſtruct many mens pretences, and refuſed to ſet the ſeal to many pardons and other grants, which would have been profitable to thoſe who procured them, and many whereof, upon my repreſentation to his majeſty, were for ever ſtopt, which naturally have raiſed many enemies to me: And my frequent concurring, upon the deſires of the late lord treaſurer, (with whom I had the honour to have a long and vaſt friendſhip to his death) in repreſenting ſeveral exceſſes and exhorbitances, the yearly iſſue, ſo far exceeding the revenues, provoked many perſons concerned, of great power and credit, to do me all the ill offices they could. And yet I may faithfully ſay, that I never meddled with any part of the revenue or the adminiſtration of it, but when I was deſired by the late lord treaſurer to give him my aſſiſtance and advice, having had the honour formerly to ſerve the crown as chancellor of the exchequer, which was for the moſt part in his majeſty's preſence. Nor have I ever been in the leaſt degree concerned, in point of profit, in letting any part of his majeſty's revenue; nor have ever treated or debated it, but in his majeſty's preſence, in which my opinion concurred always with the major part of the counſellors who were preſent.

'All which, upon examination, will be made manifeſt to your lordſhips, how much ſoever my integrity is blaſted by the malice of thoſe who, I am confident, do not believe themſelves. Nor have I in my life, upon all the treaties, or otherwiſe, received the the value of one ſhilling from all the king's or princes in the world, (excepting the books of the Louvre-print ſent me by the chancellor of France, by that king's direction) but from my own maſter, to whoſe entire ſervice, and the good and welfare of my country, no man's heart was ever more devoted.

'This being my preſent condition, I do moſt humbly beſeech your lordſhips to entertain a favourable opinion of me, and to believe me to be innocent from thoſe foul aſperſions, until the contrary ſhall be proved; which I am ſure can never be by any man worthy to be believed: And ſince the diſtempers of the times, and the difference beween the two houſes in the preſent debate, with the power and malice of my enemies, who gave out that I ſhould prevail with his majeſty to prorogue or diſſolve this parliament in diſpleaſure, and threaten to expoſe me to the rage and fury of the people, may make me to be looked upon as the cauſe which obſtructs the king's ſervice, and unity and peace of the kingdom.

'I moſt humbly beſeech your lordſhips, that I may not forfeit your lordſhips favour and protection, by withdrawing myſelf from ſo powerful a perſecution, in hope that I may be able, by ſuch withdrawing, hereafter to appear and make my defence, when his majeſty's juſtice (to which I ſhall always ſubmit) may not be obſtructed, or controled, by the power and malice of thoſe who have ſworn my diſtruction.'

It is communicated to the commons. Echard.

The lords having received this apology the 3d of December, deſired a conference with the commons, to communicate it to them. The duke of Buckingham, who was to deliver it, ſaid, "The lords have commanded me to to deliver you this ſcandalous and ſeditious paper, ſent from the earl of Clarendon: They bid me to preſent it to you, and deſire you in convenient time to ſend it to them again, for it haſa ſtyle which they are in love with, and therefore deſire to keep it."

It is publickly burnt.

The reading of this apology threw the commons into a flame. Some of the earl's enemies took occaſion to make the moſt virulent ſpeeches againſt him, and at laſt, the houſe voted his apology ſcandalous and malicious, and a reproach to the juſtice of the nation, and ordered it to be burnt by the common hangman.

The 13th of December, the lords ſent to to the commons a bill for the baniſhment of the earl of Clarendon, which met with great oppoſition in that houſe. Some of the members even propoſed a bill of attainder againſt him. At laſt the houſe voted, "That the "king ſhonld be prayed to iſſue out his pro"clamation for ſummoning the ſaid earl to ap"pear by a day, and to apprehend him in "order to his tryal, and that the lords be "ſent to for their concurrence in this vote." But the lords refuſed their concurrence, becauſe this vote was contrary to their bill.

A bill is paſſed for the earls baniſhment. Echard.

At laſt, on the 18th of December, the bill ſent by the lords paſſed the houſe of commons, and the king willingly gave his aſſent. The truth is, it was the king who had employed the duke of York, to prevail with the earl of Clarendon to withdraw; whether the earl's friends had at laſt ſoftened the king, or he was not deſirous of having the articles of impeachment diſcuſſed, which might have diſcovered things he had rather conceal.

Reflections upon his diſgrace.

Thus was the earl of Clarendon ſacrificed to the malice of his enemies. But they were ſuch enemies, that it may be ſaid, their perſecution did him more honour, than the crimes, which, for the moſt part, were groundleſs, could do him injury. Theſe enemies were, firſt the king himſelf, who on this occaſion forgot all the ſervices this faithful miniſter had done his father and himſelf, at a time when his affection and fidelity could not be ſuſpected, ſince there was no appearance of his being ever rewarded. What is more ſtrange, the king came to hate him, merely becauſe he ſerved him too well, and, in a juſt concern for his glory, did what lay in his power to prevent his falling into contempt, and ingaging in projects which could not but render him unfortunate. His other enemies were the king's miſtreſſes and favourites, perſons of profligate lives, of no religion, or of one contrary to that of the eſtabliſhment, who hated him only becauſe they thought him too honeſt, or believed him incapable of being gained to aſſiſt their deſigns. For it is generally allowed, that not a ſingle article of his accuſation, except that of the ſale of Dunkirk, could be proved.

If the Presbyterians had procured the lord Clarendon's ruin, there had been nothing ſtrange in it, ſince he was their profeſſed enemy. For it may be affirmed, that from him came all their misfortunes, ſince the beginning of this reign. But the Presbyterians had then no credit, no acceſs, either to court or parliament. What is moſt ſurpriſing in the downfall of this miniſter, is the animoſity wherewith he was purſued by the ſame houſe of commons, which he himſelf had, if I may ſo ſay, compoſed of men of the moſt extravagant principles, with reſpect to religion and government. But he found himſelf miſtaken in his views. For, theſe ſame principles, with regard to the royal power, ſo firmly attached the houſe to the king, that they made no ſcruple to abandon the earl of Clarendon, tho' head of the party, when once the king expreſſed his diſpleaſure againſt him. This is not the only inſtance of the ableſt politicians labouring their own ruin, by ſeemingly the beſt contrived projects.

Remarks upon his hiſtory of the rebellion.

Amongſt the great ſervices rendered by the earl of Clarendon to Charles I, and Charles II, his excellent Hiſtory of the rebellion and civil wars in England, ought to be remembered, which was not publiſhed till after his death. In this hiſtory are undeniable proofs of the author's ſincere affection for Charles I. Nay, very likely, it was wrote with the ſole deſign to juſtify the conduct of that unfortunate prince and place it in the beſt light it is capable of. If any thing can injure this hiſtory, it is, that the views of the author are two undiſguiſed. This gives impartial readers occaſion to think, it was not wrote ſo much for the inſtruction of the publick, in the truth of facts, as to prepoſſeſs them, by various artifices, and numberleſs inſinuations, in favour of a ſyſtem, which all readers, verſed in the hiſtory and government of England, will, doubtleſs, not admit. Another charge againſt this author, is, the contempt and animoſity which he every where ſhows againſt the Presbyterians, and the Scots, even in places where it ſeems foreign to his purpoſe. But this came from his heart. His immoderate paſſion againſt Presbyterianiſm, was this great man's foible. He gloried in his hatred of the Presbyterians, and perhaps contributed more than any other, to that exceſs of animoſity which ſtill ſubſiſts among the followers of his maxims and principles.

His great fortune.

From a private gentleman, and a lawyer, the earl of Clarendon roſe to the higheſt degree of fortune, that a man of his rank could aſpire to. For, by his merit, and his inviolable attachment to Charles I, and Charles II, he was raiſed to the dignity of earl, of lord high-chancellor, and of prime miniſter of ſtate. But what gives a farther luſtre to his glory, is, that from the marriage of his daughter with the duke of York, ſprung two princeſſes ſucceſſively queens of England. He ſpent the reſt of his days in baniſhment, amidſt Presbyterians, and Papiſts, whoſe declared enemy he had been, during the time of his favour, but who failed not to pay him all the reſpect due to his merit, and the dignities with which he had been honoured in his own country. He died at Roan the latter end of December 1674, aged 67.

The parliament adjorns. A remark upon it. Echard.

The day after the act for the earl of Clarendon's baniſhment paſſed in the houſe of commons, the king gave his aſſent to it by commiſſion. Then, he ſent a meſſage to the commons, by ſecretary Morrice, to wiſh them to adjourn to the 6th of February. In the reign of James I, there was a difference between the king and commons, concerning the right of adjournment. The commons pretended, that tho' the king had power to diſſolve or prorogue a parliament, he could not adjourn it, and that adjournment entirely belonged to each houſe. But the lords refuſing their concurrence, the commons were obliged to drop their pretenſion. From that time James I, and Charles I, always ſuppoſed this right as undeniable, and yet the point had never been decided in form. It ſeems therefore, that

Charles II, by deſiring the parliament to adjourn, was willing to ſhew ſome regard to the pretentions of the commons, or at leaſt to avoid all occaſion of diſpute with them. But this condecenſion laſted not long; for it will hereafter appear, that he frequently adjourned the parliament by his own authority, without any diſlike expreſſed by the commons. Now the difference between an adjournment and a prorogation conſiſts in this, that a prorogation ends the ſeſſions, and annuls all affairs which have been propoſed or debated in parliament without being finiſhed, ſo that they cannot ſerve for ground to the reſolutions of a new ſeſſion, unleſs they are propoſed a freſh. But an adjournment only ſuſpends them till the parliament re-aſſembles. For this reaſon, when the commons have voted the king a ſupply, the parliament is ſeldom or never prorogued, but only adjourned, when ſome ſhort receſs is neceſſary, that at their meeting again, they may proceed upon the vote till it be paſſed into an act.

A proclamation againſt Papiſts.

Before the parliament met in October, the king publiſhed a proclamation, for the rigorous execution of the laws againſt thoſe who repaired to hear maſs at the chapels of ambaſſadors. He ſtill perſiſted in his diſſimulation, with regard to religion, and in his deſign to perſuade his ſubjects, that he was a good Proteſtant. It was properly for this that theſe proclamations were intended. But the non-performance of them had a quite contrary effect. For it could not be thought neceſſary ſo frequently to repeat them, if the king had been pleaſed with ſeeing them executed according to law.

The Royal Exchange built. Octob. 23.

This ſame month of October, the king rode in great ſtate into the city, and laid the firſt ſtone of the foundation of the Royal-Exchange. This buiding was finiſhed in a very ſhort time.

Death of biſhop Wren. Echard.

This year, death, as I have ſaid, took out of the world Thomas Wriotheſly, earl of Southampton, lord-treaſurer. The other leſs remarkable deaths were thoſe of Dr. Matthew Wren, biſhop of Ely, (great enemy of the Presbyterians, who out of revenge for his ſeverity to them before the civil wars, kept him priſoner in the tower, from the year 1642 till the reſtoration, when he was reſtored to his biſhoprick of Ely, where he died aged 81 years) and of the famous poet Abraham Cowley, little known to ſtrangers, but very much, and deſervedly, eſteemed by the Engliſh.

And M. Cowley.

1667-8. The king reſolves to give ſome ſatisfaction to the people.

After the removal of the earl of Clarendon, the king and his miniſters, of whom the earl of Arlington, and Sir Orlando Bridgeman were the principal, believed it abſolutely neceſſary to give the people ſome ſatisfaction, by demonſtrating the court's atention to the welfare of the nation. The king of France, by his invaſion of Flandets, had ſo clearly ſhown, he did not intend to ſtand to his queen's renunciation of all the members of the Spaniſh monarchy, that he could not poſſibly be miſtaken. Beſides, his power was dayly encreaſing, whereas that of Spain was viſibly declining. It was therefore the intereſt of Europe in general, and of England in particular, to take early and effectual meaſures, to ſet bounds to this formidable power, which might produce great changes, if care was not taken to ſtop its progreſs. Nothing was more popular than ſuch a deſign, and nothing more capable to re-ingratiate the king with his ſubjects. So the 1ſt of January, 1667-8, a reſolution was taken, to enter into a ſtrict union with the ſtates-general of the United-Provinces, to prevent the king of France's entire reduction of Flanders, and the reſt of the Spaniſh Netherlands. The court likewiſe reſolved, to endeavour to engage the king of Sweden into the ſame meaſures, and ſo form a triple alliance, capable to intimidate Lewis XIV, and to oblige him to proceed with more caution.

A triple alliance concluded between England, Holland, and Sweden. Temple's lett.

To execute this project, Sir William Temple was ordered to the Hague, with the character of envoy extraordinary and plenipotentiary. I ſhall not deſcend into the particulars of this negotiation, which are related in the writings of Sir William Temple, publiſhed in a French verſion. I ſhall only obſerve, that by the addreſs of this envoy, the treaty of alliance between the king and the ſtates was concluded in five days, and, what is more, ſigned by the ſtates-general, without communicating it to the particular provinces, which had never been practiſed before. Moreover, the count de Dhona, ambaſſador of Sweden, engaged for his maſter, that he ſhould enter into this treaty, if a place was left for him as a principal. Afterwards, this court ſigned a like treaty in the name of the king of Sweden, with the king of England and the ſtates-general, it being agreed, that this treaty ſhould be conſidered as part of the former when ratified. Theſe treaties were firſt ſent into England, and ratified by the king, and ſoon after, the king of Sweden's ratification was likewiſe received. Thus was concluded, in a very little time, a triple league, the moſt important that had been long ſince made in Europe, and which was to check the power, as well as vaſt deſigns of France.

Explication of this treaty. Echard,

For the underſtanding this treaty, of which I ſhall preſently give the ſubſtance, it muſt be obſerved, that Lewis XIV, after his laſt campaign, during which he had ſeiſed many ſtrong places of the Spaniſh Netherlands, had, at the preſſing inſtances of the ſtates-general, conſented to a treaty with Spain, till the end of March, 1668. Moreover, he had left to the queen-regent of Spain, the choice of either yeilding to him the places conquered by him in the laſt campaign, or elſe the duchey of Luxemburgh, or inſtead of it, Franche-Comte, Cambray and Cambreſis, Douay, Aire, St. Omer, Bergue, Furnes, and Linck, for which he promiſed to ſurrender all the reſt of his conqueſts. Theſe offers, as it appears, were founded upon the ſuppoſition, that the French queen's renunciation, in the treaty of her marriage, was of no force. Tho' the thing had been decided only by the king of France himſelf, the ſtates-general, ſeeing no poſſibility of obliging him to deſiſt from his pretenſions, had approved of this alternative, and poſitively engaged to join their forces with thoſe of France, to compel Spain to embrace one or other of theſe offers. They could not therefore recede, after ſuch an engagement. For which reaſon, they reſolved to make with England three different treaties, which, however, were to take place, as containing but one and the ſame treaty.

Three treaties upon different caſes

1ſt Treaty.

The firſt treaty contained a defenſive alliance between England and the ſtates-general againſt all who ſhould attack either of the parties, with a ſpecification of the ſuccours to be mutually given, in caſe of ſuch an attack. This alliance to be perpetual.

2d Treaty.

By the ſecond treaty, the king and the ſtates were obliged to uſe their joint endeavours to diſpoſe the king of France to make peace in the Netherlands, upon one of the propoſed conditions; and likewiſe the king of Spain to make choice of one of the two before the end of May; but, in caſe of any difficulty from the Spaniard they engaged to uſe their endeavours to induce the king of France to ſtop all farther progreſs of his arms in Flanders, and leave it wholly to the allies, to procure the ends propoſed in this league.

3d Treaty.

The third treaty contained, 1. That if in procuring peace between France and Spain, any difficultis ſhould ariſe concerning the renunciation, care ſhould be taken ſo to ſettle the articles of peace, as to create no prejudice to the rights of either. But if one ſide only ſhould reject this expedient, then the allies ſhould proceed againſt the refuſer, in the manner agreed in the ſecond treaty. 2. That the allies ſhould uſe their endeavours to eſtabliſh peace between Spain and Portugal. And tho' they did not pretend to hinder the king of France from aſſiſting Portugal, they would however prevent, as far as lay in their power, his aſſiſting that nation, by making war in the Netherlands. 3. But, in caſe the king of France rejecting the conditions contained in the ſecond treaty, ſhould make farther progreſs in Flanders, then the allies ſhould join with Spain, and make war upon the king of France, till they ſhould compel him to comply with the terms of the Pyrenean treaty. 4. That all theſe articles ſhould be ratified within four weeks.

This treaty which, as I ſaid, was ſigned by the king of Sweden as a principal, and was called the triple-league, received the applauſes of all Europe, except France. Indeed, the tendency of it was not only to ſave the Netherlands, purſuant to the true intereſts of England and the ſtates-general, but alſo to prevent a fatal war, which muſt have thrown all Europe into a flame. It is perhaps the only ſtep taken by Charles, through the whole courſe of his reign, really tending to the advantage of England. It will hereafter appear, that, probably, he had no other intention than to dazzle the publick, and amuſe the world, by a proceeding ſo much to his honour. But in ill ſupporting what he had ſo happily begun, he manifeſtly ſhewed, that he erred not through ignorance, or want of knowing the intereſts of his kingdom, and thoſe of all Europe.

A peace between Spain and Portugal.

Shortly after, Sir William Temple concluded a treaty of commerce with the ſtates-general, and about the ſame time the treaty of peace between Spain and Portugal was happily finiſhed, under the guaranty of the king of Engand.

The king's ſpeech to the parliament. Echard.

While theſe affairs were tranſacting, the parliament met the 10th of February. The king, in his ſpeech to both houſes, informed them, that he had made a league defenſive with the ſtates of the United Provinces, and another for an efficacious mediation of peace between France and Spain, into which the king of Sweden had, by his ambaſſador, offered to enter as a principal. He added, that the poſture of his neighbours, and the conſequence of the new alliance, obliging him to ſet out a fleet to ſea, he ſhould want a ſpeedy ſupply; that beſides, it was neceſſary to build ſome large ſhips, and fortify the ports. He concluded with deſiring them to think ſeriouſly of ſome courſe, to beget a better union and compoſure in the minds of his ſubjects in matters of religion.

Miſmanagement examained into by the commons. Echard.

The commons joyfully received the news of the triple alliance; but before they proceeded to the conſideration of the king's ſpeech they reſolved to inquire into the miſmanagements during the late war. They appointed for this purpoſe a committee, which diſcovered many miſdemeanours in the conduct of ſeveral perſons, 'as in the affair of Berghen in Norway; in the plundering the Eaſt-India ſhips, while the Dutch paſſed by; in the not ſetting out a ſufficient fleet laſt year; in the ſeparation of thoſe that were out, ſo that they became uſeleſs; in the want of proviſion and ammunition in the fleet, and in the forts; in payment of the ſeamen by tickets; in the want of intelligence, and dividing the fleets in the ſecond year of the war; in the buſineſs of Chatham, &c.' The commons accuſed Brounkard, that after the firſt battle, he had carried falſe orders from the duke of York, while that prince was repoſing himſelf, which had prevented the entire deſtruction of the enemy's fleet, and expelling him the Houſe ordered him to be impeached. As to the affair of Chatham, they accuſed commiſſioner Pett for having neglected his duty. Sir William Penn was accuſed of having embezzled great quantities of rich goods taken in a Dutch prize.

1668.

The king was doubly concerned to put an end to theſe examinations, ſince moſt of the miſcarriages reflected upon him, tho' only ſome particular officers were directly accuſed, and beſides, the commons waſted the time, which, according to him, would have been better employed in conſidering the ſupplies he had demanded. He therefore preſſed the commons, by three ſeveral meſſages, to haſten the money-bill, telling them in his laſt meſſage, that he intended to prorogue the parliament the 4th of May. But, being informed, the houſe was not pleaſed with his meſſage, becauſe a prorogation would have defeated all their proceedings againſt delinquents, he let them know, the 24th of April, that he intended only an adjournment for three months; and withal deſired, that the money-bill might be ready againſt the 4th of May.

Beſides

Is addreſſed by both houſes to put the laws in execution againſt Papiſts and Nonconformiſts. Echard.

Beſides the ſupply, the houſe of commons was employed in another affair, with which they were greatly affected. They began to diſcover the king's ſecret intentions, and believed, that, under colour of eaſing the Preſbyterians, his deſign was to obtain a general indulgence for all the Non-conformiſts, including the Papiſts under that general denomination. An inſinuation in his ſpeech confirmed this ſuſpicion. Wherefore, to ſtop the progreſs of a deſign ſo contrary to their principles, with regard both to Popery and Preſbyterianiſm, they preſented an addreſs to the king, to pray him 'That he would iſſue out his proclamation for enforcing the laws againſt conventicles; and that care might be taken for the preſervation of the peace againſt all unlawful aſſemblies of Papiſts and Non-conformiſts." --- The king, according to his uſual cuſtom, failed not to publiſh a proclamation, declaring, 'That upon information, that divers perſons abuſing the clemency uſed to the Diſſenters, (even whilſt it was under conſideration, to find out a way for the better union of his Proteſtant ſubjects) had of late openly held unlawful aſſemblies and conventicles, he would by no means permit ſuch notorious contempts of himſelf and his laws to go unpuniſhed, &c." He ſuppoſed, the parliament was upon this union, becauſe he had recommended it to them. But the commons were far from thinking of this affair, unleſs by this union the king meant an entire conformity with the church of England, which was not his intention.

He puts out a proclamation

A difference between the two houſes.

At this time, a great diſpute aroſe between the two houſes, occaſioned by Mr. Skinner a merchant of London, who believing to have juſt cauſe of complaint againſt the Eaſt-India company, brought the matter by petition into the houſe of lords originally. The lords, after an examination, relieved him in 5000 l. coſts. On the other hand, the company having petitioned the commons, Skinner was taken into cuſtody, for applying originally to the lords, in a common plea, which was not agreeable to the law. The petition preſented to the commons, by the Eaſt-India company, was voted ſcandalous by the lords, and ſeveral conferences between the two houſes, were not capable to decide this difference. At laſt, the commons voted 'That whoever ſhould be aiding or aſſiſting in putting in execution the order or ſentence of the houſe of lords, in the caſe of Thomas Skinner againſt the Eaſt-India company, ſhould be deemed a betrayer of the rights and liberties of the commons of England, and an infringer of the privileges of the houſe.'

The king paſſes ſome Bills, and then adjourns, and afterwards prorogoues the parliament.

The ſame day this vote paſſed in the houſe of commons, being the 8th of May, the king came to the houſe of peers, and paſſing the bill for raiſing 310,000, l. by an impoſition on wines and other liquors, and ſome other acts, he adjourned the parliament to the 11th of Auguſt. He adjourned it a ſecond time to the 1ſt of March, and at laſt, prorogued it to the 19th of October 1669.

Lewis XIV. makes himſelf maſter of Franche-Comte. Baſnage.

I have already mentioned the affairs between France and Spain, and the alternative offered by the French king. The marquiſs of Caſtel-Rodrigo, or rather the court of Spain, not being in haſte to make a choice, Lewis XIV. in February invaded Franche-Comte, and in leſs than a fortnight ſubdued the province. This conqueſt however did not make him riſe in his demands, but he was ſtill willing to ſtand to the offer of the two conditions he had propoſed. But the court of Spain delayed, as much as poſſible, to declare upon the offered alternative, deſigning to ingage England and the ſtates in a war againſt France. Mean while, as the treaty of the triple league was directly contrary to the deſign of Spain the three allies having only engaged to take arms in caſe the king of France refuſed to ſtand to his propoſal it was not poſſible for the court of Spain to accompliſh their ends. At laſt, after many tergiverſations, the marquiſs of Caſtel-Rodrigo declared, he accepted the firſt condition, by which France was to keep what had been conquered the laſt campaign. This choice greatly ſurprized the ſtates, who had relied on the Spaniards accepting rather the ſecond condition, which appeared leſs advantagious to them. But the policy of the Spaniſh court was to throw England and the ſtates into an unavoidable neceſſity of making war againſt France, if ſhe ſhould offer to purſue her conqueſt in the Netherlands.

The court of Spain accepts one of the alternatives.

Peace concluded at Aix la chapelle. Arlington's Lett.

This choice being made, the peace was no longer diffiult. The town of Aix la chapelle was agreed on for the place of treaty, and the plenipotentiaries of France and Spain, of England, Sweden, and the ſtates, repairing thither, the treaty was concluded and ſigned the 2d of May, after a fortnight's negotiation. The treaty contained in ſubſtance, that the king of France ſhould keep poſſeſſion of Charleroy, Binch, Aeth, Douay, For-de-la-Scarpe, Tournay, Oudenarde, Liſle, Armentieres, Courtray, Berghes, Furnes, with all their dependencies. The king of France, on his ſide, reſtored Franche-Comte to the crown of Spain. The allied ſtates were guarantees of this peace, and all other princes and ſtates were allowed to be ſo, if they pleaſed *

The Dutch challenge the honour of it. Baſnage.

Though the treaty of Aix la chapelle had conſiderably increaſed the power of France, the ſtates-general of the United-Provinces believed it a great advantage, to have ſtopped the progreſs of the French arms. They aſcribed to themſelves the whole glory, tho', indeed, the triple-league would never have been thought of by them, had it not been firſt propoſed by the king of England. To immortalize their glory, they ſtruck a medal, on one ſide of which was ſeen Holland leaning againſt a trophy, and on the reverſe, an inſcription to this effect: 'That they had ſecured the laws; reformed religion; aſſiſted, defended, and reconciled kings; reſtored freedom to the ocean; procured by their arms a glorious peace, and eſtabliſhed the tranquillity of all Europe:

and ſtrike a medal. Baſnage.

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* Whatever the Spaniſh loſt by the French ravages, the Engliſh gained a very great private benefit by it: for one Brewer, ſaid to be of Engliſh parents, with about 50 Walloons, who wrought and dyed fine woollen cloths, thereupon came into England; and by them the Engliſh were in a few years inſtructed to make and dye fine woollen cloths, cheaper by 40 per cent. then they could before. R. Coke.

On the other hand, Joſuah Van Beuninghen, who had been employed in negotiating this peace, ſtruck a medal, and compared himſelf to Joſhuah ſtopping the courſe of the ſun. As the king of France had taken the ſun for his device, the meaning of this medal could not be miſtaken. But the ſtates immediately ſuppreſſed it. As for the firſt, and ſome others, which diſcovered too great preſumption, they were not broke till two years after. They had afterwards cauſe to repent of this inſult offered to Lewis XIV.

Reaſons, which ſhow, Charles only amuſed the publick. Temple's lett.

When I ſaid, that Charles, in all appearance, propoſed the triple-league only to amuſe the publick, and appeaſe, in ſome meaſure, the diſcontents of the people, which began to appear, I founded this conjecture, firſt, upon Sir William Temple's ſuſpicion, that the king would not long continue in this reſolution. This ſuſpicion appears in ſeveral of his letters. But as they were writ to the earl of Arlington, ſecretary of ſtate, he contented himſelf with inſinuating his belief, without daring to ſpeak too openly. Secondly, it has been ſeen in a letter of the king of France, to d'Eſtrades, how little Charles concerned himſelf for the preſervation of the Netherlands; ſince, believing, that Lewis directed his views that way, he offered to let him make that conqueſt unmoleſted, without reſerving an inch of land to himſelf, provided Lewis would abandon the ſtates-general. Thirdly, the ſale of Dunkirk to France ſhewed, that Lewis's conqueſts in Flanders would give but little jealouſy to Charles. In the fourth place, at the very time that all Europe was diſſolved in joy for the concluſion of the triple-league, Sir Thomas Clifford, the king's favourite, ſaid openly,---- "Well, for all this noiſe, we muſt yet have another war with the Dutch before it be long." Fifthly, France herſelf did not diſcover much uneaſineſs at this triple-alliance, ſhe not only inſiſted upon all her pretenſions, but even Mr. de Lionne, ſecretrary of ſtate, writing to d'Eſtrades on occaſion of this triple-alliance, has theſe words,---"If the Dutch enter into alliances, contrary to the intereſts of his majeſty, we ſhall not be ſo much troubled at it as they imagined: I know what I ſay, and upon what foundation I ſpeak it." If to this be added, king Charles's ſtrange conduct afterwards, in making a league with France againſt Holland, it cannot but be ſuſpected, that there was at that time a ſecret correſpondence between France and England. Sixthly, events are commonly the beſt interpreters of men's actions. And it will preſently appear, that Charles made but little account of his engagements, entered into by the triple-alliance; but it is not time yet to ſpeak of theſe matters.

The king lives in great diſorder. Burnet. Echard.

After the removal of the earl of Clarendon, the face of the Engliſh court was entirely changed. The king, more at eaſe by the abſence of a troubleſome miniſter, whoſe very preſence was a reproof to his conduct, gave himſelf up to his pleaſures, without any reſerve or diſcretion. The duke of Buckingham, who had no religion, and gloried in his debaucheries, and Wilmot earl of Rocheſter, the greateſt wit, and the moſt ſatirical and licentious poet of his age, were his principal favourites. With theſe two men, and his miſtreſſes, the king ſpent almoſt his whole time, and it was with difficulty that his miniſters could find an opportunity to ſpeak to him of his affairs. Pleaſures and debauches were the ſole entertainments of the court, and vice appeared there bare-faced. In a word, England had never ſeen a more diſorderly court, and, unhappily, their example had but too much influence on the reſt of the people. The king was prodigal to exceſs. Beſides his ſtanding revenues, which as we have ſeen, amounted to 1200,000 l. ſterling, he had conſumed the 1800,000 l. given him the laſt year by the parliament, in uſes for which that money was not intended. This year, he had asked a ſupply of his parliament, pretending a neceſſity to build ſome new ſhips of war, and to put a great fleet to ſea, in maintenance of his engagements by the triple-alliance. The parliament had granted him 310,000 l. but the act not paſſing till two days after the ſigning of the treaty of Aix la Chapelle, not a ſingle ſhip was built, and the neceſſity of putting a fleet to ſea, vaniſhed at once. Notwithſtanding this, he was always in want, and his revenues perpetually anticipated.

Great progreſs of the Papiſts.

But a ſtill greater misfortune to England was, that only Papiſts, or men of no religion, had any credit at court. The duke of Buckingham, the earl of Rocheſter, and the king's miſtreſſes, were not perſons who gave themſelves any trouble to ſtop the progreſs of Popery. The earl of Arlington, ſecretary of ſtate, was, like the king, a diſguiſed, and Clifford, a declared Papiſt. The duke of York was not only a catholick, but alſo very zealous for his religion. Being conſidered as preſumptive heir to the crown, great court was made to him, and with the more application, as his revenues being large, and his management frugal, he had wherewithal to gain courtiers. It may be judged, that his zeal had ſuffered him not to advance Proteſtants to places of truſt, when he could introduce perſons of his religion. He had ſo powerful a party at court, and ſo many creatures about the king's perſon, that he was in a manner abſolute there, and directed the reſolutions of the council. Laſtly, if the king had any religion, he was moſt inclined to Popery. He found, beſides, a conſiderable advantage in careſſing the Papiſts, whom he eſteemed his firm friends, whereas he could not help dreading the zeal of the Proteſtants, in caſe they ſhould diſcover, he had abjured their religion.

Deſign to make the king abſolute.

After this view of the ſtate of the Engliſh court, it is eaſy to conceive, that thoſe who had moſt credit, and acceſs to the king, could hardly intend the benefit of the kingdom. Every one of his moſt intimate counſellors would have been glad to ſee the king abſolute, that he might have at command the whole riches of England to laviſh upon them. The king himſelf was ſo uneaſy, to be continually forced to deviſe freſh pretences to demand money of his parliament, that he could have wiſhed to be delivered from that trouble, and to have free liberty to take what he wanted without aſking. But on the other hand, he thought himſelf obliged to proceed circumſpectly; the example of his father not permitting him to engage in the ſame courſe, before he had taken greater precautions. This was the reaſon, that for ſome years the court-projects were executed gradually, and with great diſſimulation, notwithſtanding the warm temper of the duke of York, and the eagerneſs of the Papiſts. For it may be affirmed, that the king alone oppoſed their career, whether out of fear or prudence.

The king viſits divers pleaces. Sends a fleet into the mediterranean. Embaſſies Kennet.

This ſummer, the king diverted himſelf with making ſeveral progreſſes into the country, to view the ports and the navy. He ſent a ſquadron into the Mediterranean, commanded by Sir Thomas Allen, who forced he Algerines to a peace very advantagious to England.

Nothing more of any importance paſſed during the reſt of this year, except ſome embaſſies, which the ſequel requires ſhould be mentioned. Sir William Godolphin was ſent to the court of Spain; Mr. Ralph Montague was firſt envoy, and ſoon after ambaſſador to France; the earl of Carliſle went ambaſſador to Stockholm, and Sir William Temple ambaſſador extraordinary to the ſtates-general. On the other hand, Monſieur Colbert was ſent from France to reſide as ambaſſador at the Engliſh court.

Advancements at court.

There were alſo changes at court: Among others, Sir Thomas Clifford was made treaſurer of the houſhold, the duke of Monmouth, the king's natural ſon, was made captain of his life-guard of horſe: Sir John Trevor, lately returned from France, where he had been envoy, was ſworn one of his majeſty's principal ſecretary of ſtate, on the reſignation of Sir William Morice, to whom was given 10000 l. ſterling,

Deaths. Echard.

This year died Algernoon Percy earl of Northumberland, who was ſucceeded by his ſon; the famous poets Davenant, and Denham; and the great ſoldier Sir William Waller, ſo often mentioned in the hiſtory of the civil wars. He had been impriſoned by the Independent parliament, and confined till the king's reſtoration, when he was delivered, being conſidered on account of his ſufferings as a ſort of Royaliſt.

1669. The king changes his meaſures with regard to the triple-alliance Temple's Lett.

Tho' the year *1669*, produced no memorable events, it was however fatal to Europe; ſince it was, probably, this year that meaſures began to be taken for the ſtrict union of France with England. At leaſt, it appears in Sir William Temple's letters, that Mr. Puffendorf, who had this year been ſent envoy from Sweden to the court of France, calling at the Hague in his return, ſaid to Sir William Temple, that a miniſter at the French court had aſſured him, that the triple-alliance would not ſubſiſt, and that the Engliſh court had already changed their meaſures. The ſame Mr. Puffendorf ſaw a letter in marſhal Turenne's hands at Paris, from Monſieur Colbert the French ambaſſador in London, wherein that ambaſſador, ſpeaking of the Engliſh court, has this words:-----" I have at laſt made " them ſenſible of the whole extent of his " majeſty's liberality." So, it is ſcarce to be doubted, that Colbert's embaſſy to London was deſigned to gain or to corrupt the Engliſh court, and that he ſucceeded. It is the time only that his queſtioned, ſince the thing itſelf appeared manifeſtly in the ſequel.

Is gained by France

The prince of Tuſcany arrives in England. March 22. Echard.

The latter end of March, Coſmo de Medicis, prince of Tuſcany, arrived in England, where he was received with all the reſpect due to his birth and particular merit. As his deſign was only to ſee England, after he had viſited Spain and France, he was ſhewn, by order of the king, whatſoever was curious, and particularly the two univerſities.

Prince of George of Denmark. July. Theatre at Oxford opened. Kennet.

Soon after his departure, prince George of Denmark came alſo to pay the king a viſit, but made no long ſtay then in England.

The 9th of July the large and magnificent theatre at Oxford, built at the expence of Dr. Sheldon, archbiſhop of Canterbury, was opened. He was chancellor of the univerſity, and ſoon after reſigned that honour to the duke of Ormond. The duke was ſtill lord-lieutenant of Ireland, but ſoon after was removed, and ſucceeded by the lord Roberts, who was not of the duke's principles.

The king's ſcheme for religion.

In all appearance, the king had now formed a ſort of ſcheme with regard to religion. This was to incorporate the Presbyterians with the church of England, and procure a tolleration for all the other Non-conformiſts. He might have in this a double view. Firſt, to gain the Presbyterians, who were very numerous in the kingdom, and perhaps make uſe of them, thus united with the church of England, to check the fury of the Epiſcopalians, who were not leſs enemies to the Papiſts than to the Presbyterians. If the king had not been a Papiſt, which was then little known, it would be difficult to underſtand this policy, ſince ſuppoſing him a zealous member of the church of England, what occaſion had he to guard againſt her? But being a Catholick, the advantages of theſe precautions are very viſible. His ſecond view, univerſally allowed, and afterwards manifeſtly diſcovered, was, by procuring an indulgence for all Non-conformiſts without diſtinction, to procure alſo the ſame favour for the Papiſts. In purſuance of this ſcheme, the king and his miniſters affected to expreſs great kindneſs for the Presbyterians and this kindneſs encouraged them to appear more openly, and hold their aſſemblies with leſs caution and ſecrecy. In ſhort, Sir Orlando Bridgeman, lord-keeper, whether privy to the king's ſecret intentions, or led by motives of mildneſs and humanity, acquainting two of the moſt eminent Presbyterian miniſters, that he deſired a conference with them. They waited on him accordingly, and he freely told them, he deſigned to make them ſome propoſals for a comprehenſion for the Presbyterians, and a toleration for the Independents and the reſt. Upon this occaſion, theſe two presbyterian miniſters had ſeveral conferences with two epiſcopal doctors, one of whom was chaplain to the lord-keeper. When it is conſidered, that in the Savoy conference, at the beginning of this reign,

The Preſbyterians careſſed.

1669.

A project of comprehenſion, in order to which, the lordkeeper procures a conference between ſome church and Presbyterian miniſters. Burnet. The church miniſters make large conceſſions

reign, the two parties could not agree in any point, and that in the preſent conference an agreement was immediately made, it can hardly be doubted, that the two Epiſcopal divines came fully prepared to facilitate the accomodation. However this be, they agreed among them, concerning re-ordination, which was the point they moſt differed about, that all Presbyterian miniſters who had been already ordained, ſhould be admitted into the miniſtry of the church of England, with this form of words, "Take thou legal authority "to preach the word of God, and adminiſter "the holy ſacraments, in any congregation "of England, where thou ſhalt be lawfuly "appointed thereunto." This was not properly a new ordination, but only a power to exerciſe their miniſtry in the church of England. It was alſo agreed, that ceremonies ſhould be left indifferent, ſo that they might be uſed or not, according as every one ſhould think fit; and that the liturgy ſhould be altered: Moreover, that thoſe who could not be comprehended ſhould be indulged: and for ſecurity to the government, the names of the teachers, and all the members of the congregations, ſhould be regiſtred. Agreeably to this ſcheme, the lord chief juſtice Hale undertook to draw up a bill againſt the enſuing parliament, and the lord-keeper promiſed to ſupport it with all his power. It is eaſy to perceive, this project, however neceſſary to the king's deſigns, was directly contrary to the principles of the parliament, who were averſe to all condeſcenſion. Accordingly it came to nothing.

The archbiſhop of Canterbury tries to kreak the meaſures for a comprehenſion June 8. Echard.

In the interim, whether the ſecret of what paſſed in the conferences was not well kept, or the Non-conformiſts, encouraged by the court, aſſumed too much liberty, the archbiſhop of Canterbury reſolved to uſe his utmoſt endeavours to break their meaſures. For this purpoſe he wrote to all his ſuffragan biſhops a circular letter, requiring them to take a very particular account of them in their dioceſes. When he was provided with the neceſſary informations, he went to the king, and obtained from him a proclamation to enforce the laws againſt conventicles, and particularly the act for reſtraining Non-conformiſts from inhabiting in corporations. This proclamation was executed like thoſe againſt the Papiſts. For, about two months after, the king cauſed the Non-conformiſt miniſters to be told, that he inclined to favour them, and if they would addreſs him for his clemency and the liberty they enjoyed under him, it would be accepted. Whereupon ſuch an addreſs was prepared, and preſented to the king, at the earl of Arlington's lodgings, who received it graciouſly, and returned a favourabe anſwer.

A petition of the Non-conformiſts favourably received by the king.

The parliament, according to the prorogation, met the 19th of October, the king in a ſhort ſpeech demanded money for the diſcharge of his debts, and briefly propoſed the union of the two kingdoms of England and Scotland. Then the lord-keeper enlarged upon theſe points. But the commons, inſtead of taking the king's ſpeech into conſideration, proceeded upon other affairs. The publick accounts were examined, with the uſes to which the king had applied the money given him by the parliament; and Sir George Carteret, who had the keeping of ſome of the books being found very blameable, was expelled the houſe. Then they addreſſed the king to thank him for his proclamation againſt conventicles, praying him to continue the ſame care to ſuppreſs them for the future.

1669.

The commons examine the publik accounts. Echard.

Proceedings againſt the Non-conformiſts.

But not contented with this, they appointed a committee to enquire into the behaviour of the Non-conformiſts. This committee reported, 'That there were divers conventicles, 'and other ſeditious meetings near the parliament, where great numbers of diſaffected 'perſons frequently met, which was not only 'an affront to the government, but alſo of 'imminent danger to both houſes, and the 'peace of the kingdom.' It ſeems, the houſe was aſhamed to ſhew ſo much reſentment againſt the Presbyterians, ſolely on the account of religion, and therefore took great care to intereſt the ſtate; in order to create a belief, that the Presbyterians were guilty of ſedition. For they were always included under the general denomination of Non-conformiſts, ſo that it was believed they ought to be reſponſible for the conduct of the other ſects, with whom however they had no communication. Upon the report of the committee, the houſe declared, that they would firmly adhere to the king in the maintenance of the eſtabliſhed government of the church and ſtate, againſt al enemies whatſoever. When it is conſidered, that the ſtate had never enjoyed a more perfect tranquillity than at preſent it can hardly be queſtioned, that this declaration of the commons was owing to the forementioned project, which, doubtleſs, was come to their knowledge, and of which they were reſolved to prevent the execution, by indirectly declaring how much they were againſt it.

The commons vote the king a ſupply.

At laſt the commons voted the king a ſupply of 400,000 l. But, before they conſidered of the means to raiſe this ſum, they revived the debate concerning Skinner, and the Eaſt-India company, and came to ſeveral reſolutions, which the lords looked upon as ſo many violations of their priviledges in point of judicature. The difference between the two houſes daily increaſing, the king ſaw, it would be very difficult to reconcile them, and that the commons would not proceed upon the money-bill till this affair was adjuſted; and as he had no room to expect an agreement, he prorogued the parliament the 11th of December, to the 14th of February following.

The difference of the two houſes renewed. Echard. The parliament prorogued.

Affairs of Scotland. Kennet.

The parliament of Scotland met the ſame day with that of England. But before I ſpeak of the tranſactions of this parliament, it will not be improper, briefly to ſhew the character of the duke of Lauderdale, the king's high-commiſſioner. This lord made ſo great a figure in this reign, both in England and Scotland, that his character muſt not be thought foreign to our hiſtory.

Character of Lauderdale. Burnet.

John Maitland, earl, (afterwards) duke of Lauderdale, was during the troubles in Scotland,

1669.

land, a rigid Presbyterian, a zealous covenanter, and a diſtinguiſhed enemy of the royal authority. But he turned to the king's intereſt in 1647, when duke Hamilton invaded England, for the ſervice of Charles I. From that time, he was looked upon in Scotland as an enemy of his country. But, after the arrival of Charles II. in Scotland, and the compoſure of the differences between the Scots, he followed the king into England, was taken at the battle of Worceſter, and confined in ſeveral priſons, till the king's reſtoration. During his impriſonment he had great impreſſions of religion on his mind. But, after the king had received him into his favour and council, he ſo entirely wore them out, that ſcarce any trace of them were left. Whether he knew the ſecret ſentiments of the king and duke of York, with regard to religion, and the government, or only ſuſpected them, he imagined, the beſt way to preſerve his favour, was to enter into all the king's ſuppoſed views, and endeavour to render him abſolute in both kingdoms. Upon the king's reſtoration, it was debated in council, whether Epiſcopacy ſhould be reſtored in Scotland. The earl of Lauderdale ſtrenuouſly oppoſed it, for an extraordinary reaſon, viz. "That if the king pleaſed the Scots, he would be ſure of them, in order to the executing of any deſign he might afterwards be engaged in." This advice, tho' it was not followed, was acceptable to the king, and rivetted the duke in his favour. The reſolution to reſtore Epiſcopacy having been executed, no man appeared more ardent againſt the Presbyterians, nor had they a more violent perſecuter. I ſhall, doubtleſs, have occaſion to ſay more of him hereafter, but this ſuffices, to give ſome idea of his character.

The Scotch parliament enlarges the king's ſupremacy, and approves by an act the raiſing of the militia.

It was through his means and intrigues that the parliament, held this year in Scotland, paſſed an act, which raiſed the king's ſupremacy higher than ever. The ſame parliament approved the raiſing of the militia, and it was enacted, that it ſhould be kept up, and be ready to march into any of the king's dominions, for any cauſe in which his majeſty's authority, power, or greatneſs, ſhould be concerned; and that orders ſhould be tranſmitted to them from the council, without any mention of orders from the king. It was not at firſt known, what could be the intent of an act which ſeemed to take the militia out of the king's hands, and put it in the power of the council. But it was afterwards perceived, that this was Lauderdale's contrivance, that if the king ſhould have occaſion to call in the Scotiſh army, it ſhould not be neceſſary to ſend any orders himſelf, but that the council, upon a ſecret intimation, might do it without order; and then, if the deſign ſhould miſcarry, it ſhould lie on the council, whom the king might diſown, and ſo none about him be liable for it. This ſhews, that projects were then forming to render the king abſolute in England.

The intention of this act. Burnet.

1669. Death of the queen-mother, the duke of Albemarle and Mr. Prynne. Echard.

This year, the king's mother died in France, the 10th of Auguſt, in 60th year of her age. The famous duke of Albemarle died likewiſe the 3d of January, and was ſucceeded in his eſtate and honour by Chriſtopher his only ſon. To theſe deaths may be added that of the fafamous Prynne, the indefatigable author of more than 200 treatiſes, moſt of them of little eſteem.

1669-70. The king's ſpeech to the parliament. Echard.

The parliament meeting the 14th of February, the king told the two houſes, 'That when they laſt met, he asked them a ſupply, and now asked it again with great inſtance: The unaſineſs and ſtraitneſs of his affairs could nor continue without very ill effects to the whole kingdom. He let them know, that having fully informed himſelf of the expences of the laſt war, he could aſſure them, that no part of the moneys they had given him, had been diverted to other uſes. But on the contrary, a very great ſum had been raiſed out of his ſtanding revenue and credit, and a very great debt contracted, and all for the war. Laſtly he recommended to them, not to ſuffer any occaſion of difference between themſelves to be revived.'----

Echard.

The lord-keeper then made a ſpeech, which I think neceſſary to inſert at length, to ſhew the king's confidence in this parliament, which had already granted him ſuch large ſums.

My lords, and you knights, citizens, and burgeſſes of the houſe of commons.

'AT your laſt meeting, his majeſty did acquaint you with the great occaſions he had for a ſupply, and that he had forborn to ask it ſooner, more in conſideration of giving ſome time for the eaſe of the people, after the burden of the war, than that the condition of his affairs could ſo long have wanted: And his majeſty hath commanded me now to ſpeak more fully and plainly upon this ſubject. His majeſty hath not only, by his miniſters, but in his own royal perſon, examined the accounts, touching the expences of the laſt war, and hath thought himſelf concerned to let you know, that all the ſupplies which you gave him for the war, have been by him applied to the war, and and no part of them to any other uſes: Nay, ſo far from it, that if the preparations towards the war ſhall be taken to be for the uſe of the war, as they muſt be, a great part of his own revenue, to many hundred thouſands of pounds, hath been employed alſo, and ſwallowed up in the charge of the war, and what did neceſſarily relate to it. To which may be added, the great debts contracted by his majeſty in the war, and the great charges in the repairs of the hulls of the ſhips, and putting his navy into ſuch a condition as it was before. Beſides, his majeſty thinks it ought to be conſidered, that when the charges of the war were at the higheſt, the inevitable effects of it, and thoſe other calamities, which it pleaſed God at that time to bring upon us, did make ſo great a diminution of his revenues, that, deſides all other accidents and diſadvantages, the loſs that he ſuſtained in three branches of his revenue, in his cuſtoms, exciſe, and hearth-money, by reaſon of the war, the plague, and the fire, did amount to little leſs than to 600,000 l. Thus you ſee, that tho' your ſupplies have been great, yet the charges occaſioned by the war, and the calamities which accompanied it, have been greater: And that the debt which is left upon his majeſty, and which he complains of, hath been contracted by the war, and not by the diverſion of the monies deſigned for it.

'His majeſty hath commanded me to ſay one thing more to you upon this ſubject, that he did not enter into the war upon any private inclination, or appetite of his own. The firſt ſtep he made towards it, did riſe from your advice, and the promiſes of your aſſiſtance: but if the charges and accidents of the war have outgone all your ſupplies, and left him under the burden of this debt, he thinks, that as well the juſtice to your promiſe, as the duty and loyalty you have always ſhewed him, will oblige you to relieve him from it: And the rather, when you ſhall ſeriouſly conſider, how uneaſy this burden muſt be to him, and what ill conſequences the continuance under it muſt draw upon all his affairs; in which particular you, and every perſon you repreſent in this nation, will be concerned, as well as himſelf. His majeſty doth therefore command me in his name, to deſire you once more, and to conjure you, by that conſtant duty and loyalty, which you have always expreſſed to him, and by all the concernment you have for the ſupport of the honour and ſafety of his government, to provide ſuch a ſupply for him at this time, as may bear proportion to the preſſing occaſions that he hath, and to the ſtate of his affairs at home and abroad; and ſo ſpeedily and ſo effectually, as may anſwer the ends for which he hath deſired it. His majeſty hath further commanded me, to put you in mind of what was at your laſt meeting propoſed to you concerning an union between the two kingdoms, and to let you know, that the parliament of Scotland hath ſince declared to his majeſty, "That ſuch commiſſioners as his majeſty ſhall name, ſhall be authoriſed on their part, to treat with commiſſioners for this kingdom upon the grounds and conditions of the union." His majeſty therefore thought fit now again to recommend it to you, to take that matter effectually into your conſideration.'

A large ſupply granted to the king.

It would have been cruel not to be moved with the king's wants, after having ſo gloriouſly maintained a war againſt Holland, for which the parliament had granted him but 5,550,000 l. ſterling, ſince the peace. Wherefore the commons, as an effectual mark of their affection for the king, and of their reliance on the truth of the keeper's ſpeech, voted the king a ſupply capable to deliver him from his heavy burden. For this purpoſe they prepared two bills, one "to lay a duty upon all wines and vinegar, imported into the kingdom, from the 24th of June 1670, to the 24th of June 1678;" the other, "for the advancing the ſale of his majeſty's fee-farm rents, and other rents." The firſt is computed at 560,000 l. ſterling; the other, is believed to have raiſed more than double that ſum, ſo that he could depend upon 1,700,000 l. Thus the king received for this glorious war with Holland, 7,760,000 l. ſterling, which amount to 82,560,000 Dutch florins. And yet, there are Engliſh writers who ſeem to triumph, that this war coſt the ſtates 40,00000.

The king reconciles the two houſes. Echard.

The difference between the two houſes being revived this ſeſſion, the king, fearing the conſequences, ſummoned both houſes to Whitehall, and propoſed to them an expedient to end it; viz. by razing all entries and records, votes and reſolutions concerning Skinner's affair, to which they conſented, and thereby the quarrel was appeaſed, which was agreed to, and ſo the diſpute was at an end.

Addreſſes againſt Non-conformiſts and Papiſts.

This agreement produced an addreſs, preſented jointly to the king by both houſes the 11th of March, to pray him to give order for the ſuppreſſion of conventicles in and near London and Weſtminſter, and to put the laws in execution againſt popiſh recuſants. The king anſwered, that effectual courſe ſhould be taken in both caſes.

1670. Divers acts. One againſt conventicles. Echard.

The 11th of April, the king came to the houſe of peers, and paſſed 12 bills, among which were the two money bills, and a third for the ſuppreſſion of ſeditious conventicles. The ſubſtance of this act was, that, 'If any perſon upwards of 16, ſhould be preſent at any aſſembly, conventicle, or meeting, under colour or pretence of any exerciſe of religion, in any other manner, than according to the liturgy and practice of the church of England, where there were five perſons, or more, beſides thoſe of the houſhold; in ſuch caſes the offenders were to pay five ſhillings for the firſt offence, and ten for the ſecond. And the preachers and teachers in any ſuch meetings, were to forfeit 20 l. for the firſt, and 40 for the ſecond offence. And laſtly, thoſe who ſuffered any ſuch conventicles in their houſes, barns, yards, &c. were likewiſe to forfeit 20 l.' Moſt of the Engliſh hiſtorians, attached to the church of England, endeavour to excuſe the ſeverity of this act, by ſaying, it was made more upon political, than upon religious accounts. But this is always by means of the general name of Non-conformiſts, under which the Preſbyterians were compriſed, tho', ſince the king's reſtoration, they had never been concerned in any inſurrection, or ill-deſign againſt the government.

After paſſing theſe acts, the king adjourned the parliament to the 24th of October.

Parliament adjourned.

It ſeems, that hitherto the king had reaſon to be pleaſed with the parliament, which, beſides a ſtanding revenue of 1200,000 l. ſterling, had granted him ſolely for the war with Holland, above 7,000000 and a half, without reckoning ſo many other extraordinary ſums given him before the war. This parliament, ſuppoſing the king a zealous member of the Proteſtant church of England, deſired but two things, which, upon that ſuppoſition, he might readily grant. The one was, to come into their views and meaſures for the deſtruction of the Preſbyterians;

byterians; the other to diſable the Papiſts from giving any jealouſy to the Proteſtants. On the other hand, the parliament might juſtly ſuppoſe, that after having carried the royal prerogative ſo high, the king had reaſon to be pleaſed, and would endeavour to preſerve a happy union, with a parliament ſo devoted to him. It is certain, if the king had entirely complied with the parliament in theſe two articles, and confined his prerogative within the extenſive bounds which the parliament ſeemed to preſcribe to it, he might have ſpent his days with more happineſs, tranquillity, and plenty, than any of his predeceſſors.

The king's deſigns.

But the parliament's ſuppoſitions being falſe, it is not ſurpriſing, that the king would not enter into their views. Inſtead of being zealous for the Proteſtant religion, his intention was to overturn it. Inſtead of deſtroying the Presbyterians, his deſign was to grant them an indulgence, in order to have a pretence to procure the ſame for the Papiſts. Inſtead of being content with the power aſcribed him by the parliament, he thought it unworthy a king to found the extent of his authority upon acts of parliament only. Beſides, it was a pain to him to be forced to demand money, and to uſe for that purpoſe pretences notoriouſly falſe, tho' the parliament ſeemed to be ſatisfied with them. It would have been more agreeable to him to ſay, it is my will and pleaſure, than to be obliged to uſe humble intreaties to the commons. This his favourites were continually repreſenting to him; and to this the example of what he had himſelf ſeen practiſed in neighbouring ſtates ſtrongly prompted him. He was therefore impatient to free himſelf from this yoke of the parliament, and the more, as by augmenting his power, he ſhould be better able to countenance the Papiſts, and introduce their religion, which was his own, as well as his brother's. But if father Orleans, the jeſuit, is to be credited, theſe were not the motives which induced the king to take other reſolutions.

Extract from father Orleans's hiſtory.

'It was ſolely the indignation of his miniſters to ſee a republican ſpirit creeping into the parliament, and engaging them in ſo many proceedings againſt the royal authority. Among other things, the triple-alliance, into which the republican-cabal had forced the king, contrary to his inclination, appeared to the miniſters an audacious uſurpation upon the royal prerogative, the conſequences of which were to be prevented. Full of theſe reſentments, they perſuaded the king to render himſelf abſolute, in purſuance of the rights of his crown, and the laws of the kingdom; to confine the parliament within the bounds preſcribed by immemorial cuſtom, and not to ſuffer a mixture of a republick with a monarchy, introduced by violence and incroachments, for fear this mixture ſhould in time produce a monſtrous anarchy, and expoſe England to a horrible confuſion, like that from whence ſhe was ſo lately delivered.'

I ſhall make no remark on the little foundation this writer had to aſcribe a republican ſpirit to this parliament, nor on the king's being forced into the triple-alliance by the pretended republican cabal, nor laſtly on the maxims he eſtabliſhes, with reſpect to the conſtitution of the Engliſh government; becauſe every unbiaſſed reader, is, I ſuppoſe, able to ſee clearly the weakneſs of this reaſoning. But, ſince father Orleans ſays himſelf, that he was informed by James II, of the particulars of his own and his brother's reign, I believe this hiſtorian's word may be taken, that at the time I am ſpeaking of, Charles had reſolved to render himſelf abſolute. This is a truth which muſt always be remembered, if we deſire to underſtand all the events of this reign.

He aims to be abſolute. Echard.

The king eſtabliſhes a council, which is called the cabal. Echard.

This reſolution being taken, the king eaſily ſaw, that the execution of it required an artful and cautious conduct, and ſuch ſecret and imperceptible methods, as would not too plainly diſcover his intentions. For he could not ſuppoſe, that becauſe he deſired to be abſolute, the people of England would immediately give up their liberties and privileges. It was therefore neceſſary, to lead them to it inſenſibly and by degrees, and to that end he wanted a ſecret council compoſed of few perſons, in whom he might entirely confide, and whoſe intereſt it was to accompliſh this deſign. The ordinary council, conſiſting of 21 perſons, was not proper to conduct this affair; for, beſides that ſome counſellors had a right to their places, as for inſtance the archbiſhop of Canterbury, it was very difficult to engage ſo many perſons of the firſt rank in ſuch a plot. To effect therefore this undertaking with the more caution, the king eſtabliſhed a cabinet-council of five perſons only, viz.

Clifford,
Arlington,
Buckingham,
Aſhley,
Lauderdale.

As the initial letters of theſe five names compoſe the word CABAL, this ſecret council was from thence called the cabal. But before I proceed to the reſolutions taken by this council, it will be neceſſary to give a brief character of the members.

Characters of the counſellors Clifford.

Sir Thomas Clifford, according to father Orleans, only wanted a ſtage, where ſound reaſon and vertue were more frequent, than at this time in England, to appear ſuperior to the others. He was a declared and known Papiſt, ſo that he took no pains to diſguiſe his his religion. It was he who, after the triple-alliance was concluded, ſaid, "notwithſtanding all this noiſe, we muſt yet have another war with Holland." As the event juſtified his prediction, very probably, the ſcheme I have juſt mentioned, was then formed, and he in the ſecret.

Earl of Arlington.

Henry Bennet, earl of Arlington, ſecretary of ſtate, paſſed for a man of the leaſt genius of the five, but this was well ſupplyed by his great experience, and knowledge in foreign affairs. It is pretended, that being one of the king's retinue in his journey to Fontarabia, in the year 1629, he was the principal inſtrument to induce him to change his religion. However that be, he was truly a Catholick, tho' with the king, he outwardly profeſſed the Proteſtant religion. This is now univerſally agreed.

Duke of Buckingham.

George Villiers duke of Buckingham, the king's favourite, had a very lively wit. He might have made a great miniſter of ſtate, had not his paſſion for pleaſures, and all ſorts of debauches, diverted him from buſineſs. But nothing could tempt him to quit a diſſolute life, to which he had been uſed from his youth. He gloried in having no religion, and was reckoned an atheiſt. Such a favourite was no great honour to the king.

Earl of Shaftsbury

Sir Anthony Aſhley Cooper, created two years after earl of Shaftsbury, was one of the greateſt genius's England had produced for many years. This is the teſtimony equally given him by his friends and enemies. Father Orleans gives the following character of him, 'He was the moſt capable of the five to manage any important undertaking, and was the ſoul of this I am now ſpeaking of. He had a vaſt genius, was penetrating, bold, and equally ſteady, both on the right and the wrong ſide; a conſtant friend, but an implacable enemy, and the more dangerous, as being void of all religion and conſcience, it was the eaſier for him to plot, becauſe he was not deterred by the number or enormity of any crimes, when he judged them neceſſary to preſerve himſelf, or deſtroy thoſe who had incurred his hatred.' I ſhall obſerve here, that this character of the earl of Shaftſbury is not founded upon what he had done before his admiſſion into the cabinet-council, but upon what he did afterwards. For, leaving the king's party for that of the people and parlialment, the Royaliſts aſcribe to his intrigues alone, all the troubles which afterwards happened. Mr. Lock ſpeaks otherwiſe of him. It is true, he ſays nothing advantagious of him, in reſpect of religion. But however this be,in allowing the character given by father Orleans, it is eaſy to ſee, what ſort of men the king thought he wanted, for the execution of his deſigns.

Duke of Lauderdale.

The duke of Lauderdale was the moſt proper of the five to ſerve the king in this affair. To deſcribe a lord, who had ſo great a ſhare in the affairs of England and Scotland in this reign, I ſhall inſert here, the characters given of him by father Orleans, Mr. Echard, and Dr. Burnet biſhop of Saliſbury.

The firſt contents himſelf with ſaying, that the duke of Lauderdale, ſecretary of ſtate in Scotland, was a very ſubtle man, and a refined politician.

Mr. Echard ſays of the duke, 'The enlarging of the king's power and grandeur in Scotland, was much owing to the management of the preſent commiſſioner Lauderdale, who had formerly been as much for depreſſing, as he was now for exalting the prerogative. From the time of his commiſſion, the Scots are ſaid to calculate the date of the enſuing inconveniencies in this, and the following reign. For having there undertaken to make the king's power abſolute, and arbitrary, he ſtrained the royal prerogative to all kinds of exceſſes; and aſſumed to himſelf a ſort of a lawleſs adminiſtration of affairs, the exerciſe of which was ſuppoſed to be granted to him, upon the large promiſes he had made: And more apprehending other men's officious interfering than diſturbing his own abilities, he, in time, took care to make himſelf his majeſty's ſole informer, as well as his ſole ſecretary, and by that means, not only upon pretence of the king's prerogative, the affairs of Scotland were diſpoſed of in the court of England, without any notice taken of the king's council in Scotland; but ſtrict obſervation was alſo made of all Scotchmen that came to the Engliſh courts; and to attempt an addreſs, and acceſs to his majeſty, otherwiſe than by Lauderdale's mediation, was to hazard his perpetual reſentment. By theſe ways he gradually made himſelf the almoſt only ſignificant perſon of the whole Scotiſh nation; and in Scotland itſelf, procured to himſelf that ſovereign authority, as to name the privy-councellors, to place and remove the lords of the ſeſſion, and exchequer, grant gifts and penſions, to levy and diſband forces, to appoint general officers, and to tranſact all matters of importance.

This ſhews to a demonſtration, how much the king was delighted with the abſolute power exerciſed in his name in Scotland, and, conſequently, that he would have been glad to enjoy the like power in England.

If I ſhould tranſcribe all that is ſaid of duke Lauderdale, by Dr. Burnet, I ſhould, I fear, be too tedious, and therefore I ſhall content myſelf with ſelecting a paſſage, where he is beſt decribed.----- 'The earl of Lauderdale made a very ill appearance: He was very big: His tongue was too big for his mouth, which made him bedew all that he talked to: And his whole manner was rough and boiſterous, and very unfit for a court. He was very learned, not only in Latin, in which he was a maſter, but in Greek and Hebrew. He had read a great deal of divinity, and almoſt all the hiſtorians ancient and modern; ſo that he had great materials. He had with theſe an extraordinary memory, and a copious, but unpoliſhed expreſſion. He was a man, as the duke of Buckingham called him to me, of a blundering underſtanding. He was haughty beyond expreſſion, abject to thoſe he ſaw he muſt ſtoop to, but imperious to all others. He had a violence of paſſion, that carried him often to fits like madneſs, in which he had no temper. If he took a thing wrong, it was a vain thing to ſtudy to convince him: That would rather provoke him to ſwear he would never be of another mind: He was to be let alone; and perhaps he would have forgot what he had ſaid, and come about of his own accord. He was the the coldeſt friend, and the violenteſt enemy I ever knew: I felt it too much, not to know it. He at firſt ſeemed to deſpiſe wealth; but he delivered himſelf up afterwards to luxury and ſenſuality: And, by that means, he ran into a vaſt expence, and ſtuck at nothing that was neceſſary to ſupport it. In his long im-

'priſonment he had great impreſſions of religion on his mind: But he wore theſe out entirely, that ſcarce any trace of them were left. His great experience in affairs, his ready complyance with every thing that he thought would pleaſe the king, and his bold offering at the moſt deſperate counſels, gained him ſuch an intereſt in the king, that no attempt againſt him, nor complaint of him, could ever ſhake it, till a decay of ſtrength and underſtanding forced him to let go his hold. He was in his principles much againſt popery, and arbitrary government: And yet by a fatal train of paſſions and intereſts, he made way for the former, and had almoſt eſtabliſhed the latter. And whereas ſome, by a ſmooth deportment, made the firſt beginnings of tyranny leſs diſcernable and unacceptable, he, by the fury of his behaviour, heightened the ſeverity of his miniſtry, which was liker the cruelty of an inquiſition, than the legality of juſtice. With all this he was a Presbyterian, and retained his averſion to king Charles I, and his party, to his death.'

If to theſe five members of the cabal are joined, as in reaſon they ought, the king and duke of York, it will be found, that all the ſeven were of an abſolute and arbitrary government; and that, with regard to religion, four were Papiſts, viz. the king, the duke, Arlington and Clifford, and three without any religion, or at leaſt they conſidered it only as an engine of ſtate, theſe were Buckingham, Aſhley, and Lauderdale.

Deſigns of the cabal. Burnet.

It would be difficult to know the tranſactions of the cabal, if father Orleans inſtructed by king James II, had not told us that a war with Holland was there reſolved, in order to furniſh the king with a pretence to keep on foot both land and ſea forces. For it is manifeſt, that ſuch a deſign could be accompliſhed, but by force or fear. The pretence for this war was to be taken from the diſpute about the flag, which might eaſily be renewed, and from the general complaints of the Engliſh merchants, concerning their commerce, of which ſo great uſe had been made for undertaking the former war. "But, adds father Orleans, the true reaſon of making this war upon Holland, was the ſecret correſpondence between the Republicans of England and the Dutch, who were inceſſantly exciting them to rebellion, and to ſhake off the yoke of monarchy, being ever ready to ſupport thoſe that ſhould attack it." This ſeems to contradict what the ſame author advances a few lines before, viz. that the true ground of this war was to furniſh the king with a pretence for raiſing an army. There is however no condradiction: for it muſt be conſidered, that the deſign of the king and the cabal concerned two points, which went hand in hand, and formed properly but one deſign; viz. to introduce an arbitrary government, and to extirpate the Proteſtant religion. As it could not be expected, that the Engliſh would tamely give up their religion and liberty, without any reſiſtance, it was natural to begin with depriving them of the only aſſiſtance they could hope for, by attacking the Dutch, and diſabling them to ſuccour England. Thoſe therefore who are called by father Orleans the Republicans of England, were the perſons, who, it was ſuppoſed, would oppoſe the king's deſigns, as well Epiſcopalians as Presbyterians, and the Republicans properly ſo called. It is therefore clear, that the true reaſon of making war upon the ſtates, was as much to put it out of their power to aſſiſt the Engliſh, as to have a pretence for raiſing forces, and that this was but one and the ſame reaſon.

The king makes a ſecret alliance with France. Primi.

Some time before, Mr. Colbert de Croiſſy, the French ambaſſador at London, having ſounded the king and his miniſters, concerning a ſtrict alliance with his maſter, found them very favourably diſpoſed, eſpecially when he had told them, that the deſign of this alliance was to humble the pride of the ſtates-general. Indeed nothing could more promote their intention, than the concurrence of France, to deſtroy the hated and formidable power of the Dutch, who were alone capable of aſſiſting the Engliſh. Some pretend, that the king then ſigned a ſecret treaty with France; but if ſo, this treaty, in all appearance, was only in general terms, which required more particular articles. However this be, the king of France, to finiſh this affair, ſo happily begun, came to Dunkirk, on pretence of viewing the Riſbank, which was then riſing; and bringing with him the ducheſs of Orleans his ſiſter-in-law, ſhe took occaſion from the neighbourhood of England, to deſire leave to viſit her brother, which was readily granted, ſince every thing was already concerted. She was met by the king at Dover, where ſhe arrived the 15th of May, and ſtayed above a fortnight amidſt continual pleaſures and diverſions. But theſe diverſions hindered her not from executing the commiſſion ſhe was charged with; which was, as it is pretended, to make a propoſal to her brother, in the name of the moſt Chriſtian majeſty, of enſuring him an abſolute authority over his parliament, and reſtoring the Catholick religion in his three kingdoms, as ſoon as the ſtates ſhould be ſufficiently humbled. Tho' the conferences between the king and his ſiſter were managed with great ſecrecy, the events with which they were followed, clearly diſcovered that this was the ſubject of them; and abbot Primi and father Orleans poſitively ſay it, except what concerns religion, which popiſh authors ſcruple to own, for fear of juſtifying the ſuſpitions afterwards entertained by the parliament, and the meaſures they would have taken to preſerve religion from utter deſtruction.

The ducheſs of Orleans comes into England. Burnet.

Manages an alliance between the king of England and France. Primi.

Death of the ducheſs of Orleans. Echard.

An accident which happened ſhortly after, ſeemed likely to break the good underſtanding between the courts of France and England. The 19th of June, the ducheſs of Orleans in perfect health, called, according to cuſtom, for a glaſs of Succory water, at four in the afternoon. She had no ſooner drank it, but ſhe found herſelf ill, and her pain increaſing, ſhe died about two in the morning She was univerſally believed to be poiſoned, but the author of her death is not ſo unanimouſly agreed on, tho' the duke of Orleans her huſband was by many, ſecretly accuſed. The firſt account of her death was brought to the king by Sir Thomas Armſtrong, who to told him plainly, what the French thought of this ſudden death, adding, that tho' he was in the chamber of the deceaſed at ſix the ſame morning, the ſtench of the corpſe was ſo ſtrong, that he could hardly bear the room. The king could not help falling into tears, and expreſſing himſelf very paſſionately againſt the duke of Orleans, ſaying, He was a----! but prithee, Tom, do not ſpeak of it. Preſently after, arrived the marquiſs of Bellefonds with the news, and to pay the compliment of condolence from the French king: He gave an account of the ducheſs'sdeath, in the moſt proper manner to removeall ſuſpicion.

The duke of Buckingham ſent into France to conclude a treaty with that king.

The king was ſoon comforted for the loſs of his ſiſter, and not thinking that this death, uncommon as it was, ought to break, or even retard, the meaſures taken with the court of France, he ſent the duke of Buckingham to Paris, to conclude and ſign the Dover agreement. The pretence uſed by the duke of Buckingham for his jorney, was his deſire to ſee France, and learn the language.

The duke of Lorrain diſpoſſeſſed of his duchy by the French vainly applies for relief to king Charles. Echard.

In September, Lewis XIV. made an irruption into Lorrain, by his general marſhal de Crequi. The duke, who had not expected to be attacked, was obliged to fly, and leave his duchy a prey to the marſhal, who took poſſeſſion in the name of his maſter. In vain did the duke hope for the interceſſion of Charles to the king of France, in return for the money lent and given him in his exile, and for the offer to ſerve him with all his forces. His envoy was anſwered, "That the king was ſorry "for what had happened, and that the preſent violence, like the miſchiefs of a ſudden "inundation, muſt be endured at this time.

Proclamation againſt the old parliament officers. Echard.

The parliament being to meet the 24th of October, the king, a few days before, publiſhed a proclamation, commanding all officers and ſoldiers ſerving in any of the armies of the late uſurped powers, not having a conſtant habitation, to depart out of the cities of London and Weſtminiſter, and not to return again or come within 20 miles, till after the 10th day of December next; and in the mean time to carry no ſword, piſtol, or any other arms. This was to ſhew the houſes his care of their preſervation.

The keepers ſpeech the parliament. Echard.

The parliament aſſembling, the king, after a ſhort ſpeech to both houſes, referred all to the lord-keeper. Probably, he durſt not with his own mouth, declare things ſo oppoſite to his deſigns, and which tended only to enſnare the parliament. He choſe rather to have this done by the keeper, who not being privy to the ſecrets of the cabal, might ſpeak with more aſſurance, as being perſwaded of what he ſaid. He repreſented therefore in his ſpeech---'That France and the ſtates-general are powerfully arming by ſea and land; 'are building new ſhips, and filling their 'magazines with all ſorts of proviſions. That, 'ſince the beginning of the laſt Dutch war, 'France has ſo increaſed the number of her 'ſhips, that her ſtrength by ſea is thrice as 'much as it was before; and ſince the end of 'it, Holland has been very diligent alſo in 'augmenting her fleets. That in ſuch a juncture, common prudence requires, that his 'majeſty ſhould make ſome ſuitable preparations: That he has therefore given order, 'for the fitting out 50 ſail of the greateſt 'ſhips againſt the ſpring, beſides thoſe which 'are to be for the ſecurity of the merchants 'in the Mediterranean, as foreſeeing, if he 'ſhould not have a conſiderable fleet, temptation might be given to thoſe who ſeem 'not now to intend it, to give us an affront, 'if not to do us miſchief. To which may be 'added, that his majeſty, by the leagues he 'hath made for the good of his kingdoms, is 'obliged to a certain number of forces in caſe 'of infraction thereof; as alſo for the aſſiſtance 'of ſome of his neighbours, in caſe of invaſion. 'And his majeſty would be in a very ill condition to perform his part of the leagues, if, '(while the clouds were gathering ſo thick about us,) he ſhould, in hopes that the wind 'would diſperſe them, omit to provide againſt 'the ſtorm.' He then told them, 'That 'his majeſty has made ſeveral leagues, as the 'triple-alliance; another with the ſtates-general; another with the duke of Savoy; another with the king of Denmark, another 'with the king of Spain; not to mention the 'leagues formerly made with Sweden and 'Portugal, nor thoſe treaties now depending 'between his majeſty and France, or between 'him and the ſtates-general, touching commerce; wherein his majeſty will have a ſingular regard to the honour of this nation, 'and alſo to the trade of it, which never was 'greater than now it is.' He added, 'That 'his majeſty finds by his accounts from the 'year 1660 to the late war, the ordinary 'charge of the fleet communibus annis, came 'to above 500,000 l. a year. If that particular alone takes up ſo much, the revenue will 'in no degree ſuffice to take off the debts due 'upon intereſt, much leſs give him a fund for 'ſetting out this fleet, which by common eſtimation cannot coſt leſs than 800,000 l.' --- He then intimated to them, 'That his majeſty intended to put an end to this meeting 'before Chriſtmas, and therefore prayed them 'to take his majeſty's affairs into their ſpeedy 'and affectionate conſideration.'

The commons vote the king a large ſupply. Echard.

The houſe of commons charmed with all theſe great alliances, made for the honour and advantage of the nation, prepared immediately three bills, one to raiſe 800,000 l. by way of ſubſidies; another to lay an additional exciſe upon beer, ale, and other liquors, for ſix years; a third for laying impoſitions upon proceedings at law for nine years. Theſe three bills were to produce to the king 2,500,000 l. ſterling. But, before any bill was finiſhed, the king adjourned the parliament to the latter end of January.

The prince of Orange in England. Kennet.

The prince of Orange came to London about the cloſe of the year 1669, to pay a viſit to the king his uncle. The principal motive of his journey, was to demand of the king the repayment of money lent him by the prince

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his father, in the time of his exile. He was graciouſly received, and after a ſtay of about three months returned to Holland.

Sir William Temple recalled. Temple's lett.

Before his arrival, Sir William Temple was recalled from his ambaſſy in Holland. He was not a proper inſtrument to be employed in the deſigns of the cabal. Beſides, the court was diſpoſed to a ſpeedy rupture with the Dutch.

1670-1. Sir John Coventary's barbarous uſage gives an occaſion to a new act of perliament. Echard.

The parliament meeting towards the latter end of January, after a ſhort receſs, the commons began with preparing a bill which made it death for any man maliciouſly to diſable or diſmember another, to put out an eye, to cut off a noſe or lip, &c. This was owing to an attempt upon Sir John Coventry, a member of the commons, in the ſtreet, in which his noſe was ſlit. This fact was, by the king's order, committed to the duke of Monmouth his natural ſon, and the duke had employed ſome other perſons, who, after the deed, retired to his houſe.

The 14th of February the king ſent a meſſage to the houſe of commons, to haſten the money-bills. But the houſe thought proper, before theſe bills were preſented to the king, to addreſs him concerning the growth of popery, for which the concurrence of the lords was obtained. As this addreſs may ſerve to illuſtrate the hiſtory of this reign, it is not unneceſſary to inſert it entire.

The addreſs of both houſes againſt Popery. Echard.

May it pleaſe your moſt excellent majeſty,

‘ We your majeſty's moſt humble and loyal ſubjects, the lords and commons in this preſent parliament, being ſenſible of your majeſty's conſtancy to the Proteſtant religion, both at home and abroad, hold our ſelves bound in conſcience and duty, to repreſent to your majeſty the cauſes of the dangerous growth of Popery in your majeſty's dominions, the ill conſequence whereof we heartily deſire may be prevented. And therefore what we humbly conceive to be ſome preſent remedies for the ſaid growing evils, we have hereunto added in our moſt humble petitions.

Cauſes of the growth of popery.

‘ 1. THAT there are great numbers of prieſts and jeſuits frequenting the cities of London and Weſtminſter, and moſt of the counties of this kingdom, more than formerly, ſeducing your majeſty's good ſubjects.

‘ 2. That there are ſeveral chapels, and places uſed for ſaying maſs, in the great towns, and many other parts of the kingdom, beſides thoſe in ambaſſadors houſes, whether great numbers of your majeſty's ſubjects conſtantly reſort and repair without controul; and eſpecially in the cities of London and Weſtminſter, contrary to the laws eſtabliſhed.

‘ 3. That there are fraternities or convents of Engliſh Pepiſh prieſts and jeſuits at St. James's, and at the Combe in Hertfordſhire, and other parts of the kingdom; beſides ſeveral ſchools are kept in divers parts of the kingdom for the corrupt educating of youth in the principles of popery.

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‘ 4. The common and publick ſelling of popiſh catechiſms, and other ſeditious books, even in the time of parliament.

‘ 5. The general remiſſneſs of the magiſtrates and other officers, clerks of the aſſize, and clerks of the peace, in not convicting of Papiſts according to law.

‘ 6. That ſuſpected recuſants are free from all offices chargeable and troubleſome, and do enjoy the advantage of offices and places beneficial; executed either by themſelves, or perſons entruſted for them.

‘ 7. That the advowſance of churches, and preſentations to livings are diſpoſed of by Popiſh recuſants, or by others entruſted by them as they direct; whereby moſt of thoſe livings and benefices are filled with ſcandalous and unfit miniſters.

‘ 8. That many perſons take the liberty to ſend their children beyond the ſeas, to be educated in the Popiſh religion; and that ſeveral young perſons are ſent beyond the ſeas, upon the notion of their better education, under tutors and guardians, who are not put to take the oaths of allegiance and ſupremacy, and uſually corrupt the youth under their tuition into Popery.

‘ 9. That there have been few exchequer proceſſes iſſued forth, ſince the act of parliament againſt Popiſh recuſants convict, tho' many have been certified thither.

‘ 10. The great inſolenceies of Papiſts in in Ireland (where do publickly appear archbiſhops and biſhops, reputed to be made ſo by the pope, in oppoſition to thoſe made under his majeſty's authority, according to the religion eſtabliſhed in England and Ireland) and the open exerciſe of maſs in Dublin, and other parts of that kingdom, is further a great cauſe of the preſent growth of Popery. That Peter Talbot, the reputed archbiſhop of Dublin, was publickly conſecrated ſo at Antwerp with great ſolemnity; from whence he came to London, where he exerciſed his function; and was all along, in his journey to Cheſter, treated with the character of his grace by the Popiſh recuſants whom he viſited: And at his landing at Dublin, was received with great ſolemnity by thoſe of the Popiſh religion there, where alſo he exerciſed his function publickly, great multitudes then flocking to him, and ſtill continues to do the ſame. His preſent reſidence is within three miles of Dublin, at his brother's colonel Richard Talbot, who now here ſolliciting your majeſty as publick agent, on the behalf of the Iriſh papiſts of that kingdom."

Remedies againſt theſe growing miſchiefs.

‘ We the lords and commons aſſembled in this preſent parliament, do in all humility repreſent to your ſacred majeſty in theſe our petitions following:

‘ 1. THAT your majeſty, by your proclamation, would be graciouſly pleaſed to command, that all Popiſh prieſts and jeſuits do depart this realm, and all other your majeſty's dominions, on or before a ſhort 'day to be perfixed, at their perils; except only ſuch foreign prieſts as attend her majeſty's perſon, by the contract of marriage, and ambaſſadors, according to the law of nations: And that all judges, &c. do cauſe the laws now in force againſt popiſh recuſants convict, to be put in execution: And in the firſt place, for the ſpeedy convicting ſuch popiſh recuſants, that all judges and juſtices aforeſaid, do directly give the ſaid laws in charge unto the juries at all aſſizes and ſeſſions, under the penalty of incurring your majeſty's higheſt diſpleaſure.

'2. That your majeſty would be pleaſed to reſtrain and hinder the great concourſe of your native ſubjects from hearing maſs, and other exerciſes of the Romiſh religion, in the houſes of foreign ambaſſadors or agents, and in all other chapels and places of this kingdom.

'3. That your majeſty would be pleaſed, to take care, and cauſe, "That no office or employment of publick authority, truſt or command in civil or military affairs, be commited to, or continued in the hands of any perſon being a popiſh recuſant, or juſtly reputed ſo to be.

'4. That your majeſty would be pleaſed to take notice of all fraternities or convents of Engliſh, and other popiſh prieſts, jeſuits or friers, and ſchools for the education of youth in the principles of popery, erected within your majeſty's dominions, and to cauſe the ſame to be aboliſhed, and the ſaid prieſts, jeſuits, friers, and ſcoolmaſters to be duly puniſhed for ſuch their inſolencies.

'5. That your majeſty would be pleaſed, from time to time, to require and cauſe, that all the officers of, or relating to the exchequer, iſſue forth proceſſes effectually againſt popiſh recuſants, convict certified thither. And that ſuch officers as ſhall refuſe or neglect to do their duty as aforeſaid, be ſeverely puniſhed for ſuch their failures.

'6. That your majeſty would be pleaſed to give order, for apprehending and bringing over into England, one Pluncket, who goes under the name of primate of Ireland, and one Peter Talbot, who takes upon him the name of archbiſhop of Dublin, to anſwer ſuch matters as ſhall be objected againſt them.'

The king's anſwer. Echard.

The king replied to this addreſs, that he ſhould do what was deſired, but ſuppoſed, no perſon would wonder, if he made a difference betwen thoſe Papiſts, that had newly changed their religion, and thoſe that were bred up in it, and had faithfully ſerved him and his father in the late wars. A few days after, the king publiſhed a proclamation, which ran much in the ſame ſtile with thoſe that had been iſſued on this occaſion, and was no better obſerved. From the beginning of the reign of James I, to the end of that of Charles II, the ſame method was conſtantly practiſed. Upon the inſtances of the parliament to prevent the growth of Popery, theſe three kings had never ſcrupled to grant whatever was deſired, and in conſequence to publiſh proclamations; but there was a wide difference between the publication and the execution.

A reflection.

I ſhall obſerve here, that in the beginning of the civil wars, Charles I, poſitively denied, he had any Papiſts in his ſervice. But Charles II, his ſon, in this forementioned anſwer, not only publickly owns it, but ſays alſo, that in conſideration of the great ſervices of the Papiſts, to his father and himſelf in the civil wars, he is obliged to give them marks of his favour.

Money-bills. Echard.

This affair being ended, the commons proceeded upon the three money bills, and as if theſe had not been ſufficient to ſupply the king's wants, they afterwards added a fourth, for impoſitions on foreign commodities. Theſe bills being ſent up to the lords, were debated in their houſe. On the ſecond reading of the ſubſidy-bill, the lord Lucas roſe up, and in preſence of the king, who was then in the houſe, (where he frequently came without formality) made a ſpeech which was very diſagreeable to his majeſty. I do not think it neceſſary to inſert the whole ſpeech, but however ſhall relate ſome paſſages, which will ſhew what many thought, tho' few had the the boldneſs of the lord Lucas to ſpeak it publickly.

The lord Lucas's warm ſpeech concerning ſubſidies. Feb. 22.

He firſt complained, 'That whereas, upon the king's reſtoration, it was the hopes of all good men, that the nation would be freed from the burthens they had been ſo long oppreſſed with, theſe burthens were heavier than ever, whilſt their ſtrength was diminiſhed, and they were leſs able to ſupport them, --that if the vaſt ſums given were all employed for the king and kingdom, it would not ſo much trouble them: But they could not without infinite regret of heart, ſee ſo great a part of the money pounded up in the purſes of a few private men, who, in the time of his majeſty's moſt happy reſtoration, were worth very little or nothing, but were now purchaſing lands, and kept their coaches and ſix horſes, their pages, and their lacqueys; while, in the mean time, thoſe that had faithfully ſerved the king, were expoſed to penury and want, and had ſcarce ſufficient left to buy them bread.---But, ſuppoſing all the money given was employed for the uſe of his majeſty, and he was not cozened, as without doubt he is, are there no bounds to, no moderation in, giving? Will it be ſaid, that his majeſty will not be able to maintain the triple-alliance, without a plentiful ſupply, and we ſhall thereby rnn the hazard of being conquered: This may be a reaſon for giving ſomething, but it is ſo far from being an argument for giving ſo much, that it may be clearly made out, "That it is the direct and ready way to conquered by a foreigner. And it may be the policy of the French king, by his often alarms of armies and fleets, to induce us to conſume our treaſure in vain preparations againſt him; and after he has, by this means, made us poor and weak enough, he may then come upon, and deſtroy us. It is not the giving a great deal, but the well managing the money given, that muſt keep us ſafe from our enemies, -----Beſides, what is this but ne moriare mori, to dye for fear of dying, and for fear of being conquered by a foreigner, to put ourſelves in a condition almoſt as bad? Nay, in ſome reſpect, a great deal worſe; for when we are under the power of the victor, we know we can fall no lower, and the certainties of our miſeries are ſome ſort of diminution of them: But in this wild way, we have no certainty at all; for if you give thus much to day, you may give as much more to morrow, and never leave giving, till we have given all that ever we have away.----It is therefore neceſſary to be able to make ſome eſtimate of our ſelves: Would his majeſty be pleaſed to have a quarter of our eſtates? For my part he ſhall have it: Would he be pleaſed to have half? For my part, upon good occaſions he ſhall have it: But then let us have ſome aſſurances of the quiet enjoyment of the remainder, and know what we have to truſt to.----The commons have here ſent up a bill for the giving his majeſty the 20th part of our eſtates, and I hear there are other Bills alſo preparing, which together will amount to little leſs than 3,000000 of money. a prodigious ſum! And ſuch, that if your lordſhips afford no relief, we muſt ſink under the weight of it. I hope therefore, your lordſhips will ſet ſome bounds to the over-liberal humour of the commons. If you cannot deny or moderate a bill for money, all your great eſtates are wholly at their diſpoſal, and you have nothing that you can properly call your own,----Upon the whole matter, I moſt humbly propoſe, that you would be pleaſed to reduce the twelve pence in the pound, to eight pence."-----

Is burnt by the hangman. Echard.

This ſpeech, afterwards printed and publiſhed, was ſo offenſive to the king and his miniſters, that it was ordered to be burnt by the common hangman. But however it made ſome impreſſion upon the lords, who ſent the bill to the commons with amendments, that is, with ſome alterations*. This occaſioned a diſpute between the two houſes, the commons refuſing to receive the amendments. But in a conference the difference was ended, by the acquieſcence of the lords, to the reaſons of the commons. The two firſt money bills, namely, the ſubſidy-bill, and the additional tax upon beer and other liquors, being ready, the king came to the houſe of lords the 6th of March, and paſſed theſe two acts, with another, "for reveſting the power of granting wine-licences in his majeſty's heirs and ſucceſſors, and for ſettling a revenue on his royal highneſs in lieu thereof, which amounted to 24000 l. a year †.

Money-bills paſſed.

Difference between the two houſes. Echard.

There ſtill remained two other money-bills, which had been ſent to the lords, one for impoſition on proceedings at law, and another for an additional impoſition upon ſeveral foreign commodities. The firſt bill paſſed the houſe of lords without any difficulty. But the ſecond occaſioned a violent conteſt between the two houſes. The London merchants having preſented a petition to the lords, in which they ſhowed the diſproportion of the rates impoſed upon certain commodities, to be ſuch as would utterly ruin the whole trade of theſe commodities, and bring an irreparable prejudice upon all the Engliſh plantations, and conſequently upon the kingdom; thereupon the lords judg'd it neceſſary to make alterations in the bill and lower ſome of the rates, and then returned the bill to the commons. The commons maintained, the lords had no right to make any amendments in bills of impoſitions and rates, and could only receive or reject them as they were ſent, and the lords aſſerted the contrary. This diſpute produced ſeveral conferences, in which the two houſes mutually communicated their reaſons, anſwers, and replies. It would be too long to enter into the diſcuſſion of this difference, which, beſides, would hardly be intelligible to thoſe who have not a thorough knowledge of the conſtitution of Engliſh parliaments. I ſhall only relate one circumſtance, which may be underſtood by all, and wherein conſiſted the eſſential part of the diſpute. The commons maintained, that by a fundamental right, it belonged to their houſe (in excluſion of the lords,) to impoſe rates upon merchandize. They meant by this fundamental right, a conſtant uſage or cuſtom, according to the principles of the parliament, in the time of Charles I. The Lords, after the example of Charles I, demanded of the commons, where was the charter or contract to be found, by which the lords diveſted themſelves of this right, and appropriated it to the commons, with an excluſion to themſelves? To this the commons replied by another queſtion, where was the record by which the commons ſubmitted, that this judicature ſhould be appropriated to the lords, in excluſion of themſelves? wherever their lordſhips ſhould find the laſt record, they would ſhow the firſt endorſed upon the back of the ſame roll. In ſhort, the king perceiving the conteſt daily increas'd, came to the houſe of peers, and after the royal aſſent given to an act for impoſitions on proceedings at law, and ſome others, he prorogued the parliament to the 16th of April, 1672. and afterwards by ſeveral prorogations to the 4th of February 1672-3. So that this prorogation continued a year and nine months.

A long prorogation of the parliament April, 22. Echard.

Reflections upon the liberality of the commons.

Probably, every reader will be ſurprized at the extreme liberality of the commons to the king, eſpecially in this ſeſſion. As to the former ſupplies, it may be ſaid, they had ſome foundation, true or falſe. But for the preſent ſupply, which was greater than any before, it was founded upon a contingency which had not even the leaſt appearance. For it was upon a ſuppoſition, that France and the ſtates-general who were making great preparations, might invade England, if they found her unarm'd though ſhe was in peace with France, and in ſtrict alliance with Holland. Beſides, the ſtates had hitherto made no extraordinary preparations, becauſe they did not yet ſuſpect, they ſhould be attacked. And as to France, the king knew, he had nothing to fear from that quarter. Nevertheleſs, upon the king's bare propoſition, ſupported by no probability, a ſum of 2,000000 and a half was granted him, which ſome even compute at 3,000000. Nothing is more proper to render probable what is aſſerted by many authors, that ſcarce a member, however inconſiderable, was without a penſion from the king, according to his credit in the houſe, and that theſe penſions were increaſed in proportion to the ſums granted to the king. Thus much is certain, that afterwards upon an inquiry, ſome were found guilty of this colluſion.

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* They alledged in particular, That the diſtreſſes allowed and appointed in that bill, ſuch as the breaking open of doors, were not agreeable to the antient privilege of peers. Echard.

† There was alſo paſſed at the ſame, among others, an act to prevent malicious burning of houſes, ſtacks of corn, and killing or maiming of cattle. Statute-B.

Death of the dutcheſs of York. Sandford.

Before I proceed, it muſt not be forgot to ſpeak of the death of Ann Hyde ducheſs of York, daughter to the earl of Clarendon, the late chancellor. She died the 31ſt of March in the 34th year of her age, after an abjuration of the Proteſtant religion during her long indiſpoſition. From her marriage proceeded eight children, two of which only ſurvived her, Mary and Anne, who were both queens of England. The reſt all dyed young.

The duke of York formally abjures the Proteſtant religion. Echard.

The duke of York was a Papiſt before the king's reſtoration, but I can't find at what time he changed his religion. It was a ſecret for ſome time, but had now been ſo divulged, that it was openly talked of in the court and country. At laſt, ſoon after the death of his ducheſs, he made a formal adjuration of the Proteſtant religion before father Simons an Engliſh jeſuit, and from that time openly declared himſelf a Papiſt. His inducement, as 'tis ſaid, to make publick profeſſion of this religion, was this. The king had, for ſome years, even before Clarendon's diſgrace, entertained a ſecret deſign of divorcing his queen, whom he had never loved. He had communicated this deſign to ſome of his confidents, but it was always oppoſed by the earl of Clarendon, whether from the injuſtice of the thing, or for the ſake of his daughter the dutcheſs of York, and her poſterity. After the removal of that miniſter, the king finding himſelf more free, perſiſted in his deſign, which, as it is affirmed, was incouraged by the Papiſts, and approved by the court of Rome. One pretence for this divorce, was, that the queen had been pre-engaged to another, who however was not named. It was alſo pretended, ſhe was incapable of having children, though ſhe had twice miſcarried. But as theſe facts are very difficult to be proved, the king was aſſiſted to find a more plauſible pretence; which was, to lay ſnares to betray the queen into ſuch freedoms, as might be the ground of an accuſation of adultery. But the king could not reſolve to uſe a method ſo unjuſt and diſhonorable. Nevertheleſs the divorce was reſolved, and as a pretence only was wanting, an effectual one would certainly have been found. The prieſts and jeſuits who were continually about the duke of York, had long preſſed him to make open profeſſion of the Roman catholick religion, but had not yet been able to ſucceed, becauſe the duke ſaw, it would make him forfeit the affection of moſt of the Engliſh. At laſt, upon the duke of York's refuſal they ſtrenuouſly laboured the affair of the divorce, and cauſed, as it is ſaid, the pope to promiſe his conſent. When the buſineſs was thus far advanced, they intimated to the duke of York, that they were able either to effect or hinder the king's divorce, and would undertake the latter, if he would make open profeſſion of the catholick religion. This, as it is pretended, ingaged him to declare himſelf a Papiſt, being apprehenſive, that if the king ſhould be divorced from his queen, he would marry again, and have legitimate children. I relate theſe particulars, as I found them in the hiſtories and memoirs of thoſe times, but I muſt warn the reader, that the authors of them alledge no other proof than their own teſtimony.

And makes an open profeſſion of the Popiſh.

Projects of the cabal. Echard.

After the prorogation of the parliament, the cabal ſought, with all poſſible ardor, means to execute their projects. Theſe were, firſt, to render the king abſolute, or in their language, a great prince: and under this article was comprized, the eſtabliſhment of Popery, if not the entire deſtruction of the Proteſtant religion. For there is no viſible medium between theſe two things. I have already given the reaſon why the article of religion is omitted by the king's adherents. The ſecond project was to break the triple-alliance. The third, to make war, upon Holland, tho' it was difficult to invent any the leaſt plauſible pretence. To execute the two laſt, Mr. Henry Coventry, who had been plenipotentiary at the treaty of Breda, was ſent to Sweden, and Sir George Downing to the Hague. Temple, as I have ſaid, was recalled, but to amuſe the ſtates, the king feigned to ſend for Temple only to be informed of ſome matters, and that he ſhould immediately return. He was however ſtill in London, and though the king had no deſign to ſend him back to Holland, yet to take away all ſuſpicion from the Dutch of his intention to break with them, he had hitherto refuſed his permiſſion to Sir William to ſend for his wife and family. At laſt, he was openly recalled, and obtained leave for his wife and children to come over who were ſtill at the Hague. The recalling of Temple, and ſending of Downing in his place ſufficiently diſcovered the king's intentions. The firſt was extremely beloved in Holland, as he had always behaved with integrity, and a concern for the common intereſts of both nations. The ſecond had ſerved for inſtrument to engage the king and the ſtates in the late war, and was looked upon in Holland as a man of no honour, and a real incendiary. So that when the ſtates heard, he was coming in the room of Temple, they no longer doubted of a rupture with England. Mean while Downing being arrived at the Hague, was not wanting in proteſtations, that the king his maſter was reſolved to maintain the triple-alliance, and if he was equipping a fleet, it was wholly owing to the great preparations of his neighbours, and particularly the king of France, of whom he had juſt cauſe to be jealous. But withal, he failed not to complain of the obſtinacy of the Dutch, upon an affair of little importance, concerning the Colony of Surinam; adding ſome complaints of the Engliſh merhants

The king endeavours to amuſe the ſtates-general.

chants againſt the Dutch Eaſt-India company. Theſe were the two articles on which the king intended to found a rupture, but as he did not think them of ſufficient weight, he projected to draw the ſtates into a ſort of inſult upon him, which might give him a more plauſible pretence for a war.

A yacht belonging to the king fires at the Dutch, to engage them to ſtrike the flag. Temple's letters.

To this end, the king having granted Sir William Temple a yacht to bring over his lady, the admiralty gave expreſs orders to the captain to go in queſt of the Dutch fleet, then at ſea, and, if they refuſed to ſtrike, to fire upon them. The captain met with them, as he was returning with the ambaſſadreſs and her children. When he ſaw, the fleet paid no regard to the king's yacht, he fired ſeveral ſhots at them. Mr. de Ghent, who commanded the fleet, ſurpriſed at this inſult, ſent a boat to the yacht to know the meaning of it. The captain only anſwered, he had his inſtructions, and was bound to follow them. Upon this Mr. de Ghent went to the yacht on pretence of paying a compliment to the ambaſſadreſs, which being performed, he talked with the captain, and was anſwered as before. The admiral replyed, he had no orders from his maſters in that point, and did not know how the affair was agreed between his majeſty and the ſtates; but tho' it were ſettled, the captain could not pretend the fleet ſhould ſtrike to a yacht, which was but a pleaſure-boat, and could not paſs for a man of war. The captain ſtill perſiſted in ſaying, he only followed his orders. Nevertheleſs, the fleet did not fire a ſingle ſhot at the yacht, and the captain purſued his courſe, pleaſed that he had come off ſo well.

The king receives money from the king of France. Statetracts.

Beſides the 2,000000 and a half granted to the king by the parliament, the king of France, if abbot Primi is to be credited, ſent him alſo a very conſiderable ſum, to enable him to equip a fleet much ſuperior to that of the ſtates. So the king thought only of war, tho' with all poſſible artifice he endeavoured to remove all ſuſpicion of his having any ſuch deſign. He ſpent the whole ſummer, and part of the autumn in progreſs through ſeveral parts of his kingdom. The 28th of May he celebrated the feaſt of St. George in a very ſolemn manner at Windſor, and inſtalled in the order of the garter, the king of Sweden, and the Elector of Saxony, by their proxies, and after them the young duke of Albemarle. He alſo made a viſit to the Univerſity of cambridge, where he was magnificently entertained, and to ſeveral other places, which it is needleſs to mention. After his return, both their majeſties were invited to the lord-mayor's feaſt, on the 30th of October, where no coſt was ſpared to diſplay the grandeur and riches of the city of London.

An inſtallation at Windſor. Echard.

Blood ſteals the crown. May, 9. Echard.

Before I proceed to the tranſactions of the next year, I think my ſelf obliged to take notice of an attempt, the moſt extraordinary that can poſſibly be deviſed by a private man. I mean that of Blood, a famous villain, robber, and aſſaſſin, who formed the deſign of ſtealing the crown, ſcepter, and globe, which are kept in the tower. With the aſſiſtance only of two or three more, he executed this deſign ſo dextrouſly and happily, that they were got out of the tower with their booty, before they were ſeized. To give ſome account of Blood, I ſhall briefly ſay here, that the duke of Ormond, when he was lord-lieutenant of Ireland, having cauſed ſome of Blood's complices to be hanged, who intended to ſurprize the caſtle of Dublin, Blood ſwore, he would revenge their deaths. For this purpoſe, Blood followed the duke of Ormond into England, when he was recalled, and watched him ſo well, that with the aſſiſtance of ſeven or eight perſons on horſeback, he ſtopped his coach, in the night, as he was going to Clarendon-houſe, where he lived, knocked down his footmen and forced the duke up behind one of the horſemen, in order to carry him to Tyburn, and hang him there, with a paper pinned on his breaſt, to ſhow the cauſe of this execution. But the duke forcibly throwing himſelf off the horſe, with the villain who had tied the duke faſt to him, defeated the deſign, and the authors could never be diſcovered till after Blood's attempt upon the crown. This attempt was very extraordinary, but the king,s conduct on that occaſion was ſtill more ſurprizing. For having a curioſity to examine Blood himſelf, he ordered him to be brought to Whitehall, and put ſeveral queſtions to him, which the villain anſwered with aſtoniſhing boldneſs, confeſſing all, and unconcernedly relating the circumſtances of the thing. Then the king asked him, whether he knew the authors of the attempt upon the duke of Ormond? Blood confeſſed, it was himſelf. Not content with this, he told the king, he had been engaged in a deſign to kill him with a carbine, from out the reeds by the Thames ſide above Batterſea, where he often went to ſwim. But that when he had taken his ſtand in the reeds for that purpoſe, his heart was checked with an awe of majeſty, and did not only relent himſelf, but diverted his aſſociates from the deſign. He alſo told the king, he was prepared to ſuffer death, as having deſerved it; but muſt tell his majeſty, that he had hundreds of complices, who had bound themſelves by a horrible oath, to revenge the death of any of the fraternity, upon thoſe who ſhould bring them to juſtice; which would expoſe his majeſty and all his miniſters, to the deily fear and expectation of a maſſacre. But, on the contrary if he ſpared the lives of a few perſons, his own would be ſecure. The king was ſurprized, and probably, intimidated by Blood's diſcourſe, and thought, doubtleſs, the attempt of this villain on the duke of Ormond, to revenge the death of his complices, might be imitated, in revenge of his death, by his ſurviving comrades. However this be, the king ſent the earl of Arlington to the duke of Ormond, to deſire him not to proſecute Blood, which the duke could not refuſe. Afterwards, he gave him his pardon, and not content with ſaving his life, conferred on him 500 l. a year in land in Ireland. From this time, Blood was continually at court, and the king treated him with that freedom and familiarity, that many perſons applied to him for favours from the king. This gave occaſion to the king's enemies to ſay, that he kept this villain about him, to intimidate thoſe who ſhould dare to offend

Id. p. 262. Dec. 6. 1670.

Is examined by the king. Strype.

and pardoned.

1671.

offend him in things which were not puniſhable by law, as had been practiſed in the caſe of Sir John Conventry, for ſome railleries upon him in the houſe of commons. As for Edwards, the keeper of the crown, a man fourſcore years old, who had done his utmoſt, tho' in vain, to hinder the theft, and had received ſo many wounds, that he was left for dead, the king contented himſelf with aſſigning him a reward of 200 l. the payment of which was ſo long delayed, that the poor man died before he received it.

Death of the lord Fairfax and earl of Mancheſter. Echard.

In the courſe of this year died two famous generals, diſtinguiſhed by their bravery and experience in the civil wars. The firſt was the lord Fairfax, the generaliſſimo, and the other Edward Montague Earl of Mancheſter. I ſhall ſay no more of them, becauſe they have been ſufficiently deſcribed in the reign of Charles I. I ſhall only add, that both were very ſerviceable in the king's reſtoration.

Deſigns againſt the Dutch. Baſnage.

Echard.

The king indigent.

Echard.

Is adviſed to ſhut up the exchequer.

The league againſt Holland, much like that of Cambray againſt the commonwealth of Venice, was ſtill kept ſo ſecret that the ſtates could only ſuſpect it, without any certainty. The deſign of the allies was to begin with the ruin of the Dutch, before declaration of war, and then to attack them all together, at the ſame time, and in different places. The king of France, the elector of Cologne, and the biſhop of Munſter, were to invade them by land, and the Engliſh and French fleets jointly to attack them by ſea. This was the project, but it met with an unforeſeen difficulty. Tho' Charles had received 2500000 l. from the parliament, and 700,000 l. from the king of France, he was ſtill in want. Indeed, he had applied part of the money received, to the equipment of his fleet, which could not amount to half, and it was difficult to conceive, what was become of the reſt. However this be, he ſignified to his miniſters, that he could not begin the war without 1500,000 l. and as he could not apply to the parliament, which was prorogued, he promiſed the treaſurer's ſtaff, to the perſon who ſhould invent the means of raiſing that ſum. Sir Thomas Clifford proved the moſt happy and ingenious. He went to the king, and told him, that by ſhutting up the exchequer he would be ſure of that ſum. The king readily underſtood this advice, and reſolving to follow it, performed his promiſe, and made Clifford lord-treaſurer. Some however aſcribe this project to the lord Shaftsbury, and ſay, that Clifford having artfully drawn it from him, gloried in it to the king.

The meaning of that project.

1671.

The exchequer ſhut up. Jan. 2. Burnet.

To underſtand this method, which tho' plain to Engliſh readers, is not ſo to foreigners, it is to be obſerved, that at the exchequer are received, by direction from the lord-treaſurer, all the ſums deſtined to publick uſes, and the intereſts of the money borrowed upon parliamentary funds, which commonly cannot be raiſed under ſeveral months, or even years. So, when the king has a mind to have all at once, the money that has been granted him, he borrows it of private perſons at a large intereſt, and aſſigns them payment upon the exchequer, which applies to this uſe the money, raiſed from the granted funds, as it comes in. Moreover, at the time I am ſpeaking of, all the moniedmen in London, not to keep large ſums in their houſes, put their money into the hands of bankers and goldſmiths, without intereſt. And when they wanted any part, they drew upon their goldſmiths or bankers, who immediately paid it. Now, as it was morally impoſſible, that all the private perſons who had money at a banker's, ſhould want it all at once, thoſe who had the money in their hands kept only a ſum ſufficient to anſwer the uſual demands, and lent the reſt to the king at a large intereſt, upon the parliamentary funds. So in ſhutting up the exchequer, he received all the money which came into it without paying any thing of what he owed. But at the ſame time, the perſons who had put their money into the hands of the bankers and goldſmiths, were entirely ruined, ſince it was not in their power to diſpoſe of their capital; eſpecially, as the bankers refuſed even to pay the notes drawn daily upon them on pretence, that they received nothing from the exchequer. This cauſed an extreme conſternation in London, but the king and his miniſters purſued their meaſures, and, deaf to the complaints of ſo many ruined families, kept the exchequer ſhut up one year, and, at the expiration of that term, it continued ſhut up by a new order, ſome months longer. But the whole miſfortune did not conſiſt in 12 or 18 months expectation. It is eaſy to imagine, the king having received all the money which came into the exchequer during that time, the ſums which were brought in, when it was opened, were not ſufficient to diſcharge the arrears of theſe 18 months. This is the true ſtate of the affair, which cauſed the Engliſh to exclaim ſo loudly againſt the king and the cabal. But the hopes the cabal then had to render the king abſolute, made them vary eaſy under the complaints and reproach of the people.

1671-2. The king intends to ſurprize Dutch Smyrna fleet, before he had declared war. March 13. Kennet.

But Charles had in his thoughts a project which would furniſh him with ſtill more conſiderable ſums. This was to ſurprize the Dutch fleet returning from Smyrna richly laden, before any declaration of war. He had practiſed the ſame thing the laſt year, with regard to the Bourdeaux fleet, and received a great advantage from it. This fleet being much richer, inſpired him with great expectations. To this end he put to ſea 36 men of war, under the command of Holms, who had orders to cruiſe in the channel, and intercept this fleet. Holms, being informed that the Dutch fleet approached, divided his own into three ſquadrons. That of Holland conſiſted of 72 ſail of merchant-ſhips, many of which had no guns, under the convoy of fivemen of war, commanded by experienced officers. Theſe drew up the merchant-men in 3 ſquadrons, in good order, and put themſelves between them and the Engliſh fleet, after having injoined them to purſue their courſe without breaking their line. Holms attacked this fleet the 13th of March; and fought the whole day without gaining the leaſt advantage. The next day at nine in the morning the fight was renewed, and laſted all the day, though on the ſide of the Dutch, captain de Haes, who acted as admiral, had been killed about noon. On the

But without ſucceſs. Baſnage.

the ſide of the Engliſh the vice-admiral's ſhip was diſabled. On the morrow, at eight in the morning, Holms, who had been re-inforced by ſome frigats, renewed the engagement, and at laſt took one man of war, the captain and moſt of the ſailors being ſlain, and three merchant ſhips which were brought into the Thames. This was all the advantage the Engliſh received from an action, which highly reflected on the king. It was carefully publiſhed at London, that this engagement was but an effect of chance, becauſe the Dutch refuſed to ſtrike. Though every one openly ſpoke againſt ſo diſhonorable an action, the king was not affected with the ſentiments of the vulgar, and inſtead of repairing the injury done to the ſtates, in ſeizing their ſhips before the war was declared, ſent out a ſquadron to meet four Dutch India men, which were immediately taken and condemned. At the ſame time, he ordered all the Dutch ſhips in his ports to be ſeized, though, by an expreſs article of the treaty of Breda, no merchant ſhips were to be taken till ſix months after a declaration of war. The ſtates, ſeduced by ſo ill an example, ſeized alſo the Engliſh ſhips. But, upon the ſtrong repreſentation of ſome of the deputies, how much the honour of princes and ſtates was wounded by theſe depredations, and that the king of England's acting againſt the faith of treaties, was not a ſufficient reaſon to ingage the ſtates to imitate ſo blameable a conduct, the Engliſh ſhips were diſcharged and ſent into England. The king could not then help releaſing ſome of the Dutch ſhips, but did not reſtore all.

Four India men taken. Baſnage.

1672.

One of the branches of the project formed by the cabal was, as I ſaid, to render the king abſolute, and under this branch was comprized the extirpation of the Proteſtant, or at leaſt the introduction of the Popiſh, religion; though father Orleans, and the writers on the king's ſide, when ſpeaking of this project, ſay nothing of this article. Father Orleans, however, could not forbear owning it in the courſe of his hiſtory. I ſhall tranſcribe a paſſage from him, which, though extremely ſoftned with reſpect to the end, clearly ſhews, it was one of the branches of the project. After ſpeaking of what had paſſed concerning the Papiſts and other Non-conformiſts, he adds, 'The king, who was no good chriſtian in his actions, tho' a catholick in his heart, did all that could be expected from his indolent temper, to preſerve the common liberty, that the Catholicks might partake of it. But the church of England prevailed, and chancellor Hyde was ſo warm upon this occaſion, that the king was obliged to yield rather to his importunities than his reaſons. It was therefore the re-eſtabliſhment of this liberty of conſcience, that the lord Aſhley believed neceſſary to the execution of the projected deſign. He communicated his thoughts to his collegues of the cabal, who were of the ſame opinion, not only on account of the reaſon he alledged, which was, the gaining of the Non-conformiſts, who were juſtly feared, but alſo upon another, which he readily approved, namely, the favouring of the Catholicks, whom moſt of them loved, and the reſt eſteemed. Arlington and Clifford were ſecretly Catholicks, and both died in the communion of the church. Buckingham had no occaſion to be converted, could he only have prevailed with himſelf as to libertiniſm. Aſhley was not averſe to the Catholick, religion, till intereſt and malice threw him into the contrary party. It will eaſily be conceived, that the king readily conſented to it, ſince he was a Catholick, and continued ſo to his death, tho' policy cauſed him to pretend the contrary. As for the duke of York, he ſupported the deſign with all his power. All the difficulty lay in the extent of this liberty, and the two kings of France and England, acting in concert, debated this affair in the negotiation of their treaty. Several propoſals were made, ſome more, ſome, leſs, advantagious to the Catholicks. France was for the moſt moderate, ſafeſt, and moſt ſeaſonable methods. At laſt, it was agreed, that Charles ſhould grant liberty of conſcience to all his ſubjects in general.'

An extract from the hiſtory of father Orleans.

It appears from hence, that religion was concerned in the projects of the cabal. But probably, ſome were for having the progreſs of the Popiſh religion ſubſervient to render the king abſolute, and others were for rendering the king abſolute to favour the progreſs of Popery. Wherefore, theſe two articles were never ſeparated, nor indeed could be, ſince they entirely depended on each other. The king plainly ſhewed, it when he publiſhed his declaration for liberty of conſcience, ſince he could not grant this liberty without aſſuming a power to abrogate acts of parliament, or at leaſt ſuſpend the execution thereof ſo long as he pleaſed, This declaration, dated the 15th of March 1672, conſiſted of various articles, of which I ſhall here give the ſubſtance:

Declaration for liberty of conſcience. Echard.

1. His majeſty publiſhes it, in virtue of his ſupreme power in eccleſiaſtical matters, which is a right inherent in his perſon, and declared to be ſo by ſeveral acts of parliament.
2. He declares his expreſs reſolution to be, that the church of England be preſerved and remain entire in her doctrine, diſcipline, and government, as now it ſtands eſtabliſhed by law.
3. That no perſon ſhall be capable of holding any eccleſiaſtical benefice or preferment of any kind, who is not exactly conformable.
4. That the execution of all penal laws, in matters eccleſiaſtical againſt whatſoever ſort of Non-conformiſts or recuſants, be immediately ſuſpended.
5. He declares, that he will from time to time allow a ſufficient number of places, as ſhall be deſired, in all parts of his kingdom, for the uſe of ſuch as do not conform to the church of England, to meet and aſſemble in, in order to their publick worſhip and devotion.
6. That none of his ſubjects do preſume to meet in any place, until ſuch place be allowed, and the teacher of that congregation be approved by him.
7. He declares, that this indulgence, as to the allowance of publick places of worſhip, and approbation of teachers, ſhall extend to all ſorts of Non-conformiſts and recuſants, except

the recuſants of the Roman catholick religion, to whom he will no ways allow publick places of worſhip, but only indulge them their ſhare in the common exemption from the executing the penal laws, and the exerciſe of their worſhip in their private houſes only.

War declared againſt the Dutch. Burnet.

Two days after, the king publiſhed his declaration of war againſt the ſtates, dated the 17th of March. This declaration, as that of the former war, was founded upon generals and affected pretences. “This is always the caſe when war is firſt reſolved, and reaſons or pretences are afterwards ſought. ‘The king hiſtorically introduced his juſt reaſons to begin the firſt war upon the ſtates, tho' it was ended by the treaty of Breda. He added, that peace was no ſooner concluded than violated by the ſtates, in not ſending commiſſioners to London to ſettle the trade of the two nations in the Eaſt-Indies: and when he ſent over his ambaſſador to put them in mind of it, he could not in three years get any ſatisfaction from them in the material points, nor a forbearance of the wrongs which his ſubjects received in thoſe parts.’

1ſt reflection.

“It is eaſy to ſee to what great diſcuſſions theſe generals are liable.

‘2. He ſaid, that having reſtored Surinam to them, they were obliged by the treaty of Breda to permit the Engliſh in that colony to remove with their effects, but that this permiſſion was refuſed.’

2d reflection.

“The Dutch maintained on the contrary, that the Engliſh inhabitants of Surinam remained there upon their own choice.

‘3. He complained of abuſive pictures and medals diſperſed over Holland, reflecting on his honour.’

3d reflection.

“The ſtates ſaid, they knew but of one abuſive medal, the ſtamp of which they had ordered to be broke.

‘4. He complained, that in Holland his right of the flag had been repreſented as ridiculous.’

4th reflection.

“It is eaſy to perceive, whether his pretenſion concerning the yatch which brought over the lady Temple was juſt or not.

This was the ſubſtance of what was moſt plauſibly alledged for undertaking the war. He ended with this declaration.-----“And whereas we are engaged by a treaty to ſupport the peace made at Aix-la-chapelle, we do finally declare, that notwithſtanding the proſecution of this war, we will maintain the true intent and ſcope of the ſaid treaty; and that in all the alliances which we have or ſhall make in the progreſs of this war, we have and will take care, to preſerve the ends thereof inviolable, unleſs provoked to the contrary. He took but little care of his honour, in pretending to ſhew, that his deſign in breaking with the ſtates and uniting with France, was, to maintain the treaty of Aix-la-chapelle. But there was nothing ſo abſurd which the cabal did not think they could impoſe on the publick, wherein they were much miſtaken, as will appear in the ſequel.

This war was ſo contrary to the intereſts of England and all Europe, the defence of which Charles had ſo often boaſted to undertake, by means of the triple-league; it was ſo directly oppoſite to juſtice, equity, faith, and the religion of the Engliſh, publickly profeſſed by the king, that no man could believe it till the blow was ſtruck. The Hollanders imagined, he only intended to exact ſome money from them, or at moſt, to intimidate them, in order to oblige them to reſtore the prince of Orange, his nephew to the poſts enjoyed by his anceſtors. France her ſelf could hardly believe, but that he intended to deceived her, till he had fallen upon the Smyrna fleet. But all were miſtaken in aſcribing to the king any affection for his people. His ſole aim was to render himſelf abſolute, in order to enjoy all the riches of England without controul, and without any obligations to his parliament. The duke of York, his preſumptive heir, found his account in ſo fine a ſcheme, and, beſides, thought of eſtabliſhing his religion for which he was exceſſively zealous. As for the cabal, they were men entirely deſtitute of all principles of honour, juſtice, or religion, each of whom was ſolely intent upon making his fortune by ſacrificing the intereſt of the publick. For it cannot be thought, that perſons of their abilities could be ignorant, that what they were acting was directly contrary to the intereſts of England. They did not believe, they could execute their grand project without a ſtrict alliance with the king of France, who artfully perſuaded them, that after the republick of Holland ſhould be deſtroyed, the two crowns would jointly labour to render the king abſolute in England, and eſtabliſh the Catholick religion. But they had too much cauſe afterwards to ſee that they were deceived by France. Indeed it was not Lewis's intereſt to render the king of England abſolute in his dominions, but rather to ſow and cheriſh diviſion between the king and his ſubjects, in which, by ſeeming to enter into the views of the cabal, he was but too ſucceſsful. But there occurred in the execution of the project an obſtacle, which the ſecret counſellors ſhould have foreſeen, and perhaps did foreſee without being able to help it. This was the king's immenſe profuſeneſs, which was the reaſon that all the ſums received from France and the parliament were inſufficient to ſupport the war two years, ſo that he was obliged to have recourſe to the parliament, who at laſt broke meaſures ſo well-concerted. On the other hand, this project alarming all Europe, the ſtates found protectors, who rendered the execution very difficult.

The French king declares war againſt Holland. March 28.

The ſame day that the declaration of war againſt the ſtates was publiſhed at London, the like was publiſhed at Paris, founded upon no juſter grounds. For the king of France gave no other reaſon of the war, than his diſpleaſure at the conduct of the ſtates. This union between France and England which then appeared openly, whatever care had been hitherto taken to conceal it, ſhowed the ridiculouſneſs of what the king ordered the lord-keeper to tell the parliament, “That common prudence required, that his majeſty ſhould make ſuitable preparations, when France had ſuch forces both at land and ſea. It appeared by this, that the king ſcrupled not to tell his parliament the contrary of what he thought, which could not but make him loſe the confidence

dence of his people, as it happened accordingly.

The biſhop of Munſter declares war againſt the Dutch. The elector of Cologne an ally of France.

About a month after, the biſhop of Munſter alſo proclaimed war againſt the Dutch, on pretence, that they had endeavoured to corrupt the governors of his frontier-places. As for the elector of Cologne, he had already introduced French troops into his dominions, to provide, as he pretended, for his ſecurity. But tho' he proteſted an intention to obſerve an exact neutrality, the ſtates were perfectly informed of this treaty with France. Thus theſe four princes were united for the utter deſtruction of the republick of the United-Provinces, without mentioning ſeveral princes of Germany engaged by the king of France to ſtand neutral, that they might not aſſiſt Holland.

Offers made by the ſtates to pacify the king. Echard. The prince of Orange made capt. general and admiral. Baſnage.

The ſtates having ſome time foreſeen this impending ſtorm, had endeavoured to divert it, by giving the king of England all the ſatisfaction he could reaſonably expect. They had offered to agree to whatever he deſired concerning the flag, and beſides, they had on the 24th of February made the prince of Orange captain-general, and admiral, tho' he was then but twenty-two years of age. They believed, this would ſuffice to content the king his uncle, for they were yet ignorant that his deſign was to overturn their republick, without any regard to the intereſts of the prince of Orange. This change, in favour of the young prince, would, perhaps, have never been made, had it not been deemed neceſſary to appeaſe the king of England. There were three parties in Holland: That of the penſionary, (which was the more powerful, and called the Louveſtein party, from the name of the caſtle where the prince's father had confined the leading men of this faction,) that of the prince of Orange; and a third which affected a neutrality, and had hitherto joined with neither of the two firſt, but on this occaſion believed it neceſſary to join with the ſecond, in hopes of ſatisfying the king of England. The ſtates therefore ſent a deputation to the prince, to offer him the dignities of captain general, and admiral, and the penſionary de Wit, to his mortification, was appointed head of this deputation. Thus the prince of Orange ſaw himſelf captain-general, but without an army, or at leaſt, with an army ſo inconſiderable, and filled for the moſt part with unexperienced officers, choſen more for their attachment to the penſionary, than their perſonal merit.

Progreſs and conqueſts of the king of France. Echard.

I ſhall not relate the progreſs of the king of France, and his two allies, the biſhop of Munſter, and the elector of Cologne, in the firſt campaign. This is ſo well known, that it would be loſt time to recite it. Let it ſuffice to obſerve, that the king of France took the field the beginning of May; made himſelf maſter of ſeveral places on the Rhine, without almoſt any oppoſition; and ſwimming that river, ſubdued all Guelderland, with the towns upon the Yſſel, and at laſt arrived at Utrecht, which had ſent deputies to Doeſburgh to offer their ſubmiſſion to his orders. At the ſame time, the biſhop of Munſter, after ravaging the province of Overyſſel, invaded Frieſeland and Groninghen, ſo that only Holland and Zealand remained free, of which the former was threatned with a like invaſion.

Baſnage.

A naval engagement at Solbay. Echard.

But this was not all the ſtates had to fear. Whilſt three of their provinces were loſt, and two others attacked, the danger from ſea was no leſs. The two fleets of France and England joined the beginning of May; the firſt conſiſting of 40 and the laſt of 100, men of war. That of the ſtates had 72 large ſhips, and 40 frigats and fireſhips; and conſequently was very inferior in number to the combined fleet of England and France. It was commanded by the famous Ruyter, aſſiſted by Cornelius de Wit, the penſionary's brother, as deputy from the ſtates. Ruyter having put to ſea before the enemies fleets were joined, had endeavoured to prevent the junction. But not ſucceeding, and being informed, that the two fleets lay at anchor in Solbay in Suffolk, he reſolved to attack them. He had like to have ſurprized them, but being diſapointed, prepared for battle. The two fleets of France and England, now compoſing but one, were ranged in three ſquadrons. The duke of York, high-admiral of England, commanded the red ſquadron; the count d'Etrees, the white; and the earl of Sandwich, the blue. The fleet of the ſtates was likewiſe divided in the ſame manner; Ruyter was oppoſed to the duke of York, Bankert to count d'Etrees, and Van Ghent, to the earl of Sandwich. All I can gather from the various deſcriptions of this battle, fought the 28th of May, is, that both ſides diſplayed all the art and ſkill which experience had taught the commanders and officers, that they fought with equal bravery, with almoſt equal loſs, and both ſides challenged the victory. The admiral-ſhip of the Engliſh being diſabled, the duke of York was obliged to hoiſt his flag in the London. The Royal James, commanded by the earl of Sandwich, not being able to diſengage from a fireſhip, after ſhe had ſunk two, was blown up with the earl and her whole crew. The Engliſh loſt two ſhips more, the Hollanders three, and Van Ghent was killed. The hiſtorians of the two parties equally pretend, that their fleet chaced that of the enemies, but both ſpeak of it very faintly. For, it is not entirely the ſame with engagements at ſea as with thoſe at land, where commonly he that remains maſter of the field of battle, juſtly aſſumes the honour of the victory; whereas in naval engagements, a fog, a calm, a wind, either contrary or tempeſtuous, may oblige the victorious fleet to retire the firſt. However this be, bonfires were equally made at London, and the Hague, for the ſucceſs of this battle, tho' with very little reaſon. The Engliſh complain, the French did not diſcharge their duty, and only fought at a diſtance, after having ſeparated from the fleet. This conduct is aſcribed to to ſecret orders given to count d'Etrees, not to expoſe too much his majeſty's ſhips, but to leave the Engliſh and Dutch fleets to deſtroy one another.

The victory uncertain.

Burnet.

Advancements at court. April 20. Kennet.

Sometime before, the king had created the earl of Lauderdale, duke of the ſame name; the lord Aſhley Cooper, earl of Shaftſbury; lord Arlington, earl of Arlington; and Sir Thomas Clifford, lord Clifford. About the ſame time Sir Thomas Osborn was ſworn into the privy-council, and the new duke of Lauderdale, and the earl of Arlington, received the order of the garter. This was doubtleſs, to recompence theſe members of the cabal, for their great ſervices, in adviſing him to ſuſpend, by his ſole authority, the execution of two acts of parliament till he ſhould think fit to take off the ſuſpenſion. Tho' this ſuſpenſion was not in itſelf diſadvantagious to the publick, yet, as it proceeded from the ſame principle by which the king aſſumed a power of ſuſpending the penal laws againſt the Non-conformiſts, it was ſufficiently clear, that he would not ſtop there.

Holland in a moſt deplorable condition. Baſnage.

I have already taken notice of the ſad condition of the ſtates of the United-Provinces. There were but two provinces, Guelderland, and Utrecht, in the power of the French. Overyſſel was in the hands of the elector of Cologne, and the biſhop of Munſter. The two provinces of Frieſeland and Groninghen were not only threatned, but alſo attacked. In ſhort, the province of Holland found no readier way to ſtop the progreſs of the French king, who was at Utrecht, than by opening the ſluices, and laying the country under water. This malancholly ſituation of affairs, raiſed a great diſcontent in the people of Holland, and as the penſionary de Wit had been many years at the head of the government, all the calamities of his country were charged to his ill conduct. Moreover, the people openly accuſed him of betraying his country. At laſt, this general diſcontent roſe into ſedition, and cauſed the ſtates of Holland to annul the perpetual edict made in the year 1667, by which they had obliged themſelves never to own the prince of Orange for ſtadtholder, and to diſpenſe with that oath; after which, the prince was made ſtadtholder. Some time after the two brothers, Cornelius, and John, de Wit, the firſt grand bailiff of Putten, and the other penſionary of Holland, but who had lately thrown up his employ, were torn to pieces by the mob of the Hague. The ſtory is too well known to need a recital. It ſuffices to ſay, the prince of Orange remained in peaceable poſſeſſion of the government of Holland and Zealand; for Frieſeland, and Groninghen had a ſeparate ſtadtholder, namely, the young prince John Caſimir of Naſſau, under the tution of the princeſs his mother, and three provinces were in the hands of the enemy.

Admits the prince of Orange to the office of ſtadtholder. July 3. The two de Wits tore to pieces by the rabble. Burnet.

The king of France tries to corrupt the prince of Orange, but in vain. Baſnage.

The king of France, who had ever feared the prince of Orange's advancement, no ſooner ſaw him inveſted with his eminent dignity, than he endeavoured to corrupt him with the offered ſovereignty of Holland. But he found this young prince deaf to all his offers, and reſolute to ſerve the ſtates, which had intruſted him with its government, to the laſt moment of his life. The king of England ſeconded his ally in this deſign. The ſtates had ſent ambaſſadors to him with propoſals of peace as they had alſo to the king of France at Utrecht. But the king, after a refuſal to treat but in conjunction with France, and fearing the ſtates deſign was to diſunite them, or render them jealous of each other, diſpatched the duke of Buckingham, and the earl of Arlington, two members of the cabal, with George Savil, lord Hallifax, into Holland, on pretence of treating of a peace jointly with France. Theſe ambaſſadors paſſing through the Hague, in their way to Utrecht, affected to give out, that they were come to bring peace. But when they came to treat, their propoſals were ſo exorbitant, that it was evident peace was not the king's view in this ambaſſy. It was rather to draw cloſer the alliance between France and England, and concert new meaſures for the proſecution of the war, as the ſequel clearly diſcovered. In paſſing through the Hague, the duke of Buckingham asked the prince, what it was he propoſed to himſelf in the deſperate ſituation of his country. To which the prince replied, "That it was true their condition was dangerous, but he had one way ſtill not to ſee its ruin compleated, and that was to lie in the laſt dyke. It is reported, the ſame duke, in a viſit to the princeſs of Orange, having told her that they were good Hollanders, was immediately anſwered by her, "that was more than they asked, which was only that they ſhould be good Engliſhmen. For this war was ſo evidently contrary to the intereſt of England, that the Engliſh themſelves openly murmured at it. But, as I have ſaid, not only on this occaſion, but throughout this whole reign, the intereſt of the king, and that of the people were always directly oppoſite. The king, after the example of his father and grandfather, thought he could ſilence the complaints of the people, by a proclamation to forbid, under ſeveral penalties, to ſpeak againſt the government, but this ſerved only to encreaſe the murmurs.

Lewis marches into Flanders. Kennet.

In the mean time, the king of France ſeeing, that the drowning of Holland put a ſtop to his conqueſts, marched his army into Flanders, leaving the duke of Luxemburgh at Utrecht, and came to Paris in Auguſt, attended by the duke of Monmouth; who in purſuance of Charles's engagement in their treaty, had brought him, at the opening of the campaign, 6000 effective men.

I ſhall not relate the particulars of the war carried on by land during the reſt of the campaign, becauſe England had no part in it; and, beſides, it is fully deſcribed by the hiſtories of thoſe times. It is ſufficient for the reader to know in general, that tho' the ſtates had ſome ſucceſs againſt the biſhop of Munſter, their affairs were reduced to a wretched condition; and the neighbourhood of the duke of Luxingburgh ſcarce gave them time to breath. Their whole refuge lay in the alliances they expected to make with the emperor, Spain, and ſome princes of Germany, and in hopes that the Engliſh parliament, which was to meet, according to the prorogation, the 30th of October, would ſee the intereſt of England, and of all Europe. But the king deprived them of this laſt reſource, by proroguing the parliament to February.

The Dutch conceive great hopes from the parliament.

The exchequer ſhut by a new order. Echard.

The 4th of December the king declared in council, that he would raiſe more forces, and diſpoſe of them in convenient quarters, to be employed on occaſion. And for payment of them, he ordered that the exchequer ſhould continue ſhut till the 1ſt of May 1673, tho' he poſitively promiſed it ſhould be opened the

1672.

beginning of the year. He publiſhed on this account, a proclamation, in which it is ſaid, ‘That notwithſtanding his majeſty had not been wanting on his part, to comply with all honourable ways and means that might effect a peace, yet the continuance of thoſe inevitable neceſſities which firſt obliged him to ſhut up the exchequer, compelled him to continue to ſtop the payment of moneys till the 1ſt of May next: doubting not but that his loving ſubjects would have ſuch truſt and confidence in his juſtice, that it would take away all apprehenſions of their being in the leaſt defrauded of their juſt dues.’

The king's demands for a peace.

The ways and means uſed by the king to effect a peace, conſiſted, in that his two ambaſſadors at Utrecht were contented to demand in his name, 1,000000l. ſterling, for the expences of the war; the compliment of the flag without any exception; 100,000 l. yearly for the liberty of fiſhing; the ſovereignty of all that ſhould remain of the United-Provinces, for his nephew the prince of Orange; a participation of the whole India trade; the town of Sluis, the iſles of Cadſant, Walchern, Goeree, Voorne; and laſtly, an entire ſatiſfaction to the king of France. It muſt have been great obſtinacy in the ſtates to find fault with ſuch reaſonable demands. Conſequently the king could not in honour diſpence with the continuation of the war, and the keeping the exchequer ſhut to maintain it.

Coventry made ſecretary,

Sir John Trevor dying this year, Sir Henry Coventry, lately returned from Sweden, where he had ſucceſsfully negotiated for the king, ſucceeded him in the office of ſecretary of ſtate.

and Shaftſbury lord chancellor. Kennet.

Sir Orlando Bridgeman reſigning the great-ſeal, the new earl of Shaftſbury was made lord high-chancellor. A few days after, the king performed his promiſe to Clifford, by making him lord-treaſurer, ſo that all the great offices of the ſtate were held by the cabal, or by perſons devoted to their intereſts. But that it may be ſeen, how the five lords of the cabal flattered the king, and one another, at the very time, the nation was moſt loudly exclaiming againſt the government, I ſhall inſert here part of a ſpeech made by the lord Shaftſbury, as chancellor, to the lord Clifford, when he tendered him the oath in Weſtminſter-Hall, upon his admiſſion to the office of treaſurer. After telling him the nature of his office, he added,------‘My lord, I may juſtly ſay you are in a place of the firſt rank, as to dignity, power, truſt, and influence of affairs; a place that requires ſuch a man as our great maſter's wiſdom hath found for it; from whoſe natural temper we may expect courage, quickneſs and reſolution; from whoſe education, wiſdom, and experience; and from whoſe extraction that noble and illuſtrious houſe of the Cliffords, an heroick mind, a large ſoul, and an unſhaken fidelity to the crown. My lord, it is a great honour, much even beyond the place it ſelf, that you are choſen to it by the king, who without flaterry, I may ſay, is as great a maſter in the knowledge of men and things, as this, or any other age hath produced: I may ſay, farther, it is not only your honour that you are choſen by him, but it is your ſafety too, that you have him to ſerve; with whom no ſubtle inſinuations of any near him, nor the aſpiring intereſt of a ſavourite, ſhall ever prevail againſt thoſe that ſerve him well. Nor can his ſervants fear to be ſacrificed to the malice, fury, or miſtake of a more ſwelling popular greatneſs: A prince under whom the unfortunate fall gently: A prince, in a word, that beſt of all mankind deſerves the title of deliciæ humani generis. Let me end with this wiſh, or rather prophecy, that you may exceed all your predeceſſors in this place; the abilities and fidelity of the renowned lord Burleigh; the ſagacity, quickneſs, and great diſpatch of his ſon the lord Saliſbury; and the uprightneſs, integrity, wiſdom of that great man that went laſt before you, the earl of Southampton.’

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It will hereafter appear, that the earl of Shaftſbury preſerved not long the ſentiments of eſteem and admiration for the king, expreſſed in this ſpeech.

1672-3.

Hitherto the cabal had ſailed with a proſperous gale on a very dangerous ſea, famous for wrecks, without any oppoſition. But at laſt they were ſtopped in their courſe by a rock, which it was not poſſible to avoid, I mean the parliament. It was now almoſt two years ſince the parliament was aſſembled, and as in that interval, the king had taken ſome ſteps which inſtilled great fears into his ſubjects, the new ſeſſion was expected with the utmoſt impatience, in hopes, that the parliament would apply proper remedies to the preſent evils, and find means to prevent thoſe with which the kingdom was ſtill threatened.

The parliament mkeets. Echard.

A new ſpeaker choſen.

The parliament therefore met the 4th of February, and choſe a ſpeaker by the direction of the court, Sir Edward Turner, the laſt ſpeaker having been made chief baron of the exchequer. The choice falling upon Sir Job Charleton, he deſired to be excuſed; but the lord chancellor Shaftſbury told him, before the king and both houſes, that no excuſes would be admitted. “The conjuncture of time, (ſays he) and the king's and kingdom's affairs, require ſuch a houſe of commons, and ſuch a ſpeaker. For, with reverence to the holy ſcripture, the king may on this occaſion ſay, he that is not with me is againſt me: For he that doth not now put his hand and heart to ſupport the king in the common cauſe of this kingdom, can hardy ever hope for ſuch another opportunity, or find a time to make ſatisfaction for the omiſſion of this.’ Preſently after, the king made the following ſpeech to both houſes.

My lords and gentlemen,

The king's ſpeech to the parliament. Echard.

‘I Am glad to ſee you here this day; I would have called you together ſooner, but that I was willing to eaſe you and the country, till there was an abſolute neceſſity. Since you were laſt here, I have been forced to a moſt important, neceſſary and expenſive war; and I make no doubt, but you will give me ſuitable and effectual aſſiſtance to go through with it. I refer you to my declaration for the cauſes, and indeed the neceſſity

‘that

1672-3. ‘of this war; and ſhall now only tell you, that I might have digeſted the dignities to my own perſon, rather than have brought it to this extremity, if the intereſt as well as the honour of the whole kingdom had not been at ſtake: And if I had omitted this conjuncture, perhaps I had not again ever met with the like advantage. You will find, that the laſt ſupply you gave me, did not anſwer the expectation for the end you gave it, the payment of my debts. Therefore I muſt in the next place recommend them again to your eſpecial care.

‘Some few days before I declared war, I put forth my declaration for indulgence to Diſſenters, and have hitherto found a good effect of it, by ſecuring peace at home, when I had war abroad. There is one part in it that hath been ſubject to miſconſtruction, which is that concerning the Papiſts; as if more liberty were granted to them, than to the other recuſants; when it is plain, there is leſs: For the others have publick places allowed them, and I never intended that they ſhould have any, but only have the freedom of their religion in their own houſes, without any concourſe of others. And I could not grant them leſs than this, moſt of them having been loyal, and in the ſervice of me, and of the king my father: And in the whole courſe of this indulgence, I do not intend, that it ſhall any ways prejudice the church, but I will ſupport its rights, and it in its full power. Having ſaid this, I ſhall take it very ill to receive contradiction in what I have done. And I will deal plainly with you, I am reſolved to ſtick to my declaration. There is one jealouſy more that is maliciouſly ſpread abroad, and yet ſo weak and frivolous, that I once thought it not of moment enough to mention; but it may have gotten ſome ground with ſome well minded people, and that is, That the forces I have raiſed in this war, were deſigned to controul law and property: I wiſh I had more forces the laſt ſummer, the want of them convinces me, I muſt raiſe more againſt next ſpring; and I do not doubt but you will conſider the charge of them in your ſupplies. I will conclude with this aſſurance to you, that I will preſerve the true reformed Proteſtant religion, and the church, as it is now eſtabliſhed in this kingdom; and that no mans property or liberty ſhall ever be invaded. I leave the reſt to the chancellor.’

The ſpeech afterwards ſpoke by the chancellor is ſo remarkable, that it well deſerves a place in this hiſtory.

‘My lords, and you knights, citizens, and burgeſſes of the houſe of commons.

‘The king hath ſpoke ſo fully, ſo excellently well, and ſo like himſelf, that you are not to expect much from me. There is not a word in his ſpeech that hath not its full weight: And I dare with aſſurance ſay, will have its effect with you. His majeſty had called you ſooner, and his affairs required it, but that he was reſolved to give you all the 1672-3 eaſe and vacancy to your own private concerns; and the people as much reſpite from payment and taxes, as the neceſſity of his buſineſs, or their preſervation, would permit. And yet (which I cannot but here mention to you) by the crafty inſinuations of ſome ill-affected perſons, there have been ſpread ſtrange and deſperate rumours, which your meeting together this day, hath ſufficiently proved both malicious, and falſe. His majeſty hath told you, that he is now engaged in an important, very expenſive, and indeed, a war abſolutely neceſſary and unavoidable. He hath referred you to his declaration, where you will find the perſonal dignities by pictures and medals, and other publick affronts, his majeſty hath received from the ſtates, their breach of treaties, both in the Surinam, and Eaſt-India buſineſs: And at laſt they came to that height of inſolence, as to deny the honour and right of the flag, tho' an undoubted jewel of this crown, never to be parted with, and by them particularly owned in the late treaty of Breda, and never conteſted in any age. And whilſt the king firſt long expected, and then ſolemnly demanded ſatisfaction, they diſputed his title to it, in all the courts of chriſtendom, and made great offers to the French king, if he would ſtand by them againſt us. But the moſt Chriſtian king too well remembered, what they did at Munſter, contrary to ſo many treaties and ſolemn engagements; and how dangerous a neighbour they were to all crowned heads. The king and his miniſters had here a hard time, and lay every day under new obloquies. Sometimes they were repreſented as ſelling all to France for money to make this war: Portſmouth, Plymouth, and Hull, were to be given into the French hands for caution. The next day news came, that France and Holland were agreed. Then the obloquy was turned from treachery to folly: The miniſters are now fools, that ſome days before were villains. And indeed the coffee-houſes were not to be blamed for their laſt apprehenſions; ſince if that conjunction had not taken effect, then England had been in a far worſe caſe than it now is, and the war had been turned upon us. But both kings knowing their intereſts, reſolved to join againſt them, who were the common enemies to all monarchies, and I may ſay eſpecially to ours, their only competitor for trade and power by ſea; and and who only ſtand in their way, to an univerſal empire, as great as Rome. This the ſtates underſtood ſo well, and had ſwallowed ſo deep, that under all their preſent diſtreſs and danger, they are ſo intoxicated with the vaſt ambition, that they ſlight a treaty, and refuſe a ceſſation. All this, you, and the whole nation ſaw, before the laſt war; but it could not then be ſo well timed, or our alliances ſo well made. But you judged right, that at any rate, DELENDA EST CARTHAGO, that government was to be brought down. And therefore the king may well ſay to you, it is your war! He took his meaſures from you; and they were juſt and right ones: And he expects a ſuitable aſſiſtance to ſo neceſſary and expenſive an action; which he has hitherto maintained at his own charge, and was unwilling either to trouble you, or burthen the country, untill it come to an inevitable neceſſity. And his majeſty commands me to tell you, that unleſs it be a certain ſum, and ſpeedily raiſed, it can never anſwer the occaſion.

‘My lords and gentlemen, reputation is the great ſupport of war or peace. This war had never begun, nor had the ſtates ever ſlighted the king, or ever refuſed him ſatiſfaction; neither had this war continued to this day, or ſubſiſted now, but that the ſtates were deceived in their meaſures, and apprehended his majeſty in that great want of money, that he muſt ſit down under any affronts, and was not able to begin or carry on a war. Nay, at this day the ſtates ſupport themſelves amongſt their people by this only falſe hood, ‘That they are aſſured of the temper of England, and of the parliament, and that you will not ſupply the king in this war; and that if they can hold out till your meeting, they will have new life, and take new meaſures. There are lately taken two of their principal agents, with their credentials and inſtructions to this purpoſe, who are now in the tower, and ſhall be proceeded againſt according to the law of nations. But the king is ſufficiently aſſured of his people; knows you better; and can never doubt his parliament. This had not been mentioned, but to ſhew you of what importance the frankneſs and ſeaſonableneſs of this ſupply is, as well as the fulneſs of it. Let me ſay, the king has brought the ſtates to that condition, that your hearty conjunction at this time, in ſupplying his majeſty, will make them never more formidable to kings, or dangerous to England. And if after this you ſuffer them to get up, let this be remembered, the ſtates of Holland are England's eternal enemies both by INTEREST and INCLINATION. In the next place, to the ſupply for the carrying on the war, his majeſty recommends to you the taking care of debts. What you gave the laſt ſeſſion did not anſwer your own expectation. Beſides, another conſiderable aid you deſigned his majeſty, was unfortunately loſt in the birth; ſo that the king was forced for the carrying on his affairs, much againſt his will, to put a ſtop to the payments out of the exchequer. He ſaw the preſſures upon himſelf, and growing inconveniencies to his people by great intereſt; and the difference through all his buſineſs between ready money and orders. This gave the king the neceſſity of that proceeding; to make uſe of his own revenue, which hath been of ſo great effect in this war. But tho' he hath put a ſtop to the trade and gain of the bankers, yet he would be unwilling to ruin them, and oppreſs ſo many families as are concerned in thoſe debts: Beſides, it were too diſproportionable a burthen upon many of his good ſubjects: But neither the bankers, nor they, have reaſon to complain, if you now take them into your care, and they have paid them what was due to them, when the ſtop was made, with ſix per Cent. intereſt from that time. The king is very much concerned both in honour and intereſt, to ſee this done, and yet he deſires you not to miſ-time it; but that it may have only the ſecond place, and that you will firſt ſettle what you intend about that ſupply.

‘His majeſty has ſo fully vindicated his declaration from the calumny concerning the Papiſts, that no reaſonable ſcruple can be made by any good man. He has ſufficiently juſtified it by the time it was publiſhed in, and the effects he hath from it; and might have done it more from the agreeableneſs of it, to his own natural diſpoſition, which no good Engliſhman can wiſh other than it is. He loves not blood, or rigorous ſeverities; but where mild or gentle ways may be uſed by a prince, he is certain to chuſe them. The church of England, and all good Proteſtants, have reaſon to rejoice in ſuch a head, and ſuch a defender. His majeſty doth declare his care and concerns for the church, and will maintain them in all their rights and privileges, equal, if not beyond any of his predeceſſors. He was born and bred up in it: It was that his father died for: We all know how great temptations and offers he reſiſted abroad, when he was in his loweſt condition; and he thinks it the honour of his reign, that he hath been the reſtorer of the church. It is that he will ever maintain, and hopes to leave to poſterity in greater luſture, and upon ſurer grounds, than our anceſtors ever ſaw it. But his majeſty is not convinced, that violent ways are the intereſt of religion, or the church. There is one thing more, that I am commanded to ſpeak to you of, which is the jealouſy that hath been fooliſhly ſpread abroad, of the forces the king has raiſed in this war. Wherein the king hath opened himſelf freely to you, and confeſſed the fault on the other hand. For if this laſt ſummer had not proved a miracle of ſtorms and tempeſts, ſuch as ſecured their Eaſt-India fleet, and protected their ſea-coaſts from a deſcent, nothing but the true reaſon, want of money, could have juſtified the defect in the number of our forces. It is that his majeſty is provided for againſt the next ſpring, having given out orders for the raiſing of ſeven or eight regiments more of foot, under the command of perſons of the greateſt fortunes and quality. And I am earneſtly to recommend to you, that in your ſupplies, you will take into your conſideration, this neceſſary addition of charge.

‘And after his majeſty's concluſion of his ſpeech, let me conclude, nay, let us all conclude with bleſſing God, and the king! Let us bleſs God, that he hath given us ſuch a king, to be the repairer of our breaches, both in church and ſtate; and the reſtorer of our paths to dwell in: That in the midſt of war and miſery, which rages in our neighbour countries, our garners are full, and there is no complaining in our ſtreets; and a man can hardly know that there is a war. Let us bleſs God, that he hath given this king ſignally the hearts of his people, and moſt particularly of this parliament, who in affection and loyalty to their prince, have exceeded all their predeceſſors: A parliament, with whom the king hath many years lived with all the careſſes of a happy marriage. Has the king had a concern? You have wedded it. Has his majeſty wanted ſupplies? You have readily, chearfully, and fully provided for them. You have relied upon the wiſdom and conduct of his majeſty in all his affairs; ſo that you never attempted to exceed your bounds, or to impoſe upon him: Whilſt the king, on the other hand, hath made your counſels the foundation of all his proceedings; and hath been ſo tender of you, that he hath upon his own revenue and credit, endeavoured to ſupport even foreign wars, that he might be leaſt uneaſy to you, or burthenſome to his people. And let me ſay, that tho' this marriage be according to Moſes's law, where the husband can give a bill of divorce, put her away, and take another; yet I can aſſure you, it is as impoſſible for the king to part with this parliament, as it is for you to depart from that loyalty, affection, and dutiful behaviour, you have hitherto ſhewn towards him. Let us bleſs the king for taking away all our fears, and leaving no room for jealouſies; and for thoſe aſſurances and promiſes he hath made us. Let us bleſs God and the king, that our religion is ſafe; that the church of England is the care of our prince; that parliaments are ſafe; and that our properties and liberties are ſafe. What more hath a good Engliſhman to aſk? But that this king may long reign, and this triple-alliance of king, and parliament, and people, may never be diſſolved.'

Remark upon this ſpeech.

I ſhall make no reflections on this ſpeech, becauſe it would lead me too far; and beſides, I imagine every diſintereſted reader can ſee the falſity of moſt of the things related, and the groſs artifice wherewith they are vented. I ſhall only obſerve, that this ſpeech was ſpoke by a member, or rather by the head of the cabal, who perfectly knew the king's ſecret intentions. The earl of Shaftsbury therefore muſt have had a forehead of braſs to pronounce ſuch a ſpeech before ſo auguſt aſſembly. But very likely, this was only for form ſake, and the cabal believed themſelves ſo ſecure, that the parliament itſelf would not dare to ſeem to know their artifices. But they were miſtaken, and even the houſe of commons had already given ſome indications of vigour, before the king and chancellor had delivered their ſpeeches. Preſently after their meeting, they loudly complained of writs iſſued out by the lord chancellor, for electing and returning of perſons to ſit in their houſe, in the room of ſuch as were dead, or removed. And by the way, all the members elected by virtue of theſe writs, were the chancellor's creatures. This complaint cauſed the king immediately after the two ſpeeches, to declare to the commons, 'That he had given order to the lord chancellor to ſend out writs, for the better ſupply of their houſe, having ſeen precedents for it; but if any ſcruple or queſtion did ariſe about it, he left it to the houſe to debate as ſoon as they could.' Accordingly, the verv next day the commons voted thoſe writs and returns irregular, and expelled all the members thus elected.

Members unduly elected turned out of the houſe.

There were in this parliament, as in moſt others, two parties, called the court and country party. This was their diſtinction, and it manifeſtly implied, that the intereſts of the court were directly oppoſite to thoſe of the people, as the intereſts of one party are uſually to thoſe of the contrary: The court-party had always prevailed, while the people were perſuaded of the good intentions of the king and his miniſters. But as the king diſcovered himſelf, both by his way of living, and frequent ſigns of irreligion; by his inclination for the Papiſts; or by his profeſſion, and avidity of money; or laſtly, by his union with France, and the war with the ſtates, his party ſenſibly decreaſed every day, for two very natural reaſons. Firſt, becauſe many of thoſe members, who, at the begining, were of the king's party through inclination and zeal for religion, whilſt they conſidered him as protector of the church of England, loſt this inclination, as ſoon as they were convinced, that the king was far from deſigning the good of the church or ſtate. The king's proteſtations loſt all their effect, when it was once ſeen, that his actions correſponded ſo little with his words. Secondly, for the ſame reaſon, the people, perceiving that religion and the ſtate were in danger, choſe ſuch repreſentatives to fill the vacancies of the houſe, whoſe, principles were directly oppoſite to the deſigns of the court. As the vacancies by the death of the members could not but be very numerous in a parliament, which had now ſate 12 years, the country party came by degrees to prevail, and the king and his miniſters no longer found it ſo eaſy to carry whatever they deſired, as at the beginning of the parliament. It is certain, ſo long as the people do not ſuſpect the king of ill deſigns againſt liberty and religion, the court-party prevail in the parliament, or rather there are not then two different parties. For, ſuppoſing the king an exact obſerver of the laws himſelf, and careful to ſee them punctually obeyed, there can be no difference between the two parties, but with reſpect to the quantity of money granted to the king. But as the people are under obligations to the king, for his maintainance of order, equity, moderation, and juſtice in the government, they are never uneaſy with the power and wealth heaped on ſuch a king; and commonly the country-party, if there be one in the parliament, is much inferior to the king's. But the caſe is quite different, when the people are once prejudiced againſt their ſovereign, and no longer confide

Two parties in the houſe.

That of the people uppermoſt.

confide in his promiſes. For then, the court party is compoſed of men, who have only their own private fortune in view, and is not ſo numerous as that of the people, which, beſides the publick intereſt, finds likewiſe a private advantage in oppoſing the deſigns of the court. In this caſe, the people uſually chuſe able repreſentatives, and ſuch as are believed well affected to their country, and it is very rarely that the intrigues of the court are capable of hindering theſe elections. A proof of what I advance was ſeen in the elections of parliament of the 3d of November 1640, under Charles I, wherein the country-party was ſo ſuperior to that of the court. This proof is confirmed by the tranſactions of the parliament I am now ſpeaking of, which for 12 years had appeared ſo devoted to the king, and which changed from one extreme to another, when they had once loſt their former confidence in the king, and his miniſters. It is in vain to aſcribe this change to the intrigues and cabals of ſome particular enemies of the court. Never would private perſons be powerful enough to corrupt a whole parliament, or the greater part, if their credit was not built upon the miſmanagement of the king and his miniſters. As we are entring on a new period, I believed it neceſſary to prepare the reader of this change, by ſhewing him the true cauſe of it.

We have ſeen in the two ſpeeches of the king and the chancellor, what vaſt ſupplies the king demanded of his parliament, viz. a conſiderable aid for the ſea-ſervice; another for land; a third to diſcharge ſome old debts; a fourth to refund the money taken out of the exchequer, and which could not amount to leſs than 2,250,000 l. ſterling for the ſpace of 17 months. All this computed, muſt have amounted at leaſt to 5,000000 l. Tho' the chancellor's ſpeech made but little impreſſion on the commons, they would however ſhew, that in demanding a redreſs of grievences, as was their intention, they did not act through a ſpirit of paſſion and revenge. Wherefore, tho' they were by no means convinced of the neceſſity or juſtice of the war undertaken by the king, they voted a ſupply, of 18 months aſſeſſment of 70,000 l. per Menſem, which in all amounted to 1,260,000 l. for the king's extraordinary occaſions, without ſpecifying that it was for the ſupport of the war. But for fear the king ſhould prorogue them, when the money-bill was paſſed, they reſolved that the redreſs of grievances ſhould keep an even pace with it.

Addreſs of the commons againſt the declaration for liberty of conſcience. Echard.

For this purpoſe, the 19th of February the commons preſented an addreſs to the king, in which they told him-----' That having taken into conſideration his declaration for indulgence to Diſſenters, they found themſelves bound in duty to inform his majeſty, That penal laws in matters eccleſiaſtical cannot be ſuſpended but by act of parliament; they therefore moſt humbly beſought his majeſty, to give ſuch directions, that no apprehenſions or jealouſies, might remain in the hearts of his faithful ſubjects.

The king's anſwer. Feb. 23.

To this addreſs the king ſent the following anſwer. ' That he is very much troubled, that the declaration which he put out for ends ſo neceſſary to the quiet of the kingdom, eſpecially in that conjuncture, ſhould prove the cauſe of diſquiet, and give occaſion to the queſtioning of his power in eccleſiaſticks, which he finds not done in the reigns of any of his anceſtors. That he never had thoughts of uſing it otherwiſe than as it hath been intruſted in him to the peace and eſtabliſhment of the church of England, and the eaſe of all his ſubjects in general: Neither doth pretend to ſuſpend any laws wherein the properties, rights, or liberties of any of his ſubjects are concerned, nor to alter any thing in the eſtabliſhed doctrine or diſcipline of the church of England: But his only deſign in this war, to take off the penalties inflicted by ſtatutes upon the diſſenters, and which he believed, when well conſidered of, they themſelves would not wiſh executed according to the rigour of the law: Neither hath he done this with any thought of avoiding, or precluding the advice of his parliament; and if any bill ſhall be offered to him, which ſhall appear more proper to attain the aforeſaid ends, and ſecure the peace of the church and kingdom, when tendered in due manner to him, he will ſhew how readily he will concur in all ways that ſhall appear for the good of the kingdom.'

A ſecond addreſs from the commons. Feb. 26.

The commons eaſily perceived, the king was not inclined to deſiſt from his declaration. Wherefore, three days after, they preſented another addreſs, in which, ' they thanked him for his gracious aſſurances and promiſes of maintaining the religion eſtabliſhed, and the liberties and properties of the people: And they did not in the leaſt doubt, but that his majeſty had the ſame gracious intentions in giving ſatiſfaction to his ſubjects, by his anſwer to their laſt petition and addreſs: But that they found, that the ſaid anſwer was not ſufficient to clear the apprehenſions that might juſtly remain in the minds of the people, by his majeſty's having claimed a power to ſuſpend penal laws in matters eccleſiaſtical, and which his majeſty did ſtill ſeem to aſſert, in the ſaid anſwer, to be intitled in the crown, and never queſtioned in any of the reigns of his anceſtors: Wherein they humbly conceived his majeſty had been much miſinformed, ſince no ſuch power had ever been claimed or exerciſed by any of his majeſty's predeceſſors. And if it ſhould be admitted, might tend to the interrupting the free courſe of the laws, and altering the legiſlative power, which had always been acknowledged to reſide in his majeſty, and in his two houſes of parliament. They therefore with an unanimous conſent became humble ſuitors to his majeſty, that he would be pleaſed to give them a full and ſatisfactory anſwer to their ſaid petition and addreſs, and that his majeſty would take ſuch effectual order, that the proceedings in this matter, might not for the future be drawn into conſequence or example.'

The king's anſwer.

The king's anſwer to this addreſs was, “It is of conſequence, and I will take it into conſideration.”

Mr. Seymour ſchoſen ſpeaker of the commons. Kennet.

At the time, this addreſs were preparing, Sir Job Charleton, ſpeaker of the houſe of commons being taken ill, humbly prayed his majeſty, that he might be eaſed of the burden he was not able longer to ſuſtain. Edward Seymour, ſo famous in the reign of William III, was, by the court's recommendation, choſen in his room.

The Preſbyterians upon their guard.

The king and the cabal were extremely miſtaken in imagining, that the declaration for liberty of conſcience, would gain the Preſbyterians, in return for ſo great a favour. The leaders of the Preſbyterians were too wiſe to be taken in ſo palpable and dangerous a ſnare. It was eaſy for them to ſee, they were only deſigned for inſtruments to advance the intereſts of the Romiſh religion. When they reflected, that this favour was received from the king, the duke of York, and the members of the cabal, they could not believe, it flowed from a principle of religion or humanity. They ſaw beſides ſo many extraordinary proceedings, ſo many invaſions upon the rights of the people; the Papiſts indulged in their religion; the king making exhorbitant demands upon his parliament; an army incamped at the very gates of London, in the midſt of winter; a war begun to deſtroy the only Proteſtant ſtate, capable of ſupporting religion; and Papiſts in the principal poſts; all this ſufficiently demonſtrated, that the ſuſpenſion of the penal laws was not for their ſake. So, inſtead of thanking the king for this pretended favour, alderman Love, a city-member, and an eminent diſſenter, ſpoke with the greateſt warmth againſt the declaration. This declaration for liberty of conſcience, wrought a great change in the houſe of commons. For that houſe, which had been ſo fiercely animated againſt the Preſbyterians, ſeeing them ſacrifice their own, to the intereſt of religion and the kingdom, ordered a bill to be brought in for their eaſe; a bill by which all the penalties againſt them in the act of uniformity were removed, and nothing required but the taking the oaths of allegience and ſupremacy. This bill was read the firſt time on the 27th of February, and in a few days was completed. But the lords having made ſome amendments, the king prorogued the parliament before theſe amendments could be agreed to by the commons.

A bill prepared by the commons in favour of the Preſbyterians.

A reflection upon the conduct of the commons.

This bill, which was readily paſſed by the commons, ſufficiently ſhowed their diſtruſt of the court with regard to the declaration for liberty of conſcience, ſince by it all pretence was taken away of confounding the Preſbyterians with the other Non-conformiſts. So long as the commons had not ſuſpected the king's intention to favour the Papiſts, they had affected to rank all the diſſenters in one claſs, in order to include the Preſbyterians in the ſtatutes made againſt the Non-conformiſts in general. But when the king was perceived to uſe this confuſion to favour the Papiſts, the commons were willing to own, the ſeveral ſects ought to be diſtinguiſhed, and rather than abandon religion to the intrigues and artifices of the court, and the Papiſts, reſolved to eaſe the Preſbyterians. In this they diſcovered a true zeal for the Proteſtant religion in general, knowing, it was not ſo dangerouſly attacked by the Preſbyterians, as by the Papiſts. But it was not on this occaſion only that they ſhowed their attachment to the Proteſtant religion. At the very time they were preparing the bill for the eaſe of the Preſbyterians, another was brought in to enjoin frequent catechiſing in the parochial churches, for the inſtruction of youth, intimating thereby, how neceſſary this precaution was thought in the preſent juncture. But this bill, as well as the other, was rendered abortive by the prorogation of the parliament.

Addreſs from the parliament againſt the Papiſts. Echard.

There is no plainer indication, of what the parliament thought of the deſigns of the court in favour of the Papiſts, than the addreſs preſented by both houſes to the king about the ſame time. This addreſs contained, firſt complaints on the growth of popery; on the great reſort of Romiſh prieſts and jeſuits in the kingdom; on the admiſſion of ſo many recuſants into places of truſt, and particularly in the army. After this, the two houſes deſired ‘1. That his majeſty would be pleaſed to iſſue out his royal proclamation, to command all prieſts and jeſuits (with exception of thoſe in attendance upon the queen, not being natural born ſubjects) to depart within 30 days out of the kingdom: And that his majeſty would be pleaſed, in the ſame proclamation, to command all judges and other officers, to put the laws in execution againſt all ſuch prieſts and jeſuits, as ſhould be found in the kingdom after that time. 2. That his majeſty would be pleaſed likewiſe to iſſue out commiſſions, to tender the oaths of allegiance and ſupremacy to all officers and ſoldiers now in his ſervice and pay, and that ſuch as refuſed the ſaid oaths, might be immediately diſbanded. 3. That the commiſſaries of the muſters be commanded and enjoined, by his majeſty's warrant, upon the penalty of loſing their places, not to permit any officer to be muſtered in the ſervice and pay of his majeſty, until he hath taken the oaths of allegiance and ſupremacy, and received the ſacrament of the lords-ſupper, according to the uſage of the church of England; and that every ſoldier ſhould take the ſaid oaths before his firſt muſter, and receive the ſacrament in like manner, before his ſecond muſter.’ Upon this addreſs, the king publiſhed a proclamation in the uſual ſtile, the ſeventh of that kind, by which (after a declaration, that as he had always adhered to the church of England, againſt all temptations whatſoever, ſo he was reſolved to maintain and defend it) he ſtrictly commanded all jeſuits and Romiſh prieſts to depart the kingdom, and the laws to be put in due execution, againſt all popiſh recuſants, or juſtly ſuſpected to be ſo, &c. This proclamation was not ſatisfactory to the commons, becauſe it extended but to one ſingle article of their petition, without any mention of the removal of Papiſts from places

A proclamation upon it.

of truſt. Wherefore, they proceeded to a new bill, in order to obtain their end, being reſolved not to finiſh the money-bill, till they had procured a redreſs of their grievances, and particularly a revocation of the declaration for liberty of conſcience.

The king in great difficulties. Echard.

The king was never ſo perplexed ſince his reſtoration. The cabal had promiſed to make him abſolute, but, after all, ſuggeſted no other means, than the uſing of force, at all hazards. He had hoped to attain his aim by degrees, in gaining now one point, then another, and to ſee himſelf at laſt able to trample on all his oppoſers. He had morever relied on the aſſiſtance of France, after the common-wealth of Holland ſhould be deſtroyed. But he had prepoſterouſly imagined, he ſhould have time to form all his meaſures, and be able to ſupport his deſign, whenever it ſhould be oppoſed. Perhaps too, he had depended upon the condeſcenſion of this parliament, which had always been ſo favourable to him. But as the commons were proceeding, the time was come, that the king muſt either give way, or break with the parliament. In this laſt caſe, he had too much ſenſe to believe, that a handful of Papiſts, with a few flattering courtiers and miniſters, were able to ſupport him, at a time when he could expect no aſſiſtance from France, and when the male-contents might be countenanced by a Dutch fleet. Beſides, his exchequer was empty: And therefore he muſt have reſolved to raiſe money on his ſubjects by means of his army: For he knew, if he had not wherewith to content his adherents, he would hardly engage them to betray the intereſts of their country. But this army was Proteſtant, excepting a few Popiſh officers and ſoldiers. The officers of the fleet, and the ſailors, were alſo Proteſtants. It was therefore unnatural to expect to engage ſuch a fleet and army in his deſigns, ſo contrary to their religion and liberties. Laſtly, he conſidered that theſe very miniſters and courtiers, who appeared ſo devoted to his ſervice, would deſert him, as it happened to the king his father, when he ſhould be no longer able to protect them. In a word, it was too ſoon to begin the execution of a project of this nature, for which he was unprepared, and yet, by the parliament's laſt addreſs, he was obliged either to execute, or relinquiſh it. His honour ſeemed engaged to ſupport the declaration for liberty of conſcience, for he had told the parliament, that he would adhere to it, and his inclination led him to favour the Papiſts, whoſe religion he had ſecretly embraced. He found himſelf moreover obliged, not to abandon, to the reſentment of the parliament, miniſters, who, in giving him their advice, had depended upon his protection. But honour was not capable to ballance the difficulties which he foreſaw, if he perſiſted in his enterprize. On the other hand, his council was divided. The duke of Ormond, and the earl of Arlington adviſed him to wait a more favourable opportunity; but the duke of York, and the reſt of the cabal, were for his throwing off the maſk, and ſupporting his declaration. They repreſented, that his father's ruin was owing to his condeſcending to the firſt demands of the parliament of 1640; and ſaid, they ſaw no leſs cauſe to fear now; for ſhould the declaration be recalled, other demands would be ſet up, which would never end, till they were carried ſo high, that the king would not be able to grant them, without undoing himſelf: And that after a thouſand condeſcenſions, he would be at laſt forced to break with the parliament, and all the fruit he ſhould reap from his compliance, would be to make them the bolder. They farther added, that his holding his reſolution a few days would bring the parliament to reaſon, his majeſty having a party among them which began to make the leaders waver; and that there were forces ſufficient on foot to ſupport the one ſide, and intimidate the other. It is pretended, the earl of Shaftsbury undertook to anſwer for the ſucceſs. All this was very capable to hold the king in ſuſpence. It is believed, the ladies ingaged in this affair, and fearing that a rupture would deprive them of the king's bounties, ſtrongly ſollicited him to recall his declaration. However that be, the king, after ſome heſitation, called for the declaration, and with his own hands broke the ſeal.

His council divided. Echard.

He recalls his declaration. Burnet.

The king's ſpeech to the parliament.

The 8th of March the king came to the parliament, and after preſſing the commons to diſpatch the money-bill, ſaid to both houſes,---'If there be any ſcruple yet remaining with you touching the ſuſpenſion of the penal laws, I here faithfully promiſe you, that what hath been done in that particular, ſhall not for the future be drawn into example and conſequence; and as I daily expect from you a bill for my ſupply, ſo I aſſure you I ſhall as willingly receive and paſs any other you ſhall offer me, that may tend to the giving you ſatisfaction in all your juſt grievances.'

Is thanked for it by both houſes.

This ſpeech was ſo agreeble to the parliament, that both houſes went in a body and thanked the king for ſo full and ſatisfactory an anſwer.

The cabal very much diſpleaſed with the king.

But if the two houſes were pleaſed, the cabal was not ſo. They had formed a project, and prepared a ſcheme to render the king abſolute. Nay, they had taken ſome ſteps towards the execution. This ſcheme had never been formed, had it not been ſuppoſed, the king would have the courage and reſolution to withſtand the complaints of the parliament: For the projectors could never think, the parliament would ſuffer the liberties of the people to be invaded without oppoſition. All their hope therefore was founded upon the king's ſteddineſs. They were to engage in a conteſt, in which they flattered themſelves to render the king victorious. But they ſaw, to their great aſtoniſhment, the king was retreating, when he ſhould have prepared for battle, and conſequently the hopes of victory were entirely vaniſhed. But this was not all they had to fear; they were in danger of being abandoned by the king, after this firſt ſtep, to the reſentment of the two houſes; for how cou'd they hope for the protection of the king, who had juſt given ſuch manifeſt marks of his own fear?

Shaftsbury turns to the country party. Burnet.

The earl of Arlington, as I have obſerved, had in ſome meaſure, deſerted the cabal, by his advice to the king, to revoke his declaration for liberty of conſcience. The earl of Shaftſbury ſoon followed him, but in a manner more ſurprizing, more publick, and with more remarkable circumſtances. As ſoon as he ſaw, the king had not ſufficient reſolution to execute the great work which was projected, he thought it but juſt to forſake a prince, who had forſaken himſelf, and left his counſellors expoſed to danger. This was the ſecond time the earl had experienced the king's inconſtancy, and want of reſolution. This affair of the declaration, was common to him with the reſt of the cabal. But the writs iſſued out of chancery, for the election of members to fill the vacancies in parliament, were peculiar to him. He had undertaken to iſſue theſe writs as chancellor, on pretence of ſome precedents which were never known, upon the king's poſitive promiſe to ſtand by him, and yet, he was deſerted by the king, at the firſt inſtance of the commons, or rather before their complaints. This was, however, a thing of very great conſequence. For if the crown could have iſſued writs for filling the vacancies in parliament, it would have been very eaſy for the miniſters to have had ſuch members returned as they pleaſed, as it happened on this firſt occaſion, wherein all thoſe that were choſen were creatures of the court. Father Orleans, who received his information of the Engliſh affairs from king James II, poſitively affirms, as one that could not be miſtaken when he follows ſuch a guide, 'That the ancient cuſtom was, on the death of a member, for the chancellor to iſſue a writ under the great ſeal, for the election of another: And tho' the writ contained nothing to obſtruct the freedom of the elections, yet the king might find means to prevent any member from being choſen, who was againſt him. That this cuſtom had been changed during the troubles of the laſt reign, when the commons aſſumed the power of iſſuing the writs by their ſpeaker, and this abuſe had been ſuffered to continue, ſince the king's reſtoration, thro' the weakneſs or ignorance of the chancellors before Shaftſbury.' But this is a groundleſs aſſertion, as appears from what the king ſaid himſelf to both houſes, at the beginning of this ſeſſion, 'That he had given order to the lord chancellor to ſend out writs, for the better ſupply of their houſe, having ſeen precedents for it.' Had this been a right, inherent in the crown, and firſt invaded by the commons, during the troubles of the laſt reign, would the king have ſaid only, that he had ſeen ſome precedents for it. This remark is only to ſhew, with what caution the hiſtory of father Orleans, tho' dictated by king James himſelf, is to be read.

The earl of Shaftſbury throws himſelf into the party of the people. Orleans.

The earl of Shaftſbury was therefore more expoſed to the reſentment of the commons, than any other of the cabal, not only for the pernicious counſels given the king, in conjunction with his four collegues, the ſecret whereof was not yet known, but chiefly for the writs iſſued by him as chancellor, ſo deſtructive of their rights and privileges. He had therefore reaſon to fear a vigorous proſecution for this fact, and it is certain, the party oppoſite to the court had already projected an accuſation againſt him. On the other hand, the weakneſs he had diſcovered in the king, gave him no hopes of a protection from thence. He believed, therefore, he had no other way to divert the impending ſtorm, than by quitting the king's party, and throwing himſelf into the contrary. 'He executed this reſolution, ſays father Orleans, the day after the king reſolved to revoke his declaration for liberty of conſcience. It was eleven at night before the king had taken his laſt reſolution, and the next morning the earl of Shaftſbury appeared in the houſe of lords, at the head of the moſt violent party, againſt the Catholick religion, the Dutch war and the union with France.' He did more, if father Orleans is to be credited for in a full houſe he diſcovered the reaſons which had induced the king to grant liberty of conſcience, join with France, and declare war againſt the ſtates. I doubt not his diſcovering this ſecret to his new party, but confeſs, I muſt have better evidence than that of father Orleans, to convince me, that this diſcovery was made publickly in a full houſe, and on this very occaſion; eſpecially, before the king and duke of York, who were that day preſent in the houſe. This would have been a formal accuſation againſt the king, the duke of York, and the other four members of the cabal, of which he could have given no proofs, if they had been demanded. He had too much ſenſe to expoſe himſelf to ſuch a danger. The occaſion of his declaring publickly againſt the king, on the day I am ſpeaking of, was this.

The earl of Shaftſbury declares publick againſt the king. Burnet.

The lord treaſurer Clifford, ignorant of Shaftſbury's intentions, paid him a viſit the night before, and communicating to him a project for eſtabliſhing a perpetual fund, to free the king from his dependence on the parliament, read to him a ſpeech, he had prepared to ſpeak on the morrow, concerning this project in the houſe of lords. The earl of Shaftſbury ſeemed highly pleaſed with the ſpeech, and deſired to hear it again. The next day, the king and duke of York coming to the houſe to countenance this project with their preſence, the lord Clifford ſpoke his ſpeech. He had no ſooner done, than the earl of Shaftſbury ſtood up, and anſwered his ſpeech from the beginning to the end. He demonſtrated this project to be extravagant and impracticable; that it would overturn the government, and perhaps ſend the king and royal family abroad again, to ſpend their days in exile, without hopes of a return. If the treaſurer's ſpeech ſurpriſed the lords, who perceived the deſign of it, their aſtoniſhment was increaſed when they ſaw the chancellor, a leading member of the cabal, declare ſo openly againſt the king. It is ſaid, the duke of York, whilſt Shaftſbury was ſpeaking, whiſpered the king, "What a rogue have you of a lord chancellor! And that the king replied, what a fool have you of a lord treaſurer! I know not whether the truth of theſe particulars is to be relied on, ſome of which are improbable. For what likelihood is there, that the king, after breaking the ſeal of his declaration with his own hands, for fear of the parliament, ſhould appear, within a few hours after, in the houſe of lords, to ſupport, by his preſence, the treaſurer's project, which tended to the ſubverſion of parliaments? Or that he ſhould call the treaſurer fool, for a propoſal which the king could not be ignorant of, and had doubtleſs approved.

Advice to the readers concerning the earl of Shaftsbury.

However, the earl of Shaftsbury, from this time, was always in the head of the country party, and cauſed the king to undergo great mortifications, as will hereafter appear. But I muſt give here a very material caution to thoſe who read father Orleans's Hiſtory, or ſuch Engliſh or foreign authors as eſpouſe the king's cauſe. All theſe writers paint the earl of Shaftsbury in very black colours. He was, according to them, the greateſt villain that ever lived; his wickedneſs was anſwerable to the extent of his genius, and the depth of his penetration. He was perpetually contriving how to torment the king and duke of York, or rather to ruin them irrecoverably. He was not only the head, but the ſoul, of his party, by which they were actuated. In ſhort, every thing tranſacted afterwards by the parliament againſt the king, is ſolely imputed to him, and it is artfully inſinuated, that, had it not been for ſuch an agent, the nation would have remained in tranquillity; and the parliament, content with the king's favourable anſwers, and gracious promiſes, would have been quiet, and attempted nothing againſt the court. Thus, according to theſe writers, all the meaſures and precautions taken afterwards by the parliament againſt the deſigns of the court, were entirely owing to Shaftsbury's malice and revenge. It is eaſy to perceive, that their deſign is to cauſe to vaniſh, the grounds of the parliament's fear, and complaint of the conduct of the court, by inſinuating, that theſe complaints were frivolous, and the effects of Shaftsbury's vengeance, who, they ſay, directed both houſes of parliament, or rather had them entirely at command. For my part, I am no way concerned to vindicate the earl of Shaftsbury's honour, but believe my ſelf obliged to remark, for the more eaſy diſcovery of the truth, that the project of the cabal to render the king abſolute, and introduce popery, is of unqueſtionable certainty. The authors juſt mentioned, ſcruple not to own it, and ſhould they deny it, the thing would not be leſs true. Conſequently the parliament coming to a full and exact knowledge of this deſign, which was only ſuſpected before, had all the reaſon in the world for their fear and caution againſt the king and his miniſters. This being granted, let the earl of Shaftsbury have been a villain, or an honeſt man; let him have betrayed the king's ſecrets, and acted only through a ſpirit of revenge; let his fear of the parliament be the ſole motive of his ingaging in the country party againſt the king, or let him have acted from a principle of honour and duty, in order to ſave the church and ſtate, the thing it ſelf remains the ſame. The good or bad qualities of the earl of Shaftsbury did not cauſe the parliament to have more or leſs reaſon to fear the deſigns of the king and his miniſters. If they were prejudicial to religion and the ſtate, as cannot be denied, the parliament had reaſon to take the beſt meaſures to prevent them. Why therefore are theſe meaſures, theſe precautions, aſcribed to Shaftsbury's malice and artifices, ſince there was another and more natural cauſe. Before the earl of Shaftsbury appeared in the party, contrary to court, the parliament had begun to take theſe precautions, though the court's deſigns were yet but ſuſpected: They were better informed by the earl of Shaftsbury; why therefore is it ſuppoſed, that after this information, they ſuddenly relinquiſh their former motives, and act only with a view to ſerve as inſtruments of Shaftsbury's revenge? This is not even probable, and yet the authors abovementioned loſe no opportunity of reproaching the earl of Shaftsbury, and aſcribing ſolely to him all the mortifications, the king afterwards received. Beſides the reader's inſtruction, my deſign, in what I have ſaid, is to hinder ſuch as have read, or ſhall read the other hiſtorians, from thinking it ſtrange that I do not every moment exclaim againſt the earl of Shaftsbury's conduct, as if he were the ſole author of what was done againſt the king; and that I content my ſelf with ſaying in a word, this lord uſed all his intereſt and credit to break the meaſures of the king and his miniſters.

The teſt-act paſſes the commons. Burnet.

Immediately after this change in the earl of Shaftsbury, the commons paſſed a bill, afterwards called the "Teſt-act, intitled, an act "for preventing the dangers which may happen from Popiſh recuſants. This act required, that all perſons enjoying any office or place of truſt and profit, ſhould take the oaths of allegiance and ſupremacy in publick and open court, and ſhould alſo receive the Sacrament in ſome pariſh church, immediately after divine ſervice; and deliver a certificate ſigned by the miniſters and church-wardens, atteſted by the oaths of two credible witneſſes, and put upon record: and that all perſons taking the ſaid oaths of allegiance and ſupremacy ſhould likewiſe make and ſubſcribe this following declaration.--- "I do declare, That I do believe, that there is not any tranſubſtantiation in the ſacrament of the lord's ſupper or in the elements of bread and wine, at, or after the conſecration thereof, by any perſon whatſoever.--- This bill readily paſſed the houſe of commons, and after ſome difficulties, was alſo approved by the lords. The earl of Briſtol, tho' a Papiſt, made a ſpeech on this occaſion, and concluded with ſaying 'upon the whole matter, however the ſentiments of a catholick of the church of Rome, (not of the court of Rome) may oblige me, upon ſcruple of conſcience, to give my negative to this bill, yet as a member of a Proteſtant parliament, my advice prudentially cannot but go along with the main ſcope of it, the preſent circumſtances of time, and affairs conſidered, and the neceſſity of compoſing the diſturbed minds of the people.'

Another bill to prevent the duke of York's marrying with a popiſh princeſs. Echard.

Beſides this bill there was another preparing to prevent intermarriages between Proteſtants and Papiſts. This tended directly to break the preſent negotiation of the duke of

York's

1672-3. York's marriage with an Archducheſs of Inſpruch, and to hinder him from marrying any other catholick princeſs. The king, in the interim, was very uneaſy, as he ſaw, the parliament was informed of his ſecret reſolutions, and effectual meaſures were taken to prevent their execution. Wherefore he quickned the commons, by ſeveral meſſages, to finiſh the money-bill. But, inſtead of ſatisfying him, the commons, having provided for the ſecurity of religion, preſented him two addreſſes of grievances, one concerning England, the other Ireland. In the firſt, they told the king, that they were firmly perſuaded of his intention to govern according to the laws and cuſtoms of the kingdom. Yet finding that ſome abuſes and grievances were crept into the government, they craved leave humbly to repreſent them to his majeſty's knowledge, and to deſire,

'1. That the impoſition of twelve pence 'per chaldron upon coals, for providing of con'voys, by virtue of an order of council dated 'the 15th of May 1672, may be recalled, and 'and all bonds, taken by virtue thereof, can'celled.

'2. That his majeſty's proclamation of the '4th of December 1672, for preventing diſor'ders which may be committed by ſoldiers, and 'whereby the ſoldiers now in his majeſty's ſer'vice are in a manner exempted from the ordi'nary courſe of juſtice, may likewiſe be recall'd.'

'3. And whereas great complaints have 'been made out of ſeveral parts of the king'dom, of divers abuſes committed in quarter'ing of ſoldiers, that his majeſty would be 'pleaſed to give orders to redreſs thoſe abuſes, 'and in particular, that no ſoldiers be hereaf'ter quartered in any private houſes, and that 'due ſatisfaction may be given to the inn'keepers and victuallers where they lye, before 'they remove.

'4. And, ſince the continuance of ſoldiers 'in this realm, will neceſſarily produce many 'inconveniencies to his majeſty's ſubjects, 'they humbly repreſented it as their petition 'and advice, that when this preſent war is 'ended, all the ſoldiers that have been raiſed 'ſince the laſt ſeſſion of parliament may be 'disbanded.

'5. That his majeſty would likewiſe be 'pleaſed to conſider of the irregularities and 'abuſes in preſſing ſoldiers, and give orders 'for the prevention thereof for the future.'

Theſe demands ſhew, how by degrees the court was labouring to introduce an abſolute authority: Firſt, by a light impoſition, by virtue of an order of council, of twelve-pence upon every chaldron, or 36 buſhels of coals. The tax was inconſiderable, but the conſequence very great. Secondly, the magiſtrates, in aſſuming the power of quartering ſoldiers in private houſes, eaſily found an opportunity to gall and oppreſs their enemies, and ſuch as were not well-inclined to the court. Thirdly, in preſſing ſoldiers, the officers had room to commit many acts of injuſtice, by liſting not the moſt proper perſons for the ſervice, but the rich who were able to redeem themſelves with money. Though this practice was much uſed with regard to ſailors, and continues to this day, it had never extended to ſoldiers, or at leaſt but on very extraordinary occaſions. 1672-3.

The petition concerning the Iriſh grievances contained ſeveral articles, chiefly relating to religion. In one of theſe the commons deſired, his majeſty would be pleaſed to diſmiſs out of all command, civil or military, colonel Richard Talbot, who notoriouſly aſſumed the title of agent for the roman catholicks in Ireland, and forbid him all acceſs to his court. This Talbot was afterwards created duke of Tyrconnel, and lord lieutenant of Ireland by James II.

The king's anſwer.

The king replied to theſe addreſſes, that as they conſiſted of ſo many different parts, it could not be expected he ſhould give a preſent anſwer. But promiſed, that for the ſeveral particular things contained in them, he would, before the next meeting, take ſuch effectual care, that no man ſhould have reaſon to complain. After this the money-bill paſſed without oppoſition. But, not to approve expreſly the war for which this money was intended, the Bill was intitled, A ſupply of his majeſty's extraordinary occaſions, and a particular proviſo was tacked to it, that no Papiſt ſhould be capable of holding any publick employment.

Money bill Paſſed.

1673. Acts paſſed. Statute-B.

Before the bill in favour of the Proteſtant-diſſenters and ſome others were ready, the king came to the parliament the 29th of March, and paſſed ſeveral acts, amongſt which were the money-bill, the teſt-act, and an act for a general and free pardon, but with many exceptions. Then he adjourned the parliament to the 20th of October. If the king in his declaration for liberty of conſcience had intended the eaſe of the Proteſtant-non-conformiſts, as he would have had it believed, he might have deferred the adjournment of the parliament a few days, till the bill paſſed in their favour was ready, or at leaſt might have preſſed the two houſes to finiſh it. But as the papiſts were excluded from the benefit of this act, he ſhowed no farther concern for the intereſt of the Presbyterians, but adjourned the parliament before the lords had given their conſent to the bill.

The parliament adjourned. Echard.

The bill in favour of the Presbyterians poſtpon'd.

The teſt-act having received the royal-aſſent, moſt of the Catholick officers quitted their places. The duke of York himſelf who was lord-high-admiral, reſigned that profitable office and the lord Clifford that of high-treaſurer. He retired to his paternal eſtate (at Chidleigh) in Devonſhire, where he died ſhortly after.

The duke of York and lord Clifford reſign their places. Burnet.

Lord Clifford dies. Baſnage.

While theſe things paſſed in the parliament, preparations for the ſea-war were making in England and Holland with equal ardour and vaſt expence. The duke of York having reſigned his office of lord high-admiral, prince Rupert was appointed to command the fleet, Ruyter having ſecret intelligence, that the Engliſh fleet would not be ready ſo ſoon, put to ſea with 42 men of war, and 16 veſſels to be ſunk in the Thames. He came into the mouth of the river the 2d of May, where he found he had been miſinformed, and that 45 large ſhips were coming to attack him. Upon this diſappointment, he retired to expect the reſt of his fleet at Schonevelt in Zealand. In this

Prince Rupert commander of the Engliſh fleet; Kennet.

Joins the French fleet.

interval, prince Rupert ſailed to meet the French fleet coming from Breſt, and joined them in the channel the 16th of May. After this junction, the combined fleet conſiſted of 140 ſail of all ſorts, of which there were 30 large French ſhips. The Dutch fleet had but 109 ſail, viz. 54 large ſhips, 14 frigats, 24 fire ſhips, 11 advice-boats, and ſix galliots. As I am not ſufficiently verſed in marine-affairs to give clear ideas of ſea-engagements, I ſhall only ſay, that this year was ſignalized by three naval engagements, fought with ſuch equal loſs, that neither could juſtly boaſt of victory; tho' both challenged it in every battle. The firſt fought near Schonevelt the 28th of May. The ſecond off Fluſhing the 4th of June; but this was tather cannonading of about four hours, after which, both ſides retired to their reſpective coaſts. The third, fought the 11th of Auguſt, was the moſt obſtinate. The Engliſh loſt vice-admiral Spragg, who was drowned in changing his ſhip, and the Dutch, vice-admiral Sweers. The loſs of the great ſhips in theſe three engagements was inconſiderable, but on both ſides many leſſer ones were either burnt or ſunk. In a word, nothing deciſive happened at ſea this campaign, and therefore I need not be more circumſtantial.

Three engagements at ſea diſtinguiſhed with no conſiderable advantage to either ſide. Kennet.

Succeſſes of Lewis and the prince of Orange. Burnet.

As to what paſſed at land, between France and the ſtates, I ſhall only ſay, that the king of France took Maeſtricht in June, and the prince of Orange, Naerden, a town near Amſterdam, in September, and afterwards Bonn, the reſidence of the elector of Cologne, in October. Theſe two conqueſts, and the neceſſity the king of France was under to maintain the war againſt Spain, (which had at laſt declared againſt him, beſides that the emperor, and ſeveral German princes, were alſo upon the point of declaring for the ſtates) obliged him to abandon all his conqueſts in the United-Provinces, except Maeſtricht and Grave, where he left garriſons, after having drawn out all the reſt in November.

Lewis abandons his conqueſts.

In the mean time, a congreſs was held at Cologne for peace, but with no ſucceſs.

Congreſs at Cologne for peace comes to nothing. Sir Thomas Oſborne conſtituted lord high-treaſurer. The duke of York marries the princeſs of Modena. Echard.

The 19th of June the king, at Buckingham's recommendation, made Sir Thomas Oſborne, afterwards earl of Danby lord-treaſurer.

The duke of York, as I have ſaid, had caſt his eyes upon an archducheſs of Inſpruch, a branch of the houſe of Auſtria. But the empreſs dying at that time, the emperor married this princeſs himſelf. The duke was therefore obliged to make his addreſſes elſewhere, and as his zeal for the Popiſh religion allowed him not to marry a Proteſtant princeſs, he made choice of Maria d' Eſte ſiſter to Francis duke of Modena, and the marriage was immediately concluded and ſolemnized by his proxy, Henry Mordaunt earl of Peterborough. The king of France greatly contributed to the marriage, by declaring the young princeſs, then but 15 years of age, an adoptive daughter of France, and by engaging to pay her portion.

As the duke's marriage with a Catholick princeſs could not but be very diſagreeable to the Engliſh, the court eaſily foreſaw, that the parliament, which was to meet the 20th of October, would endeavour to oppoſe it. There were ſeveral bills ready, which could be finiſhed in few days; and as the parliament was only adjourned, the court feared they would begin with compleating theſe bills, two of which the court was deſirous to put a ſtop to, viz. the bill againſt inter-marriages between Proteſtants and Papiſts, and that for the eaſe of the Proteſtant Diſſenters. Wherefore the king eaſily reſolved to prorogue the parliament. The firſt thing the commons did, after their meeting, was, to preſent an addreſs to the kiug, to deſire that the duke's marriage with the princeſs of Modena might not be conſummated, and that he might not be married to any but a Proteſtant. Upon this, the king prorogued the parliament to the 27th of the ſame month, to defeat the two bills abovementioned, and ſome others not more agreeable to him.

The commons addreſs againſt the duke's marriage. Kennet.

The king's ſpeech to the parliament. Echard.

The 27th of October the king coming to parliament with the uſual formalities, made a ſpeech to both houſes, in which he told them, -----'That having conſented to a negotiation at Cologne, he hoped to have welcomed them with an honourable peace; but the Dutch had diſappointed him in that expectation, and treated his ambaſſadors at Cologne with the contempt of conquerors, and not as might have been expected from men in their condition. That this obliged him to move them again for a ſupply, the ſafety and honour of the nation neceſſarily requiring it; that it muſt be proportionable to the occaſion, and if he had it not ſpeedily, the miſchief would be irreparable in his preparations for the next ſpring.'----- He told them, 'That he was ſteady in maintaining all the profeſſions and promiſes made to them concerning religion and property; and ſhould be very ready to give them freſh inſtances of his zeal for preſerving the eſtabliſhed religion and laws, as often as any occaſion ſhall require. In the laſt place, he commended to their conſideration and care, the debt he owed the goldſmiths, in which very many other of his good ſubjects were involved.'

This debt of the goldſmiths was contracted by the king when he ſhut up the exchequer, and amounted to more than to 2,000000 l. ſterling. Thus the king, after a ſeizure of other men's property, by a pure act of authority, pretended, it belonged to the parliament to make reparation, on account of their application of this money to a war, of which he had not vouchſafed to communicate the deſign to them. This was the hardeſt caſe that had for a long time happened in England. For, on one hand, it was a melancholly thing to ſee ſo many families ruined, in ſupport of an expence which ought to have been common ro the whole nation. But on the other hand, to pay this debt, was to eſtabliſh a precedent of a terrible conſequence, and authorize the king and his ſucceſſors to employ the ſame, or the like methods, for raiſing of money, without

out conſent of parliament. As fot the 1,260000 l granted the king for his extraordinary occaſions in the laſt ſeſſion, he believed, that ſum ought not to be employed in diſcharging this debt, nor even in maintaining the Dutch war, ſince a new ſupply was demanded for that purpoſe.

The king's anſwer relating to the duke's marriage. Echard.

After the king had ended his ſpeech, the chancellor enlarged with great eloquence upon all the points touched by the king. But his ſpeech made little impreſſion upon the commons. They were no ſooner returned to their houſe, but inſtead of voting the king thanks for his ſpeech, they adjourned themſelves to the 30th of the month. The ſame day the king ſent them his anſwer to their addreſs concerning the duke of York's marriage, the ſubſtance of which was,-----'That he perceived the houſe of commons had wanted a full information of this matter, the marriage not being barely intended, but compleated, according to the forms uſed amongſt princes, and by his royal conſent and authority: Nor could he in the leaſt ſuppoſe it diſagreeable to the houſe of commons, his royal higneſs having been, in the view of the world, for ſeveral months, engaged in a treaty of marriage with another Catholick princeſs, and yet a parliament held during the time, and not the leaſt exception taken at it.' The houſe was by no means pleaſed with this anſwer; and therefore reſolved to preſent a ſecond addreſs, with their reaſons againſt this marriage. The ſame day, it was voted, that a bill ſhould be prepared for a general teſt between Proteſtants and Papiſts, that is is to ſay, an oath which ſhould ſerve to diſtinguiſh Proteſtants from Papiſts, with this clauſe, "That they who refuſed to take it, ſhould be incapable of bearing any office civil military, or to ſit in parliament, or to come within five miles of the court."

A bill for a general teſt.

Vote of the commons to grant no more ſupplies to the king.

The 31ſt of October the commons took the king's ſpeech into conſideration, and after a ſerious debate in a grand committee, came to the following reſolution, 'That the houſe, conſidering the preſent condition of the nation, will not take into any further debate, the conſideration of any aid, or ſupply, or charge upon the ſubject, before the time of payment of the 18 months aſſeſſment granted by a late act of parliament, intitled, an act for raiſing the ſum of 1,238750 l. be expired; except it ſhall appear, that the obſtinacy of the Dutch ſhall render it neceſſary, nor before this kingdom be effectually ſecured from popery, and popiſh counſellors, and the other preſent grievances be redreſſed.'

Petition for a general faſt.

The king, as may well be imagined, was extremely offended with this reſolution, and the more as it was followed by an addreſs for a general faſt, to be obſerved throughout the whole kingdom, which intimated to the people, that the kingdom was in great danger. Two days after, the houſe in a body waited on the king with a ſecond addreſs againſt the duke of York's marriage, in which, after many compliments, they repreſented to him,----'1. That if the match do proceed, it will be a means to diſquiet the minds of his Proteſtant ſubjects at home; and to fill them with endleſs jealouſies and diſcontents; and will bring his majeſty into ſuch alliances abroad, as will prove highly prejudicial, if not deſtructive to the intereſts of the very Proteſtant religion itſelf. 2. They find by ſad experience, that ſuch marriages had increaſed and encouraged popery in the kingdom, and had given opportunity to prieſts and jeſuits, to propagate their opinions, and ſeduce great numbers of his majeſty's ſubjects. 3. They do already obſerve, how much the party is animated with the hopes of this match, which was lately diſcouraged by his majeſty's gracious conceſſions in the laſt meeting of the parliament. 4. They greatly fear this may be an occaſion to leſſen the affections of the people to his royal highneſs, who is ſo nearly related to the crown, and whoſe honour and eſteem they deſire may always be entirely preſerved. 5. That for another age more at leaſt, this kingdom will be under the continual apprehenſions of the the growth of popery, and the danger of the Proteſtant religion. Laſtly, they conſidered, that this princeſs, having ſo near a relation and kindered to many eminent perſons of the court of Rome, may give them great opportunities to promote their deſigns, and carry on their practices here, and by the ſame means penetrate into his majeſty's moſt ſecret counſels, and more eaſily diſcover the ſtate of the whole kingdom. And finding by the opinions of very learned men, that it is generally admitted, that ſuch treaties and contracts by proxies are diſſolvable, of which there are ſeveral inſtances to be produced, they do in all humility beſeech his majeſty, to put a ſtop to the conſummation of this intended marriage. And this they do the more importunately deſire, becauſe they have not, as yet, the happineſs to ſee any iſſue of his majeſty, that might ſucceed in the government of his kingdom.'-----To this addreſs the king briefly replied, "That it was a matter he would take into his preſent conſideration, and would ſpeedily return an anſwer." After which the commons proceeded farther, and voted the ſtanding army a grievance, and accordingly, prepared an addreſs to be preſented to his majeſty, ſhewing, "That the ſtanding-army was a grievance, and a burthen to the na-

Addreſs againſt the duke of York's marriage.

Vote againſt a ſtanding army. Echard.

But the 4th of November, the day on which the commons were to preſent their addreſs, the king came unexpectedly to the houſe of peers, and ſent for the commons. It happened that the ſpeaker and the uſher of the black-rod met both at the door of the houſe of commons, but as the ſpeaker was within the houſe, the door was immediately ſhut againſt the uſher, who came with the king's meſſage. The ſpeaker was forced into the chair, and while the uſher continued knocking at the door, the houſe voted, "1. That the alliance with France was a grievance. 2. That the evil counſellors about the king were a grievance.

Other votes contrary to the king.

“ vance. And 3. That the duke of Lauderdale was a grievance, and not fit to be truſted or employed in any office or place of truſt.’ Upon which there was a general cry, to the queſtion, to the queſtion! But, the black-rod knocking earneſtly at the door, the ſpeaker leaped out of the chair, and the houſe roſe in great confuſion. When the commons came to the houſe of lords the king made a ſhort ſpeech to both houſes, in which he repreſented the great advantages which the enemy would reap from the leaſt appearance of a difference between him and his parliament.----He told them, he would not be wanting to let all his ſubjects ſee, “ That no care ſhould be greater than his own in the effectual ſuppreſſing of Popery.” He then prorogued the parliament to the 7th day of January following, and thus put an end to the 12th ſeſſion of this long parliament, which had continued but nine days,

The parliament prorogued.

Sir Heneage Finch ſucceeds Shaftsbury. Echard.

Immediately after the prorogation of the parliament, the king took the great-ſeal from the earl of Shaftsbury, and gave it to Sir Heneage Finch, with the title of lord-keeper. Soon after, the king ordered that no perſon who was a Roman-Catholick, or reputed to be ſo, ſhould preſume to come near his perſon or court. He likewiſe publiſhed a proclamation for the rigorous execution of the laws againſt Papiſts. This was the eighth of the kind ſince his reſtoration, and executed as the other ſeven.

Proclamation againſt Papiſts. Jan. 14.

Conſumation of the duke's marriage.

But this proclamation was not capable to remove the fears occaſioned by the duke of York's marriage with the princeſs of Modena, which was conſummated the 21ſt of November, on the day of her arrival in England with the ducheſs her mother.

1673-4. The king's ſpeech to the parliament. Echard.

The parliament meeting the 7th of January, the king repreſented to both houſes.----- ‘ That no propoſal of peace from the Dutch had been yet offered with an intent to conclude, but only to amuſe: That therefore, the way to a good peace, was to ſet out a good fleet, which there was time enough to do effectually, if the ſupply was not delayed.----That a ſpeedy, and proportionable, and above all, a chearful aid, was now more neceſſary than ever: He once more put them in mind of his debt to the goldſmiths: And then told them, that his alliance with France had been very ſtrangely miſrepreſented to them, as if there were certain ſecret articles of dangerous conſequence; but he would make no difficulty of letting the treaties, and all the articles of them, without any the leaſt reſerve, be ſeen by a ſmall committee of both houſes, who might report the true ſcope of them.’

Speech of the keeper of the great ſeal.

Then the lord-keeper enlarged upon all theſe points with exceſſive flattery to the king, for his extraordinary care to maintain the laws and religion; and that this might not be doubted, he alledged for proof, the aſſurances given by the king. Above all, he magnified the king's offer, of letting them ſee the treaties with France, as a condeſcenſion which could not be ſufficiently acknowledged, but by an extraordinary ſupply. In a word, the king's and the keeper's ſpeeches were founded upon this principle, that the war with the ſtates was juſt and neceſſary, and conſequently to be vigorouſly maintained, in order to an honuorable peace.

The king in great difficulties

It does not appear, that the two houſes much regarded the king's offer of laying before them his treaties with France, ſince it was in his power to ſhew them what he pleaſed, and ſuppreſs the reſt. The king preceived therefore, into what difficulties the cabal had thrown him by their violent counſels. He had loſt the confidence of his people, and neither his words nor his promiſes were any longer relied on. It was in vain for him to proteſt his zeal for the Proteſtant religion, and the liberties of his ſubjects: theſe proteſtations could not obliterate his paſt proceedings, which gave but too juſt cauſe to ſuſpect his ſincerity. Wherefore, the parliament, without regarding his words, conſidered his actions, and laboured to take effectual meaſures, to prevent the execution of the court's deſigns, which were but too manifeſt. There were many things, concerning which they openly expreſſed their fear and diſcontent. 1. The growth of Popery publickly encouraged by the court. 2. The exorbitant power of France, which in the end could not but prove prejudicial to England. 3. The Dutch war, undertaken directly contrary to the intereſt of England, and for which, however, the king was inceſſantly demanding ſupplies, on a ſuppoſition of its being juſt and neceſſary, tho' he had alledged no lawful cauſe for it. 4. The management of affairs in Ireland, where the act of eſtabliſhment was openly trampled upon, and Papiſts continually advanced or incouraged. 5. The king's proceedings in England, which were clear evidences of his principles and deſigns; viz. his raiſing a land-army without any neceſſity; his granting liberty of conſcience by his ſole authority; his ſhutting up the exchequer; his diſpenſing with acts of parliament; his making a ſtrict alliance with France, when he ſhould rather have uſed his endeavours to oppoſe the increaſe of her greatneſs. 6. The open profeſſion of the popiſh religion by the duke of York, and his marriage with a popiſh princeſs, authorized by the king, notwithſtanding the remonſtrances of the parliament. 7. The three miniſters, ſtill employed by the king, viz. Arlington, Buckingham, and Lauderdale, all three of the moſt arbitrary principles, plainly ſhewed, it was not for the good of the kingdom, that the king uſed their counſels. Theſe were too real cauſes of complaint, to be ſilenced by the king's general proteſtations, on every occaſion, to maintain the laws and religion. Something more ſubſtantial than words was neceſſary to diſpel the ſuſpicions and fears of the people and parliament. Wherefore the parliament reſolved to reſtore the government to its natural ſtate. This very parliament, which had conſidered as rebels, the oppoſers of Charles I's uſurpations, was obliged to purſue the ſame meaſures againſt the incroachments of Charles II, as were

The parliament enraged againſt the court. The cauſes.

The parliament's deſigns.

A reflection upon it.

were begun with by the parliament of 1640. If this produced not a civil war, it is to be aſcribed to the weakneſs, fears, or, perhaps, to the abilities of the king, who, leſs obſtinate, and more diſcerning than his father, did not think proper to abandon himſelf entirely to the counſels of his miniſters, and and particularly of the duke his brother. For, certainly, as the parliamen ſtood effected, an extreme confuſion, if not a ſecond, and more bloody civil war, muſt have been the conſequence of the king's attachment to his principles and deſigns. Nothing is more proper to confirm this conjecture, than the revolution in the reign of James II. That prince, naturally more furious and obſtinate than his brother, reſolving to run all hazards, found the Engliſh, in their turns, as reſolute to venture all in the defence of their laws, religion, and liberty.

Addreſs of the lords for the removal of Papiſts. Kennet.

A proclamation upon it. Echard.

In order to proceed according to this plan, the houſe of lords preſented an addreſs to the king, praying him to iſſue out his royal proclamation, requiring all Papiſts and reputed Papiſts to remove out of London and Weſtminſter, during the ſeſſion of the parliament. Accordingly his majeſty without delay publiſhed a proclamation, dated the 14th of January, declaring, 'That as he had always manifeſted his zeal for the the preſervation of the true religion eſtabliſhed in this kingdom, and to hinder the growth of popery, ſo he was now ready, upon this occaſion, toprevent all fears and dangers that might ariſe by the concourſe of perſons of that profeſſion in or near the cities of London and Weſtminſter, &c.' This pretended zeal had ſhewed itſelf but in eight proclamations, already publiſhed by him at ſeveral times againſt the Papiſts, the negligent execution of which is very viſible from the number. When the king's affectation of boaſting continually his zeal for the Proteſtant religion, and againſt Popery is conſidered, and when on the other hand it is remembered, that he had abjured the Proteſtant religion, and had a chapel ſecretly in his palace, where he daily heard maſs, and ſome times even communicated the ſame day at his Proteſtant and Popiſh chapels, one knows not what to think of ſuch monſtrous diſſimulation.

Addreſs of bothhouſes for a faſt.

The next day, both houſes joined in an addreſs to the king for a general faſt, to implore God's bleſſing againſt the efforts of Popery, &c. Nothing was more offenſive to the king than ſuch addreſſes, which plainly implied, that religion was in danger, and through his fault; but he durſt not refuſe them, and therefore the 4th of February was was appointed for a day of humiliation.

A mortifying vote to the king.

An addreſs.

His anſwer.

At laſt the commons taking the king's laſt ſpeech into conſideration, voted, 'That the houſe will in the firſt place proceed to have their grievances effectually redreſſed, the Proteſtant religion, their liberties and properties effectually ſecured, and to ſuppreſs Popery, and remove all perſons and counſellors popiſhly effected or otherways obnoxious or dangerous to the government.' Then they preſented an addreſs to the king——'That the militia of the city of London, and county of Middleſex, might be in readineſs at an hour's warning, and the militia of all other counties of England at a day's warning, for ſuppreſſing of all tumultuous inſurrections which might be occaſioned by Papiſts or any other male-contented perſons.' The king anſwered to this addreſs, 'That he would take a ſpecial care, as well for the preſervation of their perſons, as of their liberties and properties.'

Vote againſt the duke of Lauderdale.

This addreſs was only to inſinuate to the people, that the kingdom was in danger, and to juſtify beforehand the meaſures intended to be taken by the houſe, againſt thoſe who were conſidered as the principal authors of this danger, I mean, the members of the cabal. By the death of lord Clifford, and the change in the earl of Shaftſbury, this council was reduced to three, viz. the dukes of Buckingham and Lauderdale, and the earl of Arlington. The houſe begun with the duke of Lauderdale, and unanimouſly voted, 'That an addreſs ſhould be preſented to his majeſty, to remove the duke of Lauderdale from all his employments, and from his preſence and councils for ever, being a perſon obnoxious and dangerous to the government.'

The duke of Buckingham, while the commons were debating upon the heads of his accuſation, requeſted to be heard before their houſe, which was granted. But as his ſpeech, in vindication of himſelf, was full of ambiguities, the houſe referred his examination to the next day, and drew up ſome queries, to which he was required to give diſtinct anſwers. As theſe queſtions follow from what had paſſed, and tend to illuſtrate the hiſtory, I think myſelf obliged to inſert them, without adding his anſwers, the greateſt part of which left things as obſcure as they were before.

Queſtions propoſed to the duke of Buckingham. Echard.

1. Whether any perſons declared to his grace any ill advice or purpoſes againſt the liberties and privileges of the houſe of commons, or to alter the government; who they were, and what they adviſed?

2. Some words fell from your grace yeſterday, wherein you were pleaſed to ſay, you had got nothing, but others had gotten 3, 4, or 500,000 l. who were they that had gotten theſe ſums, and by what means?

His anſwer to this was,——That he was not at all acquainted by what means they got ſo much: That the duke of Ormond had got 500,000 l. which was upon record; that lord Arlington had not got ſo much, but had got a great deal.

3. By whoſe advice was the army raiſed, and Monſieur Schomberg made general.

4. By whoſe advice was this army brought up to awe the debates and reſolutions of the houſe of commons?

5. Who made the triple-alliance?

6. Who made the firſt treaty with France, by which the triple-alliance was broken?

He anſwered, I made it.

7. By whoſe advice was the exchequer ſhut up, and the order of payment there broken?

8. Who adviſed the declaration in matters of religion?

9. Who adviſed the attacquing the Smyrna fleet, before the war was proclaimed?

10 By whoſe advice was the ſecond treaty at Utrecht?

11. By what counſel was the war begun without the parliament, and thereupon the parliament prorogued.

12. By whoſe advice was the parliament prorogued, the 4rh of November laſt?

I did not think fit to add all the duke's anſwers, becauſe it is not juſt to prejudice the reader againſt thoſe whom the duke of Buckingham accuſed to clear himſelf. But the queſtions are very proper to ſhew, what it was that the commons blamed in the conduct of the king and cabal. They were ſo little ſatisfied with the duke's anſwers, that they paſſed the ſame vote againſt him as againſt Lauderdale.

The earl of Arlington impeached.

The commons, it ſeems, principally intended to ruin the earl of Arlington, ſince, notwithſtanding his defence before the houſe, they drew up an impeachment againſt him, conſiſting of ſeveral articles. But as this impeachment was not purſued, I do not think it juſt to inſert the articles, ſince I cannot alſo inſert what the earl could urge in his defence. I ſhall therefore only ſay, that this impeachment chiefly concerned the open protection, granted by the earl of Arlington as ſecretary, to the Catholicks; and ſome actions tending to promote arbitrary power, or his own private intereſt.

A bill for a teſt.

After this, the commons proceeded to prepare a bill for a general teſt, by which every perſon refuſing to take it, ſhould be made incapable to enjoy any office civil or military, to ſit in either houſe of parliament, or to come within five miles of the court. The teſt was in theſe words.

The teſt.

"I do ſolemnly, from my heart, and in the preſence of Almighty God profeſs, teſtify and declare, that I do not believe in my conſcience that the church of Rome is the only catholick and univerſal church of Chriſt, out of which there is no ſalvation; or that the pope hath any juriſdiction or ſupremacy over the Catholick church in general, or over myſelf in particular; or that it belongs to the ſaid church of Rome alone to judge of the true ſenſe and interpretation of the holy ſcriptures; or that the holy ſacrament Euchariſt, there is made a perfect change of the whole ſubſtance of the bread into Chriſt's body, or of the whole ſubſtance of the wine into Chriſt's blood, which change the ſaid church of Rome calleth Tranſubſtantiation; or that the Virgin Mary, or any other ſaint ought to be worſhipped or prayed unto: And all theſe aforeſaid doctrines and poſitions, I do renounce and diſc'aim, as falſe and erroneous, and contrary to God's word, and the Chriſtian religion." It was not without reaſon that this oath was called the teſt or trial, ſince it was as a touch-ſtone to diſtinguiſh the Papiſts from the Proteſtants, there being no Catholick who could in conſcience take this oath. The king had already given his conſent to an act which impoſed much the ſame oath. But that was only for thoſe who were in office or employment, whereas this was univerſal, and might be required of all ſuſpected perſons. But, before the bill was ready, the king prorogued the parliament, and ſo defeated both this, and ſeveral other bills tending to the ſame end.

The ſtates make propoſals to the king for peace. Echard.

The king begins to fall in his pretentions

The ſtates commiſſion the Spaniſh ambaſſador at London to make a peace in their name Echard.

Since the ſtates-general had perceived that the parliament approved not of the war the king was making upon them, they had never ceaſed to ſollicite the king to a ſeparate peace, and had offered him whatever he could reaſonably expect, in ſuppoſing he deſigned the advantage of his kingdom. But as that was not the caſe, it is plain, their offers could not ſatisfy him. To content him, the commonwealth of the ſeven provinces ſhould have been entirely deſtroyed, and the king of France put in poſſeſſion. But as he durſt not openly avow this demand, he pretended to find in the offers of the ſtates, only ambiguous or inſolent propoſitions, and from thence took occaſion to reject them. But affairs afterwards took a turn which obliged him to come into other meaſures. The victories he hoped for at ſea with the aſſiſtance of France, came to nothing. If his fleet was not beaten in the four late engagements, at leaſt, it had gained no advantage over that of the ſtates. He had expected to give a mortal wound to the ſtates, by a deſcent into Holland, and for that purpoſe had ſent for Schomberg to head his forces. But that general had been unſucceſsful in his expedition, and obliged to return without any thing done. The king of France, as I ſaid, had been forced to abandon his conqueſts in Holland, to defend himſelf againſt the new enemies raiſed him by the ſtates. In ſhort, the parliament diſcovering the ſecret intent of the war, not only refuſed any further ſupplies, but were preparing to bring the adviſers to juſtice. On the other hand, the king had managed the money granted by parliament, and that of the exchequer, with ſo little oeconomy, that he had not a ſhilling left. His profuſion had been ſo exceſſive, that it appeared, from orders counterſigned by the earl of Arlington ſecretary of ſtate, that he had given away above 3,000000 ſterling, to ſeveral private perſons. In a word, he did not know which way to turn himſelf for the continuance of the war, as he ſaw his parliament little inclined to furniſh the means. All theſe reaſons were very capable to induce him to liſten to the offers made him by the ſtates. He therefore began by degrees, to diſcover, that he ſhould not be averſe to a reaſonable peace, provided the ſtates would have ſuch regard to his honour as he had room to expect. When there was no other difficulty, the ſtates wrote him a very ſubmiſſive letter, and at the ſame time ſent full powers to the marquiſs del Freſno, the Spaniſh ambaſſador at London, to conclude a peace in their name, on the conditions already offered, but rejected by the king, on pretence they were only deſigned to amuſe him. Theſe propoſals were ſo reaſonable, and offered in ſo ſolemn a manner, that they could

not

be rejected without alarming the whole kingdom, and confirming the ſuſpitions, which were but too general, that this war was not deſigned for the advantage of the people. Beſides, the king's affairs required a ſpeedy peace.

The king asks advice of the parliament. Echard.

Preſently after the receipt of the ſtates letter, the king came to the parliament the 24th of January, and communicated to both houſes the offers of the Dutch, deſiring their advice on this affair. They anſwered, that it was their opinion, his majeſty ſhould proceed in a treaty with the ſtates, in order to a ſpeedy peace. From that time, all difficulties relating to the peace were removed, in the conferences between the marquiſs del Freſno, and the king's commiſſioners, and the treaty was concluded in a fortnight.

Peace concluded.

The commons go on with examining into grievances. Echard.

In this ſhort interval, the commons proceeded to take into conſideration the greivances of the nation. They inſiſted chiefly upon keeping an army compoſed of regular troops, and after a vote that it was a grievance to the kingdom, they reſolved to addreſs the king for disbanding all forces raiſed ſince the year 1663. The examination of this affair gradually led them to that of the horſe and foot guards, eſtabliſhed by the king, without the concurrence or approbation of the parliament. It was found, that they were of vaſt charge to the king and kingdom: That they were a ſtanding army in diſguiſe, which might be eaſily augmented: That guards were only in uſe in arbitrary governments: that they were altogether uſeleſs, as appeared from the king's daily truſting his perſon to his people without a guard.

The king acquaints the parliament with the peace. Echard.

This debate was interrupted by the king's coming to the houſe of peers, the 11th of February. The commons being ſent for, the king communicated to both houſes, that he had ſigned the peace with the Dutch. He told them moreover, in anſwer to their addreſs concerning the forces, that he had given orders for disbanding even more than deſired, and for ſending back Iriſh regiments. He added, that he muſt needs acquaint them, that there was a great want of capital ſhips, and he ſhould be glad to be equal in number with his neighbours: He hoped therefore to have their aſſiſtance on ſuch an occaſion, to preſerve the honour and ſafety of the nation. The houſes thanked him for the peace he had made, and for his gracious anſwer to their addreſs.

He deſires a ſupply.

Grievances relating to Scotland and Ireland. Echard.

This however was not capable to induce the commons to ſuſpend the debates upon the grievances. They voted, 'That a committee ſhould be appointed to inſpect the laws lately made in Scotland, whereby, an army is authorized to march into England or Ireland, by the ſole direction of the council of Scotland; and peruſe ſuch other laws as tend to the breach of the union of the two nations.' They likewiſe, in a grand committee, reſolved, that a committee ſhould be appointed to inſpect the ſtate and condition of Ireland, more eſpecially with regard to religion, the militia, and the forces of that kingdom. They moreover appointed another committee.-----'To inſpect the law, and to conſider how the king might commit any ſubject by his immediate warrant, as the laws then ſtood; and to report their opinions; and further, They were to conſider how the law then ſtood touching the committing of perſons by the council-table, and to report the ſame.' Upon this occaſion they ordered a particular bill to be brought in concerning writs of Habeas Corpus, which was read three times, and paſſed the houſe. A bill was likewiſe ordered to be brought in for a teſt to be taken by the members of both houſes.

The king mortified.

It was a great mortification to the king to ſee the commons ſo rigorouſly examining his conduct; for all their reſolutions, in this ſeſſion, pointed to the former proceedings of the court. It may well be thought, that, as the project of the cabal was to render the king abſolute, and advance the intereſts of popery, the king and his miniſters had not been very ſcrupulous to gain firſt one point, and then another, in order to eſtabliſh precedents, and put the king in poſſeſſion of arbitrary power, in things which were not equally obvious to all. As the commons proceeded, it appeared plainly, they were reſolved not to omit any point. The king therefore, to defeat their deſigns, made uſe of his conſtant method, and coming to the parliament the 24th of February, prorogued it to the 10th of November following, before any bill was ready for the royal aſſent. Thus ended the 13th ſeſſion of this parliament, after ſitting ſix weeks and three days. The prorogation was afterwards continued, and laſted about 14 months.

Prorogues the parliament. Echard.

The peace proclaimed

The peace was proclaimed the 28th of February in London, with much greater demonſtrations of joy and ſatisfaction from the people, than the war had been two years before. The ſole difference between this peace and that of Breda, was, that the ſhips and veſſels belonging to the ſtates, whether ſingle or in fleets, ſhould ſtrike the flag, and lower their top-ſail to thoſe of England, whether ſingle or in fleets, provided they carried the king's flag. Moreover the ſtates were to pay the king 800,000 patacoons at four payments, viz. 200,000 on the exchange of the ratifications, and the reſt at three payments, within the ſpace of three years. Thus the people of England diſcharged the expence of this war, and the king alone reaped the benefit.

1674. The king abandons himſelf to his pleaſures. Burnet.

The king finding himſelf freed from the cares of war, and the uneaſineſſes cauſed by the parliament, abandoned himſelf entirely to a ſoft, indolent, and effeminate life. The ducheſs of Orleans his ſiſter had brought him, at their interview at Dover, the daughter of a gentleman of Bretagne, called de Querouaille, who commanded the king's affection beyond any of his miſtreſſes, and was created ducheſs of Portſmouth. But his particular fondneſs for her did not prevent his having many others, by whom he had ſeveral children, educated with no ſmall expence. In a word, not to dwell on what paſſed at a court ſo corrupted as that of Charles II, I ſhall only ſay, that the king's miſtreſſes had ingroſſed the whole credit

1674.

Charles offers his mediation to Lewis, and is accepted. Echard.

of the court, and that he could refuſe them nothing.

It does not appear, that France complained much of Charles for deſerting her, in making a ſeparate peace with the Dutch. This cauſed ſeveral politicians to think, that the king of France had given a full conſent to this peace, in order to make Charles mediator between him and his enemies, whoſe number was greatly increaſed, ſince the laſt year. This ſuſpicion is farther confirmed by Charles's offer of his mediation to the king of France, ſoon after his peace with the ſtates, which he readily accepted, without the leaſt reſentment of what had been lately tranſacted. When the king was aſſured that his mediation was accepted by France, he ſent Sir William Temple into Holland to offer the ſame to the ſtates. As their towns and provinces were now recovered, except Maeſtricht, and Grave, they paſſionately wiſhed for peace. The only obſtacle was, the intereſt of their allies, the emperor, the empire, and Spain, who having engaged in the war for their ſake, could not be abandoned without extreme ingratitude. The only way to pleaſe them, was to bring things to a treaty, where they might find their ſatisfaction. So, without being much ſollicited, they excepted the king of England's mediation. It is true, France, and the allies had already accepted that of the king of Sweden, who had uſed his endeavours to procure a peace by his ambaſſadors at the congreſs of Cologne. But ſince that congreſs was broken off, by the forcible carrying away of prince William of Furſtemberg, the Swede had rendered himſelf ſuſpected to the allies, by diſcovering too much partiality to France. So the ſtates were not diſpleaſed to find another mediator to renew the conferences, tho' they had no great reaſon to confide in the king of England. But they were deſirous of peace, and ſuch was the ſituation of the affairs of Europe, that another mediator was not eaſy to be found. Wherefore, it was more advantagious to accept him, than to have none at all, and loſe the hope of ending the war. However this be, they ſo ſtrongly ſollicited all the princes their allies, that at laſt they were induced to accept the king of England's mediation. But there was a wide difference between agreeing upon a mediator, and concluding a peace. So many various intereſts to adjuſt, made it eaſy to foreſee, that peace would be a very difficult work, beſides the accidents which the continuation of the war might produce, and which would be too apt to alter the pretenſions of the two parties. For inſtance, whilſt a mediation of peace was talked of at the Hague, a battle was fought at Seneff, which indeed deſided nothing, but might have had great conſequences, if victory had entirely declared for one of the armies. Moreover, the prince of Orange took Grave in October.

The ſtates accept it. Baſnage.

and bring their allſes to do the ſame.

King Charles a penſioner of France. Echard.

I cannot forbear taking notice of a thing which became more publick afterwards, and of which I ſhall have occaſion to ſpeak more amply, viz. that, at the very time Charles performed the office of a mediatot, he received from France an annual penſion of 100,000 l. ſterling. By this we may judge of his impartiality. Moreover it appears in Coleman's letters, the duke of York's ſecretary, ſome of which were wrote this year, that there was a cloſe union between the king of France, and the duke of York, and that the latter entirely relied on the aſſiſtance of France for the execution of the project formed in favour of the Engliſh Papiſts. This manifeſtly ſhews, that Charles had not deſiſted from his firſt deſigns, and only waited a favourable opportunity to execute them, when France, diſcharged from the burden of this preſent war, ſhould be in a condition to grant him the neceſſary aſſiſtance.

1674.

The king refuſes to diſſolve the parliament. Echard.

During theſe tranſactions, the Papiſts of England were labouring to prevail with the king to diſſolve a parliament which was ſo oppoſite to them; this appears alſo in Coleman's letters. But the king did not think proper to take ſuch a ſtep ſo ſoon, which might have done him great prejudice, by exaſperating the people, and from which he could reap no other advantage, than to procure ſome eaſe for the Papiſts. But this was not his principal view. For tho' he was a diſguiſed Papiſt, he had ſo little zeal for religion, that he was by no means inclined to hazard his temporal intereſts, in complaiſance to the Papiſts. He publiſhed therefore, on the contrary, a proclamation, to ſtifle the falſe report that the parliament would quickly be diſſolved, and to ſatisfy the people that the thing had never come under deliberation.

Preferments and removals at court. Kennet.

To finiſh the events of this year 1674, I ſhall only take notice of ſome particulars which may be of uſe for the ſequel. In September, the earl of Arlington was made lord-chamberlain of the king's houſhold, and Sir Joſeph Williamſon, who had been plenipotentiary at the congreſs of Cologne, was made ſecretary in his room. On the other hand, the duke of Buckingham, who had been the king's principal favourite, loſt his favour and credit, to ſuch a degree, that the king, without any ceremony, gave him a publick affront, in declaring his office of chancellor of Cambridge vacant, and influencing the election in favour of his natural ſon the duke of Monmouth.

Deaths of the earl of Clarendon.

and the poet Milton.

The earl of Clarendon died this year at Roan in the 67th year of his age, after a ſeven years exile; during which he digeſted the memoirs he had collected to compoſe his Hiſtory of the Rebellion and Civil Wars of England. The famous John Milton, author of the poem called Paradiſe loſt, died alſo this year.

1674-5. The earl of Arlington in diſgrace. Echard.

Of the five members of the cabal, only the earl of Arlington, and the duke of Lauderdale remained about the king. The firſt finding himſelf in a very diſagreeable ſituation, ſince the parliament had ſo openly declared againſt him, believed, he had no other way to ſupport himſelf, than by taking, or pretending to take meaſures oppoſite to thoſe of which the cabal was accuſed. Accordingly, he was the firſt who adviſed the king to call in his declaration

1674-5.

declaration for liberty of conſcience, and when he ſaw the parliament acting with ſuch vigor to break the meaſures of the court, he affected an extraordinary zeal for the Proteſtant religion. He was conſtant at ſermons and ſacraments, and carried his diſſimulation ſo far, as to perſecute the Papiſts, whom he had till now protected. Some even ſay, he adviſed the king to remove the duke of York from his court. But if, by theſe proceedings, he gained any favour with the people, he loſt more with the king and the duke, who no longer confided in him as before. The king had particularly ſhewn, he was diſpleaſed with him, by giving the treaſurer's ſtaff to Sir Thomas Oſborne, afterwards earl of Danby, which had ever been Arlington's ambition. This rendered the two earls mortal enemies to each other, and cauſed them to labour one another's deſtruction. The earl of Arlington, ſeeing that his enemy daily gained ground upon him, imagined he might recover his former credit and favour, by performing a ſignal ſervice for the king; which was, to engage the prince of Orange to enter into the meaſures of the Engliſh court, for procuring ſuch a peace as was deſired by the courts of France and England. As his counteſs was Mr. Odyck's ſiſter, who was much in the prince's confidence, he imagined, that with the aſſiſtance of Mr. Odyck, and his other relations and friends, it would be eaſy to ſucceed in the ſcheme he had projected. Wherefore, he obtained the king's leave to go to the Hague to execute his deſign. But as he was ignorant of the temper, humour and character of the prince of Orange, he took the very courſe to gain him which he ſhould have avoided. He endeavoured to vindicate all the proceedings of the cabal and Engliſh court, by reaſons ſo weak and oppoſite to the truth, that he ſeemed in his diſcourſe to the prince, to think he had to deal with a child, ignorant of the moſt common affairs, which could not but offend him. But what offended him, was, that he attempted to draw him into a diſcovery of the Engliſh lords, with whom he had held a ſecret coreſpondence during the laſt war. In a word, this journey proved ſo unſucceſsful, that he loſt not only the prince of Orange's eſteem, but all his credit with the king. Beſides, he farther incurred the duke of York's hatred, by propoſing to the prince, without any order, as it is ſaid, a marriage with the princeſs Mary, the duke's eldeſt daughter, which was afterwards accompliſhed. It ſeems, the duke foreſaw how fatal that marriage would be to him. After the earl's return to court, his credit declined ſo viſibly, and the king ſhewed it ſo openly, that the courtiers made no ſcruple to mimick him in his preſence, for the king's diverſion. Thus had the earl of Clarendon been uſed. It is ſaid, that colonel Talbot, afterwards earl of Tyrconnel, having been ſome time abſent from court, and upon his return happening to ſee the earl of Arlington one day acted by a perſon with a black patch on his noſe, and a white-ſtaff in his hand, could not forbear reproaching the king with his ingratitude, in ſuffering a man to be thus unworthily treated, who had ſerved him ſo faithfully, as well in his exile, as ſince his reſtoration; to which the king in his excuſe replied, that he had no reaſon to be ſatisfied with his conduct; "For, "not content to come to prayers as others "did, he muſt be conſtant at ſacraments "too." Why, anſwered Talbot, "does not "your majeſty do the very ſame thing?" God's fiſh! replied the king with ſome heat, "I hope there is a difference between Harry "Bennet and me."

Oſborne made lord-treaſurer. Temple's Mem.

The earl of Arlingtons ſucceſsleſs negotiation at the Hague. Temple.

Loſes all his credit.

The king remains fixed to his firſt projects.

This ſhews, the king had changed neither inclination nor principles, ſince his deſigns had appeared to be ruin'd. The truth is, he was not ſatisfied with the members of the cabal, tho' it was not for their counſels, but their not having purſued the general deſign with ſufficient ability. Sir William Temple in his Memoirs, relates, that before he departed to offer the king's mediation to the ſtates, he endeavoured, in a private audience, to make the king ſenſible how ill-adviſed, and how ill-ſerved he had been by the cabal; to which the king anſwered----"It is true, I have ſucceeded ill, but if I had been well ſerved, I "might have made a good buſineſs enough of "it:" and ſo proceeded to juſtify what was paſt. The king is therefore to be conſidered, at the time I am ſpeaking of, that is, during the 14 months interval between the two ſeſſions, as waiting a favourable opportunity for the better executing his deſigns. And this opportunity was not to be found till France ſhould be at peace with her enemies, and in condition to aſſiſt her ſecret ally. In the mean time, the king ſeems to have had no other buſineſs, than to get as much money as he could from his parliament. He began therefore, according to cuſtom, with publiſhing a proclamation againſt Popiſh prieſts and jeſuits, to prepare the parliament to be favourable to him.

1675. The king's ſpeech to the parliament. Kennet.

The 14th ſeſſion of this parliament began the 13th of April. The king opened it with a ſpeech to both houſes, in which he told them ------'That the principal end of his calling 'them now, was to know what they thought 'might yet be wanting to the ſecurity of re'ligion and property, and to give himſelf the 'ſatisfaction of having uſed his utmoſt endea'vours to procure and ſettle a right under'ſtanding between him and his parliament '------for he muſt tell them, that he found 'the contrary was ſo much laboured, and the 'pernicious deſigns of ill men had taken ſo 'much place under ſpecious pretences, that 'it was high time to be watchful in prevent'ing their contrivances; of which this was 'not the leaſt, that they endeavoured, by all 'means they could deviſe, to make it imprac'ticable any longer to continue this preſent 'parliament----That he had done as much on 'his part as was poſſible to extinguiſh the fears 'and jealouſies of popery; and would leave 'nothing undone that might ſhew the world 'his zeal to the Proteſtant religion, as eſtabliſh'ed in the church of England, from which he 'would never depart. He then recommended 'the condition of the fleet, which he was not ‘able, he ſaid, to put into that ſtate it ought to be, and which required a conſiderable ſum of money as well to repair as to build. Laſtly, he told them, that the ſeaſon of the year would not permit a long ſeſſion------ That he intended to meet them again the next winter, and in the mean time recommended to them all ſuch temper and moderation in their proceedings, as might tend to unite him and them in counſel and affections, and diſappoint the expectations of thoſe, who could only hope by violent and irregular notions to prevent the bringing the ſeſſion to a happy concluſion.’

A bill againſt popiſh preiſts. Echard.

The commons thanked the king for his ſpeech and promiſes to preſerve their religion and liberties: but as he had given them only proclamations, the little efficacy of which was well known, they believed them inſufficient, and accordingly proceeded to a new bill againſt the growth of Popery, and particularly Popiſh prieſts, that is, ſuch as had received orders from the ſee of Rome.

Addreſs againſt the duke Lauderdale. Burnet.

This done, the commons preſented a long addreſs againſt the duke of Lauderdale, in which they ſaid, -----‘ That upon a ſerious examination of the ſtate of the kingdom, they found, that ſome perſons in great employment under his majeſty, had fomented deſigns contrary to the intereſt of both his majeſty and his people, intending to deprive them of their ancient rights and liberties, amongſt which was the duke of Lauderdale, (this was clearly pointing at the cabal.) That he had openly affirmed in the preſence of his majeſty ſitting in council, and before divers of his ſubjects attending there, that his majeſty's edicts ought to be obeyed; for his edicts are equal with laws, and ought to be obeyed in the firſt place. They then repreſented to his majeſty ſome acts which had been made by the parliament of Scotland, by which it appeared, that there was a militia ſettled in that kingdom of 20000 foot, and 2000 horſe, who were obliged to be in a readineſs to march into any part of this kingdom, for any ſervice wherein his majeſty's honour, authority, and greatneſs may be concerned; and are to obey ſuch orders and directions, as they ſhall from time to time receive from the privy-council there, and that the duke of Lauderdale was the promoter of this act. That by this means England was expoſed to an invaſion from Scotland, under any pretence whatſoever, while the duke of Lauderdale was intruſted with the adminiſtration of that kingdom. For theſe reaſons, they humbly beſought his majeſty to remove the ſaid duke for ever from his perſon and council.’ The king did not think proper to grant this requeſt, and gave ſome reaſons for his refuſal, which were not ſatisfactory to the commons. And therefore they reſolved to prepare a ſecond addreſs againſt the duke.

and refuſed by the king.

The commons, after attacking the old members of the cabal, proceeded againſt a new one, namely, the lord treaſurer Danby, who was believed to be deeply engaged in the deſign of making the king abſolute. They examined his whole conduct ſince his admiſſion to his high poſt, and drew up ſeveral articles, in which they accuſed him of great miſdemeanours. In one of theſe articles, he was accuſed of ſaying at the hearing of a cauſe in the treaſury-chamber, that a new proclamation is better than an old act. But as ſufficient proofs were not found to ſupportthe charge, it was dropt.

The earl of Denby's conduct examined by the commons. Burnet.

It may be eaſily inferred from theſe proceedings of the commons, that they were extremely jealous of the king and his miniſters, and did not doubt of the court's intention to introduce popery, and invade the liberties of the ſubject. Thoſe who would wholly aſcribe the ill humour of the commons to Shaftſbury's influences, can hardly anſwer the above-mentioned facts, which would not be leſs true, tho' the earl of Shaftſbury had never been born.

The king is deſired by the commons to call home hii forces from France; which he refuſes. Echard.

The commons ſhewed alſo their diſtruſt in another point which was no leſs grievous to the king. By an addreſs they prayed him to recall his troops out of France, and prevent his ſubjects from ingaging in that ſervice for the future. The king rejected the firſt part of the addreſs, on pretence that, in the treaty concluded with the ſtates, he had not ingaged to recall thoſe troops, and that it could not be done without prejudice to the peace, which he now enjoyed with all his neighbours: but by a proclamation he prohibited his ſubjects from entring into the ſervice of France.

The lords are afraid the commons are going too far. Kennet.

Whilſt the commons were thus proceeding with vigour, and giving, on all occaſions, ſignal marks of their diſtruſt, the lords remained idle, and ſeemed regardleſs of the fears and jealouſies expreſſed by the commons. Nay ſome, and particularly the biſhops, obſerving that the commons were gradually departing from the principles which had been eſtabliſhed by this ſame parliament, as well concerning the church of England, as the royal authority, feared, they would lean too much to the oppoſite ſide. At the beginning of this parliament, whilſt it was believed that the king was and ever would be a protector of the church of England, and would give continual proofs of his affection for a people who had ſo generouſly reſtored him, it was thought the royal authority could not be carried too high, nor too many precautions taken againſt the Non-conformiſts. But the face of things being changed, and the king having ſhewn by his conduct ſince he was on the throne, that he really deſigned to introduce popery, and render himſelf abſolute, theſe ſame principles, which had been conſidered as a bulwark to defend both church and ſtate, appeared too apt to countenance the deſigns aſcribed to the king and his miniſters, of invading the government and the eſtabliſhed religion. The commons therefore ſeeing, the king was not the perſon he was thought to be, and that he took advantage of the acts made in his favour, to advance his own intereſts, which were not thoſe of the nation, uſed all poſſible precautions to hinder the execution of his deſigns. Theſe precautions went ſo far, that the houſe of lords were at laſt apprehenſive, that the commons intended to overturn every thing eſtabliſhed concerning the royal prerogative and the church's ſecurity, and that by degrees the nation would again become Republican and Presbyterian. It is pretended, the biſhops were all or moſt of them of this opinion.

Bring a bill into their houſe to check their deſigns.

To prevent an evil which to them appeared very dangerous, Robert Bartu, earl of Lindſey, brought into the houſe of lords a bill, intitled an act to prevent the dangers which may ariſe from perſons diſaffected to the government. By this bill, all perſons who enjoyed any office eccleſiaſtical, civil, or military, all privy-counſellors and members of parliament, were obliged, under a penalty, to take the oath which had been introduced firſt in the corporation-act, then in the militia-act, and afterwards in the five-mile-act. The oath, to ſave the reader the trouble of looking elſewhere, was thus expreſſed, "I do declare that it is not lawful upon any "pretence whatſoever to take up arms againſt "the king; and that I do abhor the traite"rous poſition of taking arms by his authority "againſt his perſon, or againſt thoſe that are "commiſſioned by him, in purſuance of ſuch "commiſſion: And I do ſwear, that I will "not at any time endeavour the alteration of "the government either in church or ſtate. "So help me God."

When this oath was inſerted in the three forementioned acts, it produced no conſiderable debate, for the reaſons I have been ſpeaking of; but the caſe was very different when it was propoſed in this ſeſſion. Firſt, becauſe it was rendered in a manner univerſal, ſince it was extended to all perſons in any office whatever, and even to privy-counſellors and members of parliament. Secondly, becauſe the times were altered, and moſt men had not the ſame opinion of the king, as when the three former acts were made.

Great debates upon it. Echard.

This bill occaſioned debates in the upper-houſe, which laſted 17 days, without a poſſibility of coming to any concluſion. There were two powerful parties in the houſe, one for, and the other againſt the bill, and the votes of the biſhops turned the ſcale on the ſide of the firſt. This appeared, in that notwithſtanding all the efforts of the oppoſers of the bill, to hinder its being referred to a committee, they could not ſucceed. Whereupon ſome lords of that party entered their proteſtation againſt it. The ſame thing happened, when the bill came to be examined in a committee of the whole houſe. In fine, with regard to the ſubſtance of the bill, the two parties diſplayed all their art and eloquence, the one for the paſſing, and the other for the rejecting it. In general, thoſe who argued for the bill, maintained, 'that the poſition of taking up arms by the king's authority 'againſt his perſon, or againſt thoſe that are com'miſſioned by him,' was falſe and pernicious; and they ſupported their opinion by inſtances of what had been done in the laſt reign, where it cauſed ſuch great diſorders, and occaſioned the ſubverſion both of church and ſtate. They ſaid therefore, that the kingdom being ſtill full of Fanaticks, Republicans, and enemies of the church, it was abſolutely neceſſary to impoſe this oath upon them, to diſtinguiſh them, that it might be known who to be guarded againſt. That, otherwiſe, there was danger of ſeeing one day renewed, the diſorders which had reduced the kingdom to ſo deplorable a condition, and that the oath enjoined by this bill, was, a moderate ſecurity to the church and crown.

Burnet.

The other party maintained, 'That the 'oath impoſed by this, contained three clau'ſes, the two firſt aſſertory, and the laſt pro'miſſary; that it was worthy the conſidera'tion of the biſhops, whether aſſertory oaths, 'which are properly appointed to give teſti'mony of a matter of fact, of which a man is 'capable to be aſſured by the evidence of his 'ſenſes, be lawful to be made uſe of to confirm 'or invalidate doctrinal propoſitions; and 'whether that legiſlative power, which im'poſes ſuch an oath, does not neceſſarily aſ'ſume to itſelf an infallibility. And as to 'promiſſory oaths, it was deſired, that the 'learned prelates would conſider the opinion 'of Grotius de jure Belli & Pocis, lib. 2. cap. '3. who ſeems to make it plain, that thoſe 'kind of oaths are forbidden by our Saviour 'Chriſt, Matt. v. 34, 37. And whether it 'would not become the fathers of the church, 'when they have well-weighed that and other 'places of the New Teſtament, to be more 'tender in multiplying oaths, than hitherto 'the great men of the church have been'? But the queſtion being put, the oath was voted by the majority of the houſe, the biſhops being all for it.

The bill paſſes: Echard.

Then they proceeded to the particulars of the oath contained in the bill, and it was alledged by the oppoſers, that the poſition of taking arms by the king's authority againſt his perſon, was true and neceſſary in a limited government, like that of England, otherwiſe this would be to ſurrender the rights and liberties of the ſubject, to a prince, who being ſuppoſed a tyrant, (which was a very poſſible caſe) would not be reſtrained by the fear, either of God or man. That ſhould ſuch a future king undertake to aboliſh all the laws, and invade the eſtates and liberties of his ſubjects, they would be obliged by his oath, not to reſiſt him, but to ſubmit to his yoke. That even without ſuppoſing ſuch a tyranny, a king might happen to be made a priſoner by his own ſubjects, as was the caſe of Henry III. and Henry VI, and then thoſe who ſhould have the ſovereign in their hands, might act in his name, and authority, by virtue of his commiſſions, while the ſubjects would be reſtrained by the obligation of this oath from endeavouring to free him from captivity. In ſhort, ſeveral other probable caſes were alledged, by which it was clearly proved, that the oath ought neceſſarily to have ſome reſtrictions, if it was not intended to ſurrender to the king all the liberties of the nation. But as ſuch reſtrictions were not eaſy to be expreſſed, they concluded, it was much better, to leave the oath in generals which ſhould not comprehend all poſſible cauſes, as ſeemed to be the intention of this oath, from the terms in which it was conceived.

A quarrel between the two houſes. Burnet.

Parliament prorogued. Echard.

This affair was interrupted by an accident which raiſed a violent conteſt between the two houſes. I ſhall not relate the particulars, which ſuppoſe the knowledge of many things concerning the privileges of both houſes, which few foreigners are acquainted with. I ſhall content myſelf with briefly ſhewing the occaſion of it. One Dr. Shirley having brought an appeal in the houſe of lords, from a decree in chancery, againſt Sir John Fagg, a member of the houſe of commons, they ordered Shirley to be taken into the cuſtody of the ſerjeant at arms for a breach of privilege. The warrant for taking Shirlely into cuſtody was forcibly taken from the ſerjeant's deputy, by the lord Mohun. The commons demanded juſtice of the peers againſt the lord Mohun, and were anſwered by the lords, that he had only done his duty. The quarrel thus begun, daily increaſed, ſo that the houſes, in their anſwers and replies, came to language ſo reproachful, that there was no hope of an accommodation. Wherefore the king came to the houſe of peers the 9th of June, and prorogued the parliament to the 13th of October. Thus ended the 14th ſeſſion of this parliament, before the money-bill, and other publick bills were ready for the royal aſſent. The commons had deſigned to grant the king 300,000 l. ſterling, but at the ſame time reſolved to apply the antient tunnage and poundage, to the maintenance of the navy, according to its original deſign, which amounted to 400,000 l. a year. As the king would have been a real ſufferer by ſuch an appropriation, he was not ſorry to have occaſion to prorogue the parliament, chuſing rather to be deprived of a ſum of 300,000 l. than loſe a revenue of 400,000.

Death of Marſhal Turenne. Echard.

During the campaign of 1675, the king of France loſt the famous Marſhal Turenne, who had done him very great ſervices. He was killed by a cannon ball, in an action not important in itſelf, but rendered ſo by the death of this general, his army being obliged to repaſs the Rhine. Their retreat facilitated the recovery of Treves to the allies, which was yet in the hands of the French. In the beginning of the year, the contending powers had agreed, after long negotiations, to treat of a peace in the city of Nimeguen. But nothing conſiderable was done this year.

Intrigues for the diſſolution of the parliament.

In England, ſince the laſt ſeſſion, there were ſome intrigues at court to ingage the king to diſſolve the parliament. The Presbyterians earneſtly wiſhed it, hoping that the people diſſatisfied with the court, would, as uſually happens, chuſe repreſentatives who had other principles than thoſe of the preſent parliament. The Papiſts had paſſionately deſired this diſſolution before the laſt ſeſſion, but, as it appears in one of Coleman's letters of Auguſt this year, they had altered their mind, and expected much from this parliament which had hitherto been averſe to them. But it is not ſeen on what this hope was founded. I ſhall hereafter ſpeak of this and ſome other letters of Coleman, in which it evidently appears, that the Papiſts were at this time very active to procure great advantages to their religion, and relied much on the duke of York, and the aſſiſtance of France.

The parliament opened with a ſhort ſpeech from the king. Kennet.

The 13th of October the king opened the 15th ſeſſion of this parliament with a very ſhort ſpeech, in which, after recommending union to both houſes, and the intereſts of the church of England, he demanded money as well for building ſhips, as far taking off the anticipations upon his revenues, deſiring them to remember, it was now above three years ſince he had asked any thing of them for his own private uſe.

The keepers ſpeech.

Then the lord-keeper made a ſpeech full of flattery to the king, in which he endeavoured to ſhew, that no king had ever a more ſincere affection for his ſubjects, or laboured with more zeal for the preſervation of religion and liberty, and therefore it was not to be doubted, but they would behave themſelves like thoſe that deſerved to be called the king's friends, and that they would put him at eaſe too.

The commons reſume the interrupted bills.

But the commons, inſtead of being moved by ſo unſeaſonable a rhetorick, and by ſuch ill-grounded reaſons, reſumed the conſideration of the bills left unfiniſhed the laſt ſeſſion, for the liberty of the ſubject, and added others for its better ſecurity.

Examine the publick accounts. Burnet.

Atefrwards they took into conſideration the ſums granted to the king for the laſt war, and the expences of the ſame, and found, that the charges amounted to 1,000000 leſs than the receipt, and without being able to diſcover to what uſes this 1,000000 had been applyed.

In the report made of this affair, it was ſaid, that the parliament was not obliged to pay the king's private debts by a tax, for if this pretenſion was admitted, they would have to pay the like debts about a year and half hence, and ſo incourage the court to exact yearly 1,000000 and a half, as they had hitherto done: That ſince the end of the war the whole charge of the government, both by by ſea and land, amounted not to above 700,000 l. ſterling, and the clear income of the revenue came at leaſt 1,600000 and conſequently there ought to have been a yearly remainder of near 1,000000: And yet the king had anticipated his revenues near 1,000000 more, to pay which, would be to entail perpetual anticipations upon the kingdom, to its utter ruin and deſolation. The parliament therefore reſolved to grant the king nothing for taking off theſe anticipations. Nevertheleſs, a few days after they voted a ſupply of 300000 l. ſterling for the building of 20 large ſhips of war, but withal reſolved to appropriate tunnage and poundage to the uſe of the navy, which couln not but be very diſagreeable to the king.

The ſtate of commerce examined. Echard.

Then the commons proceeded to examine the trade with France, and found, that the French imported yearly into England commodities to the value of 1,000000 more than they exported, upon which a bill was ordered to be prepared.

And the penſionary members.

Laſtly, the commons being informed of a publick report, that many of their members were penſioners to the court, reſolved to ob-

oblige

1675.

blige all their members to take an oath, by which they were to proteſt, that they had not received any money from the court, ſince the 1ſt of January 1672. But I know not whether this reſolution was executed.

An attempt of a jeſuit. Echard.

The debates of the commons were a little interrupted, by a report made to the houſe of the inſolence of a French jeſuit named St. Germain. This jeſuit being informed, that one Luzancy a French prieſt had embraced the Proteſtant religion, and afterwards had publickly preached to juſtifie his converſion, went to him, and, threatning to aſſaſſinate him, or carry him a way by force into France, extorted from him a recantation in writing of his converſion and ſermon. This was done during the ſeſſion of the parliament. A complaint was laid before the ſecretaries of ſtate, and alſo before the commons, atteſted by Luzancy, with an addition of the following particulars, which he offered to ſwear. That Father St. Germain in ſeveral conferences with him declared: 1. That the king was a Roman Catholick in his heart. 2. That the court were endeavouring to get a liberty of conſcience in England for the Roman Catholicks, and that granted, in two years, moſt of the Engliſh would acknowledge the pope. 3. That he knew the king's intentions concerning religion, and that he was ſure his majeſty would approve of all he ſhould do in that matter. 4. That he laughed at the parliament, as being only a wave that had but a little time; and ſaid, that no body was better welcome at court, and had greater intrigues with any of the nobility than he. 5. That it was good ſometimes to force people to heaven; and that there were an infinite number of prieſts and jeſuits in London, that did God very great ſervice. Luzancy added farther, that many perſons of good credit and repute, were ready to juſtify upon oath, that ſeveral of the Roman catholicks had ſpoken things quite as bad or worſe. In a word, that they were grown ſo bold and inſolent, that a proſelyte could not walk the ſtreets without being threatened and called opprobrious names.

This affair threw the houſe into a ferment, and obliged the king to publiſh a proclamation, promiſing 200 l. for the apprehending of St. Germain. But that jeſuit was now retired into France, from whence he kept a conſtant correſpondence with Coleman the duke of York's ſecretary, in whoſe letters it appeared, that the duke laboured the advancement of Popery to the utmoſt of his power.

A bill brought into the houſe of lords, in favour of Nonconformiſts. Echard.

I have obſerved, how much this parliament had been againſt the Presbyterians, and that the diſcovery of the court's deſigns had induced them to bring in a bill for their eaſe, but that the bill became abortive by a ſudden prorogation of the parliament. The affair of Luzancy and St. Germain cauſed the commons to think of a like bill, but they were prevented by the lords. The duke of Buckingham having in a ſpeech to the peers ſhown the miſchiefs ariſing from the perſecution of the Proteſtant Diſſenters, deſired leave to bring in a bill for their eaſe, which was granted immediately.

1675-6.

The quarrel between the houſes revived.

But this bill, and all the reſt prepared by the commons, were unhappily ſtifled in their birth, by the revival of the former conteſt between the two houſes. This diſpute about privileges was managed with ſuch heat on both ſides, that it was moved in the houſe of lords, to preſent, an addreſs to the king to diſſolve the parliament, and the queſtion being put, it was paſs'd in the negative by only two voices. At laſt, the king ſeeing, no expedient could be poſſibly found to reconcile the two houſes, prorogued the parliament from the 22d of November to the 15th of February 1677, that is, for 15 months.

The parliament prorogued. Echard.

I ſhall cloſe this year with ſome leſs important tranſactions, which ought not to be omitted.

The prince of Newburg arrives in England. Kennet.

In May, the prince of Newburg came into England, and was received with great diſtinction by the king, as well on account of his perſonal merit, as in conſideration of the civilities received by the king in his exile from the duke his father.

And the ducheſs of Mazarin.

The ducheſs of Mazarin having a difference with her huſband, retired into England this year, where it is pretended, ſhe would have ſupplanted the ducheſs of Portſmouth had not, an intrigue with a certain courtier been too ſoon diſcovered to the king. He aſſigned her however an annual penſion of 4000 l. ſterling. Her houſe, to the day of her death, was the rendezvous of all the men of wit and quality, and St. Evremond, a refugee as well as her ſelf, was one of her moſt conſtant attendants.

Finch made lord chancellor.

The 19th of December, Heneage lord Finch, baron of Daventry, who had been only lord-keeper, was made lord high-chancellor.

Deaths.

The moſt remarkable deaths were thoſe of Dr. Lightfoot, Dr. Willis, and Bulſtrode Whitelocke. The laſt has been frequently mentioned in the recital of the differences between Charles I, and the parliament.

1675-6. The nation diſcontented.

As there was to be no meeting of parliament the next year, the Catholicks, and the court, which openly protected them, were leſs reſerved and appeared more active. This gave great uneaſineſs to the people, who, beſides ſaw with concern the growing greatneſs of Lewis XIV, and the indolence of the king, who, inſtead of being uneaſy or jealous, manifeſtly ſeemed to behold it with pleaſure. It may be affirmed, that the principal article of Charles II's reign conſiſts in the perpetual oppoſition between the particular intereſts of the king, and thoſe of the Engliſh nation. All the world ſaw and were ſenſible of it. It was the common talk, and the ſubject of daily libels. The king therefore by proclamation ſuppreſſed all coffee-houſes, on pretence of being places where diſaffected perſons met, and deviſed malicious and ſcandalous reports againſt the king and his miniſters. Immediately after was publiſhed another proclamation, for diſcovering and puniſhing the writers, who daily publiſhed libels in London againſt the government. But it is ſeldom known, that ſuch proclamations produce any great effects, eſpecially in England, where the liberty of ſpeaking againſt the government is more unreſtrained, than in any other country.

Dec. 29. Kennet. Coffee-houſes ſuppreſſed. Proclamation againſt libels.

1675-6.

Congreſs of Nimeguen. Echard.

Tho' all the contending powers had, the laſt year, conſented to ſend their plenipotentiaries to Nimeguen, to treat of a peace by the mediation of England, there was no great likelihood of a general peace. Sir William Temple and Sir Leoline Jenkins, the Engliſh mediators and ambaſſadors, repaired to Nimeguen in July, and only found there the plenipotentiaries of France, and thoſe of the ſtates-general. The emperor, the king of Spain, the elector of Brandenburg, retarded the negotiations, as much as poſſible, in hopes, that the king of England, being concerned in the preſervation of the Netherlands, would not ſuffer them to fall under the dominion of France, and that this would oblige him in the end to declare for the allies. But they were extremely miſtaken, in imagining that the intereſt of England was that of the king. It was this that made the proceeding of the Engliſh court always unintelligible to them, as well as to the reſt of the princes of Europe, who were ignorant of Charles's ſecret deſigns, and his engagements with France.

1676. Echard.

At the beginning of the campaign of 1676, the king of France took Conde and Bouchain, after which, in June he returned to Paris, leaving his army to the conduct of the count de Schomberg. On the other ſide, the prince of Orange beſieged Maeſtricht towards the end of July, which gave Schomberg time to take Aire, and march to the relief of Maeſtricht. His approach, and ſome other accidents, obliged the prince to raiſe the ſiege.

Charles tries to procure a ſeparate peace between France and Holland. Kennet.

The campaign being ended, all eyes were turned to the negotiations at Nimeguen. It ſoon appeared, that the deſign of France was only to divide the allies, and make a ſeparate peace with the ſtates. The king of England had alſo the ſame view, and therein aſſiſted France with all his power, having ſent orders to Sir William Temple, to endeavour to perſwade the ſtates, and the prince of Orange, to give their conſent. The ſtates were inclinable enough, but the prince of Orange could not be prevailed with, who thought, it would be a betraying of the common cauſe, and the intereſts of the princes, who had engaged in the preſervation of Holland, which without their aſſiſtance had been irrecoverably loſt. He ſaid, it was in his uncles's power to make peace when he pleaſed, by declaring againſt France. But nothing was farther from the king's intention, who inſtead of being jealous of the king of France, was privately doing him all the ſervice he could, in ſolliciting the ſtates and his nephew the prince, to make a ſeparate peace. This diſcovers with what partiality he acted as mediator.

He endeavours to diſabuſe the confederate princes. Echard.

The hope entertained by the allies, that England would at laſt declare againſt France, was the greateſt obſtacle to peace. The king not being ignorant of it, believed he ought to undeceive the allies, in order to induce them to make ſuch a peace as was deſired by France. For this purpoſe, he publiſhed two proclamations, in which, on pretence of regulating ſome things concerning the neutrality, his deſign was to ſhew, he had no intention to depart from it.

1676-7.

French privateers moleſt the Engliſh.

Since the king had made peace with Holland, the French privateers infeſted th channal in ſuch a manner, that without any regard to the neturality of England, they ſeiſed their ſhips, and, as if in open war, made prizes of them. It was proved, that they had taken 53 ſince the peace. At laſt, the thing went ſo far, that the commiſſioners of trade were obliged to preſent a report, concerning theſe indignities, to the king, and to pray him that he would take ſome courſe about it. The king very graciouſly received the report, and ſent orders to his ambaſſador at Paris to make complaints on this occaſion; but that was all the ſatisfaction the merchants could obtain. For the court of France, knowing that Charles would not break with them for 53 ſhips belonging to private men, took no notice of theſe complaints. The king's indolence produced at leaſt this effect, that the people of England, enraged to ſee themſelves thus expoſed to the piracies of the French, were extremely deſirous of a war with France, in order to be revenged, and impatiently waited the meeting of the parliament, in the belief that both houſes would be more careful, than the king, of the intereſts of the nation.

The Engliſh deſirous of a war with France.

Proclamation againſt Papiſts.

The remaining part of this year afforded nothing memorable, beſides a proclamation publiſhed by the king, forbidding his ſubjects to hear maſs in the queen's chappel in Somerſet houſe, or in the houſes of ambaſſadors. Theſe proclamations were always expreſſed in very rigorous terms; but executed with ſuch negligence, that the frequency of them only ſerved to ſhew, how little deſirous the king was to have his orders ſtrictly obſerved. They were uſually a preparative to the next ſeſſion, but during the intervals of parliament, the Romiſh prieſts and jeſuits, who ſwarmed in the kingdom, and all other Papiſts, were ſure of impunity.

Earl of Briſtol's death.

This year died George Digby earl of Briſtol, in the 65th year of his age, who has often been remembered in the courſe of this hiſtory.

1676-7.

A queſtion ſtarted, whether the parliament was not diſſolved. Burnet.

The king, as I ſaid, had prorogued the parliament for 15 months, except a few days. This prorogation, the longeſt that ever was known, raiſed a doubt, whether by it the parliament was not actually diſſolved. This doubt was owing to a ſtatute of Edward III. never repealed whereby it was enacted, that a parliament ſhould be held once every year, and oftner if occaſion required. This diſpute made a great noiſe in the kingdom, and books were publiſhed on both ſides the queſtion. In general the court-party maintained, that the parliament was not diſſolved, and the contrary party pretended it could not meet, after a 15 months interruption. I believe the intereſt of neither party was herein much concerned, tho' perhaps ſome private perſons might have found ſome advantage in a new parliament.

The king's ſpeech to the parliament. Echard.

The parliament however met the 15th of February according to the prorogation. The king in his ſpeech to both houſes declared, 'That he was prepared to give them all the 'ſatisfaction and ſecurity in the great concerns

1676-7.

of the Proteſtant religion as eſtabliſhed in the church of England, that ſhould be reaſonably asked, or could conſiſt with chriſtian prudence. And he declared himſelf as freely, that he was ready to gratify them in a further ſecurity of their liberty and property, (if they could think it was wanted) by as many good laws as they ſhould propoſe, and as could conſiſt with the ſafety of the government, without which there could be neither liberty nor property left to any man.' After, this, reckoning he had given both houſes entire ſatisfaction, he told them, 'That he expected and required from them, that all occaſions of differences between the two houſes ſhould be carefully avoided.-----In the next place, he deſired them to conſider the neceſſity of building more ſhips, and how much all their ſafeties were concerned in it----And as they knew him to be under a great burden of debts, he hoped, they would not deny him the continuance of the additional revenue of exciſe, which was near expiring------ And, that they might be ſatisfied how impoſſible it was (whatever ſome men thought) to ſupport the government with leſs than the preſent revenue, they might at any time ſee the yearly eſtabliſhed charge, by which it would appear, that the conſtant and unavoidable charge being paid, there would remain no overplus towards the diſcharging thoſe contingencies which might happen in all kingdoms, and which had been a conſiderable charge to him the laſt year.'

The chancellor's ſpeech. Echard.

Then the chancellor inlarged upon all theſe points; but as his ſpeech was wholly founded upon this unqueſtionable truth, according to him, that the king had only the welfare of his people in view; I ſhall tranſcribe only this ſingle paſſage.-------'For the king hath no deſires but what are publick, no ends or aims which terminate in himſelf; all his endeavours are ſo entirely bent upon the welfare of his whole dominions, that he doth not think any man a good ſubject, who doth not heartily love his country: And therefore let no man paſs for a good patriot, who doth not heartily love and ſerve his prince. Private men indeed are ſubject to be miſled by private intereſts, and may entertain ſome vain and ſlender hopes of ſurviving the publick; but a prince is ſure to fall with it, and therefore can never have any intereſts divided from it. To live and die with the king, is the higheſt profeſſion a ſubject can make, and ſome times it is profeſſion only, and no more; but in a king it is an abſolute neceſſity, it is a fate inevitable, that he muſt live and die with his people. Away then with the vain imaginations of thoſe who infuſe a miſbelief of the government; away with all thoſe ill-meant diſtinctions between the court and country, between the natural and the political capacity; and let us all, who go about to perſwade others, that there are ſeveral intereſts, have a care of that precipice, to which ſuch principles may lead them.'

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The duke of Buckingham makes a ſpeech to prove the parliament diſſolved. Kennet.

As ſoon as the commons were withdrawn, the duke of Buckingham ſtood up in the houſe of lords, and made a very long ſpeech, to prove, that the parliament was diſſolved by the laſt prorogation. He grounded his opinion upon antient ſtatutes, (which, he ſaid, are not like woman, the worſe for being old,) and chiefly upon the ſtatute of Edward III, viz. That a parliament ſhould be holden every year once, and more often, if need be. He added, 'tho' theſe words are as plain as a pike-ſtaff, and no man living, that is not a ſcholar, can poſſibly miſtake their meaning, yet the grammarians in thoſe days made a ſhift to explain, that the words, if need be, related as well to the words, every year once, as to the words, more often, and ſo by this grammatical whimſey of theirs, have made this ſtatute to ſignify nothing. For this reaſon in the 36th year of the ſame reign, a new act of parliament was made, in which thoſe unfortunate words, if need be, are left out, and that act, relating to Magna Charta, and other ſtatutes, made good. Here now my lords, there is not left the leaſt colour for any miſtake, for it is plainly declared, that the kings of England muſt call a parliament once within a year.' Then he reduced the whole matter to this dilemma; 'Either the kings are bound by theſe acts, or elſe the government of England by parliaments is at an end. For if the kings have power, by an order of theirs, to invalidate an act made for the maintenance of Magna Charta, they have alſo power, by an order of theirs, to invalidate Magna Charta itſelf.' It appears by the ſequel of this ſpeech, that the duke of Buckingham's aim was to put an end to this parliament, which had continued ſo long, and thereby rendered the commons, in ſome meaſure, ſovereigns over their Countrymen. The duke was ſeconded by the earls of Saliſbury and Shaftſbury, and the lord Wharton. At laſt, after great debates, the houſe ſent all four to the tower, from whence they were ſhortley after releaſed, except the earl of Shaftſbury, who was continued there above a year, becauſe he would not own the juſtice of his impriſonment.

Seconded by three other lords All four ſent to the tower. Burnet.

A few day after, the commons voted the king a tax of 5,84000 pounds, to build 30 ſhips, without appropriating tunnage and poundage. Beſides, they continued for three years the additional tax upon beer, which was to expire the 24th of June.

A ſupply granted. Echard,

It appeared ſoon after, that their grand affair was to ſtop the great progreſs of France in the Netherlands, and engage the king in a war with that kingdom, for which purpoſe they preſented the following addreſs:

The commons addreſs the king againſt France. Burnet.

'We your majeſty's moſt loyal ſubjects, do moſt humbly offer to your majeſty's conſideration, that the minds of your people are much diſquieted with the manifeſt dangers ariſing to your majeſty, by the growth and power of the French king, eſpecially by the acquiſitions already made, and the farther progreſs like to be made by him in the Spaniſh Netherlands, in the preſervation and ſecurity whereof we humbly conceive the intereſt of your

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'your majeſty, and the ſafety of your people, 'are highly concerned; and therefore we 'humbly beſeech your majeſty to take the ſame 'into your royal care, and to ſtrengthen your 'ſelf with ſuch ſtricter alliances, as may ſecure 'your majeſty's kingdoms, and ſecure and 'preſerve the ſaid Spaniſh Netherlands, and 'thereby quiet the minds of your majeſty's 'people.' To which the king anſwered,---- 'That he was of the opinion of his two houſes 'of parliament, that the preſervation of Flanders 'was of great conſequence; and that he 'would uſe all means in his power for the 'ſafety of his kingdom.'

1677: A ſecond addreſs:

This anſwer not being ſatisfactory, the houſe preſented a ſecond addreſs on the ſame ſubject the 30th of March. It was much the ſame with the firſt, excepting the addition, that in caſe his majeſty ſhould happen to be ingaged in a war with France, they ſhould always be ready to aſſiſt him with ſuch ſupplies as might enable him to proſecute the ſame with ſucceſs.

The king's anſwer.

The king gave no anſwer to this addreſs till 12 days after, when he ſent a meſſage, 'That the only way to prevent the dangers 'which might ariſe in theſe kingdoms, would 'be to put him timely in a condition to make 'ſuch fitting preparations, as might enable him 'to do what ſhould be moſt for their ſecurity.

A third addreſs.

This drew from the commons a third addreſs to the king, in which they informed him, that they were preparing a bill for the additional duty of exciſe, on which he might borrow 200,000 l. and promiſed to give him ample teſtimony of their affection at their next meeting, after a ſhort receſs during Eſter. The

The king's anſwer.

king not ſatisfied with ſo ſmall a ſum, told them plainly, that without 600,000 l. it would not be poſſible for him to anſwer the ends of their ſeveral addreſſes.

Many members being abſent on account of the expected adjournment at Eaſter, the commons were cautious of proceeding upon other money-bills; but deſired his majeſty's leave to adjourn, promiſing, that, after the receſs, they would comply with his demands. The ſame day, the 16th of April, the king came to the houſe of peers, and gave his aſſent to

Acts paſſed. Statute-B.

ſeveral acts. The chief were, an act for the raiſing of 5,84000 l. ſterling, for building of 30 ſhips. 2. An act for an additional exciſe upon beer, and other liquers, for three years. 3. An act for prevention of frauds and perjuries. 4. An act for taking away the writ de Hæretico Comburendo. 5. An act for erecting a Judicature to determine differences touching houſes burnt by the late dreadful fire in Southwark. Then the chancellor acquainted the two houſes, that the king gave them leave to adjourn to the 21ſt of May next.

The king's management.

The king, undoubtedly, had no deſire to begin a war with France, his private engagements with Lewis being too ſtrong to allow him ſuch a thought. However, he improved the preſent occaſion to draw money from his parliament, on pretence of providing for the ſafety of the nation. For that was all he had yet obliged himſelf to, tho' the commons imagined, he was ready to come into their meaſures, as ſoon as he ſhould be aſſured of a ſupply. The vigour with which the commons acted, was owing to the progreſs of Lewis in the Netherlands, and on the Rhine, while Charles, plunged in pleaſures, remained unconcerned, and by his conduct effectually deſtroyed the principles eſtabliſhed by his chancellor, that it was impoſſible for the king and kingdom to have oppoſite intereſts. The 17th

1677. Towns taken by the French.

of March, the king of France took Valenciennes, and beſieged Cambray, while St. Omer, was inveſted by the duke of Orleans. Cambray coſt him but ſeven days, and while he beſieged the citadel, the prince of Orange marched to the relief of St. Omer, and was

Prince of Orange loſes a battle. Burnet.

overcome by the duke of Orleans at Montcaſſel. After this defeat, the citadel of Cambray, and St. Omer, ſurrendered by capitulation, about the 20th of April. By this means the Spaniſh Netherlands were open on all ſides, and could be preſerved, but by the aſſiſtance of England. This was clearly ſeen by the commons, and excited their endeavours to awaken the king out of his affected lethargy. The king knew the danger as well as, or better than, his parliament. But, contrary to the maxim of his chancellor, the kingdom's danger was not his. The more powerful the

Charles findes his advantage in the French conqueſts.

king of France rendered himſelf, the greater was his private advantage, becauſe it was by the aſſiſtance of France, that he pretended to enſlave his own kingdom. Let a man ſtudy never ſo much to find plauſible reaſons for the king's conduct and negligence, with regard to the Netherlands, and the growing power of France, he will find none, without ſuppoſing what I have ſaid concerning the king's deſigns. The Spaniards, and Dutch, the emperor and the princes of Germany, all reaſoned wrong. They ſuppoſed, that Charles would not ſuffer the Netherlands to be loſt, becauſe it was the intereſt of England to preſerve them, and were miſtaken in imagining, the king would be influenced by the good of his kingdom.

The king's conduct.

But he had a particular intereſt directly contrary to that of England, viz his own, which he blindly purſued. He would have ſeen the laſt town of the Spaniſh Netherlands loſt without being moved. Nevertheleſs, as it was alſo his intereſt not to diſcover his deſigns before the time, for fear of alarming the Engliſh, and engaging the parliament in other meaſures, he pretended to approve of their views. But this was only to obtain a ſupply, without promiſing however any thing but to make preparations, which properly was obliging himſelf to nothing at all. Such was the king's conduct in this whole affair, as will appear ſtill more plainly in the ſequel.

The king preſſes the money-bill.

The parliament meeting the 21ſt of May, by the king's proclamation of ſummons, after an adjournment of near five weeks, the commons believed the king had ſpent this interval in making the alliances they had deſired, and that he would communicate to them what had been done. But the king only told them, by ſecretary Coventry, that he expected the houſe would forthwith proceed to the money-bill, and rather. becauſe he intended there ſhould diſtruſted by the commons.

ſhould be a receſs very quickly. This meſſage occaſioned warm debats in the houſe. They were inclined to give the king the 600,000 l. he had asked, but were willing ro have ſomething for their money, whereas the king was for being ſure of the ſupply before he proceeded in what was deſired by the commons. Their diſtruſt was not very honourable to him, but it was his fault, becauſe he had given ſo many occaſions for it, and therefore he could not think it ſtrange. He made it however ſubſervient to his deſign, and pretended in his turn to fear, that the commons intended to engage him in a war with France, and then leave him to extricate himſelf as well as he could, without granting the neceſſary aſſiſtance to ſupport it. On this pretence he ſent for the commons to Whitehall, and made them the following ſpeech.

The king's ſpeech to the commons.

‘Gentlemen, I have ſent for you hither, that I might prevent thoſe miſtakes and diſtruſts, which I find ſome are ready to make, as if I had called you together only to get money from you, for other uſes than you would have it employed. I do aſſure you, on the word of a king, that you ſhall not repent any truſt you repoſe in me, for the ſafety of my kingdoms, and I deſire you to believe, I would not break my credit with you; but as I have already told you, that it would not be poſſible for me to ſpeak or act thoſe things which ſhould anſwer the ends of your ſeveral addreſſes, without expoſing my kingdoms to much greater dangers, ſo I declare to you again, I will neither hazard my own ſafety nor yours, until I be in a better condition than I am able to put myſelf, both to defend my ſubjects, and offend my enemies. I do farther aſſure you, I have not loſt one day ſince your laſt meeting, in doing all I could for your defence, and I tell you plainly, it ſhall be your fault, and not mine, if your ſecurity be not ſufficiently provided for.’

Remark's upon this ſpeech.

As this ſpeech, under general and obſcure terms, perfectly anſwered the king's ſecret intentions, it is abſolutely neceſſary to make ſome remarks, in order to ſhew diſtinctly and plainly, both the king's intention and character.

Firſt, the commons had deſired the king to provide for the ſafety of his kingdoms, upon the foundation, that their ſafety depended on the preſervation of the Spaniſh Netherlands. But the king ſays not a word which may oblige him to the defence of the Netherlands, and contents himſelf with promiſing, upon his royal word, that he will provide for the ſafety of his kingdom; which general promiſe left him room to ſay afterwards, that whatever he had done was for the ſafety of his kingdom.

Secondly, he ſuppoſed, that in providing for this ſafety, his kingdoms would be expoſed to great dangers, unleſs he had the money beforehand, which was a groundleſs ſuppoſition.

Thirdly, he told them, he ought to be put in a better condition to defend his ſubjects, and offend his enemies. By this laſt expreſſion he inſinuated, that he would enter into a league offenſive againſt France, which was not his intention, as will hereafter plainly appear.

Fourthly, he told them, he had not loſt one day, in doing all he could for their defence, which expreſſion ſignified nothing, ſince he had juſt told them, he could neither ſpeak nor act, before he had the demanded ſupply. In what therefore did his five weeks care conſiſt?

Fifthly, there is but one thing clear in this ſpeech, and that is, he would be ſure of the money before he began to act. By which he intimated to the commons, that he pretended to have as much reaſon to diſtruſt them, as they could have to diſtruſt him, tho' aſſuredly the caſe was very different.

Great debates amongſt the commons.

This ſpeech occaſioned very great debates in the houſe of commons. The court-party propoſed a ſpeedy grant of the deſired ſupply, to enable the king to make alliances, otherwiſe, they could not be expected to be made; and alledged, that the king had the ſame power of making war and leagues, as the houſe had in giving money; he could not have money without them, nor they alliances without him. The contrary party remarked, that nothing was poſitive promiſed by the king, except that he would provide for the ſafety of the kingdom, which might be explained ſeveral ways, without any aſſurance it ſhould be underſtood in the ſenſe of the commons. As for ſaying that the king would make alliances when he ſhould have the ſupply; the expreſſion was too general to hazard upon it a ſum of 600,000 l. But if alliances were made forthwith, and declared to day, the 600,000 l. would be granted to morrow.

This laſt opinion prevailed, ſuch was the diſtruſt conceived of the king. So, the houſe reſolved to preſent an addreſs to the king, which ſhould oblige him to ſpeak more plainly, that they might know how to proceed. The ſubſtance of this addreſs was,

They addreſs the king. Echard.

‘It is a great affliction to us, to find ourſelves obliged to declare againſt the granting the ſupply you are pleaſed to demand, conceiving it not agreeable to the uſage of parliaments, to grant ſupplies for the maintenance of wars and alliances, before they are ſignified in parliament; from which uſage if we depart, the precedent might be of dangerous conſequence in future times.-----

‘We humbly beſeech your majeſty to enter into a league offenſive and defenſive with the ſtates general of the United Provinces, againſt the growth and power of the French king, and for the preſervation of the Spaniſh Netherlands; and to make ſuch other alliances with other ſuch of the confederates as you ſhall think fit and uſeful to that end.-----

‘Laſtly, they laid before him ſeveral reaſons to convince him, that in this juncture, a war with France was abſolutely neceſſary, in order to oblige her to leave the reſt of Chriſtendom in repoſe, and promiſed to put him in a condition for a vigorous maintenance of the ſame.’

The king continues to feign a diſtruſt of the commons.

Had the king really intended to ſtop the great progreſs of the king of France, this addreſs would have been more than ſufficient to engage him in a war with that prince, or at leaſt to have done ſomething to make him fear it. But as nothing was farther from his thoughts, he affected a diſtruſt of the commons, which he really had not. He had undertaken the firſt war againſt the ſtates, upon a like aſſurance, without the leaſt heſitation. He had engaged in the ſecond war without even imparting his deſign to the parliament. But when a war with France was deſired, he pretended to fear from the commons, what he had not feared when a war with Holland was in queſtion; tho' it was manifeſt, this fear was entirely groundles. But any delay was to be uſed rather than oppoſe the progreſs of his good friend, and yet, he was unwilling to loſe this opportunity of procuring a ſupply from his parliament.

Complains of the addreſs. Kennet.

The commons pretended, by their laſt addreſs, to oblige the king to give a clear anſwer. But they found themſelves miſtaken. The king receiving this addreſs the 26th of May, ſent two days after for the commons to Whitehall, and for anſwer ſharply reproved them for invading his prerogative, in requiring him to enter into a league offenſive and defenſive with the ſtates general, 'Should I, 'ſaid he, ſuffer this fundamental power of 'making war and peace to be ſo far invaded, 'as to have the manner and circumſtances of 'leagues preſcribed to me by parliament, no 'prince or ſtate would any longer believe, 'that the ſovereignty of England reſts in the 'crown.-----Wherefore you may reſt aſſured, 'that no condition ſhall make me depart from 'ſo eſſential a part of the monarchy.' At the concluſion of this ſpeech he declared his pleaſure to them, that the houſe be adjourned till the 16th of July, telling them, he would give them notice by his proclamation when he intended they ſhould ſit again, which he ſaid, would not be till winter, unleſs ſome extraordinary occaſion ſhould happen.

Adjourns the parliament.

Nothing is a plainer demonſtration, how different the king's intereſts were from thoſe of his kingdom, than his conduct on this important occaſion. The commons believed it abſolutely neceſſary for the ſafety of the kingdom, to check the progreſs of the French king, and preſerve the Netherlands, and to that end, make alliances with the ſtates general and their confederates. This was a very evident truth. The king himſelf did not deny it, while there was hope of getting the 600,000 l. demanded on pretence of putting himſelf in a condition to defend the kingdom, which ſhewed at leaſt that he believed it in danger. But when he ſaw the commons would not be ſatisfied with general promiſes, but required ſomething real, the neceſſity of putting the kingdom in a ſtate of defence, vaniſhed at once. He adjourned the parliament for ſeveral months, without any notice of the danger with which the kingdom was threatned, tho' that danger ſubſiſted no leſs, than at the beginning of the ſeſſion. Thus the danger was preſſing to the kingdom, when it was no longer ſo to the king: a clear evidence that the king and parliament had different views and intereſts. So, on pretence of an atempt of the commons upon his prerogative, he took occaſion to order a long adjournment, which broke all the meaſures of the commons, and almoſt deſtroyed the hopes entertained by the allies, of aſſiſtance from England, which could not but be very advantagious to France. I do not think it poſſible to account for the king's conduct in a manner ſatisfactory to the impartial, without ſuppoſing that he expected aſſiſtance from France to make himſelf abſolute, and change the eſtabliſhed religion. On this ſuppoſition, inſtead of being concerned to ſtop the progreſs of France, it could not but be for his intereſt that ſhe ſhould become ſtill more powerful. Accordingly this was what he wiſhed, as all his proceedings manifeſtly ſhewed.

The king uſes his endeavours for a ſeperate peace. Temple's Mem.

We learn from Sir William Temple himſelf, that whilſt he was at Nimeguen as plenipotentiory-mediator for a peace, he was ſent for to London by the king, on pretence of making him ſecretary of ſtate, but in reality to diſpatch him to the Hague, to endeavour to perſuade the prince of Orange to conſent to a ſeperate peace with France. But Temple declined a commiſſion which he had before tried to execute, without being able to ſucceed. This ſhows with what zeal the king endeavoured to ſerve France, which only wanted to divide the allies by ſuch an expedient. It is certain, the king of France, tho' till now ſuperior to his enemies, was little able longer to ſuſtain a war with almoſt all Europe united againſt him. It was therefore in the king of England's power to procure a juſt and reaſonable peace, by declaring againſt France, as he was deſired by the parliament. But this could never be obtained of him. On the contrary, fearing to be forced to it at laſt by the clamours of his people, he ſecretly laboured to procure France an advantagious peace, by the diviſion of her enemies.

Sir William Temple having refuſed to be employed upon this errand, Mr. Laurence Hyde was ſent to the Hague, to try to gain the ſtates and prince of Orange.

Project of a marriage of the prince of Orange with the princeſs Mary. Temple's lett.

The king had the more hopes of prevailing with the prince, as there had been ſome time ſince a propoſal from him for his marriage with the princes Mary, eldeſt daughter to the duke of York; and as he did not doubt, that to ſucceed in that affair, the prince would grant every thing deſired of him concerning the ſeperate peace with France. It was for this end probably, that the king permitted the prince his nephew to come to his court, and ſollicite his affairs in perſon: but without any poſitive aſſurance that his addreſſes would be well received. The prince could not leave the army before the campaign was ended, and therefore arrived not in England till the 9th of October, when he landed at Harwich, and from thence went to the court. The king, the duke of York, the lord-treaſurer, and Sir William Temple, were the only perſons informed of the motive of the princes journey.

The prince arrives in England. Kennet.

A difference between the king and prince. Temple.

The court, which was then at Newmarket, being returned to London, the prince had a ſight of the princeſs, and then demanded her in form of the king and the duke of York, by whom his propoſal was differently received. The duke of York ſeemed very cold, and the king appeared to embrace it with joy: but it was on condition that he and the prince ſhould previouſly agree upon the terms of a general peace. This condition was like to render the prince's journey entirely fruitleſs. The prince was abſolutely againſt ſpeaking of a peace till after the marriage, and the king as reſolute to agree upon the plan of a peace before the marriage ſhould be concluded. They continued five or ſix days fixed to their reſolutions. The prince acquainted the king, by Sir William Temple, 'That his allies, who were like to 'have hard terms of the peace, as things then 'ſtood, would be apt to believe, that he had 'made his match at their coſt, and for his part 'he would never ſell his honour for a wife.' All this was not capable to divert the king from his reſolution, and the affair ſeemed upon the point of breaking off. But all was reconciled. Temple paying a viſit to the prince one night after ſupper, was told by him, 'That he repented his coming into England, 'and reſolved to be gone in two days, if the 'king continued in his mind of treating upon 'the peace before he was married; but that 'before he went, the king muſt chuſe how they 'ſhould live hereafter; for he was ſure it muſt 'be either like the greateſt friends, or the greateſt enemies, and deſired Sir William to let his 'majeſty know ſo next morning, and give him 'account of what he ſhould ſay upon it.' Sir William, in diſcharge of his commiſſion, repreſented to the king the ill-conſequences of a breach with the prince, conſidering the ill-humours of ſo many of his ſubjects on account of his engagements with France, and the invitation made the prince by ſeveral of them during the late war. The king having heard him with great attention, anſwered, 'I never yet was deceived in judging a man's 'honeſty by his looks,-----and if I am not deceived in the prince's face, he is the honeſteſt 'man in the world; and I will truſt him, and 'he ſhall have his wife, and you ſhall go immediately and tell my brother ſo, and that 'it is a thing I am reſolved on.' The duke of York appeared at firſt a little ſurpriſed, but however anſwered, the king ſhould be obeyed, and he ſhould be glad his ſubjects would learn from him the obedience which they owed to their ſovereign,-----adding, "I tell him my "opinion very freely upon any thing, but "when that is done, and I know his pleaſure "upon it, I obey him." Immediately after Sir William waited on the prince with the agreeable news. The ſame day, the marriage-articles were drawn and agreed, the princeſs's portion being 40000 l. ſterling, and the day after the king declared the marriage in full council. The city of London teſtified an extraordinary joy at the news, and Sir Francis Chaplin the lord-mayor invited the king to a magnificent entertainment the 29th of October. The marriage was conſummated on the prince's birth-day, the 4th of November.

The king yields, and the marriage is concluded and conſummated. Echard.

A plan for a general peace agreed upon. Temple's Mem.

A few days after, the king, the duke of York, the prince of Orange, the lord-treaſurer, and Sir William Temple, entered into conference for ſettling the ſcheme of a general peace, and after ſome debates, agreed upon theſe terms: 'All ſhould be reſtored by France 'to the emperor, that had been taken from 'him in the war, the duchy of Lorrain to 'that duke, and all on both ſides between 'France and Holland: And to Spain, the 'towns of Aeth, Charleroy, Oudenard, Courtray, Tournay, Conde, Valenciennes, St. 'Guillain, and Binch. That the prince of 'Orange ſhould endeavour to procure the 'conſent of Spain; and the king that of 'France, for which purpoſe he ſhould ſend 'ſome perſon immediately over with the propoſition, who was to demand a poſitive anſwer in two days.' The lord Duras, afterwards earl of Feverſham, a creature of the duke of York, was the perſon fixed upon to execute this commiſſion.

The prince returns for Holland. Burnet.

The prince and princeſs of Orange embarqued for Holland ſhortly after. The king poſitively aſſured the prince, he would never depart from the ſcheme agreed upon for a general peace, and that if France refuſed her conſent, he would declare war againſt her. And yet, the prince had the mortification before his departure, to ſee the adjournment of the parliament prolonged from the 3d of December to the 4th of April.

The king is gained by France. Temple's Mem.

The court of France were extremely ſurpriſed, as well with the ſcheme of the peace, as the manner in which it was pretended to impoſe it on them. But whether the lord Duras had ſecret orders to give hopes, that the ſcheme might be altered, or it was not deſpaired to gain the king of England, the envoy, after ſtaying ſome days beyond his commiſſion, returned without an anſwer, or at leaſt with an anſwer of no ſignification. It contained only, "That the moſt Chriſtian king "hoped, his brother would not break with "him upon one or two towns, to which England had no pretention, but however, he "would ſend orders to his ambaſſador at London, to treat with his majeſty himſelf." It is known, the king of France offered Mr. Montague, the Engliſh ambaſſador, large ſums for the king, and the treaſurer, which were not accepted, at leaſt openly; but on the other hand, the king ſuffered himſelf to be ſo mollified by the offers or articles of France, that the ſcheme of peace agreed on with the prince of Orange, was at laſt reduced to nothing, and no more heard of.

Secret negotiations with France. Danby's Lett.

From the lord Duras's return, to the meeting of the parliament, the king was actually negotiating with the king of France, the terms on which he was to reſiſt the ſollicitations of his parliament, and prevent his declaring for the allies. This appeared openly in the parliament itſelf, by the letters of the lord-treaſurer Danby, produced before the commons in 1678, by Mr. Montague, ambaſſador at the French court; and ſince that, a fuller conviction has been given of this by Mr. Montague's letters, publiſhed by the earl of Danby, in the reign of William III. I ſhall tranſcribe the extracts of theſe letters, that the reader may be ſatisfied of what I ſay, without relying on my word. But I am to premiſe, that the king, after prolonging the adjournment to April 1678, thought proper to aſſemble the parliament, the 15th of January, and as ſoon as they met, to adjourn the commons, by a meſſage, to the 28th of the ſame month. The letters I mentioned were as follows:

Extract of a letter from Mr. Montague to the king, from Paris, in the year 1677.

-----“ I Am ſure, the greatneſs of the king of France is ſupported only by your majeſty's connivance at what what he does, and the good will Chriſtendom ſees you have for him. The advantage he has by it even in point of revenue, by his conqueſts, does amount to five times the ſum you have now from him: And tho' after-games are hard to play, I think I underſtand this court ſo well, and if you care to have it done, I am confident I could get you by agreement 1000000 of Livres a year to be paid while the war ſhall laſt, and 4000000 after the peace ſhall be made, I mean, Sir, over and above what you have from France now.-----

Extract of a letter from Mr. Montague to the lord-treaſurer Danby, wrote a little after the former.

“ I Expect his Chriſtian majeſty's anſwer to the demands I made by the king's direction of 200,000 l. ſterling, to be paid till the general peace is concluded, taking for granted,that it will be conform to my orders from the king, to inſiſt upon 2000000 of livres a year during the war, and 4000000 after the peace, or elſe 200,000 l. ſterling during the war. But I am told this morning, that Mr. Courtin has agreed this matter with the king my maſter, and that his majeſty will be contented with 2000000 of livres a year only during the war; which I confeſs ſurpriſed me extremely, conſidering the neceſſity of his majeſty's condition, and the poſitiveneſs of his commands to me, to inſiſt upon 200,000 l. ſterling, which I had done very effectually, and muſt have ſucceeded in, conſidering the reaſonableneſs of the demand, except the generoſity of the king our maſter's nature, who values money ſo little, has already condeſcended to the leſſer ſum of 2000000 of livres, &c.

Extract of a letter from the lord-treaſurer Danby to Mr. Montague, ambaſſador in France, the 17th of January 1677-8.

-----“ YEſterday young Ruvigny came to me with Mr. Barillon (having given me his father's letters the day before) and diſcourſed much upon the confidence the French king hath of the firmneſs of ours to him: of the good opinion his maſter hath of me; of his king's reſolution to condeſcend to any thing, that is not infamous to him, for the ſatisfaction of our king; how certainly our king may depend upon all aſſiſtances and ſupplies from his maſter, in caſe the frindſhip be preſerved---The main of their drift was to engage me to prevail with the prince of Orange as to the town of Tournay---The king muſt come to ſome declaration of his mind to the parliament when it meets. That which makes the hopes of peace leſs probable, is, that the duke grows every day leſs inclined to it, and has created a greater indifferency in the king than I could have imagined; which being added to the French king's reſolutions, not to part with Tournay, does, I confeſs, make me diſpair of any accommodation. Nevertheleſs, I am aſſured, that one principal cauſe of this adjournment for 13 days, has been to find an expedient for the peace; and the effect hath hitherto been, that no body will now believe other than that the peace is already concluded between us and France.

Extract of another letter from the ſame hand to the ſame perſon, dated the 25th of March, 1678.

-----“ IN caſe the conditions of peace ſhall be excepted, the king expects to have 6000000 of livres a year for three years, from the time that this agreement ſhall be ſigned betwixt his majeſty and the king of France; becauſe it will probably be two or three years before the parliament will be in humour to give him any ſupplies after the making of any peace with France; and the ambaſſador here has always agreed to that ſum, but not for ſo long a time. If you find the peace will not be accepted, you are not to mention the money at all; and all poſſible care muſt be taken to have this whole negotiation as private as is poſſible, for fear of giving offence at home, where for the moſt part we hear in ten days after of any thing that is communicated to the French miniſters.”----At the bottom of the letter were theſe words under the king's own hand---

This letter is writ by my order, C. R.

Remark upon the king's conduct.

I ſhall make no remarks upon theſe letters, which plainly ſhew with what ſincerity the king diſcharged the office of mediator, and how much he favoured France. The beſt excuſe for him is, that theſe ſecret proceedings and negotiations were only to get money. But when it is conſidered, that he would have received much more from his parliament, if he had purſued the paths of uprightneſs, and might have had more left of what the parliament would have granted him in one ſingle year, than he hoped to draw from France in three, a man can hardly forbear thinking, that his blind attachment to the intereſt of France was for hidden deſigns which it was not yet time to diſcover. And if it is ſaid, he took money from France only to be freed from the trouble of applying to his parliament, this does but confirm that he intended to render himſelf abſolute.

1677-8. The king concludes alliances with the ſtates. Temple.

The king had not prolonged the adjournment of the parliament to the 28th of January, in order to find expedients for a general peace, as the treaſurer told Montague in his letter of the 26th of January, but to have time to receive the news of a league with Holland, which was indeed ſigned the 16th of January. This league was very far from anſwering the deſires of the parliament. It was properly but defenſive, to prevent the king of France from purſuing his conqueſts in the Netherlands. Nay, it may be eaſily judged conſidering the king's ſtrict union with France, and the ſecret correſpondences between the two courts, whether he had any great deſire to go to war with the king of France, in order to oblige him to reſtore what he had taken. He believed nevertheleſs, that this league would be capable to impoſe upon the parliament, and therefore had deferred their meeting to receive the news of its concluſion. Supported by this league, which, according to him, was to produce wonderful effects, he made the following ſpeech to both houſes, the 28th of January.

My lords and gentlemen,

The king's ſpeech. Kennet.

'WHEN we parted laſt, I told you, that before we met again I would do that which ſhould be to your ſatisfaction. I have accordingly made ſuch alliances with Holland, as are for the preſervation of Flanders, and which cannot fail of that end, unleſs prevented either by the want of due aſſiſtances to ſupport thoſe alliances, or by the ſmall regard the Spaniards themſelves muſt have to their own preſervation. The firſt of theſe I cannot ſuſpect, by reaſon of your repeated engagements to maintain them; and I know you are ſo wiſe as to conſider, that a war which muſt be the neceſſary conſequence of them, ought neither to be proſecuted by halves, nor to want ſuch aſſurances of perſeverance as may give me encouragement to purſue it; beſides, it will not be leſs neceſſary to let our enemies have ſuch a proſpect of our reſolutions, as may let them ſee certainly that we ſhall not be weary of our arms, till Chriſtendom be reſtored to ſuch a peace, as ſhall not be in the power of any prince alone to diſturb.

'I do acknowledge to you, that I have uſed all the means poſſible by a mediation, to have procured an honourable and ſafe peace for Chriſtendom; knowing how preferable ſuch a peace would have been to any war, and eſpecially to this kingdom, which muſt neſeſſarily own the vaſt benefits it has received by peace, while its neighbours only have yet ſmarted by the war; but finding it no longer to be hoped for by fair means, it ſhall not be my fault if that be not obtained by force which cannot be had any other ways. For this reaſon, I have recalled my troops from France, and have conſidered, that altho' the Dutch ſhall do their parts, we cannot have leſs on ours than 90 ſail of capital ſhips conſtantly maintained, nor leſs than 30 or 40,000 land-men (with their dependencies) to be employed upon our fleets and elſewhere. And becauſe there ſhall be no fear of miſ-employing what you ſhall give to theſe uſes, I am contented that ſuch money be appropriated to thoſe ends as ſtrictly as you can deſire. I have given teſtimony enough of my care in that kind, by the progreſs I have made in building the new ſhips; wherein, for the making them more uſeful, I have directed ſuch larger dimenſions as will coſt me above 100,000 l. more than the act allows. I have gone as far as I could in repairing the old fleet, and in buying neceſſary ſtores for the navy and ordnance: And in this and other proviſions for better ſecuring both my foreign plantations and the Iſlands nearer home, I have expended a great deal more than the 200,000 l. you enabled me to borrow upon the exciſe, altho' I have not found ſuch credit as I expected upon that ſecurity. I have born the charge both of a rebellion in Virginia, and a new war with Algiers: I ſtand engaged to the prince of Orange for my niece's portion, and I ſhall not be able to maintain my conſtant neceſſary eſtabliſhments, unleſs the new impoſts upon wine, &c. be continued to me, which would otherways turn only to their profit to whom we leaſt intend it.

'I hope theſe things will need little recommendation to you, when you conſider your promiſes in ſome, and the nceſſity of the reſt; and to let you ſee, that I have not only employed my time and treaſure for your ſafety, but done all I could to remove all ſorts of jealouſies, I have married my niece to the prince of Orange, by which I hope I have given full aſſurances, that I ſhall never ſuffer his intereſts to be ruined, if I can be aſſiſted, as I ought to be, to preſerve them. Having done all this, I expect from you a plentiful ſupply, ſuitable to ſuch great occaſions, whereon depends not only the honour, but, for ought I know, the being of the Engliſh nation, which will not be ſaved by finding fault afterwards, but may be prevented by avoiding the chief fault of doing weakly and by halves, what can only be hoped from a vigorous and thorough proſecution of what we undertake. Theſe conſiderations are of the greateſt importance that ever concerned this kingdom, and therefore I would have you enter immediately upon them, without ſuffering any other buſineſs whatſoever to divert you from bringing them to good reſolutions.

A remark upon this ſpeech.

It is very ſtrange, that Charles II, with more extraordinary ſupplies than were ever granted to any king of England, with a revenue much larger than that of any of his predeceſſors, (which, by the calculation of the commons, amounted to 1,600000 l.,) was nevertheleſs always in want, and oppreſſed with debts, and in every ſpeech told his parliament, that he had expended for the publick, more than was granted him. He had however been engaged but in two wars, which he might have avoided if he had pleaſed, and ſaved his ſubjects ſeveral millions, fruitleſsly conſumed in theſe wars. But this is not the only reflection which may be made upon this ſpeech; there is another of much greater importance.

The whole ſpeech was founded upon a ſuppoſition which naturally ought to have been true, but was not, namely, that his alliance with Holland could not fail to engage him in a war with France, tho' nothing was farther from his intention. His aim therefore was to repreſent his alliance with Holland, and the war againſt France, as one and the ſame thing, or at leaſt the war as the neceſſary conſequence of this alliance, tho' he gave no poſitive hopes of the war. There was indeed a wide diſtance between the one and the other. For, if the parliament had granted the immenſe ſums he demanded, it is certain, he might have made peace when he pleaſed, without expending any of the money in preparations. He would only have had to declare againſt France, and peace would inſtantly have followed. For France was not in condition to reſiſt, if England had been ſincerely united with the reſt of her enemies. Herein the king threw the parliament into a great dilemma. For, either they were to grant him the large ſums he demanded, without having other hope of a future war, than a conſequence not abſolutely neceſſary, or in refuſing the ſupply, they gave the king a plauſſible pretence to ſay, it was not his fault, that England did not join with the enemies of France. But in the houſe of commons were men of ſufficient abilities to diſcover the king's artifices, and inſtruct their fellow members, wherein they ſucceeded the more eaſily, as above two thirds of the houſe were little inclined to truſt to the king's word.

The commons engaged in difficulties.

The commons addreſs the king. Echard.

It was therefore reſolved, after great debates, to preſent an addreſs to the king, the ſubſtance of which was,-----' That they beſought him not to admit of any treaty of peace, whereby the French king ſhould be left in poſſeſſion of any greater dominion or power, than was left him by the Pyrenean treaty: That no trade be admitted with France, or any goods ſuffered to be imported from thence, on pain of forfeiture. And when he ſhould be pleaſed to communicate his alliances to them in parliament, they would give ſuch ready aſſiſtance, on all occaſions, as might bring the war to a happy concluſion.'

The king finds a way to elude it. Feb. 4. Echard.

This addreſs threw the king, in his turn, into a great perplexity. He would have it believed, that he intended to make war upon France, tho' he had already reſolved againſt it. He could not therefore anſwer this addreſs without a direct aſſent or diſſent, and this is what he was willing to avoid. To extricate himſelf, he had recourſe to the ſame expedient he had formerly uſed. This was, to complain of the great invaſion of his prerogative, in thus preſcribing the methods he was to uſe, which at the ſame time he ſhowed to be ridiculous and impracticable. He ſaid, his ſpeech was to both houſes, and the return ought to be from both. That however, if, by their aſſiſtance, he was put into arms ſufficient for ſuch a work, he would never be weary, till Chriſtendom was reſtored to ſuch a peace, that it ſhould not be in the power of one prince to diſturb it: That the rights of making and managing war and peace, belonged ſolely to him, and they were miſtaken, if they thought he would ever depart from that right: That if the commons would encourage him to go further in alliances, they muſt conſider of raiſing ſpeedy ſupplies; for from the conſideration of thoſe he muſt take his meaſures.

The commons ſenſible of his artifices.

The meaning of this anſwer was eaſily underſtood, viz. that the king ſtudiouſly avoided to ſay poſitively, he intended to declare war againſt France, tho' he wiſhed that conſequence ro be drawn from his alliance with Holland: Alliance, of which the contents were not known, and which was not yet imparted to the parliament. He pretended, however, that on his bare declaration or information of an alliance with Holland, the parliament ſhould enable him to maintain 90 large ſhips, beſides 30 others, and 40000 land-forces. And yet, when the articles of this treaty, ſhortly after, came to be known, the commons voted, that it was not purſuant to their deſires. It is eaſy to ſee, wherein the difference between the king and the commons conſiſted. The king feared, or feigned to fear, that the parliament, after ingaging him in a war wirh France, would leave him deſtitute of means to ſupport it. The commons really diſtruſted his ſincerity, and feared, that, after receiving the money, he would think no more of war, but ſuffer an unſafe peace to be concluded. Let the reader determine for one or other. I ſhall only ſay, that, if the reigns of Henry III, and Richard II, are excepted, England had never ſeen, till within the laſt 60 years, ſuch mutual diſtruſt between her king's and parliaments. It muſt be imputed to this, that James I. Charles I, and Charles II, were no ſlaves to their word, and while they pretended to ſalve their ſincerity by generals, reſtrictions, obſcure, or ambiguous expreſſions, they loſt entirely the confidence of their ſubjects. Every king of England is in danger of being very unhappy, when, by ſuch artifices, he renders ſuſpected the ſincerity of what he ſays in full parliament.

However this be, the commons reſolved to grant the king a ſupply, but with ſtrict limitations. At the beginning of this ſeſſion, they had granted him 70000 l., for a ſolemn funeral of his father, whoſe body could not be found, tho' it was certainly known to be interred in Windſor chapel. I dont know whether it was ever diſcovered, or the intended obſequies performed.

The earl of Shaftſbury diſcharged. Echard.

The earl of Shaftſbury, after 13 months confinement in the Tower, was at laſt diſcharged. But not till he had begged pardon on his knees at the bar of the lords houſe, as well for his fault as his obſtinacy in not acknowledging it.

Ghent and Ipres taken by the French. Echard.

While ſo much time was ſpent in England in deliberations about war, the king of France taking the field in February, made himſelf maſter of Ghent and Ipres in March, and then put his forces into quarters of refreſhment. Theſe conqueſts alarmed the Dutch, that from this time they reſolved upon a ſeparate peace, though they durſt not publickly own it. Lewis XIV, who knew their intentions, and had nothing to fear from England, began to talk like a conqueror, and to form himſelf the plan of the peace he was willing to grant the allies, and which was different from that agreed on between Charles and the prince of Orange.

Echard.

An addreſs gives the king occaſion to adjourn the parliament Acts paſſed;

On the other hand, the commons of England, alarmed at the progreſs of the French arms, made haſte to finiſh a bill for raiſing money by a poll-tax. The 14th of March they reſolved upon an addreſs to the king, to pray him to declare war againſt France, to diſmiſs the ambaſſador of that crown, and recall his own from Paris, with a promiſe of the neceſſary and plentiful ſupplies. This addreſs was ſent the next day to the lords for their concurrence: But, before an anſwer was given, the king came to the houſe of lords the 20th of March, and after paſſing the poll-bill, and ſome others, adjourned the parliament to the 11th of April.

It is remarkable that five days after, the lord-treaſurer wrote the ſecond of the forementioned letters to ambaſſador Montague, concerning the ſecret negotiation of which I have ſpoken.

1678. The king aſks the advice of the two houſes. Echard.

The advice of the commons diſpleaſes him. A ſecond addreſs. Echard.

The king's angry anſwer.

Prorogues the parliament. Burnet.

The parliament meeting the 11th of April was further adjourned to the 29th, when the chancellor acquainted the two houſes, that the king had diſcovered that the Dutch were thinking of a ſeperate peace without his conſent or privity, and deſired their advice how to proceed. The commons gave their advice for an actual war with France, and at the ſame time voted, " That the late leagues made " with the ſtates-general of the United-Provinces, were not purſuant to the addreſſes " of the houſe, nor conſiſtent with the good " and ſafety of the kingdom." The king returned an anſwer, which teſtified his reſentment of this vote. But the commons, not at all diſcouraged, preſented a ſecond addreſs, in which----" They beſought him to communicate to them his reſolutions upon their " advice."------They added, " That the inconveniencies and dangers which the kingdom lay under, might have been totally, " or in a great meaſure prevented, in caſe " his majeſty had accepted of the advice by " them given in their addreſs of the 26th " of May laſt, and the 31ſt of January: They " beſought him therefore, that he would be " pleaſed to remove thoſe counſellors that adviſed him to give thoſe anſwers which he " did to the ſaid addreſſes.----In fine, that he " would be pleaſed to remove the duke of " Lauderdale from his preſence and council." -----The king immediately anſwered, " That " he was much ſurpriſed at the extravagancy " of their addreſs, and unwilling at preſent " to give it ſuch a due anſwer as it deſerved." Two days after, viz. the 13th of May, he prorogued the parliament to the 23d of the ſame month. Thus the propoſal for a war with France never failed to produce either an adjournment or a prorogation. It muſt be remarked, that this was at the very time, the ſeparate peace between France and Holland was a negotiating, which the Dutch would never have reſolved, could they have believed that England would declare for a war. Nevertheleſs, the king would ſtill have it believed, he was diſpoſed to war, tho' hitherto he had not poſitively ſaid it. To this end, immediately after the poll-bill had paſſed, he raiſed 30000 men, who were compleated in ſix weeks.

An embaſſy from the ſtates, to acquaint the king, that he might yet prevent the peace. Temple's Mem.

The king reſolves to accept the money offered by France.

While theſe forces were raiſing, and before the prorogation of the parliament, the ſtates-general ſent Van Lewen to the king, to acquaint him, that they were diſpoſed to a peace, becauſe they ſaw, there was no reliance on the uncertain meaſures of England. That however, if the king would immediately declare war againſt France, they would break off all negotiations, and vigorouſly proſecute the war purſuant to their alliances, and that his declaration was the only thing that could prevent a peace. This was declared to the king by Sir William Temple, from the ſtates ambaſſador. The king now finding that a poſitive anſwer was to be returned, which he had hitherto avoided, told Sir William Temple, " That ſince the Dutch would have a " peace upon the French terms, and France " offered money for his conſent to what he " could not help, he did dot know why he " ſhould not get the money."

A treaty negotiated at London between Charles and Lewis.

The weakneſs of this evaſion is manifeſt: for tho' the ambaſſador of the ſtates had declared, there ſhould be no peace, if the king would really engage in a war, the king, ſuppreſſing this poſitive declaration, ſuppoſed that the ſtates were for a peace upon any terms. Upon this falſe ſuppoſition, he ordered Sir William Temple to treat with Barillon the French ambaſſador, but Sir William wiſely declined ſuch a negotiation. What Temple refuſed was undertaken by others, and the ſame author ſays, that amongſt the articles propoſed by the ambaſſador of France, for concluding a private treaty with the king, there was one article which was ſo offenſive, that the king aſſured him he would never forget it while he lived. He ſays no more, whether becauſe he was not informed of it, or did not thing proper to divulge what he knew. But Dr. Swift, who publiſhed Sir William Temple's letters, acquaints us with that remarkable paſſage, viz. ' That France, in order to break the force of ' the confederacy, and elude all juſt conditions of a general peace, reſolved by any ' means to enter into ſeparate meaſures with ' Holland, to which end it was abſolutely neceſſary to gain the good offices of the king ' of England, who was looked upon as the ' maſter of the peace when ever he pleaſed. ' The bargain was ſtruck for either 3 or ' 400,000 l.: But when all was agreed ' Mr. ' Barillon, the French ambaſſador, told the ' king, that he had orders from his maſter ' before payment to add a private article, by ' which his majeſty ſhould be engaged, never to keep above 8000 men of ſtanding troops in his three kingdoms. This unexpected propoſal put the king in a rage, and made him ſay, God's fiſh! Does my brother of France think to ſerve me thus? Are all his promiſes to make me abſolute maſter of my realms come to this? Or does he think that a thing to be done with 8000 men?"

The apparent deſigns of Charles from this treaty.

Hence it evidently appears, for what the 30000 men the king was raiſing were intended. They could not be levied for a war againſt France, tho' the king uſed that pretence, ſince he had already made his bargain with that crown for 4000000 of livres. Nothing elſe therefore can be thought, but that the king ſeeing the peace upon the point of concluſion, which he only could, but would not prevent, imagined, that after the peace, the king of France would aſſiſt him to become abſolute maſter in his kingdoms, and furniſh him with money to maintain the 30000 men without his applying to the parliament. If this be not ſo, what account can be given of his conduct in raiſing an army, at a time when all his proceedings ſhewed, he had not the leaſt deſire to make war upon France?

He is abuſed by the king of France.

The king was deceived by the promiſes of Lewis XIV, who artfully took advantage of the eager deſire of Charles and the duke his brother to eſtabliſh an abſolute government in England, to engage them in all the meaſures they had taken during the whole war, and which were ſo directly contrary to the intereſts of the kingdom. But when he ſaw himſelf ſecure of a peace with the Dutch, and by a neceſſary conſequence, of a general peace with all Europe, he made a jeſt of his promiſe to his friend. He thought, doubtleſs, it was not for the intereſt of France, that the king of England ſhould be abſolute, or rather, he feared to engage, for the ſole intereſts of the king of England, in an undertaking capable of kindling a new war, in which all Europe might be concerned.

I knew not whether the king conſented to Lewis's demands, and am only ſure, that he continued his levies, whether with intention to execute his deſigns without the aſſiſtance of France, or in the hope of obtaining better conditions from Lewis, by terifying him with the apprehenſion of his joining with the allies, which might ſtill be practicable. By degrees, he ſpoke more gently of war, and ſufficiently declared his inclination for peace. In all appearance, he had adjuſted matters with France.

The parliament ſits. Echard.

Affairs were in this ſituation when the parliament met the 23d of May, after a prorogation of ten days. The king opened the 17th ſeſſion of this long parliament with a ſpeech, the ſubſtance of which was as follows.

The king's ſpeech.

'---- I am reſolved, as far as I am able, to ſave Flanders, either by a war or a peace, which way ſoever I ſhall find moſt conducing towards it. ---- If I were able I would keep up my army and my navy at ſea for ſome time; but I leave it to you to conſider of ſupplies for their continuance or diſbanding; and in either caſe not to diſcourage ſo many worthy and brave gentlemen, who have offered their lives and ſervice to their country, and in purſuit of your own advices and reſolutions. I muſt tell you, that a branch of my revenue is now expiring, and another part of it is cut off by a clauſe in the poll-bill; that I have borrowed 200,000 l. upon the exciſe at your requeſt, of all which you are to conſider. I never had any intentions but of good to you and my people, nor never ſhall; therefore I deſire you will not drive me into extremities, which muſt end ill both for you and me, and (which is worſt) for the nation. I deſire to prevent all diſorders or miſchief that may befall by our diſagreement; but in caſe there do, I leave it to God Almighty to judge who is the occaſion of it. One thing more I have to add, and that is, that I will never more ſuffer the courſe and method of paſſing laws to be changed, by tacking together ſeveral matters in one bill. The reſt I leave to the lord chancellor."

The chancellor's ſpeech, according to cuſtom, tended to excuſe the king's meaſures. As he only inlarged upon what the king had ſaid more ſuccinctly, I think it needleſs to inſert the ſpeech, which offered nothing new or material.

A reſolution of the commons. Kennet.

The houſe of commons having adjourned themſelves for three days, met again the 27th of May, and came to the following reſolution; 'That the houſe taking into conſideration the ſtate of the nation, and the expence occaſioned by the army, were humbly of opinion, that if his majeſty pleaſe to think fit to enter into the war againſt the French king, the houſe was, and would be always ready to aſſiſt him in that war; but if otherwiſe, they would proceed to the conſideration of providing for the ſpeedy diſbanding of the army.'

Communicated to the king. His anſwer.

The houſe further ordered, that the members of his majeſty's privy-council ſhould acquaint the king with this vote, and pray his ſpeedy anſwer. The king replied, 'That the French king had made ſuch offers of a ceſſation till the 27th of July, that he believed they would not only be accepted, but end in a general peace; yet, as that was uncertain, it would not be prudent to diſmis either fleet or army before that time.' Upon this anſwer the houſe voted, 'That all forces raiſed ſince the 29th of September laſt (except thoſe tranſported to foreign plantations) be forthwith paid off and diſbanded, and that they would conſider of a ſupply for that purpoſe.' Accordingly the 4th of June the houſe voted 200,000 l. for the diſbanding the army by the end of the month, and the next day they voted the ſame ſum towards defraying the expences of the fleet.

A vote for diſbanding the army.

A meſſage from the king.

Upon theſe votes the king, by a meſſage, told the houſe, that his mind was ſtill the ſame, that the army and fleet ought to be kept up till the expected peace ſhould be concluded; and he further recommended to their conſideration, 'Whether it were not diſho-

‘nourable for him to recall his forces in Flanders from thoſe towns which he had taken into his protection, before they could provide themſelves of other ſuccours.’ Upon this conſideration the commons extended the time, as to the forces in Flanders, to the 27th day of July.

A vote to grant no more money during the ſeſſion.

The king acquaints the houſes with the peace of Nimeguen. June 18. Echard.

Demands money.

The 15th of June, the houſe reſolved, “That after the Tueſday following, no motions ſhould be made for any new ſupplies of money, till after the next receſs.” As hitherto the houſe had experienced, that the king only amuſed them, and intended to have the money before he poſitively declared himſelf, they reſolved to put him under a neceſſity of declaring, within three days, for fear he ſhould ſtill continue to amuſe them, till it was too late. Accordingly, on that very Tueſday the king came to the houſe of peers, and, ſending for the commons, told both houſes, ‘That the peace between France, Spain, and Holland, was almoſt concluded, in which his part would be not only that of mediator, but alſo to give his warrants in it. That Spain writes word, that unleſs England bears the charge of maintaining Flanders, even after the peace, they will not be in a condition to ſupport it long. Therefore to that end it was neceſſary to keep up the navy at ſea; and not only ſo, but to give the world ſome aſſurance of being well united at home: That tho’ the houſe of commons might think ſuch a peace as ill a bargain as a war, becauſe it would coſt them money, yet if they ſeriouſly conſider, that Flanders had been loſt, and perhaps by this time, he believed they would give much greater ſums than that would coſt, rather than the ſingle town of Oſtend ſhould be in French hands, and 40 of their men of war in ſo good a haven, over-againſt the river’s mouth.’ Then he inſinuated to them, ‘That they could not but be pleaſed to undetſtand the reputation England had gained abroad, by having in 40 days, raiſed an army of 30,000 men, and prepared a navy of 90 men of war; therefore, if they deſired to keep up the honour of the crown at home, and look to the ſafety of the ballance of affairs abroad; if they deſired he ſhould paſs any part of his life in quiet, and all the reſt in confidence and kindneſs with them, and other future parliaments, they muſt find a way not only to ſettle for his life his revenue as at Chriſtmaſs laſt, but alſo to add a new fund of 300,000 l. per Annum, upon which he would paſs an act to ſettle 50,000 l. upon the navy and ordnance; and ſhould be likewiſe ready to conſent to all ſuch laws as they ſhould propoſe for the good of the nation.’ He laſtly reminded them, ‘to enable him to keep his word with the prince of Orange in the payment of his niece’s portion, which was 40,000 l.; the firſt payment being now due, and demanded by him.’

And an augmentation of his revenue. Burnet.

Would not one think at reading this ſpeech, that the king had hitherto kept the ballance of Europe perfectly even, and was thereby intitled to demand, that he ſhould be enabled to preſerve it? Would not one think, that he had done the nation ſome important ſervice, which deſerved an augmentation to his revenue of 300,000l. a year? But the commons were ſo uſed to ſuch ſpeeches, that they made no impreſſion upon them. If their diſtruſt of the king had been hitherto great, it may be affirmed, it conſiderably increaſed, when they ſaw a peace concluded, which diminiſhed not the great power of France, but left Europe expoſed to her mercy. It was evident, the king might, if he had pleaſed, have procured a more advantagious peace. After this, it is not ſtrange, that his ſtrict union with France, was ſuſpected to conceal deſigns which were not for the good of the nation. Accordingly, when the commons came to debate on the additional revenue demanded by the king, it was unanimouſly rejected. Moreover the houſe refuſed to give a compenſation for the loſs ſuſtained by the king in the prohibitation of French commodities. In ſhort, the lords having paſſed the bill for diſbanding the army, with an enlargement of the time prefixed for one month longer, the commons abſolutely refuſed their conſent to the amendment.

The king perceiving by this, what he was to expect from the commons, came to the parliament the 15th of July, and paſſed ſeveral bills, of which theſe were the principal.

Acts paſſed. Statute-b.

1. An act for granting a ſupply of 6,19380l. for diſbanding the army, and other uſes therein mentioned. 2. An act for granting an additional duty to his majeſty upon wines for three years. 3. An act for burying in woollen. This act, which is ſtill in force, is vey ſerviceable to the flannel manufacture, and conſequently makes a great conſumption of wool.

The parliament prorogued. Echard.

Theſe acts being paſſed, the chancellor acquainted both houſes, that the king thought proper to prorogue them to the firſt of Auguſt, and ſo to keep them in call, by ſhort prorogations, but that his intention was, they ſhould not meet till winter, unleſs there was occaſion for their aſſembling ſooner. Thus ended the 17th ſeſſion of this parliament. And thus England ſaw herſelf engaged in an expence of 600,000 l., to pay an army and fleet, which certainly had not been prepared to make war with France, or for the ſecurity of England.

A difficulty ſtarted, relating to the evacuation of ſome towns by the French. Burnet.

While the parliament was ſitting, the ſtates-general ſeeing that nothing was to be hoped for from England, treated with France, both for themſelves and Spain, with regard to the Netherlands. At laſt, every thing being ſettled, and the king of France promiſing to reſtore to the Spaniards, Ghent, Aeth, Charleroy, Oudenard, Courtray, and Limburgh, the ſtates ordered their plenipotentiaries at Nimeguen to ſign the peace the laſt of June. It was univerſally expected, that the peace would be ſigned that day. But as the time for this reſtitution had been neglected to be fixed (the Spaniards and Dutch, not doubting but it was to be immediately after the exchage of the ratifications) the Spaniſh ambaſſador happened the day before, to aſk the French plenipotentiaries, when they would reſtore the towns? to this they poſitively anſwered, that it would not be till after the rſtitution of the towns taken from the king of Sweden, by the allies in the north. This unexpected pretenſion put a ſtop to the ſigning of the peace, and the Dutch plenipotentiaries received expreſs orders from their maſters not to ſign, unleſs France would engage to reſtore the ſix placs, upon the ratification of the treaty. But the French were immoveable, and appeared reſolute to continue the war, unleſs Sweden was ſatisfied.

A league between Charles and the ſtates. Temple's Mem.

Charles being informed of this new difficulty, and told moreover by the French ambaſſador, that it was his maſter's intention, immediately ſent Sir William Temple to Holland, with full power to ſign a league with the ſtates, by which they ſhould be mutually bound to continue the war, in caſe France ſhould not agree to evacuate the ſix towns within ſuch a time. This league was really concluded and ſigned the 26th of July, to the great ſatisfaction of the prince of Orange, and thoſe who thought the peace very diſadvantagious.

The readineſs with which this reſolution was taken by the king, much ſurprized thoſe who from his former proceedings had no great opinion of his ſincerity. But when it was ſeen that the league was concluded, and France continued obſtinate, it was hoped, the war would be renewed with more vigour than ever, and that England would incline the ballance to the ſide of the allies. It is difficult to diſcover the motive of the king's vigorous reſolution. Some have believed, he was really offended at the contempt France ſeemed to ſhow, of his mediation, in ſtarting ſuch an incident. Others have thought, that foreſeeing France would at laſt comply, notwithſtanding her ſeeming reſoluton, he had a mind to redeem his credit by his vigour with the Engliſh, who till then ſtrongly ſuſpected him of too cloſe a correſpondence with that crown. Others have judged, that he took this reſolution, in order to obtain a large ſupply from the parliament, not doubting but he ſhould be afterwards able to procure a peace.

Charles diſconſerts the meaſures of the ſtates. R. Coke.

However this be, it appeared ſhortly after, that the king repented of what he had done, and feared that his league would rekindle the war. At the time that the Dutch were preparing to improve this happy juncture, to break off the negotiation with France, and to riſe in their demands, one Du Cros, an agent of Sweden at London brought an expreſs order from the king for Sir William Temple to repair immediately to Nimeguen, and uſe his utmoſt endeavours to perſwade the plenipotentiaries of Sweden to conſent to the evacuation of the ſix towns within a limited time. The king ordered him likewiſe to aſſure them, that after the peace he would uſe the moſt effectual endeavours he could, for the reſtitution of all the territories the Swedes had loſt in the war. It was not difficult for Sir William Temple to infer from hence, that the king had no inclination to quarrel with France. But he was ſtill more fully convinced, when he was informed from penſionary Fagel, that Du Cros had been with the ſtates deputies, and acquainted them with the order he had brought, that he had alſo ſaid, the terms of the peace were abſolutely agreed between the kings of France and England, and from ſome expreſſions he had heard the king uſe, intimated, it would be in vain to pretend to prevent it. As Sir William and the penſionary could not doubt that Du Cros was ſent by the king, they concluded, either the king had changed his mind, or had never deſigned to enter into a war with France. Wherefore the ſtates, inſtead of forming new ſchemes, were contented with the plan already agreed on, with a reſolution however not to ſign the treaty till the reſtitution of the ſix towns was aſſured within ſuch a time.

Baſnage.

Since the league had been concluded at the Hague, the king of France, to whom it was communicated, had uſed all poſſible artifices to elude, and bring it to a negotiation, with an offer to treat upon it, either at St Quintin or Ghent. But the ſtates, on the contrary, had expreſsly ordered their ambaſſadors to break off the negotiation, if the peace was not ſigned by ſuch a day, with the article of the evacuation of the towns in a limited time. Sir William Temple came to Nimeguen but three days before the expiration of the time fixed by the ſtates. On his arrival he found very little diſpoſition on either ſide towards ſigning the peace; the French and Dutch appeared equally inflexable, and the latter would not hear either of any negotiation or delay. At laſt came the critical day, the 11th of Auguſt, fixed by the treaty at the Hague, in the morning of which the French ambaſſadors deſiſted from their pretentions, and the peace was ſigned before twelve that night. This gave France the deſired ſatisfaction of making a ſeparate peace with Holland, which was immediately followed by a peace between France and Spain, and ſome months after with all the confederate powers, except the duke of Lorrain, who could never obtain his re-eſtabliſhment. It may be affirmed with great truth, that the king of England might have procured Europe a more advantagious peace, ſince the parliament would have granted him the neceſſary ſupplies if he had pleaſed to act agreeably to the intereſt of Europe in general, and of England in particular. His conduct can only be aſcribed to his deſire of executing the project of rendering himſelf abſolute, and introducing the Popiſh religion in England, which he thought could not be accompliſhed without the aſſiſtance of France.

Blockade of Mons. Temple.

The league concluded between England and Holland, the 26th of July, had, as I ſaid, fixed the 11th of Auguſt for ſigning the peace. In this interval the king of France had by his general the duke of Luxemburgh blocked up Mons. All his artifices to draw the affair of the evacuation into a negotiation, were only to gain time for Luxemburgh to become maſter of Mons before the peace was ſigned. But the Dutch being bent not to enter into treaty upon that affair, the French general had not time to make any great progreſs before that pleace. Mean while the prince of Orange being informed that peace was upon the point of being ſigned, and deſiring to diſtinguiſh himſelf by ſome great action, marched directly to the duke of Luxemburgh, ſurprized him, and gave him a conſiderable check. This battle, called afterwards the battle of St. Denys, being fought the 14th of Auguſt, three days after the peace was ſigned, gave occaſion to various opinions concerning this action of the prince of Orange. Some ſaid he knew not the peace was ſigned. Others pretended, the news was brought him by an expreſs, but not from the ſtates, and therefore he might improve the preſent advantages. However, with this action ended a war which had laſted ſix years, and was at firſt ſo fatal to Holland, that the republick ſaw itſelf on the brink of deſtruction.

Battle of St. Denys. Temple.

Obſervations upon the Popiſh plot.

We are now come to the diſcovery of the famous conſpiracy known in England by the name of the Popiſh Plot, which makes one of the principal periods of this reign, and has given occaſion to many politicians to exerciſe their talents, ſome in ſupporting the reality, others in expoſing the falſity of it. What I have been ſaying is ſufficient to demonſtrate the impoſſibility for any Hiſtorian whatever to pleaſe two ſorts of men, whoſe ſentiments are diametrically oppoſite, and who, through prejudice, religion, paſſion, and party-intereſt are previouſly diſpoſed to believe or disbelieve the Popiſh plot. A hiſtorian is in vain impartial if his readers are not ſo. The courſe of this hiſtory engages me to ſpeake of this famous conſpiracy, on which depend all the events of the reſt of this reign. It may well be judged, that I do not expect to ſatisfy all the world: this I take to be an impoſſible thing. What therefore I propoſe is, to inform the reader of the conſpiracy itſelf, whether true or falſe, of the reaſons and proofs alledged in maintenance of the reality or falſehood, and to have the inward ſatisfaction of ſaying nothing but what I believe to be true.

But before I proceed to the particulars, it is abſolutely neceſſary to clear ſome ambiguities which I have obſerved in the writers of both ſides, that the reader may be the better prepared to be upon his guard.

1. The word Plot in Engliſh, and Conſpiration in French, are always taken in a bad ſenſe. Their general ſignification is, a deſign, but an unlawful deſign to atempt ſomething againſt the perſon of the king or his miniſters, againſt the conſtitution of the government, againſt the eſtabliſhed religion, in ſhort a deſign bad in itſelf, wherein the publick is concerned, and for the execution whereof means and inſtruments are already prepared. But if any one maintains, there is nothing unlawful in a deſign to change a bad religion eſtabliſhed, in order to introduce a better; or if on ſuppoſition that a government was eſtabliſhed by force and violnce, it is affirmed, there is nothing ill or unlawful in a deſign to reſtore it to its aintent ſtate, it is plain, this will only be a diſpute about words. Thus the fact or deſign in itſelf may be allowed, which by ſome will be termed a plot, whilſt others will not give it that name. This has been the caſe with ſome authors who have ſpoken of the Popiſh plot. They own there was a deſign to alter the form of the government, and ſubvert the Proteſtant religion, and yet deny there was a plot.

2. This plot, true or falſe, contained three particular deſigns. 1. To kill the king. 2. To ſubvert the government. 3. To extirpate the Proreſtant religion, and eſtabliſh Popery. Moſt of the writers inſtead of conſidering theſe three articles, as branches of one and the ſame plot, have affected to ſeparate them. Some have chiefly inſiſted upon the deſign of killing the king, and ſlightly touched upon the other two. They believed themſelves able to prove the falſhood of this deſign, and therefore concluded that there was no real plot. Others meeting with ſome improbabilities in the depoſitions of the witneſſes concerning the deſign of killing the king, have cheifly eudeavoured to prove the two laſt articles, from whence they have inferred, there was a true and real plot. The reader muſt be upon his guard againſt theſe artifices which entirely alter the ſtate of the queſtion, and always remember, that the plot did not conſiſt in the ſingle deſign to kill the king, or in the ſingle deſign to ſubvert the government, or in that to change religion, but in all theſe three deſigns united together, and making but one and the ſame conſpiracy.

3. Thoſe who aſſert the reality of the plot, pretend, that the king, the duke of York, and ſome of the miniſters were the heads and contrivers, and gave many proofs, ſome of which have already appeared in the tranſactions of this reign. The oppoſite party object, that it is a manifeſt contradiction to make the king author of a plot to take away his own life: That, beſides, conſpirices of ſubjects againſt their ſovereigns have been common, but to accuſe a prince of a plot againſt his ſubjects is a thing never heard of. To theſe objections it is anſwered, that tho' the plot contained three articles, the two laſt only were eſſential, and of theſe the king was the head and contriver: That the article of killing the king, tho' placed firſt, was only conſequent to, and depending upon the two others. That this was only the attempt of ſome of the conſpirators, who believed, there was no readier way to execute the plot, then by ſetting the duke of York upon the throne, who was leſs timorous and more active and daring than his brother. That therefore there is no contradiction in the ſuppoſition, that the king was the head and author of the two deſigns, of ſubverting the government, and changing religion; and that the other was carried on by ſome perſons without his privity, in order to advance the progreſs of the plot. That therefore the difficulty of this objection proceeds from the prepoſterous joining the three articles when they ought to be ſeperated, as on other occaſions they are ſeperated where they ought to be joined. As to the ſecond objection, that it is impoſſible a king ſhould plot againſt his

ſubjects, it is drawn from the word plot, which is very rarely applicable to a ſovereign. But it is by no means impoſſible for a king of England, whoſe power is limited by law, to form a deſign of eſtabliſhing an arbitrary and deſpotick government, as appears in the examples of Edward II, Richard II, James I, and Charles I. Now a man may refuſe, if he pleaſes, to give to ſuch a deſign the name of a plot, provided he does but own the reality of the thing.

4. Laſtly, it will be proper to premiſe, that there are three opinions concerning the reality or falſehood of this plot. The firſt is of thoſe who believe it true in all its branches and circumſtances. The ſecond, of thoſe who believe it abſolutely falſe, and invented on purpoſe to exaſperate the people againſt the king and the duke of York. The third, of thoſe who believe it true with regard to the deſign of rendering the king abſolute, and altering religion, but doubtful with reſpect to the deſign of killing the king, and who after duly weighing the pro and con, think they ought to ſuſpend their judgment on this article. I thought it neceſſary to arm my readers with theſe few obſervations againſt the prejudices, they may have received in reading other hiſtorians, who ſcruple not, to diſguiſe and curtail the facts, to paſs over in ſilence ſuch as are diſadvantagious to them, to inſiſt and lay great ſtreſs upon others; to inſert in their relations many ſtories admitted by their party, but ſupported with no authotity; to add numberleſs inſinuations founded only on their prejudices; in a word, to ſuppoſe continually what they have undertaken to prove. This would evidently appear in a diſputation in form, but is very eaſy to be done in a continued narrative, where the writer inſerts whatever he thinks proper.

Tonge diſcovers the plot to the king. Echard.

The 12th of Auguſt, (the day after the ſigning of the treaty of Nimeguen) Dr. Ezrael Tonge, a London divine, applied himſelf to one Chriſtopher Kirkby, who had ſome intereſt at court, to tell the king, there was a plot againſt his perſon. Kirkby diſcharged his commiſſion the next day, whilſt the king was walking in St. James's Park, the king ordered him to bring Tonge to him at eight that evening. Tonge came to Whitehall at the appointed hour, and delivered to the king a writing or narrative, which in 43 articles, contained the particulars of a plot. The king, after looking over it ſuperficially, told Tonge, he was going to Windſor the next day, but would put the paper into the hands of the lord-treaſurer Danby, on whom he ordered him to wait the next morning.

Accordingly on the 14th of Auguſt, Tonge waited on the treaſurer, who asked him if the paper left with the king, was an original or copy. Tonge anſwered, it was a copy of a writing which had been thrown into his houſe without his knowledge: but fancied it was by a certain perſon who had often entertained him upon ſubjects of the like nature. Some days after Tonge returned to the treaſurer, and told him, he knew the man, who had even put into his hands another narrative larger than the former, which he delivered to the treaſurer. After the earl had looked over the paper, he asked Tonge, whether he knew the two men ſpoken of in the narrative, as the perſons deſigned to kill the king, and went by the name of honeſt William, and Pickering, Tonge anſwered, he knew them, that they walked frequently in the park, and if a truſty perſon was appointed to go with him, he doubted not but he ſhould have an opportunity of giving him a ſight of them in a very ſhort time. The treaſurer asked, if he knew where they lodged, that they might be ſecured. Tonge anſwered he did not, but would endeavour to inform himſelf.

The treaſurer having given the king an account of what he had learned from Tonge, and of the contents of the two narratives, deſired him at the ſame time, that a warrant might be ſent for apprehending honeſt William, and Pickering, and ſome other members of the council be informed of an affair which concerned his majeſty's life. But the king would neither ſuffer the two men to be apprehended. nor permit the earl to ſpeak of it to any perſon living, and particularly to the duke of York.

who forbids the publication of it.

Some days after Tonge ſent word to the lord-treaſurer, that he knew where honeſt William and Pickering lodged: He ſaid moreover, ſome of the intended aſſaſſins were to go within two days to Windſor; but that he would give notice of the time fixed for their journey, that they might be areſted at their arrival. But ſome days after, he pretended, the journey had been prevented by an accident to one of their horſes. The king from thence concluded the whole to be a fiction, and tho' the truth might eaſily have been diſcovered, by apprehending the two men whoſe lodgings were known, he would never permit, either that they ſhould be apprehended, or the affair communicated to any member of the council, ſaying, he ſhould alarm all England, and put thoughts of killing him into peoples heads who had no ſuch thoughts before.

This reaſon being, as appears, very weak, it can only be inferred from the king's conduct, that he believed not the plot, or had ſome intereſt to ſhew he did not believe it.

Forged letters directed to Bedingfield, a Popiſh prieſt. Echard.

Three days after, Tonge wrote to the earl of Danby, that a packet of letters was to go to the poſt-houſe in Windſor directed to one Bedingfield a prieſt, the pacquet came indeed, and Bedingfield, after reading the letters carried them to the duke of York, telling him, “ He feared ſome ill was intended him “ by the ſaid pacquet, becauſe the letters “ therein ſeemed to be of a dangerous nature, “ and that he was ſure they were not the “ hand-writing of the perſons whoſe names “ were ſubſcribed to the letters.” The king being more confirmed in the belief that there was nothing real in the pretended plot, ſeemed reſolved not to permit the papers or informations received from Tonge to be produced. But the duke of York was ſo very earneſt to have the letters, directed to Bedingfield, examined by the council, that the king at laſt conſented, and gave the treaſurer leave to declare at the ſame time the intilligence received from Tonge, and ſo the affair became publick.

I have not hitherto mentioned the famous Titus Oats, principal actor in this play, becauſe having reſolved to advance nothing but what I believe exactly true, I did not think proper to adopt whatever has been ſaid concerning him, and his ſecret conferences with Dr. Tonge, of which not a ſingle voucher is produced. However, I think myſelf obliged briefly to relate, what has been advanced by others, tho' with no other certainty than their teſtimony.

Account of Titus Oates. Echard.

‘Titus Oates was the ſon of a ribbon-weaver, who afterwards turning Anabaptiſt-preacher, and being chaplain to a regiment of Cromwell's forces in Scotland, was there clapt up in priſon upon Overton's plot againſt that uſurper; but having the fortune to eſcape upon the king's reſtoration he conformed to the church, and got the living of Haſtings in Suſſex; where he continued till he thought fit to return again to his former Anabaptiſtical ſtation. This ſon of his had his firſt education in Merchant-Taylor's ſchool in London, and next in the univerſity of Cambridge, where he was ſtudent in two colleges, Caius's and St. John's, and where he left no reputation behind him for his parts or learning; tho' he ſeemed diſtinguiſhed for a tenacious memory, a plodding induſtry, and an unparallelled aſſurance, beſides a particular canting way that appeared in his academical exerciſes. Removing from thence he ſlipt into orders, and for a while officiated as curate to his father; after which he enjoyed a ſmall vicarage in Kent, from whence he removed to another in Suſſex, and after that for ſome time got into the duke of Norfolk's family, when he particularly ſided with the Socinians at London; ſo that he became very uncertain as to his principles and religion, and infamous as to his morals. In the laſt year, 1677, being abandoned and deſtitute of common neceſſaries, he fell into the acquaintance of Dr. Ezrael Tonge, a city divine, a man of letters, and a prolifick head, filled with all the Romiſh plots and conſpiracies ſince the reformation. This man was remarkable for his parts and great reading, but of a reſtleſs and humourous temper, full of variety of projects, and ſcarce ever without a pen in his hand, and a plot in his head. At firſt he ſeemed to entertain Oates out of charity, who then went by the name of Ambroſe; and complaining that he knew not where to get bread, the doctor took him to his houſe, gave him cloaths, lodging, and diet, and told him he would put him in a way. After which, finding him a bold undertaker, he perſuaded him to inſinuate himſelf among the Papiſts, and get particular acquaintance with them: Which being effected, he let him underſtand, that there had been ſeveral plots in England to bring in popery, and if he would go beyond ſea among the jeſuits, and ſtrictly obſerve their ways, it was poſſible there might be one at preſent; and if he could make that out, it would be his preferment for ever: But however, if he could get their names, and ſome informations from the Papiſts, it would be eaſy to rouze people with the fears of popery.’

Purſuant to this advice, Oats reconciled himſelf to the church of Rome, and moreover, according to ſome, entered into the ſociety of the jeſuits. In April 1677, he was ſent to Valladolid in Spain, where he remained ſix months, and then returned to England. After a month's ſtay he was ſent to St. Omer's, the Engliſh ſeminary, for farther diſcoveries. In ſhort, the latter end of June the ſame year, he returned to England, and repaired to his friend Tonge, furniſhed with materials picked up at St. Omer's. Out of theſe materials Tonge and Oates, at ſeveral conferences together either at London, or in a hired houſe at Lambeth, framed the papers or naratives delivered by Tonge to the king and the lord-treaſurer Danby, as copies of what Oates had written with his own hand.

I omit many circumſtances of what is ſaid to paſs between Tonge and Oates, which ſeem to ſuppoſe, either there was ſome third perſon who related all theſe particulars, or elſe, that one of the two diſcovered them before his death. The intent of this recital is, as may eaſily be ſeen, to ſhew, that Tonge and Oates were the inventors of this plot, which made ſo much noiſe afterwards, and never exiſted but in their heads. It muſt be owned, that if this was well proved, it would be a ſufficient evidence, that the plot diſcovered by Oates was a fiction. In the recital appears, Tonge a divine, who (having a prolifick head filled with all the Romiſh plots and conſpiracies ſince the reformation) fancies it poſſible there may be one now on foot. He perſuades Oates to inſinuate himſelf among the Papiſts, turn Catholick, and be entered into the ſociety of the Jeſuits, in order to have opportunity to make diſcoveries. Oates complies, returns from St Omer, freighted with materials, out of which theſe two men draw up a narrative of a horrid plot againſt the perſon of the king, the government, and the Proteſtant religion, and Tonge undertakes to deliver it to the king. If all this be true, there is need of no other proofs: this alone is ſufficient to demonſtrate that the plot was a fiction, and a chimera. Wherefore, if ever there is reaſon to give the readers ſome aſſurance of what is advanced, with ſo many circumſtances, it is in ſuch a caſe as this, which alone decides the queſtion. But I muſt warn the reader, that thoſe who have advanced theſe facts, have not vouchſafed to give the leaſt proof. They have not ſaid, that they were received from ſuch or ſuch perſons then living. They have cited no authors before them, nor, in ſhort, produced one voucher of what they have advanced concerning facts, which naturally could come to their knowledge, but by ſome extraordinary means. It is a deſign managed between Tonge and Oates alone, without the intervention of any third

1678.

perſon. It is certain, neither Oates nor Tonge revealed theſe pretended particulars before their death, or ever retracted their informations. It is therefore juſtly wiſhed, that thoſe who have reported their ſecret conferences with ſuch particular circumſtances, had produced ſome authority for what they have advanced.

Here follows the ſubſtance of the writing delivered by Tonge to the king, in form of a depoſition. Titus Oates was the ſpeaker tho' he had not ſigned it, and tho' his name did not appear in it.

The ſubſtance of T. Oates's narrative.

'That in April *1677*, the ſaid deponent was employed by Strange, the then provincial, Kens, Fenwick, Harcourt, and other jeſuits in London, to carry their letters to one father Suiman, an Iriſh jeſuit, at Madrid in Spain: That in his journey he broke open the ſaid letters, and found therein, an account given of what jeſuits they had ſent into Scotland, to encourage the Presbyterians to rebel; and that they feared not ſucceſs in their deſigns, by reaſon of the king's being ſo addicted to his pleaſures, and their intereſt in the duke of York, &c. That he ſaw ſeveral ſtudents ſent out of England to Valladolid, who were obliged by the jeſuits of the college ro renounce their allegiance to his majeſty of Great-Britain; and that one Armſtrong, in a ſermon to the ſtudents there, did affirm, that Charles Stuart, the king of England, is no lawful king, but comes of a ſpurious race, and that his father was a black Scotchman, and not king Charles the Firſt; with ſeveral other traiterous words and correſpondencies which he there diſcovered. Being returned to England, where he made farther diſcoveries; about the beginning of December, the ſaid deponent was ſent with another treaſonable letter, written by Strange, and ſeveral other jeſuits, to St. Omer's, wherein was expreſly mentioned their deſign to ſtab or poiſon the king; and that they had received 10,000 l. from la Chaiſe, which was in the hands of one Worſly a goldſmith in London. There was likewiſe incloſed a letter of thanks to father la Chaiſe, which the deponent carried to him from St. Omer's to Paris. During this his journey, and being abroad, he ſaw and read many other letters, all tending to the ſame end of cutting off the king, ſubverting the preſent government of England, and reſtoring the Romiſh religion; and they were ſo confident as in ſome of them to ſay, that his majeſty of England was brought to that paſs, that is, ſo poſſeſſed of their fidelity, that if any male-contents among them ſhould not prove true, but offer to diſcover, he would never believe them.'

But one of the principal things he tells us in this narrative, was, 'That April *1678*, he came over from St. Omer's with more jeſuits, to the grand conſult which was held in May, by about 50 jeſuits, at the White-Horſe tavern in the Strand, where they met and plotted their deſigns for their ſociety: From whence they diſperſed into ſeveral clubs, five or ſix in a company, where they ſigned a reſolve for the death of the king, with the manner how it was to be done, which the deponent, as a meſſenger, carried from one company to another to be ſigned. Very ſhortly after he returned to St. Omer's, and towards the end of June came back to England; where he ſoon became privy to the treaty with Wakeman to poyſon, and Honeſt William and Pickering to ſhoot, the king; and that he heard Keins a jeſuit preach a ſermon to 12 perſons of quality in diſguiſe; wherein he aſſerted, that Proteſtant and other heretical princes were *ipſo facto* depoſed, becauſe ſuch, and that it was as lawful to deſtroy them as an Oliver Cromwell, or any other uſurper, &c.

Beſides theſe new diſcoveries, he tell's us, that he learnt ſeveral other remarkable particulars from them, as, 'That the late wars, and many other miſchiefs were brought about them; but more particularly the dreadful fire in *1666*, which was principally managed by Strange the provincial; in which their ſociety employed 80 or 86 men, he could not tell which, and ſpent 700 fire-balls, and, over and above all their vaſt expence, they were 14000 l. gainers by the plunder, amongſt which was a box of jewels, conſiſting of 1000 caracts of diamonds. He farther learnt, that the fire in Southwark in the year *1676*, was brought about by the like means; and tho' in that they were at the expence of 1000 l. they made a ſhift to get 2000 l. clear into their own pockets.'

The council pays no regard to this diſcovery;

This depoſition, as I ſaid, was at laſt communicated to the council by the king's permiſſion. Probably, the king ſo managed, that the council took no great notice of this affair, and looked upon the diſcovery as a forgery. After that, the lord-treaſurer ſeeing he was clear of the buſineſs, ſince it was imparted to the council, would no longer hearken to Tonge, but when he came, diſmiſed him, either unheard, or with injurious language. This made Tonge and Oates reſolve to bring the affair before the parliament. But as they had cauſe to fear, that the court would find means to ſupreſs this depoſition, or repreſent it as a writing without name or authority, they applied to Sir Edmundbury Godfrey, a juſtice of peace in St. Martin's pariſh, and Oates requeſted him to receive his oath, that the paper which he put into his hands, contained matters of treaſon, and other high crimes. Godfrey was unwilling to grant their requeſt, and the rather, becauſe he was not ſuffered to read the particulars. But at laſt, Tonge depoſing upon oath, that the ſame had been communicated to the king, Oates was ſworn, and a certificate given him. This was the 6th of September.

Tonge and Oates take meaſurers to bring the affair before the parliament and in order to it apply to Godfrey juſtice of peace. Sep. 29. Burnet.

Sometime after, the king being returned to Whitehall, whether the council had been informed of the reſolution of Tonge and Oates, or feared to be accuſed of negligence, in an affair which concerned the king and the publick, or from ſome other motive, they reſolved to examine into the bottom of this matter. For

The council calls before it the affair of the plot. Echard.

1678.

For this purpoſe, the 27th of September, ſix weeks after the king had received the firſt information, Tonge was ſent for by the council, but not coming till the council was riſen, he was ordered to attend the next day. In this interval, Tonge took another copy of Oates's depoſition, and, it is pretended, inſerted ſeveral articles which were not in the firſt, but theſe new informations are not ſpecified. However, this was the copy which was afterwards publiſhed under the title of Oates's narrative. This copy being finiſhed, Tonge and Kirkby carried it to Sir Edmundbury Godfrey the juſtice, and left it in his hands.

Provides for the ſecurity of the informers. Burnet.

On the morrow, the council examined Tonge and Kirkby, and then ordered Oates to be called in. After their examination, Tonge and Oates had lodgings aſſigned them in Whitehall, by order of the council, with a guard for their ſecurity, and a weekly ſalary for their ſubſiſtance. And now the privy-council for above a week, ſat twice a day on this affair, and employed Oates, as he was the firſt diſcoverer of the plot, three days and nights to ſearch after and ſeize the perſons of the conſpirators, and ſecure their papers. By his means, and upon his depoſitions, were arreſted, Sir George Wakeman, the queen's phyſician, Mr. Edward Coleman, the duke of York's ſecretary, Mr. Richard Langhorn, Thomas Whitebread, John Gawen, Anthony Turner, William Ireland, William Marſhal, William Rumley, James Corker, Thomas Pickering, and many others. The eight laſt were Romiſh prieſts, or jeſuits. In Coleman's houſe were found letters which greatly confirmed Oates's teſtimony, and will be hereafter remembered.

Several of the conſpirators apprehended. Sept. 30. Octob. 2. Kennet.

Conſternation of the people.

Tho' no particulars of the plot had yet been publiſhed, the people were informed in general, that the deſign of it was to kill the king, to ſubvert the government, and change the eſtabliſhed religion. The impriſonment of ſo great a number of Roman catholicks, ſuggeſted that they were at leaſt ſuſpected of being concerned. This was ſufficient to make them believed the ſole authors of the plot. But an accident, a few days after, ſo confirmed this belief, that nothing was able to ſhake it. This was, that Sir Edmundbury Godfrey, who had ſworn Oates to his narrative, after having been miſſing four days, was found dead in a ditch about a mile out of London, with his ſword thro' his body, his cane and gloves by him, rings upon his fingers, and money in his pocket. The coroners inqueſt ſat upon the body, but meeting with ſome difficulties adjourned to the day following, when, upon the declaration of the ſurgeons, they gave up their verdict. "That he was murdered by certain "perſons unknown to the jurors, and that "his death proceeded from ſuffocation and "ſtrangling; and that his ſword had been "thruſt through his body ſome time after his "death, and when he was quite cold, becauſe "not the leaſt ſign of blood was ſeen upon his "ſhirt, or his cloths, or the place where he "was found." Tho' it was poſſible, this murder might not have been committed by the Papiſts, they were ſo readily and publickly accuſed, that it was not ſafe to deny it, and that the people drew from it an invincible proof of the plot, and the aſſurance of the Papiſts being the authors. It was not conceived, what intereſt the Proteſtants could have to murder this juſtice, but it was obvious that the Papiſts might do it in revenge for his ſwearing Oates to his narrative. The Catholicks were then in a ſituation not to dare to vindicate themſelves. The people were univerſally incenſed againſt them, and the court would not openly protect them. It paſſed therefore for certain, that the Papiſts were Godfrey's murderers. Of this will hereafter appear poſitive evidence. But as, a few years after, the face of affairs was changed, the Papiſts and friends of the court found means to give another turn to this murder. Firſt, they raiſed ſtrong objections to invalidate the depoſitions of the witneſſes. Secondly, they obſerved, that the death of Sir Edmundbury Godfrey could be of no great advantage to them, ſince he only ſwore Oates to his narrative, and from that time to his death meddled no more. Thirdly, they inſinuated, that Godfrey had murdered himſelf, out of fear of being hanged for not diſcovering ſooner what he knew. Fourthly, and upon this they chiefly inſiſted, they pretended that Godfrey had been murdered by the Proteſtants, in order to throw the odium of his death upon the Papiſts. Now as the Papiſts had no intereſt to publiſh this murder, it is pretended, that his death was concealed till the body was found, and then publiſhed by thoſe who committed the deed, in order to charge the Catholicks with it. But tho' it were true, that the whole city was filled with the rumour of Godfrey's murder the day after he diſappeared, it ſeems to me, that the conſequence drawn from thence would not be neceſſary. Thus much is certain, Godfrey was murdered, and the Papiſts were charged with the deed, as long as the Proteſtant-party prevailed; but when the face of affairs was altered, the court-party did and ſtill do, accuſe the Proteſtants of it.

The murder of Sir Edmundbury Godfrey. Kennet.

1678.

The Papiſts accuſed of it.

Echard.

However this be, the king, who was then at Newmarket, returning to London to hold the parliament, publiſhed a proclamation, with the promiſe of 500l. reward to the diſcoverer of the murderers of Sir Edmundbury Godfrey. But as this proclamation had but little effect, becauſe it was ſuggeſted that the diſcoverers would be in danger of an aſſaſſination; the king publiſhed a ſecond, with an aſſurance of his protection to thoſe who ſhould make the diſcovery.

The treaſurer communicares the plot to the council. Echard.

In the interim, the king was extremely perplexed. He had at firſt endeavoured to ſtifle the noiſe of this conſpiracy, by concealing it from his very council; but was forced at laſt to conſent it ſhould be communicated to them. And the precautions taken by Tonge and Oates, in putting the depoſition into the hands of a juſtice, had obliged the council to take precautions alſo for their own ſakes, in cauſing many perſons to be areſted. The murder of Sir Edmundbury Godfrey happening upon this, and the whole kingdom being alarmed at it, there was no poſſibiity of ſtifling the noiſe of the plot, which had now reached the moſt diſtant parts. The king therefore reſolved to take the only courſe left, which was to prevent, if poſſible, this affair from coming before the parliament. He was not ignorant of the diſaffection of the commons. The tranſactions of the laſt ſummer ſhewed, that he was ſuſpected of deſigns prejudicial to church and ſtate, and all his proceedings had given but too juſt cauſe for this ſuſpicion. He therefore feared very juſtly, that the parliament would examine into the bottom of this plot; and under a pretence of taking care of his perſon, diſcover many things which were yet to be concealed. For, as I have remarked, this plot contained three articles, namely, the three deſigns of killing the king; ſubverting the government; and changing the eſtabliſhed religion. In all appearance, the king believed not the firſt, but could not be ignorant of the two laſt. Nay, his whole conduct had made this ſo clear, that all the kingdom was in a manner convinced of it. To avoid therefore ſo dangerous a diſcuſſion; he reſolved to take from the parliament the examination of the plot. For this purpoſe, he expreſly commanded the earl of Danby, his prime miniſter, not to acquaint the two houſes with what had paſſed through his hands, and reſolved ſo to order it that every thing concerning the plot ſhould be left to the law, in the belief that it would be much eaſier for him to manage the judges than the parliament.

The king endeavours to conceal it from the parliament.

The 21ſt of October, the king opened the 18th ſeſſion of this parliament with the following ſpeech.

The king's ſpeech to both houſes. Kennet.

My lords and gentlemen,

'I Have thought the time very long ſince we parted laſt, and would not have deferred your meeting by ſo many prorogations, if I could well have met you ſooner. The part which I had this ſummer in the preſervation of our neighbours, and the well ſecuring what was left of Flanders, is ſufficiently known, and acknowledged by all that are abroad. And tho' for this cauſe I have been obliged to keep up my troops, without which our neighbours had abſolutely deſpaired; yet both the honour and the intereſt of the nation have been ſo far improved by it, that I am confident no man here would repine at it, or think the money raiſed for their disbanding, to have been ill-employed in their continuance; and I do aſſure you, I am ſo much more out of purſe for that ſervice, that I expect you ſhould ſupply it. How far it may be neceſſary, conſidering the preſent ſtate of Chriſtendom, to reduce the land and ſea forces, or to what degree, is worthy of all our ſerious conſiderations.

'I now intend to acquaint you (as I ſhall always do with any thing that concerns me) that I have been informed of a deſign againſt my perſon by the jeſuits, of which I ſhall forbear any opinion, leaſt I may ſeem to ſay too much or too little: But I will leave the matter to the law, and in the mean time will take as much care as I can, to prevent all manner of practices by that ſort of men, and of others too, who have been tempering in a high degree by foreigners, and contriving how to introduce popery amongſt us. I ſhall conclude with recommending to you my other concerns. I have been under great diſappointments by the defect of the poll-bill. My revenue is under great anticipations, and at beſt was never equal to the conſtant and neceſſary expence of the government, whereof I intend to have the whole ſtate laid before you, and require you to look into it, and conſider of it, with that duty and affection which I am ſure I ſhall ever find from you. The reſt I leave to the lord chancellor.

The earl of Danby communicates the plot to the commons. Echard.

The king had hoped by his precautions to prevent the parliament from taking cognizance of the plot. But the earl of Danby broke all his meaſures, by communicating the very firſt day, Oates's narrative to the commons. It was believed, he was either afraid of being called to an account, if he concealed from the parliament an affair of ſuch importance, which had paſſed through his hands, or was willing to ingratiate himſelf with that houſe, in which he had many powerful enemies. The king was highly provoked with a procedure ſo contrary to his orders and deſigns, and gave him a ſevere reprimand; but the thing was without remedy.

And they to the lords.

The commons having communicated theſe informations to the lords, laboured inceſſantly upon the affair of the plot. For ſome days they ſate from morning till late at night, and took extreme care to keep the minutes and votes of the houſe from being divulged. The lords were no leſs diligent; ſo that in two or three days, both houſes preſented three addreſſes to the king. The firſt was to pray him to appoint a faſt. The ſecond to require the removeal of all Popiſh recuſants out of London. The third to pray the king's order to the lord chamberlain, that no unknown perſon might have acceſs to his majeſty.

Three addreſſes from the houſes to the king. Echard.

It muſt be obſerved, theſe three addreſſes were all founded upon the diſcovery of the plot, and that both houſes did not confine it to the ſingle deſign of killing the king, but expreſly added the two others, of ſubverting the government, and changing the eſtabliſhed religion. This is a remark which is to ſerve for the whole proceſs of this affair. For never did the two houſes ſeparate theſe three articles, a clear evidence that they believed the plot was not confined to the deſign of killing the king, as ſome would inſinuate.

Oates examined by the commons. Echard.

The ſame day that the third addreſs was preſented, viz. the 24th of October, three days after the opening of the ſeſſion, Oates was examined in the houſe of commons ſix or ſeven hours. After his examination, he was ſeveral times interrogated, according to cuſtom, "Whether he knew any thing more of the plot, or any other perſons concerned in it, than what he had already mentioned;"

to which he ſolemnly anſwered, he did not. And yet, he afterwards added ſeveral things to this depoſition. As this is one of the objections againſt Oates's evidence, it will not be improper to inform the reader of what has been ſaid pro and con.

An objection againſt Oates remarked upon.

Firſt, it is ſaid, that Oates having been examined upon oath by the houſe of commons, and having affirmed, he knew no more of the plot, could not afterwards add new depoſitions againſt other perſons, without perjury. To improve this objection, it is ſaid, he was ſolemnly interrogated, whether he knew any thing more; and that he anſwered as ſolemnly, he did not. But this word ſolemnly is only uſed to aggravate the imputation of perjury. For it is eaſy to perceive, that a witneſs, at his firſt hearing, is not aſked, whether he knows any thing more, with greater ſolemnity than the other queſtions, upon which he has depoſed. It is beſides replied to this objection, that the oath taken by Oates before he was interrogated, properly reached only to the facts which he was to depoſe, and not to the queſtion after his depoſition, whether he knew any thing more of the plot? So the charge of perjury vaniſhes, unleſs it be proved, that he was again ſworn upon the laſt queſtion.

Burnet.

It is anſwered in the ſecond place, that this objection being made to Oates on another occaſion, he ſaid, that having been three days and three nights without ſleep when he was examined by the commons, and the examination laſting above ſix hours, it was not ſtrange, that at the firſt hearing he ſhould not recollect all he knew. I leave to the reader to conſider the objection and anſwer.

Echard refuted in relation to Oates.

I cannot forbear obſerving here a fallacy put upon his readers by a celebrated hiſtorian, in ſaying, that he began ſo much to abound with new diſcoveries, that ſome began to ſuſpect his veracity. Therefore adds the hiſtorian, to put an end to all ſuch doubtings, on the 31ſt of October, the commons reſolved, nemine contradicente, "That upon the evidence that has already appeared to this houſe, this houſe is of opinion, that there is, and hath been a damnable and helliſh plot contrived and carried on by Popiſh recuſants, for aſſaſſinating and murdering the king, for ſubverting the government, and rooting out and deſtroying the Proteſtant religion."

A vote of the commons. Kennet.

Beſides that this author, in aſcribing for ſole motive to the commons the deſire of putting an end to all doubtings of Oates's veracity, boldly accuſes them of not acting uprightly, it may be demonſtratively proved, that this could not be their motive, ſince the witneſs added nothing to his firſt depoſition in the ſix days between his examination and the vote of the commons. I was willing to make this remark, to ſhew, with what caution the hiſtorians who have wrote of the affairs of that time, muſt be read.

This vote having paſſed in the houſe of commons, nemine contradicente, they ordered, "That this vote be communicated to the lords at a conference, and that the lords be deſired to join with this houſe, in providing remedies for the preſervation of his majeſty's perſon and government, and the Proteſtant religion." Two days after, in a conference between the two houſes, upon the ſubject of the laſt vote of the commons, this report was made, "The lords have conſidered the vote of the houſe of commons communicated to them at the conference, and have moſt readily and unanimouſly concurred with them in it, nemine contradicente; and their lordſhips are very glad to ſee that zeal which the commons have ſhewed upon this occaſion, and do fully concur with them, That the moſt ſpeedy and ſerious conſiderations of both houſes are neceſſary for prevention of the imminent dangers. In order whereunto their lordſhips have reſolved to ſit de die in diem, forenoon and afternoon, and deſire that the houſe of commons will do the ſame."

The lords concur with it.

A preſumption for the reality of the plot.

If this proves not the plot to be real, it proves at leaſt, thar both houſes believed it ſo, ſince there was not the leaſt diviſion upon this article. To deny therefore that the plot was real, it muſt be ſaid, either that all the members of both houſes were groſsly miſtaken, or that they acted in a ſpirit of prejudice and party, to trouble the court. But why ſhould it be thought to trouble the court, if the king was not ſuſpected to have been the principal author of the plot, tho' doubtleſs, he was not concerned in the firſt article relating to the attempt upon his life, which, as I have ſaid, was only an appendix of the plot, or at leaſt was conſidered as ſuch.

Several conſpirators apprehended, of which five were popiſh lords. Octob. 14. Echard.

The ſame day that the commons examined Oates, they ſent for the lord chief-juſtice Scrogs, who took his examination upon oath, and in the houſe ſealed 26 warrants for apprehending ſo many perſons whom he had ſworn againſt, among whom were the lords Powis, Stafford, Arundel of Wardour, Petre, Bellaſis, and Sir Henry Tichbourn baronet, all Papiſts, who were ſent to the tower, and the reſt to ſeveral priſons.

The king was ſo perſuaded of his being ſuſpected, that he thought himſelf obliged to ſeem equally convinced with the parliament of the danger. To remove therefore this ſuſpicion, he publiſhed a proclamation in theſe words: 'The lords and commons having taken into their ſerious conſideration, the bloody and traiterous deſigns of popiſh recuſants, againſt his majeſty's ſacred perſon and government, and the Proteſtant religion; therefore he commanded them all, except ſettled houſe-keepers that would take the oaths of allegiance and ſupremacy, to depart the cities of London and Weſtminſter, and all places within ten miles diſtant from the ſame.'

A proclamation againſt the Papiſts.

The Papiſts accordingly departed out of London; tho' for ſo ſhort a ſpace, that in leſs than a fortnight they returned again, whether they had leave from their leaders to take the oaths, or knew ſuch proclamations were never ſtrictly executed.

Beſides this, the king knowing, that among

1678.

Another relating to the king's guards. Novem. 2. Kennet.

his foot and horſe guards, there were many Papiſts, and new converts to the Romiſh religion, declared in council, and publiſhed an order, with a promiſe of 20 l. ſterling, to whoever ſhould make diſcovery of any officer or ſoldier in his horſe or foot guards, who having taken the oaths of allegiance and ſupremacy, and the late teſt, had ſince been perverted to the Romiſh religion.

The commons not ſatisfied with theſe ſlight precautions, prepared a bill to prevent the danger from ſo many Papiſts ſitting in parliament, and particularly in the houſe of lords.

But this was only a preparative for the more eaſy prevention of the danger with which religion was threatned, from the hopes conceived by the Papiſts, of ſeeing the duke of York on the throne after his brother, who neither had, nor expected to have, any legitimate iſſue. This danger cauſed ſeveral members of the commons, to form the project of a bill for excluding the duke of York from the ſucceſſion to the crown: But this was done by degrees. On the 4th of November, a debate was ſuffered to ariſe in the houſe, for an addreſs to his majeſty, that he would be pleaſed to remove the duke of York from his perſon and counſels. But this debate was adjourned to the 8th, and afterwards to the 12th of the month.

The king perceiving the intent of the commons, came to the parliament the 9th of November, and ſending for the commons, made this ſpeech to both houſes.

The king's ſpeech to the parliament. Echard.

My lords and gentlemen,

‘I Am ſo very ſenſible of the great and extraordinary care you have already taken, and ſtill continue to ſhow, for the ſafety and preſervation of my perſon in theſe times of danger, that I could not ſatisfy myſelf without coming hither on purpoſe to give you all my moſt hearty thanks for it. Nor do I think it enough to give you my thanks only, but I hold myſelf obliged to let you ſee withal, that I do as much ſtudy your preſervation too, as I can poſſibly; and that I am as ready to join with you, in all the ways and means that may eſtabliſh a firm ſecurity of the Proteſtant religion, as your own hearts can wiſh: And this not only during my time, (of which I am ſure you have no fear,) but in future ages, even to the end of the world, And therefore I am come to aſſure you, that whatever reaſonable bills you ſhall preſent to be paſſed into laws, to make you ſafe in the reign of any ſucceſſor, (ſo as they tend not to impeach the right of ſucceſſion, nor the deſcent of the crown in the true line, and ſo as they reſtrain not my power, nor the juſt rights of any Proteſtant ſucceſſor) ſhall find from me a ready concurrence. And I deſire you withal, to think of ſome more effectual means for the conviction of popiſh recuſants, and to expedite your counſels as faſt as you can, that the world may ſee our unanimity, and that I may have the opportunity of ſhewing you, how ready I am to do any thing that may give comfort and ſatisfaction to ſuch dutiful and loyal ſubject.’

1678.

Bedloe a ſecond witneſs in the plot. Burnet.

During theſe tranſactions one William Bedloe, who took upon him the title of captain Bedloe, becauſe he had ſerved in the Low-countries, going from London to Briſtol, wrote to ſecretary Coventry from Newbury, that he had many ſecrets to diſcover, and therefore deſired that he might be arreſted on his arrival at Briſtol, and ſent to London. If I do not inſert every thing ſaid againſt Bedloe by certain hiſtorians, it is their fault, becauſe they have given no authority for what they advanced, nor do I think myſelf obliged to copy implicity from authors who wrote 40 years after the events, and have not thought proper to alledge the leaſt proof of what they aſſert. I ſhall however briefly ſay, that they ſpeak of Bedloe as of the greateſt villain that ever lived.

Bedloe was apprehended at Briſtol, according to his deſire, and brought to London the 6th of November, when the parliament was very buſy upon the affair of the plot. A guard was immediately aſſigned him for his ſecurity, and a penſion for his ſubſiſtance, with a lodging at Whitehall. The king was preſent at his examination before the two ſecretaries of ſtate. He declared he had been bred a Proteſtant of the church of England, but within two years perſuaded to turn Catholick by the jeſuits. He ſaid, he knew that Sir Edmundbury Godfrey was murthered in Somerſet-Houſe, but it is pretended, he ſolemnly declared upon oath, his ignorance of the plot then in queſtion. But as I ſaid, facts ſupported by no authority deſerve little credit. It is added, that the very next day, being examined by the houſe of lords, he thought fit upon new encouragement, to be more upon, and launch out into the depths of the plot, with a new and ſupplemental evidence. It is eaſy to perceive the tendency of ſuch inſinuations deſtitute of authority.

His depoſitions.

However this be, Bedloe declared to the lords, that Walſh and le Phaire, two jeſuits concerned in the murder of Godfrey, informed him, “That the lord Bellaſis had a commiſſion to command forces in the north, the earl of Powis in South-Wales, and the lord Arundel of Wardour had a commiſſion from the pope to grant commiſſions to whom he pleaſed: That Coleman had been a great agitator in the deſign againſt the king.” He was aſked, if he knew Oates, and he poſitively denied it, but pretended afterwards, he knew him by the name of Ambroſe.

The next day, the two houſes obtained from the king a proclamation againſt Walſh, la Phaire, Conyers, Simmonds, Pritchard, and Caſtaway, but none of them could be found.

His ſecond depoſition.

The 12th of November, Bedloe was examined a ſecond time in the houſe of lords. The ſubſtance of what he ſaid was, “That the monks of Doway firſt told him the deſign; and, after four ſacraments of ſecrecy, they ſent him to Harcourt, a jeſuit in Duke-ſtreet, London, who provided for him, and ſent him to Paris, &c. That le Phaire, Walſh, Pritchard, and Lewis, told him what lords were to govern, what men were to be raiſed, particularly 40000 to be ready in London. What ſuccours were to be expected viz. 10000 from Flanders, 20 or 30000 religious men and pilgrims from St. Jago in Spain; that Hull was to be ſurprized; and that, juſt in the critical time that the plot was diſcovered; that le Phaire gave him a ſacrament of ſecrecy; and they told him, who and who were to be killed, and the men that were to do the work. Le Phaire ſaid further, that Conyers was my lord Balaſis's confeſſor, and communicated his orders; and that they were reſolved, if any plotters were taken, to diſpatch them before they could be brought to tryal, or to burn the priſon. That le Phaire, Pritchard, Lewis, Keins, and Walſh, and others, had often told him, that there was not a Roman catholick in England of any quality or credit, but was acquainted with this deſign of the Papiſts, and had received the ſacrament from their father-confeſſors, to be ſecret and aſſiſtant in the carrying of it on: That the part aſſigned him, was to bring and carry orders and counſels, and all other intelligences from one army to another upon all occaſions, he knowing every part and road of England and Wales.’

After this depoſition, the lords having conjured Bedloe to ſpeak nothing but the truth, he did in the preſence of God, as he ſhould anſwer it at the day of judgment, aſſure all to be true he had depoſed.

A proclamation againſt the Papiſts. Echard.

The commons addreſs the king. Kennet.

His anſwer.

Bedloe's depoſition, which was communicated to the commons, was very apt to fill the parliament and people with fears. Accordingly the effect of it was ſuch, that the king, to avoid being ſuſpected of having any hand in the plot, publiſhed a proclamation the 12th of November, ‘Whereby all Romiſh recuſants, and ſuch reputed, were enjoined under the penalty of the laws, to repair to their own houſes, and not to remove more than five miles from thence without licence.’ But the commons did not think this proclamation ſufficient to free them from their fears. The ſame day they preſented an addreſs to the king, praying, ‘That a ſpecial commiſſion may be iſſued forth, for tendering the oaths of allegiance and ſupremacy to all the ſervants of his majeſty, and his royal highneſs, and to all other perſons, (except her majeſty's Portugal ſervants) reſiding within the palaces of Whitehall, St. James's, and Somerſet-houſe, and all other his majeſty's houſes; and that there may be likewiſe ſpecial commiſſions iſſued forth, for tendering the ſaid oaths to all perſons reſiding within the two ſerjeants-inns, all inns of court, and inns of chancery.’ The king returned an anſwer in writing, that he granted their requeſt, with exception of the menial ſervants of the queen and ducheſs, who were ſo very inconſiderable in their number, and within the articles of marriage. He added, ‘That he could not but take notice, that in a late addreſs from the houſe of peers, the menial ſervants of the queen and ducheſs were excepted, and that he hoped the commons would proceed with the ſame moderation as to that particular.’ This anſwer was not ſatiſfactory, and therefore they inſiſted in a ſecond addreſs, ‘That the perſons excepted in his majeſty's meſſage, might be comprehended in the ſame commiſſion, for which they gave ſome reaſons.’ But before the king had anſwered this addreſs, there happened an accident which put the commons much out of temper.

The commons ſends ſecretary Williamſon to the tower.

The 18th of November, they were informed, that ſeveral commiſſions had been granted to popiſh recuſants, and warrants alſo, that they ſhould be muſtered, notwithſtanding they had not taken the oaths, and ſubcribed the declaration according to the act of parliament, and that they were counter-ſigned by Sir Joſeph Williamſon, ſecretary of ſtate. Upon this information, Williamſon, as a member of their houſe, was immediately ſent to the tower. This much offended the king, who the next day ſent for the commons to attend him in the Banquetting-houſe in Whitehall, where in a ſpeech he told them plainly, ‘That tho' they had committed his ſervant, without acquainting him; yet he intended to deal more freely with them, and aquaint them with his intention to releaſe his ſecretary;’ which accordingly he did that very day. Upon this the commons preſented an addreſs to the king, with the reaſons of their proceedings in the commitment of his ſecretary. They ſaid, ‘1. That divers commiſſions were granted to popiſh officers, and counter-ſigned by the ſaid Sir Joſeph Williamſon, and delivered out in October laſt, ſince the meeting of this houſe, and the diſcovery of the preſent popiſh conſpiracy.

‘2. Divers Warrants have alſo been produced before us of diſpenſations, contrary to law, for popiſh officers to continue their commands, and to be paſſed in muſter, notwithſtanding they have not taken the oaths of allegiance and ſupremacy, and received the bleſſed ſacrament of the Lord's-Supper, according to the late act of parliament in that behalf; all which ſaid warrants were likewiſe counter-ſigned by the ſaid Williamſon; which being complained of to us, and confeſſed by the ſaid Sir Joſeph Williamſon, we your majeſty's moſt dutiful ſubjects, having the immediate conſideration before us, of the imminent danger of your majeſty's perſon, the ſafety whereof is above all things moſt dear to us, and likewiſe the dangers from popiſh plots ſo nearly threatning the peace and ſafety of your majeſty's government, and the Proteſtant religion, we humbly are of opinion, we could not diſcharge our duty to your majeſty, and the whole kingdom, without committing the ſaid Sir Joſeph Williamſon; and therefore moſt humbly deſire, that he may be diſcharged by your majeſty. And we do further moſt humbly deſire your majeſty, to recall all commiſſions granted to all Papiſts within the kingdom of England and Ireland, or any other of your majeſty's dominions and territories.’

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To this the king anſwered, "That he had releaſed Mr. Secretary Williamſon before their addreſs came, and promiſed to recall all his commiſſions whatſoever given to Papiſts, or reputed Papiſts."

Had not the king had ſome ſecret deſign, it muſt be owned, he ill-timed theſe commiſſions while the popiſh plot made ſo much noiſe, and the parliament was employed in examining into it. But this is a myſtery which is not yet cleared. However, the affair was carried no farther.

A proclamation againſt Romiſh prieſts and jeſuits. Echard.

Abous this time, the bill to diſable Papiſts from ſitting in parliament, paſſed the commons, and afterwards the lords, tho' with more difficulty. The king likewiſe publiſhed a proclamation, offering a reward to any one who ſhould diſcover or apprehend a Romiſh prieſt, or jeſuit.

The king demands money. Nov. 25. Kennet.

Mean while, the king finding the commons delayed to grant him money, came to the parliament, and after a repetition of ſome things delivered in his firſt ſpeech, he deſired them, either to grant him money to continue his forces in Flanders, or to disband them. Whereupon, the commons, who ſaw with uneaſineſs, ſo formidable an army on foot in ſuch a juncture, reſolved nemine contradicente, "That all the forces raiſed ſince the 29th of September 1677, ſhould be disbanded:" To which purpoſe they preſented an addreſs to his majeſty.

The commons reſolve to disband the forces.

At the ſame time, the commons had before them a bill, for raiſing a third part of the militia to be in conſtant arms for a time, which with ammenments was ſent up to the lords, and paſſed their houſe.

The 30th of November the king gave the royal aſſent to the bill, for diſabling Papiſts from ſitting in either houſe of parliament, and ſhowed himſelf very willing to recal his forces from Flanders. But the militia-bill he abſolutely rejected, alledging, "That it was to put the militia out of his power, which thing he would not do, no not for one hour; but if the commons would aſſiſt him with money for that purpoſe, he would take care to raiſe ſuch a part of the militia as ſhould ſecure the peace of the government and his own perſon." But the parliament thought not fit to accept his offer.

The militia bill rejected.

Since the king had ſeen the unanimity of the two houſes concerning the reality of the plot, he had thought proper to feign a no leſs fear of the danger the church and ſtate were in. And this is what father Orleans can hardly forgive him, ſaying, his diſſimulation was made uſe of to the committing of much injuſtice. But the king found himſelf in no condition to oppoſe the torrent, which run ſo violently againſt the Papiſts. His whole policy was confined to his endeavours to remove the ſuſpicion of his being concerned in the plot, which he ſaw both houſes were too apt to believe. So, without unſeaſonable affecting an indiſcreet zeal for a religion which he publickly diſowned, he calmly left the Papiſts expoſed to the reſentment of the parliament, for fear of his own ruin by an oppoſite conduct. For this reaſon it was, that he ſuffered the conſpirators to be brought to their trials.

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Coleman's trial. S. Trials.

Edward Coleman, ſecretary to the duke of York was firſt tried, the 27th of November, at the King's-Bench bar, before the lord-chief-juſtice Scroggs. The witneſſes produced againſt him were Oates and Bedloe. The firſt depoſed.

The ſubſtance of Oates's evidence againſt Coleman.

'1. That in November 1677, being brought acquainted with the priſoner by father John Keins, then the deponent's confeſſor, who lodged at Mr. Coleman's houſe, he carried ſome letters from him to St. Omers, which he ſaw opened when he came there. In them were treaſonable expreſſions againſt the king calling him tyrant, &c. And a letter in Latin encloſed to father la Chaiſe, to whom Oates carried it from St. Omers to Paris; in which there were thanks returned for the 10000 l. by him remitted to England, for the propagation of the Catholick religion, and promiſing it ſhould be employed for no other purpoſe, but that for which it was ſent, viz. to cut off the king of England, as appeared by the letter of la Chaiſe, to which all this was an anſwer, and which Oates ſaw and read.

'2. That Coleman was concerned in the deſign of killing the king; for when, at the jeſuits great conſult, on the 24th of April, which afterwards divided into ſeveral clubs, it was reſolved that Pickering and Grove ſhould take off his majeſty by ſhooting, or other means; this reſolve was communicated to Coleman, in Oates's hearing, at Wild-houſe, who did approve thereof, and ſaid, it is well contrived.

'3. That in Auguſt 1678, Coleman was preſent at a conſult with the jeſuits and Benedictine monks at the Savoy, for raiſing a rebellion in Ireland, for which 40000 black bills as arms were provided; and was very forward to have Dr. Fogarthy ſent over to poyſon the duke of Ormond: And at another time, being in Fenwick's chamber, in Drury-Lane, Coleman ſaid to him in Oates's hearing, that he had found away to tranſmit 200,000 l. to carry on the rebelion in Ireland.

'4. That in the month of Auguſt, Coleman knew of the four Iriſh ruffians ſent to kill the king at Windſor; and in Oates's hearing, aſked father Harcourt at Wild-houſe, what care was taken for thoſe gentlemen that went laſt night to Windſor? Who replied, that 80 l. was ordered them, which he ſaw there on the table, moſt of it in Guineas and that Coleman was ſo zealous that he gave a Guinea, to the meſſenger who was to carry the money, to expedite the buſineſs.

'5. That in July 1678, Coleman was privy to the inſtructions brought by Aſhley, rector of St. Omers, from father Whitebread, to impower the conſulters to propoſe 10000 l. to Sir George Wakeman to poyſon the king, provided Pickering and Grove failed to do the work: That Coleman had read and copied thoſe inſtructions, and tranſmitted them to ſeveral others of the conſpirators,

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ſpirators, who were gathering contributions about the kingdom, who would be more encouraged to give largely, both becauſe they were aſſured the buſineſs would ſoon be diſpatched, and that they might ſee they had aſſiſtance from beyond ſeas; and that Coleman was ſo far from diſappointing this treaſon, that he ſaid, it was too little, and thought it neceſſary to give 5000 l. more, to make the buſineſs ſure.

‘6. That in April 1678, Oates ſaw Coleman's patent or commiſſion, to be ſecretary of ſtate, from Paulus de Oliva, general of the ſociety of jeſuits, by vertue of a brief from the pope, and he knew the hand perfectly well; and in Fenwick's chamber he ſaw Coleman open it, and heard him ſay, it was a good exchange. Laſt of all Oates being aſked, how many came over in April to the grand conſult, and how many prieſts and jeſuits had been in England at one time? He ſaid, he could not exactly remember their numbers, but, to his knowledge, there had been in England at the ſame time, 160 ſecular prieſts, 80 jeſuits, and by name in the catalogue above 300.

Bedloe depoſed,

Bedloe's evidence.

‘1. That he knew not of any commiſſion to Mr. Coleman; but that Sir Henry Titchbourn had told him, that he brought a commiſſion for him to be principal ſecretary of ſtate, when he brought over the reſt of the commiſſions for the lords and others, from the principal jeſuits at Rome, by order of the pope.

‘2. That in April 1675, he carried over a large packet of letters from Coleman to father la Chaiſe, about carrying on the plot, and brought back an anſwer: And on May the 24th or 25th, 1677, he received another paquet of Coleman's, to cary to Paris to the Engliſh monks; and that he had received money to carry on the deſign to ſubvert the government of England, to free England from damnation and ignorance, and to free all Catholicks from the hard tyranny and oppreſſion of hereticks.

‘3. That upon Bedloe's return with anſwers to the laſt letters, which were delivered to Coleman by Harcourt, he heard the priſoner, at his houſe behind Weſtminſter Abby, at the foot of the ſtair-caſe, ſay, if he had 100 lives, and a ſea of blood to carry on the cauſe, he would ſpend it all to eſtabliſh the church of Rome in England; and if there was 100 heretical kings to be depoſed, he would ſee them all deſtroyed. Upon this ſaying, Mr. Coleman aſked him this queſtion, did I ever ſee you in my life? Yes, ſaid the other, in the ſtone gallery in Somerſet-houſe, when you came from a conſult, where were great perſons, which I am not to name here; that would make the bottom of your plot tremble: You ſaw me then.’

The third evidence againſt Coleman was, his own letters, found in his lodgings when he was arreſted. But it muſt be obſerved, that only thoſe of the years 1674 and 1675, were found in a drawer under the table. The general opinion was, that he had received notice of his being accuſed by Oates in the council, and ſo had time to burn or convay away thoſe of the two laſt years, with the book in which they were entered. However this be, the following extracts are taken from ſome of his letters writ with his own hand, and allowed to be authentick.

Extract from a letter of Mr. Coleman to father la Chaiſe, the 29th of June, 1674.

Coleman's letters produced againſt him. Treby's Collect.

‘I Am commanded to tell you, that his royal highneſs, my maſter, is very ſenſible of the friendſhip of his moſt Chriſtian majeſty, which he will endeavour to cultivate very carefully, and to give him all poſſible aſſurances of it, to take away all jealouſies that his enemies would raiſe to the contrary. That his royal highneſs has done nothing in any manner whatſoever, nor in any place, againſt the intereſt of his moſt Chriſtian majeſty, but hath rendered him all the good offices he hath been capable of. That as for recalling the parliament, and touching my lord Arlington, his highneſs is altogether of opinion of his majeſty, that neither one or other is uſeful, but quite contrary, very dangerous as well for England as France; and that his moſt Chriſtian majeſty is in great danger of loſing the neutrality of England, at the next ſeſſion, (if the parliament meet) as he loſt its alliance by the peace of Holland at laſt; becauſe the lower-houſe, and their freinds (as the furious Proteſtants, and the male-contents in the houſe of lords) have a deſign to leſſen his royal highneſs, and root out the Catholick religion; and they think they cannot make uſe of any other fitter means to attain their ends, than to raiſe the Dutch, and to preplex his moſt Chriſtian majeſty, as much as lies in their power. That his highneſs doubts not, but it is abſolutely neceſſary for the intereſt of his moſt Chriſtian majeſty, and his royal highneſs, to uſe all endeavours to hinder the meeting of the parliament, by perſuading his Britannick majeſty, that his greatneſs, his honour, and his quiet, are no leſs concerned therein than theirs: So that if his moſt Chriſtian majeſty would write freely his thoughts thereupon to his Britannick majeſty, to forewarn him of the danger he apprehends from thence, and would withal think fit to make him the ſame generous offers of his purſe, to perſuade him to diſſolve the preſent parliament, as he hath done to his highneſs for the election of another, perhaps he would ſucceed therein by the aſſiſtance we would give him here. As for another parliament, it would be eaſy enough to get ſuch a one as we wiſh for; the conſtitutions of our parliaments being of ſuch a nature, that as there is nothing to be hoped for by the king from an old one, ſo there is nothing to be feared from a new one; becauſe ſuch a one, at their firſt meeting, muſt needs aſſiſt his majeſty, ſo far as to en-

'able him to acknowledge his obligations both to his moſt Chriſtian majeſty, and to all the world.'-----

There was in the year 1674, a prorogation of the parliament, which laſted 14 months: It appears in this letter, that the intereſts of the king of France and the Popiſh religion were the true cauſe of this long prorogation.

Extract from a letter of Mr. Coleman to father la Chaiſe, September 25, 1674.

Treby's Collect.

'FOR the firſt point of your letter, his royal highneſs has commanded me to tell you, that he will govern himſelf according to your advice, and treat of nothing concerning the Catholick religion with Monſieur Rouvigny, nor with any perſon than your ſelf; but that he will communicate to you all things he ſhall find neceſſary for the good of the Catholicks, and ſhall be very well pleaſed to receive advices from you thereupon. For the reſt, his royal highneſs does a little wonder, that he hears nothing from Monſieur Rouvigny touching the ſecond point of your letter, ſince you have written ſo poſitively that he had order to confirm, and procure execution of what his moſt Chriſtian majeſty propoſed to him the 2d of June laſt, by your mediation.-----His moſt Chriſtian majeſty made a very generous offer to his royal highneſs of the aſſiſtance of his purſe, to enable him to defend them both from the evils threatened them, and by good luck his royal highneſs has laboured with ſo much diligence and ſucceſs, that the dangers which they apprehended are a little put off: But one thing more is neceſſary for the perfect ſecuring their affairs; and without making one ſtep more, all that he has already done will ſignify nothing. For that the aſſiſtance of his moſt Chriſtian majeſty is no leſs neceſſary at preſent than heretofore, to ſubdue entirely thoſe, who being exaſperated againſt his moſt Chriſtian majeſty, as much as againſt his royal highneſs, and are angry with his royal highneſs only becauſe he is ſo unalterably addicted to the intereſt of his moſt Chriſtian majeſty, will exerciſe their malice and their rage with more brutality than ever, if they find occaſion for it hereafter. If you can therefore, by your credit, obtain from his moſt Chriſtian majeſty the accompliſhment of the offer of his purſe, for raiſing the reputation of his royal highneſs in the opinion of his Britannick majeſty, and for putting him in condition to reſiſt the ſharpeſt batteries of the adverſaries of his moſt Chriſtian majeſty, and royal highneſs, to wit, the poſſibility they pretend to get money from the parliament, and the impoſſibility of having any elſewhere, by which they often keep the mind of his Britannick majeſty in ſuſpence, and wherein they place the hope they have to conquer him at laſt: There will nothing more remain, to be feared by his moſt Chriſtian majeſty, or his royal highneſs, but his royal highneſs will be able to diſſolve the parliament with eaſe, and afterwards, in recompence of the ſaid aſſiſtance, will perform on his part, all that his moſt Chriſtian majeſty ſhall aſk of him, and will proceed with ſincerity, upon the word of a prince, (that no man can reproach him for violation of) for the intereſt of his moſt Chriſtian majeſty.'

Extract from a letter of Mr. Coleman to the pope's nuntio at Bruſſels, September 4, 1674.

'------THAT the duke's principal deſign is, to uſe the pope's interpoſition, and by that means to eſtabliſh himſelf in the poſſeſſion of his eſtate, through the aſſiſtance of France and Spain, and to turn all their cares for the eaſe of the pope's friends, and particularly for the Catholicks of the church, againſt their enemies; and aſſures him he will find, that the pope never had an occaſion ſo favourable as at this hour, to enrich thoſe of his family, and to augment the number of his friends; and if he lets it ſlip, he never will find the like: So that if ever they propoſe to make uſe of the treaſure of the church, it is now they ought to do it; for they can demand nothing that the duke will not be capable to do for the pope's friends:-------On the other ſide, without their aid, he will run great hazard of being loſt, both himſelf and his aſſociates.'

Extract of a letter from Mr. Coleman to the ſame nuntio, written October 23, 1674.

'YOU agree with me, that money is the only means of bringing the king into the duke's intereſt, and of diſengaging him from the parliament; and you muſt alſo agree with me, that nothing can more promote the intereſts of the Catholick party, which is the principal object of the duke's care and affection, and of the hatred of the parliament, and which muſt hope, or fear, according as the one or the other of them increaſe in power.------Nothing in the world is more certain, than that the king has a good inclination towards the duke, and the Catholicks, and would join himſelf willingly and inſeparably to their intereſts, if he did not apprehend ſome danger from ſuch a union; which, however, he would not have cauſe to fear, if he found their intereſt, and conſequently their power, ſo far advanced above that of their adverſaries, that they ſhould neither have the power nor the boldneſs to conteſt any thing with them; which the king could ſee in a very little time, if we could perſuade him to do two or three things:-------And I am certain money could not fail of perſuading him to it; for there is nothing it cannot make him do, tho' it were as much to his prejudice, as this we endeavour to perſuade him to will be to his advantage.-----

In another letter, Coleman, poſitively ſaid, 'That it was by the credit of the Catholicks, that the parliament was prorogued till the 13th day of April 1675.

Extract from a letter of Mr. Coleman, to father la Chaiſe.

'------OUR prevailing in theſe things 'will give the greateſt blow to the 'Proteſtant religion here, that ever it receiv'ed ſince its birth.'

In another.

'WE have here a mighty work upon our 'hands, no leſs than the converſion of 'three kingdoms, and by that perhaps the 'ſubduing of a peſtilent hereſy, which has 'domineered over great part of this northern 'world a long time; there were never ſuch 'hopes of ſucceſs ſince the death of queen 'Mary, as now in our days.'

In the ſame letter.

'-----THE oppoſition we are ſure to meet 'with is alſo like to be great, ſo 'that it imports us to get all the aid and aſ'ſiſtance we can, for the harveſt is great, and 'the labourers but few.'-----

After the reading of theſe letters, Coleman alledged in his defence.

State-T.

'1. That Oates, who now pretended ſuch 'acquaintance with him, declared before the 'king and council, that he never ſaw him be'fore, or did not know him.'

To which the other anſwered, 'That it 'being candlelight, and his ſight weak, and 'Coleman altered in habit and wig, he did 'at firſt ſay, he could not ſwear that was the 'man, or that he had ever ſeen him before; 'but as ſoon as he heard him ſpeak, he knew 'him well, and could have then ſworn it, had 'it been demanded.

'2. That had the things now alledged by 'Oates been true, he would have charged the 'ſame before the council: But then he only 'charged him with the ſending of one letter, 'and ſuch ſlender matters, that the council 'was ready to let him go at large; and there'fore all the reſt muſt be invented ſince.'

To this Oates replied, 'That he was then 'ſo weak and weary, he could not well tell what 'he ſaid; beſides, his deſign was then to lay 'no more to his charge, than might ſerve for 'information, &c.

'3. Whereas Oates charged him with con'ſenting to Wakeman's poyſoning of the king, 'and that it was conſulted by him in Auguſt, 'and, as he remembered, about the 21ſt day, 'Coleman alledged, that he was then in 'Warwickſhire, and one of his men and he 'were there all Auguſt, as he thought, but 'was not ſure of it; and after conviction, he 'offered a book that would ſhew he was out 'of town from the 18th, to the 31ſt of Auguſt;' but this was no evidence in itſelf, and offered too late, ſo it did not contradict Oates, who was not poſitive to a day, but only to the month. As to what was ſworn by Bedloe, he made no other anſwer than a ſolemn aſſeveration, that he never ſaw the man in his life. But as to his papers, which he did not deny, he alledged, 'There was no treaſon in them, tho' 'very extravagant expreſſions; and that it 'would plainly appear from them, that his de'ſign was ſo far from killing the king, that it 'was only to make the king and duke as great 'as could be.

1. It is proper to remark upon this laſt anſwer, that according to Oates's depoſition, the reſolution to kill the king was taken but the 24th of April 1678, and theſe letters were of the years 1674, and 1675; conſequently they could not mention the deſign of killing the king, neither were they produced in proof of that article.

2. Oates had accuſed Coleman of being concerned in the plot, before his letters were found. How then, if he did not know Coleman, could he gueſs ſo right, as to lay things to his charge, which were found in letters under his own hand?

3. Coleman owned, that his intention was to make the king and duke of York as great as was poſſible. This was a neceſſary conſequence of the projected change of religion. For it was not poſſible to ſubvert religion, without a ſubverſion of the government, nor to render the king abſolute, without a deſign of altering religion, ſince the king and duke were both Catholicks. One of theſe articles proved, neceſſarily proves the other.

Coleman condemned,

In the concluſion of his defence, he uſed theſe words; "Poſitively I ſay, and upon "my ſalvation, I never ſaw theſe witneſſes, "Oates but once, and Bedloe never be"fore."

and executed without any confeſſion of his crime.

The jury, who were all gentlemen of the county of Middleſex, againſt whom Coleman had made no exceptions, withdrawing, in a little time brought him in guilty of high-treaſon. The day after he received ſentence of death, and the 3d of December was hanged and quartered, according to cuſtom. He perſiſted to the laſt moment in the denial of the crimes for which he was condemned. But as his letters ſeemed at leaſt to prove a deſign of extirpating the Proteſtant religion, he declared his ſole intention was to procure liberty of conſcience for the Papiſts. Probably it will not be univerſally agreed, that this is the natural ſenſe of the expreſſions in his letters. It is true, a report was ſpread in London, that he was promiſed a pardon, in caſe he made no confeſſion; but ſuch rumours are not much to be credited.

A proclamation to encourage further diſcoveries. Echard.

The ſame day that Coleman was tried, the king, at the requeſt of the lords, publiſhed a proclamation, promiſing, 'That if any per'ſon or perſons ſhall, before the 25th day of 'December next, make any farther diſcovery 'of the late horrid deſign againſt his majeſty's 'perſon and government, he or they------ 'ſhall not only receive from his majeſty for 'every ſuch diſcovery, the reward of 200 l. 'but if he or they were a principal or princi'pals in the ſaid deſign, they ſhall have his 'majeſty's moſt gracious pardon.'

Oates and Bedloe accuſe the queen. Burnet. Echard.

Whether through a deſire of having this reward, or that they believed to have a good foundation, Oates and Bedloe had the boldneſs, before the king and council, to accuſe the queen herſelf, of conſenting to the death of the king, and of being in the deſign to poyſon him by means of Wakeman. But, beſides that their depoſitions contained only certain ſigns which were far from proofs, the king ſtopped this affair by his authority. But he could not prevent an addreſs from the commons, to deſire the immediate removal of the queen and her family from court at Whitehall. The king was ſo offended at Oates's inſolence, that he ordered a ſtricter guard upon him than ever. But the day after, the commons addreſſed him' "That Oates be freed from his reſtraint, attended by his own ſervants, and that a competent allowance be appointed for his maintenance." At the ſame time, they reſolved, that an addreſs be preſented to his majeſty, that all Papiſts, and ſuſpected Papiſts, within the ſeveral counties of England may be ſecured.

The 6th of December, they impeached the five lords in the Tower, at the bar of the houſe of peers. But they had not time to exhibit the articles againſt them, and the affair was reſumed by another houſe of commons.

The 17th of December were arraigned at the Old-Baily five of thoſe arreſted for the plot, viz. William Ireland, and Thomas Pickering, both prieſts, John Grove a lay-brother, Thomas Whitebread, provincial of the jeſuits, and John Fenwick, a jeſuit alſo. But in the courſe of the evidence, there not appearing ſufficient proof againſt the two laſt, they were reſerved for another time. So the three firſt only were tried that day. The ſum of Oates's evidence againſt them was:

e tryal Ireland, ‑ickering, and Grove.

'1. That at the grand conſults of April the 24th, at the White-Horſe in the Strand, whereof Ireland was one; it was reſolved that Pickering and Grove, as having been formerly engaged, ſhould go on in their deſign and atempt to aſſaſſinate the king; and that Grove, being a layman, ſhould have 1500l. for his reward; and Pickering being a prieſt, 30000 maſſes, which at twelve-pence a maſs, amounted to that ſum.

'2. That this reſolve was the ſame day drawn up in writing by one Mico, that was ſecretary to the ſociety, and companion to provincial Whitebread, at the ſaid Whitebread's chamber, who having ſigned it, it was carried by the deponent Oates, as being a meſſanger to the conſult, to be ſigned by the reſt of the colloquies; and that Ireland in his own chamber did ſign it in his preſence.

'3. That Pickering and Grove conſented to ſuch reſolve, accepted the terms, and alſo ſigned it the ſame day in Whitebread's chamber, at Mrs. Sander's at Wild-Houſe, where in a little chapel, they, and about 40 ar 50 of the conſulters heard maſs, and received the ſacrament, adminiſtred by one Barton, a jeſuit, and thereupon took an oath of ſecrecy upon a maſs-book, which Mico held, while Whitebread pronounced the words.

'4 That in purſuance of this reſolve, the deponent did ſeveral times ſee Pickering and Grove walk in the park together, with ſkrewed piſtols, longer than ordinary piſtols, and ſhorter than ſome carbines: That they had ſilver bullets champt, to render the wound incurable, and that he ſaw Grove's bullets in May, and Pickering's in Auguſt: Moreover,

'5. That before the conſult, in the month of March, Pickering had a fair opportunity to ſhoot the king; but the flint of his piſtol happened to be looſe, and he durſt not venture to give fire; and becauſe by their negligence this opportunity was miſſed, Pickering underwent penance, and had 20 or 30 ſtrokes of diſcipline, and Grove was chidden for his careleſſneſs, as the deponent had ſeen in Whitebread's letters,

'6. That Grove did go about with one Smith, to gather Peter-Pence, either to carry on the deſign, or to ſend to Rome: That he ſaw the book wherein it was entered, and heard the ſaid Grove ſay, he had been gathering it.'

Bedloe the ſecond witneſs ſwore,

Bedloe's depoſition.

'1. That he was employed for the ſpace of five years as a meſſanger, by the conſpirators, for carrying their letters to the confederates beyond ſeas, and bringing others back, all, or moſt of them relating to the plot; for he had a way to open and read them, by which he fully informed himſelf of thoſe matters: And for the nature of the plot; he heard ſome of the conſpirators ſay, that they would not leave any member of any heretick in England, that ſhould ſurvive to tell hereafter, that there ever was any ſuch religion in England, as the Proteſtant. And to confirm his intimacy with them, he ſwore the manner of his firſt coming to be employ- by them; by means of a lady abbeſs of the Engliſh nunnery of Dunkirk, who having kept him ſix weeks in her convent, recommended him to Sir John Warner, as a proper inſtrument, who afterwards ſent him to father Harcourt to be inſtructed.' And as a further confirmation, he brought his brother James Bedloe, who ſwore he knew nothing of the plot, but did teſtify, 'That he had heard the priſoners often named as being of his brother's acquaintance; and that he had, on his brother's behalf, received ſeveral ſums of money from prieſts and jeſuits, as 50 or 60l. at a time.

'2. That about the latter end of Auguſt, this year, at Mr. Harcourt's chamber, he met the priſoners, Ireland, Pickering and Grove, with ſome others, where he heard them diſcourſe, that ſince the four Iriſh ruffians had miſſed killing the king at Windſor, Pickering and Grove ſhould go on with their deſign, and that one Conyers, a Benedictine monk, was to be joined with them; and that they ſhould endeavour to aſſaſſinate his majeſty in his morning walks at Newmarket; that they were very eager upon it; and Mr. Grove, more forward than the reſt, ſaid, ſince it could not be done clandeſtinely, it ſhould be attempted openly; and that thoſe who ſhould fall in the attempt, had the glory to dye in a good cauſe; but if they were diſcovered, the diſcovery could 'never come to that hight, but their party would be ſtrong enough to bring it to paſs.

'3. He ſwore that Harcourt told him, Grove was to have 1500 l. and Pickering as many maſſes, at twelve pence a maſs, as come to the like ſum.

'4. That at the ſame time, when the diſcourſe about killing the king was at Harcourt's chamber, there was likewiſe a deſign conſerted amongſt them of killing ſeveral noble perſons, and the particular parts aſſigned to every one; as Knight, to kill the earl of Shaftsbury; Prichard, the duke of Buckingham; Oneil, the earl of Oſſory; Obrian, the duke of Ormond, &c.

The defence made by the priſoners conſiſted in:

The priſoners defence. State T.

'1. A peremptory denial of the whole. Grove particularly ſaid, as I have a ſoul to ſave, I know nothing of this matter charged upon me. Pickering affirmed, that he never ſhot off a piſtol in his life. And Whitebread, who was there during the tryal, declared before Almighty God, that Oates had not ſpoken three words of truth.

'2. A particular denial of their knowledge of, or acquaintance with, the witneſſes. Ireland denied that he ever ſaw Bedloe, before that time in the court; and challenged him to produce one witneſs that he had ever ſpoken to him. Pickering affirmed, that he never ſaw Oates before; and offered to ſwear that he never was in Bedloe's company. And Grove affirmed, that he had ſcarce any acquaintance with Oates. Whereupon Oates gave him a remarkable token, viz. that in December laſt, when he was with him, he owned, that he and three Iriſhmen had fired Southwark; and that they had 1000 l. given them for it; whereof he had 400 l. and the others 200 l. a piece.

'3. Ireland, againſt Bedloe's evidence, affirmed, he was not in London the whole month of Auguſt, and part of September; and offered to prove it by 20 witneſſes, that he was in Staffordſhire and Cheſhire all that time; and urged Bedloe to name the place, and the company wherever they met together. But not only Bedloe ſwore the contrary, but likewiſe Oates himſelf; but what ſeemed more important, one Sarah Pain, formerly a ſervent to Grove, ſwore, that ſhe ſaw Mr. Ireland at a ſcrivener's door in Fetter-Lane, about the 12th or 13th of Auguſt.

'4. Ireland, as well as Whitebread, objected againſt the grand conſult of April the 24th, that hundreds could prove that Oates was at St. Omers all the months of April and May; and offered to produce a certificate from thence, under the ſeal of the college.' But ſuch certificate was not allowed as evidence by the law of England. Laſtly, they endeavoured to blaſt the reputation of doctor Oates, and prove him perjured, ſince he had ſaid before the council, that he knew no more than what he had already depoſed, and yet had ſince added other teſtimonies. As I have ſpoken of this objection, I ſhall not repeat here what has been ſaid.

They are condemned, and executed.

In concluſion, all three were found guilty, and ſentenced to be drawn hanged and quartered. But the execution of Ireland and Grove, was deferred till the 24th of January following, and that of Pickering to the 9th of May. They perſiſted all three to their laſt breath, to proteſt they were as innocent of the crimes for which they were condemned, as the child unborn. As all the Papiſts that ſuffered for this conſpiracy made uſe of the ſame manner of expreſſion, to declare their innocence, it was believed, there was ſome equivocation in theſe words, tho' it could not be ſaid wherein it conſiſted.

A reflection upon this tryal.

If it is conſidered, that the evidence of Oates and Bedloe upon oath was poſitive, and that the priſoners alledged in their defence only bare negations, the jury will be eaſily juſtified in their verdict. For why ſhould they credit the aſſeverations and oaths of the accuſed, more than the depoſitions of the two witneſſes? And yet, it was afterwards, and ſtill is, pretended by many, that the condemned perſons were innocent. 1. Becauſe they aſſerted their innocence with their dying breath. 2. Becauſe it is taken for granted that Oates and Bedloe were great villains. 3. But the ſtrongeſt proof, according to thoſe who are of this opinion, is, that it was upon the tryal of theſe three men that Oates, in the reign of king James the ſecond, was convicted of perjury upon the depoſitions of 22 witneſſes from St. Omers, who ſwore that Oates was at St. Omers, in the jeſuits College, the whole months of April and May, without ever ſtirring from thence. Moreover, about 40 witneſſes from the counties of Stafford and Cheſter, depoſed upon oath, that father Ireland was in thoſe counties all Auguſt and part of September.

To aſſiſt the reader to judge of this affair, I think it neceſſary to make ſome remarks, and the rather, as the diſpute upon this ſubject is not yet ended.

1. The defence by the Alibi is liable to great inconveniences, ſince, there being two contradictory evidences, it leaves the judges doubtful what to reſolve. Generally if they come to a determination, it is not becauſe there is reaſon to believe one of the evidences more than the other, but becauſe equity requires that they incline rather to clemency than rigour. In the preſent tryal, there were no depoſitions in favour of the Alibi, but only a bare allegation of the priſoners, and an offer of proof by abſent witneſſes. So, even ſuppoſing the innocence of the three accuſed perſons, the jury could not but find them guilty, unleſs they preferred the bare aſſeveration of the priſoners, to the oaths of the witneſſes, which is never practiſed. But in the tryal of Oates, the proof of the Alibi was made uſe of to convict him of perjury, and ſentence him for it to a very rigorous puniſhment. It belongs to the lawyers to decide, whether this be exactly regular.

2. If the circumſtances of the times of theſe two tryals are conſidered, it will be found, there is as much reaſon to believe, in reſpect of one as the other, that prejudice and paſſion bore a great ſway. When the three jeſuits were condemned, the whole kingdom was alarmed with the noiſe of a plot, formed by that ſociety againſt the king, the government, and the Proteſtant religion. The two houſes of parliament had ſupported the reality of this plot, by the unanimity of their votes, and the king himſelf ſuppoſed it in all his proclamations. It ſhould not therefore be ſtrange, that the judges and jury were prejudiced, and thereby inclined blindly to believe what Oates and Bedloe depoſed. But on the other hand, when Oates was convicted of perjury, the face of things was entirely changed. A very zealous Catholick king was on the throne, and it was now dangerous to affirm, there was a popiſh plot in 1678. The Papiſts had now the ſame ſuperiority over the Proteſtants, as the Proteſtants had in 1678 over the Catholicks, and the judges were entirely devoted to the king. It ſuffices to ſay in a word, that Jefferies was his judge, who forgot nothing which he thought capable to prejudice the jury againſt the priſoner. In ſhort, Oates was condemned upon the evidence of 22 witneſſes from St. Omers, all ſcholars or dependents of the jeſuits, and upon that of 40 other witneſſes from the counties of Cheſter and Stafford, amongſt whom it is only ſaid there were ſeveral Proteſtants. Moreover, the queſtion was not only, whether Ireland was in thoſe counties during the months of Auguſt and September, but whether he had never ſtirred from thence in that time. Now it is hard to concevie that ſuch a negative propoſition can be proved by 40 witneſſes.

Having thus repreſented what is urged on both ſides, I leave the reader to his own judgment. The affair of the conſpiracy muſt now be interupted for ſome time, in order to proceed to another which made a great noiſe at this time. But it is neceſſary to look back a little on the ſituation of the Engliſh court.

The earl of Danby's affair. Temple.

The earl of Danby lord treaſurer, was conſidered as the king's prime miniſter. He had a great genius, and a ſolid judgment, and as he diſapproved of the principals of the cabal, endeavoured to diſingage the king from the methods, he had been led into by their counſels. This drew upon him the enmity of the duke of York, and all the French faction, with whom joined the lord Ruſſel, and other malecontents in the houſe of commons; and among the peers, the earls of Eſſex and Shaftsbury, whilſt the duke of Monmouth, and the ducheſs of Portſmouth did their utmoſt to leſſen his credit with the king. In a word, a ſtrong party was formed againſt him, who were bent to ruin him at any rate. Theſe enemies were alſo joined by another, who had been his moſt intimate friend. This was Mr. Montague ambaſſador in France, who aſpiring to the office of ſecretary of ſtate, took it very ill, that the treaſurer had ingaged to bring in Sir William Temple. Mr. Montague was the treaſurer's moſt dangerous enemy, becauſe he had private letters in his hands from that miniſter, and tho' he could not divulge them without great injury to the king, this gave him no uneaſineſs, becauſe, reſolving to throw himſelf into the party againſt the court, which was moſt prevalent in the parliament, he knew he ſhould be protected, even againſt the king himſelf. To this end, he got himſelf elected member for Northampton, and ſuddenly leaving Paris, without the king's conſent or knowledge, came to London, and took his ſeat in the houſe. The king offended at ſo ſtrange a proceeding, and being alſo informed by the Swediſh ambaſſador of the deſign of the treaſurer's enemies, and their intention to make uſe of his letters, ſent the 19th of December the following meſſage to the houſe of commons, -------- 'That upon information that Mr. Montague, a member of that houſe, and late ambaſſador in France, had held ſeveral conferences with the pope's nuntio there, without any directions or inſtructions from his majeſty; his majeſty to the end that he might know the truth of that matter, had given orders for the ſeizing of Mr. Montague's papers.' The leaders of the oppoſite party to the king, made great objections to this meſſage, pretending, it ought to be firſt known, whether the information had been given upon oath, and what was the nature of Mr. Montague's crime, before they could conſent to the ſeizure of his papers. Upon this Mr. Montague acquainted the houſe, 'That he had in his cuſtody ſome papers, which, as he conceived, might tend very much to the ſafety of the king's perſon, and the preſervation of the government.' A committee was immediately appointed to bring the writings to the houſe, which being accordingly done, and Mr. Montague ordered to ſelect ſuch of them as he thought for the ſervice of the houſe, and diſpoſe of the reſt as he pleaſed, he produced two lettets out of many others, both ſubcribed Danby, and ſent to him at Paris, on the negotiation of the money which his majeſty expected from the king of France, at the bottom of one of which were theſe words, "This letter is writ by my order, C. R.' Theſe letters diſcovering to the houſe, from whence had proceeded the king's delays with regard to the war againſt France, they immediately reſolved, 'That there was ſufficient matter of impeachment againſt Thomas earl of Danby, lord-treaſurer of England,' and within two days, by the help of Mr. Montague, the articles of impeachment were drawn up, and ſent to the houſe of lords. But this impeachment was rather againſt the king himſelf, than the earl of Danby, who had only acted by his expreſs orders. For, tho' in the impeachment were inſerted ſeveral articles which only concerned the earl, it was not in thoſe that the ſtrength of the impeachment conſiſted, but in thoſe relating to the negotiation with France, concerning the king's penſion, on pretence that the lord-treaſurer had acted without order, tho' the contrary was not doubted. But the intention was to oblige the earl for his own ſafety to plead the king's orders for what he had done. This perplexed him extremely, for he could not juſtify himſelf, without accuſing the king, and he could not accuſe the king, without entirely forfeiting his favour. Eſpecially as the king had earneſtly deſired him not to divulge his ſecrets, offering him letters of pardon to ſcreen him from the parliament. He therefore reſolved to conceal the king's private orders upon this affair, but however could not help ſending two of Montague's letters to the commons, which diſcovered him to be the principal author of this negotiation. Theſe letters alſo ſhowed, that the court of France conſidered the lord-treaſurer as their great enemy, whoſe ruin was to be effected, in order to have the king of England at their diſpoſal. But the commons were ſo enraged againſt the earl, that they would not ſuffer theſe letters to be read. On the other hand, when the articles of his impeachment were read in the houſe of lords, he in a ſpeech frequently inſinuated, that he could make ſuch a defence, as would admit of no reply. Every one knew what he meant, but it is certain, he was not ſo much aimed at as the king himſelf, and that it was intended by this means, more than by the plot it ſelf, to ſhow the publick, that the king, and the duke of York, were the real authors of all the evils of the kingdom; and in a word, the heads of the conſpiracy to ſubvert the government, and Proteſtant religion. The king eaſily perceived the deſign of the earl of Danby's impeachment, and therefore, before the lords could reſolve, whether the earl of Danby ſhould be ſent to the tower, came to the parliament the 30th of December, and prorogued it to the 4th of February, after paſſing a ſingle act againſt the Papiſts.

The king Prorogues the parliament. Kennet.

The earl of Sunderland made ſecretary of ſtate. Feb. 9. Temple's Mem.

Immediately after the prorogation of the parliament, Sir Joſeph Williamſon, ſecretary of ſtate, reſigned the ſeals into the hands of the king, who appointed Robert Spencer earl of Sunderland, in his room, tho' he had given hopes of the place to Sir William Temple, then ambaſſador in Holland, and had called him over for that purpoſe. But Temple at his arrival found the poſt filled, the earl of Sunderlad having paid Williamſon 6000 l., and 500 guineas, which Temple was not able or willing to give. Shortly after, the king diſmiſſed the earl of Danby, and put the treaſury into commiſſion.

1678-9.

Prance taken up for the murder of Sir Edmundbury Godfrey. Burnet.

After the prorogation, the king was extremely embarraſſed, not only by reaſon of the earl of Danby's impeachment, which properly fell upon him, but alſo by freſh diſcoveries, both of the plot, and Godfrey's murder. The 21ſt of December, Miles Prance, a goldſmith of London a Papiſt, who had ſometimes worked for the queen in her chapel of Somerſet-houſe, was taken up by a warrant from the council, upon the information of one Wren, a lodger in his houſe, that he was concerned in the murder of Godfrey. Tho' it was very poſſible for Godfrey to have been murdered by perſons not in the plot, yet it was generally believed, the murder was committed by Papiſts, and that if the authors could be diſcovered, it would be a great means to unravel the plot. Wherefore the two houſes had appointed a committee, of which the earl of Shaftsbury was chairman, to enquire after the authors of this murder.

In this affair as in that of the plot there are, among the hiſtorians, two parties directly oppoſite, one aſſerting, this murder was committed by Papiſts, and the other maintaining the contrary. The latter, in ſuppott of their opinion, relate numberleſs facts, with ſo many circumſtances, that they would be more than capable of proving what they advance, could their faithfulneſs and alſo the certainty of the facts be entirely rely'd on. But it is very ſurprizing, to ſee continually the truth of their opinion ſuppoſed, without any other proof than a great many unwarranted facts. This may paſs when we write only for one of the parties, ever ready to believe what is advanced by a hiſtorian of their own ſide; but as I write for foreigners, to whom the acters and the authors are equally unknown, I am not to ſuppoſe true, facts of which I ſee no proof. I do not hereby pretend to inſinuate to my readers, that all theſe facts are falſe; but only that I have not ſuffiicient reaſons to believe them true, and conſequently ought not to form any ſuppoſition upon them.

Echard.

As for Prance the goldſmith, it is readily ſuppoſed, he was maliciouſly accuſed by Wren, becauſe Prance had forced him to pay 14 moths rent, due to him for lodging, and that having at firſt with execrations denied the murder, he was at laſt compelled by threats and ill treatment to confeſs that he knew the whole matter, and to give a particular account of all the circumſtances. If this ſuppoſition was well proved, or at leaſt ſupported by the teſtimony of any cotemporary perſon of reputation known in London, there would be no occaſion to ſeek for other proofs. But, as I have ſaid, theſe facts are declared as undeniable, without any warrant. For my part who ſeek not to impoſe upon my readers, I ſhall only inform them of the facts univerſally acknowledged, adding alſo ſuch as are doubtful and advanced without proof, that the reader may know what he is to adhere to.

Prance being arreſted, as I ſaid, was caried to Weſtminſter to be examined before a committee of the lords.

Here a deciſive fact is begun to be advanced without any author, viz. that Prance was firſt carried into a little room, where ſeveral perſons went to ſee him, and among others Bedloe, who knowing him not, privately inquired which was the priſoner? When he was informed, he withdrew to an eating-houſe in the neighbourhood, where Prance was brought ſome time after, till he ſhould be called to his examination. As ſoon as Bedloe, who was purpoſely planted in the ſame room, had caſt his eyes upon him, he cried out, "This is one " of the rogus that I ſaw with a dark lanthorn " about the body of Sir Edmundbury " Godfrey; but he was then in a perriwig.

If any care had been taken to prove that Bedloe had asked which was Prance, and that he purpoſely waited for him in the eating-houſe, where he knew he was to be brought, there would be no need of other proof, and the caſe would be deſided. But this fact entirely reſts upon the authority of the hiſtorian who relates it.

He denies all. Dec. 22.

Prance being carried to the committee of lords, Bedloe directly charged him with the murder of Godfrey, and Wren with being out of the houſe while the body was miſſing. Prance denied all with imprecations upon himſelf.

Is ſent to Newgate.

But as the bare denial of a priſoner ought not to carry it againſt the teſtimony of two witneſſes, the lords thought fit to ſend him to Newgate, where he was put in the condemned hole, loaden with heavy irons, and, ſays my author, left all night to conſider what further anſwers to make, and whether he would venture his ſoul or his body.

Echard.

Herein manifeſtly appears the prejudice of the hiſtorian, who cannot have known, that the intention of the lords was to leave Prance to conſider, whether he would venture his ſoul or his body. He could ſay this but by vertue of his ſyſtem, which ſuppoſes, that the committee was reſolved, at any rate, to make Prance an evidence to the murder of Godfrey.

But here is another fact ſtill more important, advanced with the ſame aſſurance, without any authority.

The next morning early, a man entered the condemned hole, where Prance was, and laying down a paper upon a form juſt by him, retired; ſoon after came in another with a candle, who ſet it down and left him. By that light he read the paper, wherein he found brief hints to what he was to ſwear when he ſhould be called to his ſecond examination, with a menance of being hanged if he did not confeſs what was expected of him. Prance, ſays the author, preſently imagined this to be a contrivance of the lord Shaftſbury.

A fact of this nature, (which paſſed in a dungeon where there is but one man, and where two others, at ſeveral times, only go in and out, without ſaying a word, one to bring a paper, the other a candle) can only be known by Prance's own confeſſion. Now it is certain, Prance never owned any ſuch thing; if he had, it would aſſuredly have been ſaid, how and upon what occaſion. But if this be ſo, how can it be ſaid that Prance imagined this to be a contrivance of the earl of Shaftſbury? Is it a thing ſo common, to know what paſſes in a man's private thoughts, that it is not worth the while to ſay how this knowledge was attained.

I proceed to other facts which are not conteſted. Prance, after he had continued in priſon all night, and part of the next day, told captain Richardſon, maſter of Newgate, that he had matters of great moment to communicate to the earl of Shaftſbury, chairman of the committee. He was according to his requeſt, carried the ſame night to the earl, who, in preſence of three other perſons, examined him five or ſix hours. It is pretended that the earl abuſed and menaced him telling him, "That there were great ones concerned, and he muſt diſcover them too; for the little ones ſhould not ſerve his turn, bidding him, not ſpare the king himſelf." It does not however appear that theſe menaces made much impreſſion upon Prance, ſince his depoſitions reached only perſons of low condition.

Prance confeſſes. Dec. 22.

However, he diſcovered part of what he ſaid he knew, with a promiſe of a more ample confeſſion if he might have his pardon. He ſigned his depoſition, and was returned to priſon. Upon this the lords obtained for him, from his majeſty, a full and general pardon. Then a committee of the lords was ſent to Newgate to acquaint him with it, and to examine him. The commons likewiſe ordered him to be examined by a committee of ſecrecy. Theſe two examinations being made with great ſtrictneſs, Prance was carried the next day to Whitehall, to be examined before the king and council.

In this examination he accuſed five perſons, as actually preſent at the murder; viz. Girald and Kelly, two Iriſh prieſts; Robert Green, cuſhion-man to the queen's chapel; Laurence Hill ſervant to Dr. Godden treaſurer of the chapel; and Henry Berry porter of Somerſet-houſe. Being asked, why he gave ſo different a relation to the committee of lords from what he now ſo freely confeſſed? He anſwered, that he was not then ſure of his pardon. Being further asked, why he came not in upon the proclamation and reward thereof? He ſaid, he was afraid to truſt it. As he had been very particular concerning the circumſtances of the time, place, and manner of the murder, the king to be aſſured of the truth, appointed the duke of Monmouth, the earl of Oſſory, and the vice-chamberlain, to go with Prance to Somerſet-houſe, and make him ſhow them the places where the things were acted. The author ſo often mentioned, adds what deſerves to be remembered, Prance, ſays he, was very punctual in naming and ſhowing ſome of the rooms, but ſo uncertain and dubious in ſome particulars, eſpecially about the chief room, that when the duke of Monmouth privately asked the earl of Oſſory, what he thought on it? The earl anſwered, it was all a cheat. I purpoſely take notice of this particular, becauſe it is directly contrary to the report made to the council, as will preſently appear.

In the afternoon, Prance, in the preſence of the council, was confronted with Green, Berry, and Hill, who denyed every ſyllable of the charge, and Prance ſtood as ſtoutly to every point of the accuſation. After which he was ſent back to Newgate for four or five days.

Echard.

The ſame authors ſay here, that his irons were ſometimes off and ſometimes on, according as he was in a diſcovering temper. That is to ſay, the jailor, by the ſecret orders of the committee, treated him well or ill, as he was diſpoſed to retract or adhere to his depoſition. Another particular is likewiſe added, that he was often viſited by members of both houſes, who ſometimes ſeverely threatned him when his evidence did not agree with Bedloe's and particularly becauſe he would not own the perriwig which Bedloe had firſt mentioned. But theſe particulars tending to ſhow that Prance was forced to depoſe what he knew not, are ſupported by no author, no evidence, no authority. There are no other vouchers but the hiſtorians who report theſe particulars, without vouchſafing to inform their readers from whence they received them.

He retracts before the king. Dec 29. Burnet.

After Prance had remained four or five days in Newgate, he was once more carried to be examined before the king in council. But he made it his requeſt that he might firſt wait upon the king himſelf. Upon this Richardſon had orders to carry him to Mr. Chiffinch's lodgings, where the king came. The king taking Prance into a room by himſelf, after ſome time, opened the door, and bad Chiffinch and Richardſon take notice of what Prance ſaid; who being called to ſpeak out plainly, he declared, "That the men he had ſworn againſt were all innocent, and that all he had ſworn againſt them was falſe," which he affirmed, ſays one, with great paſſion and aſſeveration. Upon which the king aſked him. Upon your ſalvation is it ſo? He replied, "Upon my ſalvation the whole accuſation is falſe." He was then carried before the council, where he declared to the ſame effect, and was aſked, "What inducement he had to his former ſtory------who put him upon it? He ſaid, no body prompted him; he only knew the men he ſwore againſt; he never ſaw Bedloe before he was taken up; he knew nothing of the plot nor of the murder;-------and could not reſt for the ſtory he had told. But Wren owed him money, and threatened him becauſe he dunned him for it, and ſo haired him into it." He was then remanded to priſon.

Prance retracts all before the king. Echard.

After ſo ſerious an aſſeveration, no man of ſenſe can imagine, that Catholicks, or courtiers had gained Prance to retract his firſt depoſition. For this would be only to alledge a bare ſuſpition without proof. But to have it believed, that the committee, and ſeveral members of both houſes, had threatned Prance in caſe his depoſition agreed not with Bedloe's there is no need of proof, and the bare relati- of a hiſtorian who wrote above 30 years after, is more than ſufficient for that.

Unhappily Prance retracted once more. But this ſignifies nothing, becauſe he denied what he had lately ſaid before the king and council, by reaſon of the exceſſive torments he was made to ſuffer, till he had promiſed to depoſe whatever was deſired. Let us hear what a famous hiſtorian ſays on this occaſion.

Echard.

'Prance, excepting juſt after his return, ſtood firm and immoveable in his denial, againſt all terrors and temptations for about 12 days, from the 29th of December to the 11th of this preſent January. During which ſpace of time, his uſage was barbarous, and more like the Romiſh inquiſition, than the methods of a free nation. For nine days at leaſt his caſe was deplorable; and what with the deadly cold and naſtineſs of the place, the diſtreſs of his condition, the agony of his thoughts, under the horrour of bringing new guilt upon his conſcience, and the galling weight of his irons, he lay in ſuch torments both of body and mind, that he ſpent his hours in roaring and groning, frequently and pitifully crying out, Not guilty, not guilty! No murther, no murther! He uſed the ſame outcries, or clamours, at leaſt, to that effect, ſo often, that the impoſers had no way to cover the ſcandal, and the inhumanity of their treatment, but either by imputing the anguiſh of a wounded conſcience to the ravings of a diſtempered brain; or by converting the marks of a true repentance into the ſtory of a countefeit madneſs. But when things were at the worſt, Prance was now and then, as the good humour prevailed, eaſed of his irons, comforted with good words and promiſes, and no artifice omitted to bring him to a proper underſtanding. The keepers were then under the ſole direction of a certain ambulatory committee, when and what degree to ſqueeze, to pinch, to eaſe, to ſhackle, to comfort, or to torment their priſoners; and moſt things were done according to the particular orders of that cabal. It would be too tedious to recite all the ſufferings of this unfortunate man, who being unable to hold out as Corral had done, and finding his life in the ſame danger with thoſe he had accuſed, he at length ſubmitted to the temptation, and upon a new aſſurance of pardon, he promiſed to ſtand by his former evidence. Immediately upon this, on the 11th of January, his irons were nocked off, and he was removed from hard boards, and a diſmal cold room, to a fine lodging and a curious bed, with variety of the beſt meats and drinks. Here having pen, ink and paper, and the aſſiſtance of his friend one Mr. Boyce, he finiſhed his ſtory, and prepared for being a compleat evidence againſt Green, Berry and Hill, who were ſhortly after to come upon their tryals.'

As the author of this paſſage is not content with inſinuating, that Prance was compelled by torments to ſupport his ſecond depoſition, but openly undertakes to prove it by facts which are entirely deciſive, it is abſolutly neceſſary for the reader's inſtruction to make ſome remarks on this ſubject.

1. When in a controverted matter, a hiſtorian reports facts to which he was not an eye-witneſs, and which however are capable of deciding for or againſt, the reader has a right to expect from him ſome teſtimony, or ſome author; in a word, to be informed, how he came to the knowledge of ſuch facts. But here, we ſee neither teſtimony nor author, in the text, or margin.

2. It appears from this very relation, that all the ill uſage of Prance, conſiſted in keeping him nine days in irons. If this is like a Romiſh inquiſition, it may be affirmed, England has a conſtant inquiſition, ſince priſoners committed for murder, or other great crimes are never treated otherwiſe. Beſides, it wil be ſeen hereafter, that Prance denied his ever receiving any ill uſage in priſon, or his wanting

any thing. As to the torments of his mind, and his roarings and groanings, ſuppoſing them true, only Prance himſelf could know the motives, and it muſt be ſurpriſing to ſee an author talk of what paſſed in Prance's mind, as if he had been his confident.

3. He ought to have explained what was this ambulatory committee, from whom the keepers received directions; for it is well known, that during the prorogation of the parliament (and all this paſſed at the time of the prorogation) the keeper of Newgate could obey no orders but thoſe of the king, or at leaſt of the courts of juſtice.

4. Laſtly, in proof of a fact ſo remarkable and deciſive, we have only the bare aſſeveration of the author, whoſe exaggeration is kept up with expreſſions the ſtrongeſt and moſt capable to give the readers terrible ideas of the torments endured by Prance, which however, amount to a nine days impriſonment in irons. Beſides, the author poſitively ſays, that Prance was gained without telling us by whom, or how, or giving the leaſt warrant for what he advances. I do not ſay that all this is falſe, for I know nothing of it. But as it is not forbid to rely on the faithfulneſs of the author, or of thoſe from whom he has received his informations; ſo neither is it forbid to doubt of it, and to believe that he might be prejudiced by party-ſtories, which are implicitly ſwallowed or rejected, according as they are advantagious or prejudicial to the ſide eſpouſed by thoſe who hear them.

Bedloe had given but a very imperfect information of the murder of Godfrey. He ſaid indeed, it was committed in Somerſet-Houſe, and that he had ſeen the dead body. But as to the other circumſtances, he only ſpook of them as received from perſons who had abſented themſelves; whereas Prance delivered in writing a more regular and full account, which contained preciſely his depoſition before the king in council, and was to this effect:

The ſubſtance of Prances's depoſition concerning Sir Edmundbury Godfrey's murder. Jan. 2. Burnet. Echard.

'Girald, Kelly, Green, Berry, Hill and Prance, with the approbation of ſome others, after ſeveral conſultations, had reſolved to murther Sir Edmundbury Godfrey, as being a bitter perſecutor of the Catholicks, an active diſcoverer of their deſigns, and a particular enemy to the queen's ſervants. Thus determiened, on Saturday the 12th of october, Hill went to Sir Edmundbury Godfrey's houſe in the morning, and talked with him in private. Then taking his leave, he went to Girald, and Green, and with them ſtaid heard by, waiting for the gentleman's coming out, which he did about ten or eleven, all alone as uſually. They dogged him to ſeveral places, till about ſix or ſeven in the evening, when Green went to Prance's houſe, and told him, they had ſet him near St. Clements; and that Prance muſt make all haſte to the Water-Gate, at Somerſet-Houſe, where he ſhould find Kelly and Berry, which he did; and they three waited there till about nine a clock: When of a ſudden Hill came runing and ſaid he was coming, and they muſt pretend a quarrel, and he would fetch him in. While Kelly and Berry were in a ſeeming ſcuffle, Hill at the gate, ſtoped Sir Edmundbury Godfrey, and entreated him for God's ſake to come in, for two men were a quarrelling, and he was afraid there would be bloodſhed. The gentleman being a magiſtrate, did at laſt conſent, and Hill entered the gate firſt, to ſhow him the perſons; and after them followed Girald and Green; while Prance watched the Water-Gate, and Berry was to ſecure the paſſage by the chapel. But firſt, he and Kelly, the pretended combatants, ſtood about the end of the rail by the queen's ſtables; and as Sir Edmundbury went down towards them, Green ſuddenly threw a twiſted handkerchief about his nek, and immediately all four pulled him down and ſtrangled him, ſo as he could make no noiſe; after which they threw him behind the rail, and gave him ſome violent punches on the breſt with their knees, and Green with all his force rung his neck almoſt round. Prance and Berry being come to them, when he was quite dead, they all helped to carry the body into Dr. Godden's lodgings, where Hill lived, and where they brought him up five or ſix ſteps, into a little room on the right-hand, and there left him that night, and Sunday all day and night. On Monday night, Hill and ſome others removed him into a room in the upper court, where Prance was ſhewn the body by the light of a dark-lanthorn, and where Bedloe ſwore he ſaw Prance. On Tueſday night, they carried him to another room in the long entry, over-againſt Dr. Godden's lodgings; and on Wedneſday night they removed it to the little room where it was firſt laid. Having kept the body above four days and nights, Girald and Kelly adviſed to have it carried into the fields, and leave him run through with his own ſword, that he might be ſuppoſed to have murdered himſelf; and therefore his money, rings, &c. were all to be left with him. This being agreed, they reſolved to carry him out that night: and accordingly Hill procured a Sedan, or Chair, into which they put the body about twelve a clock. Berry the porter, having invited the ſentinels into his houſe, opened the the gate, and Prance and Girald carried out the Sedan. Thus, ſometimes they two, and ſometimes Kelly and Green, carried it up towards Soho-fields, hard by the Grecians church; and there Hill attending with a horſe, they ſet the body up before him, and left the Sedan in ſome unfiniſhed buildings in that place; whereupon Girald ſaid, I wiſh we had 100 ſuch rogues as ſecure as this. Then Prance being a houſe-keeper, returned home; and the other four went on, one leading the horſe, Hill riding and holding the body, and the other two walking by. They crried him to a place called Primroſe-hill, about two miles out of town, where they left him in a ditch, with his own ſword run through his body by Girald himſelf, in the exact poſture of one that had murdered himſelf.'

This depoſition, which was immediately publiſhed, met with an entire belief from the people. But afterwards, when the popiſh party prevailed, ſeveral authors endeavoured to find many miſtakes and inconſiſtancies in it, and even maintained, that it was not penned by Prance, but ſome abler hand. As at firſt it was dangerous to ſay, that Prance was a falſe witneſs, it was afterwards no leſs dangerous to maintain, he had ſpoke the truth. Hence ſome adhere to this depoſition, and others to the writings afterwards publiſhed againſt it, to demonſtrate its falſhood.

A proclamation againſt the Papiſts. Echard.

While theſe things were tranſacted, the king was by no means at eaſe. The plot (of which he was ſuſpected to be the author, at leaſt in what concerned the government and religion) and the impeachment againſt the earl of Danby, which entirely reflected upon him, could not but greatly perplex him. To divert a little theſe ſuſpicions, he publiſhed, the beginning of January, ſeveral proclamations againſt the Papiſts, who, immediately after the prorogation of the parliament, were returned to London and Weſtminſter. By another proclamation, he recalled all his ſubjects from the foreign ſeminaries; but theſe were remedies little capable of curing the people's ſuſpicions and fears.

Jeſuits taken up upon the information of Dugdale. Echard.

About this time was diſcovered a college of jeſuits at Lower-Come in Herefordſhire. Moreover, a freſh witneſs appeared, one Stephen Dugdale, who pretended to make new diſcoveries in the plot, and accſed five jeſuits, and one prieſt. This obliged the king to publiſh a new proclamation againſt Evers, Gawen, Vavaſor alias Gifford, Leviſon, jeſuits, and Broadſtreet a prieſt, with a promiſe of 100 l. to any that ſhould apprehend Evers, and 50 l. for each of the reſt.

The king diſſolves the parliament. Kennet.

Calls another. A reflection on this parliament

In the interim, as the time for the meeting of the parliament approached, the king perceiving, that in the preſent diſpoſition of the commons, he ſhould receive no advantage from them, but rather new mortifications, on the 24th of January diſſolved this parliament by proclamation, promiſing withal, to iſſue out writs for the calling of a new parliament the 6th of March following. Thus ended the long parliament, which had continued almoſt 18 years, and had been for 12 years ſo favourable to the king. Never parliament had been ſo liberal to any king, or carried the prerogative higher. If Charles II. had not purſued methods ſo contrary to the intereſts of the kingdom, he would never have loſt the affection of this parliament, which ſtudied only to pleaſe him, and give him the moſt effectual proofs of their zeal. But when, in proceſs of time, they diſcovered, that the king had ill-deſigns againſt the government, and the eſtabliſhed religion, which he had ſufficiently ſhewn by his two wars againſt Holland, and his intimate union with France, they began to conſider him as an enemy to the ſtate, whoſe deſigns and meaſures were to be broken. The letters, produced by Mr. Mountague in the parliament, fully convinced the moſt incredulous, that the king was a penſioner of France, and ſacrificed the intereſt of England to that crown. It is, therefore, no wonder, that the parliament credited the diſcovery of a plot, which was ſo natural a conſcequence of the king's deſigns, now entirely believed. Indeed the firſt article of this plot, concerning the killing of the king, might be doubtful and uncertain, wherefore the parliament willingly left it to the deciſion of the courts of juſtice. But the two laſt, relating to render the king abſolute, and ſubverting the eſtabliſhed religion, needed no other proofs than thoſe the king had given. Beſides, the duke of York being a profeſſed Papiſt, and having a great influence in the king's counſels, it was not difficult to conceive, that he being ſuch a zealot for his religion, he would loſe no occaſion of promoting it: and this his ſecretary's letters plainly demonſtrated. Indeed, this parliament was compoſed chiefly of rigid Epiſcopalians, who perhaps cannot be vindicated in their perſecution of the Presbyterians. But however, they were not willing to ſacrifice the Proteſtant religion, and the liberties of the nation, to their paſſion againſt Presbyterianiſm. From hence flowed the quarrels between the king and the parliament, the mortifications ſo frequently given him, and his diſſolution of it at laſt, tho' he had in it ſo many creatures, purchaſed either with ready money or penſions. At firſt, this trade was ſecretly carried on, but after Clifford's advancement to the treaſury, it was practiſed ſo openly, that every man's name and price were publickly known. Notwithſtanding all this, when once the conduct of the king and court was conſidered, it was not poſſible for the king to obtain a majority in the houſe of commons, becauſe thoſe who were ready to ſacrifice the nation's money to the king, would not ſacrifice to him their liberties and religion. Another cauſe alſo ſtopped the king in his carreer, viz. that as ſoon as the people were diſſatiſfied with the court, vacancies in the parliament were filled with men of quite contrary principles to the king and duke of York, ſo that in time, the parliament became very different from what it was at the beginning. It is not therefore ſtrange, that the king ſhoud deſire to be rid of a parliament, from which he could expect no farther benefit. But he flattered himſelf in vain, with having another more favourable, as will hereafter appear.

Elections for a new parliament

Upon the 25th of January, the king iſſued out writs for the new election, which put the whole nation into a ferment. It happened to the king on this occaſion, as it had happened to his father. The people being diſcontented with the court, and full of ſuſpicions and fears, affected to choſe repreſentatives the moſt averſe to popery and arbitrary government. And as the high-church-men had been for ſeveral years a little too ſtrongly attached to the king; and had, in the laſt parliament, paſſed acts to raiſe the royal power higher than ever, the people in general were not for truſting their intereſts in ſuch hands. On the other ſide, the Presbyterians, tho' long oppreſſed, were ſtill numerous in the corporations, ſo that by the ſuperiority of their votes, they commonly carried the elections in favour of their own party, or, at leaſt, of men, who had only outwardly conformed to the church of England. In a word, when the returns were made, it was found, that moſt of the repreſentatives were men very oppoſite to the principals and deſigns of the court. The king, to prevent theſe impreſſions, affected an extraordinary ſeverity againſt the Papiſts, and by proclamation, on complaint of the neglects of the proſecutions of recuſants, ordered the chancellor to put out of commiſſion, all juſtices of peace, who were remiſs in their duty. But this was too frequent an artifice, to be capable to perſuade the people, that the king was truly zealous for the Proteſtant religion.

Tryal of the murderers of Godfrey. S. Tryals.

While all were engaged in the new elections, three of the five, accuſed of Godfrey's murder, namely, Green, Berry, and Hill, were tried at the King's-Bench bar, before the lord chief-juſtice Scroggs, the 10th of February.

Oates's depoſition.

Oates depoſed, that he had heard Godfrey ſay, a little before his death, "That he went in fear of his life by the popiſh party, and had been dogged ſeveral days."

Robinſon's depoſition.

One Robinſon teſtified, that he heard him ſay, "That he believed he ſhould be the firſt martyr."

Prance's depoſition.

Prance's evidence was the ſame with what he had before depoſed. The priſoners objected to him, that he had recanted, and denied all before the king and council. The court made for him the anſwer which he had before given to the council, that all that was nothing but an unuſual fear, and a want of a full aſſurance of his pardon. Some repreſent this as a great partiality in the judge. But it muſt be obſerved, that judges ſit upon the tryal of criminals, not to condemn or acquit: the jury decide the caſe, aad find the priſoners guilty or not guilty. When therefore any material difficulty offers, it is the office of the judge to direct the jury, and ſhow them what they are, and what they are not to mind, with the reaſons of their opinion. So I doubt, that on this occaſion the court did not exceed the bounds of their duty, though I will affirm nothing.

Hill's wife asked Prance, whether he had not been tortured in Newgate, ſince ſeveral had heard him cry out in that place? He anſwered, "That he had not------That captain Richardſon had uſed him as civilly as any man in England; and that all the time he was there, he wanted for nothing." This anſwer, as we ſee, is very contradictory to the aggravated recital of his torments, tho' even in that recital, nothing is ſaid which tends to ſhew, that he was put to the torture. However, the author of the recital, better informed than Prance himſelf, ſcruples not to ſay, "That the poor man, to ſupport the credit of his evidence, was forced to diſown all his barbarous uſage."

Bedloe's evidence.

'Bedloe had already depoſed before the lords, that le Phaire, Walſh, Pritchard, Keins, &c. had wheedled Sir Edmundbury Godfrey into Somerſet-Houſe court, under pretence of taking ſome ploters, and after a turn or two, and the pretence of ſending for a conſtable, they ſhoved him into a room, preſented a piſtol to him, threatning to kill him, if he made any noiſe, but would do him no hurt, if he would ſend for his examinations; which he refuſing to do, they ſtifled him between two pillows, and after that, upon finding ſome life in him, they ſtrangled him with a long cravat.'

Some have remarked, that this firſt evidence of Bedloe, was directly contrary to Prance's. Others have obſerved, that Bedloe never ſaid that he was preſent at the murder, but only depoſed what he heard from others; conſequently, that there was no real contradiction between the two witneſſes.

In the preſent tryal Bedloe depoſed, 'That about a fortnight before the murder, le Phaire, Prichard, Keins, and ſome other Romiſh prieſts, all unknown to Prance, diſcurſed Bedloe about killing a certain gentleman, not named; and then ſet him to inſinuate himſelf into Sir Edmundbury Godfrey's acquaintence, which he did under ſeveral pretences. That on the very day of the murder, le Phaire told him, there was a gentleman to be put out of the way that night, and would have him to aſſiſt, and that there would be 4000 l. reward from the lord Bellaſis, &c. and therefore deſired him to meet in the cloyſter at Somerſet-Houſe that evening, for thereabouts it was to be done; which he promiſed to do, but wilfully failed them, becauſe he would not have his hands in blood. On the Monday after, le Phaire meeting him, charged him with breach of promiſe, and appointed him to come to Somerſet-Houſe at nine that night, where he told the witneſs, that he had done ill, that he did not help in the buſines: but if he would help to carry him off, he ſhould ſtill have half the reward; and told him he was actually murdered. The witneſs asked, if he might ſee him; upon which le Phaire led him through a dark entry, into a room where were ſeveral people, and Prance amongſt them, and only by the light of a dark lanthorn he ſaw the face of the murdered perſon, and knew him to be Sir Edmundbruy Godfrey. The witneſs adviſed to tie weights about him and throw him into the Thames; but they did not approve of that, but ſaid, they would put it upon himſelf, and carry him out in a cheair, by the help of the porter Berry, at twelve that night. The witneſs promiſed, upon the ſacrament, which he had taken the Thurſday before, to come again and help them; but being got from them, his conſcience would not permit him to go any farther, tho' he had been promiſed 2000 l. for his labour, but he rather choſe to diſcover the villany to the king and council, and accept of a quarter of the ſum in an honeſt way.'

What appears moſt ſtrange in this depoſition, is not its contrariety to the firſt, in which he only ſpoke by hearſay; but that Bedloe did not relate theſe circumſtances to the lords, having only ſaid, that he had ſeen Godfrey's body in Somerſet-Houſe, and Prance in the ſame room.

The conſtable's depoſition.

The conſtable that viewed the body in the ditch, gave an account, ‘ That the ſword was ſticking through him, but no blood appeared upon the ground, and he found gold and ſilver in his pockets.’ Two ſurgeons ſwore, ‘ That they verily believed the ſword was run through him after he was dead and cold; but that he died by reaſon of the ſuffocation, and breaking of his neck, and bruſes on his breaſt.’

Sir Robert Southwell's depoſition.

Sir Robert Southwell depoſed, ‘ That Prance having related the matter to the council; and being ſent with the duke of Monmouth and the earl of Oſſory to ſhow the place he mentioned, did readily go to them all, and they appeared all to be ſuch as he had deſcribed them. only as to the room in the upper court, where the body was laid one night, having never been there but once, he ſaid he could not poſitively aſign it, but pointing to ſome rooms, and ſaid, he was ſure it was thereabouts.’

As to the priſoners defence, Hill brought ſeveral witneſſes to prove, ‘ That he was never out of his lodgings after eight a-clock at night, during the whole time of this tranſaction.’

Some have pretended, that theſe depoſitions were not regarded, becauſe the witneſſes were Papiſts. But no ſuch thing is ſaid in the printed tryal, and it is difficult to know the thoughts of the jury, who were the ſole judges of theſe evidences.

Beſides, Hill ſhewed, ‘ That when he heard of Prance's being taken up for the murther, he had full leaſure to make his eſcape, which he never endeavouring, was a great preſumption of his innocence,’ It is to be preſumed, the jury took but little notice of this proof.

Green proved by two witneſſes, James Warrier and his wife, ‘ That he was at their houſe in the Strand from between ſeven and eight, till after ten, on that very night and time that Sir Edmundbury Godfrey was ſaid to be murthered in Someſet-Houſe.’ But unhappily, Warrier willing to corroborate his evidence, added, ‘ That Green's being apprehended a month after the murder of Godfrey, recalled to his mind, that the ſaid Green had been with him on Saterday the 12th of October, from eight to ten in the evening.’ But, beſides that Green was not arreſted till the 24th of December, that is to ſay, two months and 12 days after Godfrey's murder, he was not taken up for this murder but for refuſing the oaths, which could not cauſe Warrier to remember, that Green had been with him the day Godfrey was murdered. Green added, ‘ That when Prance was taken up, he ſhewed ſuch a deteſtation of the fact, that he ſaid, rather than he ſhould eſcape, if he were guilty, he would be the executioner himſelf.’ In all likelihood, this proof appeared not very material to the jury. In behalf of Berry the porter, the ſoldiers that were placed centinel at the gate, teſtified, ‘ That no ſedan went out of the gate that night that the body was ſaid to be carried off, tho' one did come in, and that they could not be miſtaken in ſo plain a matter.’ And Berry's maid declared, ‘ That her maſter was in bed by twelve a clock that night, and never ſtirred out, which made it impoſſible for him to be upon the whole expedition.’

They all endeavoured likewiſe to invalidate Prance's evidence; but the court obſerved, ‘ That it was impoſſible that Mr. Prance, a man of that mean capacity, ſhould invent a ſtory with ſo many conſiſting circumſtances, if there was no truth in the bottom of it:’ But adds the hiſtorian whom I have often quoted, ‘ others obſerved, that the ſtory was invented by ſome body elſe of a greater capacity.’ This inſinuation is ſupported only upon his ſyſtem. But beſides, had the penner of this narrative been ſo able as is ſuppoſed, it would not have been difficult to give it a perfect agreement with Bedloe's firſt depoſition, whereas it was different in many reſpects. For when a man is only to invent, and has falſe witneſſes ready to ſupport the invention, he need not be much puzzled about the facts.

Echard.

Thy are condemned.

State. T

In concluſion, the jury brought them in all guilty of the murder. Whereupon, the lord chief-juſtice Scroggs ſaid, ‘ They had found the ſame verdict that he would have found, if he had been one with them.’

And executed without making any confeſſion.

Burnet.

They all three inſiſted upon their innocence to the laſt moment of their lives. Berry owned, ‘ That he was a Proteſtant in his heart, but had for ſome time diſſembled his religion for his private advantage.’

Hill, to perſuade the ordinary of Newgate of his innocence, gave him this notable proof of it; ‘ That he had wronged one in a twelve-penny matter, which had ſo troubled his conſcience, that he had made reſtitutiou ſince his condemnation, tho' he was in extreme want of preſent neceſſaries:’ And therefore he thus argued with him, ‘ If I have taken ſhame upon myſelf, in confeſſing my crime in the caſe of a trifle; can you think I would deny the murther to maintain my reputation?

Green and Hill were executed the 21ſt of February; but Berry was reprieved till the 28th of May.

The duke of York leaves the kingdom.

Kennet.

The time for the meeting of the parliament drawing near, the king, after examining the elections, foreſaw a ſtorm gathering againſt the duke of York. Wherefore, to prevent it, and perſuade the new parliament that his counſels were not influenced by his brother, he reſolved to ſend him away, and for that purpoſe, the 28th of February, wrote him the following letter:

A letter from the king to the duke of York;

‘ I have already given you my reſolves at large, why I think it fit that you ſhould abſent yourſelf for ſome time beyond the ſeas: As I am truly ſorry for the occaſion, ſo may you be ſure, I ſhall never deſire it longer than it will be abſolutely neceſſary for your good, and my ſervice. In the mean time, I think it proper to give it you under my hand, 'that I expect this compliance from you, and 'deſire it may be as ſoon as conveiently you 'can. You may eaſily belive with what trouble 'I write; there being nothing I am more 'ſenſible of, than the conſtant kindneſs you 'have ever had for me. I hope you are as 'juſt to me, to be aſſured, that no abſence, 'nor any thing elſe, can ever change me from 'being truly and kindly yours.'

C. R.

Who withdraws to Bruſſels.

The duke immediately obeyed, and the 3d of March departed for Holland, with his ducheſs, and the princeſs Ann his daughter, from whence he went and reſided at Bruſſels.

Proceedings againſt Danby. Burnet.

In the interim, the king fearing that the new parliament would impeach the earl of Danby, and that the earl, in prevention of his own danger, would be obliged to reveal ſecrets, which he wiſhed to be concealed, granted him, under the great ſeal, as full and compleat a pardon as could be drawn.

The king's ſpeech to the parliament Kennet.

The new parliament meeting the 6th of March, the king made a ſpeech, tending to ſhew how well affected he was to the laws of the land, and the Proteſtant religion. He ſpooke of his care in puniſhing, as well thoſe concerned in the plot, as the murderers of Sir Edmundbury Godfrey, and forgot not to mention the removal of the duke of York. Laſtly, he demanded money for diſbanding the army, and for paying the fleet. The chancellor enlarged upon all theſe points with great exaggerations, according to his cuſtom.

A difference between the king and commons about the choice of a ſpeaker. Burnet.

A ſhort prorogation.

Another ſpeaker choſen.

The parliament began with a warm diſpute between the king and the commons, about the choiſe of a ſpeaker. The commons having choſen Mr. Edward Seymour, the king, who knew Seymour was a particular enemy of the earl of Danby, refuſed his approbation, and ordered the commons to proceed to a new choiſe. The houſe was extremely diſpleaſed with this refuſal, alledging, "That it was "never known that a perſon ſhould be excepted againſt, and no reaſon at all given, "and that the thing itſelf, of preſenting a "ſpeaker to the king, was but a bare compliment." The king, on his ſide, inſiſted on the approbation or refuſal of a ſpeaker when preſented to him, as a branch of his prerogative. During a ſix days diſpute, the commons made ſeveral repreſentations to the king, to which he gave very ſhort anſwers. At laſt, as the commons would not deſiſt from what they thought their right, the king went to the parliament, and prorogued it from the 13th to the 15th; that is, for one day's interval between the two ſeſſions. The parliament meeting the 15th. the king ordered the commons to proceed to the choiſe of a ſpeaker. Then, to avoid a revival of the diſpute, they choſe Mr. William Gregory ſerjeant at law, who was approved by the king.

The commons began with appointing a committee to examine controverted elections, 60 petitions having been already preſented.

A ſecret committee appointed. Echard.

The affair of the earl of Danby reſumed.

This affair being put into a way of determination, the commons appeared reſolved to purſue the matters which the late parliament had left undecided. For this purpoſe, the 20th of March they appointed a ſecret committee, to take informations, prepare evidence, and draw up articles againſt the lords that were impeached, and to take ſuch further informations as ſhould be given, relating to the plot againſt his majeſty and the government, and the murder of Sir Edmundbury Godfrey. At the ſame time, they deſired the lords, by an expreſs meſſage, to remember the impeachment of heigh-treaſon exhibited againſt Thomas earl of Danby, in the name of the commons of England, and to commit him to ſafe cuſtody. They reſolved alſo, that it ſhould be referred to the committee of ſecrecy, to draw up further articles againſt him. The earl of Danby was greatly ambaraſſed; for he could not make his defence without producing the letters wrote by his majeſty's particular order, and other papers which the king was willing to conceal. Wherefore he reſolved to adhere to the benefit of his pardon.

Tonge and Oates examined. Echard.

An addreſs to the king.

The next day, the 21ſt of March, Dr. Tonge, Oates, Bedloe, and a Scotchman, one Edmund Everard, a new diſcoverer, were called before the commons, to give in their informations concerning the plot. Bedloe having delivered in his information, the houſe reſolved, 'That an humble addreſs be made to 'his majeſty, that the 500l. promiſed by his 'proclamation for the diſcovery of the murder of Sir Edmundbury Godfrey, may be 'paid to Mr. Bedloe, and that he would further be pleaſed to order, that the 20l. reward for the diſcovery of every prieſt, may 'be effectually paid to the diſcoverers.'

Another.

The king's anſwer.

By another addreſs, they deſired, 'That 'the care of Mr. Bedloe's ſafety might be recommended to the duke of Monmouth.' The king anſwered, 'That he would take 'immediate care for the payment of the 500l. 'and the 20l. they deſired: That he had 'hitherto taken all the care he could of Mr. 'Bedloe: That he knew how conſiderable his 'evidence was: That he would ſee hereafter, 'that he ſhould want for nothing; but that 'he could not be anſwerable for him when he 'went abroad.'

A vote of the commons relating to the conſpiracy.

And of the lords.

A faſt appointed. Kennet.

Upon the whole, the commons came to a vote ſomething like that in the laſt parliament, viz. 'That the houſe doth declare, that they 'are fully ſatisfied that there now is, and for 'divers years laſt paſt hath been, a horrid and 'treaſonable plot and conſpiracy, contrived 'and carried on by thoſe of the popiſh religion, for the murthering his majeſty's ſacred 'perſon, and for ſubverting the Proteſtant religion, and the antiant and well-eſtabliſhed 'government of this kingdom.' The lords concurred to this vote without heſitation, as alſo to an addreſs to be preſented jointly by both houſes to the king, to pray him to appoint a ſolemn day of humiliation and faſting throughout the whole kingdom. The king granted their requeſt, and the 11th of April was appointed to be kept as a publick faſt day.

The 22d of March, the commons ordered a bill to be brought in, to ſecure the king and kingdom

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kingdom againſt the danger and growth of popery.

The king intereſts himſelf in the earl of Danby's affair.

The ſame day the king going to the parliament, ſpoke to both houſes in favour of the earl of Danby. But the commons, unmoved with this ſpeech, were no ſooner returned to their houſe, than they ſent a meſſage to the lords, to demand that the earl might be forthwith committed to ſafe cuſtody. The lords ſeeing the paſſion of the commons, offered them in a conference, the draught of a bill, by which the earl of Danby ſhould be for ever incapable of coming to his majeſty's preſence, and of all offices and employments, and of receiving any gifts or grants from the crown, and of ſitting in the houſe of peers. But the commons were not ſatisfied with ſuch a bill, probably, for two reaſons. The firſt was, that the earl of Danby had implacable enemies among the leading commons. The ſecond, that purpoſing to diſcover the king's ſecrets, by a ſtrict examination of the earl of Danby's affairs, they ſaw that this bill was only an artifice, to conceal what they wiſhed to know and divulge.

An offer of the lords, rejected by the commons.

The commons examine into the earl's pardon. The chancellor's account of it. Echard. Burnet.

In the interim, the commons hearing that the king had ſigned a pardon for the earl of Danby, appointed a committee to repair to the chancellor, and inquire how this pardon was ſealed, and at whoſe ſuit. The chancellor anſwered, 'That it was done very privately, the king having ordered him to bring the ſeal into his cloſet, and lay it upon the table; that his majeſty commanded the ſeal to be taken out of the bag, and ordered the perſon who uſually carried the purſe, to affix it to the pardon.' The chancellor added in his juſtification, 'That at the very time of affixing the ſeal to the parchment, he did not look upon himſelf to have the cuſtody of the ſeal: That the pardon was paſſed with the utmoſt privacy, at the deſire of the earl, who gave this reaſon for it, that he did not intend to make uſe of it, but to ſtand upon his innocence, except falſe witneſſes ſhould be produced againſt him; and then he would make uſe of it at the laſt extremity: That notwithſtanding this reaſon, he adviſed the earl to let the pardon paſs in the regular courſe; but after conſulting with the king, his majeſty declared, he was reſolved to let it paſs with all privacy.'

The houſe, upon hearing this report were inflamed againſt the earl, and one of the members, naming the earl of Danby, proceeded thus:

Speech againſt the earl of Danby. Echard.

'——The perſon to whom we owe the dangers and fears of the French king againſt us: The perſon to whom we owe the threats and ſevere anſwers to thoſe humble addreſſes we made the laſt ſeſſion of parliament: The perſon to whom we owe the ruin of this nation, and exhauſting the king's revenue: The perſon to whom we owe the expence of 200,000 l. a year, unaccounted for: The perſon to whom we owe the raiſing of a ſtanding army, to be kept up by the receipt of 6000000 of livres yearly, for three years, to enſlave us, and our religion: The perſon to whom we owe the late bone that was thrown in on the ſitting of the laſt parliament, to hinder the good iſſue that might have come by their proceedings; who is now laying down his ſtaff, and making up his accounts in the treaſury, as he pleaſes, to enrich himſelf out of the ſpoils of the people, and ſo depart.'

A remark upon the plot.

I have often ſaid, that the people in general were perſuaded, not only of the reality of the plot, at leaſt with regard to the government and religion, but that even the king and the duke of York were the true authors of it. This ſpeech plainly ſhews, it was at leaſt the opinion of the ſpeaker, and when a member of the commons advances ſuch propoſitions, without a repremand, one may be ſure he ſpeaks the general ſence of the houſe. Beſides, the removal of the duke of York was a demoſtration, that the king was not ignorant of his being ſuſpected to ſubmit too much to the counſels of his brother. It is therefore hard to conceive, why ſo many ſenſible men obſtinately labour to ſhew, there was no real plot, becauſe the article concerning the deſign of killing the king, may be doubtful. For, the truth of the two other branches, concerning the government and religion, flows from ſo many circumſtances, that one muſt be wilfully blind not to ſee it. Perhaps the word plot offends ſome perſons, who cannot comprehend how a king can plot againſt his ſubjects. But if this is all, there is a way to be ſoon agreed. Inſtead of ſaying there was a plot to ſubvert the government, and the Proteſtant religion, let it be ſaid, there was a project or deſign on foot, headed by the king and the duke of York, to render the king abſolute, and introduce popery. But this is preciſely what is meant by the plot. For the deſign of killing the king was only an apendix to the plot, ſuppoſing it real, and an affect of the furious zeal of ſome private perſons, who thought to accompliſh the plot better by placing the duke of York on the throne.

1679. March 25. Echard.

The earl of Shaftſbury's ſpeech.

I ſhall nor inſert the earl of Shaftſbury's ſpeech in the houſe of lords, becauſe ſo much pains has been taken to repreſent him as the great enemy of the king, and the firſt mover of the whole party, that whatever came from him muſt be ſuſpected. I ſhall produce, however, one paſſage of this ſpeech: 'Popery, ſays he, and ſlavery, like two ſiſters, go hand in hand; ſometimes one goes firſt, ſometimes the other; but whereſoever the one enters, the other is always following cloſe at hand. In England, popery was to have brought in ſlavery; in Scotland, ſlavery went before, and popery was to follow.' Thus much is certain, that his obſervation on the ſlavery of Scotland was exactly true, and that the duke of Lauderdale, ſupported by the court, exerciſed among the Scots a tyranny unknown to their fore-fathers. What therefore could the Engliſh imagine, when they ſaw a neighbouring kingdom, inveſted with no leſs privileges than England, governed in ſo abſolute a manner, under the ſame king and the ſame miniſtry? Could they expect that the ſame principles would not be followed in England, if it could be done with the ſame eaſe?

The earl of Danby withdraws A bill preferred againſt him by the commons. Kennet.

The ſame day, the lords ſent a meſſage to acquaint the houſe of commons, that the earl of Danby had withdrawn and could not be found. Whereupon the commons ordered, ‘That a bill be brought in to ſummon Thomas ‘earl of Danby, to render himſelf to juſtice ‘by a day to be therein limited, or in default ‘thereof, to attaint him.’ The third of April, articles of impeachment againſt the five lords in the Tower were drawn up by the commons, and carried to the houſe of lords, as well as the bill to fix a day for the earl of Danby to render himſelf to juſtice. The lords having ſent back this laſt bill with ſome amendments, the commons were diſſatisfied, becauſe the lords were not of opinion, in caſe the earl refuſed to ſurrender himſelf, to proceed againſt him by bill of attainder, but to content themſelves with inflicting other penalties. The two houſes had ſeveral conferences upon this ſubject, in which the commons continued immovable, without any diminuation of their rigour againſt the earl. At laſt the lords paſſed the bill, and appointed the 23d of April for the earl's ſurrendering himſelf to trial. The earl ſeeing that his abſence could not hinder the bill of attainder from paſſing againſt him, reſolved at laſt to ſurrender himſelf to the uſher of the Black-Rod, and the ſame day, he was ſent to the Tower. The king then found himſelf involved in greater difficulties than he had ever ſtruggled with before, as he ſaw, the earl of Danby could not make his defence without divulging his ſecrets.

Paſſed by the lords. He ſurrenders himſelf, and is ſent to Tower.

The king forms a new council. Temple's Mem.

If the king would have altered his maxims and principles, he might have been eaſily freed from theſe troubles. He had only to break his union with France, diſmiſs thoſe of his miniſters who were unacceptable to the parliament, and act with ſincerity for the intereſt of the kingdom, and of the Proteſtant religion, abandoning all the projects he had hitherto formed. But he could not reſolve to make this ſacrifice, both becauſe he believed his honour concerned, and his deſign was only to gain time, and amuſe the parliament. It was with this view, that by the advice of Sir William Temple, he reſolved to eſtabliſh a new council, into which were admitted ſome lords moſt oppoſite to him, as the earls of Shaftsbury and Eſſex. This council conſiſted of 30 members, 15 of whom were ever to be the preſent chief officers of his crown, and houſhould. ten were to be taken out of the nobility, and five out of the commons. But he took care in this model of his council, to have a majority of ſuch as were devoted to him. The earl of Shaftsbury was made preſident of this council, tho' no man was more hated by the king. His aim was to perſuade the publick and the parliament, that he was reſolved entirely to change his manner of governing, and be guided in all affairs whatſoever, by the advice of the new council. But this was only to amuſe the publick. For as it was not poſſible for the king to depart from his principles, concerning religion or government, ſo moſt of his new counſellors were not for ſacrificing the royal authority to the will of the parliament. The earl of Shaftsbury would have been extremely pleaſed with being preſident of the council, if his authority had been proportionable to his office. But he quickly perceived, he was there only for ſhew, and to be ſubſervient to the king's deſigns, whilſt others had his confidence. There were chiefly four who had the direction of affairs committed to them, viz. the earls of Sunderland and Eſſex, the lord Hallifax, and Sir William Temple. Theſe digeſted and prepared what was to be propoſed to the council or the parliament.

Acquaints the parliament with it. Echard.

The king had no ſooner made this alteration, than he come to the parliament to acquaint them with it. But tho' the city of London, and the reſt of the kingdom reſounded with joyful acclamations, and were perſuaded that things were going to change for the better, the houſe of commons received the news with great coldneſs. They had not ſufficient confidence in the king, to believe he really intended to govern otherwiſe than he had hitherto done, but thought this was ſome new artifice, which would ſoon produce its effects. So, by this change the king gained not much ground in the houſe of commons. I am ſenſible, the diſtruſt of the commons is aſcribed to Shaftsbury's intrigues, and Sir William Temple even inſinuates it in ſeveral places; but it is not eaſy to comprehend how a ſingle man ſhould have had credit enough in the country-party, to direct them as he pleaſed, if that party had not otherwiſe known what Shaftsbury laboured to make them believe. For inſtance, this earl inſinuated that the nation could not be ſecured againſt the duke of York, and that when he ſhould once poſſeſs the crown, all proviſions againſt him would vaniſh. Was he in the wrong? And was there need of ſo great a credit to convince the countrey-party of a thing they were but too well convinced of before? It is therefore a mere artifice ſolely to impute the animoſity of the commons to the earl of Shaftsbury, as if it had no other foundation than his credit and intrigues, in order to remove thereby the juſt and real occaſions of complaint againſt the king's government. The meaſures purſued by the court in the foregoing years, both againſt the eſtabliſhed government and religion had been ſeen. What had the king done to cauſe them to be forgot? He had iſſued out proclamations againſt the Papiſts, but they were ſo ill executed, that they were not apt to inſpire the parliament with confidence. The king, under colour that he might be ingaged in a war againſt France, had levied 30000 men, and at the ſame time was negotiating a yearly penſion with that crown of 6000000 of livers for their maintenance, as plainly appeared from the letters produced in parliament. What had the king done to remove the fears occaſioned by this army? He had applied to their maintenance the money granted by the parliament for their diſbanding, and if he had conſented

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conſented to their being diſmiſſed, it was becauſe he applied to another uſe the money received from France. In ſhort, was it poſſible to forget the tranſactions of the cabal, the king's indolence with regard to the intereſts of England and of all Europe, the frequent prorogations of parliament at critical times, when vigorous reſolutions were taken againſt France grown too powerful; his deſign, in conjunction with that crown, of utterly deſtroying the commonwealth of Holland; deſign ſo directly oppoſite to the intereſts of England? Could it not be ſeen, that the king was without legitimate children, and the duke of York his brother and preſumptive heir, not only a Papiſt, but alſo a bigot to his religion? Could the tranſactions in Scotland be concealed, where arbitrary power was compleatly eſtabliſhed? I do but juſt mention ſome of the principal points, for it would be too tedious to relate all the cauſes of the nation's ſuſpicions and fears. After this, how is it poſſible to believe that Shaftsbury's intreigues and artifices were the ſole cauſe of the commons diſtruſt? I do not doubt that he contributed to them, and that being ſo well informed, as he was, of the king's ſecret deſigns, he oppened the eyes of many people who perhaps would have been deceived by the artifices of the court. But this is not what is meant by aſcribing the people's fears and jealouſies to the intrigues of this earl. That he was actuated by a ſpirit of revenge, is no concern of mine, but the event too plainly ſhowed, how agreeable were his advices to the intereſt of the kingdom.

A deſign diſcovered to burn London. Echard.

While the alterations the new council was to bring in the affairs of the government, were impatiently expected, the commons were ſuddenly alarmed by an information of a freſh deſign of the Papiſts to burn London a ſecond time. The houſe of one Bird in Fetter-Lane being ſet on fire, his ſervant, Elizabeth Oxley, was ſuſpected of firing it on purpoſe, and ſent to priſon. She confeſſed the fact, and declared, ſhe had been employed to do it by one Stubbs a Papiſt, who had promiſed her five pounds. Stubbs being taken up, confeſſed he perſuaded her to it, and that father Gifford his confeſſor put him upon it, telling him, it was no ſin to burn all the houſes of hereticks. He added, that he had frequent conferences on this affair with Gifford, and two Iriſh-men. Moreover Stubbs and the maid-ſervant declared, the Papiſts were to make an inſurection, and expected an army of 60,000 men from France. The commons obtained a pardon for Stubbs and the ſervant, in conſideration of their ready confeſion. But it was generally inferred from this incident, that it was not Gifford's fault that the city of London was not burnt as in the year *1666*.

This accident produced an addreſs from the commons to the king, for the execution of Pickering the jeſuit, and the other condemned prieſts.

But the commons ſtopped not there. The ſame day they reſolved to ſit on the morrow, tho' Sunday, to conſider of means for the preſervation of the king's perſon, and the Proteſtant religion againſt the attempts of the Papiſts, both in the reign of the preſent king, and his ſucceſſor. Accordingly the next morning they firſt ordered a bill to be brought in to baniſh all Papiſts, or reputed Papiſts, within London and Weſtminſter, 20 miles from the ſame for ſix months; and then they voted, nemine contradicente, 'That the duke of York being a Papiſt, the hopes of his coming ſuch to the crown, has given the greateſt countenance and encouragement to the preſent conſpiracies and deſigns of the Papiſts againſt the king and the Proteſtant religion.' This vote was ſent to the lords for their concurrence.

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Vote of the commons againſt the duke of York. Kennet.

The 25th of April the earl of Danby appeared at the bar of the houſe of lords, and there produced the king's pardon for all crimes and offences whatſoever committed before the 28th day of February laſt. After which he was ſent back to the Tower. The lords having given notice of this to the commons, they appointed a committee of ſecrecy to examine the nature of the earl's plea, who made their report, 'That there was no precedent, of a pardon granted to any perſon impeached by the commons of high-treaſon, or other high-crimes depending in the impeachment.' After this report, the commons deſired the lords to demand of the earl of Danby, whether he would rely upon, and abide by the plea of his pardon. This was the next day, and the earl praying time to anſwer, the lords allowed him four days.

The earl of Danby pleads the king's pardon. State, T.

The ſame day, the king returned this anſwer to the commons addreſs for the execution of Pickering and other prieſts: gentlemen, "I have always been tender in matters of blood, which my ſubjects have no reaſon to take exception at: But this is a matter of great weight, I ſhall therefore conſider of it, and return you an anſwer."

The vote of the commons concerning the duke of York touched the king very ſenſibly, for he ſaw, they did not intend to ſtop there. He therefore went to the parliament the 30th of April, an in a ſhort ſpeech recommended to both houſes the diſpatch of three affairs: 1. The proſecution of the plot. 2. The disbanding of the army. 3. The providing a fleet for the common ſecurity. Then to give them a proof of his care to preſerve their religion for the future, he told them, "That he had commanded his chancellor to mention ſeveral particulars, which he hoped would be an evidence, that in all things that concerned the publick ſecurity, he ſhould not follow their zeal but lead it."

The king's ſpeech to the parliament. Echard.

Accordingly, the chancellor made the following ſpeech.

My lords, and you the knights, citizens, and burgeſſes of the houſe of commons.

The lord chancellor's ſpeech.

'THAT royal care which his majeſty hath taken for the general quiet and ſatisfaction of all his ſubjects, is now more evident by theſe new and freſh inſtances of it, which I have in command to open to you. His majeſty hath conſidered with himſelf, that it is not enough that your religion and liberty is ſecure during his own reign, but he thinks he ows it to his people to do all that in them lies, that theſe bleſſings may be tranſmitted to your poſterity, and ſo well ſecured to them, that no ſucceſſion in after-ages may be able to work the leaſt alteration. And therefore his majeſty, who hath often ſaid in this place, that he is ready to conſent to any laws of this kind, ſo as the ſame extend not to alter the deſcent of the crown in the right line, nor to defeat the ſucceſſion, hath now commanded this to be further explained.

‘And to the end it may never be in the the power of any Papiſt, if the crown deſcend upon him, to make any change either in church or ſtate; I am commanded to tell you, that his majeſty is willing, that proviſion may be made, firſt to diſtinguiſh a Popiſh from a Proteſtant ſucceſſor; than ſo to limit and circumſcribe the authority of a popiſh ſuceſſor, in theſe caſes following, that he may be diſabled to do any harm: Firſt, in reference to the church; his majeſty is content that care be taken, that all eccleſiaſtical and ſpiritual benefices and promotions in gift of the crown, may be conferred in ſuch a manner, that we may be ſure the incumbents ſhall always be of the moſt pious and learned Proteſtants: And that no popiſh ſucceſſor, while he continues ſo, may have any power to controul ſuch preſentments. In reference to the ſtate, and civil part of the government, as it is already provided, that no Papiſt can ſit in either houſe of parliament; ſo the king is pleaſed that it be provided too, that there may never want a parliament, when the king ſhall happen to die, but that the parliament then in being may continue indiſſolvable for a competent time; or if there be no parliament in being, then the laſt parliament which was in being before that time, may reaſſemble and ſit a competent time, without any new ſummons, or elections. And as no Papiſt can by law hold any place of truſt, ſo the king is content that it may be further provided, that no lords or others of the privy-council, no judges of the common law, or in chancery, ſhall at any time, during the reign of any popiſh ſucceſſor, be put in or diſplaced, but by the authority of parliament: And that care alſo be taken, that none but ſincere Proteſtants may be juſtices of the peace. In reference to the military part, the king is willing, that no lord-lieutenant, or deputy-lieutenant, nor no officer in the navy, during the reign of any popiſh ſucceſſor, be put in, or removed, but either by authority of parliament, or of ſuch perſons as the parliament ſhall intruſt with ſuch authority.

‘It is hard to invent another reſtraint to be put upon a popiſh ſucceſſor, conſidering how much the revenue of the ſucceſſor will depend upon conſent of parliament, and how impoſſible it is to raiſe money without ſuch conſent. But yet, if any thing elſe can occur to the wiſdom of the parliament, which may further ſecure religion and liberty againſt a popiſh ſucceſſor, without defeating the right of ſucceſſion itſelf, his majeſty will moſt readily conſent to it. Thus watchful is the king for all your ſafeties; and if he could think of any thing elſe, that you do either want or wiſh to make you happy, he would make it his buſineſs to effect it for you. God Almighty long continue this bleſſed union between the king, and his parliament, and people.’

A reflection upon the king's offers relating to the duke of York's ſucceſſion.

Theſe propoſals were not received by the houſe of commons with that applauſe, the king had expected. The commons diſtruſt was to great for their fears and ſuſpicions to be removed by ſuch offers. Tho' ſome authors call this an infatuation in the houſe of commons, I think myſelf obliged to remark, that the king offered indeed his conſent to acts of parliament, but ſuggeſted no means to ſecure the execution. It was an artifice of the court of England, begun in the reign of James I, and continued under Charles I. and II. to repreſent the laws as the impregnable bulwark of the nation's liberties. And yet theſe three kings had, on ſeveral occaſions, tranſgreſſed them. I ſhall give here ſome inſtances, to which many more might be added. Were the laws enacted for the preſervation of religion under James I, punctually executed? Of what benefit could laws made for the ſecurity of their liberties be to the ſubjects, ſince James I. laid down for principale, that tho', in conſcience and honour, the king ought to govern his ſubjects with equity, he might nevertheleſs by the extent of his power, govern in an abſolute manner, without any controul? Did the petition of right reſtrain Charles I. from levying ſhip-money? Did the laws hinder the ſame king from governing 12 years without a parliament, and from raiſing money in that interval by an abſolute authority? Had Charles II, been more ſcrupulous? Was it in vertue of the laws that he ſhut up the exchequer, and ſeized the money there without the conſent of the proprietors? Was it for the better execution of the laws, which ſeem to ſecure the liberties of the ſubject, that he received annually from France a penſion of 6000000 of livres? Of what uſe therefore are laws, the execution whereof no human power can warrant, when the intereſts of the prince and people are diamatrically oppoſite, which could not fail to happen in the reign of a popiſh ſucceſſor? This ſuffices to demonſtrate, that the king's offer of his aſſent to the acts he propoſed, was incapable of diſpelling the fears of the people, becauſe not only no expedient was propoſed to ſecure the execution, but it was not even in his power to give any ſecurity. But it will be asked, what other expedient was there for ſecuring the religion and liberties of the nation, conſiſtent with the right of ſucceſſion? I confeſs there was none, and affirm withal, that thoſe offered by the king were inſufficient. But to whom was this impoſſibility owing? To the duke of York alone, who had openly declared himſelf a Papiſt, and from that time inceſſently excited both England and France to promote the intereſts of his religion, as the letters of his ſecretary Coleman manifeſtly ſhew. To enable the reader to judge of this matter, being the moſt material of this reign, I ſhall here propoſe ſome queſtions which are neceſſary to be decided before he can determine in favour of the king or parliament.

Queſtion the firſt. Whether there was any danger to England in admitting a popiſh ſucceſſor?

This the king himſelf did not deny, ſince he propoſed expedients to prevent this danger?

2d Queſtion. Whether the expedients propoſed by the king, were capable of preventing this danger?

This is what no perſon can either poſitively affirm or deny. For if, on one hand, it may be ſuppoſed, that a popiſh ſucceſſor would have ſincerely complied with the acts propoſed by the king, it may, on the other hand, with equal juſtice be ſuppoſed, that the duke of York, the immediate ſucceſſor, conſidering his principals, his humour, his temper, his zeal for his religion, would never have patiently ſuffered himſelf to be reſtrained by theſe acts of parliament. But this was a contingency which God alone could foreknow.

3d Queſtion. The commons not believing the expediants offered by the king ſufficient to prevent the danger, and the king believing the contrary, who was to yeld, the king, or the people repreſented by the commons?

This is what I ſhall not pretend to decide.

4th Queſtion. Which evil was greateſt, that of breaking the lineal ſucceſſion in the excluſion of the duke of York, or that of expoſing the eſtabliſhed religion to ruin?

This Queſtion ſuppoſes, that the kings of England ſucceed by a right purely hereditary. But this ſuppoſition is greatly conteſted. It may at leaſt be affirmed, that ſeveral parliaments have decided the contrary*. As to the queſtion in itſelf, it may at leaſt be averred, that in France, in a parrallel caſe, upon the death of Henry III, the intreſts of the Catholick religion were, without heſitation, preferred to thoſe of Henty IV, who was a Proteſttant, and the next heir: But many pretended, that as the French did ill, ſo the Engliſh parliament was to blame to imitate them.

5th Queſtion. The two evils, namely, the breach in the ſucceſſion, and the expoſing of the Proteſtant religion, being ſuppoſed perfectly equal, which was to ſuffer, the rights of the duke, or the religion of the nation?

Some pretend, that the right of ſucceſſion is not to be violated upon any conſideration, and that the intereſts of religion extend not ſo far as to authorize ſuch a violation. Others on the contrary maintain, that when things were reduced to ſuch a ſtate, that the duke or the people muſt ſuffer, the duke ought to be the ſufferer, ſince it was he who had brought matters to that ſtate.

The reader ought to determine theſe queſtions, before he gives a definitive ſentence upon this affair.

Kennet. Echard.

The day after the king's and the chancellor's ſpeeches to both houſes, the commons, without taking any great notice of his majeſty's propoſals about the ſucceſſion, proceeded on the bill for preventing the dangers ariſing from popery, as well in his reign, as his ſucceſſor's.

They alſo read the firſt time a bill for better prevention of illegal exaction of money from the ſubject; and ordered another to be brought in, 'That when any member of the houſe was preferred to any office or place of profit, a new writ ſhould immediately iſſue out for electing a member to ſerve in his ſtead.'

Judgment demanded againſt the earl of Danby. Kennet.

The 5th of May they reſolved, 'That the pardon pleaded by the earl of Danby was illegal and void,' and the ſpeaker, with the whole houſe, went up to the lords bar, and demanded judgment againſt him.

An addreſs againſt the duke of Lauderdale. Echard.

Shortly after they drew up an addreſs againſt the duke of Lauderdale, in the ſtrongeſt terms that could be uſed, which was carried in a full body to the king. But it ſeems the king could not then part with this miniſter, the laſt of the cabal, and therefore he coldly anſwered, "That he would conſider of it, and return an anſwer."

Pickering ordered to execution. May 25. Echard.

In the interim, the king ſent a meſſage to the commons by the lord Ruſſel, who acquainted the houſe, 'That his majeſty commanded him to let the houſe know,, that he was willing to comply with their requeſt concerning Pickering, and that the law ſhould paſs upon him accordingly: That as to the condemned prieſts, the houſe of peers had ſent for them, in order, as his majeſty conceived, to ſome examinations. That he repeated his inſtances to them for putting the fleet in a good poſture, for diſpatching the diſcovery of the plot, the tryal of the lords, and the bill for the ſecurity of religion.

A money-bill paſſed. Echard.

After this meſſage, the commons finiſhed the money-bill for diſbanding the army, which the king paſſed the 9th of May. By this act a ſupply was granted to the king of two hundred and ſix thouſand, four hundered ſixty-two pounds, ſeventeen ſhillings and three-pence, for paying off and diſbanding the forces raiſed ſince the 29th of September 1677. The act had a clauſe in it, that for the future, "Soldiers ſhould not be quartered in any perſon's houſe againſt their conſent."

Echard.

At the ſame time the lords informed the commons, that the earl of Danby reſolved to adhere to the plea of his pardon; and that the commons having demanded judgment againſt him, as conceiving his pardon illegal and null, the tenth inſtant was appointed for hearing the earl of Danby to make good his plea. The lords likewiſe acquainted the commons, that they had reſolved, the five lords in the Tower ſhould be brought to their tryals the 14th inſtant.

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* Particularly an act paſſed in queen Elizabeth's reign, aſſerting the power of the parliament to limit the ſucceſſion of the crown.

A difference between the two houſes on the earl of Danby's affair.

The part of the meſſage concerning the earl of Danby ſo offended the commons, that they reſolved, ‘ That no commoner whatſoever ſhould preſume to maintain the validity of the pardon pleaded by the earl of Danby, without the conſent of the houſe firſt had, and that the perſons ſo doing, ſhould be accounted betrayers of the liberties of the commons of England.’ This vote was poſted up in ſeveral places, that no perſon might be ignorant of it. The true reaſon of theſe proceedings was, that by the examination of the ſeveral articles of the earl's impeachment, the commons hoped to diſcover the king's ſecret practices with the court of France; whereas the king by his pardon had put the affair in ſuch a ſtate, that there would have been no occaſion to examine the earl of Danby's anſwers to the articles exhibited againſt him.

The vote of the commons much inflamed the differences that were already begun between the two houſes, about the manner of proceeding againſt the five lords in the Tower. For the lords had addreſſed the king to appoint a lord high-ſteward to preſide in the tryals; but the commons, thinking it unneceſſary, propoſed, ‘ That a committee of both houſes might be nominated to conſider of the moſt proper ways and methods of proceeding upon impeachments.’ And this is what the lords refuſed, which occaſioned a warm diſpute; but at laſt the lords agreed to the nomination of the committee.

The ſame day the lords communicated to the houſe of commons a petition from the earl of Danby, in which he ſet fourth, ‘ That he met with informations ſeverally from his council, that he durſt not appear to argue the validity of his pardon, by reaſon of the vote of the houſe of commons.’ Their lordſhips therefore deſired to know, “ Whether there was any ſuch vote as was alledged in the petition?”

Addreſs of the commons for the raiſing of the militia. May 10. Echard.

It appears plainly in the proceedings of the commons, that they only ſought occaſion to drive things to extremity. with this view, they preſented an addreſs to the king, taking notice, ‘ That multitudes of jeſuits, popiſh prieſts, and popiſh recuſants, reſorted to the cities of London and Weſtminſter, in contempt of his majeſty's laws and royal proclamations. Wherefore they humbly beſought his majeſty, that the militia of London, Weſtminſter, Southwark, the Tower-Hamlets, of Middleſex and Surrey, might immediately be raiſed, and put in a poſture of defence.’ The next day, tho' a Sunday, they ordered a bill to be brought in, (purſuant to their reſolve that day fortnight) “ To diſable the duke of York to inherit the imperial crown of England.” Immediately after they reſolved nemine contradicente, ‘ That in defence of the king's perſon, and the Proteſtant religion, they would ſtand by his majeſty with their lives and fortunes; and that if his majeſty ſhould come by any violent death, they would revenge it to the utmoſt upon the Papiſts.’ This was ſoon after put into the form of an addreſs, and preſented to the king, who thanked them, and ſaid, “ That he would do what in him lay to ſecure the Proteſtant religion, and was willing to do all ſuch things as might be to the good and benefit of his ſubjects.”

A bill brought in againſt the duke of York. Burnet.

An addreſs to the king. His anſwer. Echard.

In the interim, he ſent them a meſſage the 14th of May, to remind them of what he had ſaid concerning the fleet, but the conſideration of this meſſage, was adjourned till the next Monday ſeven-night.

A difference between the two houſes relating to the biſhops. Burnet.

The committee of both houſes meeting to conſider of the way and method of trying the impeached lords, there was a warm diſpute between the two houſes, concerning the biſhops; the commons pretending, that the biſhops could not ſit upon the tryal of the impeached lords, becauſe it was a caſe of blood. The peers on the other hand maintained, ‘ That the lords ſpiritual have right to ſtay and ſit in court, till the court proceed to the vote of guilty, or not guilty.’ This affair made a great noiſe, and occaſioned ſeveral books to be writ on both ſides.

The excluſion bill read.

At laſt, on the 15th of May, the commons read the firſt time their bill, to diſable the duke of York from inheriting the imperial crown of England, now called the excluſion-bill. After the particulars of the conſpiracy againſt the king, the eſtabliſhed government, and the Proteſtant religion, the bill ſet fourth:

The ſubſtance of the excluſion bill

‘ That the emiſſaries, prieſts, and agents for the pope, had traiterouſly ſeduced James duke of York, preſumptive heir to theſe crowns, to the communion of the church of Rome; and had induced him to enter into ſeveral negotiations with the pope, his cardinals, and nuncio's, for promoting the Romiſh church and intereſts; and by his means and procurement had advanced the power and greatneſs of the French king, to the manifeſt hazard of theſe kingdoms, that by deſcent of theſe crowns upon a Papiſt, and by foreign alliance and aſſiſtance, they might be able to ſucceed in their wicked and villanous deſigns.’------Then after another preamble, it was enacted to this effect:

‘ 1. That the ſaid James duke of York, Albany, and Ulſter, ſhould be incapable of inheriting the ſaid crowns of England, Scotland, and Ireland, with their dependencies; and of enjoying any of the titles, rights, prerogatives, and revenues, belonging to the ſaid crowns. 2. That in caſe his majeſty ſhould happen to dye, or reſign his dominions they ſhould devolve to the perſon next in ſucceſſion, in the ſame manner as if the ſaid duke were dead. 4. That all acts of ſovereignity and royalty that prince might then happen to perform, were not only declared void, but to be high-treaſon, and puniſhable as ſuch. 4. That if any one, at any time whatſoever, ſhould endeavour to bring the ſaid duke into any of the forementioned dominions, or correſpond with him, in order to make him inherit, he ſhould be guilty of high-treaſon. 5. That the duke himſelf ever returned into any of theſe dominions, conſidering the miſchiefs that muſt enſue, he ſhould be looked upon as guilty of the ſame offence; and all perſons were authorized and required to ſeize upon and impriſon him, and in caſe of reſiſtance made by him and his adherents, to ſubdue them by force of arms.’

The bill read a ſecond time.

Five days after, this bill was read a ſecond time, upon which the queſtion being put, whether the bill ſhould be committed, it was carried by a majority of 79.

An enquiry into the members of the laſt parliament. Echard.

This affair being begun, the commons proceeded to an enquiry after the penſioners in the laſt parliament. By means of Sir Stephen Fox, 18 were diſcovered who had received annual penſions from the king, two of 1000 l. ſix of 500 l. two of 400 l. four of 300 l. four of 200 l. Beſides, there were ſix others who had received certain ſums at one time: Three more were brought in for ſums received upon account; and five for uncertain ſums. Tho' this number appears not very conſiderable, it is ſo however, if it is conſidered, that in the houſe of commons, there are members who are ſo able, and of ſuch credit, that they diſpoſe of ſeveral votes beſides their own, ſome more, ſome leſs, and that 30 members who teceive penſions, may have it in their power, upon many occaſions, to turn the reſolutions of the houſe in favour of the court.

The parliament prorogued. Temple's Mem.

In the interim, the king being highly offended with the commons, and hearing moreover, that they intended to preſent to him a remonſtrance, much like that preſented to the king his father in 1641, and of which the deſign was to inflame the nation againſt him, reſolved to prorogue the parliament. For this purpoſe he went to the houſe of lords the 27th of May, and ſending for the commons, paſſed ſome bills, and particularly one for ſecuring the liberty of the ſubject, called the Habeas Corpus act, and then prorogued the parliament to the 14th of Auguſt. By this the excluſion bill was defeated for a time.

The barbarous murder of the archbiſhop of St. Andrews. Echard.

The news of the proceedings of the Engliſh parliament had ſo raiſed the hopes of the Scotch male-contents, that they thought the time was come to be revenged of their perſecutors. Sharp, archbiſhop of St. Andrews, was the moſt hated of their enemies. If Dr. Burnet, in the Hiſtory of his own times, is to be credited, Sharp had abundantly merited the hatred of the Presbyterians. For pretending an extraordinary zeal for their party, he had prevailed to be deputed to London after the reſtoration, to take care of their intereſts, but had baſely betrayed them. This raiſed him to the archbiſhoprick of St. Andrews, and from that time he became their moſt violent perſecutor. Whether Burnet's account of Sharp be exactly true, or aggravated, it is however not to be denied, that the Scotch Presbyterians were exrremely incenſed againſt Sharp, and conſidered him as a betrayer. Wherefore in this juncture, when they expected great alterations, 12 of them reſolved to begin their revenge upon their enemies with the archbiſhop. For this purpoſe they waited for him about two miles from St. Andrews, where he was going in a coach and ſix, and moſt inhumanly and barbarouſly murdered him, calling him, “Apoſtate, betrayer of the godly, and perſecutor of Chriſt's church.” This murder was committed the 2d of May.

An inſurrection in Scotland June 1. Echard.

In the end of the ſame month, 80 Presbyterians appeared in arms, and in a few days their number increaſed to 1500. they ſeized Glaſcow, and ſome other towns in the neighbourhood, and committed great outrages.

Suppreſſed by the duke of Monmouth. Echard.

The king hearing of this rebellion, and that it daily gathered ſtrength, ſent the duke of Monmouth at the head of ſome Engliſh forces, who were joined by ſome Scotch regiments. The duke diſcharged his commiſſion with ſuch bravery and ſucceſs, that the 22d of June he entirely defeated the rebels, at Bothwell-bridge, killed 800, and took about 1200 priſoners. Several were hanged, and the reſt were tranſported.

The tryal of five jeſuits. Burnet.

Soon after the prorogation of the parliament the five jeſuits, Whitebread, Harcourt, Fenwick, Gawen, and Turner, were tried. The 13th of June they were brought to the Old-Baily, where their indictment was read, and the witneſſes heard.

Oates's depoſition. State T.

Oates's evidence was, ‘1. That the great conſult of the 24th of April 1678, was by order of Whitebread the provincial, and that he, Fenwick, Harcourt, and Turner, did all in his preſence ſign the reſolve for the king's death. 2. That Whitebread, after his return to St. Omer's, did ſay, he hoped to ſee the black fool's head at Whitehall, laid faſt enough; and if his brother ſhould appear to follow his foot-ſteps, his paſport ſhould be made too.

‘3. That in July, Aſhby a prieſt, brought over inſtructions from Whitebread, to offer Sir George Wakeman 10000 l. to poiſon the king; and alſo a commiſſion to Sir John Gage to be an officer in the army they deſigned to raiſe, which the witneſs delivered to Sir John.

‘4. As for Gawen, though he could not poſitively ſay, he ſaw him at the conſult, yet he ſaw his hand ſubſcribed to the reſolve: And that in July 1678, he gave them in London, an account how proſperous their affairs were in Staffordſhire and Shropſhire; that the Lord Stafford was very diligent, and that there was 2 or 3000 l. ready there to carry on the deſign; all which he afterwards heard him declare in father Ireland's chamber.’

Dugdale's depoſition.

Stephen Dugdale, a new witneſs, depoſed, ‘1. Againſt Whitebread, that he ſaw a letter under his hand to father Evers a jeſuit, and confeſſor to the witneſs; in which he ordered him to be ſure to chuſe men that were hardy and truſty, no matter whether they were Gentlemen: and he ſwore what they were to do; that the words under his hand were in expreſs terms, ------ for killing the king.’

‘2. Againſt Gawen he ſwore, that he entertained the witneſs to be of the conſpiracy to murder the king, as one of thoſe reſolute fellows deſcribed by Whitebread; and for that end they had ſeveral conſultations in the country; as at Boſcobel, and at Tixall in September 1678. And he heard them talk in one of thoſe conſults, that it was the opinion of the monks at Paris, who were to aſſiſt in the conſpiracy, that as ſoon as the deed was done, they ſhould lay it on the Preſbyterians, and ſo provoke the other Proteſtants to cut their throats. That he had intercepted and read above 100 letters to the ſame purpoſe, to be delivered by private marks, known to father Evers,

‘3. That the witneſs himſelf was ſo zealous in the cauſe, that he had given them 400 l. for carrying on the deſign, which Gawen had made him believe was not only lawful, but merritorious; and that he was to be ſent up to London by Harcourt, there to be inſtructed about killing the king.

‘That the ſame Harcourt did write word to father Evers, of Sir Edmundbury Godfrey's being diſpatched, that very night it was done; ſo that they knew of it in Staffordſhire ſeveral days before it was commonly known in London, And to confirm this teſtimony, he produced Mr. Chetwin, a gentleman, who ſwore, he did hear it reported as from Mr. Dugdale; and that he was not in town when the murderers of Sir Edmundbury Godfrey were tried, or elſe he then would have witneſſed the ſame.

5. Againſt Turner he ſwore, ‘That he ſaw him with others, at Evers's chamber; where they conſulted together to carry on this deſign, of bringing in popery by killing the king.’

Prance's depoſition.

Prance depoſed, ‘That Harcourt one day paying him for an image of the Virgin Mary, told him, there was a deſign of killing the king. 2. And that Fenwick told him in Ireland's chamber, that there ſhould be 50000 men in arms, in a readineſs to ſettle their Religion, and that they ſhould be commanded by the lords Bellaſis, Powis, and Arundel of Warder.’

Bedloe's depoſition.

Bedloe depoſed, ‘1. That he had ſeen Whitebread and Fenwick at ſeveral conſults about the plot; and that he had heard Whitebread at Harcourt's chamber, tell Coleman, the manner of ſending the four ruffians to Windſor to kill the king.

‘2. That he ſaw Harcourt take out of a cabinet abont 80 or 100 l. to give to a meſſenger, to be carried to the ſaid ruffians, with a guinea to the meſſenger to drink Mr. Coleman's health.

‘3. That Whitebread told him, that Pickering was to have a great number of Maſſes, and Grove 1500 l. for killing the king.

‘4. That Harcourt employed him three ſeveral times to carry their conſults beyond the ſeas; and that in Harcourt's preſence, he received Coleman's thanks for his fidelity, and that Harcourt recommended him to the lord Arundel, who promiſed him great favour when the times were turned: Alſo that he ſaw Harcourt give Wakeman a bill to receive 2000 l. in part of a greater ſum; and heard Sir George ſay, 15000 l. was a ſmall reward for the ſettling of religion, and preſerving the three kingdoms from ruin.’

A letter produced.

Beſides theſe evidences, there was a letter found amongſt Harcourt's papers, from one Petre a jeſuit, which named a meeting deſigned on the 24th of April 1678. This letter ſerved to fortify Oates's evidence of the grand conſult. But this was explained by the priſoners to ſignify a triennial meeting about the choice of a procurator to be ſent to Rome, tho' not to the full ſatisfaction of the court, which looked upon it as an evaſion.

The priſoners defence.

The defence made by the priſoners was various and long. Beſides their frequent aſſeverations and proteſtations of their innocence, and their ignorance of any deſigns againſt the king; they much argued againſt the witneſſes, inſiſting: ‘That to the making of a credible witneſs, there muſt be integrity of life, truth of teſtimony, and probability of matter; but the witneſſes againſt them, Oates, Bedloe, Prance, and Dugdale, were men of deſperate fortunes, and flagitious perſons, and that falſe ſwearing was their livelihood.’

A remark.

I cannot forbear remarking here by the way that if this maxim, “That to make a credible witneſs, there muſt be integrity of life,” was received without reſtriction, it would be almoſt impoſſible to prove ſuch plots as this, becauſe commonly, only villains engage in them, and they are diſcovered by complices.

‘They alleged particularly the great improbability of truſting Oates with ſecrets of the higheſt importance, when he was turned away from St. Omer's for his miſdemeanours and immoralities, which were ſo great, that he was denied the ſacrament. They charged him with contradictions, with relation to his former evidences.’

Theſe contradictions conſiſted, in that Oates had ſaid before the council, that he knew no more, and yet added many things afterwards. I ſhall not repeat here what I have ſaid elſewhere.

They produced about 16 witneſſes to prove, ‘that Oates had been all April, May, and till the latter end of June 1678, at St. Omer's; and that they ſaw him every day, and converſed and dined with him, and that he was never out of the college, except two days and one night he was at Watton, and two or three he was in the infirmary, &c. and conſequently he could not be at the conſult of the 24th of April.’

And further they proved, ‘That Sir John Warner, and Sir Thomas Preſton, whom Oates had ſworn to come over with him to the conſult, were all that time beyond the ſeas, one at Watton, the other at Liege.’

And moreover, to ſhow that Oates was not a man to be credited, they produced 11 witneſſes to prove, ‘That father Ireland, who was executed, was not at London, and made it appear directly contrary to what he had ſworn upon his tryal.’ They added, ‘that if the evidence of their ſide ſhould be rejected becauſe they were Roman Catholicks, all commerce with ſeveral countries would be deſtroyed.’

The chief juſtice replied, that they had no room

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room to complain of the witneſſes being rejected by the court, ſince, on the contrary, their depoſitions were received without any ſcruple, and that it belonged to the jury to determine upon their evidence as they ſaw cauſe.

In anſwer to theſe accuſations Oates alledged, ‘That his coming to London to the conſult was very private; yet he produced ſix witneſſes to teſtify they ſaw him there about that time, but in a ſort of diſguiſe*.’ But none ſpoke very home but Mr. Smith a ſchoolmaſter of Iſlington, who afterwards in the reign of king James II. retracted all that he had ſaid.

As to Ireland's being in London, Oates produced one witneſs, who did affirm to have ſeen him there at that time.

Gawen offered to undergo the Ordeal, or fiery tryal over red hot plow-ſhares, as a teſt of his innocence. But, beſides that this way of proving an accuſed perſons's innocence had been aboliſhed 600 years, and conſequently was not to be allowed by the court, it is certain that when the tryal by Ordeal was practiſed, it was never admitted but where evidences failed, which could not be ſaid of Gawen.

Harcourt urged in his defence, with regard to the letter ſaid to be wrote by him to Evers concerning Godfrey's death, that he muſt have been mad to ſend ſuch a letter by the poſt.

The jeſuits condemned. Langhorn's tryal. Burnet.

The jury, after a ſhort conſideration, returned, and brought in all the five priſoners guilty of high-treaſon; but ſentence was reſpited till the next day, on which came on the tryal of Richard Langhorn a popiſh counſellor at law of the Temple, and much employed by the Papiſts. Being brought to the ſame place with the five jeſuits, and before the ſame perſons, with a new jury, Oates appeared and ſwore:

‘1. That the priſoner held correſpondence with la Chaiſe and others, and that the witneſs carried ſeveral letters to perſons beyond the ſeas; in one of which he ſaw under his own hand, words to this purpoſe, that the parliament began to flag in promoting the Proteſtant religion, and now they had a fair opportunity to begin and give the blow, with other expreſſions plain enough concerning the plot.

‘2. That he had orders from the provincial Whitebread, to give Mr. Langhorn an account of the reſolve of the great conſult, April the 24th 1678, and upon acquainting him with it, Langhorn lifted up his hands and eyes, and prayed to God to give it good ſucceſs.

‘3. That he ſaw in his chamber certain commiſſions which they called patents; and that he permitted the witneſs to peruſe ſeveral of them: One was to the lord Arundel of Warder, to be lord chancellor, another to the lord Powis, to be treaſurer, and one to the priſoner, to be advocate of the army; all ſigned Johannes Paulus de Oliva, by virtue of a brief from the pope.

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‘4. That being employed as a ſollicitor for ſeveral of the fathers of the ſociety the priſoner prevailed upon the Benedictine monks. to raiſe 6000 l. for carrying on the cauſe; and ſaid in his hearing that he would do his utmoſt for procuring the money.

‘5. That he was diſguſted, that Sir George Wakeman was not contented with 10000 l. to poyſon the king, and called him, a narrow-ſpirited, and narrow-ſouled phyſician; who, for ſo publick a cauſe, ought to have done it for nothing.

6. An inſtrument being produced, ſigned Paulus de Oliva, found in Langhorn's chamber; Oates ſwore, ‘That the forementioned commiſſions were ſigned by the ſame hand; but they were all conveyed away, and this being only an eccleſiaſtical buſineſs, and not dangerous as they thought, was left behind.’

In the next place Bedloe ſwore, ‘1. That going with Coleman to the priſoners chamber, the former gave him his letters to father la Chaſe, the pope's nuncio, and others open, to read, and regiſter in a book kept by him for that purpoſe; and that ſome of the expreſſions in theſe letters were, to let la Chaiſe know, they waited only now for his anſwer, how far he had proceeded with the French king, for the ſending of money; for they only wanted money, all other things being in redineſs. That the Catholicks of England were in ſafety; that places and offices had been diſpoſed to them, and that all garriſons either were, or ſuddenly would be, in their hands; and now they had a fair opportunity, having a king that was ſo eaſy to believe what was dictated to him by the Catholick party.

‘2. That he brought other letters from Harcourt to Langhorn to be regiſtred; of which letters, one was for the rector of the Iriſh college at Salamanca, which ſpecified, that the lord Bellaſis, and the reſt of the lords concerned ſhould be in readineſs, for that they had ſent ſome Iriſh caſhiered ſoldiers, with many lay-brothers, under the notion of pilgrims from St. Jago, who were to take ſhipping at the Groyn, and to land at Milford haven, and there to join with the lord Powis.’

Mr. Langhorn in his defence, beſides the ſolemn proteſtations of his innocence, alleged, ‘that Oates and Bedloe, the witneſſes againſt him, were parties in the crime, and deſired to know whether they had their pardons.’ Upon underſtanding that Bedloe had three, and Oates had two under the broad-ſeal; he inſiſted, ‘that they ware ſtill approvers in the eyes of the law, and therefore not to be heard; and deſired to know, if they expected any rewards for their diſcoveries,’ Oates replied upon oath, ‘That he had been rewarded by expending 6 or 700 l. out of his own pocket, without knowing if he ſhould

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* An old Dominican frier, ſtill of that church and order, ſwore he ſaw Oates in England. and ſpoke with him at that time. By this the credit of the St. Omer-ſcholars was quite blaſted. Burnet.

'ever ſee it again.' Langhorn then alledged, 'he had heard Bedloe had received 500 l.' but he was anſwered, 'That that was for the diſcovery of Sir Edmundbuty Godfrey's murder, and not for the plot.' And Bedloe ſwore, 'That he was ſo far from having any benefit for that diſcovery, that he was 700 l. out of pocket.' When the priſoner inſiſted upon the improbablity of their aſſertions, by reaſon of their great neceſſity and poverty, when they firſt made their diſcoveries, he was told, 'That ſuch enquiries were foreign to the matter in hand,' And ſo he proceeded to prove Oates to be perjured, with reſpect to the Conſult in April 24, and to the buſineſs of father Ireland, by the ſame witneſſes that had been uſed by the five jeſuits the day before. Whereupon the chief-juſtice told him, that a witneſs could not be rejected as perjured, unleſs he was declared ſo upon a tryal, and therefore his allegation could not be of any ſervice to him.

As Oats had formerly ſworn, that he lay at Groves's houſe about the time of the conſult, he brought Mrs. Grove to teſtify, that he never was there about that time; which was confirmed by her maid, and both affirmed, that the houſe was taken up, and that there was no room to lodge him. The court thereupon ſaid, that being diſguiſed he might lodge there without being known.

While this tryal was depending, Roger Palmer, earl of Caſtlemain came into the hall, and told the judges, that the mob uſed violence to the witneſſes who had depoſed in favour of the priſoners, and that they were in danger of their lives; upon this the court ordered immediare inquiry to be made after the authors of theſe violences, in order to puniſh them according to their deſert.

Langhorn is condemned.

In concluſion, the jury brought in Langhorn guilty, and he received ſentence, together with the five jeſuits, who had been tried the day before.

The jeſuits executed without making any confeſſions. S. Tryals.

On the 20th of June, the five jeſuits were executed, proteſting their innocence. Whitebread in particular, declared, 'That he renounced from his heart all manner of abſolutions, diſpenſations for ſwearing, &c. which ſome had been pleaſed to lay to the jeſuits charge, thinking them unjuſtifiable and unlawful.' Langhorn was reprieved for a month. He was executed the 14th of July, and died, proteſting his innocence of the crimes for which he was condemned. It was the wonder of many, that ſo able a lawyer, if he was innocent, had made ſo weak a defence.

As the death of theſe five jeſuits, and of the three before executed, made a great noiſe; and as to this day they are believed innocent by ſome, and guilty by others, I cannot forbear to make a few reflections upon this ſubject, to aſſiſt the reader to judge impartially.

A reflection upon theſe Tryals.

1. The truth will never be diſcovered, if men ſuffer themſelves to be ſwayed by religious prejudices. If we believe an accuſed perſon guilty, becauſe he is a Papiſt or jeſuit, or if for the ſame reaſon we believe him innocent, all examination is vain. The prejudiced perſon always finds reaſon and juſtice in one or other of theſe two opinions, and therefore he muſt, if poſſible, diveſt himſelf of his prejudices.

2. The condemned jeſuits were accuſed of three things; of a deſign to kill the king; to ſubvert the government; to root out the Proteſtant religion. And yet moſt of the evidences againſt them ran only upon the firſt of theſe three articles, the two others being ſuppoſed. It is nevertheleſs upon this ſuppoſition, that the accuſation of deſigning to kill the king is built, becauſe it is pretended, that the aim of the conſpirators was to place the duke of York on the throne, as more proper to advance their deſigns than the king his brother. But this pretenſion is not proved, nor does it appear in the evidences produced againſt them, that this was their aim.

3. But on the othet hand, it can hardly be denied, that throughout this whole reign, there was a ſettled deſign to render the king abſolute, and introduce the Popiſh religion. This muſt be the meaning of theſe expreſſions, "To ſubvert the government, and deſtroy the Proteſtant religion." This being ſuppoſed, it is not improbable, that the Papiſts and jeſuits might believe, that their project would be ſooner executed if the king was removed, and the duke of York placed on the throne.

4. It is therefore upon this probability, that the jeſuits have been accuſed of projecting to kill the king. It is ſuppoſed, that being concerned in the general deſign, or the plot, they believed the king's death a proper means to haſten the execution, and here the witneſſes were very poſitive.

5. The defences of the priſoners conſiſted chiefly, 1. In aſſeverations and proteſtations of their innocence. 2. In the depoſitions of the witneſſes from St. Omer's, and Staffordſhire, who proved, that Oates was not at London the 24th of April 1678. 3. In the imdrobabilities in the evidence given by Oates and Bedloe. Upon theſe three heads I propoſe to make ſome reflections.

1. The proteſtations and aſſeverations of the accuſed during their tryal are not to be regarded. But when they are carried to the point of death, they ought to be conſidered. If they are not a poſitive proof, they form at leaſt a preſumtion, becauſe Papiſts are not leſs convinced than Proteſtants, that lying is not the way to eſcape the juſt judgment of God, before whom they are ſhortly to appear; and that, beſides, theſe proteſtations never prevail for a reverſal of the ſentance. I am aware that the jeſuits are accuſed of approving equivocations and mental reſervations. But without examining how far this charge may be proved, it is certain, that father Whitebread, upon the lader, teſtified an abhorrence of this doctrine, and renounced all pardons and diſpenſations from the pope, or any other power, for ſwearing or ſpeaking againſt the truth. It is not therefore impoſſible, that without there was paſſion or prejudice in the judges and juries, the jeſuits, tho' innocent, would have been condemned

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condemned upon falſe evidence. Accordingly, this is what many pretend: But there are others who carry the thing further, and maintain, that the accuſed might have been acquitted, if the paſſion and prejudices of the judges and juries had not prevented it. This we ſhall examine in the next article.

2. I have elſewhere ſpoken of the defence, founded upon the proof of the Alibi, which obliges the judge to render juſtice by chance, ſince, there being a direct contrariety between the evidences, the judges cannot be ſatisfied on which ſide the truth lies. Oates depoſed, That he had aſſiſted at the grand conſult in London, April 1678. He produced ſeven witneſſes, who affirmed, that they ſaw him in London at that time. The jeſuits on their ſide produced 16 witneſſes, who affirmed, that Oates was at St. Omers at the ſame time. It muſt be therefore, either that Oates and his witneſſes, or thoſe of the jeſuits, were falſe. Now, that which probably determined the jury to bring in the jeſuits guilty was; firſt, The priſoners objected only a bare denial to the teſtimonies of Prance, Dugdale and Bedloe, which could not but breed a diſadvantagious prejudice againſt them. Secondly, the witneſſes from St. Omers were all ſcholars, or perſons depending upon the jeſuits college, another conſideration capable to prepoſſeſs the jury. Laſtly, The queſtion was to examine a plot contrived by Papiſts, as ſuch, and in favour of their religion, and not as private perſons, incited by other paſſions. In this caſe, it is not very ſtrange, that the evidences given by Papiſts appeared ſuſpicious. For it is certain, at that time, the opinion, ſupported by the votes of two ſeveral parliaments, that there was a real plot to ſubvert the Proteſtant religion, was generally embraced throughout the whole kingdom.

As to the ſuperiority of 16 witneſſes againſt ſeven, this could occaſion no difficulty, For ſeven witneſſes diſperſed in London, who had only accidentally ſeen Oates, were as credible as the 16 ſhut up in one houſe at St. Omers. And tho' there had been but two from St. Omer's, yet, all other circumſtances being equal, they would have been as credible as the ſeven witneſſes of London.

3. I proceed now to the improbabilities in the depoſitions of Oates and Bedloe. Firſt, It is difficult to conceive the neceſſity of reſolving the king's death in an aſſembly of 50 jeſuits. Secondly, it may with reaſon be ſuppoſed, that an affair of ſuch importance as the aſſaſſination of a king, paſſes thro' the hands of thoſe only who are moſt diſtinguiſhed in the ſociety, either by their poſts or capacity. But it is hardly credible, that 50 ſuch could be found in England, or at St. Omers. Thirdly, I know not that any perſon, to this day, has poſitively affirmed that Oates was a jeſuit. And yet he not only appears in the grand conſult of the 24th of April, but has an office in it of great truſt and importance viz. to carry the reſolution of killing the king, to the ſeveral companies into which the aſſembly was divided. Fourthly, It is not ſaid, at what time Oates turned Papiſt; but it is only ſeen, he was firſt employed in 1677, to carry letters to Spain. He returned about the end of the ſame year, and ſhortly after was ſent to St. Omer's, where he continued but three or four months. Now it is not probable, that this ſhort ſtay at St. Omer's could have acquired him the confidence of the heads of the ſociety, to ſuch a degree, as to be ſent to London to aſſiſt in a grand conſult, where the king's murder was to be reſolved. Fifthly, Why was Bedloe to be admitted into ſo great a ſecret, he who was to have no ſhare in the execution? And yet he ſpeaks of it as a thing with which he was perfectly acquainted, not only from letters which he might have opened, but it appears even by his depoſitions, that the heads of the conſpiracy, Ireland, Whitebread, Harcourt, Coleman, Langhorn, uſed no caution with him; from whence it may be inferred, that they themſelves imparted to him the ſecret. He is at Harcourt's chamber, when the money is ordering for the four Iriſh men who were to kill the king. He is at the ſame chamber when the queen's phyſicion receives a note of 2000l. ſterling, without any apparent neceſſity of his preſence in an affair of that nature. Sixthly, Oates and Bedloe were men of mean birth, who had been only employed as letter-carriers. They were beſides little diſtinguiſhed for their capacity, or talents, and yet they are admitted into all the moſt important ſecrets of the plot. Laſtly, it appears in the depoſitions of Oates and Bedloe, that the conſpirators talked together, and wrote to one another, concerning the king's murder, as if it had been but a trifle, and without even taking the uſual precautions on ſuch occaſions, of diſguiſing their thoughts in ambiguous expreſſions.

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Theſe are improbabilities which give but too much occaſion to ſuſpect the credit of theſe two witneſſes. It will perhaps be ſaid, that a thing is not falſe becauſe it is improbable; and that God ſometimes permits the moſt wary villians to ruin themſelves by a too great confidence in others. This may be, and it may alſo be, that this was not the preſent caſe. At leaſt it may be affirmed, that the jeſuits are not wont to proceed with ſo little caution.

Theſe are the improbabilities that have induced many people, tho' perſuaded of the reality of the plot, as far as it concerned the government and religion, to ſuſpend their judgment with regard to the king's murder. The ſame improbabilities likewiſe have furniſhed others with a pretence for denying the whole plot, becauſe they are pleaſed to confine it to that ſingle article, in which they impoſe upon themſelves, or elſe are deſirous to impoſe upon their reader.

The king diſſolves the parliament. Kennet.

The 10th of July the king, contrary to the advice of his new council, which he ſeemed to have reſolved to follow with an entire difference, diſolved the parliament, and ſummoned another to meet the 17th of October. He hoped to find the next more tractable, but was very much deceived. The people, who no longer regarded what came from the court, affected to ſend ſuch members as were of the country-party, as being the moſt proper to oppoſe the deſigns of the king. The earl of Shaftſbury was at the head of this party, and without doubt greatly contributed to inflame the paſſions of the people. But it is perhaps ſaying too much, to charge this lord with all the king's late mortifications. If it could be proved, that the king had never given any occaſion of diſcontent to his people, we ſhould be obliged to recur to ſome extraordinary cauſe of the parliament's ill-humour, as the intrigues, cabals, and artifices of ſome powerful and popular perſon. But what need is there to ſeek for an extraordinary cauſe, when one ſo naturally offers in the whole conduct of the king, who had hitherto ſhewn, that his intereſts, and thoſe of his people were intirely different.

Sir George Wakeman and others tried. State. T.

The 18th of June, Sir George Wakeman the queen's phyſician was brought to his tryal, together with James Corker, William Marſhal, two Benidictine monks, and William Rumley, a lay-brother of that order. Oates and Bedloe were the witneſſes againſt them: but, beſides that their depoſitions were imperfect, and the greateſt part upon hearſay, and could paſs for proofs only on the ſuppoſition of the deſign to poiſon the king, which was not well proved, the jury doubtleſs conſidered, that a perſon of Sir George Wakeman's ſence, would never truſt ſuch a ſecret to Bedloe, whom he ſcarce knew. Nay, he ſwore that he never ſaw Bedloe before in his life. However this be, the priſoners were acquitted, to the great mortification of the two witneſſes, ſince it was eaſy to ſee, that Oates and Bedloe were evidences capable of ſwearing to things of which they had no perfect knowledge.

and acquited.

The king's ſickneſs. Temple.

About the end of Auguſt, the king being at Windſor, was ſeized with three violent fits of an intermitting fever, which gave great apprehenſion. The earl of Eſſex and the lord Hallifax, two of the four counſellors which then managed the king's affairs, fearing if the king died, to fall into the hands of the duke of Monmouth, and the earl of Shaftſbury, adviſed the king to ſend for the duke of York, which was done with all poſſible ſpeed and ſecrecy; for the duke was at Windſor the 2d of September. But the king, being then out of danger, pretended a ſurprize at his arrival. But this diſſimulation was not capable to deceive the duke of Monmouth and the earl of Shaftſbury. On the other hand, the earl of Eſſex and the lord Hallifax, finding that they had made Monmouth and Shaftſbury their irreconcilable enemies, joined with the duke of York for their deſtruction. They ſucceeded ſo well, that the king removed the duke of Monmouth from his poſt of captain-general, and ſent him into Holland, to the great ſurprize of the whole court, for the duke of Monmouth was in the highth of the king's favour before the duke of York's arrival. Soon after, Shaftſbury alſo was turned out from being preſident of the council. Thus the court had a new face, and the duke of York was more powerful than ever. He improved this happy juncture to obtain the king's leave to retire to Scotland, repreſenting to him the danger of his being in the Low-Countries, in caſe of his majeſty's death. Accordingly, he returnd to Bruſſels, to bring home his ducheſs and the princes Ann, and arriving ſoon after at London, departed for Scotland. If Dr. Burnet is believed, in the Hiſtory of his own Times, he governed Scotland in an arbitrary manner, and gave manifeſt tokens of his cruelty, and inveterate hatred to the Preſbyterians.

The duke of York returns.

The duke of Monmouth and Shaftſbury in diſgrace. Echard.

The duke of York goes for Scotland. Octob. 27. Burnet.

The king contrary to the advice of his council prorogues the parliament. Temple's Mem.

Every one impatiently expected, where would end the late alterations at court, and it was not long before it apeared. The 15th of October, the king ſummoning his council, after a little pauſe, told them, "That upon many conſiderations, which he could not at preſent acquaint them with, he found it neceſſary to make a longer prorogation of the parliament than he intended: That he had conſidered all the conſequences, ſo far as to be abſolutely reſolved, and, not to hear any thing that ſhould be ſaid againſt it: That he would have the meeting put off, till that time twelvemonth." The councellors ſurprized at this reſolution, and ſtill more at the manner of propoſing it, were moſt of them ſilent. Some however, offering to repreſent to the king the dangerous conſequences of this reſolution, were enjoined ſilence. But Sir William Temple, more bold than the reſt, ſtood up, and with great freedom told his majeſty, 'That as to the reſolution he had taken, he would ſay nothing, becauſe he was reſolved to hear no reaſoning upon it; therefore he would only preſume to offer him his humble advice as to the courſe of his future proceedings; which was, that his majeſty in his affairs would pleaſe to make uſe of ſome council or other, and allow freedom to their debates and advices; after hearing which, his majeſty might yet reſolve as he pleaſed. That if he did not think the perſons or number of this preſent council ſuited with his affairs, it was in his power to diſſolve them, and conſtitute another of any number he pleaſed, and to alter them again when he would: But, to make councellors that ſhould not counſel, he doubted whether it was in his majeſty's power or not, becauſe it implied a contradiction: And ſo far as he had obſerved, either of former ages, or the preſent, he queſtioned, whether it was a thing ever practiſed in England by his majeſty's predeceſſors, or were ſo now by any of the preſent princes in Chriſtendom: Therefore he humbly adviſed him to conſtitute ſome ſuch council, as he would think fit to make uſe of, in the direction of his great and publick affairs.'

Changes in the council. Echard.

This proceeding cauſed ſeveral councellors to ſurrender their commiſſions to the king, and others to abſent themſelves from the council, not thinking proper to incourage by their preſence, the king's ſecret reſolutions, and give occaſion to believe, they approved them. The earl of Eſſex reſigned his place of firſt commiſſioner of the treaſury. The lord Hallifax, Sir William Temple, and ſome others, retired into the country. Thus the council which the king had appointed to amuſe the people, was almoſt diſſolved, and the direction of the publick affairs remained in the hands of the earl of Sunderland, Mr. Laurence Hyde, and Mr. Sidney Godolphin, or rather the duke of York, whoſe intereſts they had embraced; and who, tho' abſent, directed their reſolutions.

A plot contrived. Burnet.

In the latter end of October, about a fortnight after the prorogation of the parliament, a ſham plot was diſcovered, contrived by the Papiſts to bring an odium upon the Preſbyterians, and the heads of the country-party. This project had been formed the beginning of Auguſt, by the counteſs of Powis, Elizabeth Cellier a midwife, the earl of Caſtlemain, and the five lords in the Tower. The deſign was to make uſe of falſe witneſſes to accuſe Oates of perjury and ſodomy; to aſſaſſinate the earl of Shaftſbury; and to charge the duke of Buckingham, the earl of Eſſex, the duke of Monmouth, the lord Hallifax, and ſeveral conſiderable citizens of London, with being concerned in a plot againſt the king. One Dangerfield was to be the principal actor in this ſcene. He received his inſtructions from the lady Powis, and the lords in the Tower, with a liſt of the perſons whom he was to accuſe. Moreover, the lady Powis gave him a model of this plot, which was to convey into the houſe of ſome pretended conſpirator, and there cauſe it to be found.

Dangerfield the cheif actor in it.

Dangerfield furniſhed with theſe inſtructions and papers, informed the duke of York of it, after his arrival from Bruſſels. The duke of York made him a preſent of 20 guineas, and introduced him to the king, who after hearing him, gave him 40 more. Then he made ſome attempts to aſſaſſinate the earl of Shaftſbury, but was prevented by ſeveral accidents. At laſt, on pretence of ſeeing ſome rooms, which he ſaid he intended to hire, he went to colonel Manſel's lodgings, and found means to pin ſome dangerous papers behind his bed's head. This done, he informed two officers of the cuſtom-houſe, that there were in thoſe lodgings, prohibited goods to the value of 2000 l. The officers repairing thither the 22d of October, ſearched every where in hopes of finding their prey; but as they did not think to ſearch behind the bed, Dangerfield himſelf found the papers. The officers carrying theſe papers to their ſuperiors, had orders to return them to Manſel. Four or five days after, the colonel meeting Dangerfield in the ſtreet, carried him directly to Whitehall, and brought him before the king and council. He was ſtrictly examined, and after a full hearing, his contrivance being detected, he was ſent to Newgate the 27th of October.

It obtains the name of the Meal-Tub Plot. Dangerfield diſcovers the fraud:

Two days afer, Sir William Waller, a magiſtrate of London, ſearching Cellier's houſe, found the model of the pretended plot, writ very fair, in a paper-book tied with ribbands, and hid in a Meal-tub, which gave it the name of the Meal-Tub-Plot. Dangerfield perceiving himſelf ruined, if he perſiſted in a thing which he could not ſupport, applied himſelf to the lord-mayor of London, and gave him in writing a large confeſſion upon oath, with a diſcovery of the perſons by whom he was employed. This confeſſion being tranſmitted to the council, ſeveral perſons were apprehended, and amongſt the reſt Roger Palmer earl of Caſtemain. The lady Powis, accuſed by others, beſides Dangerfield, of conſpiring the death of the king, was ſent to the Tower, and ordered to be proſecuted for high-treaſon. This affair greatly contributed to the reſolution taken by the earl of Eſſex and the lord Hallifax, to retire from court, becauſe they obſerved, that tho' they were mentioned in the plot, they were left out of the ſecret examinations about it.

The death of Hobbes.

The famous philoſopher Thomas Hobbes died this year, in the 91ſt year of his age. His writings are, unhappily, but too will known, to need any farther notice.

1679-80.

Libels againſt the court. Echard.

Affairs in the beginning of the year 1680, were in ſuch a ſituation, that the king had need of all his patience and addreſs. There were viſibly two parties in the kingdom, that of the court, and that of the country. To the endeavours of the court to gain proſelytes, the country-party oppoſed ſwarms of libels to inflame the people, by repreſenting the miſchiefs with which England was threatened, if the deſigns of the court and the Papiſts were not prevented. For no ſcruple was made of affirming in theſe libels, that the Papiſts were countenanced by the court. The year 41 ſeemed to be returning, and it was even probable, that the contrary party to the king had no better intentions againſt him, than the enemies of Charles I, had in 1640. It was a melancholly thing to ſee the kingdom thus divided by the oppoſite intereſts of the king and the ſubject. But when it was known, that the king had reſolved to prorogue the parliament till November, not only anonymous libels were publiſhed, but petitions flowed from all parts, for the ſitting of the parliament the 26th of January, according to the laſt prorogation. The king received theſe petitions with great trouble, and failed not to return a diſobliging anſwer to thoſe who had the boldneſs to preſent them. Nay, he publiſhed ſeveral proclamations againſt theſe petitions, uſing the ſame reaſons that James I, and Charles I, had alledged on the like occaſions. He ſaid, 'He was the head of the government, and the only judge of what was fit to be done in ſuch caſes, and that he would do what he thought moſt for the good of himſelf and his people, deſiring they would not meddle with a matter, that was ſo aſſential a part of his prerogative.' All this is very true in the ordinary courſe of the government. But when the people believes the ſovereign is uſing, to the diſtruction of the kingdom, a prerogative intended for their welfare, the bare allegation of the royal prerogative is not capable to ſatisfy them. Whatever colour is given to it, the Engliſh would never be convinced, that it ought to turn to their ruin. Accordingly, the proclamations were not able to put a ſtop to the petitions, as on the other hand, the petitions obliged not the king to alter his meaſures.

Addreſſes to the king for the meeting of the parliament Kennet.

The parliament comes together and is further prorogued. Echard.

However, the king reſolved to meet the parliament the 26th of January, but it was only to tell both houſes, that the unſettled condition

1679-80

condition of the nation, rendered a long interval of the parliament abſolutely neceſſary, for compoſing and quieting of men's minds. That nevertheleſs he would only prorogue them to April, in order to meet them again in that month, if the condition of his allies abroad demanded their aſſiſtance. After thisſhort ſpeech, the chancellor, by the king's command, prorogued the parliament to the 15th of April.

The duke of York returns to court. Echard.

Two days after, the king declared in council, 'That he had ſent for his royal highneſs, not having found ſuch an affect from his abſence, as ſhould incline him to keep him longer from him, when queſtions was ſtarted of ſuch a nature, as made it reaſonable that he ſhould be preſent at the next ſeſſion.' Upon this invitation the duke of York appeared at court the 24th of February, where he was received with great pomp and ſatisfaction by the king his brother.

Two parties formed called the addreſſars and the abhorrers. Echard.

The duke's arrival, and the king's late firmneſs in proroguing the parliament, notwithſtanding the clamours of the male-contents, greatly encouraged the court-party, ſo that multitudes of addreſſes were preſented to him, teſtifying an abhorance of the liberty taken by ſome men to require him to hold the parliament, and in that from Norfolk he was thanked for recalling the duke of York. Tho' it is certain, the general ſenſe of the people for or againſt the court, is ſeldom to be known by theſe petitions, it is no leſs certain, they are, for the moſt part, the work of a few popular men, who by intrigue and cabal, procure ſubſcriptions to theſe addreſſes, from thoſe with whom they have intereſt, and who often ſign them without examining the contents. Accordingly, theſe addreſſes are uſually not to be rgarded, moſt of the ſubcribers being ready to ſign the contrary, if they think it for their private advantage. They are however urged as a proof of the people's being of this or that ſentiment, tho' in the mean, it is a very dubious proof. On the preſent occaſion, petitions had been preſented to the king for the ſitting of the parliament. As ſoon as the parliament was prorogued, and the duke of York at court, many addreſſes were preſented in abhorrence of the former, ſo that two parties were formed, called the Petitioners and Abhorrers; and as the animoſity between the two parties gradually increaſed, they beſtowed upon each other names of reproach, and from hence aroſe the ſo much famed diſtinction of WHIG and TORY. The petitioners looking upon their adverſaries as entirely devoted to the court and the popiſh faction, gave them the name of Tories, a title given to the Iriſh robbers, villians, and cut-throats, ſince called Rapparees. Thus the name of Tories, ſerves only now to diſtinguiſh one of the two factions which ſtill divide England. The abhorrers on their ſide, conſidering the petitioners, as men entirely in the principles of the parliament of 1640, and as Presbyterians, gave them the name of Whig, or Sour-Milk, formerly appropriated to the Scotch Presbyterians and rigid covenanters. Theſe two denominations are too well remembered to this time.

Riſe of Whig and Tory.

1680.

1680. A report ſpread of the duke of Monmouth's legitimacy. Kennet.

The Whigs were directed by the earl of Shaftſbury, who looking upon the duke of York not only as his own, but alſo the mortal enemy of his party, believed there was no medium between periſhing, or ruining that prince. To this end, he had made it his buſineſs to extol the duke of Monmouth, and render him the darling of the people, imagining, that when he had the people on his ſide, the ſupplanting of the duke of York would not be impracticable. With this view it was, at leaſt as it is pretended, that the earl of Shaftſbury found means to ſpread a rumour, that the king was lawfully married to Mrs. Walters, the duke of Monmouth's mother, and that the marriage-contract was in a black-box, in the cuſtody of Sir Gilbert Gerard. The king and the duke of York eaſily perceived the tendancy of this rumour, and therefore omitted nothing to undeceive the people. To this end the king called an extraordinary council the 26th of April, in which he declared, 'That the ſaid report was altogether falſe, and that he thought himſelf obliged in honour and conſcience to have the matter thoroughly examined and ſearched into.' Gerard appearing before the council, declared, 'That he never had any ſuch writing, as was reported, committed to his charge, nor did he ever ſee or know of ſuch writing.' In ſhort, after many fruitleſs enquiries after the author of this report, the king was forced to content himſelf with publiſhing, the 3d of June, a declaration, to confirm one made January the 6th, and another made March the 3d, which was entered in the council-books, and ſigned by 16 privy-counſellors, wherein he ſaid, 'That to avoid any diſpute which might happen in time to come, concerning the ſuceſſion to the crown, he did declare in the preſence of Almighty God, that he never gave, nor made any contract of marriage, nor was married to Mrs. Barlow, alias Walters, the duke of Monmouth's mother, nor to any other woman whatſoever, but to his preſent wife queen Katherine, then living.'

Silenced by the king. Echard.

The accomplices of the Meal-Tub Plot acquitted. State-T.

This ſummer were ſeveral proſecutions and tryals, and the 23d of June, Roger Palmer earl of Caſtlemain, a Papiſt, huſband to Barbara Villiers, ducheſs of Cleveland, the king's miſtreſs, was brought to his tryal and acquitted. Cellier the midwife, who had aſſiſted the lady Powis in the ſham plot, was likewiſe acquitted. Soon after, ſhe publiſhed a narrative of her tryal, with ſevere reflections upon ſome perſons, then in credit, for which ſhe was tryed a ſecond time, and ſentenced to ſtand three times in the pillory, and pay 1000 l. fine. The grand-jury found not the bill againſt the counteſs of Powis. Thus all the perſons concerned in the Meal-Tub-Plot were acquitted. The torrent did not then run in favour of the party againſt the court.

Bedloe dies. Echard

Bedloe, the famous witneſs of the popiſh plot, died at Briſtol the 20th of Auguſt. Three or four days before his death, the lord chief-juſtice North, then in his circuit viſiting him, Bedloe in his preſence ſigned the following depoſition.

'That the duke of York hath been ſo far engaged

His depoſition before the lord chief-juſtice North, on his death-bed.

'engaged in the plot, as he hath ſeen by letters in cardinal Barbarini's ſecretary's ſtudy, that no part that hath been proved againſt any man already, that hath ſuffered, but that to the full thoſe letters have made him guilty of it; all but what tended to the king's death.' And at Rome I asked father Anderton and father Lodge, two jeſuits, 'What would the duke do with his brother when he was king? And they anſwered me they would find a means for that; they would give him no trouble about it.' Then I told them, I believed the duke loved his brother ſo well, he would ſuffer no violence to be done to him. Thy ſaid, no: 'If the duke could be brought to that, as he had been religiouſly to every thing elſe, they might do their work; their other buſineſs was ready, and they might do it preſently. But they knew they could not bring him to that point; but they would take care for that themſelves; they had not begun with him to leave him in ſuch ſcruples as that. But they would ſet him into his throne; and there he ſhould reign blindfould three or four days; for they had ſettled ſome they ſhould pitch the action upon, ſhould clear their party. And then he ſhould fly upon them with the ſword of revenge.

And this examinant doth further add, 'That the queen is not, to this examinant's knowledge, nor by any thing he could ever find out, any way concerned in the murder of the king; but barely, by her letters, conſenting and promiſing to contribute what money ſhe could to the introducing the Catholick religion. Nay, it was a great while, and it made her weep, before ſhe could be brought to that.'

He alſo declared to the lord chief-juſtice, "That he looked upon himſelf as a dying man, and found within himſelf, that he could not laſt long, but muſt ſhortly appear before the Lord of Hoſts, to give an account of all his actions. And becauſe many perſons had made it their buſineſs to baffle and deride the plot, he did, for the ſatisfaction of the world, there declare, upon the faith of a dying man, as he hoped for ſalvation. That whatever he had teſtified concerning the plot was true: And that he had wronged no man by his teſtimony, but had teſtified rather under than over what was truth; -----and, that he had other things to diſcover, which were of great importance to the king and country," with other matters of the like nature. In concluſion, his lordſhip was "deſired to repreſent to his majeſty his condition, and that his ſickneſs was very chargeable, and move his majeſty in his behalf for ſome ſupply of money for his ſubſiſtance."

Remaks on this depoſition.

This depoſition deſerves ſome remarks. The firſt, that it comes from a dying man, and who indeed died three days after. If the proteſtations of thoſe who had been condemned, either for the plot, or Godfrey's murder, may form a preſumption in their favour, I do not ſee why this of dying Bedloe ſhould not form the like, unleſs the point in queſtion is taken for granted, viz. that the condemned perſons were innocent, and Bedloe a villain for ſwearing againſt them. 2. Bedloe diſtinguiſhes perfectly the ſeveral articles of the plot, in that he accuſes the duke of York of being engaged in the plot, but acquits him from deſigning the king's murder. Now the plot, with regard to the government and religion, is ſo evident, and the part the duke of York had in it ſo clear from Coleman's letters, that nothing can better agree with Bedloe's depoſition. Thirdly, it is really improbable, that two jeſuits at Rome, directors of ſo important an affair, ſhould ſpeak ſo openly to Bedloe. But on the other hand, the manner of the king's death three or four years after Bedloe's, gives but too juſt cauſe to ſuſpect, there was foul play, and cauſes this improbability to vaniſh in part. Laſtly, Bedloe declared in his depoſition, that whatever he had teſtified concerning the plot was true, and this laſt depoſition, far from giving room to ſuſpect it of falſhood, may rather create a belief, that it was not an invention, ſince, being ſo near death, he could have no inducement to acquit the duke of York upon one article, and accuſe him upon others, or even to trouble the chief-juſtice with any depoſition at all.

Echard.

This depoſition a little perplexes a famous hiſtorian, who in this part of his hiſtory undertakes to prove the plot to be a fiction. To free himſelf from this difficulty, he ſcruples not to oppoſe his own authority to Bedloes depoſition. 'We know not, ſays he, how to ſpeak ſoftly of the dying words of one heardened by many years villanies; but muſt expreſly declare, that as to his publick oaths he did not only ſwear to the moſt ſhocking improbabilities, but ſometimes changed, and other times contradicted his own evidence.' After this authority no man, doubtleſs, will regard this laſt depoſition of Bedloe otherwiſe than as a continuation of the crimes he had been guilty of, in falſly ſwearing there was a plot, when in reality there was none.

Two Preſbyterian ſheriffs elected. Burnet.

The city of London was then in the country-party, which gave it great reputation. The choice, on Midſummer day, for ſheriffs, fell upon two famous Preſbyterians, by a majority of voices, both accounted Phanaticks by the contrary party. Theſe were Slingsby Bethel, and Henry Corniſh, who took care to qualify themſelves by receiving the ſacrament in the church of England, abjuring the covenant, and doing every thing as appointed by act of parliament. While this election was depending, it was pretended, that Bethel's party had committed ſome violence againſt the other, which obliged the king to order a commiſſion of Oyer and Terminer to be iſſued out for the tryal of the riot.

The lord-mayor addreſſed to petition the king for the ſitting of the parliament.

In the interim, the two ſheriffs, contrary to the king, being choſen, Thomas Papillon, Eſq; preſented an addreſs to the lord-mayor, in the name of the city, wherein, after diſowning all tumultuous and diſorderly proceedings, and teſtifying an involable fidelity to the king, they deſired his lordſhip, "That he would, in their names, humbly beſeech his majeſty, that the parliament might ſpeedily aſſemble." Whether

ther the addreſs produced any effect, or the king had already taken his reſolution, a few days after, it was made known by a publick proclamation, that the parliament ſhould ſit on the 21ſt of October.

The duke of Monmouth returns, and takes no notice of the court. Temple.

While the time of the meeting of the parliament was yet remote and uncertain, the court-party had ſome advantage, but, as it approached, the country-party gained the ſuperiority. The duke of Monmouth was returned from Holland without leave, and inſtead of going to court, made ſeveral progreſſes in the kingdom to encourage his friends, and increaſe their number. This party were reſolved to run all hazards, and ruin themſelvles or the duke of York, the next ſeſſion of parliament. To this end, the earl of Shaftſbury, attended by 12 lords and gentlemen of note, went publickly to Weſtminſter-Hall, and at the king's-bench-bar, by a bill in form, preſented the duke of York as a popiſh recuſant. The thing was but too true, and the whole kingdom was ſenſible of it. But till this time no man had dared to take ſuch a ſtep, which was conſidered as a formal deſign to break all meaſures with the duke. This action ſo ſurprized the three principal miniſters, that they concluded the contrary party muſt neceſſarily be aſſured before hand of the reſolutions of the parliament. Wherefore, to ingratiate the king with the parliament, they adviſed him to ſend the duke of York into Scotland, believing it would not be in his power to ſupport him, if he left him in England, during the ſeſſion of the parliament. The king approving their reaſons, obliged the duke to return to Scotland, after repeated aſſurances, that he would never forſake him. So the duke departed the day before the meeting of the parliament, to the great ſatisfaction of his enemies, who hoped to ruin him more eaſily in his abſence.

The duke of York preſented as a Papiſt.

The king ſends away the duke of York. Echard.

Kennet.

At laſt, the parliament met the 21ſt of October, as the king had promiſed in his proclamation. In his ſpeech at the opening, he acquainted both houſes, 'That he had made and perfected an alliance with the crown of Spain, ſuitable to that which he had before with the ſtates of the United-Provinces, conſiſting of mutual obligations of ſuccour and defence. He aſſured them, that nothing ſhould be wanting on his part to give them the fulleſt ſatisfaction their hearts could wiſh, for the ſecurity of the Proteſtant religion, conſiſtent with preſerving the ſucceſſion of the crown in its due and legal courſe of deſcent. In order to this, he recommended to them to purſue the further examination of the plot, with a ſtrict and impartial enquiry; neither thinking himſelf nor them ſafe till that matter was gone through with, and therefore it would be neceſſary that the lords in the Tower ſhould be brought to their ſpeedy tryal, that juſtice might be done.------He told them, it would be impoſſible without their ſupport to preſerve Tangier, and therefore deſired their advice and aſſiſtance.-----In concluſion, he recommended to them a perfect union with himſelf, and one another, as the only thing which could reſtore the kingdom to its ancient ſtrength and vigour and raiſe it up again to that conſideration which England had uſually had.'

During this whole reign, the king's religion was ſo great a ſecret, that very few were acquainted with it. And therefore the king more boldly proteſted his zeal for the Proteſtant religion; and on all occaſions declared, he would maintain it againſt the attempts of the Papiſts. Theſe proteſtations might then have ſome effect, ſince it is very natural for a king to favour his own religion. But ſince it has been certainly known, that Charles II. was a Papiſt, had abjured the Proteſtant religion before his reſtoration, and profeſſed, tho' ſecretly, the popiſh religion, theſe ſo ſolemn and ſo frequent proteſtations muſt be thought very ſtrange, being intended only to deceive his ſubjects.

The commons expel the abhorrers, and petition againſt Jefferies. Echard.

After the ſpeaker was choſen, and approved by the king, the houſe of commons immediately diſcovered what was to be expected from them, by expelling ſome of their members, for having been abhorrers. But not content with puniſhing their own members, they ordered an addreſs to be preſented to the king, to remove from all publick offices Sir George Jefferies, ſerjeant at law, recorder of London, and chief-juſtice of Cheſter, as guilty of the ſame crime, and a betrayer of the rights of the ſubject.

The commons reſume the examination of the plot. Echard.

As this was a new parliament, and as the affair of the plot was to be reſumed at the king's own deſire, the witneſſes who had already depoſed, laid before the houſe their informations, and were joined by Dangerfield, Jenniſon, Dugdale, and one Turberville, a new evidence. Some likewiſe came from Ireland. Upon a report made to the houſe, that Dr. Tonge, who had firſt diſcovered the plot to the king, had received no gratuity, he was now recommended to his majeſty for the firſt good eccleſiaſtical preferment that fell in his gift. But the doctor was diſappointed of the benefit of this recommendation, by leaving the world not long after. The king on this occaſion diſcovered no leſs zeal than the commons, and iſſued out a proclamation, with a promiſe of his pardon to any perſon who ſhould, within two months, give farther information and evidence concerning the horrid and execrable popiſh plot.

The king's diſſimulation.

The commons reſume the excluſion-bill. Debates about the excluſion. Burnet.

But this diſſimulation was not capable of deceiving the commons. Five days after the opening of the parliament, the 26th of October, the lord Ruſſel moved, "That they might in the firſt place take into conſideration how to ſuppreſs Popery, and prevent a Popiſh ſucceſſor." He was ſeconded by Sir Henry Capel, brother to the earl of Eſſex, who, in a long ſpeech, related what had been done to the prejudice of the kingdom during the preſent reign. He aſcribed the whole to popiſh councils. He ſpoke of the firſt Dutch war; of the diviſion of the fleet; of the affair of Chatham; of the fire of London; of the diſcharge of the priſoners concerned in that wicked act, without tryal; of the violation of the triple league; of the ſeizing the

Dutch Smyrna fleet before war was proclamed; of the ſecond Dutch war; of the permiſſion to the Iriſh Papiſts to wear arms; of the alteration of the government of Scotland, by lodging it in a commiſſioner and a council, beſides an army of 20000 men. He ſaid, the Papiſts were emboldened to act any thing, by the hopes of having the duke of York for king: That they were moreover encouraged by the French ambaſſador, who by his frequency at court, ſeemed to be rather one of the family, and of the king's houſhould, than a foreign ambaſſador; and by his free recourſe to his majeſty, rather a prime miniſter of ſtate of this kingdom, than a counſellor to another prince: That ſince all theſe irregularities and enormities proceeded from the popiſh party, ſupported by the duke of York, it was high time to think of ſome effectual expedient to prevent popery and a popiſh ſucceſſor.

Several other members ſpoke to the ſame effect, ſome more ſome leſs; and no man offered to vindicate the duke or ſpeak in his behalf, till the houſe came to the two following reſolves, upon the 2d of November.

Votes of the commons for the excluſion of the duke of York. Debates.

'1. That the duke of York's being a Papiſt, and the hopes of his coming ſuch to the crown, hath given the greateſt countenance and encouragement to the preſent deſigns and conſpiracies againſt the king and the Proteſtant religion.

'2. That in defence of the king's perſon and government, and Proteſtant religion, this houſe doth declare, that they will ſtand by his majeſty with their lives and fortunes, and that if his majeſty ſhould come to any violent death, which God forbid, they will revenge it to the utmoſt of their power on the Papiſts.'

Speeches for it and againſt it.

Upon theſe two votes, the lord Ruſſel moved for a committee to bring in a bill to diſable the duke of York from inheriting the crown. This affair was now debated with great ſpirit in ſeveral eloquent ſpeeches on both ſides the queſtion. The ſubſtance of what was urged for the bill was, that the evils which the kingdom had felt, and ſtill laboured under, proceeded from popiſh counſels, begun and headed by the duke of York. That the danger muſt be extreme, ſhould he ever enjoy the crown. That it might be read in ſcripture, "That one man ought to die for a nation, "but not that three nations ſhould die for one "man." The oppoſers of the bill offered not to ſhew there was no danger in a popiſh king. This they were willing to ſuppoſe, but pretended that there were other expedients to prevent this danger than that of excluſion. That beſides, it could not be expected that the duke of York, and many others, would ſubmit to this law, the conſequence whereof would be a civil war, in which the duke of York would be ſupported by all the princes of Europe.

To this objection it was anſwered, that no expedient could be thought of to ſecure the Proteſtant religion under a popiſh prince, who would have a popiſh council, popiſh judges, popiſh magiſtrates, and deputy-lieutenants, popiſh commanders at ſea and land, nay, and popiſh biſhops too. That the excluding the duke from the ſucceſſion, was not depriving him of his right to the crown, of which he had rendered himſelf incapable, by embracing a religion contrary to that of the kingdom. For a popiſh king and Proteſtant ſubjects were irreconcilable.

The others replied, there was no law which, for a difference of opinion in religion, deprived any man of his right.

In concluſion, it was reſolved, "That a "bill be brought in to diſable the duke of "York to inherit the imperial crown of this "realm."

The excluſion-bill read.

Hitherto the court-party had only skirmiſhed, as I may ſay, in hopes that an engagement might be avoided. But when this vote had paſſed, and the bill was read the firſt time, Sir Leoline Jenkins, ſecretary of ſtate, ſtood up and argued directly againſt it, by alledging:

Secretary Jenkins ſupports the intereſts of the duke of York. Debates.

'1. That it was contrary to natural juſtice, to condemn any man before the conviction, or the hearing of him.

'2. It was contrary to the principles of our religion, to diſpoſſeſs a man of his right, becauſe he differs in point of faith.

'3. He was of opinion, that the kings of England had their right from God alone, and that no power on earth could deprive them of it.

'4. It was againſt the oath of allegiance, taken in its own ſenſe, without jeſuitical evaſions; which binding all perſons to the king, his heirs, ſucceſſors, the duke, as preſumptive heir, muſt be underſtood.'

His reaſons anſwered.

The advocates for the bill anſwered to the firſt objection; that not only the duke of York's intereſts were concerned, but thoſe of the whole kingdom; and that if the duke of York had withdrawn at the time the parliament was going to meet, his abſence ought not to prevent their providing for the good of the kingdom. To the ſecond objection it was anſwered, that in eſtabliſhing for principle, that difference of opinion in religion ought to be no cauſe for diſpoſſeſſing any man of his right, all the acts of parliament made ſince the reformation againſt Papiſts and ſectaries were condemned, who, as ſubjects, had rights in common with the reſt, of which nevertheleſs it was thought expedient to deprive them, on account of the dangers to which the kingdom would be expoſed, if they were left in the enjoyment of them. That this was a maxim generally received in all ſtates, Proteſtant or Popiſh. That it was very true, the ſubjects of a different religion might be injured by being deprived of their rights, but that this injury proceeded not from the government's having no right to take this precaution, but from taking it unſeaſonably and groundleſly, through prejudice, pride, paſſion, revenge and hatred. To the third objection it was anſwered, that allowing the principle, that the kings of England had their right from God alone, it ſhould at leaſt have been ſpecified wherein conſiſted this right, and it would never be proved, that the kings of England were inveſted with power from God, to alter the conſtitution, or introduce a new religion at pleaſure. But, if by this right was underſtood only that of the ſucceſſion, the principle was falſe, as might be proved by many inſtances in the Engliſh ſucceſſion; for all the kings and queens ſince Henry VII. mounted the throne by virtue of an act of parliament, which had ſettled the ſucceſſion upon the poſterity of that prince, and had ſince been confirmed by others. It was replied to the fourth objection, that the oath of allegiance, which bound the ſubject to the king's heirs and ſucceſſors was to be underſtood, when thoſe heirs and ſucceſſors were on the throne, and not while they were yet ſubjects. But ſuppoſing even the oath to be meant of an engagement to acknowledge for king the next heir, it is certainly became void, if that heir rendered himſelf incapable of ſucceeding by his ill conduct. That the laws which impoſed oaths had always in view a certain conſtitution of government, which they ſuppoſed conſtant and unalterable, becauſe all caſes that might happen could not be foreſeen. But that it could not be denied, there were poſſible caſes in which theſe oaths would become entirely null; as for example, if the preſumptive heir ſhould declare openly againſt the conſtitution of the ſtate, and clearly diſcover, that he intended to alter it when on the throne. And if in that caſe it was pretended, the ſubject was ſtill bound by his oath of allegiance to this ſucceſſor, the plain meaning of the oath would be, that the ſubjects bound themſelves to ſlavery, whenever the prince ſhould think fit to impoſe it, which was abſurd. In fine, that the parliament was the ſole judge of ſuch caſes.

Several other reaſons alleded for the bill.

But the advocates for the bill, not contented with replying to Jenkins's objections, added likewiſe other reaſons to demonſtrate the legality, the expedience, the neceſſity, of the excluſion of the duke of York. They proved the firſt point by precedents taken from the hiſtory of England, by which they demonſtrated, that, on ſeveral occaſions, the parliament had realy diſpoſed of the crown in a different manner from the uſual cuſtom. Edward III. was acknowledged king in his father's life-time, and Henry IV. while Richard II. was ſtill living. The parliament moreover granted the crown to Henry IV, and ſettled the ſucceſſion in his poſterity, contrary to the known and natural right of the earl of March, who was next heir to Richard II. Then they ſettled the crown upon the duke of York, and his poſterity, after the death of Henry VI, tho' Henry had a legitimate ſon living. After the houſe of York had enjoyed the crown for three ſucceſſive reigns, tho' that houſe had a numerous iſſue, the parliament transferred the crown to Henry VII. and his poſterity. They gave a power to Henry VIII. to name his ſucceſſors, and ſettle the ſucceſſion as he ſhould think proper. Laſtly, on the ſucceſſion of James I. to the crown, tho' no act was demanded by him to confirm his right, the parliament however made one, in order not to loſe their own. As to the objection, that theſe princes were poſſeſſed of the crown when theſe acts were made, it ought to be obſerved, that tho' they had the power in their hands, and were in poſſeſſion, they thought fit to demand the parliament's confirmation, as a thing abſolutely neceſſary to juſtify their right. In fine, it was impoſſible for the parliament, conſidered as conſiſting of king, lords, and commons, to act any thing contrary to the laws, ſince their power of repealing old, and enacting new, laws, could not be diſputed. That the ſupreme and abſolute authority reſides in the parliament compoſed of king, and both houſes. For what is the parliament but a body conſiſting of all the members of the ſtate, to which no power on earth hath a right to preſcribe? To ſay therefore, that the parliament can act unjuſtly againſt the laws, is to ſay, that all the members of the ſame body may act unjuſtly to themſelves, and be reſponſible for this injuſtice, which is an abſurdity not to be defended.

As to the fitneſs and benefit of this bill, it was not neceſſary to uſe many arguments to ſhew, that it was expedient and fit, that the government and religion ſhould be ſecured, and the people delivered from their fears and ſuſpicions. It could not even be denied, that the excluſion of the duke of York would be attended with theſe advantages. But as it could not be ſuppoſed, that the duke of York and his adherents, would ſubmit to this bill, which might occaſion a civil war, wherein the duke might be ſupported by foreign aid; to this objection it was anſwered, that it was better to hazard ſuch a war, than be expoſed to a more certain danger, viz. of ſeeing the laws and religion invaded by a popiſh prince.

But it was principally to demonſtrate the neceſſity of the excluſion-bill, that the advocates for it diſplayed all their wit and eloquence. They maintained, that all precautions to limit the power of a popiſh prince, would be fruitleſs, becauſe his promiſes and oaths could not be relied on, from which the pope, through a motive of religion, could abſolve him. That before the reformation, the reign of Henry VII. furniſhed very remarkable inſtances, and it did not appear, that popes, ſince the reformation, had relinquiſhed their principles. That beſides the duke of York's zeal for his religion, and his principles concerning the government, were well known, ſince the letters of his ſecretary, and his intimate union with France, had clearly ſhewn, he was not only diſpoſed to undertake any thing to ſupport the intereſts of his religion, but had even, for that end, engaged in meaſures very prejudicial to the ſtate. That it was to popiſh councils, and to the duke in particular, that the two Dutch wars, ſo contrary to the intereſts of England, were to be aſcribed. That to him were owing the non-execution of the laws made againſt popiſh recuſants, the pernicious deſigns of the cabal, and that Coleman's letters made it as clear as the ſun, that he was the chief author of the frequent adjournments and prorogations of the parliament, at the very time they were employed in ſeeking out expedients to ſave Europe, and the Proteſtant religion from certain ruin. Other arguments were alſo alledged to prove, that all the precautions

cautions which could be taken, would be to no purpoſe, when the duke ſhould be on the throne. Firſt, it was ſaid, that his union with France would ſupply him with money, without his being obliged to apply to the parliament. That he might thereby maintain what forces he pleaſed, and having an army at his command, would be maſter of the kingdom, and free to perform or not perform the conditions on which he ſhould be raiſed to the throne. That with this army he might influence the elections, and procure ſuch a parliament as would ſubvert all poſſible precautions. That there was too much reaſon to believe, that the late army had been raiſed with this deſign, ſince, being certain, that it was not intended againſt France, it could only be deſigned againſt the ſubjects. Nay, it was likely, this was the intent of the expedient propoſed, that when the king ſhould happen to die, the parliament then in being, or the laſt that was in being, ſhould aſſemble and ſit a competent time, without any new ſummons or elections, ſo that after the expiration of this competent time, the kingdom would fall into the inconvenience juſt mentioned. That if the tranſactions ſince the king's reſtoration were conſidered, it would be found, that nothing had been done with relation to the government, but what tended to ſubvert it, and introduce popery. That the duke of York's influence in the king's counſels was well known: That tho' he was abſent, his adherents and creatures enjoyed the principal places in the court and kingdom, and that from him proceeded all the evils wherewith England was afflicted, and all the dangers the nation had to fear. That if after ſo manifeſt a diſcovery of his deſigns, after the laſt teſtimony of Bedloe on his death-bed, after all the evidence of an execrable plot againſt the ſtate and religion, the duke's ſincerity and flattering promiſes were to be truſted, the conſequence would be a too late and fruitleſs repentance. From theſe reaſons, and many others, it was inferred, that the excluſion-bill was abſolutely neceſſary, and that the people juſtly expected from their repreſentatives this extraordinary precaution, to free them from their fears.

Reaſons alledged againſt the bill.

The court-party were extremely embarraſſed. There were facts alledged againſt the duke which could not be anſwered, and there were others which they durſt not directly deny, for fear of farther diſputes, at a time when the torrent ran ſo high againſt the duke. Nay, very few ventured to appear openly for him. Amongſt theſe were Sir Leoline Jenkins ſecretary of ſtate, Mr. Hyde a privy-counſellor, and one of the three who then managed the duke's affairs, Mr. Seymour, and one more. Sir Leoline Jenkins deſired the houſe to conſider, 'That the duke of York was the king's brother, and ſon of Charles I. for whoſe memory the nation had a great veneration: That the duke was enriched with excellent endowments, which he had employed in the ſervice of the nation, by fighting their battles, and defending them from the oppreſſion of their enemies, and was only guilty of this one crime, which he hoped, upon a mature deliberation, would not deſerve ſo great a condemnation.-----He remembered them, that there were laws already for the puniſhment of the crimes he was accuſed of, and therefore humbly conceived, they ought not to chaſtiſe him, by making a new law before any hearing.' Mr. Hyde added---'I do not know that any of the king's murderers were condemned without being heard; and muſt we deal thus with the brother of our king?------It would conſiſt much better with the juſtice of the houſe, to impeach him, and try him, in a formal way, and then cut of his head, if he deſerve it. I will not continued he, diſpute the power of parliaments; but I queſtion whether this law, if made, would be good in itſelf.------For ought I know, when you have made this law, it may have a flaw in it; if not, I am confident there are a loyal party, which will never obey, but will think themſelves bound by their oath of allegiance and duty, to pay obedience to the duke, if ever he ſhould come to be king, which muſt occaſion a civil war.'---

In the courſe of the debates on this bill, Sir Francis Winnington alledged, 'That an act of the 13th of Elizabeth made it treaſon for any man to ſay, that the parliament could not alter the ſucceſſion.' To which Mr. Finch replied, 'I will not ſay that acts of parliament cannot diſpoſe of the ſucceſſion, becauſe it was made treaſon by a ſtatute in the 13th of Elizabeth. But I will deny that the kings of England rule by virtue of any ſtatute law, as was ſuggeſted; for their right is by ſo antient a preſcription, as that it may juſtly be ſaid to be from God alone, and that no power on earth ought to diſpute it.'

Different opinions of the power which the parliament has in relation to the ſucceſſion of the crown.

Tho' this queſtion was only accidentally raiſed and carried no further, I think it ought not to paſs unregarded, becauſe it ſerves to diſcover the two opinions among the Engliſh, concerning the ſucceſſion. Some believe, that in extraordinary caſes the parliament has power to diſpoſe of the ſucceſſion, becauſe the parliament is ſuppoſed to include the whole nation, from the king to the meaneſt ſubject, and it is abſurd to diſpute the power of the whole nation unite in one body, to order what is for their well-being. Others maintain, that the ſucceſſion is unalterable, and admits not of any change, either by the nation in a body, or by the parliament. That if this is done, it is unjuſtly, and the parties concerned are not obliged to ſubmit to the parliament's deciſions. That ſuch changes were never made without cauſing troubles and civil wars in the kingdom; becauſe, as it is not in the power of the king to deprive the nation or the parliament of their rights, ſo neither is it in the power of the parliament to deprive the next heir of the ſucceſſion to which he is intitled by nature and birth. This queſtion has never been unanimouſly decided, but each party maintain their opinion, and determine according to the ſtrength of their reaſons. In all appearance, this diſpute will be ſtill long continued.

The commons paſs the excluſion-bill. Debates.

At laſt, after ſeveral days debates, the excluſion-bill paſſed the houſe by a great majority. This bill was much the ſame with the other brought in during the laſt parliament, only it had this additional clauſe, ‘ That during the life of James duke of York, the act ſhould be given in charge at every aſſizes and general ſeſſions, and read openly in every cathedral, pariſh-church and chapel, twice every year immediately after divine ſervice, that is to ſay, on the 25th of December, and upon Eaſter-day.’

A meſſage from the king. Nov. 10. Debates.

While the commons were proceeding on this bill, the king endeavoured to interrupt their debates by two meſſages. By the firſt he deſired them to expedite ſuch matters as were depending before them, relating to popery and the plot; aſſuring them, that all remedies they could tender to him, couducing to theſe ends, ſhould be very acceptable to him, provided they were ſuch as might conſiſt with preſerving the ſucceſſion of the crown in the legal courſe of deſcent.

An addreſs from the commons. Nov. 11.

Upon this meſſage an addreſs was preſented to the king by the houſe, in which they ſaid, ‘ That tho’ the time of their ſitting had not much exceeded a fortnight, yet they had in that time not only made a conſiderable progreſs in ſome things abſolutely neceſſary for the ſafety of his majeſty's perſon, the effectual ſuppreſſion of popery, and the ſecurity of the religion, lives, and eſtates, of his majeſty's Proteſtant ſubjects; but even in relation to the tryals of the five lords impeached in parliament, they had ſo far proceeded, as they ſhould in a ſhort time be ready for the ſame. But they could not (without being unfaithful to his majeſty and their country) omit humbly to inform his majeſty, that their difficulties, even as to thoſe tryals, were much increaſed, by the evil and diſtructive counſels of thoſe perſons who adviſed his majeſty, firſt to the prorogation, and then to the diſſolution of the laſt parliament, at a time when the commons were prepared for thoſe tryals; as likewiſe by the many and long prorogations of the preſent parliament, before the ſame was permitted to ſit. That a principal evidence was unfortunately dead, between the calling and the ſitting of the parliament. That others had been taken off, or diſcouraged from giving their evidence. To prevent the like inconveniencies for the future, they made it their humble requeſt to his majeſty, that he would not ſuffer himſelf to be prevailed upon by the like counſels, to do any thing which might occaſion either the deferring a full diſcovery of the plot, or the preventing the conſpirators from being brought to ſpeedy and examplary juſtice and puniſhment.’-----

The king's meſſage to the houſe in relation to Tangier Nov. 17. Debates.

The king's other meſſage was concerning Tangier, to recommend to the commons the preſervation of that place. But the houſe not being diſpoſed to content the king, inſtead of offering him money for the relief of Tangier, beſieged by the king of Morocco, took occaſion from this meſſage to conſider ſome of the court's proceedings in this reign. It was argued, ‘ That they were indeed afraid of Tangier, but more afraid of a popiſh ſucceſſor: ------they were unwilling to give any money, becauſe they remembred, when 1100,000 l. was given for the building of ſhips, not one ſhip was built; and above 2000000 given to ſupport the triple-leage, when it was ſoon employed for the breaking of it; and 1200,000 l. given for a war with France, when at the ſame time we were under private obligations for peace.’ Theſe were facts to which the friends of the court had nothing to reply, becauſe they were puplickly known. They contented themſelves with demonſtrating the importance of Tangier to the Levant trade, and repreſenting, that the 2000000 expended on the Mole would be entirely loſt. In ſhort, as the commons had always in mind the excluſion-bill, they took occaſion from this meſſage to preſent to the king a long addreſs, or rather remonſtrance, ſetting forth, in 18 articles, the dangerous ſtate of the kingdom, with regard to popery. But it was not ſo much to acquaint the king with theſe dangers, as to repreſent them to the people, that they might think the excluſion-bill leſs ſtrange. The ſubſtance of theſe 18 articles was as follows:

‘ 1. That Tangier had been ſeveral times under the command of popiſh governors; that the ſupplies ſent thither, had been in great part made up of popiſh officers and ſoldiers, and that the Iriſh Papiſts had been moſt countenanced and encouraged.

‘ 2. That here at home the endeavours and attempts of the popiſh party had been ſo bold and ſucceſsful, that it was a matter of admiration to them, and which they could only aſcribe to an over-ruling Providence, that his majeſty's reign was ſtill continued over them, and that they were yet aſſembled to conſult the means of their preſervation.

‘ 3. That this bloody and reſtleſs party had found countenance and protection from the laws made againſt them: That they had found means to diſgrace their oppoſers; and if they were judges, juſtices of the peace, or other magiſtrates, to have them turned out of commiſſion: So that after ſome time, they became able to influence matters of ſtate and government; and thereby to deſtroy thoſe that they could not corrupt.

‘ 4. The continuance and prorogation of parliaments, had been accommodated to ſerve the purpoſes of that party.

‘ 5. Money raiſed upon the people to ſupply his majeſty's extraordinary occaſions had, by the prevalence of popiſh counſels, been employed to make war upon a Proteſtant ſtate, and to advance and augment the dreadful power of the French king.

‘ 6. That great numbers of his majeſty's ſubjects were ſent into, and continued in the ſervice of that king: And even the miniſters of England were made inſtruments, to preſs the ſtates of Holland to accept of a demand from the French king, of admitting the publick exerciſe of the Roman catholick religion.

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‘ 7. That if ever any command were given for thoſe laws to be put in execution againſt Papiſts, even from thence they gained advantage to their party, while the edge of thoſe laws was turned againſt Proteſtant diſſenters, and the Papiſts eſcaped in a manner untouched.

‘ 8. That the teſt-act had little effect; for the Papiſts, either by diſpenſations obtained from Rome, ſubmitted to thoſe teſts, and held their offices themſelves, or thoſe put in their places ware ſo favourable to their intereſts, that popery itſelf had rather gained than loſt ground ſince that act.

‘ 9. That a popiſh ſecretary, ſince executed for his treaſons, had maintained a correſpondence at Rome, and in the courts of other foreign princes, for the ſubduing (to uſe their own words) that peſtilent hereſy which had ſo long domineered over this northern world.

‘ 10. That out of theſe counſels and correſpondencies, was hatched that damnable and helliſh plot, by the good providence of God brought to light about two years ſince.

‘ 11. That when this accurſed conſpiracy was firſt diſcovered, the Papiſts began to ſmother it, with the barbarous murder of a juſtice of the peace, within one of his majeſty's own palaces.

‘ 12. That amidſt theſe diſtractions and fears, popiſh officers for the command of forces were allowed upon the muſters, upon ſpecial orders counterſigned by a ſecretary of ſtate: And in like manner, above 50 new commiſſions were granted about the ſame time to known Papiſts.

‘ 13. That when, in the next parliament, the houſe of commons were prepared to bring to a legal tryal the principal conſpirators in this plot, that parliament was firſt prorogued, and then diſſolved: And the interval between the calling and ſitting of this parliament had been ſo long, that the Papiſts had gained time and advantage of covering their paſt crimes, and practiſing them more effectually.

‘ 14. That witneſſes had been corrupted, not only by promiſes of reward, but of the favour of his majeſty's brother.

‘ 15. That divers of the moſt conſiderable of his majeſty's Proteſtant ſubjects had crimes of the higheſt nature forged againſt them, the charge to be ſupported by ſubornation and perjury, that they might be deſtroyed by forms of law and juſtice.

‘ 16. That a preſentment being prepared for the grand-jury of Middleſex, againſt the duke of York, the grand-jury were, in an unprecedented and illegal manner diſcharged; and that with ſo much haſte and fear, leaſt they ſhould finiſh that preſentment, that they were prevented from delivering many other indictments, by them at that time found againſt other popiſh recuſants.

‘ 17. That becauſe a pamphlet came out weekly, called, The Weekly Packet of Advice from Rome, expoſing popery, as ridiculous, to the people, as it deſerved, a new and arbitrary rule of court, was made in the king's-bench, (rather like a ſtar-chamber than a court of law) that the ſame ſhould not for the future be printed by any perſon whatſoever.

‘ 18. That notwithſtanding all the proclamations for the baniſhing Papiſts from about this great city, and reſidence from his majeſty's court, and the parliament, yet great numbers of them, and that of the moſt dangerous ſort, did daily reſort hither, and abide here.

‘ For all which reaſons, the commons entreated his majeſty, that none but perſons of ſincere affection to the Proteſtant religion, might be put into any employment civil or military, that whilſt they gave a ſupply to Tangier, they might be aſſured they did not augment the ſtrength of their popiſh adverſaries, nor increaſe their own dangers. But that if his majeſty ſhould vouchſafe to grant their deſires, they ſhould not only be ready to aſſiſt him in defence of Tangier, but do whatſoever elſe ſhould be in their power to enable him to protect the Proteſtant religion and intereſt at home and abroad.’

The lords throw out the excluſion-bill. Kennet.

Two days after this mortifying addreſs, on the 15th of November *, the excluſion-bill was ſent up to the houſe of lords †. It paſſed only by two voices upon the firſt reading. But on the ſecond reading it was thrown out by a ſuperiority of 63, againſt 30. Of 14 biſhops that day in the houſe, three only gave their votes for and 11 againſt the bill ‡. The king was preſent at the whole debate, which laſted till near midnight.

It was a great mortification to the commons, to ſee their favourite bill thus thrown out by the lords. They grew ſo ſullen, and out of humour, that they fell upon ſeveral members of their own houſe, expelling ſome, and impeaching and impriſoning others, as well as upon perſons not of their houſe**, for being abhorrers, or for having adviſed and aſſiſted in drawing up the proclamation againſt petitioning for the ſitting of the parliament. But this ſerved only to diſcover their rage at their diſappointment concerning the excluſion-bill ††.

On

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* The addreſs is dated November 13. but it was not preſented to the king till November 29.

† It was carried up by William lord Ruſſel, attended by the lord Cavendiſh, Sir Henry Capel, and indeed by almoſt the whole houſe of commons. Echard.

‡ Burnet ſays all the biſhops voted againſt the bill.

** They agreed to impeach Sir Edward Seymour the late ſpeaker; and Sir Robert Peyton was brought upon his knees, and expelled the houſe. They alſo voted to proceed for high crimes and miſdemeanours againſt Sir Francis North, chief juſtice of the common-pleas. Sir Thomas Jones, one of the judges of the king's bench, and Sir Richard Weſton one of the barons of the exchequer: And to impeach the lord chief-juſtice Scroggs of high treaſon. Kennet.

†† The gentlemen who ſpoke for the excluſion were, lord Ruſſel, Sir Henry Caple, Mr. Herbard, colonel Titus, Mr. Thomas Bennet. Sir Francis Winnington, Sir Thomas Player, Sir William Jones, Mr. Boſcawen, M. Trenchard, M. Montague, colonel Sidney.----Againſt the bill, Sir Leoline Jenkins, Mr. Laurence Hyde, Mr. Edward Seymour, Mr. Daniel Finch, Mr. Garraway, Sir Richard Graham. Debates, &c. In the houſe of lords the earls of Eſſex and Shaftsbury argued moſt for it: And the earl of Hallifax (who was for limitation) was the champion on the other

The tryal of the lord Stafford.

On the 30th of November, a new ſcene was opened, viz. the tryal of William Howard, lord viſcount Stafford, one of the five popiſh lords in the Tower, who were accuſed of being concerned in the plot. He was tryed before the lords in Weſtminſter-Hall, the chancellor being appointed by the king, to perform the office of high-ſteward. The managers for the commons began with the plot in general, and laid open the malice, wickedneſs, and horrour, of ſo dreadful, bloody, and helliſh a deſign: They ſtrenuouſly inſiſted on the expreſs poſitive oaths of the witneſſes, upon whom the credit of the plot depended: They expatiated on Coleman's letters and others, clearly proving the deſigns and activity of the writers: They preſſed home the execrable murder of Sir Edmundbury Godfrey, charged upon the Papiſts, as well by the oaths of ſelf-acknowledged partners in the fact, as by a letter ſent from London to Tixall, intimating this very murder, the third day after it was committed: They fully diſplayed the ſham plots, and counter-contrivances, whereby the Papiſts would have ſuborned the king's evidence, and turned all the guilt upon his majeſty's loyal ſubjects: They urged the firing the city, the burning the navy, the calling in French armies, wild Iriſh, Spaniſh pilgrims, &c, They recapitulated the ſeveral tryals of Ireland, Whitebread, Langhorn, &c. and alledged the votes of both houſes of parliament, declaring the plot. To corroborate all which, they repeated the cruelties of queen Mary, the French and Iriſh maſſacres, the powder-plot, &c. And they anatomiſed the wicked principles and practices of murdering, lying, equivocating, forſwearing, faith-breaking, &c. imputed to the Papiſts, as held by them lawful and meritorious. In fine, they produced witneſſes to prove the plot in general, but chiefly three appeared againſt the accuſed lord, viz. Dugdale, Oates, and Turberville.

1. Dugdale ſwore, 'That at a certain meeting held at Tixall in Staffordſhire, about the end of Auguſt, or beginning of September 1678, the lord Stafford, with lord Aſton, and others, did in the preſence of the witneſs, give his full conſent, to take away the king's life, and introduce the popiſh religion. And that on the 20th, or 21ſt of September, in the forenoon, the lord Stafford ſent for the witneſs to his chamber, while he was dreſſing; and, turning his ſervant out, offered him 500l. for his charges and encouragement, to take away the king's life; and further told him, he ſhould have free pardon of all his ſins, and be ſainted; for the king had been excommunicated, and was likewiſe a traytor, and a rebel, and an enemy to Jeſus Chriſt.'

Oates ſwore, 'That in the year 1678, both in Spain and at St. Omer's, he ſaw ſeveral letters, ſigned Stafford, wherein his lordſhip aſſured the jeſuits of his fidelity and zeal, in promoting the Catholick cauſe; that in 1678, being in London, his lordſhip came to the chamber of father Fenwick, ſince executed; and there, in his preſence received a commiſſion from him, to be paymaſter general to the army; Whereupon his lordſhip ſaid, he muſt of neceſſity go down into the country to take account how affairs ſtood there; and did not doubt, but at his return, Grove ſhould do the buſineſs. And ſpeaking of the king, he further added, he hath deceived us a great while, and we can bear no longer.'

Turberville gave an account of, 'diſobliging his friends by leaving his frier's habit at Doway; and thereupon went into France, in the year 1675, where at Paris, getting acquaintance with his lordſhip, he propoſed to the witneſs, a way, both to retrieve his reputation with his friends, and make himſelf happy; and this was by taking away the life of the king of England, who was a heretick, and a rebel againſt God Almighty. That when he took leave of him, his lordſhip appointed to meet him at London; but he ſoon after returned into France, not being willing to undertake the propoſals, and was diſcountenanced by his friends, and reduced to poverty.'

The accuſed lord, in his defence, alledged many things to invalidate the credit of the plot, and particularly, the reputation of theſe three witneſſes.

Againſt Dugdale he produced evidence, 'That he was a perſon of an infamous life; that he had cheated the lord Aſton, his maſter. and defrauded the workmen and ſervants of their wages; that by his extravagancies and miſdemeanours, he had run himſelf into ſeveral hundred pounds debt, for which he was thrown into goal, and deſpaired of ever getting out from thence, otherwiſe than by making the pretended diſcoveries. In the next place, that he had directly perjured himſelf, in divers parts and circumſtances, as to the time and place, in this and other depoſitions.' And further, he proved, 'That he had endeavoured to ſuborn divers perſons to make falſe oaths, and ſo to ſtrengthen his own by other men's perjury.'

Againſt Oates he enlarged upon the great improbabilities, 'That ſo many great and rich conſpirators, who had truſted him with their greatiſt ſecrets, and whoſe lives were at his mercy, ſhould ſuffer him to be reduced to ſuch a wretched degree of beggary, as he was acknowledged to be in when he made his firſt diſcoveries. He likewiſe inſiſted upon his omiſſions, additions, and contradictions, that plainly appeared in his ſeveral depoſitions about the plot; and alſo upon his villainous feigning himſelf to be of a another religion, by ſolemn renounciations of his faith, and by ſuch ſacraments on one ſide, and ſuch abjurations and execrations on the other, as render him unfit to be admitted for an evidence againſt any man living.'

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ther ſide. For which, when the bill was thrown out, the commons voted an addreſs to the king to remove lord Hallifax from his counſels and preſence for ever, pretending it was for his adviſing the diſſolution of the laſt parliament. Burnet.

As to Turberville, he urged, 'That he was perjured in this, and many other of his depoſitions; and that his narrative had many miſtakes and blunders in it. He denied that he or any of his ſervants, ever ſaw him at Paris; and made ſome remarks upon his poverty and want, his looſe manner of living, his ſhameful curſing and ſwearing, and particularly his uſing theſe words, God damn me! There is no trade good now, but that of a diſcoverer.'

This defence, as is eaſily ſeen, could not well be more weak, and yet it laſted a whole week, and the account of this tryal makes a ſmall volume in folio, containing in ſubſtance, only what I have ſaid. The accuſations and depoſitions were expreſs, and the priſoner's defence conſiſted, 1. In an abſolute denial of the crime for which he was impeached. But this denial could be of no ſervice to him, as it is not what the judges go by. 2. In ſeveral allegations againſt the witneſſes. But bare allegations without proofs, are not wont to juſtify the accuſed. 3. In an improbability alledged againſt Oates, that if he had been ſo well acquainted with the ſecrets of ſo many rich men, they would never have ſuffered him to be reduced to ſuch want. To this the lords doubtleſs paid the regard, they thought it deſerved. But methinks, ſuch an improbability cannot be ſaid to make a convincing proof in favour of the priſoner. 4. In a witneſs who depoſed, that Dugdale was a perſon of an infamous life, and guilty of ſeveral cheats. On which, I cannot forbear repeating what I ſaid on a like occaſion, that if in a plot againſt the king or the ſtate, only witneſſes of honeſty and reputation were to be allowed, there would be danger of always wanting evidence, becauſe ſuch plots are commonly diſcovered by the complices, and ſeldom any but villains are concerned.

The lord Stafford condemned.

However this be, after the lord Stafford had made a long and pathetick ſpeech, and in the preſence of God proteſted his innocence, he was found guilty by 55 votes againſt 31. The lord high-ſteward aſking him, "What he could ſay for himſelf, why judgment of death ſhould not paſs upon him, according to law? He replied, my lord, I have very little to ſay; I confeſs I am ſuprized at it, for I did not expect it. But God's will be done; I will not murmur at it. God forgive thoſe that have falſely ſworn againſt me."

Sentence being paſſed upon him, ſeveral of his relations and acquaintance were urgent with him to make diſcoveries of all he knew, as the only means to ſave his life; to which he anſwered, that he was willing, out of a meer ſenſe of duty, without any temporal view, to diſcover the utmoſt of what he knew. Whereupon, he was brought to the bar of the lords, where he declared things known to all the world, but ſaid nothing of what was wiſhed to be known.

He makes an illuſory confeſſion. Echard.

He ſaid, 'That he thought it no crime for any man to wiſh his neighbour might be of the ſame religion, wherein he himſelf hoped to be ſaved; nay, to ſeek and promote it by ſuch ways as the laws of God and the nation allow. That there had been, on ſeveral occaſions, endeavours uſed to obtain an abrogation, or at leaſt a mitigation of ſeverities againſt the Catholicks; but no otherwiſe than by legal and parliamentary means. That he himſelf at Breda propounded 100000 l. to the king, for the taking off the penal laws againſt them. That a bill had been brought into the houſe of lords in their favour, but was quaſhed by chancellor Hyde. That the earl of Briſtol had made ſome propoſals with no better ſucceſs. That he had offered ſome propoſals to the duke of York, the chancellor, and the earl of Shaftsbury, which laſt ſaid, he doubted not but that there would come great advantages to the king by it.' But this pretended confeſſion not giving ſatisfaction to the lords, he was ſent back to the Tower.

Is beheaded.

The 29th of December, he was beheaded, being 68 years of age; He proteſted his innocence to his laſt moment.

Echard.

The 15th of December, the king came to the houſe of lords, and ſending for the commons, made a ſpeech to both houſes, which properly was but a repetition of that made at the opening of this ſeſſion, relating to his alliances with Spain and Holland, for the repoſe of Chriſtendom, and concerning Tangier. After which he renewed his promiſe of concurring with them in any remedies for the ſecurity of the Proteſtant religion, which might conſiſt with preſerving the ſucceſſion of the crown in its due and legal courſe of deſcent.

Several reſolves of the commons.

The commons returning to their houſe inſtead of taking the king's ſpeech into conſideration, reſolved themſelves into a grand committee how to ſecure the kingdom againſt popery and arbitrary government. After a warm debate, they reſolved:

'That a bill be brought in immediately, to baniſh all the conſiderable Papiſts out of the kingdom.' And upon a farther debate on the miſchiefs and dangers of popery, they reſolved, 'That it is the opinion of the committee, that as long as the Papiſts have any hopes of the duke of York's ſucceeding the king in the kingdoms of England and Ireland, and dominions thereunto belonging; the king's perſon, the Proteſtant religion, and the lives, liberties, and properties of all his majeſty's Proteſtant ſubjects, are in apparent danger of being deſtroyed.' Then upon reference made to an act of queen Elizabeth, for an aſſociation, they came to a like reſolution: 'That a bill be brought in for an aſſociation of all his majeſty's Proteſtant ſubjects, for the ſafety of his majeſty's perſon, the defence of the Proteſtant religion, and the preſervation of his majeſty's Proteſtant ſubjects, againſt all invaſions and oppoſitions; and for preventing the duke of York, or any other Papiſt, from ſucceeding to the crown.'

The houſe ſtopped not there. After conſidering of ways and means to ſecure the kingdom againſt popery and arbitrary government, they came to theſe three reſolves. 1. That it is the opinion of this houſe, that a bill be brought in, " For the more effectual ſecuring of the meetings and ſittings of frequent parliaments." 2. That it is the opinion of the houſe, that a bill be brought in, that the judges may hold their places and ſalaries, Quam diu ſe bene geſſerint. 3. That it is the opinion of the houſe, that a bill be brought in, " againſt illegal exaction of money from the people, to make it high-treaſon."

After theſe reſolves, each of which diſcovered their extreme diſtruſt of the court, they thought fit to conſider the king's ſpeech. Many ſevere reflections were made upon the French ambaſſador, the French woman, the duke, and his creatures, and indirectly, even upon the king himſelf. At laſt, they reſolved upon an addreſs to the king, by way of anſwer to his ſpeech, in which they repreſented :

'That this Proteſtant kingdom can never be ſafe, while there is any hopes or expectation of a popiſh ſucceſſor ; and they beſeech his majeſty, in his great wiſdom, to conſider, whether, in caſe the imperial crown of this Proteſtant kingdom ſhould deſcend to the duke of York, the oppoſition which may poſſibly be made to his poſſeſſing it, may not only endanger the further deſcent in the royal line, but even monarchy itſelf? They therefore became humble petitioners to his ſacred majeſty, that in tender commiſeration, of his poor Proteſtant people, his majeſty would be graciouſly pleaſed to depart from the reſervation in the ſaid ſpeech ; and when a bill ſhall be tendered to his majeſty in a parliamentary way, to diſable the duke of York from inheriting the crown, his majeſty will give his aſſent thereunto ; as alſo to another act, whereby his Proteſtant ſubjects may be enabled to aſſociate themſelves for the defence of his majeſty's perſon, the Proteſtant religion, and the ſecurity of his kingdom.-----And as ſome farther means for the preſervation both of their religion and property, they are humble ſuitors to his majeſty, that from henceforth ſuch perſons only may be judges, as are men of ability, integrity, and known affection to the Proteſtant religion, and that they may hold both their offices and ſalaries, Quam diu ſe bene geſſerint. That no one may bear the office of a lord-lieutenant, but who is a perſon of integrity and known affection to the Proteſtant religion. That deputy-lieutenants, and juſtices of the peace, may be alſo ſo qualified, and men of ability, of eſtates, and intereſt in their country. That none may be employed as military officers, but men of known experiance, courage, and affection to the Proteſtant religion. And theſe their humble requeſts being obtained, they ſhall, on their part, be ready to aſſiſt his majeſty for the preſervation of Tangier, and for putting his majeſty's fleet into ſuch a condition, as it may preſerve his majeſty's ſovereignty of the ſeas, and be for the defence of the nation.' The king gave no anſwer to this addreſs till about a fortnight after.

While the king and the parliament were united, it was the intereſt of the Papiſts to promote a toleration of the Non-conformiſts, that they themſelves might injoy the benefit under that gneral denomination. But ſince the king and the parliament were at variance, the perſecution fell upon the Papiſts alone, who were accuſed of intending to introduce their religion by force. Wherefore, it was their intereſt to incenſe the church of England againſt the Preſbyterians, and thereby cauſe a diverſion. It cannot be denied, that many of the biſhops and clergy fell into this ſnare, and were pleaſed to ſee the court, which always favoured the Papiſts, inclined to perſecute the Preſbyterians. Incouraged by the court, the moſt zealous of the Epiſcopal way failed not to diſcover their hatred of the Preſbyterians, ſo that at the very time, the Papiſts were accuſed by the parliament as the authors of all the miſchiefs of the kingdom, the Preſbyterians were attacked, as if it was intended to throw the blame upon them. By this the clergy of the church of England were cenſured for appearing to favour the deſigns of the Papiſts. Beſides, it is certain, that during the conteſts between the king and the parliament, the clergy in general were attached to the court, and the intereſts of the duke of York. This was ſufficient to revive the complaints of the Preſbyterians againſt the church of England, and to charge her with being popiſhly inclined. Moreover, in the diſpoſition of the court in favour of the Papiſts, ever ſince the beginning of this reign, or at leaſt ſince the earl of Clarendon's diſgrace, it may eaſily be imagined, that care had been taken to introduce among the clergy, men of a doubtful religion, and from whom the court had nothing to fear.

Intrigues of the Papiſts to ſow diſſention amongſt the Proteſtants. Burnet.

The commons favourable to the Preſbyterians.

Upon all theſe accounts, the commons thought it highly ſeaſonable at this juncture, to ſcreen the Preſbyterians from perſecution. They found themſelves moreover concerned, in that, for the reaſon before intimated, there were many Preſbyterians in the houſe, who to qualify themſelves for their election, had taken the oaths, and received the ſacrament in the church of England, but who were not for that the leſs Preſbyterians. So, the 21ſt of December, a bill was read the firſt time, for uniting the king's Proteſtant ſubjects. Whilſt the rigid Epiſcopalians prevailed in the ſecond parliament of this reign, they had carefully avoided to diſtinguiſh the Proteſtant-Non-conformiſts from the others, becauſe it was advantagious to them, to make them but one body under the ſame name. But this parliament which had other views, neglected not to make ſo natural a diſtinction. This bill, which perhaps was too indulgent to the Preſbyterians, meeting with ſtrong oppoſition in the houſe, was relinquiſhed for one leſs advantagious, which exempted the Proteſtant diſſenters from the penalty impoſed on the Papiſts by the act of the 35th of Elizabeth. This bill paſſed both houſes, but was ſecretly conveyed away, when it was to be offered to the king for his aſſent.

A bill paſſes both houſes in their favour.

A vote of the commons.

The commons concluded the year with this vote, 'That no member of the houſe ſhould accept of any office or place of profit from the crown, without leave of the houſe ; nor any promiſe of any ſuch office or place of

1680.

‘ profit during ſuch time as he ſhould conti-‘ nue a member of the houſe.’

1680-1. Different opinions in the council. Temple's Mem.

The king found himſelf very much at a loſs what anſwer to return to the commons addreſs. His council was divided. Some adviſed him to return no anſwer, and to uſe this pretence, that as he had addreſſed his ſpeech to both houſes, he could not conſider the particular addreſs of one houſe as an anſwer to his ſpeech. Others were of opinion, that the king ſhould return a poſitive anſwer, becauſe they little cared to keep any meaſures with the parliament, but on the contrary, (knowing their management of the king's affairs, would never be forgiven by the commons;) they were indirectly doing all they could to ingage him to diſſolve the parliament, and call no more for the future. Of this opinion were the four principal directors of the king's affairs, namely, Sunderland, Halifax, Mr. Hyde, and Mr. Godolphin. When it is conſidered, that from the beginning of this reign, or at leaſt from the earl of Clarendon's diſgrace, there were not only men of theſe principles always in the council, but that alſo they were generally the chief miniſters, it can hardly be doubted, that the king himſelf was likewiſe of the ſame principles, tho' there ſhould be no other proof. It is therefore certain, that the fears of the commons were not groundleſs, It muſt be farther remarked, that though the council was divided concerning the manner of anſwering the commons addreſs, they were agreed as to the thing itſelf, not one privy-counſellor being of opinion, that the king ſhould not conſent to the excluſion of the duke of York.

Tho' the king at firſt ſeemed to approve of the former of theſe two opinions, he ſuffered himſelf to be influenced by the latter, namely, to return a poſitive anſwer to the commons, which he did in the following manner:

The king's anſwer to the commons addreſs. Jan 4. Debates.

‘ His Majeſty received the addreſs of this ‘ Houſe with all the diſpoſition they could ‘ wiſh to comply with their reaſonable deſires, ‘ but upon peruſing it, he is ſorry to ſee their ‘ thoughts ſo wholly fixed upon the bill of ‘ excluſion, as to determine, that all other ‘ remedies for the ſuppreſſing of popery, will ‘ be ineffectual: His majeſty is confirmed in ‘ his opinion againſt that bill, by the judg-‘ ment of the houſe of lords, who rejected it. ‘ He therefore thinks, there remains nothing ‘ more for him to ſay, in anſwer to the ad-‘ dreſs of this houſe, but to recommend to ‘ them the conſideration of all other means ‘ for the preſervation of the Proteſtant religi-‘ on, in which they have no reaſon to doubt ‘ of his concurrence, whenever they ſhall be ‘ preſented to him in a parliamentary way; ‘ and that they would conſider the preſent ‘ ſtate of the kingdom, as well as the condi-‘ tion of Chriſtendom, in ſuch a manner as ‘ may enable him to preſerve Tangier, and ‘ ſecure his alliances abroad, and the peace ‘ and ſettlement at home.’

This anſwer was not read in the houſe till three days after, becauſe the commons were employed in drawing up an impeachment againſt chief-juſtice Scroggs, who was accuſed of endeavouring to ſtifle the belief of the plot, diſcouraging the king's evidences, diſmiſſing the grand-jury, that ſhould have preſented the duke of York, and of unjuſtly proſecuting ſeveral writers and publiſhers of pamphlets.

1680-1. Jan. 7. Debates.

In this interval the lords ſent to the commons the following vote, ‘ That they declared, and ‘ were fully ſatisfied, that there now was, and ‘ for divers years laſt had been, a horrid and ‘ treaſonable plot, continued and carried on ‘ by the Iriſh Papiſts, for maſſacring the Eng-‘ liſh, and ſubverting the Proteſtant religion, ‘ and the antient eſtabliſhed government of ‘ that kingdom.’ The commons readily concurred to this vote, and added, ‘ That the ‘ duke of York's being a Papiſt, and the ex-‘ pectation of his coming to the crown, had ‘ given the greateſt countenance and encou-‘ ragement thereto, as well as to the horrid ‘ popiſh plot in the kingdom of England.’

A vote of the lords:

Approved by the commons.

When the king's anſwer was read in the houſe of commons, it raiſed great heats and complaints againſt the Lords, for throwing out the bill of excluſion, in complaiſance to the king, or becauſe they were awed by his preſence. At laſt, after great debates, they came to theſe three reſolutions:

Reſolutions of the commons upon the king's anſwer. Echard.

‘ 1. That it is the opinion of this houſe, ‘ that there is no ſecurity nor ſafety for the ‘ Proteſtant religion, the king's life, or go-‘ vernment of this nation, without paſſing a ‘ bill for diſabling James duke of York, to ‘ inherit the imperial crown of this Realm, ‘ and the dominions and territories thereunto ‘ belonging; and to rely upon any other ‘ means and remedies, without ſuch a bill, is ‘ not only inſufficient but dangerous.

‘ 2. That his Majeſty, in his laſt meſſage, ‘ having aſſured this houſe, of his readineſs ‘ to concur in all other means for the preſer-‘ vation of the Proteſtant religion, this houſe ‘ doth declare, that untill a bill be likewiſe ‘ paſſed for excluding the duke of York, this ‘ houſe cannot give any ſupply to his majeſty, ‘ without danger to his majeſty's perſon, ex-‘ treme hazard of the Proteſtant religion, and ‘ unfaithfulneſs to thoſe by whom the houſe is ‘ intruſted.

‘ 3. That all perſons who adviſed his ma-‘ jeſty, in his laſt meſſage to this houſe, to ‘ inſiſt upon an opinion againſt the bill for ‘ excluding the duke of York, have given per-‘ nicious counſel to his majeſty, and are pro-‘ moters of popery, and enemies to the king ‘ and kingdom.’

An addreſs from the commons to the king. Kennet.

In purſuance of this laſt vote, the houſe came to a reſolution of preſenting to the king an addreſs, to remove from his perſon and counſels, George earl of Halifax, Laurence Hyde, Eſq; Henry Somerſet, Marquiſs of Worceſter, Henry Hyde, Earl of Clarendon, and Lewis Duras, Earl of Feverſham. Moreover they voted, That whoſoever ſhould hereafter lend, or cauſe to be lent, by way of advance, any money upon the branches of the king's revenue ariſing by cuſtom, exciſe, or hearth-money, ſhould be judged a hinderer of the ſitting of parliaments, and be reſponſible for the ſame in parliament.------ And that whoſoever ſhould accept or buy any tally, ly, or anticipation, upon any part of the king's revenue, ſhould be adjudged as before.

The king is in vain preſſed to forſake the duke of York.

The houſe of commons could hardly carry things any further, and ſeemed to intend to engage the king in ſome violent action, which might give an advantage againſt him. Thus had the parliament of 1640 behaved to Charles I. But Charles II. had one advantage wanted by his father, which was, that he had not, like him, deprived himſelf of the power to prorogue or diſſolve the parliament, and ſo could, whenever he pleaſed, put an end to the mortifications which were given him. It is true, in ſuch a caſe he muſt have contented himſelf with his ordinary revenue, which, to a prince ſo prodigal as he, was not eaſy. It was this which made his enemies hope, he would come at laſt to their terms, and conſent to the excluſion bill. Indeed, if father Orleans may be credited, the ducheſs of Portſmouth threw herſelf at his feet, and prayed him not to ruin himſelf for the ſake of his brother. Fagel, penſionary of Holland, ſent Mr. Sidney, the king's envoy at the Hague, a memorial, repreſenting, that the king could not ſupport the duke of York, without relinquiſhing the intereſts of all Europe.

But this argument made no great impreſſion on the king's mind. On the contrary, theſe difficulties ſerved only to provoke him the more, ſo that he reſolved to prorogue the parliament. The commons having private notice of this, aſſembled more early than uſual, and, before the king came to the houſe of Lords, the 10th of January, had time to paſs the following votes:

Votes of the commons.

‘1. That whoſoever adviſed his majeſty to prorogue the parliament, to any other purpoſe, than in order to paſſing a bill for the excluſion of James duke of York, is a betrayer of the king, the Proteſtant religion, and of the kingdom of England, a promoter of the French intereſt, and a penſioner of France.

‘2. That it is the opinion of this houſe, That the acts of parliament made in the reign of queen Elizabeth and king James, againſt popiſh recuſants, ought not to be extended againſt Proteſtant diſſenters.

‘3. That it is the opinion of this houſe, That the proſecution of the Proteſtant diſſenters upon the penal laws, is at this time grievous to the ſubject, a weakening the Proteſtant intereſt, an encouragement to popery, and dangerous to the peace of the kingdom.’

The king prorogues the parliament

Theſe votes were ſcarce paſſed when the king came to the houſe of peers, and ſending for the commons, gave the royal aſſent to two or three acts of little importance, and then the chancellor, by his order, prorogued the parliament to the 20th of January.

Addreſſed by the city of London. Echard.

Three days after, the lord-mayor and common-council of London, preſented to the king an addreſs, for the ſitting of the parliament on the day appointed, that they might effect the great affairs before rhem. This addreſs ſerved only to exaſperate the king further.

He diſſolves the parliament and calls one at Oxford.

Wherefore, by a proclamation, the 18th of January, he diſſolved the parliament. At the ſame time he ſummoned another to meet at Oxford the 21ſt of March, being offended with the city of London.

The miniſters and pryvy-counſellors in great difficulties. Temple's Mem.

During theſe conteſts, the miniſters and privy-counſellors were not a little embarraſſed. They ſaw the houſe of commons ſo attached to the excluſion-bill, that nothing elſe could ſatisfy them. On the other hand, they knew by experience, that on other important occaſions, the king had not ſhown that firmneſs which his miniſters could have wiſhed, but had abandoned them, and come into the meaſures of the parliament. This made them fear, the ſame thing might happen on the preſent occaſion, and therefore, Robert Spencer, earl of Sunderland, ſecretary of ſtate, went off the firſt, and, contrary to the king's expreſs order. voted for the excluſion-bill in the houſe of lords. The earls of Eſſex and Saliſbury, privy-counſellors, did the ſame, and Sir William Temple, ſufficiently teſtifies his fear of being expoſed to the houſe of commons. This conduct of ſome of the privy-counſellors, gave the country-party hopes, that the king would at laſt comply, if he was warmly preſſed.

The king perſiſts in ſtanding by his brother. Ibid.

But that party was diſappointed in their expectations. For, though the king had diſcovered no great firmneſs in all his difficulties, yet in the affair of his brother he was ever immoveable. Immediately after the diſſolution of the parliament, he removed the earl of Sunderland from being Secretary, and gave the place to the earl of Conway. He likewiſe ſtruck out of the council-book the names of the earls of Eſſex, Saliſbury, Sunderland, and Sir William Temple, and in their room put men whoſe principles were more agreeable to his own. He likewiſe made ſome alteration among the Judges. In a word, by the men whom he advanced, he ſufficiently diſcovered his intention to ſupport the duke of York his brother, let what would be the conſequence.

London chuſes the old members. Echard.

On the other hand, the contrary party to the court were not idle. The magiſtracy and common-council of London, being of that party, haſtened the elections of members to ſerve in the enſuing parliament, and on the 4th of February rechoſe their old members. The election was no ſooner over, than the new repreſentatives were preſented with a paper, in the name of the citizens of London then aſſembled in common-hall, containing a ‘return of their moſt hearty thanks for their faithful and unwearied endeavours in the two laſt parliaments, to ſearch into and diſcover the depth of the Popiſh plot; to preſerve his majeſty's royal perſon, the Proteſtant religion, and the well-eſtabliſh'd government of this realm; to ſecure the meeting and ſitting of frequent parliaments; to aſſert their undoubted rights of petitioning, and to puniſh ſuch as have betrayed thoſe rights; to promote the long-wiſhed for union of his majeſty's Proteſtant ſubjects; to repeal the 35th of Elizabeth, and the corporation act; and more eſpecially for their aſſiduous endeavours in promoting the bill of excluſion of James duke of York.’ In fine, they concluded, ‘That being confidently aſſured, that they, the ſaid members for the city, will never conſent to the granting any money-ſupply, till they have effectually ſecured them againſt popery and arbitrary power,

‘ they reſolved, by God's aſſiſtance, to ſtand by their ſaid members with their lives and fortunes.’ The example of London was followed by moſt places in the kingdom, and not only the old members were re-elected, but papers of addreſſes, like that of London, were preſented to them. So, when the elections were over, the king with grief ſaw, he was going to meet the ſame parliament he had diſſolved.

In the interim, the king's precaution to call his new parliament at Oxford, gave great uneaſineſs to the country-party. They were deſirous that the parliament ſhould ſit at Weſtminſter, where they were ſure of the aſſiſtance of the Londoners in caſe of need. And who knows, whether ſome did not propoſe to uſe, for paſſing the excluſion-bill in the houſe of lords, the ſame means formerly uſed to extort from the peers their conſent to the bill of attainder againſt the earl of Strafford? Be this as it will, they reſolved to uſe their utmoſt endeavours to have the place altered, and the parliament removed to Weſtminſter. For this purpoſe, the earl of Eſſex, attended by 15 lords, delivered a petition to the king, introducing it with the following ſpeech:

May it pleaſe your majeſty,

The earl of Eſſex's ſpeech to the king.

‘THE lords here preſent, together with divers other peers of the realm, taking notice, that by your late proclamation, your majeſty had declared an intention of calling a parliament at Oxford; and obſerving from hiſtory and records, how unfortunate many aſſemblies have been, when called at a place remote from the capital city; as particularly the congreſs in Henry the ſecond's time at Clarendon; three ſeveral parliaments at Oxford in Henry the third's time, and at Coventry in Henry the ſixth's time; with divers others which have proved very fatal to thoſe kings, and have been followed with great miſchief on the whole kingdom: And conſidering the preſent poſture of affairs, the many jealouſies and diſcontents which are amongſt the people, we have great cauſe to apprehend, that the conſequences of a parliament now at Oxford, may be as fatal to your majeſty and the nation, as thoſe others mentioned have been to the then reigning kings. And therefore we do conceive, that we cannot anſwer it to God, to your majeſty or to the people, if we, being peers of the realm, ſhould not, on ſo important an occaſion, humbly offer our advice to your majeſty; that if poſſible, your majeſty may be prevailed with to alter this (as we apprehend) unſeaſonable reſolution. The grounds and reaſons of our opinion are contained in this our petition, which we humbly preſent to your majeſty.’

The petition contained in ſubſtance, an enumeration of the miſchiefs attending the many late adjournments, prorogations, and diſſolutions of parliaments, at a time when his majeſty's perſon, and the whole nation were in ſuch imminent danger from the Papiſts. ‘And now his majeſty had been prevailed to call another parliament at Oxford, where neither lords nor commons could be in ſafety, but daily would be expoſed to the ſword of the Papiſts, and their adherents, of whom too many have crept into his majeſty's guards: The liberty of ſpeaking according to their conſciences, would be thereby deſtroyed, and the validity of their acts and proceedings left diſputable: The ſtraitneſs of the place no ways admitted of ſuch a concourſe of perſons as now followed every parliament; and the witneſſes which were neceſſary to give evidence upon the commons impeachment, were unable to bear the charges of ſuch a journey, and unwilling to truſt themſelves under the protection of a parliament, that was it ſelf evidently under the power of guards and ſoldiers. In concluſion, they prayed, that the parliament might, as uſually, ſit at Weſtminſter, where they might conſult and act with ſafety and freedom.’

To this addreſs the king returned no anſwer, but contented himſelf with frowning upon the lords who preſented it.

Echard.

All this while the two parties were ſkirmiſhing in ſo hot, or rather ſo violent a manner, with their pens, that no meaſures were kept. Libels ſwarmed with impunity. Some pretend, this was a court-artifice, to prevent the union of the Proteſtants, and that ill-language thrown out againſt the king and the duke of York, was patiently ſuffered, in order to caſt the blame on the Preſbyterians, and give the Epiſcopal party occaſion to return the imputation of being too much attached to the court. Thus much is certain, this diviſion, which was carefully fomented, turned to the king's advantage, as will hereafter appear. I ſhall relate upon this ſubject an affair which then made a great noiſe.

The affair of Fitz-Harris. Kennet.

One Fitz-Harris an Iriſh Papiſt, who had free acceſs to the ducheſs of Portſmouth, and kept a correſpondence with her favorite-woman Mrs. Wall, and with the confeſſor of the French ambaſſador, having received ſeveral preſents, and particularly one of 250 guineas, nndertook to prevail with one Edmund Everard, to write a libel againſt the king. Everard feigned to conſent, and appointed a meeting to receive informations, by which his pamphlet was to be framed. But at the ſame time he communicated the affair to Sir William Waller, and Mr. Smith, and cauſed them to be concealed in a place where they might hear what paſſed between Fitz-Harris and him. The next day, being both together in a room, Fitz-Harris told Everard, that he ſhould write a libel againſt the king upon the following heads.

That the king and royal family were Papiſts, and arbitrarily affected from the beginning.

That Charles I. had a hand in the Iriſh rebellion, and that Charles II. did countenance the ſame, by preferring Fitz-Gerald, Fitz-Patrick, and Mount Garret, who were engaged in the ſaid rebellion.

That the act, forbidding to call the king a Papiſt, was to ſtop men's mouths when he ſhould incline to further popery; which appeared by his adhereing ſo cloſely to the duke of York's intereſt, and hindering him from being proceeded againſt by the parliament, and hindering the officers put in by the duke to be turned out; and for that the privy-counſellors and juſtices of the peace, who were for the Proteſtant intereſt, were turned out of all places of truſt.

That it was as much in the power of the people to depoſe a popiſh poſſeſſor as a popiſh ſucceſſor; and ſeeing there was no hopes that the parliament, when they met at Oxford, could do any good, the people were bound to provide for them-ſelves.

Everard afterwards received theſe inſtructions in writing, and drew up his libel, which was injurious to the king, and full of ſedition. This libel was to be diſperſed by the penny-poſt, to the Proteſtant lords, and particularly to the leading Preſbyterians, whoſe houſes were to be ſearched in order to find this libel, which was to ſerve as a proof of a conſpiracy formed by the Preſbyterians againſt the government. This is what Everard affirmed, and that the whole came from the court. At laſt Waller having informed the king of the affair, the king ordered ſecretary Jenkings to iſſue out a warrant for apprehending Fitz-Harris, and that Waller ſhould execute it. Yet he was no ſooner gone, but Sir William declared, he was informed by two worthy gentlemen, that the king was highly offended with him, ſaying, he had broken all his meaſures. However, Waller arreſted Fitz-Harris, and ſent him to Newgate.

He is ſent to Newgate. Echard. The king ſends him to the Tower. March 11. State. T.

Here, as in the former affair concerning the plot, it is pretended, that Fitz-Harris was gained by promiſes or threats, to depoſe what has been ſeen. But before this affair could be fully diſcovered, Fitz-Harris, was taken out of Newgate, and ſent to the Tower by the king's expreſs order. I ſhall enter no farther into the particulars of this affair, but content myſelf with briefly ſaying, that ſhortly after the diſſolution of the Oxford parliament, when the court began to ſail with a proſperous gale, without being controuled by the parliament, Fitz-Harris was brought to his tryal; that the ducheſs of Portſmouth owned ſhe had given him money, but merely out of charity; that Fitz-Harris continually inſinuated, that what he did was by the order of his ſuperiors, and that, after his death, his wife conſtantly affirmed, that the libel was a court-trick. In ſhort, he was condemned and executed, whilſt the publick could not conceive for what reaſon an Iriſh Papiſt had publiſhed a libel againſt the king, if it was not an artifice of the court. This affair began in February, and the laſt parliament had taken cognizance of it, ſo that the commons had ordered an impeachment againſt him, and when he was ſent to the Tower, declared, that for any inferior court to proceed againſt him, or any other perſon lying under an impeachment of parliament, is a high breach of the privilege of parliament. He was nevertheleſs tried, condemned and executed, to the great diſappointment of the Whigs, who hoped, by his means, to diſcover the artifices of the court. But the king and his party thought it for their advantage to be rid of a man, who might throw them into difficulties. He was not executed till June, after the diſſolution of the Oxford parliament.

He is condemned and executed.

The king comes to Oxford before the time. March 14. Kennet.

The meeting of this parliament was univerſally expected with the utmoſt impatience, and by the king, with great uneaſineſs, foreſeeing the ſtorm that was gathering. He repaired to Oxford ſeven or eight days before the opening, and as the ſuſpicions and fears of the Whig party were then at the utmoſt height, it was thought, the king went ſo ſoon to Oxford, on purpoſe to take meaſures before-hand, for rendering himſelf maſter of the parliament. Accordingly, the members manifeſtly ſhewed their fears of ſome violence, by going thither attended with armed retinues. Thoſe for the city of London in particular came with a numerous body of well-armed horſe, having ribands in their hats, with theſe words woven in them, NO POPERY! NO SLAVERY! The parliament meeting the 21ſt of March, the king made the following ſpeech to both houſes.

The king's ſpeech to the parliament. Echard.

My lords and gentlemen,

‘THE unwarrantable proceedings of the laſt houſe of commons, were the occaſion of my parting with the laſt parliament; for I, who will never uſe arbitrary government myſelf, am reſolved not to ſuffer it in others. I am unwilling to mention particulars, becauſe I am deſirous to forget faults; but whoſoever ſhall calmly conſider what offers I have formerly made, and what aſſurances I renewed to the laſt parliament; how I recommended nothing ſo much to them as the alliances I had made, for the preſervation of the general peace in Chriſtendom; and the further examination of the popiſh plot, and how I deſired their advice and aſſiſtance concerning the preſervation of Tangier; and ſhall then reflect upon the ſtrange unſuitable returns made to ſuch propoſitions, by men that were called together to conſult; perhaps may wonder more, that I had patience ſo long, than that at laſt I grew weary of their proceedings. I have thought it neceſſary to ſay thus much to you, that I may not have any new occaſion given me to remember more of the late miſcarriages: It is much my intereſt, and it ſhall be as much my care as yours, to preſerve the liberty of the ſubject; becauſe the crown can never be ſafe when that is in danger: And I would have you likewiſe be convinced, that neither your liberties nor properties can ſubſiſt long, when the juſt rights and prerogatives of the crown are invaded, or the honour of the government brought low, and into diſ-reputation.

‘I let you ſee, by my calling this parliament ſo ſoon, that no irregularities in parliaments ſhall make me out of love with them; and by this means, offer you another opportunity of providing for our ſecurity here, by giving that countenance and protection to our neighbours and allies, which you cannot but know they expect from us, and extremely ſtand in need of at this inſtant; and at the ſame time give one evidence more, that I have not neglected my part, to give that general ſatisfaction and ſecurity, which, by the bleſſing of God, may be attained, if you, on your parts, bring ſuitable diſpoſitions towards it: And that the juſt care you ought to have of religion, be not ſo managed and improved into unneceſſary fears, as to be made a pretence for changing the foundation of the government. I hope the example of the ill ſucceſs of former heats, will diſpoſe you to a better temper; and not ſo much to inveigh againſt what is paſt, as to conſider what is beſt to be done in the preſent conjuncture, the further proſecution of the plot; the tryal of the lords in the Tower; the providing a more ſpeedy conviction of recuſants; and, if it be practicable, the ridding of our ſelves quite of that party, that have any conſiderable authority or intereſt among them, are things, tho' of the higheſt importance, that hardly need to be recommended to you, they are ſo obvious to every man's conſideration, and ſo neceſſary to our ſecurity. But I muſt needs deſire you, not to lay ſo much weight upon any one expedient againſt popery, as to determine, that all other are in effectual; and among all your cares for religion, remember, that without the ſafety and dignity of the monarchy, neither religion nor property can be preſerved.

'What I have formerly and ſo often declared, touching the ſucceſſion, I cannot depart from. But to remove all reaſonable fears that may ariſe from the poſſibility of a popiſh ſucceſſor's coming to the crown, if means can be found, that in ſuch a caſe, the adminiſtration of the government may remain in Proteſtant hands; I ſhall be ready to hearken to any ſuch expedient, by which the religion may be preſerved, and the monarchy not deſtroyed. I muſt therefore earneſtly recommend to you to provide for the religion and the government together, with regard to one another, becauſe they ſupport each other: And let us be united at home, that we may recover the eſteem and conſideration we uſed to have abroad. I conclude with this one advice to you, that the rules and meaſures of all your votes may be the known and eſtabliſhed laws of the land; which neither can, or ought to be departed from, nor changed, but by act of parliament: And I may the more reaſonably require, that you make the laws of the land your rule, becauſe I am reſolved they ſhall be mine.'

The commons returning to their houſe, choſe for ſpeaker, William Williams of Gray's-Inn, who had been ſpeaker the laſt parliament, and the king approved of the choice.

A reſolution to print the votes. Debates about the excluſion. Echard.

After the commons had ſpent three days in chuſing their ſpeaker, and taking the uſual oaths, a motion was made for printing the votes, and approved, notwithſtanding the oppoſition of Secretary Jenkins. As the ſecret deſign of the commons was to let the people ſee the neceſſity of the excluſion-bill, they were deſirous to acquaint them with their proceedings in that affair, that they might not be deceved by general accounts of it. For a contrary reaſon, the king was unwilling the people ſhould know all the circumſtances. But his party was not ſtrong enough to prevent it, and from that time the votes of the commons have been printed, to the great profit of the ſpeaker.

In the ſecond place, a motion was made to enquire into the miſcarriage of the bill for the repeal of the act of the 35th of Elizabeth, how it came to be ſlipt over in the late parliament, and not preſented for the royal aſſent? Which, ſaid the mover, I look upon as a breach of the conſtitution of the government. But the further debate of this matter was adjourned to the next day.

Thirdly a motion was made to bring in a bill to exclude the duke of York from the ſucceſſion, Secretary Jenkins warmly oppoſed it, becauſe, as he ſaid, the king had given his vote againſt it. But he was anſwered, that the king had as ſtrongly declared, that he would never depart from his declaration for liberty of conſcience; and yet, upon reaſons given him by the houſe, he was perſuaded to revoke it. Tho' the debates upon this ſubject were very warm, the houſe came to that temper as to agree, that in order to pay the king all the reſpect that might be, they would ſet a-part a time to conſider of expedients, and accordingly they appointed Saturday the 26th for the debate of them.

Fourthly, they examined the affair of Fitz-Harris, and his libel, and thought the matter ſo full of knavery and ſubtility, and of that conſequence to the publick, that they reſolved to impeach Fitz-Harris of high-treaſon, in order to diſcover the bottom of this miſtery, and lay open the artifices of the court. Secretary Jenkins, the king's man in that houſe, was ordered to carry up the impeachment to the lords. He refuſed at firſt, but being threatned by the houſe, he at laſt complied. At the ſame time it was ordered, that Sir William Waller ſhould have the thanks of the houſe for his diſcovery of Fitz-Harris.

1681. Expedients to prevent the bill of excluſion. Expedients propoſed inſtead of the bill of excluſion. Echard,

The 26th of March, the day fixed for examining the expedients which ſhould be propoſed to prevent the excluſion-bill, a paper was read in the houſe, of which this is the ſubſtance.

'1. That the duke of York be baniſhed, during his life, 500 miles from England, Scotland, and Ireland, and the dominions and territories to them belonging. 2. That the whole government both eccleſiaſtical and civil, ſhall, upon the demiſe of the king, be veſted in a regent, for ſuch time as the duke of York ſhall ſurvive. 3. That the regent be the princes of Orange; and in caſe of her deceaſe without iſſue, or with iſſue in minority, then the lady Ann. 4. That if the duke have a ſon educated a Proteſtant, then the ſaid princeſſes reſpectively, ſhall ſucceed in the regency, during the minority of ſuch ſon, and no longer. 5. That the regent do nominate the privy-council, and they to be, or not to be approved by parliament, as ſhall be judged ſafeſt, upon directing the drawing up of this intended act, 6. That notwithſtanding theſe kingdoms '(out of reſpect to the royal family and monarchy itſelf) may be governed by the ſaid regent, in the name and ſtile of James the Second, &c. yet it ſhall be made capital for any to take up arms on his behalf, or by his commiſſion, not ſigned by the ſaid regent, or granted by lawful authority derived from, and under ſuch regent; or to maintain an opinion, that the retaining the ſaid name and ſtile, ſhall in this caſe purge the diſabilities impoſed by this act, or elude the force thereof. 7. That commiſſioners be forthwith ſent to the prince and princeſs of Orange, to take their oaths, that they will take upon them the execution of this act, and that their oaths be here recorded. 8. That all officers, civil or military, forthwith take oaths to obſerve this act, from time to time, as in the act for the teſt. 9. That his majeſty would graciouſly declare to call a parliament in Scotland, in order to paſſing the like act there, and recommending the ſame, and the like to be done in Ireland, if thought neceſſary. 10, That in caſe the ſaid duke ſhall come into any of theſe kingdoms, then ſhall he be ipſo facto excluded, and ſhall ſuffer as in the former bill, and the ſovereignty ſhall be forthwith inveſted in the regent, upon ſuch his coming into any of theſe kingdoms. 11. That all conſiderabe Papiſts be baniſhed by name. 12. That all their fraudulent conveyances be defeated. 3. That their children be educated in the Proteſtant religion.'

Rejected.

The houſe was ſo little inclined to the expedients to prevent the excluſion-bill, that they found in them, however rigorous they were againſt the duke, more difficulties than in the bill itſelf. So, after divers fruitleſs debates, allowed only for form-ſake, the houſe reſolved to adhere to the bill of excluſion, which had paſſed the commons in the laſt parliament, and this bill was ordered to be brought in the next Monday.

A difference between the two houſes.

The commons had ſcarce finiſhed this great affair, when they were told, the lords had rejected Fitz-Harris's impeachment, and ordered that he ſhould be proſecuted at common-law. Several members exclaimed againſt this pretended injuſtice, and its conſequences, and at laſt the houſe voted,

Votes of the commons. Kennet.

'1. That it is the undoubted right of the commons in parliament aſſembled, to impeach before the lords in parliament, any peer or commoner, for treaſon, or any other crime or miſdemeanor. And that the refuſal of the lords to proceed in parliament upon ſuch impeachment, is a denial of juſtice, and a violation of the conſtitution of parliaments:

'2. That in caſe of Edward Fitz-Harris, who by the commons had been impeached of high-treaſon before the lords, with a declaration, that in convenient time, they would bring up the articles againſt him, for the lords to reſolve, that the ſaid Fitz-Harris ſhall be proceeded with according to the courſe of common-law, and not by way of impeachment at this time, is a denial of juſtice, and a violation of the conſtitution of parliaments, and an obſtruction to the farther diſcovery of the popiſh plot, and of great danger to his majeſty's perſon, and the Proteſtant religion.

'3. That for any inferior court to proceed againſt Edward Fitz-Harris, or any other perſon lying under an impeachment in parliament, for the ſame crimes for which he or they ſtand impeached, is a high breach of the privilege of parliament.'

The bill of excluſion read. Debates.

The 28th of March, the excluſion bill was brought into the houſe and read. After the reading, Sir Leoline Jenkins alone ſpoke againſt it. He repeated ſome of his former reaſons, as that this bill condemned a man unheard, was directly contrary to the wiſdom and juſtice of the nation, and tended, to introduce a new form of government. "If, continued he, the duke will try to cut this law with his ſword, if he overcome, he will have the ſame power to ſet aſide all laws, both for religion and property; the power will be in the hands of the conqueror," &c. Some railleries paſſed upon him for not being ſeconded, after which the bill was ordered a ſecond reading.

The parliament diſſolved. Burnet.

The houſe of commons were reſuming the debate about Fitz-Harris, when on a ſudden, the uſher of the Black rod commanded their attendance in the houſe of lords, where they found the king in his robes, who told them.-- "He perceived there was great heats between the lords and commons, and their beginning had been ſuch as he could expect no good ſucceſs of this parliament, and therefore thought fit to diſſolve them." Accordingly, the chancellor declared the parliament diſſolved.

Echard.

The king who was prepared beforehand for what he had done, immediately took coach, and drove with all ſpeed to Windſor, and the next morning to Whitehall, ſeeming extremely pleaſed that he had thus made his eſcape from the deſigns of the commons. This parliament, which ſat but ſeven days, was the fifth and laſt of this reign.

The king governs arbitrarily. Burnet.

From this time, the king, during the reſt of his life, governed not only without a parliament, but with an abſolute power. When he ſaw himſelf out of the reach of the parliament, he entirely threw away the maſk of diſſimulation, and ſhewed, that the popiſh plot, the proſecution whereof he had lately recommended ſo earneſtly to the parliament, appeared to him but a mere chimera, or at leaſt, he did not think it near ſo dangerous as he would have it believed. The four lords, priſoners in the Tower, whom he would have ſacrificed to the parliament, appeared innocent to him. But what was ſtill more remarkable, even to the end of this reign, was, that the king grew as ſanguinary, as he had hitherto appeared merciful, and that as ſoon as he had the power in his hands, he made his enemies feel the moſt terrible effects of his vengeance. In a word, he clearly diſcovered by his conduct, that he was entirely in the principles of deſpotick power, and had only diſſembled his ſentiments in his ſpeeches to his parliament, becauſe he judged ſuch diſſimulation proper to conduct him to the end propoſed to himſelf, from the firſt years of his reign.

The reader muſt be aſtoniſhed to ſee a king, who had received ſo many mortifications from his parliaments, who had been ſo often obliged to comply, and feign opinions he had not, on a ſudden become abſolute maſter of his kingdom, without fleet, without army, without foreign aſſiſtance, without money, but that of his ordinary revenue, after many years fruitleſs labours, to accompliſh his deſigns. It is therefore abſolutely neceſſary to unfold the cauſes of ſo ſurprizing a revolution.

The cauſes wich put the king into the poſſeſſion of abſolute power.

By the artifices of the court, and the natural inclination of many Engliſhmen, the kingdom was divided into Whigs and Tories. This diviſion was ſo carefully fomented by the court, and the popiſh party, that at laſt it became very great. To render the two parties irreconcileable, it was inſinuated to the epiſcopalians, of whom the majority were Tories, that both church and monarchy were in danger, and that the ſcene of 41 was going to be revived. That the Presbyterians, under colour of providing for the preſervation of liberty, really intended the deſtruction of the church, and the introduction of Presbyterianiſm, in order to which, they were purſuing the ſame courſe thy had taken in 1640, and the following years, by undermining the foundations of the monarchy, for the more eaſy ſubverſion of the church. Theſe inſinuations had the greater effect, as what had once happened, and whereof the memory was ſtill freſh, might happen again; and I know not, whether it may not juſtly be doubted, that ſome of the Presbyterians had ſuch a thing in view. This was ſufficient to awaken the old animoſities between the church of England and Presbyterianiſm. The epiſcopalians, terrified with the proſpect of falling into the ſame ſtate, from which they had been almoſt miraculouſly delivered, conſidered the introduction of popery, with which they were alarmed, as a diſtant and uncertain evil, and the eſtabliſhment of Presbyterianiſm, as certain and preſent. It is even very probable, that many, whoſe paſſions were violent, looked upon popery as the leſs evil. In this belief, they threw themſelves as it were deſperately into the court-party, without conſidering, that the duke of York, whoſe cauſe they eſpouſed, was no better effected to them than to the Presbyterians. Paſſion made them forget the intereſt of the Proteſtant religion, in order not to be once more under the Presbyterian yoke. On the other hand, the three laſt parliaments, compoſed, as I obſerved, of men well-effected to Presbyterianiſm, proceeded with too little caution, and diſcovered too haſtily or too openly their deſigns with regard to religion. By that they gave the court-party an opportunity of uniting with the epiſcopalians, and of joining together the intereſts of religion and the monarchy. From that time, the Tories were ſo well pleaſed with this union, that they would never here of ſeparating of theſe two intereſts, but once, under James II, when there was no poſſibilty of keeping them united, without endangering the conſtitution in church and ſtate. The Whigs, on their ſide, having ſince perceived, what advantages the Tories received from this union, ſeem to have moderated their pretentions with reſpect to religion, contenting themſelvs with procuring the Presbyterians a bare liberty of conſcience. But the Tories not truſting to this moderation, conſidered it as a ſnare and an artifice to ſeperate the intereſts of religion from thoſe of the ſtate; for in this union the ſtrength of the Tory party wholly conſiſts. I have perhaps wandered a little too far from my ſubject, in ſpeaking of theſe two parties, with regard to what has happened ſince the reign of Charles II. But I hope the reader will not be diſpleaſed with this general idea. I return now to the tranſactions after the diſſolution of the Oxford parliament.

The Presbyterians being thus divided, and the court ſtrengthened with the church, the Tory party was compoſed of rigid epiſcopalians, mortal enemies of the Presbyterians, of all the Papiſts, and thoſe to whom all religions were indifferent, and whoſe expectations were centered in the court. It may be affirmed, that the number of theſe laſt was never greater in England, the king having inceſſantly laboured to increaſe it, whether through inclination, or becauſe he depended on ſuch as his firmeſt friends. The Whig-party conſiſted of all the Presbyterians, and of ſome churchmen, who were more attached to the intereſts of the ſtate, and the Proteſtant religion, in general, than to the church of England in particular. But the city of London was the chief ſtrength of this party, whoſe magiſtrates were entirely devoted to it. Things ſtanding thus, the king believed, he ſhould run no great hazard in diſſolving the Oxford parliament, reckoning, he had a party in the kingdom ſtrong enough to reſiſt, and even ſubdue his enemies, when they ſhould be no longer ſupported with the authority of a parliament. Mean while, not to alarm the nation by a too haſty diſcovery of his intentions as to his future government, he contented himſelf at preſent with publiſhing a declaration, containing his reaſons for diſſolving the two laſt parliaments. I ſhall not inſert this declaration here, becauſe every reader, who remembers what has been ſaid, will eaſily comprehend wherein conſiſted the king's complaints. I ſhall only ſay in a word, that the king ſuppoſed as undeniable, that he had no other aim than to procure the good of his people, and that the commons, actuated by a ſpirit of cabal and ſedition, only ſought to ſhake the foundations of the monarchy, and inveſt themſelves with arbitrary power, by all their proceeding, which he ſet fourth. He poſitively declared, that no irregularities in parliaments ſhould ever make him out of love with them: and therefore he was reſolved to have frequent parliaments, and both in and out of parliament, to uſe his utmoſt endeavours to extirpate popery.

A declararation of the reaſons for diſſolving the two laſt parliaments. Burnet. Echard.

Phamphlets, in vindication of the laſt parliament, by Sir W. Jones.

Several pamphlets appeared, as well againſt the diſſolution of the parliament, as againſt the declaration. It was ſaid upon the firſt, that tho' the king pretended, that he diſſolved the parliament on account of the votes paſſed the ſame day about Fitz-Harris, yet the ducheſs of Mazarine publiſhed the news at St. James's many hours before it was done. As to the declaration, it was ſaid to be of no validity, of French extract, and to have ſeveral manifeſt Galliciſms in it, particularly that expreſſion, It was a matter extremely ſenſible to us, a form of ſpeech peculiar to the French, and unknown to any other nation. But the king little regarded ſuch libels.

Flattering Addreſſes. Echard.

The declaration having been publiſhed and read in the churches, by the king's order, addreſſes flowed from all parts, approving the diſſolution of the parliament, and in general, the king's whole conduct. Not content with thanking the king, theſe addreſſes were even filled with invictives againſt the late houſe of commons. One of theſe addreſſes being preſented at the king's-bench as a publick libel, by the grand jury of Middleſex, the court took no notice of it. We may eaſily judge who preſented theſe addreſſes, by what has been ſaid. They became ſo much in voge, that the ſmalleſt corporations feared the reſentment of the court, if they neglected to addreſs. The king received them all very graciouſly, and diſtinguiſhed thoſe that brought them with particular marks of his favour. But as ſome of the other party ventured to preſent addreſſes of a very different ſtile, the king either refuſed, or received them, with evident ſigns of his diſpleaſure. Some of the aldermen and common-council of London preſenting an agreeable addreſs, were received very kindly. But the lord-mayor, recorder, and ſome others of the common-council, waiting on him at Windſor, with a very different petition, were denied admittance, and ordered to attend the council at Hampton-Court, where they received a repremand from the lord chancellor. It was however pretended, that theſe loyal addreſſes, as they were called, expreſſed the ſentiments of the people in general, tho' they came but from one of the parties. But what may make it preſumed, that the king did not much depend upon the people, notwithſtanding theſe numerous addreſſes which weekly filled the Gazettes, is, that he never after dared to call a parliament to the end of his reign, a ſure ſign, that he feared the elections would not be favourable to him. For if theſe addreſſes had expreſſed the general ſenſe of the people, what could have hindered the king from calling a parliament, which, to judge by theſe addreſſes, muſt have been devoted to him.

favourably received by the king.

Who diſcourages any other.

Echard.

The king was not ſatisfied with diſcouraging thoſe who have preſented diſagreeable addreſſes to him, but alſo ſilenced and impriſoned the news-writers which were not of his party, while others had liberty to publiſh daily invectives againſt the Whigs, and the late parliaments.

Promotions at court. Kennet.

Shortly after the diſſolution of the parliament, the king made Charles Lenos duke of Richmond, his ſon by the ducheſs of Portſmouth, knight of the garter at nine years of age. Laurence Hyde Eſq; was created viſcount Hyde of Kennelworth; and lord-chancellor Finch earl of Nottingham.

Fitz-Harris tryed and executed. Echard.

Notwithſtanding the vote of the commons on the account of Fitz-Harris, he was indicted of high-treaſon at the king's-bench bar, tryed condemned, and executed. It is pretended, that he confeſſed to the chaplain of the Tower, that there was a deſign laid by the Proteſtant party to ſeize the perſon of the king, and impriſon him, till he had conſented to what ſhould be deſired of him, and that he mentioned many particulars. Others pretend, this confeſſion was forged, or only made to ſave his life. Indeed it is not eaſy to imagine, that ſo many Proteſtants, engaged, as was pretended, in this plot, would communicate their deſigns to an Iriſh Papiſt. Nor is it leſs difficult to conceive, why his execution was haſtened, ſince he might have ſerved for evidence of this plot, about which, however, there was no farther enquiry.

And Oliver Plunkett. Burnet.

The ſame day Fitz-Harris was executed, Oliver Plunket, the popiſh titular primate of Ireland, ſuffered the ſame puniſhment for contriving, with the court of France, to raiſe an inſurection in Ireland. Some pretend, he was condemned unjuſtly, and upon falſe evidence. I know not what there is in it, but from this time forward no agreement is to be expected amongſt the hiſtorians, in the relation of the ſame facts. It is always with ſome addition, which plainly diſcovers the party they eſpouſe.

The earl of Shaftſbury ſent to the Tower, July 2. Echard.

Thus much is certain, that the king delayed not to be revenged of ſome of thoſe who had been againſt him. The earl of Shaftsbury was ſent to the Tower the beginning of July. He was now called the Proteſtant earl, in deriſion of his having appeared more zealous than any other lord in ſupport of the Proteſtant party, and from hence it may be eaſily judged, who gave him that name. The ſame day, the king alſo ſent to the Tower ſome perſons of a much inferior rank, as Rouſe, Hayns, White, and one Colledge a joiner of London, who had been very ſtrenuous for the Whigs, while that party was ſupported by the parliament. He was alſo called the Proteſtant Joiner, for the name of Proteſtant was become the nick-name of thoſe who had moſt oppoſed the king and the Papiſts. The adherants of the court, on the other hand, pretend, that the Whig-party in London, perceiving the court began to be revenged upon their enemies, had found means, with the aſſiſtance of Corniſh and Bethel, ſheriffs of London, and zealous Whigs, to ſecure grand-juries entirely at their devotion, ſo that, to defeat the efforts of the court, theſe juries were to return Ignoramus upon all bills brought againſt any of the party, and therefore obtained the name of Ignoramus. But we are not to require any proofs of this ſuppoſition. The hiſtorians of the court-party content themſelves with affirming, as a thing beyond doubt, that the grand-jury of London was reſolved to return Ignoramus upon all bills againſt their friends, and we muſt take their word for it, tho' it ſeems to be ſupported only by the rumours of their own party.

and others.

The grand jury of London favourable to Proteſtants.

Colledge indicted of high-treaſon. Acquitted.

However, the court began their revenge with Colledge the joiner, and for that purpoſe a bill of indictment of high-treaſon againſt him was delivered to the grand-jury of London, who, not finding it well-grounded, threw it out with an Ignoramus. This cauſed an univerſal joy in London, and was looked upon as

Removed to Oxford.

as a ſort of triumph. But the court was reſolved to proceed againſt Colledge with the utmoſt ſeverity. For this purpoſe, on pretence of certain words ſaid to be ſpoken by Colledge at Oxford, he was ordered to be removed to that city, and there tryed and condemned. But not to be diſappointed, as they had been at London, the king's council came to Oxford, and were ſhut up with the grand-jury, till they had perſuaded them to find the bill. This is at leaſt a fact which has been often objected, and publickly and openly maintained, without having been denied.

Tryed. Auguſt 17. State-T.

Be this as it will, Colledge was carried to Oxford, and tryed at the aſſizes, upon the evidence of Dugdale and Turberville, who had been the witneſſes in the tryal of the lord Stafford. It is not poſſible to read the particulars of this tryal, the partiality of the judges, and the depoſitions of the witneſſes, without diſcovering a ſettled deſign for the deſtruction of this man, who was condemned and executed as a traitor. He died, proteſting his innocence, and ignorance of any plot but the popiſh. The court's reſentment againſt this man ſhewed itſelf ſo manifeſtly, that he was conſidered as the firſt martyr for the Proteſtant cauſe. The writers, even the moſt devoted to the court, dare not poſitively affirm, he was guilty. They content themſelves with leaving the thing doubtful, after endeavouring however, by the turn they give to their account, to inſinuate a belief that he was not innocent.

Oates turned out of White-hall. Echard.

The ſame day that Colledge was executed, Dr. Oates was by order of council turned out of Whitehall, with a command not to come within the verge of the council-chamber. Indeed, he was no longer wanted, at a time when not only the popiſh plot was ridiculed, but a deſign formed of being revenged on thoſe who had been moſt zealous to ſupport the belief of it, and of improving a new Proteſtant plot.

New ſheriffs and a lord-mayor. Echard. Kennet.

The time for electing the ſheriffs of London being come, Thomas Pilkington and Samuel Shute, both Whigs, were choſen in the room of Bethel and Corniſh, which was very diſagreeable to the court. But on Michaelmas-day they had the ſatisfaction to ſee Sir John Moor an addreſſor choſen lord-mayor.

At the ſeſſions for London, Rouſe, one of thoſe ſent to the Tower by the king, was indicted of high-treaſon, and the grand-jury found the bill Ignoramus.

The lord Shaftſbury's bill not found. Echard.

It was the ſame with the earl of Shaftſbury. The king paſſionately wiſhed to be revenged of this lord, who for ſome time, had ſhewn him little regard. To this end, he granted a ſpecial commiſſion of Oyer and Terminer to all the judges of the kingdom to ſit, the 24th of November, with the lord-mayor and aldermen, at the Old Baily, on the earl's tryal. eight witneſſes were heard againſt him, who depoſed upon oath many things from his own mouth, which diſcovered pernicious deſigns againſt the king's perſon. But the greateſt crime objected againſt him was, the copy of an aſſociation (found in his ſtudy) againſt the enemies of the king, of the Proteſtant religion, and of their country. But notwithſtanding the hopes conceived by the court, of being freed from this enemy, the grand-jury, conſiſting of 21 of the principal citizens of London, conſidering that the paper, containing the aſſociation was only a copy, and not writ in the earl of Shaftſbury's hand, and obſerving very great improbabilities in the depoſitions of the witneſſes, found no ſufficient ground for the bill, and returned it Ignoramus. Immediately the whole city teſtified their joy for the earl's deliverence, by bonfires in all the ſtreets, and other marks of ſatisfaction, and the witneſſes againſt him were in great danger of being torn in pieces by the mob.

Affairs of Scotland. Burnet.

Before we finiſh this year, it will be neceſſary to mention the tranſactions in Scotland, where the duke of York, as the king's high-commiſſioner, had opened the parliament the 28th of July. This parliament, very different from the two laſt held in England, took a quite contrary courſe, and paſſed ſeveral acts ſuch as the king deſired.

Acts in favour of the king and royalty. Life of James II.

By the firſt, they acknowledged, that the crown of Scotland is by inherent right, by the nature of monarchy, by the fundamential and unalterable laws of the kingdom, tranſmitted and devolved by lineal ſucceſſion, according to proximity of blood, and that no difference in religion, no law, no act of parliament, can alter or divert the right of ſucceſſion, and lineal deſcent of the crown to the neareſt and lawful heirs. This act made it high-treaſon, either by word or writing, to endeavour to ſuſpend, or alter, the right of ſucceſſion.

An oath impoſed. R. Coke.

By the ſecond act, all former laws for the ſecurity of the Proteſtant religion preſently profeſſed in that realm, were ratified; by which all the laws made by James I, Charles I, and Charles II, againſt popery, were confirmed. To this act was annexed a teſt and oath to be taken by all officers in church and ſtate. This oath was drawn in ſuch a manner, that it impoſed a neceſſity of ſwearing directly againſt conſcience, or of being, as I may ſay, debarred the ſociety of men. Accordingly, it was refuſed by moſt of the miniſters, and a great number of the laity. But this was what the contrivers of the oath wanted, in order to have opportunity to perſecute and deſtroy thoſe, who, it was foreſeen, would obſtruct the deſigns of the court. Scotland was almoſt reduced to ſlavery, with regard to the government. Nothing was wanting, but the introduction of the Popiſh religion, and for this the oath was intended, becauſe it was thereby hoped to have opportunity of diſabling the greateſt enemies of popery from oppoſing this deſign.

The earl of Argyle refuſes it. Burnet.

Archibald Campel, earl of Argyle, ſon of him beheaded at Edinburgh, was one of the refuſers of this oath, unleſs he might take it with reſerve of his own explanation. But this the duke of York would never allow him. Indeed theſe ambiguities had been purpoſely inſerted to keep the rigid Presbyterians from taking it.

Is impriſoned, tryed and condemned. State T.

At laſt, he was arreſted, impriſoned, and brought to a ſolemn tryal, not only for refuſing the oath, but for having diſſuaded others from taking it; and for this new kind of treaſon, was condemned to loſe his head. It is pretended, the king would

have

1681. have pardoned him; but this can only be ſaid by conjecture. However, he found means to eſcape out of the caſtle of Edinburgh, and withdrew into Holland.

1681-2 The Diſſenters are proſecuted. Echard.

It appears from what has been ſaid, that the Whig-party moſtly conſiſted of profeſſed Presbyterians, or of men inclined to Presbytery, tho' they profeſſed the eſtabliſhed religion. That is to ſay, the times of James I, and Charles I, were returned, when every man who was not of the court-party, and a furious Tory, was a Presbyterian. The king finding his authority ſufficiently eſtabliſhed ſince the diſſolution of the Oxford parliament, reſolved entirely to ruin his enemies the Whigs, and conſequently the Presbyterians. To this end, he ordered, that the Non-conformiſts ſhould be rigorouſly proſecuted, which diſcovered his motive for conveying away in the houſe of lords the bill to repeal the act of the 35th of Elizabeth, at the very time it was going to paſs into a law. For if this bill had not vaniſhed, no advantage could have been taken againſt the Presbyterians. This order of the king occaſioned a violent perſecution againſt the Diſſenters. Since the diſſolution of the laſt parliament, all the magiſtrates, judges, juſtices of the peace, governors and lord-lieutenants, had been changed, and the moſt violent Tories put in their places. It may eaſily be imagined, with what joy and zeal theſe men executed the laws againſt the Presbyterians, which had been ſuſpended for ſome years. The clergy particularly diſtinguiſhed themſelves by ſhowing their attachment to the principles and maxims of the court. The pulpits reſounded with the doctrine of paſſive-obedience and non-reſiſtance, which had been eſpouſed by a few in the reign of Charles I, but was now univerſally preached. The clergy ſeemed to make it their buſineſs to ſurrender to the king, all the liberties and privileges of the ſubjects, and to leave them only an unlimited obedience. According to the principles publickly preached, no Eaſtern monarch was more abſolute than the king of England. This doctrine was ſupported in the courts of juſtice, by all the judges and lawyers, to the utmoſt of their power. All this was followed with numberleſs petitions and addreſſes, wherein the aſſociation, and the principles from which it flowed, were utterly abhorred. This aſſociation which had occaſioned the perſecution againſt the Diſſenters, was but a chimera, and entirely founded on the paper found in the earl of Shaftſbury's cloſet, without even a poſſibility of knowing whether it was an original, or a copy. But any man's thinking of aſſociating the ſubjects againſt the king, was ſufficient, according to the current principles, to charge the whole Whig-party, as guilty of the greateſt crime imaginable. I ſhall not tranſcribe theſe addreſſes. It ſuffices to ſay in a word, that they ſuppoſed the king of England as abſolute as it is poſſible to deviſe. Thus the violent Tories who then prevailed in the corporations, were not ſatisfied with perſecuting the Presbyterians, but alſo made the king an arbitrary and abſolute monarch, as if there had been no other expedient to ſave the church of England from the attempts of the Presbyterians.

Paſſive obedience every where preached up.

1681-2. The duke of York returns.

The duke of York returned from Scotland, the beginning of March, and was received by the king with all poſſible ſigns of affection. At the ſame time came a letter to the king from Scotland, ſubſcribed by ſeven biſhops, full of the duke of York's praiſes, and of the happineſs enjoyed by the church of Scotland, under his adminiſtration. So that it was not the fault of theſe prelates, that the duke, tho' moſt zealous for the popiſh religion was not reſpected as the principal ſupport and protector of the Proteſtant church.

Goes back into Scotland, and runs a great danger. May 5. Echard.

After two months ſtay in England, the duke returned to Scotland to bring his family from thence. He went by ſea, but by an unexpected accident, the ſhip, tho' the weather was fair, ſtruck upon the ſand, called the Lemon and Oar, and in a little time had above ſeven foot water in the hold. This obliged him to put off in his pinnace, with as many perſons as it would hold, and to ſave himſelf on board the Mary yatcht. It is pretended, he himſelf named the perſons whom he would have in the boat with him, and that ſome prieſts and jeſuits were preferred to ſeveral perſon of quality, who were unforrunately drowned, with a hundred and thirty ſeamen, the ſhip ſinking ſoon after the duke put off. But I will not warrant this circumſtance, which perhaps is only a report ſpread by his enemies. The duke made but a ſhort ſtay in Scotland. He departed within a few days for England, where he continued, the reſt of this reign, with great influence over the actions and counſels of the king his brother. To him is generally aſcribed the rigour with which the king treated his enemies the remaining part of his reign. It is ſaid, the king being one day importuned by the duke to undertake things which he thought very dangerous, told him, "Brother, I am "reſolved never to travel again, you may do "ſo, if you pleaſe."

Returns back to England where he grows very powerful. Echard.

Pamphlets againſt the court.

Tho', ſupported by the court and magiſtrates, the Tory-party had the advantage, the Whigs however, were not diſcouraged, in the expectation of cauſing ſome turn, by informing the people in pamphlets of their danger from the court. Theſe pamphlets were numberleſs, and new ones daily appeared, to attack or defend. That which made the greateſt noiſe was, the life of Julian the Apoſtate, in which a parallel was drawn between that prince and the duke of York. The neceſſity of the excluſion was ſhown, and paſſive-obedience exploded as a Mahometan doctrine. This book did but exaſperate the patrons of paſſive-obedience. They took occaſion from thence to carry the doctrine ſo high, that when, in the reign of James II, reſtrictions became neceſſary, they knew not how to make them, and many even perſiſted in ſupporting this doctrine, rather than own they had been in the wrong to carry it to ſuch height.

A Remark upon the doctrine of paſſive-obedience.

To demonſtrate, that to this time muſt be fixed the date of the birth, or at leaſt of the great progreſs, of doctrine of paſſive-obedience, it needs only to be conſidered, that the ſecond parliament of this reign, tho' chiefly compoſed of rigid church-of-England-men, devoted entirely to the king, after having, by acts, eſtabliſhed ſuch principles as led to paſſive-obedience, readily departed from it, when the court, as they believed, intended thereby to introduce an arbitrary government. This ſhows their deſign was not to eſtabliſh ſuch a government. But in 1682, the time I am ſpeaking of, theſe principles were not only preached, but practiſed, and the king was thanked in publick and ſolemn addreſſes, for having eſtabliſhed an abſolute government. The pulpits rung with paſſive-obedience, which was enforced from the poſitive declarations of God; and all the magiſtrates emulouſly ſtrove to reduce this doctrine to practice. The Whigs on their part in their attacks of theſe ſtrange opinions, threw themſelves into the other extreme, and thereby gave their enemies room to accuſe them as ſubverters of monarchy. In ſhort, a kind of infatuation ſeized the kingdom, and one party, inſtead of coming to a temper, violently embraced whatever was moſt contrary to the other.

Great rage againſt the Whigs. Echard.

The animoſity againſt the Whigs was then ſo exceſſive, that even in the adminiſtration of juſtice, the judges forgot common decency. The earl of Shaftſbury having brought his action of Scandalum Magnatum, againſt one Mr. Cradock, the defendant's counſel alledged, 'That there was no probability of a fair tryal by a London jury, by reaſon that the earl was of the Skinners company, of which ſheriff Pilkington was maſter, and that therefore the jury ought to be taken from ſome other place.' The court of King's-Bench found this exception ſo juſt, that it was ordered, 'That unleſs the earl would conſent to try his cauſe by a country jury, it ſhould not be try'd in London.' I know not whether ſuch an exception had ever been known or admitted before. Party rage appeared in all private affairs, ſo that judgments were formed not according to the right, but the principles of the parties.

The mayor and ſheriffs of London elected by the influence of the court. June 24. Echard.

Tho' the Whigs had a great diſadvantage in the kingdom, they ſtill preſerved there ſuperiority in London, where almoſt all the magiſtrates were of their party; but they were not ſuffered long to enjoy them. Moor, the lord-mayor, who had been an Abhorrer, and was in the intereſts of the court, objected againſt the election of the ſheriffs, and afterwards of the lord-mayor, who was to ſucceed him; and being ſupported by the privy-council, prevailed, partly by force, and partly by conſent, to have new ſheriffs, and a new mayor elected of the king's party. This was a triumph for the court, and the earl of Shaftſbury was ſo ſenſible of it, that ſeeing himſelf like to be deprived of the protection of the city of London, he avoided the impending ſtorm, by a retreat into Holland. It was remarked, that he was forced to ſhelter himſelf under the protection of a republick, to which, when he was chancellor, and one of the cabal, he had applied that ſaying of Cato, Delenda eſt Carthago.--- He died ſix weeks after his arrival in Holland.

The earl of Shaftſbury eſcapes into Holland.

A deſign againſt London and other Corporations.

The court having got a lord-mayor and ſheriffs at their devotion, improved the advantage, and relying on the compliance of the magiſtrates, reſolved to annul the charter of London, and afterwards thoſe of all the other corporations in the kingdom. But this deſign was not executed till the next year.

In the interim, the lord-mayor and the ſheriffs of London, were very active againſt the Presbyterians, and executed the laws with great ſeverity. Moreover to recommend themſelves the more to the court, they prevented the burning of the Pope, as had been cuſtomary on the 17th of November.

Pilkington fined for words ſpoken againſt the duke of York. Echard.

The duke of York embracing ſo favourable a juncture, brought his action againſt the late ſheriff Pilkington, for theſe words, ſpoken by the defendant, "The duke of York has fired "the city, and is now come to cut our throats." The jury found for the duke, and gave him 100,000 l. damages. To ſuch height was party rage carried.

Before we finiſh the events of this year 1682, which was memorable only for the progreſs of the court and the Tories, the downfal of the Whigs, and the perſecution of the Presbyterians, I ſhall relate ſome other things which happened this year.

Mr. Tynne murdered.

Firſt, the murder of Mr. Thynne, almoſt in the heart of the city, by count Coningſmark, for which his footman was hanged. As this is a private affair, I ſhall ſay no more of it.

Embaſſies.

This year the king received two extraordinary embaſſies, one from the king of Fez and Morocco, the other from the king of Bantam in the iſle of Java.

Deaths.

This year died, prince Rupert, count Palatine of the Rhine, ſo often mentioned in the foregoing reign, ſixty three years of age; John Maitland duke of Lauderdale; Heneage Finch earl of Nottingham and lord high-chancellor; and Anthony Aſhley Cooper earl of Shaftſbury.

Promotions.

On the other hand, the king created ſeveral peers, amongſt the reſt, the duke of Ormond, an Iriſh duke, was promoted to the ſame dignity in England.

Burnet.

Laſtly, the earl of Sunderland was reſtored to the office of ſecretary, upon the reſignation of the earl of Conway.

1682-3

The king runs in debt.

The king having had no extraordinary ſupplies from the parliament for ſome years, it would be aſtoniſhing that he ſhould at once become ſo good an œconomiſt, as to live upon his revenues, if it had not afterwards appeared, that he had contracted many debts, and thereby ſupplied in ſome meaſure the aids of money, which, on one pretence or other, he had uſed to receive from the parliament. The court purſued the ſame courſe, without any appearance of intending to uſe their new power for raiſing money upon the ſubject. It might ſeem ſtrange, that the king, in his preſent ſituation, did not ſummon a parliament, as well to repeal what had been enacted againſt him, as to get a ſupply of money. Pretences would not have been wanting. That was not the thing. But it ſeemed, that notwithſtanding the multitude of addreſſes, which were ſtill daily preſented, he did not confide in the affection of his people, and feared, that the elections would not be favourable to him. Indeed theſe addreſſes came but from one party, and the king knew, it was very poſſible to

Reaſons which hindered the king from calling a parliament.

receive addreſſes from all the corporations in England, without being aſſured, that the peo- in general were well-affected. But as foreigners may not underſtand this, I ſhall briefly explain it.

England is almoſt divided into communities, called corporations, which have each their privileges, obtained from the ſovereigns on certain conditions. There is ſcarce a town, which has not its magiſtrates and laws as a corporation. The mayor, or head of the corporation, the aldermen, the recorder, and other principal officers, are elected either by the whole community, or by a certain number of townſmen. It is eaſy therefore to apprehend, that the prevailing party may, without great difficulty, from a common-council of their own principles, and it is this common-council which manages the addreſſes preſented to the king, in the name of the whole corporation. Provided the ſuperiority of voices in the common-council be for one of the parties, that ſuffices if an addreſs be ordered, to ſay, it is in the name of the town or community, tho' all the other members ſhould be of a contrary opinion. But in chuſing repreſentatives, another method is taken. For then every burgeſs, every freeholder, has a right to give his vote, and conſequently repreſentatives of a contrary party to the magiſtrates and common-coucil may very poſſibly be elected. This, probably, hindered the king from venturing to call a new parliament, for fear he ſhould not find his account in it. For the ſame voters who had choſen the members of the two laſt parliaments, would have had a right to vote for the members of a new one, which could not be advantagious to the court. The court therefore came to a reſolution of reſuming the charters of the corporations, and to grant others drawn in ſuch manner, that the king ſhould be almoſt enabled to cauſe ſuch repreſentatives to be choſen, as he pleaſed. It may be affirmed, rhere was no readier or more effectual way to invade at once the liberties of the nation, and cauſe the parliament itſelf to approve of the ſame.

The king goes to New-market.

A Fire obliges him to return to London. Echard.

Till things ſhould be ripe for the execution of this deſign, or ſome favourable occaſion offer itſelf, the king reſolved to take the diverſions of New-market. He had ſcarce been there ſix days, when a fire broke out in the town with ſuch violence, that he was obliged to return to London ſome days ſooner than he deſigned. It was pretended afterwards, that there was, at this time, a plot againſt his life, to be executed at New-market, and which was prevented by the king's ſudden return, occaſioned by the fire. This accident was aſcribed to a particular providence preſerving the king, when he was in ſuch danger.

1683. Several aldermen tryed for a riot. May 8. State Try.

The king intending to be revenged on the old magiſtracy of London, which had oppoſed him for ſome years, iſſued out a commiſſion for tryal of the authors of the diſorder at the election of ſheriffs the laſt year. This diſorder, in the commiſſion, was called a riotous and unlawful aſſembly, and aggravated as much as a thing of ſuch little moment could admit of. Fourteen aldermen and ſubſtantial citizens, the leaders of the Whigs, were all tried and condemned in great fines.

A Quo Warranto brought againſt the charter of London. Kennet.

But the king ſtopped not here, tho' the new magiſtrates and common-council took care to give him marks of their reſpect and zeal, by repealing ſeveral acts of the court of common-council, made during the late troubles. They likewiſe replaced, in its nich in the Royal Exchange, the ſtatue of Charles I, which had been taken down after his death. Nevertheleſs, this did not prevent a Quo Warranto from being brought by the king againſt the city, that is, an order to ſhow by what warrant they pretended to be a corporation, and enjoy the privileges mentioned in the writ. On ſuch occaſions, the corporation, againſt whom the Quo Warranto is ſent, produces the charter of their privileges, and the queſtion is to know, whether they have exactly obeyed the conditions and articles of their charter. If they have been faulty in any eſſential article, the court, before whom the affair is brought, may declare their privileges and charter forfeited. This rarely happens, becauſe a corporation is not wont to break their charter in eſſential articles, for fear of loſing it; and if it is in a point of little importance, the court is ſatisfied with a fine to the king. This is the practice where juſtice, and a maintenance of the laws and cuſtoms of the kingdom are only intended. But, in the preſent caſe, the king's intention was not to maintain juſtice and the laws, but to take occaſion from the breach of ſome article of the charter, to ſeize the liberties of London into his hands, and render himſelf abſolute maſter of the government of that city. The preſent juncture was very favourable to his deſign, becauſe, ſince the diſſolution of the Oxford parliament, he had taken care to fill the courts of juſtice with judges devoted to him, and to theſe judges was committed the deciſion of this affair.

R. Coke.

The charter declared forfeited. Burnet.

The king alledged two violations of the charter by the corporation of London. The firſt was the illegal exaction of tolls in the market, and particularly the raiſing money to rebuid Cheapſide conduit. The ſecond was the framing and printing a ſcandalous petition, wherein they charged the king with obſtructing the juſtice of the nation, by proroguing the laſt Weſtminſter parliament. This affair was argued ſolemnly on both ſides, and at laſt the judges of the King's Bench declared, that the liberties and privileges of the city of London were forfeited, and might be ſeized into the king's hands. Nevertheleſs, it was declared by the expreſs command of the king, "That judgment ſhould not be entered until "his Majeſty's pleaſure ſhould be further "known."

The city ſubmits to the king.

Several reflections on this judgment were then, and ſtill are, made, which are not to the honour either of the king or the court. However, the inhabitants of London were extremely ſurprized with the thing, and the common-council aſſembled to conſult how to proceed in this exigency. Some were for having the judgment entered till an opportunity offered to procure a reverſal. But the court party inſiſted upon an abſolute ſubmiſſion to the king before judgment was entered, which was in effect a voluntary ſurrender of the privileges of the city into the king's hands, and a depriving it of the means to cauſe the ſentence one day to be repealed. This opinion was carred by a majority, and the king was waited on with a petition agreeable to this reſolution. The king anſwered by the lord-keeper North, That he would reſtore the charter if the city would ſubmit to the following regulations.

Conditions offered by the king.

1. That no lord-mayor, nor any officer of the corporation, or ſteward of the borough of Southwark, ſhould be capable of, or admitted to the exerciſe of their reſpective offices, before his majeſty ſhould have approved them under his ſign Manual.

2. That if his majeſty ſhould diſaprove the choice of any perſon to be lord-mayor, &c. the citizens ſhould within one week, proceed to a new choice: And if his majeſty ſhould in like manner diſapprove the ſecond choice, his majeſty might if he pleaſed, nominate a perſon to be lord-mayor for the enſuing year.

3. The ſame with regard to the ſheriffs.

4. The lord-mayor and court of aldermen might alſo, with the leave of his majeſty, diſplace any alderman, recorder, &c.

5. Upon the election of any alderman, if the court of aldermen ſhould judge and declare the perſon preſented to be unfit, the ward ſhould chuſe again, and upon a diſapproval of a ſecond choice, the court might appoint another in his room.

6. The juſtices of the peace were to be by the king's commiſſion; and the ſettling of theſe matters to be left to his majeſty's attorney and ſollicitor-general, and counil learned in the law.

By theſe articles, it is evident, the king was abſolute maſter of the government of the city, and by reſtoring their charter, effectually deprived them of their principal privileges.

The city accepts thm. Echard.

Two days after, the common-council met and reſolved to ſubmit to the king, by a majority of 18 voices. The hiſtorians of the king's party ſpeak of this affair very ſlightly, pretending the city was juſtly puniſhed for their great provocations to the king of late years. But as to the conduct of the king and court, which occaſioned theſe provocations, they do not think proper to mention it, and ſo the whole blame lies upon the city.

The Rye-Houſe plot. Burnet.

We are at laſt come to the pretended Proteſtant plot, that is to ſay, formed by the Proteſtants againſt the king and the duke. But as it is hard to conceive the agreement of this term, in a Proteſtant country, with deſigns framed by Proteſtants againſt Papiſts, and as ſome gladly remove the idea of the king and duke of York's being Papiſts, they rather chuſe to give it the name of the Rye-Houſe-Plot, from a houſe ſo called in the road to Newmarket, where, it is pretended, the conſpirators had projected to kill the king and duke. I muſt not conceal, that as the former conſpiracy, called the Popiſh-plot, did then, and ſtill does, paſs for an invention, with the adherents of the court, ſo this had the ſame fate among thoſe who were, or ſtill are, of the contrary party. The hiſtory of this conſpiracy muſt therefore be read with great caution, ſince the hiſtorians are entirely divided, the one repreſenting as falſe, what the others aſſert as true. Were they both contented with relating the bare facts, giving for rrue thoſe that may be proved, as for falſe thoſe whoſe contrary cannot be proved, and for doubtful ſuch as are doubtful, the reader might be able to form ſome judgment. But their accounts are artfully laboured to prepoſſeſs the reader. A thouſand things are inſinuated which have no foundation but in their ſyſtem. The witneſſes are either knaves or honeſt men, as is moſt for their advantage. The conſpiracy in their recitals is ſuppoſed true or falſe at pleaſure. Numberleſs circumſtances are inſerted to ſerve their purpoſe, without the leaſt proof or authority. So the reader, who is in ſearch of truth, finds himſelf at a loſs, it being impoſſible to enter into a particular examination of ſo many oppoſite things. Impartial readers content themſelves with leaving the matter undecided, becauſe they ſee no proofs ſtrong enough to determine their aſſent either way. Others, through prejudice in favour of one of the parties, or through lazineſs or indifference, implicitly follow the ſentiments of the hiſtorian, or abſolutely reject them.

To avoid therefore as much as poſſible the faults which I condemn, I ſhall ſuppreſs all inſinuations of the hiſtorians of both parties, and confine myſelf to the depoſitions and defences of the accuſed, without adding any circumſtance which is not owned by both ſides.

Keeling's information. Burnet.

This year, on the 12th of June Joſiah Keeling diſcovered the conſpiracy, real or pretended, to the lord Dartmouth, and ſecretary Jenkins, before whom he made open confeſſion of the whole matter, and ſubſcribed his depoſitions. But afterwards, conſidering that his ſingle intelligence was not ſufficient, he prevailed upon Goodenough, that his brother John Keeling might be admitted into the next meeting of the conſpirators. This was done, and thereupon the two brothers gave in their joint teſtimony upon oath on the 14th of June.

It muſt be obſerved, that this circumſtance of the admiſſion of John Keeling into the ſecrets of the plot, manifeſtly ſuppoſes a conſpiracy. Accordingly it is only produced by thoſe hiſtorians who believe the reality of the plot.

In the ſecond place, the diſcovery of the plot being made by Joſiah Keeling, the 12th of June, and the depoſition of the two brothers being given in the 14th, it follows that, according to the firſt ſuppoſition, John Keeling had but one day to be informed of the ſecrets of this plot.

Burnet.

According to the two Keelings depoſition, the plot conſiſted of three articles. 1. The conſpirators deſigned to ſecure the king's guards (but how this was to be executed does not appear) then to block up or beſiege Whitehall, and ſeize the perſons of the king and duke of York. 2. To aſſaſſinate the king and duke in a hollow way near the Rye-Houſe, in their return from Newmarket. 3. To cauſe inſurrections in London, and other parts of the kingdom. But Keeling depoſed only againſt perſons of no note.

Kennet.

Upon this depoſition, the king publiſhed a proclamation for apprehending, colonel John Rumſey, Richard Rumbold malſter, Richard Nelthorpe Eſq; Edward Wade Gent. Richard Goodenough Gent. Capt. Walcot, William Thompſon, James Burton, and William Hone for any of which 100 l. was offered to the diſcoverer. Upon this proclamation, colonel Rumſey ſurrendered himſelf the next day; and being examined by ſecretary Jenkins, he confeſſed all he knew; which confeſſion was next day confirmed by two others, Mr. Weſt and Mr. Sheppard: So that on the 28th of June, there came out a ſecond proclamation, for apprehending James duke of Monmouth, Ford lord Gray, Sir Thomas Armſtrong knight, and Robert Ferguſon. It is pretended, that when the warrants were delivered to Legat the meſſenger to ſeize Ferguſon with the reſt of the offenders, Secretary Jenkins gave Legat a ſtrict command, not to take him, but to ſhun him where ever he met him. Shortly after, the lord Howard of Eſcrick alſo ſurrendered himſelf, and upon his information, warrants for high-treaſon were iſſued out againſt the earl of Eſſex, the lord Ruſſel, and others, who were taken up accordingly.

Addreſſes. Echard.

This diſcovery brought addreſſes from all parts to congratulate the king. The ambaſſadors of foreign princes paid the ſame compliment; and the king of France offered 500 piſtols for the apprehenſion of Monmouth, Gray, Armſtrong, or Ferguſon.

Walcot's tryal.

The priſoners were not ſuffered long to languiſh. Walcot was firſt brought to his tryal the 12th of July, and againſt him.

Rumſey's evidence. State-Try.

Rumſey ſwore, ‘That the priſoner came to a meeting at Weſt's chamber, where the deponent was preſent, when a liſt was brought of the aſſaſſines, and agreed to joyn with them, intending to command a party that ſhould charge the guards: That he undertook to go and view Rumbold's houſe, and bought a horſe for that purpoſe: That he was preſent at the dividing London into 20 parts, in order to an inſurrection; and at the conſult for buying of arms after the diſappointment at the Rye-Houſe: That he was at the meeting for carrying on the conſpiracy on Thurſday before the diſcovery: and that, after it, they met at captain Tracy's, Walcot's own lodging, the deponent being preſent.’

Keeling's. State-Try.

Keeling depoſed, ‘That Walcot was at the trayterous aſſembly at the Salutation-Tavern, where the deponent was called Culing, and a health drank to the Engliſh Culing; Weſt declaring, that Culing in Dutch was Keeling in Engliſh; adding he hoped to ſee Keeling at the head of as good an army in Wapping, as they heard one Culing was then at Cologn.’

Bourn's

Bourn ſwore, ‘That Walcot uſed to come to Ferguſon when he lodged at his houſe; and that he and ſeveral others met at the Dragon on Snow-Hill, and often at other places, in order to raiſe men, and divide the city into 20 parts for ſecuring the king and the duke: That almoſt every time they met, at leaſt three times, the priſoner at the bar was there: That he was at the laſt meeting at Tracy's, where they debated of ſtanding with ſword in hand, and of killing Keeling for making the diſcovery.’

West's.

Weſt teſtified, ‘That the priſoner, upon the election of the London ſheriff, asked him, will the people do nothing to ſecure themſelves? and acquainted him with the inſurrection then deſigned within three weeks or a month: That the earl of Shaftsbury was in the deſign, and had engaged the priſoner: That he had an expectation of being a colonel of horſe; asking the deponent, whether he would have any command under him? That upon his refuſal, he deſired him to lend him a ſuit of ſilk-armour: That the ſaid Walcot told him of ſeveral deſigns to attack the duke: That in the buſineſs of the Rye-Houſe, he undertook to command the party that was to ſet on the guards.’

Walcot's letter produced. Sprat.

Beſides theſe witneſſes, there was a letter produced, under Walcot's one hand, to ſecretary Jenkins, in which he ſaid, ‘That if his majeſty deſired it, he would diſcover to him all that he knew in England, Scotland, or Ireland, which might be ſome thing more than the original diſcoverer could acquaint him with, eſpecially, as to Ireland: That his intimacy with a Scotch miniſter thro' whoſe hands much of the buſineſs went, occaſioned his knowing very much, &c.’

Walcot's defence. State-Try.

Walcot's defence conſiſted, firſt, of a plain denial of having any hand in the aſſaſſination; ſaying, ‘He knew well enough, if he had undertaken to charge the guards, while others killed the king, he was equally guilty with thoſe that killed him; but that he was ſick of the gout during the meetings, while the king was at Newmarket.’ To this Weſt replied, ‘That he remembered it well, by a good token, that the priſoner himſelf ſaid, he was afraid when the time came, he ſhould not be able to draw on his boots.’ Walcot added, ‘That he came accidentally to their meetings only to hear news. That what he had promiſed to diſcover, he had only heard from Ferguſon.’ In concluſion, he was brought in guilty of high-treaſon by the jury.

He is condemned. A remark upon this tryal.

Thoſe who thing this plot was only an artifice of the court, to deſtroy their chief enemies, obſerve, that the depoſitions of the witneſſes againſt Walcot, and the other pretended conſpirators, are all founded on the ſuppoſition, that there was really a deſign to ſeize the king's guards, aſſaſſinate him and the duke, and raiſe an inſurrection, and upon a previous narrative of this pretended conſpiracy, ſuppoſed to be undeniable, to which the ſeveral depoſitions were adjuſted, before the reality of the deſign was proved.

In the ſecond place, they ſay, that theſe depoſitions are incoherent. For the conſpirators muſt have had at the ſame time two contrary deſigns, one to ſecure the king's perſon, to oblige him to conſent to their propoſals, and the other to aſſaſſinate him; two deſigns which can hardly ſubſiſt together.

Their adverſaries reply, it being proved by the depoſitions of the witneſſes, that the accuſed had aſſiſted at ſuch and ſuch meetings,

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where the king's aſſaſſination was mentioned, and having diſcourſed concerning the deſign, the ſuppoſition was ſufficiently proved.

Tryal of lord Ruſſel Burnet.

I ſhall not relate the tryals of the other priſoners of little note, but confine myſelf to the lord Ruſſel's, ſon to the earl of Bedford. This lord being one of thoſe againſt whom the court was moſt incenſed, becauſe he had propoſed the excluſion-bill in the houſe of commons, and carried it up to the lords, he was tryed the 12th of July at the Old-Baily, before eight judges. He was very urgent for one day longer for his tryal, becauſe, as he ſaid, he had witneſſes that might come before night, but he was over ruled. He then urged to have his tryal deferred to the afternoon, but with no better ſucceſs. Three witneſſes depoſed againſt him, colonel Rumſey, the evidence againſt Walcot, Mr. Sheppard, and the lord Howard of Eſcrick.

Rumſey's depoſition.

1. Rumſey depoſed, 'That in the end of October, or in the beginning of November 1682, there met at Mr. Sheppard's houſe in Ab-church-lane, the duke of Monmouth, the lord Gray, the lord Ruſſel the priſoner, Sir Thomas Armſtrong, and Robert Ferguſon: That the earl of Shaftsbury deſired him to go to them thither, to know what reſoluton they were come to about the riſing of Taunton; that he did go, and Mr. Sheppard carried him up where they were, and he delivered his meſſage. That the anſwer was, Mr. Trenchard had failed them, and there would be no more done in the matter, at that time: That there was at the ſame time a diſcourſe by all the company, about ſeeing what poſture the gaurds were in, that they might know how to ſurprize them: That ſome of them undertook to go and ſee: That the lord Ruſſel in particular did ſpeak about the riſing, and gave his conſent to it.'

Sheppard's depoſition.

2. Mr. Sheppard teſtified, 'That in October laſt, Ferguſon deſired of him, in the duke of Monmouth's name, the conveniency of his houſe, for the meeting of ſome perſons of quality; and that the ſame day in the evening, the duke of Monmouth, the lord Gray, the lord Ruſſel, Sir Thomas Armſtrong, colonel Rumſey, and Ferguſon came; that they deſired to be private, and none of his ſervants to come up: That their diſcourſe was how to ſurprize the gaurds: That the duke of Monmouth, the lord Grey, and Sir Thomas Armſtrong, went one night to the Mews to view them: That the next time they came, Armſtrong ſaid, the gaurds were very remiſs, and the thing was feaſible: That they had two meetings of this kind at his houſe; that in one of them ſomething was read by Ferguſon in the nature of a declaration, ſetting forth the grievances of the nation in order to a riſing: That he could not poſitively ſay, that the lord Ruſſel was there when it was read; but the ſaid lord, the priſoner, was there when it was diſcourſed of ſeizing the guards.'

The lord Howard's depoſition.

The lord Howard began his teſtimony, with a long ſtory about the plot in general, which ſeemed to be deſigned only to exaſperate the jury; after which he depoſed to this effect: 'That after the earl of Shaftsbury's flight, the chief perſons concerned in the conſpiracy, in his time, began to coſider, they had gone ſo far, that it was unſafe for them to make a retreat; and that in ſo great an affair, conſiſting of ſuch infinite particulars, to be managed with ſo much fineneſs, it would be neceſſary to have ſome general council; and that therefore they reſolved to erect a cabal among themſelves, which uſually conſiſted of ſix perſons, the duke of Monmouth, the earl of Eſſex, the lord Ruſſel, colonel Sidney, Mr. Hampden junior, and the deponent; and this was about the middle of January laſt. They met at Mr. Hampden's houſe, where it was preſently agreed, their proper province was to take care of the inſurrection: That the chief things they debated were, whether that inſurrection ſhould begin firſt in London, or the country; then what counties and towns were the fitteſt, and moſt diſpoſed to action; then what arms were to be got, and how to be diſpoſed; then, that it was neceſſary to have a common bank of 25, or 30,000 l. to anſwer the occaſions of ſuch an undertaking; but that the greateſt point was, to order it ſo, as to draw in Scotland into a conſent with them; becauſe it was requiſite, that all kinds of diverſion ſhould be given to the king's forces. That about ten days after, every one of the ſame perſons met again at the lord Ruſſel's houſe: That they then came to a reſolution of ſending ſome perſons to the earl of Argyle, to ſettle a correſpondence with him, and that ſome meſſengers ſhould be diſpatched into Scotland, to invite ſome Scotchmen hither, who beſt underſtood the ſtate of Scotland, to give an account of it: That the perſons determined to be ſent for, were Sir John Cockram, the lord Melvil, and one of the name of Campbel: That colonel Sidney was intruſted to take care of a meſſenger; and he told the deponent, he had ſent Aaron Smith; then they agreed not to meet again till the return of the meſſenger, who was gone about a month before they heard any thing of him. That all this debate at the lord Ruſſel's went without contradiction, all there preſent giving their conſent: That as for raiſing of money, every one was put to think of ſuch a way, that money might be collected without giving cauſe of jealouſy.

King's declaration.

That after all this, the deponent met no more with them; but, when he returned out of the country, he was informed, that Aaron Smith was come back, and that Sir John Cockram was alſo come to town.'

To all this the lord Ruſſel made anſwer, 'That he could not but think himſelf mighty unfortunate, to ſtand charged with ſo high a crime, and that intermixed with the treaſons, horrid practices and ſpeeches of other people, while the king's counſel took all advantages, and heightened things againſt him. That he was no lawyer, a very unready ſpeaker, and altogether a ſtranger to things of this nature: That he was ſenſible he was not ſo provided to make his defence, as otherwiſe he ſhould do; but he 'thought the gentlemen of the Jury were men of conſcience, that valued innocent blood, and hoped they would conſider the witneſſes, that they ſwore to ſave their own lives. That the two times they met, was upon no formed deſign, only to talk of news and things in general: That the lord Howard having a voluble tongue, they delighted to hear him diſcourſe: That he knew of no ſuch council as ſix choſen, for who ſhould chuſe them?' As to colonel Rumſey, 'He was notoriouſly known to have deen highly obliged to the king and the duke; and it was ſtrange he ſhould be capable of ſuch a deſign as to murder the king. That the time was elapſed by the 13th of the king, which limits the proſecution to ſix months. Neither was the deſign of levying war, treaſon, unleſs it appeared by ſome over act.' And asking upon what ſtatute he was indicted, he was told, 'The ſtatute of the 25th of Edward the third.' Upon which he inſiſted upon a matter in law, and particularly, 'That the buſineſs at Mr. Sheppard's houſe was ſworn to only by one witneſs.' To which he was anſwered, 'That if there were one witneſs of one act of treaſon, another of a ſecond, and another of a third, that manifeſted the ſame treaſon, it was ſufficient.'

For a defence of his lordſhip, there appeared for him the duke of Somerſet, the earl of Angleſey, Mr. Edward Howard, the lord Cavendiſh, the lord Clifford, doctor Tillotſon, doctor Burnet, doctor Cox, doctor Fitz-Williams, Mr. Luton Gore, and Mr. Spencer. Some of theſe teſtified that the lord Howard, before he was taken, declared, 'He believed the lord Ruſſel innocent, and knew nothing againſt him.' Others ſpoke to his lordſhips private character, and declared his great worth and probity, his virtuous and ſober life, and conſequently the improbability of his being thus ingaged. But this was turned againſt him by the king's counſel, who ſaid, there could not be any more dangerous enemies to a ſtate than ſuch as come ſober to endeavour its deſtruction.

State-Try.

As to what concerned the lord Howard's ſaying, he believed the priſoner innocent, it was anſwered by that lord himſelf, who confeſſed, 'He had ſaid ſo, being then himſelf not accuſed, ſo that he intended to out-face the thing both for himſelf and the party; but now, his duty to God, the king, and his country required it, he muſt ſay the truth; and that tho' the council of ſix were not choſen by any community, yet they did erect themſelves, by mutual agreement, one with another into that ſociety.'

He is condemned. July 14.

In concluſion, the jury brought him in guilty of high-treaſon. This ſentence was conſidered by all, who had any ſence of ſhame left, as the moſt crying injuſtice ever known in England. For the lord Ruſſel was condemned for words ſpoken in his hearing, which in England can never paſs for treaſon. The lord Howard ſo loſt his reputation, for being acceſſary to this injuſtice, that he was looked upon with horror by honeſt men, who avoided his company, as aſhamed, or afraid to be ſeen with him. Some ſay, he had made his peace with the king a little before, by the mediation of the ducheſs of Portſmouth, and by an engagement to ſerve as a witneſs againſt the pretened conſpirators.

The earl of Eſſex found with his throat cut in the Tower. Echard.

But that which was believed to have very much influenced the jury againſt the lord Ruſſel, was, that in the very time of his tryal, the earl of Eſſex, priſoner in the Tower, was found dead in his chamber, with his throat cut from ear to ear with a razor. The news was immediately brought to the Old-Baily, and communicated to the judges and the king's counſel, who from thence took occaſion to inſinuate to the jury the reality of the plot, ſince the earl of Eſſex rather choſe to lay violent hands on himſelf, than ſtand a tryal.

The king and the duke ſuſpected of this murder. Burnet.

Tho' the coroner's inqueſt, after an examination of the dead body, found the earl Felo de ſe, this was not capable to remove the ſuſpicion entertained by moſt people, that this fact was committed by the order of the king and duke, who were in the Tower that very morning, where they had not been for 12 years before. It was beſides urged, that it was not poſſible for a man to cut his own throat from ear to ear. Several other circumſtances were added, of which it is not eaſy to diſcover the truth. It is pretended, that in the blood ſprinkled on the floor of the room, were diſcovered the marks of a ſtrange foot; and that after the deed was done, the razor was thrown out of the window, and pickt up bp a little girl. That before the coroner came to inſpect the body, care was taken to ſtrip and leave it naked, and to waſh the room. That the coroner demanding to ſee the cloaths, was anſwered, it was his buſineſs to examine the body, and not the cloaths. What has been moſt plauſibly urged, in vindication of the king and duke from this horrid action is, that perſons of credit have teſtified their frequent hearing the earl of Eſſex declare, that ſelf-murder was no ſin. It is further added, that his counteſs, and Sir Henry Capel his brother, owned the juſtice of the coroner's verdict. But had they believed the contrary, this was no proper time to diſcover their ſuſpicions. I am very certain, the laſt earl of Eſſex, his ſon, was of another opinion, and have hear him ſay, he believed his father was murdered, and that a French footman, who then ſerved his father, was ſtrongly ſuſpected, and diſappeared immediately after the fact. Be this as it will, the general opinion then was, and ſtill is, that this unfortunate nobleman fell a ſacrifice to the revenge of the king and the duke. This ſeems the leſs ſtrange, as among thoſe who declared moſt openly for their country, againſt the king and duke, the earl of Eſſex was not the only perſon who felt the effects of their reſentment. The king however publickly declared in print, that he was deeply afflicted for the earl of Eſſex's death, becauſe he was thereby deprived of an opportunity to exerciſe his clemency, and teſtify, how highly he valued the memory of the lord Capel. But inſtead of convincing the publick by this external demonſtration, it was by many imagined, that the king mentioned the lord Capel, only to inſinuate, how much the earl his ſon had deviated from his ſteps.

Walcot, Hone and Rouſe executed.

Beſides, the lord Ruſſel condemned for this plot, two others alſo met with the ſame fate, viz. Hone a joyner, and John Rouſe. This laſt had been indicted for treaſonable words, and eſcaped by an Ignoramus jury. But he was re-taken, and tryed for the ſame crime, which did not properly belong to this plot, but to his having talked of the king in treaſonable terms. Hone and Rouſe were both condemned as traitors, and executed with Walcot, the 20th of July. They confeſſed, they had heard of a plot in general, but deſcended not to particulars. At leaſt it did not appear, that the lord Ruſſel had any correſpondence with them.

Lord Ruſſel executed. Echard.

The next day, the lord Ruſſel was alſo executed. He was ſo univerſally eſteemed, that it could not be thought, the king would refuſe his pardon, which was begged by ſo many powerful relations. It is even ſaid, the earl of Bedford his father, offered 100,000 l. for his life, but his offer was rejected. The king would not ſo much as grant a reprieve of ſix weeks to his lady, tho' daughter to the earl of Southampton, but made her this anſwer, " ſhall I grant that man ſix weeks, who, if " it had been in his power, would not have " granted me ſix hours?" Every one however was perſuaded, that if there was a deſign to kill the king, the lord Ruſſel was not concerned in it. Beſides, that he denied it with his laſt breath, he was not condemned for that crime, and the witneſſes which depoſed againſt him ſaid nothing like it. And yet, the king, to have an excuſe for refuſing a ſhort delay, ſuppoſed this crime fully proved. It cannot be denied, that tho' the lord Ruſſel had been guilty of the crime for which he was condemned, viz. of giving a tacit conſent to the deſign of an inſurrection, the king could never have had an opportunity of exerciſing his clemency with more applauſe, to a man of ſo known virtue, near relation of the greateſt families in the kingdom. But all theſe conſiderations were weak, againſt the paſſion of revenge with which the king and the duke of York were actuated. The lord Ruſſel had been one of the warmeſt oppoſers of the duke of York, had joined the earl's of Shaftſbury and Eſſex, and carried up the excluſion-bill to the houſe of lords. Theſe were crimes not to be forgiven by the king and his brother. But perhaps moſt of my readers, after having peruſed the tranſactions of this reign, will not think it ſo enormous a crime to endeavour to oppoſe an arbitrary power, which was beginning to be introduced. He died with great reſolution, proteſting his innocence, and ignorance of any deſign againſt the king's perſon, or of any contrivance to alter the government. As it was expected that he would be interrupted, he ſpoke but little on the ſcaffold, leaving in the hands of the ſheriff a paper, in which he proteſted his innocence, and ſaid, " That he died a true and ſincere Proteſtant, " and in the communion of the church of " England, tho' he could never yet comply " with, or riſe up to all the heights of ſome " people.'

Tryal of Algernoon Sidney. Burnet.

For a concluſion to this tragedy, it remains only to ſpeak of the condemnation and execution of colonel Algernoon Sidney, who was accuſed of the plot, and of the deſign to kill the king. He was brother to the earl of Leiceſter, and, in the late troubles, had been deeply engaged in the republican party. At the reſtoration he thought not fit to accept perſonally of the indemnity, whether in diſtruſt of the king, or for ſome other reaſon. At laſt, in *1677*, he obtained a particular pardon of the king, and returned to England, where he joined the country-party, at which the king was extremely offended.

Depoſitions againſt him. Nov. 21.

Four witneſſes were produced againſt him, Rumſey, Weſt, Keeling, and the lord Howard of Eſcrick. The three firſt contented themſelvs with giving a particular account of the plot, but ſaid nothing directly againſt the priſoner. He complained of it as a great hardſhip, as prepoſſeſſing the jury. The lord Howard depoſed, as before at the tryal of the lord Ruſſel, that colonel Sidney was of the council of ſix, and had ſent Aaron Smith into Scotland, to engage the Scots in a rebellion.

His defence.

His defence was, firſt, the great improbability of erecting a council of ſix; and that perſons ſo little knowing one another, ſhould preſently fall into ſo great and intimate a friendſhip. As to the duke of Monmouth, he ſaid, he never ſpoke with him above three times in his life; and one time was, when lord Howard brought him to his houſe and cozened them both; for he told the duke, that colonel Sidney had invited him, and he told the colonel, that the duke invited himſelf, and neither of them was true. He enlarged upon the ill reputation of the lord Howard, and his varying his evidence with reſpect to the lord Ruſſel's, and the preſent tryal. He alledged the lord Howard's indigence, and his owing him money, which debt might probably be cancelled by his conviction. He proved by the teſtimonies of the earls of Clare and Angleſey, of Mr. Philip, and Mr. Edward Howard, Dr. Burnet, Mr. Ducas, and Mr. Blake, that the lord Howard had confeſſed, " That " he could not get his pardon untill he had " done ſome other jobs, till he was paſt the " drugery of ſwearing."

Partiality of the judges.

During this whole tryal, the judges themſelves undertook to anſwer the reaſons of the accuſed, without leaving any thing for the king's counſel to do. But they anſwered not the objection drawn from the confeſſion of lord Howard, nor did he himſelf make any reply. So that the deſign of the court to furniſh the jury with reaſons to condemn the priſoner, manifeſtly appeared.

One of his own manuſcripts produced againſt him.

But what was moſt urged againſt him, was a manuſcript found among his papers. It was an anſwer to a book, compoſed by Sir Robert Filmer, to prove, that, by the laws of God and nature, kings, and particularly thoſe of England, were inveſted with abſolute and unlimited power. Sidney, in his anſwer to this book, had aſſerted a quite contrary doctrine, and carried his republican principles to a very great height.

He ſaid firſt, that the manuſcript was not writ by him, and he ſaw no reaſon for aſcribing it to him. That tho' he was the author, it might be writ many years ago, in anſwer to Filmer's book, with no intention of publiſhing it, but diſputandi gratia, only for private diverſion, and the exerciſe of his pen. In fine, he inſiſted very much upon the neceſſity of two witneſſes to the ſame fact. The court, as I ſaid, anſwered all his objections, but it plainly appears, it was with wretched cavils and ſubtilities. To the manuſcript it was anſwered, that ſcribere eſt agree, and that there was ſufficient in it to prove the malice of his heart, and his treaſonable deſigns. I know not whether the Engliſh lawyers are agreed in this maxim. However, he was brought in guilty by the jury. It is pretended, this was the firſt time a man was accuſed of treaſon, and condemned to die, for writing any thing without publiſhing it.

He is condemned,

and beheaded. State-Try.

He was beheaded the 7th of December, without diſcovering the leaſt weakneſs. Inſtead of a ſpeech on the ſcaffold, he delivered a writing to the ſheriff, in which he complained bitterly of the injuſtice done him. He repreſented the infamous life of the lord Howard, and the judges, as men corrupted, and only promoted to ſerve the deſigns of the court.

While theſe pretended conſpirators were vigorouſly proſecuted, the univerſity of Oxford diſtinguiſhed themſelves in a particular manner, amongſt the advocates for the court, by a condemnation in form of 27 propoſitions, collected out of ſeveral modern authors, concerning the regal power. This decree was preſented to the king with great ſolemnity, and very graciouſly received. In the decree itſelf will appear the ſentiments of the univerſity at that time.

The Oxford decree. Kennet.

The judgment and decree of the univerſity of Oxford, paſſed in the convocation, July 21. 1683, againſt certain pernicious books, and damnable doctrines, deſtructive to the ſacred perſons of princes, their ſtate and government, and of all human ſociety.

‘Although the barbarous aſſaſſination lately enterprized againſt the perſon of his ſacred majeſty, and his royal brother, engage all our thoughts to reflect with the utmoſt deteſtation and abhorrence on that execrable villany, hateful to God and man, and pay our due acknowledgments to the Divine Providence, which by extraordinary methods brought it to paſs, that the breath of our noſtrils, the anointed of the Lord, is not taken in the pit which was prepared for him; and that under his ſhadow we continue to live, and enjoy the bleſſings of his government; yet notwithſtanding, we find it to be a neceſſary duty at this time to ſearch into, and lay open thoſe impious doctrines, which having of late been ſtudiouſly diſſeminated, gave riſe and growth to theſe nefarious attempts; and paſs upon them our ſolemn publick cenſure, and decree of condemnation.

‘Therefore, to the honour of the holy and undivided Trinity, the preſervation of Catholick truth in the church, and that the king's majeſty may be ſecured both from the attempts of open bloody enemies, and machinations of treacherous hereticks and ſchiſmaticks: We the vice-chancellor, doctor, proctors, and maſters, regent and not regent, met in convocation, in the accuſtomed manner, time, and place, on Saturday the 21ſt day of July, in the year 1683, concerning certain propoſitions contained in divers book and writings, publiſhed in the Engliſh, and alſo the Latin tongues, repugnant to the holy ſcriptures, decrees of councils, writings of the fathers, the faith and profeſſion of the primitive church, and alſo deſtructive of the kingly government, the ſafety of his majeſty's perſon, the publick peace, the laws of nature, and bonds of human ſociety; by our unanimous aſſent and conſent, have decreed and determined in manner and form following.

‘I. All civil authority is derived originally from the people.

‘II. There is a mutual compact, tacit or expreſs, between a prince and his ſubjects; and that if he perform not his duty, they are diſcharged from theirs.

‘III. That if lawful governors become tyrants, or govern otherwiſe than by the laws of God and man they ought to do, they forfeit the right they had unto their government. Lex Rex. Buchan. de Jure Regini. Vindiciæ contra Tyrannos. Bellarm. de Conciliis, de Pontifice. Milton. Goodwin. Baxt. H. C.

‘IV. The ſovereignty of England is in the three eſtates, viz. king, lords, and commons. The king has but a co-ordinate power, and may be over-ruled by the other two. Lex Rex. Hunton. Of a limited and mixed Monarchy. Baxter's H. C. Polit. Catechiſ.

‘V. Birth-right and proximity of blood give no title to rule or government; and it is lawful to preclude the next heir from his right and ſucceſſion to the crown. Lex Rex. Hunt's Poſtſcript. Dolemans Hiſtory of Succeſſion. Julian the Apoſtate. Mene Tekel.

‘VI. It is lawful for ſubjects, without the conſent, and againſt the command of the ſupreme magiſtrate, to enter into leagues, covenants and aſſociations, for defence of themſelves and their religion. Solemn League and Covenant. Late Aſſociation.

‘VII. Self-preſervation is the fundamental law of nature, and ſuperſedes the obligation of all others, whenſoever they ſtand in compeitition with it. Hobbes, de Cive; Leviathan.

‘VIII. The doctrine of the goſpel, concerning patient ſuffering of injuries, is not inconſiſtent with violent reſiſting of the higher powers, in caſe of perſecution for religion. Lex Rex. Julian the Apoſtate. Apologet. Relat.

‘IX. There lies no obligation upon Chriſtians to paſſive obedience, when the prince commands any thing againſt the laws of our country; and the primitive Chriſtians choſe rather to die than reſiſt, becauſe Chriſtianity was not ſettled by the laws of the Empire. Julian the Apoſtate.

' X. Poſſeſſion and ſtrength give a right to govern; and ſucceſs in a cauſe or enteprize, proclaims it to be lawful and juſt: To purſue it, is to comply with the will of God, becauſe it is to follow the conduct of his Providence. Hobbes. Owen's Sermon before the Regicides, Jan. 31. 1648. Baxter. Jenkins's Petition, Octob, 1651.

' XI, In the ſtate of nature there is no difference between good and evil, wright and wrong: The ſtate of nature is a ſtate of war, in which every man hath a right to all things.

' XII. The foundation of civil authority is this natural right, which is not given but left to the ſupreme magiſtrate, upon men's entering into ſocieties: And not only a foreign invader, but a domeſtick rebel, put himſelf again into a ſtate of nature, to be proceeded againſt, not as a ſubject, but an enemy; and conſequently acquires by his rebellion the ſame right over the life of his prince, as the prince for the moſt heinous crimes has over the life of his own ſubjects.

' XIII. Every man, after his entering into a ſociety, retains a right of defending himſelf againſt force; and cannot transfer that right to the commonwealth, when he conſent he conſents to that union whereby a commonwealth is made: And in caſe a great many men together have already reſiſted the commmonwealth, for which every one of them expected death, they have liberty then to join together to aſſiſt and defend one another: Their bearing of arms, ſubſequent to the firſt breach of their duty, though it be to maintain what they have done, is no new unjuſt act; and if it be only to defend their perſons, it is not unjuſt at all.

' XIV. An oath ſupperadds no obligation to pacts, and a pact obliges no further than it is credited: And conſequently, if a prince gives any indication, that he does not believe the promiſes of fealty and allegiance made by any of his ſubjects they are thereby freed from their ſubjection; and notwithſtanding their pacts and oaths, may lawfully rebel againſt, and deſtroy their ſovereign. Hobbes de Civ. Leviathan.

' XV. If a people, that by oath and duty are obliged to a ſovereign, ſhall ſinfully diſpoſſeſs him, and, contrary to their covenants, choſe and covenant with another; they may be obliged by their latter covenants, notwithſtanding their former. Baxter's H. C.

' XVI. All oaths are unlawful, and contrary to the word of God. Quakers.

' XVII. An oath obligeth not in the ſenſe of the impoſers, but the takers. Sheriff's Caſe.

' XVIII. Dominion is founded in grace.

' XIX. The powers of this world are uſurpations upon the prerogative of Jeſus Chriſt; and it is the duty of God's people to deſtroy them, in order to the ſetting Chriſt upon his throne. Fifth-Monarchy-Men.

' XX. The Preſbyterian government is the ſcepter of Chriſt's kingdom, to which kings as well as others are bound to ſubmit, and the king's ſupremacy in eccleſiaſtical affairs, aſſerted by the church of England, is injurious to Chriſt, the ſole king and head of the church. Altare Damaſcenum. Apologet. Relat. Hiſt. of Indulgences. Cartwright. Travers.

' XXI. It is not lawful for ſuperiors to impoſe any thing in the worſhip of God that is not antecedently neceſſary.

' XXII. The duty of not offending a weak brother, is inconſiſtant with all human authority of making laws concerning indifferent things. Proteſtant Reconciler.

' XXIII. Wicked kings and tyrants ought to be put to death; and if the judges and inferiour magiſtrates will not do their office, the power of the ſword devolves to the people: If the major part of the people refuſe to exerciſe this power, then the miniſters may excommunicate ſuch a king: after which it is lawful for any of his ſubjects to kill him, as the people did Athaliah; and Jehu, Jezabel. Buchanan. Knox. Goodman. Gilby. Jeſuits.

' XXIV. After the ſealing of the ſcripture-cannon, the people of God, in all ages, are to expect new revelations for a rule of their actions: and it is lawful for a private man, having an inward motion from God, to kill a tyrant. Quakers, and other Enthuſiaſts. Goodman.

' XXV. The example of Phineas, is to us inſtead of a command: For what God hath commanded or approved in one age, muſt needs oblige in all. Goodman. Knox. Napthali.

' XXVI. King Charles I. was lawfully put to death; and his murderers were bleſſed inſtruments of God's glory in their generations. Milton. Goodwin. Owen.

' XXVII. King Charles the firſt made war upon his parliament: And in ſuch a caſe, the king may not only be reſiſted, but he ceaſeth to be king. Baxter.

' We decree, judge, and declare, all and every of theſe propoſitions to be falſe, ſeditious, and impious; and moſt of them to be alſo heretical and blaſphemous; infamous to Chriſtian religion, and deſtructive of all government in church and ſtate.

' We further decree, that the books which contain the aforeſaid propoſitions, and impious doctrines, are fitted to deprive good manners, corrupt the minds of uneaſiy men, ſtir up ſeditions and tumults, overthrow ſtates and kingdoms, and lead to rebellion, murder of princes, and Atheiſm itſelf. And therefore we interdict all members of the univerſity from the ſaid books, under the penalties in the ſtatutes expreſſed. We alſo order the before-recited books to be publickly burnt by the hand of our marſhal, in the court of our ſchools.

' Likewiſe we order, that in perpetual memory hereof, theſe our decreees ſhall be entered into the regiſtry of our convocation; and that copies of them being communicated to the ſeveral colleges and halls within this univerſity, they be there publickly affixed in the libraries, refectories, or other fit places where they may be ſeen and read of all.

‘ Laſtly, we command, and ſtrictly enjoin all and ſingular the readers, tutors, Catechiſts, and others, to whom the care and truſt of initiating youth is committed, that they diligently inſtruct and ground their ſcholars in that moſt neceſſary doctrine, which, in a manner, is the badge and character of the church of England, of ſubmitting to every ordinance of man, for the lord's ſake; whether it be to the king, as ſupreme; or unto governors, as unto them that are ſent by him, for the puniſhment of evil-doers, and for the praiſe of them that do well. Teaching that this ſubmiſſion and obedience is to be clear, abſolute, and without any exception of any ſtate or order of men: Alſo, that they, according to the apoſtle's precept, exhort, that firſt of all, ſupplications, prayers, interceſſion, and giving of thanks, be made for all men; for the king, and all that are in authority, that we may lead a quiet and peaceable life, in all godlineſs and honeſty, for this is good and acceptable in the ſight of God our Saviour. And in eſpecial manner, that they preſs and oblige them, humbly to offer their moſt ardent and daily prayers at the throne of grace, for the preſervation of our Sovereign lord king Charles, from the attempts of open violence, and ſecret machinations of perfidious traitors; that the defender of the faith, being ſafe under the defence of the moſt high, may continue his reign on earth, till he exchange it for that of a late and happy immortality.’

Marriage of the princeſs Anne. Kennet.

The marriage of the princeſs Anne, ſecond daughter of the duke of York, with prince George, brother to the king of Denmark, celebrated the 28th of July, gave ſome, but no longer interruption to the proſecutions of the conſpirators.

The king revokes the conditions accepted by the city of London, and names a lord-mayor and other magiſtrates. Burnet.

We have ſeen that the city of London complied with the king's pleaſure in relation to their charter. But it ſeems the king repented of his being ſo favourable. The election of a lord-mayor, which is uſually on the 29th of September, having been defered to the 6th of October, the king, on pretence that the city had not tendered him a formal ſubmiſſion, ordered the judgment upon the Quo Warranto to be entered. By this the city being without a charter, the government was ſeized by the king, who ſent a commiſſion to Sir William Pritchard to continue in the execution of his office during pleaſure. He confirmed likewiſe the two ſheriffs with the ſame reſtriction, and diſplaced the recorder, naming another in his room. Shortly after, on St. Simon and Jude's day, on which it is cuſtomary for the new lord-mayor to take the oaths in the court exchequer, the king appointed a new lord-mayor during his pleaſure. Thus the city of London ſaw itſelf without charter or privileges, and entirely dependent on the king's will.

The duke of Monmouth reconciles himſelf with the king. Burnet.

The king, as I ſaid, publiſhed a proclamation for apprehending all the conſpirators againſt his life, among whom was his natural ſon, the duke of Monmouth. The duke had hitherto kept himſelf concealed. But at laſt weary of his uneaſy ſituation, he wrote a very ſubmiſſive letter to the king his father, wherein, after poſitively denying his ever having any deſign againſt his life, he owned however, that many people had made him believe that his own was in danger, and thereby cauſed him to commit things contrary to his duty to the king and the duke of York, and asked both their pardons with great earneſtneſs and ſubmiſſion. He added, that if his majeſty would give him his pardon, he would deliver himſelf into the hands of the duke, that he might bring him to him. This was accompained with proteſtations and aſſurances of reſpect, ſubmiſſion, and fidelity for the future. He concluded with ſaying, ‘ That he would never ask to ſee the king's face more, if ever he did any thing againſt the duke; which was the greateſt curſe he could lay upon himſelf.’

The king could not diſſemble his ſatisfaction at the receipt of this letter, for he tenderly loved the duke of Monmouth. Nevertheleſs, with his own hand he wrote the following anſwer: “ If the duke of Monmouth deſires to make himſelf capable of my mercy, he muſt render himſelf to the ſecretary, and reſolve to tell me all he knows, reſigning himſelf entirely to my pleaſure.”

Sprats hiſt. and Appendix.

This drew a ſecond letter from the duke, more ſubmiſſive than the former, in which he confeſſed his offence againſt the king and the duke, but in general terms, and without mention of particulars. But in aſſuring the king of an unreſerved ſubmiſſion to his pleaſure, he intreated him, that he would not expoſe him to the ignominy of a tryal, nor ſend him to the Tower, nor force him to be a witneſs againſt any perſon.

The king, ſatisfied with this letter, very readily admitted his beloved ſon to ask forgiveneſs. He was introduced by ſecretary Jenkins, who withdrew, and left him alone with the king and the duke of York. What paſſed between them, can only be known from the report of the king and the duke his brother. It is however affirmed, that he threw himſelf at the king's feet, acknowledging his guilt, and asking his pardon; that he confeſſed himſelf faulty to the duke, asking his pardon alſo. All this is very probable, but what is added admits of ſome doubt, namely, that he confirmed whatever had been depoſed againſt the lord Ruſſel, and colonel Sidney, and thereby corroborated the lord Howard's evidence. It is alſo added, that he aſſured, all the conſiderable Non-conformiſt miniſters knew of the conſpiracy. As this could only come from the king, or duke of York, and as it was the intereſt of both, that the earl of Eſſex, lord Ruſſel, and colonel Sidney, ſhould be thought guilty, all do not think themſelves obliged to credit their teſtimony.

Echard.

Burnet.

and obtains pardon.

However this be, the king ordered his pardon to be diſpatched with all expedition. But afterwards, upon a report, “ That the duke of Monmouth had made no confeſſion, but had aſſerted the innocency of ſome that had ſuffered.”

1683.

“ ſuffered,” he required him to write over, and ſubſcribe the following letter :

The king requires a letter from him.

‘ I Have heard of ſome reports of me, as if I ſhould have leſſened the late plot, and gone about to diſcredit the evidence given againſt thoſe who have died by juſtice. Your majeſty and the duke know, how ingenuouſly I have owned the late conſpiracy; and tho' I was not conſcious of any deſign againſt your majeſty's life, yet I lament in having ſo great a ſhare in the other part of the ſaid conſpiracy. Sir, I have taken the liberty to put this in writing for my own vindication, and I beſeech you to look forward, and endeavour to forget the faults you have forgiven me; I will take care never to commit any more againſt you, or come within the danger of being again miſled from duty, but make it the buſineſs of my life to deſerve the pardon your majeſty hath granted to,’

Your dutiful Monmouth.

He demands it back,

It is certain, the duke wrote, or at leaſt ſubſcribed this letter, which, as it appears, was expreſſed in general terms, without deſcending to particulars. And yet, ſhortly after he repented of what he had done, and with great importunity preſſed the king to return him the paper he had ſubſcribed. The king anſwered him, he would not keep it againſt his will, that he might not have occaſion to ſay, he had been forced to write it. But withal, he warned him to conſider, what ill conſequences might follow upon this obſtinacy, and therefore gave him time till the next morning to deliberate with himſelf. The next day the duke demanded his letter with ſtill greater importunity, and the king reſtored it, but from that moment baniſhed him from his preſence at court.

has it reſtored, and is baniſhed from the king's preſence. Dec. 7.

A conjecture upon this affair.

It is eaſy to ſee, that the motive which induced the duke to demand his letter again, is a ſubject for conjectures, and difficult to be diſcovered. Some pretend, the duke of Monmouth's friends repreſented to him, that by writing this letter, he had thrown himſelf upon an unavoidable precipice, ſince at ſome other time it might be turned to his ruin. Others maintain, that he was ſo troubled in conſcience, for having aſſerted in this letter a thing which he knew to be falſe, that he was not eaſy till it was returned him. Each follows the opinion which is moſt agreeable to his ſyſtem, but no proof is produced on either ſide. Laſtly, there are who pretend, it was a contrivance between the king and the duke of Monmouth, and that the king, not to diſoblige the duke of York, told, or ordered the duke of Monmouth to be told, to demand his letter again, in order to have an opportunity to reſtore it, for fear the duke of York might one day make an ill uſe of it. They confirm their conjecture from the king's behaviour to the duke of Monmouth in his abſence. The duke withdrawing into Holland, and the prince of Orange receiving him with great reſpect and civility, the king could not forbear teſtifying his ſatisfaction. He wrote frequently to the duke of Monmouth, received letters from him, unknown to the duke of York, and privately ſupplied him with money.

Burnet.

Kennet.

1683.

A great Froſt. Echard.

The winter this year was very remarkable for a violent froſt, which began about the beginning of December, and laſted till the 5th of February. The Thames was ſo frozen that there was another city, as it were, on the ice, by the great number of booths erected between the Temple and Southwark, in which place was held an abſolute fair, for above a fortnight, of all ſorts of trades. An ox was likewiſe roaſted whole, bulls baited, and the like.

Tangier demoliſhed. Burnet.

In September or October this year, the king commiſſioned the lord Dartmouth to go with about 20 ſail of ſhips, and utterly demoliſh the town, caſtle, and mole of Tangier. The mole had coſt the king vaſt ſums, but for want of money or for ſome other cauſe was left unfiniſhed. The lord Dartmouth had alſo orders to choak up the haven. Six months were ſpent in executing this commiſſion. The king was thereby freed from a conſiderable annual expence for the preſervation of this place, and moreover, the garriſon, moſtly conſiſting, as I obſerved, of Popiſh ſoldiers and officers, ſerved to augment the king's forces at home, and keep in awe thoſe who were impatient of the yoke.

The Siege of Vienna Echard.

This year 1683, was memorable for the famous ſiege of Vienna, formed by the grand viſier Kara Muſtapha, the 9th of July, with an army of 130,000 men, and raiſed by the king of Poland, the ſecond of September, when the city was reduced to the laſt extremity.

1683-4.

The year 1684 was almoſt wholly ſpent in eſtabliſhing the king's acquired abſolute power. This was done chiefly by three expedients. The firſt was the augmentation of the forces by the Garriſon of Tangier: The ſecond was the rigorous puniſhment of thoſe who were not only accuſed of the Proteſtant plot, but had during the quarrels between the king and the late parliaments, taken the liberty to ſpeak of the king and the duke of York, with too much paſſion and heat. Theſe Speeches, at a time when the king and the duke were obliged to diſſemble, for fear of farther exaſperating the parliament, were now remembered, when they were in a more favourable ſituation, and the authors made to ſuffer. The third expedient was, the perſuading indirectly all the corporations in the kingdom to ſurrender their charters to the king. I have already ſaid what I had to ſay concerning the garriſon of Tangier.

Means to confirm the king's abſolute power.

Condemnation of ſeveral perſons: State-Try.

As to the ſecond expedient, I mean, the proſecutions againſt the king's and duke's enemies, it would be tedious to enumerate all the tryals and ſentences given againſt thoſe who were accuſed either of the laſt plot, or of having ſpoken too freely of the king and the duke. Nothing elſe almoſt occurs in the events of the year 1684. Since the city had loſt their privileges, the king had nominated ſheriffs entirely devoted to him, who took care in all criminal tryals to impannel juries, diſpoſed to follow the ſuggeſtions of the court. To facilitate the condemnation of thoſe whoſe proſecutions were reſolved, the king, in December laſt,

Kennet.

Character of Sir George Jefferies. Burnet.

laſt, had made Sir George Jefferies lord chief-juſtice of the king's-bench. He was a man fit for the purpoſes of the court, without honour or conſcience, impudent to the laſt degree, and ever ready to betray his duty and the intereſts of juſtice and the kingdom to recommend himſelf to thoſe who were in power. Theſe great qualities advanced him at laſt to the chancellorſhip of England. The king had alſo made other alterations among the judges, ſo that he was in a manner aſſured of the compliance of all the courts of juſtice. The court-party had made a great noiſe ſome time before, concerning the Ignoramus returned by the London juries upon all bills preferred againſt the Whigs, and theſe complained no leſs of the rigour exerciſed this year by the Tories. books have been publiſhed to ſhew the paſſion, the partiality, and the crying injuſtices of the judges and juries, in favour of the court· But I cannot deſcend to theſe particulars, however proper they may be to demonſtrate, with what zeal the court promoted the execution of their deſigns, and to ſhow the characters of the perſons employed. I ſhall therefore omit many tryals of perſons little known, and confine my ſelf to ſome particular caſes, by which the reſt will be eaſily judged of.

The earl of Danby diſcharged. Kennet.

The earl of Danby had been ſent to the Tower by the houſe of lords, upon an impeachment from the commons. He had often demanded to be diſcharged upon bail; but the judges had always refuſed his requeſt, declaring it was not in their power to admit to bail a peer of the realm impriſoned by parliament. This was the law of the kingdom. But the alteration amongſt the judges had likewiſe produced great alterations in the maxims and principles of the courts of juſtice. The judges who had been in office ſome time, believed it lawful to releaſe the earl upon bail, which was accordingly taken, the earl being bound in a recognizance of 10,000 l.

The popiſh lords admitted to bail· Echard.

The releaſe of the earl of Danby was a precedent for the liberty of the popiſh lords, priſoners in the Tower. The lord Petre one of thoſe lords, dying about a month before upon his death-bed ſent a letter to the king, diſowning in his laſt words, and upon his Salvation, the matters of which he ſtood accuſed. After a declaration ſo expreſs, the king not doubting the innocence of the other four, told the court by his attorney-general, that he conſented to what the court ſhould think fit to be done with regard to the popiſh lords. Whereupon they were admitted to bail the ſame day with the earl of Danby. It muſt be that the former judges were very ignorant, not to know that an inferior court had power to releaſe men impriſoned by the ſupreme court of the kingdom, or that the preſent judges were more bold than their predeceſſors.

Echard.

But the perſons accuſed of the laſt conſpiracy, and thoſe who had ſpoken diſreſpectfully of the king and the duke, met not with ſo much humanity. Among the great number proſecuted for theſe two offences, I ſhall only relate the tryals of three or four.

The tryal of Mr. Hampden. State-Try. Burnet.

Mr. Hampden was tryed for a conſpirator the 6th of February. The lord Howard depoſed againſt him, that the council of ſix meeting at Mr. Hampden's houſe, Mr. Hampden made an introductory ſpeech to open the aſſembly, and that he was concerned in ſending Aaron Smith into Scotland. Mr. Hampden's counſel inſiſted upon lord Howard's ill-reputation, and ſcandalous life, and repreſented him as little better than an Atheiſt. But ſuch objections were of force only againſt Oates and Bedloe. For how was it poſſible that the lord Howard ſhould be an ill man, ſince he only depoſed againſt Proteſtants? On the other hand, Mr. Hampden produced witneſſes who teſtified his virtue, his piety, his morality. But theſe teſtimonies were ineffectual. Jefferies, in a long ſpeech, ſpeaking of religion and virtue, turned it upon the priſoner in theſe words, 'Was it not, ſaid he, under the ſhape of religion that the bleſſed martyr king Charles I. came to the block? Nay ſome men were at a loſs to know which way they ſhould put a ſpirit into the common people to oppoſe the king; and ſome among them (Mr. Hampden the firſt) bid them to be ſure to put religion to be the pretence, and that would make them run headlong to what they would have them.' By this excellent argument, to be virtuous and religious, was a ſign of a man's being ingaged in the plot. But obſerve an artifice made uſe of to caſt Mr. Hampden. It is certain, that, ſuppoſing the truth of lord Howard's teſtimony, Mr. Hampden was not leſs guilty than lord Ruſſel or colonel Sidney. Nevertheleſs he could not be condemned as a traitor, ſince there was but one evidence againſt him, and all laws divine and human require two witneſſes in taking away a man's life. He was therefore indicted of a miſdemeanour, and, the jury finding him guilty on the teſtimony of lord Howard, the court was ſatisfied with fining him 40,000 l. and obliged him to find ſureties for his good behaviour during life. This was thought to be a very ſtrange and a ſevere ſentence. But the king diſpelled all doubts concerning this affair, by aſſuring the publick in a large declaration, 'That if he had not granted the duke of Monmouth's requeſt, that he would not make him a witneſs, neither Mr. Hampden, nor ſcarce any one man of thoſe that were freed upon bail, had eſcaped death.'

Who is fined 40,000 l. Echard.

1684 Scandalum Magnatum brought againſt Dutton Colt. May 3. Kennet.

John Dutton Colt Eſquire, a member of the three laſt parliaments, being accuſed of ſpeaking theſe words, "the duke of York is a Papiſt, and before any ſuch papiſt dog ſhall be ſucceſſor to the crown of England, I will be hanged at my own door." Theſe and other injurious words being proved againſt him, the jury brought in their verdict for the duke of York, and gave him for damages a 100,000 l.

And againſt Titus Oates. State-Try. Kennet.

The duke of York alſo brought his action of Scandalum Magnatum againſt Titus Oates, for directly calling him traytor. For this offence the court gave the duke of York 100,000 l. damages. Shortly after, he was indicted for perjury, in relation to father Ireland's being in London at the time Oates ſwore to, at his tryal. Not long after another indictment of perjury was preferred againſt him, in relation to his being preſent at the ſuppoſed conſult of the jeſuits, at the White-Horſe tavern in 1678. But theſe indictments not being tried this reign, Oates continued in priſon.

Holloway executed. State-Try. Echard.

Theſe three, and ſome others omitted for brevity ſake, eſcaped with life, tho' properly condemned to perpetual impriſonment, as not being able to pay their exhorbitant fines. But two others, who were out of the kingdom, did not come off ſo eaſy. James Holloway having ſeen his name in the Gazette amongſt the conſpirators, who were to be apprehended by the king's proclamation, fled to the Weſt-Indies. Upon his flight, he had ſuffered an outlawry for high-treaſon, and this year the court hearing he was in the Weſt-Indies, cauſed him to be apprehended and brought to London, where he was executed upon the attainder of outlawry for treaſon.

April 30.

and Sir Thomas Armſtrong. State-Try. Burnet.

The ſame thing happened to Sir Thomas Armſtrong, who had been conſidered as one of the principal authors of the laſt plot, and named in the kings proclamation with a reward of five hundred pounds. He had made his eſcape into Holland, and was outlawed as well as Holloway. The court hearing he was at Leyden, obtained an order from the ſtates to apprehend him, and accordingly, before he had notice, he was apprehended and brought to Rotterdam, and from thence to London. When he appeared at the king's-bench bar, he alledged, that he was beyond ſea at the time of the outlawry, and begged that he might be tryed. But his requeſt was abſolutely rejected, and the rather, as the attorney-general told the court, from the king, that Armſtrong was one of the perſons who were to aſſaſſinate his majeſty on his return from Newmarket, which the priſoner poſitively denied. He was executed the 20th of June, and his head and quarters ſet up in ſeveral parts of the city. Only one was reſerved to be ſent down to Stafford, for which town he had been a burgeſs in parliament.

I do not think it neceſſary to relate the tryals, this year, of a great number of libellers, and perſons who had ſpoken againſt the king, the duke of York, or the government. In Echard's hiſtory I find 32 condemned in great fines, and ſome put in the pillory. The hiſtory of this year properly conſiſts of ſuch tranſactions only.

The king prevails to have the charters of the principal Boroughs ſurtendered to him. Echard.

The whole kingdom being ſtruck with terror, the king believed he ought to improve it, to the eſtabliſhment of his abſolute power, ſo as to have nothing to fear from any future oppoſition. This was by depriving at once all the corporations, and conſequently all his ſubjects of their privileges. It was not proper to uſe abſolute power, but to proceed in a manner more politick and more dangerous to the people, by engaging them to make a voluntary ſurrender of their charters in order to receive ſuch new ones as the king ſhould pleaſe to grant. For this purpoſe, courtiers and emiſſaries were ſent to the more conſiderable corporations, to inſpire them with terror, and intimate to them, that ſcarce one could eſcape, ſhould the king exerciſe ſtrict juſtice. This chiefly concerned Whigs and the Non-conformiſts, for the Tories were generally very ready blindly to obey the pleaſure of the court. Jefferies particularly diſtinguiſhed himſelf in his northern circuit at the ſummer-aſſizes. He forgot nothing capable of terrifying the people, aſſuring them, that a ſurrender of their charters was the only way to avert the miſchiefs which hung over their head. Other judges and emiſſaries did the ſame, and at laſt, the larger corporations being thus gained, the leſſer neceſſarily followed. So, a ſudden and great change was ſeen in England, namely, the Engliſh nation without rights or privileges, but ſuch as the king would vouchſafe to grant her; and what is more ſtrange, the Engliſh themſelves ſurrendered to Charles II. thoſe very rights and privileges which they had defended with ſo much paſſion, or rather fury, againſt the attempts of Charles I.

The king muſters his army. October 1. Echard.

The Tories in raptures on the elevation of the king's power.

To make the people in ſome meaſure fully ſenſible of their new ſlavery, the king affected to muſter his forces, which from one regiment of foot, and one Troop of horſe-guards, raiſed by himſelf, with the murmurs of many of his ſubjects, were increaſed to 4000 compleatly trained and effective men. It might then be ſeen, that the members of parliament who oppoſed the raiſing, or at leaſt the eſtabliſhment of theſe guards, were not altogether in the wrong. But the zeal of the Tory party was now arrived to ſuch a height, that they looked on every thing which contributed to render the king abſolute, as a ſure means to ruin the Whigs, and conſequently as a triumph for them. They prepoſterouſly imagined, that the court only aimed at the deſtruction of that odious party, and was ſolely labouring for the Tories. Accordingly, we find ſtill ſome authors of this laſt party who repreſent the year 1684 as the moſt peaceable, the moſt quiet, and, in a word, the happieſt year England had ſeen for ſome ages. Nothing was capable to open the eyes of theſe paſſionate men, who, againſt all probability, believed the court well-affected both to the State and the Proteſtant religion.

The king vacates the eccleſiaſtical commiſſion. Echard.

Nevertheleſs, the king did a thing this year which ought to have undeceived them. He diſſolved the commiſſion, granted in the year 1681, for the diſpoſal of all eccleſiaſtical preferments. As the eſtabliſhing this commiſſion was in order to perſuade his ſubjects, that he had the intereſt of the Proteſtant religon at heart, he could not avoid appointing ſuch commiſſioners as were thought to have the ſame ſentiments. But finding himſelf at length in the ſituation he had wiſhed for, this commiſſion was too great a reſtraint, and therefore he revoked it to fill the vacant benefices agreeably to his own inclination.

The duke of York blamed for the king's actions. Burnet.

It muſt not be concealed, that moſt hiſtorians aſcribe all the rigors exerciſed this year, and all the meaſures taken by the king for the advancement of his abſolute power, to the counſels of the duke his brother. That prince had gained ſo great an aſcendant over the king, that he held him in a kind of ſubjection, and led him into meaſures productive of others, and ſo carried him farther than the king deſired. Beſides that the king was naturally indolent, and loved his eaſe too much to engage in any affairs capable of diſturbing his repoſe, he knew the genius and temper of the Engliſh, much better than the duke of York, and was ſenſible of the great difficulty to preſerve long a power acquired in ſo extraordinary a manner. But, on the other hand, after ſo many proceedings to ſecure this power, he knew not how to retreat, and could not alter his conduct, without breaking entirely with the duke, which muſt have extremely embaraſſed him. He could not change his principles and maxims, without an entire alteration in his court and council, and without putting himſelf into the hands of men of very different principles. Beſides, his inclination did not lead him to it, and it was only this fear of doubting his quiet, which cauſed him to conſider the danger of his preſent proceedings. In the interim, as this danger was not yet near, and as all the kingdom appeared ſubmiſſive, he kept off the evil day, and delayed coming to any determination.

A Statue erected to the king. Strype's ſurvey of london.

However this be, the Hamborough company, to gain the good-will of a prince, inveſted with ſuch power, erected a marble Statue to him in the middle of the Royal Exchange, with this pompous inſcription on the pedeſtal.

The Inſcription.

CAROLO II. Cæſari Britannico, Patriæ Patri, Regum Optimo, Clementiſſimo, Auguſtiſſimo, Generis humani Deliciis, Utriuſque Fortunæ Victori, Pacis Europæ Arbitro, Maris Domino & Vindici, Societas Mercatorum Adventur. Angliæ, quæ per CCCC jam prope Annos Regia Benignitate floret, Fidei intemeratæ, Gratitudinis Æterna, hoc Teſtimonium Venerabunda poſuit, Anno ſal. Humanæ. MDCLXXXIV.

1684-5 The king abſolute.

Almoſt the whole month of January of the new year 1685, was ſpent either in proſecuting delinquents againſt the king and the duke, or in receiving the charters of the corporations, not yet ſurrendered, or in granting new ones on ſuch conditions as the court thought proper. It may well be imagined, that theſe conditions were not prejudicial to the power acquired by the king. All complaints were ſuppreſſed, and the whole kingdom entirely ſubdued, the city of London not excepted, which had always oppoſed abſolute power.

In a declaration he thanks the corporations for the ſurrender of their charters. Echard.

The king now finding himſelf at the height of his wiſhes, was willing to do a popular act, and publiſhed a declaration, drawn up by Dr. Sprat, in which, 'he affectionately thanked his ſubjects for their great confidence in him, chiefly for their ſo freely reſigning their local immunities and charters into his hands, leſt the abuſe of any of them ſhould hereafter prove dangerous to the juſt prerogatives of the crown. This, he declared he eſteemed as the peculiar honour of his reign, being ſuch as none of the moſt popular of all his late royal predeceſſors could ever have hoped for. Wherefore he thought himſelf more than ordinarily obliged to continue, as he had hitherto begun, to ſhew the greateſt moderation and benignity, in the exerciſe of ſo great a truſt: Reſolving upon this occaſion, to convince the higheſt pretenders to the commonweal, that as the crown was the firſt original, ſo it was ſtill the ſureſt guardian of all the people's lawful rights and privileges.'

He forms new projects. Burnet.

Notwithſtanding all this, it is pretended, he had formed a project for an extraordinary change in the government: That he deſigned to recall the duke of Monmouth, to ſend the duke of York beyond ſea, and call a free parliament. This ſeems to have been founded on ſome paſſages in the duke of Monmouth's pocket-book, ſeized with his perſon in the following reign. We are further told, that the king had intimated, that if he lived but a month longer, he would find a way to make himſelf eaſy for the reſt of his life. But he lived not to execute this deſign. He died the 6th of February, 54 years of age, and 25 ſince his reſtoration. The cauſe of his death being variouſly reported, ſome thinking it natural, others violent. I believe moſt inſtructive for the reader, what Dr. Welwood ſays of it, who ſeems to have ſpoken of it with moſt impartiality.

He dies.

Extract out of Dr. Welwood upon this ſubject.

'It's confeſſed, few princes come to die a ſudden death, but the world is apt to attribute it to foul play; eſpecially if attended with unuſual circumſtances in the time and manner of it.

'King Charles had a healthful conſtitution beyond moſt men, and took great care to preſerve it, by diet and exerciſe, which naturally promiſe a long life: And it was more extraordinary to ſee ſuch a man die before threeſcore, than another in the bloom of youth. Now, if he died a natural death, it is agreed by all, that it muſt have been an Apoplexy. This diſeaſe ſeizes all the vital faculties at once; and yet, for the moſt part, does not only give ſome ſhort warnings of its approach, by unuſual affections of the head, but many times is occaſioned by ſome evident preceding cauſe. In king Charles's caſe, there appeared no viſible cauſe, either near or remote, to which, with any certainty of reaſon, his diſeaſe could be aſcribed; and the fore-runners of it were rather to be found in his ſtomach and bowels, than in the head. For, after he was a bed, he was over-heard to groan moſt of the night: And both then, and next morning, before he fell into the fit, he complained firſt of a heavy oppreſſion in his ſtomach and about his heart, and afterwards of a ſharp pain in thoſe parts; all which ſymptoms had but little relation to an Apoplexy. That morning, there appeared to every body about him, a ghaſtlineſs and paleneſs in his looks: And when he ſat down to be ſhaved, juſt before the fit took him, he could not ſit ſtrait, as he uſed to do, bur continued in a ſtooping poſture, with his hand upon his ſtomach, till the fit came. After he had been brought out of it, by opening a vein, he complained of a racking pain in his ſtomach, and of no indiſpoſition any where elſe: And during the whole time of his ſickneſs, and even when he ſeemed moſt inſenſible, he was obſerved to lay his hand, for the moſt

1684-5. part, upon his ſtomach, in a moaning poſture, and continued ſo to his death: And ſo violent was the pain, that when all hopes were gone, the phyſicians were deſired to uſe all their art to procure him an eaſy death.

‘So much for the diſtemper itſelf. There remains ſome things to be taken notice of, that fell out before and after his death. A few days before he was taken ill, king Charles being in company where the preſent poſture of affairs was diſcourſed of, there eſcaped him ſome warm expreſſions, about the uneaſy circumſtances he was plunged into, and the ill-meaſures had been given him: And how, in a certain particular affair, he was pleaſed to mention, he had been abuſed; adding in ſome paſſion, that if he lived but a month longer, he would find a way to make himſelf eaſy for the reſt of his life. This paſſage was whiſpered abroad next day; and the rumour of recalling the duke of Monmouth, and ſending away the duke of York, came to take air about the ſame time. Indeed, all things were making ready, to put the letter in execution; and there is reaſon to believe, the king had intimated as much to the duke himſelf; for ſome of his richeſt furniture was put up, and his chief ſervants ordered to be in a readineſs to attend their maſter upon an hour's warning; and yachts were waiting, to tranſport ſome perſon of quality, without mentioning who it was, or whether bound. The Romiſh party that managed about court, were obſerved to be more than ordinary diligent and buſy up and down Whitehall and St. James's, as if ſome very important affair was in agitation; and a new and unuſual concern was to be ſeen on their countenances. Nor was it any wonder, for in this ſuſpected change, they were like to be the only loſers, and all their teeming hopes were in a fair way to be diſappointed. How far the principles of ſome of that party might leave them at liberty to puſh on their revenge for this deſigned affront, as well as to prevent the blow that threatened them tho' without the privity, much leſs the conſent of the duke of York, is left to the reader to judge.

‘There was a foreign miniſter, that ſome days before the king fell ill, ordered his ſteward to buy a conſiderable parcel of black cloth, which ſerved him and his retinue after for mourning: And the late ambaſſador Don Pedro Ronquillo, made it no ſecret, that he had a letter from Flanders the week before king Charles died, that took notice of his death, as the news there. But both theſe might fall out by mere accident.

‘There remain two things more that deſerve ſome conſideration in this matter. When his body was opened, there was not ſufficient time given for taking an exact obſevation of his ſtomach and bowels; which, one would think, ought chiefly to have been done, conſidering the violent pains he had there: And when a certain phyſician ſeemed to be more inquiſitive than ordinary about the condition of thoſe parts, he was taken aſide, and reproved for his needleſs curioſity. In the next place, his body ſtunk ſo extremely, within a few hours after his death, notwithſtanding the coldneſs of the ſeaſon, that the people obout him were extremely offended with the ſmell: Which is a thing very extraordinary, in one of his ſtrong and healthful conſtitution; and is not a proper conſequent of a mere apoplectical diſtemper. 1684-5.

‘There was ſome weight laid upon an accident that fell out at Windſor ſome years before his death: For the king drinking more liberally than uſual, after the fatigue of riding, he retired to the next room, and wrapping himſelf up in his cloak, fell aſleep upon a couch. He was but a little time come back to the company, when a ſervant belonging to one of them, lay down upon the ſame couch in the king's cloak, and was found ſtabbed dead with a poynard. Nor was it ever known how it happened, but the matter huſhed up, and no enquiry made about it.

‘To conclude, Dr. Short, who was a man of great probity and learning, and a Roman catholick, made no ſcruple to declare his opinion to ſome of his intimate friends, that he believed king Charles had foul play done him: And when he came to die himſelf, expreſſed ſome ſuſpicion that he had met with the ſame treatment, for opening his mind too freely in that point.

‘So much for the circumſtances of king Charles's death, that ſeem to have an ill-aſpect. There are others that ſeem to deſtroy all ſuſpicion of treachery in the matter.

‘As, firſt, he had lived ſo faſt, as might enervate, in a great meaſure, the natural force of his conſtitution, and exhauſt his animal ſpirits; and therefore he might be more ſubject to an apoplexy, which is a diſeaſe that weakens and locks up the ſpirits from performing their uſual functions. And tho', in his latter years, he had given himſelf up more to the pleaſures of wine, than of women; that might rather be the effect of age than of choice.

‘Next, it is known, he had been once or twice attacked before, with fits that much reſembled thoſe of which he afterwards died: And yet, as the manner of them is told, they look rather to have been convulſive motions, than an apoplexy; ſeeing they were attended with violent contorſions of his face, and convulſions of his whole body and limbs. This is the more confirmed, by a paſſage, that happened during the heat of the popiſh plot. King Charles had ſome ſecret matters to manage at that time, by the means of a Romiſh prieſt then beyond ſea, whom he ordered to be privately ſent for: And the gentleman employed betwixt the king and him (from whom I had the ſtory) was directed to bring him in diſguiſe to Whitehall. The king and the prieſt were a conſiderable time together alone in the cloſet, and the gentleman attended in the next room: At laſt, the prieſt came out, with all the marks of fright and aſtoniſhment in his face; and having recovered himſelf a little, he told the gentleman, that he had run the greateſt riſque ever man did; for while he was with the king, his majeſty was ſuddenly ſurprized with a fit, accompanied with violent convulſions of his body, and contorſions of his face, which laſted for ſome moments; and when he was going to call out for help, the king held him by force till it was over, and then bid him not be afraid, for he had been troubled with the like before; the prieſt adding, what a condition he ſhould have been in, conſidering his religion, and the preſent juncture of affairs, if the king had died of that fit, and no body in the room with him beſides himſelf.

‘But leaving this ſtory to the credit of the prieſt, there might be another natural cauſe aſſigned for king Charles's falling into ſuch a fit as that of which he died, which is this; he had for ſome time an iſſue in his leg, which ran much, and conſequently muſt have made a great revulſion from his head; upon which account, it is probable, it was made. A few weeks before his death, he had let it be dried up, contrary to the advice of his phyſicians, who told him it would prejudice his health. Their prognoſtic was partly true in this, that there came a painful tumour upon the place where the iſſue had been which proved very obſtinate, and was not thoroughly healed up when he died.

‘In fine it is agreed on all hands that king Charles, expreſſed no ſuſpicion of his being poiſoned, during all the time of his ſickneſs; Tho' it muſt be alſo obſerved, that the fits were ſo violent, that he could not ſpeak while they were upon him, and ſhewed an averſion to ſpeaking during the intervals. And there was not any thing to be ſeen, upon opening his body, that could reaſonably be attributed to the force of poiſon. Yet, to allow theſe conſiderations no more weight than they can well bear, this muſt be acknowledged, that there are poiſons which affect originally the animal ſpirits, and are of ſo ſubtle a nature, that they leave no concluding marks upon the bodies of thoſe they kill.’

Let us now ſee what Dr. Burnet ſays upon this ſubject, in his Hiſtory of his own Times. As this hiſtory is not yet tranſlated, or at leaſt publiſhed in French, I believe it will not be unacceptable to foreigners, to inſert here that famous prelate's account of the death of Charles II.

Extract of Dr Burnet's hiſtory.

‘All this winter the king looked better than he had done for many years. He had a humour in his leg, which looked like the beginning of the gout: So that for ſome weeks he could not walk, as he uſed to do generally, three or four hours a day in the park; which he did commonly ſo faſt that as it was really an exerciſe to himſelf, ſo it was a trouble to all about him to hold up with him. In the ſtate the king was in, he not being able to walk, ſpent much of his time in his laboratory, and was running a proceſs for the fixing of mercury. On the firſt of February, being a Sunday, he eat little all day, and came to lady Portſmouth at night, and called for a porringer of ſpoon-meat. It was made too ſtrong for his ſtomach; ſo he eat little of it: And he had an unquiet night. In the morning one Dr. King, a phyſician and a chymiſt, came, as he had been ordered, to wait on him. All the king's diſcourſe to him was ſo broken, that he could not underſtand what he meant. And the doctor concluded, he was under ſome great diſorder, either in his mind, or in his body. The doctor, amazed at this, went out and meetting with lord Peterborough, he ſaid, the king was in a ſtrange humour, for he did not ſpeak one word of ſenſe. Lord Peterborough deſired he would go in again to the bedchamber, which he did. And he was ſcarce come in, when the king, who ſeemed all the while to be in confuſion, fell down all of a ſudden in a fit like an apoplexy: He looked black, and his eyes turned in his head. The phyſician, who had been formerly an eminent ſurgeon, ſaid, it was impoſſible to ſave the king's life, if one minute was loſt: He would rather venture on the rigour of the law, than leave the king to periſh; aud ſo he let him blood.----The king came out of that fit, yet the effects of it hung ſtill upon him, ſo that he was much oppreſſed. And the phyſicians did very much apprehend the return of another fit, and that it would carry him off: So they looked on him as a dead man. The biſhop of London ſpoke a little to him, to diſpoſe him to prepare for whatever might be before him; to which the king anſwered not a word. But that was imputed partly to the biſhop's cold way of ſpeaking, and partly to the ill opinion they had of him at court, as too buſy in oppoſition to popery. Sandcroft made a very weighty exhortation to him; in which he uſed a good degree of freedom, which he ſaid was neceſſary, ſince he was going to be judged by one who was no reſpecter of perſons. To him the king made no anſwer neither; nor yet to Ken, tho' the moſt in favour whith him of all the biſhops. Some imputed this to an inſenſibility, of which too viſible an inſtance appeared, ſince lady Portſmouth ſat in the bed, taking care of him as a wife of a huſband. Others gueſſed truer; that it would appear he was of another religion. On Thurſday a ſecond fit returned. And then the phyſicians told the duke, that the king was not like to live a day to an end.

‘The duke imediately ordered Hudleſton, the prieſt that had a great hand in ſaving the king at Worceſter fight, (for which he was excepted out of all ſevere acts that were made againſt prieſts) to be brought to the lodgings under the bed-chamber: And, when he was told what was to be done, he was in great confuſion, for he had no Hoſtie about him. but he went to another prieſt that lived in the court, who gave him the pix with an Hoſtie in it. But that poor prieſt was ſo frighted, that he ran out of Whitehall in ſuch haſte, that he ſtruck againſt a poſt, and ſeemed to be in a fit of madneſs with fear. As ſoon as Hudleſton had prepared every thing that was neceſſary, the

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‘duke whiſpered the king in the ear, upon that the king ordered, that all who was in the bed-chamber ſhould withdraw, except the earls of Bath and Feverſham: and the door was double-locked. The company was kept out half an hour: Only lord Feverſham opened the door once, and called for a glaſs of water. Cardinal Howard told me at Rome, that Hudleſton, according to the relation that he ſent thither, made the king go thro' ſome acts of contrition, and after ſuch a confeſſion as he could then make, he gave him abſolution, and the other ſacraments. The Hoſtie ſtuck in his throat: And that was the occaſion of calling for a glaſs of water. He alſo gave him extreme unction. All muſt have been performed very ſuperficially, ſince it was ſo ſoon ended. But the king ſeemed to be at great eaſe upon it. It was given out, that the king ſaid to Hudleſton, that he had ſaved him twice, firſt his body, and now his ſoul; and that he asked him, if he would have him declare himſelf to be of their church. But it ſeems, he was prepared for this, and ſo diverted the king from it; and ſaid, he took it upon him to ſatisfy the world in that particular. But tho' by the principles of all religion whatſoever, he ought to have obliged him to make open profeſſion of his religion; yet, it ſeems, the conſequences of that were apprehended; for without doubt, that poor prieſt acted by the directions that were given him. The company was ſuffered to to come in. And the king went through the agonies of death, with a calm and a conſtancy, that amazed all who were about him, and knew how he had lived. This made ſome conclude, that he had made a will, and that his quiet was the effect of that. Ken applied himſelf much to the awaking the king's conſcience. He ſpoke with a great elevation, both of thought and expreſſion, like a man inſpired, as thoſe who were preſent told me. He reſumed the matter often, and pronounced many ſhort ejaculations and prayers, which affected all that were preſent, except him that was the moſt concerned, who ſeemed to take no notice of him, and made no anſwers to him. He preſſed the king ſix or ſeven times to receive the ſacrament; but the king alwas declined it, ſaying, he was very weak. A table with the elements upon it, ready to be conſecrated, was brought into the room, which occaſioned a report to be then ſpread about, that he had received it. Ken preſſed him to declare, that he deſired it, and that he died in the communion of the church of England. To that he anſwered nothing. Ken asked him, if he deſired abſolution of his ſins. It ſeems the king, if he then thought any thing at all, thought that would do him no hurt. So Ken pronounced it over him: For which he was blamed, ſince the king expreſſed no ſence, or ſorrow for his paſt life, nor any purpoſe of amendment. It was thought to be a proſtitution of the peace of the church, to give it to one, who, after a life led as the king's had been, ſeemed to harden himſelf againſt every thing that could be ſaid to him. Ken was alſo cenſured for another piece of indecency: He preſented the duke of Richmond, lady Portſmouth's ſon, to be bleſſed by the king. Upon this, ſome that were in the room cried out, the king was their common father. And upon that all kneeled down for his bleſſing, which he gave them. The king ſuffered much inwardly, and ſaid, he was burnt up within; of which he complained often, but with great decency. He ſaid once, he hoped he ſhould climb up to heaven's gates, which was the only word ſavouring of religion that he was heard to ſpeak.

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‘He gathered all his ſtrength to ſpeak his laſt words to the duke, to which every one hearkened with great attention. He expreſſed his kindneſs to him, and that he now delivered all over to him with great joy. He recommended lady Portſmouth over and over again to him. He ſaid, he had always loved her, and he loved her now to the laſt; and beſought the duke, in as melting words as he could fetch out, to be very kind to her and to her ſon. He recommended his other children to him: And concluded, let not poor Nelly ſtarve, that was Mrs. Gwyn. But he ſaid nothing of the queen, nor any one word of his people, or of his ſervants: Nor did he ſpeak once of religion, or concerning the payment of his debts, tho' he left behind him about ninety thouſand guineas, which he had gathered either out of the privy purſe, or out of the money which was ſent him from France, or by other methods, and which he had kept ſo ſecretly, that no perſon whatſoever knew any thing of it.

‘He continued in the agony till Friday at eleven a clock, being the 6th of February 1684-5; and then died in the 54th year of his age, after he had reigned, if we reckon from his father's death, 36 years and eight days; or if we reckon from his reſtoration, 24 years eight months, and nine days. There were many very apparent ſuſpicions of his being poiſoned: For tho' the firſt acceſs looked like an apoplexy, yet it was plain in the progreſs of it, that it was no apoplexy. When his body was opened, the phyſicians who viewed it, were, as it were, led by thoſe, who might ſuſpect the truth, to look upon the parts that were certainly ſound. But both Lower, and Needham, two famous phyſicians, told me, they plainly diſcerned two or three blue ſpots on the out-ſide of the ſtomach. Needham called twice to have it opened, but the ſurgeons ſeemed not to hear him. And when he moved it the ſecond time, he, as he told me, heard Lower ſay to one that ſtood next him, Needham will undo us, calling thus to have the ſtomach opened; for he may ſee they will not do it: They were diverted to look to ſomewhat elſe: And when they returned to look upon the ſtomach it was carried away: So that it was never viewed. Le Fevre a French phyſician, told me, he ſaw a blackneſs in his ſhoulder: Upon which he made an inciſion, and ſaw it was all mortified. Short, another phyſician, who was a Papiſt, but after a form of his own, did very much

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ſuſpect foul dealing. And he had talked more freely of it, than any of the Proteſtants durſt do at that time. But he was not long after taken ſuddenly ill, upon a large draught of wormwood-wine, which he had drank in the houſe of a popiſh patient that lived near the Tower, who had ſent for him, of which he died; and, as he ſaid to Lower, Millington, and ſome other phyſicians, he believed that he himſelf was poiſoned for his having ſpoken ſo freely of the king's death.

'The king's body was indecently neglected; ſome parts of his inwards, and ſome pieces of the fat, were left in the water in which they were waſhed: All which were ſo careleſsly looked after, that the water being poured out at a ſcullery hole, that went to a drain, in the mouth of which a grate lay, theſe were ſeen lying on the grate many days after. His funeral was very mean. He did not lye in ſtate; no mournings were given: And the expence of it was not equal to what an ordinary nobleman's funeral will riſe to. Many upon this ſaid, that he better deſerved from his brother, than to be thus ungreatfully treated in ceremonies that are publick, and that make an impreſſion on thoſe who ſee them, and who will make ſevere obſervations and inferences upon ſuch omiſſions.

'But ſince I have mentioned the ſuſpicions of poyſon as the cauſe of his death, I muſt add, that I never heard any lay thoſe ſuſpicions on his brother. But his dying ſo critically, as it were in the minute in which he ſeemed to begin a turn of affairs, made it to be generally the more believed, and that the Papiſts had done it, either by the means of ſome of lady Portſmouth's ſervants, or, as ſome fancied, by poyſoned ſnuff: For ſo many of the ſmall veins of the brain were burſt, that the brain was in great diſorder, and no judgment could be made concerning it. To this I ſhall add a very ſurpriſing ſtory, that I had in November 1709, from Mr. Henly of Hampſhire. He told me, that, when the ducheſs of Portſmouth came over to England in *1699*, he heard, that ſhe talked as if king Charles had been poyſoned; which he deſired to have from her own mouth, ſhe gave him this account of it. She was always preſſing the king to make both himſelf and his peope eaſy, and to come to a full agreement with his parliament: And he was come to a final reſolution of ſending away his brother, and of calling a parliament; which was to be executed the next day, after he fell into that fit of whſch he died. She was put upon the ſecret, and ſpoke of it to no perſon alive but to her confeſſor: But the confeſſor, ſhe believed, told it to ſome, who ſeeing what was to follow, took that wicked courſe to prevent it. Having this from ſo worthy a perſon, as I have ſet it down without adding the leaſt circumſtance to it, I thought it too important not to be mentioned in this hiſtory. It diſcovers both the knavery of confeſſors, an the practices of Papiſts ſo evidently, that there is no need of making any further reflections on it.'

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Other particulars relating to the death of king Charles II.

Echard.

Theſe two relations of the death of king Charles II. agree in the principal circumſtances, particularly in the ſuſpicion of his being poiſoned. Several other acounts have been given of his death, in which are inſerted circumſtances not to be met with here, and others omitted which are here related. It is ſaid, that at rhe perſuaſion of biſhop Ken the king at laſt reſolved to diſmiſs the ducheſs of Portſmouth, and ſending for the queen, asked her pardon for the injury he had done her. It is added, that he had the ſatisfaction of her particular forgiveneſs. This directly contradicts Dr. Burnet's account of the ducheſs of Portſmouth. Some ſay, Hudleſton was not brought to the king till he had loſt all ſenſe, and that he received the ſacrament of extreme unction, without giving the leaſt ſign either of his approbation or refuſal. It is pretended, he adviſed the duke his brother, not to think of introducing popery into England, becauſe it was an impracticable undertaking. Laſtly, ſome ſay only, that the phyſicians and ſurgeons inſpecting the body, diſcovered no mark of poiſon, and entirely omit the circumſtances of the ſtomach, mentioned in the two foregoing relations, tho' they own the ſuſpicion of the king's being poiſoned, but repreſent this ſuſpicion as coming from the enemies of the duke, and of the Papiſts.

Remark.

It is univerſally agreed, that no man had the boldneſs to accuſe the duke of poiſoning his brother. But it is not to be concluded from thence, that no man believed it. Thoſe who might have entertained this ſuſpicion, took care not to expoſe themſelves to a danger ſo great as that of accuſing the ſucceſſor, without being able to prove it. The Papiſts in general are accuſed, but this is ſo undeterminate a word, that one knows not to whom to apply it, when they are ſeperated from the duke of York their head. Beſides, the inſpection of the dead body was managed in a proper way to diſpel all ſuſpicions of poiſon; but who directed the phyſicians or ſurgeons is a ſecret, at leaſt the brother of the deceaſed does not appear to have concerned himſelf much in this inſpection, tho' the ſuſpicions of poiſon were very violent. All this creats ſuch an obſcurity as gives every man more room to judge as he pleaſes. Thus much is certain, there is no formal proof that king Charles II. was poiſoned, or if he was, the authors of his death remain hitherto concealed.

A remark on the character of Charles II.

It is not very ſtrange that the hiſtorians, or others, ſhould diſagree in their character of Charles II. when it is conſidered, that he was the head and protector of one of the two parties, and the perſecutor of the other. This muſt have neceſſarily produced a diverſity of characters, according as they are given by Tories or Whigs. When we read ſucceſſively the writers of the two parties, who have ſpoken of this prince in general, or given his character, we are almoſt apt to think, they ſpeak of two different king's of the ſame name. The one by ſeveral omiſſions endeavour to cover all his faults, or if they are mentioned, it is very ſlightly, and always with ſome addition or inſinuation tending to juſtify them, 1684-5. them. The others inſiſt chiefly upon what may blacken his character, and ſhow, that he acted upon very ill motives, and upon principles directly contrary to the good of the kingdom. If they ſpeak of his good qualities, it is only to render him more faulty, and demonſtrate, that he tranſgreſſed not through ignorance, but with premediation. Which ever way I take to draw the character of this prince, I cannot avoid the cenſure of one or the other party, if I ſpeak as from my ſelf, and I ſhould not gain much in going upon the teſtimony of either party. However, as the reader, doubtleſs, expects to know ſomething more of the character of this king than could be learnt from the hiſtory of his reign, I chuſe to inſert Dr. Burnet's account in the hiſtory of his own times. I own this, of all the characters of Charles II, ſeems to me, in the whole, to be moſt like, and moſt agreeable to the hiſtory of his life. I could wiſh however, this illuſtrious prelate had omitted, or at leaſt ſoftned ſome ſtrokes, which appear to me a little over-charged, and ſeem to diſcover ſome paſſion in the author. However that be, he concludes the hiſtory of this prince in the following manner.

‘Thus lived and died king Charles the ſecond. He was the greateſt inſtance in hiſtory of the various revolutions of which any one man ſeemed capable. He was bred up the firſt twelve years of his life with the ſplendour that became the heir of ſo great a crown. After that, he paſſed through 18 years in great inequalities, unhappy in the war, in the loſs of his father, and of the crown of England. Scotland did not only receive him, tho' upon terms hard of digeſtion, but made an attempt upon England for him, tho' a feeble one. He loſt the battle of Worceſter with two much indifference: And then he ſhewed more care of his perſon than became one, who had ſo much at ſtake. He wandered about England for ten weeks after that, hiding from place to place. But under all the apprehenſions he had then upon him, he ſhewed a temper ſo careleſs, and ſo much turned to levity, that he was then diverting himſelf with little houſhold ſports, in as unconcerned a manner as if he had made no loſs, and had been in no danger at all. He got at laſt out of England. But he had been obliged to ſo many, who had been faithful to him and careful of him, that he ſeemed afterwards to reſolve to make an equal return to them all. And finding it not eaſy to reward them all as they deſerved, he forgot them all alike. Moſt princes ſeem to have this pretty deep in them; and to think that they ought never to remember paſt ſervices, but that their acceptance of them is a full reward. He of all in our age, exerted this piece of prerogative in the ampleſt manner: For he never ſeemed to charge his memory, or to trouble his thoughts with the ſenſe of any of the ſervices that had been done him. While he was abroad at Paris, Colen, or Bruſſels, he never ſeemed to lay any thing to heart. He purſued all his diverſions and irregular pleaſures in a free career; and ſeemed to be as ſerene under the loſs of a crown as the greateſt philoſopher could have been. Nor did he wllingly hearken to any of thoſe projects, with which he often complained that his chancellor perſecuted him. That in which he ſeemed moſt concerned was, to find money for ſupporting his expence. And it was often ſaid, that if Cromwell would have compounded the matter, and have given him a good round penſion, that he might have been induced to reſign his title to him. During his exile he delivered himſelf ſo entirely up to his pleaſures, that he became incapable of application. He ſpent little of his time in reading, or ſtudy, and yet leſs in thinking. And in the ſtate his affairs were then in, he accuſtomed himſelf to ſay to every perſon, and upon all occaſions, that which he thought would pleaſe moſt: So that words or promiſes went very eaſily from him. And he had ſo ill an opinion of mankind, that he thought the great art of living and governing was, to manage all things and all perſons with a depth of craft and diſſimulation. And in that, few men in the world could put on the appearances of ſincerity better than he could: Under which ſo much artifice was uſually hid, that in concluſion he could deceive none, for all were become miſtruſtful of him. He had great vices, but ſcarce any virtues to correct them. He had in him ſome vices that were leſs hurtful, which corrected his more hurtful ones. He was during the active part of life, given up to ſloth and lewdneſs to ſuch a degree, that he hated buſineſs, and could not bear the engaging in any thing that gave him much trouble, or put him under any conſtraint. And tho' he deſired to become abſolute, and to overturn both our religion and laws, yet he would neither run the riſk, nor give himſelf the trouble, which ſo great a deſign required. He had an appearance of gentleneſs in his outward deportment: But he ſeemed to have no bowels nor tenderneſs in his nature: and in the end of his life he became cruel. He was apt to forgive all crimes, even blood itſelf: Yet he never forgave any thing that was done againſt himſelf, after his firſt and general act of indemnity, which was to be reckoned as done rather upon maxims of ſtate, than inclinations of mercy. He delivered himſelf up to a moſt enormous courſe of vice, without any ſort of reſtraint, even from the conſideration of the neareſt relations; the moſt ſtudied extravagancies that way ſeemed to the very laſt to be much delighted in, and purſued by him. He had the art of making all people grow fond of him at firſt, by a ſoftneſs in his whole way of converſation, as he was certainly the beſt bred man of the age. But when it appeared how little could be built on his promiſe, they were cured of the fondneſs that he was apt to raiſe in them. When he ſaw young men of quality, who had ſomething more than ordinary in them, he drew them about him, and ſet himſelf to corrupt them, both in religon and morality;

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‘in which he proved ſo unhappily ſucceſsful, that he left England much changed at his death, from what he had found it at his reſtoration. He loved to talk over all the ſtories of his life to every new man that came about him. His ſtay in Scotland, and the ſhare he had in the war of Paris, in carrying meſſages from the one ſide to the other, were his common topicks. He went over theſe in a very graceful manner, but ſo often, and copiouſly, that all thoſe who had been long accuſtomed to them, grew weary of them: And when he entred on thoſe ſtories, they uſually withdrew: So that he often began them in a full audience, and before he had done, there were not above four or five left about him; which drew a ſevere jeſt from Willmot, earl of Rocheſter. He ſaid, He wondered to ſee a man have ſo good a memory, as to repeat the ſame ſtory without loſing the leaſt circumſtance, and yet not remember, that he had told it to the ſame perſons the very day before. This made him fond of ſtrangers; for they hearkened to all his often-repeated ſtories, and went away as in a rapture, at ſuch an uncommon condeſcenſion in a king.

‘His perſon and temper, his vices as well as his fortune, reſemble the character that we have given us of Tiberius, ſo much, that it were eaſy to draw a parallel between them. Tiberius's baniſhment, and his coming afterwards to reign, makes the compariſon in that reſpect come pretty near. His hating of buſineſs, and his love of pleaſures, his raiſing of favourites, and truſting them entirely, and his pulling them down, and hating them exceſſively; his art of covering deep deſigns, particularly of revenge, with an appearance of ſoftneſs, brings them ſo near a likeneſs, that I did not wonder much to obſerve the reſemblance of their face and perſon. At Rome I ſaw one of the laſt ſtatues made for Tiberius after he had loſt his teeth. But, bating the alteration which that made, it was ſo like king Charles, that prince Borgheſe, and Signior Dominico, to whom it belonged, did agree with me in thinking, that it looked like a ſtatue made for him.

‘Few things ever went near his heart; the duke of Glouceſter's death ſeemed to touch him much. But thoſe who knew him beſt thought it was, becauſe he had loſt him, by whom only he could have balanced the ſurviving brother, whom he hated, and yet embroiled all his affairs to preſerve the ſucceſſion to him.

‘His ill conduct in the firſt Dutch war, and thoſe terrible calamities of the plague, and fire of London, with that loſs and reproach which he ſuffered by the inſult at Chatham, made all people conclude, there was a curſe upon his government. His throwing the publick hatred at that time upon lord Clarendon, was both unjuſt and ungrateful. And when his people had brought him out of all his difficulties, upon his entring into the triple-alliance, his ſelling that to France, and his entring on the ſecond Dutch war with as little colour as he had for the firſt; his beginning it with the attempt on the Dutch Smyrna fleet; the ſhutting up the Exchequer; and his declaration for toleration, which was a ſtep for the introduction of Popery; make ſuch a chain of black actions, flowing from blacker deſigns, that it amazed thoſe who had known all this, to ſee with what impudent ſtrains of flattery, addreſſes were penned during his life, and yet more groſly after his death. His contributing ſo much to the raiſing the greatneſs of France, chiefly at ſea, was ſuch an error, that it could not flow from want of thought, or of true ſenſe. Rouvigny told me, he deſired, that all the methods the French took in the increaſe and conduct of their naval force might be ſent him. And, he ſaid, he ſeemed to ſtudy them with concern and zeal. He ſhewed what errors they committed, and how they ought to be corrected, as if he had been a viceroy to France, rather than a king that ought to have watched over, and prevented the progreſs they made, as the greateſt of all the miſchiefs that could happen to him, or to his people. They that judged the moſt favourable of this, thought it was done out of revenge to the Dutch, that, with the aſſiſtance of ſo great a fleet as France could join to his own, he might be able to deſtroy them. But others put a worſe conſtruction on it; and thought, that ſeeing he could not quite maſter, or deceive his ſubjects by his own ſtrength and management, he was willing to help forward the greatneſs of the French at ſea, that by their aſſiſtance he might more certainly ſubdue his own people; according to what was generally believed to have fallen from lord Clifford, that if the king muſt be in a dependence, it was better to pay it to a great and generous king, than to 500 of his own inſolent ſubjects. No part of his character looked wickeder as well as meaner, than that he, all the while that he was profeſſing to be of the church of England, expreſſing both zeal and affection to it, was yet ſecretly reconciled to the church of Rome: Thus mocking God, and deceiving the world with ſo groſs a prevarication. And his not having the honeſty or courage to own it at the laſt: His not ſhewing any ſign of the leaſt remorſe for his ill led life, or any tenderneſs either for his ſubjects in general, or for the queen and his ſervants: And his recommending only his miſtreſſes and their children to his brother's care, would have been a ſtrange concluſion to any other life, but was well enough ſuited to all the other parts of his.

‘The two papers found in his ſtrong-box concerning religion, and afterwatds publiſhed by his brother, looked like ſtudy and reaſoning. Tenniſon told me, he ſaw the original in Pepy's hand, to whom king James truſted them for ſome time. They were interlined in ſeveral places. And the interlinings ſeemed to be wrote in a hand different from that in which the papers were wrote. But he was not ſo well acquainted with the king's hand, as to make any judgment in the matter, whether they were wrote

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by him or not. All that knew him when they read them, did, without any ſort of doubting, conclude, that he never compoſed them: For he never read the ſcriptures, nor lead things together, further than to rurn them to a jeſt, or for ſome lively expreſſion. Theſe papers were probably wrote either by the lord Briſtol, or by lord Aubigny, who knew the ſecret of his religion, and gave him thoſe papers, as abſtracts of ſome diſcourſes they had with him on thoſe heads, to keep him fixed to them. And it is very probable, that, they apprehending their danger, if any ſuch papers had been found about him wrote in their hand, might prevail with him to copy them out himſelf, tho' his lazineſs that way made it certainly no eaſy thing to bring him to give himſelf ſo much trouble. He had talked over a great part of them to myſelf: So that as ſoon as I ſaw them, I remembered his expreſſions, and perceived that he had made himſelf maſter of the argument, as far as thoſe papers could carry him. But the publiſhing them ſhewed a want of judgment, or of regard to his memory in thoſe who did it: For the greateſt kindneſs that could be ſhewn to his memory, would have been, to let both his papers and himſelf be forgotten.'

After ſeeing in this character, all that can be ſaid to the diſadvantage of Charles II, the reader doubtleſs will not be diſpleaſed to behold the picture of the ſame prince, drawn a little differently by a very able hand, I mean John Sheffield, earl of Mulgrave, who was no enemy to the king, or the royal family. He has laboured this deſcription with all poſſible care. I omit a ſhort introduction concerning the author, to come at once to the character of the king.

Buckingham's Works.

'As to the king's religion, it was more Deiſm than Popery; which he owed more to the livelineſs of his parts, and careleſſneſs of his temper, then either to reading, or much conſideration; for his quickneſs of apprehenſion, at firſt view, could diſcern thro' the ſeveral cheats of pious pretences; and his natural lazineſs confirmed him in an equal miſtruſt of them all, for fear he ſhould be troubled with examining which religion was beſt. If in his early travels, and late adminiſtration, he ſeemed a little biaſſed to one ſort of religion; the firſt is only to be imputed to a certain eaſineſs of temper, and a complaiſance for that company he then was forced to keep; and the laſt was no more than his being tired, (which he ſoon was in any difficulty) with thoſe bold oppoſitions in parliament, which made him almoſt throw himſelf into the arms of a Roman catholick party, ſo remarkable in England for their loyalty, who embraced him gladly, and lulled him aſleep with thoſe enchanting ſongs of abſolute ſovereignty, which the beſt and wiſeſt of princes are often unable to reſiſt. And tho' he engaged himſelf on that ſide more fully, at a time when it is in vain, and too late to diſſemble, we ought leſs to wonder at it, than to conſider that our very judgments are apt to grow in time as partial as our affections: And thus, by accident only, he became of their opinion in his weakneſs, who had ſo much endeavoured always to contribute to his power. He loved eaſe and quiet; to which his unneceſſary wars are ſo far from being a contradiction, that they are rather a proof of it, ſince they were made chiefly to comply with thoſe perſons, whoſe diſſatisfaction would have proved more uneaſy to one of his humour, than all that diſtant noiſe of cannon, which he would often liſten to with a great deal of tranquillity. Beſides, the great and almoſt only pleaſure of mind he appeared addicted to, was ſhipping and ſea-affairs; which ſeemed to be ſo much his talent both for knowledge as well as inclination, that a war of that kind was rather an entertainment, than any diſturbance to his thoughts. If he did not go himſelf at the head of ſo magnificent a fleet, it is only to be imputed to that eagerneſs of military glory in his brother; who, under the ſhew of a decent care for preſerving the royal perſon from danger, engroſſed all that ſort of honour to himſelf, with as much jealouſy of any other's interpoſing in it, as a king of another temper would have had of his, tho' without reaſon------It is certain, no prince was ever more fitted by nature for his country's intereſt, than he was in all his maritime inclinations; which might have proved of ſufficient advantage to this nation, if he had been as careful in depreſſing all ſuch improvements in France, as of advancing and encouraging our own: But it ſeems he wanted jealouſy in all his inclinations, which leads us to conſider him in his pleaſures: Where he was rather abandoned than luxurous; and like our female libertines, apter to be debauched for the ſatisfaction of others, than to ſeek with choice, where moſt to pleaſe himſelf. I am of opinion alſo, that in his latter time, there was as much of lazineſs as of love, in all thoſe hours he paſſed among his miſtreſſes; who after all, ſerved only to fill up his ſeraglio, while a bewitching kind of pleaſure, called ſantering, and talking without any conſtraint, was the true ſultana queen he delighted in.

'He was ſurely inclined to juſtice; for nothing elſe would have retained him ſo faſt to the ſucceſſion of a brother, againſt a ſon he was ſo fond of, and the humour of a party which he ſo much feared. I am willing alſo to impute to his juſtice, whatever ſeems in ſome meaſure to contradict the general opinion of his clemency; as his ſuffering always the rigour of the law to proceed, not only againſt all highwaymen, but alſo ſeveral others, in whoſe caſes the lawyers, (according to their wanted coſtom) had uſed ſometimes a great deal of hardſhip and ſeverity. His underſtanding was quick and lively in little things, and ſometimes would ſoar high enough in great ones, but unable to keep it up with any long attention or application. Witty in all ſorts of converſation; and telling a ſtory ſo well, that not out of flattery, but for the pleaſure of hearing it, we uſed to ſeem ignorant of what he had repeated to us ten times before, as a good comedy will bear the being ſeen often. Of a wonderful mixture; loſing all his time, and till of late ſetting his whole heart on the fair ſex, yet neither angry with rivals, nor in the leaſt nice as to their being beloved; and while he ſacrificed all things to his miſtreſſes, he would uſe to grudge and be uneaſy at their loſing a little of it again at play, tho' never ſo neceſſary for their diverſion: Nor would he venture five pounds at tennis to thoſe ſervants, who might obtain as many thouſands, either before he came thither, or as ſoon as he left off. Not falſe to his word, but full of diſſimulation, and very adroit at it, yet no man eaſier to be impoſed on; for his great dexterity was in cozening himſelf, by gaining a little one way, while it coſt him ten times as much another; and by careſſing thoſe perſons moſt, who had deluded him the ofteneſt; and yet the quickeſt in the world at ſpying ſuch a ridicule in another. Familiar, eaſy, and good-natured; but for great offences ſevere and inflexible: Alſo in one week's abſence, quite forgetting thoſe ſervants, to whoſe faces he could hardly deny any thing. in the midſt of all his remiſſneſs, ſo induſtrious and indefatigable on ſome particular occaſions, that no man would either toil longer, or be able to manage it better.

‘He was ſo liberal, as to ruin his affairs by it; for want in a king of England, turns things juſt upſide down, and expoſes a prince to his people's mercy. It did yet worſe in him, for it forced him alſo to depend on his great neighbour of France; who played the brother with him ſufficently in all thoſe times of extremity. Yet this profuſeneſs of his did not ſo much proceed from his overvaluing thoſe he favoured, as from his undervaluing any ſums of money which he did not ſee; tho' he found his error in this, but I confeſs a little of the lateſt. He had ſo natural an averſion to all formality, that with as much wit as moſt kings ever had, and with as majeſtick a mein, yet he could not on premediation act the part of a king for a moment, either at parliament, or at council, either in words or geſture; which carried him into the other extreme, more inconvenient of the two, of letting all diſtinction and ceremony fall to the ground, as uſeleſs and foppiſh. His temper, both of body and mind, was admirable, which made him an eaſy generous lover, a civil obliging huſband, a friendly brother, an indulgent father, and a good-natured maſter. If he had been as ſollicitous about improving the faculties of his mind, as he was in the management of his bodily health; tho', alas! the one proved unable to make his life long, the other had not failed to have made it famous. He was an illuſtrious exception to all the common rules of phyſognomy: For, with a moſt Saturnine harſh ſort of countenance, he was both of a merry and merciful diſpoſition; and in the laſt 30 years of his life, as fortunate, as thoſe of his father had been diſmal and tumultuous.

‘If his death had been by ſome ſuſpected of being untimely, it may be partly imputed to his extreme healthy conſtitution, which made the world as much ſurprized at his dying before 60, as if nothing but an ill accident could have killed him. I would not ſay any thing on ſo ſad a ſubject, if I did not think ſilence itſelf would in ſuch a caſe ſignify too much; and therefore, as an impartial writer, I am obliged to obſerve, that the moſt knowing, and moſt diſcerning of his phyſicians doctor Short, did not only believe him poiſoned, but thought himſelf ſo too not long after, for having declared his opinion a little too boldly. But hear I muſt needs take notice of an unuſual piece of juſtice, which yet all the world has almoſt unanimouſly agreed in; I mean, in not ſuſpecting his ſucceſſor of the leaſt connivance in ſo horrid a villany; and perhaps there was never a more remarkable inſtance of the wonderful power of truth and innocence: For it is next to a miracle, that ſo unfortunate a prince, in the midſt of all thoſe diſadvantages he lies under, ſhould be yet cleared of this, even by his greateſt enemies; notwithſtanding all thoſe circumſtances that uſed to give a ſuſpicion, and that extreme malice which has of late attended him in all his other actions.'

A compariſon between the two foregoing characters.

After giving theſe different characters of king Charles II, drawn by ſuch able hands, I think myſelf obliged to make a ſort of parallel, in order to aſſiſt the reader in the diſcovery of the truth. Dr. Burnet biſhop of Saliſbury was a Scotchman. He had been educated amongſt the Epiſcopalians, but however, was always accuſed of preſerving a tincture of Preſbyterianiſm, the religion of his country, when free to purſue its inclination. He is likewiſe accuſed of having been entirely in the Whig party. In ſhort, he had no reaſon to be pleaſed with either Charles II, or James II, and therefore we muſt read with caution whatever he ſays not reconcilable with the known actions of Charles II, or expreſly contradicted by others.

It is not difficult to diſcover, that Burnet's picture of Charles II. is very much charged, The painter has ſtrongly drawn all the lines, which he thought might beget a likneſs between the picture and the original, without any regard to the reputation of this prince. It is even ſeen, that poſſibly he ſpoke with prejudice, and by this prejudice, was let to credit too lightly what he had received upon hereſay to the king's diſadvantage. For inſtance, what he affirms, that Charles, after the battle of Worceſter, ſhewed a temper ſo careleſs that he was then diverting himſelf with trifles in as unconcerned a manner, as if he had ſuſtained no loſs, and been in no danger at all, appears to me a little aggravated. It is not even probable, that the biſhop could be informed of the king's actions at that time, by eye-witneſſes. When he ſays, the king had great vices, but ſcarce any virtues to correct them, this plainly appears to be the language of paſſion and prejudice. When he ſays again, the king never forgave any thing that was done againſt himſelf, this muſt be aggravated. For if he was mercileſs to the lord Ruſſel, colonel Sidney, Sir Thomas Armſtrong, and ſome others, it cannot from thence be inferred, that he never forgave. Such expreſſions excepted, which diſcover ſome paſſion in the author, the reſt of Charles II's character is true in general. This I believe, becauſe I find it agreeable to the hiſtory of his reign, and becauſe the earl of Mulgrave has in his picture drawn the ſame lines with Dr. Burnet, to expreſs his likeneſs. All the difference between theſe two authors, is, that in the biſhop's picture the principal lines are ſtrongly expreſſed, and much ſoftened in the earl's.

The earl of Mulgrave, afterwards marqueſs of Normandy, and then duke of Buckinghamſhire, was entirely in the Tory-party, and if common report may be credited, his religion, like that of Charles II, was Deiſm. In his deſcription of this prince, he denies not the general ſuſpicion of his being poiſoned. Burnet ſays alſo the ſame thing. The earl inſiſts that the duke of York was not ſuſpected of the leaſt connivance at ſo horrid a villany. The ſame is likewiſe to be found in Burnet. If the laſt ſays, king Charles was a Papiſt, this is not denied by the earl. He only imputes it to two cauſes, firſt, to a complaiſance for the company he was forced to keep in his exile; and ſecondly to the oppoſition he met with in parliament, which threw him into the arms of the Papiſts. If the firſt of theſe cauſes be true, the ſecond cannot be ſo, ſince the king was not twice a Papiſt. Beſides, the oppoſitions in parliament were partly owing to a belief, that he deſigned to introduce popery.

Burnet ſays, Charles was incapable of any application. The earl ſays the ſame. The biſhop ſays, the king was for rendering himſelf abſolute. If the earl ſays it not in expreſs terms, he ſufficiently intimates it, by ſaying, that the Roman catholick party lulled him aſleep with the enchanting ſongs of ſovereignity and prerogative. Burnet ſays, the king was apt to forgive all crimes, but never forgave any thing that was done againſt himſelf. The earl praiſes his clemency, and ſays, he was eaſy and good-natured in trifles, but in great affairs ſevere and inflexible. This may be the biſhop's meaning expreſſed in other words.

The ſtories which the king loved to talk over, are in both characters. The only difference is, that Burnet ſays, the company grew weary of them, and the earl ſays, the hearers were pleaſed with the repetition. But the raillery of the earl of Rocheſter turns the balance for the biſhop.

Burnet ſays, Charles engaged in two wars againſt Holland, without any colour, and the earl calls theſe wars unneceſſary.

Burnet ſays, he contributed to the raiſing of the greatneſs of France at ſea, and the earl ſays, he was not ſufficiently careful to depreſs the maritime improvements of France, and that here he wanted jealouſy. Is not this much the ſame thing?

In ſhort, let theſe two pictures be compared with all poſſible exactneſs, and they will both be found very like; but that the two painters had different views, and purſued different methods. The one propoſed to expreſs ſtrongly the lines which might moſt contribute to a reſemblance with the original, without regarding the beauty of the picture in itſelf. The other, without ommitting the ſame lines, which could not be done and the likneſs preſerved, has taken all poſſible care to ſoften them, in order to hide, as much as lay in his power, the deformities of the original. In a word, the one has given us an ugly, and the other a beautiful likeneſs. This doubtleſs, induced the earl to ſuppreſs ſeveral ſtrokes of his pencil, which might have improved the reſemblance, but would have been prejudicial to the end he propoſed in his work *.

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* I. King Charles II, left no iſſue by his queen, Donna Catherina, daughter of John IV, king of Portugal. But by his ſeveral miſtreſſes, he had the following children.

1. By Mrs. Lucy Walters, daughter of Richard Walters, Eſq; James duke of Monmouth, born at Rotterdam, April 9, 1649. Beheaded on Towerhill, July 15, 1685. He married in 1665, Anne Scot, daughter of Francis earl of Buckleugh in Scotland.

2. By Mrs. Elizabeth Killigrew, viſcounteſs Shannon, daughter of Sir William Killigrew Charlot-Jemia-Henritta-Maria Fitz-Roy, who died in 1684. Her husbands were, James Howard, and Sir William Paſton earl of Yarmouth.

3. By Mrs. Catharine Peg, daughter of Thomas Peg Eſq; Charles Fitz-Charles earl of Plymouth, commonly called Don Carlos, born 1658, killed October 17, 1680, at Tangier. He married Bridget daughter of Sir Thomas Oſborne duke of Leeds, who married afterwards Dr. Biſs the late biſhop of Hereford.

4. By Mrs. Barbara Villiers, heireſs of William viſcount Grandiſon in Ireland, and wife of Roger Palmer earl of Caſtlemain, created lady Nonſuch, counteſs of Southampton, and ducheſs of Cleveland, who died in 1709, he had three ſons and three daughters. 1. Charles-Fitz-Roy, born 1662, created 1675, duke of Southampton, and after his mother's death, duke of Cleveland. His wifes were Mary Daughter of Sir Henry Wood, and Alice daughter of Sir William Poultney. 2. Henry Fitz-Roy duke of Grafton, born September 20, 1663, and killed October 9, 1690, at the ſiege of Cork in Ireland. His wife was Iſabella daughter of Henry Bennet earl of Arlington, married after his death to Sir Thomas Hanmer Bart. 3. George Fitz-Roy duke of Northumberland, born December 28, 1665, who died July 8, 1716, without children. 4. Anne Fitz-Roy born Feb. 29. 1661, married 1674, to Thomas Lennard earl of Suſſex. Charlotte Fitz-Roy, born September 5, 1664, married February 20, 1676-7, to Sir Edward Henry Lee earl of Litchfield. 6. Barbara born July 16, 1672, who became a nun at Pontoiſe in France.

5. By Mrs. Eleanor Gwin, 1. Charles Beauclerk duke of St. Albans, born May 8, 1670, who married Diana Vere, eldeſt daughter and coheireſs of Aubrey de Vere, the 20th and laſt earl of Oxford. 2. James Beauclerk born December 25, 1671. He died in 1680 in France.

6. By Louiſe de Querouaille ducheſs of Portſmouth, Charles Lenos duke of Richmond and Lenox, born July 29. 1672, who died May 27, 1723. His wife was Anne, eldeſt daughter of Francis lord Brundenel

7. By Mrs. Mary Davis, Mary Tuder, born October 16, 1673, married in Auguſt 1687, to Francis lord Ratcliff earl of Derwentwater. See Sandford.

THE HISTORY OF ENGLAND.

BOOK XXIV.

The Reign of king JAMES II, from his acceſſion to the throne, to the eſtabliſhment of king WILLIAM and queen MARY; containing the ſpace of four years and ſeven days.

27. JAMES II.

1684-5.

The duke of York is proclaimed king. Feb. 6. Echard.

WITHIN a few hours after Charles II. had reſigned his laſt breath, his brother the duke of York was proclaimed king in London, by the name of JAMES II. Having ſeen how the government was ſettled for ſome years paſt, we muſt not think it ſtrange, there was no endeavours, either in London or any other part of the kingdom, to oppoſe the new king. Of the two parties in England, that againſt the bill of excluſion was triumphant, and the other entirely broken and oppreſſed. The acceſſion of James II. to the crown, was a freſh occaſion of triumph to the former, and notwithſtanding the fears expreſſed by the other party, about a Catholick ſucceſſor, they who had ſupported his intereſt, endeavoured to repreſent the late change, as the greateſt of bleſſings to the Engliſh nation. The king on his part, omitted nothing that lay in his power to confirm the good opinion his friends had of his virtue and ſincerity. As ſoon as the lords were returned to Whitehall, from proclaiming the king, he aſſembled the privy-council, and made the following ſpeech.

The king's declaration to the council. Kennet.

My lords,

'BEfore I enter upon any other buſineſs, I think fit to ſay ſomething to you. Since it hath pleaſed Almighty God to place me in this ſtation, and I am now to ſucceed ſo good and gracious a king, as well as ſo very kind a brother, I think it fit to declare to you, that I will endeavour to follow his example, and moſt eſpecially in that of his great clemency and tenderneſs to his people. I have been reported to be a man for arbitrary power; but that is not the only ſtory has been made of me; and I ſhall make it my endeavour to preſerve this government both in church and ſtate, as it is now by law eſtabliſhed. I know the principles of the church of England are for monarchy, and the members of it have ſhewed themſelves good and loyal ſubjects, therefore I ſhall always take care to defend and ſupport it. I know too, that the laws of England are ſufficient to make the king as great a monarch as I can wiſh; and as I ſhall never depart from the juſt rights and prerogative of the crown, ſo I ſhall never invade any man's property. I have often heretofore ventured my life in defence of this nation, and I ſhall ſtill go as far as any man in preſerving it in all its juſt rights and liberties.'

1684-5.

Every body is pleaſed with the ſpeech. Kennet. Burnet.

This ſpeech being addreſſed to a council wholly compoſed of perſons devoted to the king, was received with great applauſe. His majeſty was deſired that it might be printed, and diſperſed among the people, which was immediately done. Moreover, great care was taken to extol the king's extreme affection for his ſubjects; and, above all, his ſtrict obſervance of his word and faith was ſo induſtriouſly

Echard.

duſtriouſly propagated, that ſome counting it impoſſible for the king to promiſe what he did not intend to perform, began to give him the name of James the juſt, as if to ſay and to do, were in him one and the ſame thing.

Every one retains his place. Burnet.

The king makes no alterations.

The Tories conceive a great opinion of the king.

The next day, the king publiſhed a proclamation, declaring, that all perſons who at the late king's deceaſe were poſſeſſed of any office, ſhould be continued in the ſame, till the king's pleaſure was further known. He declared, moreover, that all orders and directions given by the late king's privy council, ſhould be obeyed and performed, as if he were ſtill alive. This is a clear evidence of the great influence that the king, when duke of York, had in the counſels of the king his brother. Upon his coming to the crown, he made no changes, either in the council, or in the chief places of truſt, a plain ſign that he looked upon the poſſeſſors as his creatures. And indeed, ſince his return from Scotland, he had properly governed the kingdom in his brothers name. This being known to all, might have ſhown with what intention he promiſed to preſerve the Proteſtant religion, and the rights of the ſubject, ſince no man could be ignorant, that he was the principal author of the plots in the late reign, againſt religion, and the liberties of the nation. But the Tories, who were then highly exalted, were willing to ſhut their eyes, and not ſee the danger the Proteſtant religion was in, under a king who was ſo zealous a Papiſt. The king's bare word was ſufficient to calm all their uneaſineſs on that account. As for arbitrary power, which begun to be introduced in the late reign, far from being frighted at it, they rather conſidered it as an effectual means to keep their adverſaries, the Whigs, in ſubjection. Had they known or foreſeen to what height James was reſolved to carry hispower, they would, doubtleſs, have had other thoughts. But they imagined things would always remain as they were, that is, in a ſituation to them very advantagious.

He goes publickly to maſs. Echard. R. Coke.

Moſt of the hiſtorians repreſent as ſurprizing, the king's going publickly to maſs two days after his acceſſion to the crown. But I cannot ſee any reaſon for this ſurprize. Since the year 1670, no man had been ignorant, that the duke of York was a Catholick. On this account he had reſigned the office of lord high-admiral, and in the following years, the bill of excluſion, which cauſed three parliaments to be diſſolved, had ſufficiently taught the Engliſh this truth. Where then could the wonder be, to ſee him go to maſs, being king, ſince for the laſt 14 years he had not concealed his religion, tho' he had run the riſque of forfeiting his right to the crown?

Cuſtoms and duties continued before they are granted. Feb. 16. Welwood.

But what gave more juſt cauſe of ſurprize, was, his requiring by Proclamation the ſame week, that the cuſtoms, and other duties which had been granted to the king his brother, only for life, ſhould be continued to be collected. This was a manifeſt invaſion of the nation's rights and liberties. He could not be ignorant, that an incroachment of the ſame nature had occaſioned a great conteſt between the king his father and the parliament, and that this conteſt produced the petition of right. And yet, he not only undertook the ſame thing but uſed alſo the ſame reaſons with Charles I, which were ſo little ſatisfactory to the parliament. His proceedings were the more ſurprizing, as he affected to take by authority, what he knew would not be refuſed by the parliament, conſidering the preſent diſpoſition of the kingdom. Tho' his friends endeavoured to excuſe this conduct, it made impreſſion upon many of both parties, who had no good opinion of a reign which began in this manner. This gave occaſion to fear, that the new king's promiſes were not ſo firmly to be relied on, as was pretended.

He publiſhes that the late king was a Papiſt. Kennet.

Echard.

Another ſtep the king made at the ſame time, and, as it ſeems, without any neceſſity, was to cauſe it to be publiſhed, and atteſted by father Huddleſton a prieſt, that Charles II. died a Catholick, and that the ſame prieſt gave him the euchariſt and extreme unction, Huddleſton publiſhed withal a little treatiſe, called, a ſhort and plain way to the faith and church; which treatiſe, the author affirms, made great impreſſions upon the mind of king Charles, in the year 1651, immediatley after the battle of Worceſter, ſo that he declared, he had not ſeen any thing more plain and clear upon the ſubject; and the arguments drawn from ſucceſſion were ſo concluſive, he did not conceive how they could be denied. Moreover, at the ſame time, James ordered two papers to be publiſhed, found in the king his brother's ſtrong box, written with his own hand, both tending to prove the neceſſity of a viſible church and guide, in matters of faith. To confirm that Charles II. was really a Catholick, Mr. William Chaffinch, keeper of the king's cloſet, made no ſcruple to ſhew a littel chapel annexed to the cloſet, where the king went ſecretly to maſs. It is hard to conceive, what great advantage it could be to James, to divulge ſuch a ſecret, conſidering the injury he did the late king's reputation, who had ſo frequently and ſolemnly affirmed in full parliament, that he was a good Proteſtant and had poſitively promiſed to maintain the Proteſtant, religion to the utmoſt of his power. As James thereby manifeſtly ſhewed the inſincerity of his brother, he ſhould it ſeems, have feared, it would be inferred, there was no more reaſon to confide in his own promiſes.

The late king's funeral. Burnet.

The funeral of Charles II. was ſolemnized on the 14th of February at night. It may eaſily be judged, it was not very expenſive, ſince eight days were ſufficient for the preparations. It is obſervable, that Charles II. had neglected, after his reſtoration, to ſolemnize his father's funeral, on pretence that his body could not be found in Windſor chapel, the place where it was interred, as the lord Clarendon ſays in his hiſtory. But as it would have been eaſy to ſearch the whole chapel, it is more likely, the reaſon of that neglect was the charges of a funeral, tho' Charles II. had received for that purpoſe from the parliament the ſum of 70,000 l. For the ſame reaſon, probably, James cauſed his brother to be buried with little pomp, tho' Charles left him 90,000 guineas in a box.

Two days after, the king ordered the privy-counſellors and great officers of the crown and

James fills the vacant places. Feb. 9. 16. Kennet.

houſhold to be ſworn, and at the ſame time filed the vacant places. The office of lord-treaſurer, vacant ſince the year 1679, by the ſignation of the earl of Danby, was conferred on Laurence Hyde, earl of Rocheſter, the king's brother-in-law; Henry earl of Clarendon, elder brother to the earl of Rocheſter, was made lord privy-ſeal; and George Savil marquiſs of Halifax, preſident of the council.

Great number of addreſſes. Gazettes.

That of the Middle-Temple, Kennet.

Another from Suffolk. Echard.

That of the Quakers.

In the interim the counties, cities, boroughs, and univerſities were employed in preparing congratulatory addreſſes to the king, upon his acceſſion to the crown. Theſe addreſſes, for the moſt part, took notice of the king's poſitive declaration to the privy-council, to maintain the church of England, and the liberties of the nation. But there were two amongſt others very remarkable. The firſt from the barriſters and ſtudents of the Middle-Temple, wherein 'with the deepeſt ſenſe of gratitude they acknowledged his majeſty's great goodneſs, in extending his royal care of the government to the preſervation of the cuſtoms, which had been continually received by his royal predeceſſors for ſome hundreds of years, and never queſtioned by any parliament, unleſs in that wherein were ſown the ſeeds of rebellion againſt the king his father. They concluded with ſaying, may there never want millions as loyal as we are, to ſacrifice their lives and fortunes in defence of your ſacred perſon, and prerogative in its full extent:' And promiſed that they would endeavour the choice of ſuch repreſentatives for the enſuing parliament, as would not only concur in ſettling a revenue to ſupport the government as formerly, but alſo ſhew an intire confidence in his majeſty. The addreſs from the county of Suffolk had theſe words: 'We are every day making ſteps towards your majeſty's grandeur by our care for ſending fit repreſentatives to a parliament, that we hope will no more endure excluders than a late one did abhorrers.' The Quakers alſo preſented an addreſs to the king, wherein they ſaid: 'Whereas it hath pleaſed Almighty God, (by whom kings reign) to take hence the late king Charles the ſecond, and to preſerve thee peaceably to ſucceed; we thy ſubjects heartily deſire, that the giver of all good and perfect gifts, may pleaſe to endue thee with wiſdom and mercy in the uſe of thy great power, to his glory, the king's honour, and the kingdom's good. And it being our ſincere reſolution, according to our peaceable principles and converſation (by the aſſiſtance of Almighty God) to live peaceably and honeſtly, as becomes true and faithful ſubjects, under the king's government, and a conſcientious people that truly fear and ſerve God: We do humbly hope, that the king's tenderneſs will appear and extend with his power to expreſs the ſame.'----

1685. The king and queen crowned. Burnet.

The king's and queen's coronation was celebrated the 23d of April, St. George's day, patron of the order of the garter. Tho' ſuch a ceremony cannot be ſolemnized without pomp, it was obſerved, the king retrenched ſeveral things which cauſed a needleſs expence; as for inſtance, the cavalcade from the Tower to Weſtminſter, which was wont to be performed the day before the coronation, ſaving thereby a charge of 60,000 l. But if ſome authors are to be credited, the moſt conſiderable retrenching was in the words of the coronation oath, out of which, they pretend, ſeveral material things were ſtruck without ſpecifying the particulars. Others maintain, it is an aſperſion on archbiſhop Sancroft, who is ſuppoſed, without foundation, to have conſented to the abridging of the oath. As I have ſeen no proof on either ſide, I forbear to decide. Thus much is certain, the crown not being fit for the king's head, was often in a tottering condition, and like to fall off. Mr. Henry Sidney ſupporting it once with his hand, pleaſently told the king, "This is not the firſt time our family hath ſupported the crown*.' The people reckoned this an ill omen to the king, as well as another thing which happened the ſame day. In one of the churches in London, the king's arms painted in a glaſs-window ſuddenly fell down and broke in pieces, while the reſt of the window was ſtanding, without a poſſibility of diſcovering why that part ſhould fall ſooner than the reſt.

Proceedings of the parliament of Scotland. Burnet.

The ſame day that the king was crowned at London, the parliament of Scotland met at Edinburgh; William Douglaſs, duke of Queenſbury, being lord high-commiſſioner. This lord was entirely in the king's party, but not in ſuch a manner as to pretend to ſacrifice to him the Proteſtant religion and his country's liberties. Before he left London, in order for Scotland, he told the king plainly, he could not engage to ſerve him in any thing but what ſhould be agreeable to the laws; whereupon the king proteſted to him, he had no intention to make any breach either in the eſtabliſhed religion, or the laws.

The king's letter to the Scotch parliament ran, 'That the many experiences he had of the loyalty and exemplary forwardneſs of that ancient kingdom, by their repreſentatives aſſembled in parliament in the reign of his brother, made him deſirous to call them together in the beginning of his reign, to give them an opportunity not only of ſhewing their duty, but alſo to be examplary to others in their demonſtrations of their affection to his perſon, and compliance with his deſires. That which he had to promiſe to them at this time, was what was as neceſſary for their ſafety as his ſervice, and had a greater tendancy to ſecure their own privileges and properties, than the aggrandizing his power, which however he was reſolved to maintain in its greateſt luſture, that he might be the more enabled to defend and protect their religion as eſtabliſhed by law, and their rights and properties, againſt phanatical† contrivances, murtherers, aſſaſſins‡,

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* Mr. Sidney, who was afterwards earl of Rumney in king William's reign, was one of the principal inſtruments in the downfal of king James, and one of the firſt that went and joined the prince of Orange. Rapin.

† The riged Covenanters and Presbyterians were called Fanaticks by the court. Rapin.

‡ Among theſe were the perſons that murdered the archbiſhop of St. Andrews.

'which had brought them into ſuch difficulties, as only the ſteady reſolutions of his brother, and thoſe employed by him, could have ſaved them from the moſt horrid confuſions and inevitable ruin. That nothing had been left unattempted by thoſe inhuman traitors, to overturn their peace; and therefore he hoped they would be wanting in nothing to ſecure themſelves and him.'

The lord commiſſioner's ſpeech.

The high-commiſſioner ſeconded the king's letter with a ſpeech, wherein he gave them aſſurance of his majeſty's reſolutions to protect and maintain the religion and government of their church as by law eſtabliſhed*; and alſo the ſubjects rights and properties, in ſuch manner, that no perſon ſhould be injured by any arbitrary oppreſſions of ſoldiers or others; and he would condeſcend as much in the buſineſs of the exciſe and militia as could be juſtly expected. And, on the other ſide, his majeſty expected from them, to aſſert the rights and prerogatives of the crown, and to eſtabliſh the revenue as amply upon him and his ſucceſſors, as it was enjoyed by the king his brother. In the laſt place, the lord commiſſioner deſired in very pathetick terms, that effectual means might be found to deſtroy the phanatical party, who were wretches of ſuch monſtrous principles and practices, as paſt ages never heard, nor thoſe to come will hardly believe.

Theſe phanatical murderers and aſſaſſins could be no other than the Preſbyterians of Scotland, who were properly the body of the nation, to whom was imputed the murder of the archbiſhop of St. Andrew's, as if it had been committed by the determination of the whole Preſbyterian party.

James Drummond, earl of Perrh, lord chancellor, made a ſpeech likewiſe, in which he enlarged on the king's great virtues. I do not know whether he was yet a Papiſt, but at leaſt, preſently after, he embraced the Catholick religion, and by that infallible means ſupplanted the duke of Queenſbury.

The parliament returned a very humble and ſubmiſſive anſwer to the king, promiſing to do whatever he had deſired. To perform which promiſe they forthwith paſſed the three following acts.

By the firſt act were ratified all ſtatutes paſſed in the late reign for the ſecurity of religion, as at preſent profeſſed within the kingdom.

By the ſecond, they annexed the exciſe of foreign and inland commodities to the crown of Scotland for ever.

By the third, they ordained, that all ſuch perſons, as being cited in caſe of high-treaſon, field or houſe conventicles, or church-irregularities, ſhould refuſe to give teſtimony, ſhould be liable to be puniſhed as guilty of thoſe crimes reſpectively, in which they refuſed to be witneſſes.

Tryal of Titus Oates. State-Try.

Before the meeting of the parliament of England, which was called for the 19th of May, three perſons, odious to the king, the Papiſts, and the prevailing party, were brought to their tryals. The firſt was the famous Titus Oates, diſcoverer of the popiſh plot, and one of the witneſſes againſt the condemned jeſuits. He was accuſed of perjury on two points of his evidence, viz. for affiming upon oath, that he was preſent at the grand conſult held at London the 24th of April 1678, where, as he pretended, the reſolution of killing the king was taken. Secondly, for ſaying, that father Ireland, an executed jeſuit, was at London ſuch a day. To convict him of theſe two real or pretended crimes, he was brought before chief-juſtice Jefferies at the king's-bench bar, the 8th and 9th of May 1685. As I have amply ſpoken of this matter in the reign of Charles II, I ſhall not repeat here what has been already ſaid, but confine myſelf to ſhew the partiality wherewith Oates was tryed and condemned.

State-Try.

In the firſt place, immediately after the indictment was read, and before any witneſs was heard, the attorney-general, Sir Robert Sawyer, made a ſpeech, declaring, "Oates was one of the greateſt impoſtures that ever did appear upon the ſtage, either in this kingdom or any other nation." It muſt be obſerved, this attorney-general had been one of the counſel for the king in 1678, to ſupport and improve Oates's evidence.

2. Twenty witneſſes from St. Omer's were produced, who ſwore, that Oates was at that place the 24th of April 1678, at the very time that he ſaid he was preſent at the grand conſult. It is obſervable, that theſe very witneſſes had depoſed the ſame thing in 1678, and that the jury had not regarded their evidence. But in 1685, there was not the leaſt reaſon to reject their depoſitions.

3. Oates deſired it might be obſerved, that the king's counſel who were now againſt him, had been for him in the tryals of the five jeſuits, and particularly the attorney and ſollicitor-general: That lord cheif-juſtice Jefferies, before whom his cauſe was pleading, was among the king's counſel in 1678, and did then expreſly declare, that the verdict againſt the five jeſuits was a juſt verdict. As he laid great ſtreſs upon the verdicts given upon his depoſitions, he was told, that theſe verdicts had been disbelieved ſeveral times, as well as believed. Moreover, the records of the tryals of Sir George Wakeman and the earl of Caſtlemain were produced, who being accuſed of the pretended plot, had been acquitted, and depoſed upon oath, that Oates had not ſaid one word of truth.

4. Oates demanded, whether a Papiſt, in caſe of religion, might be believed? It was replied, he might. And, as if the queſtion had been impertinent and foreign to the purpoſe, juſtice Withens asked him, whether he was come there to preach?

5. Oates urged the lord Coke's practice, who would not alow of a Popiſh recuſant for a witneſs, even between party and party. To which it was anſwered in general, that this practice was contrary to law.

6. He ſaid, that the witneſſes againſt him were brought up in a ſeminary, againſt law. Jefferies replied, ſo was a Diſſenter.

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* The ſame as in England, none other being then tolerated in Scotland.

1685.

7. He inſiſted upon the ſtatute of the 27th year of Elizabeth againſt ſeminary prieſts and jeſuits. Whereupon Jefferies asked him, whether the witneſſes owned themſelves to be prieſts and jeſuits?

8. He pleaded the ſtatute of the third of Charles I, to which Jefferies anſwered, it was nothing to the purpoſe.

9. Laſtly, he repreſented, that the lord Shaftsbury, upon his tryal, moving that he might have liberty to bring an indictment of perjury againſt the witneſſes that accuſed him, the court over-ruled the motion, and would not ſuffer the king's evidence to be indicted of perjury, nor the popiſh plot called in queſtion. He inferred from thence, that having been himſelf evidence for the king, he could not for that reaſon be indicted of perjury. Jefferies told him, all this was nothing to the purpoſe. Then ſumming up the evidence, he concluded with theſe words: ‘There does not remain ‘the leaſt doubt, but that Oates is the blackeſt and moſt perjured villain that ever appeared upon the face of the earth.’

The jury withdrawing about a quarter of an hour, brought him in guilty of the perjury he was accuſed of.

The next day, he was tryed upon the ſecond indictment of perjury concerning father Ireland. Above 40 witneſſes were produced againſt him, nine of whom were Proteſtants, who ſwore, that Ireland was in Staffordſhire, when Oates ſaid he was in London; and he was alſo found guilty of this indictment. What is moſt ſtrange, ſome pretend, there is not the leaſt appearance of injuſtice or partiallity in the verdict againſt Oates, but on the contrary, the partiality is evident in the verdict againſt the five jeſuits. I leave it to the unbiaſſed reader to compare them and judge. But at leaſt it cannot be denied, there was a great deal of paſſion in the ſentence againſt Oates, and much more in the execution of the ſame. The ſentence was as follows:

1. That he ſhould pay for a fine 1000 marks upon each indictment.

2. That he ſhould be ſtript of all his canonical habits.

3. That he ſhould ſtand in the pillory before Weſtminſter-Hall-Gate upon Monday next, for an hour's time, with a paper over his head (which he muſt firſt walk with round about to all the courts in Weſtminſter-Hall) declaring his crime, and that upon the firſt indictment.

4. That for the ſecond indictment he ſhould upon Tuſeday ſtand in the pillory at the Royal Exchange in London, for an hour, with the ſame inſcription.

5. On Wedneſday he ſhould be whipt from Aldgate to Newgate.

6. On Friday he ſhould be whipt from Newgate to Tyburn.

7. And for annual commemorations upon ever 24th of April, as long as he ſhould live, he was to ſtand in the pillory at Tyburn, juſt oppoſite to the gallows for an hour.

8. That, upon every 9th of Auguſt, he was to ſtand in the pillory at Weſtminſter-Hall-Gate, becauſe he had ſworn that Ireland was in town between the 8th and 12th of Auguſt. The like on every 10th of Auguſt at Charing-Croſs, and over againſt the Temple-Gate every 11th of Auguſt. And upon every 2d of September he was to do the ſame at the Royal Exchange. All this he was to do every year during his life, and be committed a cloſe priſoner as long as he lived.

1685.

After pronouncing this ſentence, Jefferies added, that if it had been in his power, Oates ſhould have been condemned to die.

It muſt be obſerved, that ſtanding in the pillory, which in other countries only expoſes to ſhame, is in England ſomething more; for it is permitted to pelt thoſe that ſtand there, with dirt, and all ſorts of naſtineſs, and it often happens that the mob abuſe this liberty, and throw rotten eggs and even ſtones at the priſoner.

But what was thought moſt barbarous in this ſentence, was the ordering a man to be whipt twice in three days. Some charitable perſons uſed their endeavours to beg off part of this wretched man's puniſhment, and made application to the queen, intreating her to intercede for him, at leaſt with regard to the ſecond ſcourging. But all interceſſion was in vain. The ſentence was executed with all imaninable rigour and barbarity. The firſt day he was tied to a cart, and as the hangman no doubt was commanded not to ſpare him, he executed the order with ſuch cruelty, as was unknown to the Engliſh nation. Oates ſwooned away ſeveral times the firſt day, with the extremity of the anguiſh. We may judge what he endured the ſecond day, when his wounds were yet freſh. In a word, his ſuſtaining ſuch great torments, and eſcaping with life, was looked upon as ſomething miraculous. Every one was ſenſible, that both in the ſentence and in the execution, revenge had a greater ſhare than juſtice, and that he was made a ſacrifice to the manes of the five jeſuits executed in the late reign.

Tryal of Dangerfield. Burnet.

The next victim to the Catholicks, not long after Oates, was Thomas Dangerfield, who diſcovered the pretended Meal-Tub-Plot, which he had laid to the charge of the Proteſtants. But afterwards, not being able to maintain, before the council, what he had depoſed, he confeſſed, he was perſuaded to invent it by the counteſs of Powis, and the popiſh lords in the Tower. Moreover, he had publiſhed a narrative of all the ſecret practices uſed as well to corrupt him as to render the plot probable. As he owned, he had received money from the late king and the duke of York, the laſt would never ſuffer ſuch an offence to go unpuniſhed, when he came to be king. Dangerfield therefore was committed to priſon, and indicted for publiſhing a ſcandalous libel. He was tryed and brought in guilty by the jury, after which he received judgment at the king's-bench bar, ‘That he ‘ſhould ſtand twice in the pillory; that he ‘ſhould be whipt from Aldgate to Newgate ‘on one day, and from Newgate to Tyburn ‘on another, and ſhould pay a fine of 500 l.’

He is condemned to be whiped.

He is killed.

ſcourging was executed with rigour, tho' with leſs cruelty than on Oates. The ſecond day, Dangerfield, after the whipping was over, being in a coach againſt Hatton-Garden, Robert Frances, a barriſter of Grey's-Inn, came to the coach ſide, and uſing ſome inſulting expreſſions, Dangerfield returned a reproachful anſwer. Frances having a ſmall cane in his hand, thruſt it into his eye withal his force, which in two hours put an end to his life Frances was condemned to be hanged, and was executed accordingly, the king, tho' ſtrongly ſollicited for a pardon, not thinking proper to leave ſuch a crime unpuniſhed.

Baxter's tryal. May. 30.

Richard Baxter, a Presbyterian miniſter, famous for his voluminous writings during the troubles, in favour of his religion againſt the church of England, was the third inſtance of the mildneſs of the new government. As he could not be proceeded againſt for his books publiſhed during the troubles, by reaſon of the act of indemnity, occaſion was taken to proſecute him for a late book, intitled, A Paraphraſe on the New Teſtament, wherein it was pretended, there were ſeveral ſeditious paſſages, and highly reflecting on the biſhops. Baxter being brought before Jefferies at the king's-bench bar, and moving, that farther time might be allowed him for his tryal, Jefferies, with his uſual moderation, cried out, "I will not give him a minute's time more to ſave his life: We have had to do with other ſort of perſons, but now we have a ſaint to deal with; and I know how to deal with ſaints as well as ſinners. Yonder, ſays he, ſtands Oates in the pillory, and ſays, he ſuffers for the truth, and ſo ſays Baxter; but if Baxter did but ſtand on the other ſide of the pillory with him, I would ſay there ſtood two of the greateſt rogues and raſcals in the kingdom." In this manner did the judge prepare the jury, before any evidence was heard. It would be needleſs to inſert the particulars of the charge and Baxter's defence. The point was only to know, whether certain paſſages of his late book could be applied to the prelates of the church of England, or ſolely to thoſe of the church of Rome. Baxter's counſel urged, that without a forced conſtruction none of the paſſages could be applied to the biſhops of the church of England. The whole proceſs turned upon this point. But it will not be improper to ſhew the paſſion and partiality of Jefferies in this, as in all other affairs. Baxter alledged in his defence, 'That he had been ſo moderate with reſpect to the church of England, and had ſpoken ſo honourably of the biſhops, that he had incurred the cenſure of many of the Diſſenters upon that account.' Jefferies, laying aſide on this occaſion the office of a judge to turn evidence, affirmed, 'That Baxter was an enemy to the name and thing, the office and perſons of biſhops'; and ſeverely reprimanded the counſel, probably for defending their cauſe too well. Then, ſpeaking to Baxter, he ſaid, "Richard thou art an old fellow, an old knave, thou haſt written books enough to load a cart, every one as full of ſedition, I might ſay treaſon, as an egg is full of meat. Hadſt thou been whipped out of thy writing trade 40 years ago, it had been happy. Thou pretendeſt to be a preacher of the goſpel of peace, and thou haſt one foot in the grave; it is time for thee to begin to think what account thou intendeſt to give. But leave thee to they ſelf, and I ſee thou'lt go on as thou haſt begun; but by the grace of God I will look after thee. I know thou haſt a mighty party, and I ſee a great many of the brotherhood in corners, waiting to ſee what will become of their mighty don; and a doctor of the party, Dr. Bates, at your elbow; but by the grace of Almighty God, I will cruſh you all."

The chief juſtice in ſumming up the evidence ſaid; "It is notoriouſly known, that there has been a deſign to ruin the king and the nation; and this has been the main incendiary: He is as modeſt now as can be; but time was, when no man was ſo ready at bind your kings in chains, and your nobles in fetters of iron; and to your Tents O Iſrael! Gentlemen, for God's ſake do not let us be gulled twice in an age."

It manifeſtly appears from theſe laſt words of Jefferies, that Baxter's book was only a pretence to puniſh him for what he had done during the troubles. However this be, ſuch was the impartial manner in which this judge directed the jury. There is ſcarce a man who will deny, that, as well during this reign, as in the latter part of the former, all the juries were packed, and had engaged beforehand to be guided by the court. In concluſion, Baxter being found guilty, judgement was given againſt him, to be fined 500 marks; to lie in priſon till he paid it; and to be bound to his good behaviour for ſeven years.

The parliament meets. Kennet.

The parliament met the 19th of May. But the king was pleaſed that the commons ſhould firſt chuſe their ſpeaker, before he made his ſpeech to both houſes. The choice fell upon Sir John Trevor, who was recommended by the lord Middleton, one of the ſecretarries of ſtate; after which, the king came to the parliament the 22d of May, and made the following ſpeech to both houſes. As he had that mornning received advice of the earl of Arguyle's arrival in Scotland, it gave him occaſion to add ſomething to his ſpeech.

My lords and gentlemen,

The king's ſpeech to both houſes.

'AFter it pleaſed Almighty God, to take to his mercy the late king my deareſt brother, and to bring me to the peaceable poſſeſſion of the throne of my anceſtors, I immediately reſolved to call a parliament, as the beſt means to ſettle every thing upon thoſe foundations, as may make my reign both eaſy and happy to you: Towards which, I am diſpoſed to contribute all that is fit for me to do. What I ſaid to my privy-council, at my firſt coming there, I am deſirous to renew to you; wherein I fully declared my opinion concerning the principles of the church of England, whoſe members have ſhewed themſelvs ſo eminently loyal in the worſt of times, in defence of my father, and ſupport of my brother, of bleſſed ‘memory, that I will always take care to defend and ſupport it: I will make it my endeavour to preſerve this government both in church and ſtate, as it is now by law eſtabliſhed; and as I will never depart from the juſt rights and prerogative of the crown, ſo I will never invade any man's property: And you may be ſure, that having heretofore ventured my life in the defence of this nation, I will ſtill go as far as any man in preſerving it in all its juſt rights and liberties.

‘And having given you this aſſurance concerning the care I will have of your religion and property, which I have choſen to do in the ſame words, I uſed at my firſt coming to the crown, the better to evidence to you, that I ſpoke them not by chance, and, conſequently, that you may the more firmly rely upon a promiſe ſo ſolemnly made; I cannot doubt, that I ſhall fail of ſuitable returns from you, with all imaginable duty and kindneſs on your part; and particularly, in what relates to the ſettling of my revenue, and continuing it during my life, as it was in the time of the king my brother. I might uſe many arguments to enforce this demand, from the benefit of trade, the ſupport of the navy, the neceſſity of the crown, and the well-being of the government itſelf; which I muſt not ſuffer to be precarious: But I am confident your own conſideration of what is juſt and reaſonable, will ſuggeſt to you whatſoever might be enlarged upon this occaſion. There is one popular argument, which I foreſee may be uſed againſt what I aſk of you, from the inclination men may have for frequent parliaments, which ſome may think will be the beſt ſecured, by feeding me from time to time, by ſuch proportions as they ſhall think convenient: And this argument, it being the firſt time I ſpeak to you from the throne, I will anſwer once for all, that this would be a very improper method to take with me, and that the beſt way to engage me to meet you often, is always to uſe me well. I expect therefore that you will comply with me in what I have deſired, and that you will do it ſpeedily; that this may be a ſhort ſeſſion, and that we may meet again to all our ſatisfactions.’

My lords and gentlemen, ‘I muſt acquaint you, that I have had news this morning from Scotland, that Argyle is landed in the Weſt-High-lands, with the men he brought with him from Holland; and that there are two declarations publiſhed, one in the name of all thoſe in arms there, the other in his own; it would be too long for me to repeat the ſubſtance of them, it is ſufficient to tell you, I am charged with uſurpation and tyranny; The ſhorter of them I have directed to be forthwith communicated to you. I will take the beſt care I can, that this declaration of their own treaſon and rebellion may meet with the reward it deſerves: And I will not doubt, but that you will be the more zealous to ſupport the government, and give me my revenue as I have deſired it, without delay.’

Remarks on this ſpeech.

I ſhall make upon this ſpeech, three remarks, the importance whereof will hereafter appear. The firſt is, that when the king renewed to his parliament the promiſe he had made to the council, to preſerve the government both in church and ſtate, as it is by law eſtabliſhed, nothing was farther from his thoughts than the performance of it. This will very clearly appear in the ſequel. Wherefore this promiſe was only a lure uſed by the king to engage the parliament to enable him to proceed without them. This happened accordingly, for this parliament, which had but two ſhort ſeſſions, was the only one the king called in his reign.

The ſecond remark is, that when the king ſaid, he would not ſuffer the government to be precarious, (that is to depend upon the ſupplies the parliament ſhould grant him from time to time) he plainly intimated, he meant to govern in a different manner from his predeceſſors, ſince among all the kings of England, there was never any whoſe government was not ſupported by the aids of the parliaments.

The third is, that the objection which he foreſaw would be made to his deſire concerning his revenue, was ſo ſtrong, that he could find no other reaſon to anſwer it than a menace, which ought rather to induce the parliament to guard againſt it. For if the king, in caſe of refuſal, thought himſelf powerful enough to make the parliament repent, how much greater reaſon was there to fear, if he ſhould be enabled to proceed without the parliament, and to execute his threat.

Various opinions of the preſent parliament. Echard.

This parliament, according to ſome hiſtorians, was better compoſed than any for many years paſt. All the members were rich, zealous for their country, good churchmen, averſe to all republican or anti-monarchical principles, faithful to the king, and of ſo wonderful harmony among themſelves, that the like had never been ſeen. The meaning of all which in ſhort is, that they were Tories without any mixture of Republicans, Presbyterians, or Whigs. This parliament conſiſted indeed of perſons prepoſſeſſed in favour of the king, who imagining that, according to his promiſes, he would never meddle with the laws or religion, believed it a ſignal ſervice to the kingdom, to enable the king to oppoſe effectually the attempts of the Whigs. They were miſtaken in their ſuppoſition: But it cannot be inferred from their conduct, that they intended to betray the nation's intereſts, as they plainly ſhewed afterwards.

Kennet.

Other hiſtorians do not give the ſame idea of this parliament. They pretend, the members for the moſt part, being elected by the intrigues of the court, were Tories, and moſt violent for the doctrine of paſive-obedience, and for that reaſon ſurrendered the liberties of the people, and paved the way for the king to become abſolute, by granting him ſuch a revenue as enabled him to govern without a parliament.

Tho' theſe two aſſertions with reſpect to this parliament, ſeem to be oppoſite, it is however eaſy to reconcile them, on ſuppoſition of a thing which is very true, viz. the parliament was deceived by the king's promiſes.

So, the only difference between theſe two opinions, is, that the Whigs accuſe the Tories of betraying the intereſt of their country, with premeditated deſign, and the Tories, without denying that they acted indeed againſt the intereſts of the kingdom, maintain that they did ſo, through a too great confidence in the king's word, given from the throne in the moſt ſolemn manner. It will hereafter be ſeen, that the parliament had no ſuch intention, as is imputed to them. But I cannot ſay their imprudence may be ſo eaſily vindicated.

Both houſes thank the king. His anſwer. Echard.

However this be, both houſes pleaſed with the king's ſpeech, waited on him the ſame day with an addreſs of thanks; to which the king anſwered, 'That he was very well pleaſed with their thanks, and could repeat no more than what he had ſaid in the morning, and they ſhould find that he would be as good as his word.'

Vote for granting the ſame revenue as Charles II, enjoyed.

This confirmation was ſo agreeable to the commons, that when they returned to their houſe, they voted immediately, nemine contradicente, 'that all the revenue enjoyed by the late king at his death, ſhould be granted to his preſent majeſty, and ſettled upon him during life.' Thus the conſtant and ordinary revenue of the late king, which according to the intent of the firſt parliament, held in his reign, was to be 1200,000 l. ſterling, but which amounted to above double that ſum; this revenue I ſay, which two parliaments had ſpent about two years in ſettling, was granted to James II, in the ſpace of two hours. They who ſpeak moſt moderately of this revenue, compute it at more than 2000000. But a hiſtorian pretends, that including the 150,000 l. enjoyed by the king while duke of York, and annexed to the crown, the whole amounted to above 2550,000 l. This liberality was not founded upon the ſervices the king when duke of York had done the nation, but ſolely upon his promiſes to ſupport the government of the church and ſtate. But, thro' extreme prejudice, the parliament was not aware, that by granting the king for life ſuch an immenſe revenue, they enabled him to maintain an army and fleet without the aſſiſtance of parliament, and conſequently to ſubdue thoſe that ſhould dare to oppoſe his will, as he did accordingly.

The popiſh lords are diſcharged together with the earl of Danby. Echard.

The commons having given the king ſo real a demonſtration of their zeal and affection, the lords were willing likewiſe to ſhow him how much they were devoted to him in whatever lay in their power. To that end, the king having ſent a warrant to the attorney-general to enter a Noli Proſequi upon the indictments againſt the popiſh lords, who had been priſoners in the Tower for the plot, and againſt the earl of Danby, the houſe of peers annulled their order of the 19th of March 1678-9, and entirely diſcharged thoſe lords who had been releaſed only upon bail.

Bill in the houſe of lords to reverſe the lord Stafford's attainder. Echard.

Theſe proceedings in favour of the popiſh lords, made way for a bill to reverſe the attainder of the lord viſcount Stafford in 1680. The ſole reaſon alledged in the bill for this reverſal was in theſe words: "Whereas it is now manifeſt, that the ſaid William late viſcount Stafford was innocent of the treaſon laid to his charge, and the teſtimony whereupon he was found guilty was falſe. Be it enacted, &c. Thus, the preparers of the bill founded the lord Stafford's innocence upon Oates's being condemned for perjury, tho' in Oates's tryal there was not a word of his teſtimony againſt Stafford. Nevertheleſs, the bill was paſſed by a majority of voices. But ſuch of the lords as oppoſed it, entered their diſſents for the following reaſons:

1. Becauſe the aſſertion in the bill of its being now manifeſt, that the late viſcount Stafford died innocent, and that the teſtimony by which he was convicted was falſe, which are the ſole grounds and reaſons given to ſupport the bill, are deſtitute of all proof, warrant, or teſtimony, or matter of record before us.

2. That the record of the king's-bench, read at the committee, concerning the conviction, laſt term, of one of the witneſſes for perjury, in collateral points of proofs, of no affinity to the lord Stafford's tryal, and given ſeveral years before, it is conceived, can be no ground to invalidate the teſtimony upon which the ſaid viſcount was convicted, which could never legally be by one witneſs, and was in fact by the judgment of his peers, on the evidence of at leaſt three.

3. It is conceived, the ſaid judgment in the king's-bench was unprecedented, illegal, and highly derogatory to the honour, judicature, and authority of this court, who have power to queſtion and puniſh perjuries of witneſſes before them, and ought not to be impoſed upon by the judgments of inferior courts, or their attainder of a peer invalidated by implication; and the popiſh plot, ſo condemned, purſued, and puniſhed by his late majeſty and four parliaments, after publick ſolemn devotion thro' the whole kingdom, by authority of church and ſtate, to be eluded to the arraignment and ſcandal of the government; and only for reſtoring the family of one popiſh lord. And all this being without any matter judicially appearing before us to introduce the ſame; and the records of the tryal not ſuffered to be read, for the information of the truth, before the paſſing of the bill.

4. For many other weighty reaſons, offered and given by divers peers in the two days debate of this bill, both at the committee and in the houſe.

Burnet.

Theſe reaſons plainly ſhow, in my opinion, that the lords, in paſſing this bill, deſigned rather to oblige the king than do juſtice to the memory of the lord Stafford. But the commons had not the ſame complaiſance, ſince it was dropt after the ſecond reading, and never heard of more, they having no intention to ſtrengthen or encourage the popiſh party.

Act of parliament in Scotland. Kennet.

The parliament of Scotland was ſtill extremely zealous for the king's intereſt. Beſides the acts before mentioned, they paſſed one for granting the king during life the yearly ſum of 260,000 l. and another declaring, that the giving or taking the national covenant, or the ſolemn league and covenant, or owning them as lawful or obligatory, ſhould incur the crime of high-treaſon.

1685.

Projects of the earl of Argyle and the duke of Monmouth. Burnet.

Since the earl of Argyle's eſcape after his condemnation in 1681, he had kept himſelf concealed at Amſterdam, very few perſons in Scotland knowing where he was. He waited there for a favourable opportunity either to make his peace with the king, or to raiſe in Scotland, where he thought he had many friends, an inſurrection, which ſhould put him again in poſſeſſion of his eſtate. He believed a fair occaſion offered for an inſurection after the death of Charles II, knowing that the duke of York, who was to ſucceed, was beloved neither in Scotland nor England. For tho', in both kingdoms, the government, and all the publick offices were in the hands of the Tories, the earl of Argyle imagined, that if, by his credit, he could raiſe an army in Scotland, all the Preſbyterians would liſt under his banner, and then his party would be much ſuperior to the king's.

Burnet.

Whilſt he was full of theſe thoughts, the prince of Orange, foreſeeing, the king his father-in-law would ſoon deſire the ſtates to deliver up the duke of Monmouth, adviſed him to retire elſewhere. The duke followed his advice, and withdrew to Bruſſels. But fearing he was not ſafe there, and that the court of Spain would think proper to ſacrifice him to king James, he repaired privately to Amſterdam, where he had frequent conferences with Argyle. They had nothing ready to make an attempt, which might have the leaſt appearance of ſucceſs. They were both without money, and not ſure of friends in England or Scotland to ſecond their projects. In the interim, the earl of Argyle meeting at Amſterdam with a rich widow, who lent him 10000 l. this unexpected ſupply ſo encouraged him, that he reſolved to make a deſcent in Scotland, where he hoped, that his name, his credit, and the cauſe he intended to ſupport, would procure him friends enough. But the duke of Monmouth was not in ſo favourable a ſituation. He flattered himſelf, that the enmity of the Whigs againſt the duke of York would revive, when they ſhould ſee one at the head of their party: but he had yet no private corroſpondence with ſuch of the nobility and gentry, whoſe credit would be able to ſupport him, and moreover he wanted money. However, the earl of Argyle perceiving how advantagious it would be to him, that the duke of Monmouth ſhould make an invaſion in England, whilſt he ſhould himſelf do the like in Scotland, ſo managed, that at length he perſuaded him to try the ſame fortune, tho' not till after the duke had long reſiſted his ſollicitations. Indeed, as the duke's affairs then ſtood, it was a raſh undertaking, eſpecially as it was to be executed when the parliament was ſitting. But ſome of his friends, very unfit to manage ſuch, a deſign, and who were tired with living in exile, did all they could to encourage him. He therefore promiſed Argyle, that as ſoon as he ſhould hear of his landing in Scotland, he would not fail to make a deſcent in England.

Argyle perſuades Monmouth to invade England.

He lands in Scotland. Echard.

Upon this poſitive promiſe, the earl of Argyle ſailed with three ſmall ſhips laden with arms for 5000 men, having with him ſome German officers and ſome ſoldiers liſted in Holland. He arrived the 5th of May before Orkney in the north of Scotland, and ſent his ſecretary on ſhore for intelligence how the country ſtood affected. But the ſecretary being ſeized and brought to Edinburgh, the earl found nothing was to be done in thoſe parts. Wherefore he put to ſea again, and landed in the Weſt-Highlands, at a place called Dunſtaſnage, a ruinous caſtle formerly his own. Here he left his arms and ammunition, and then publiſhed two declarations mentioned by the king in his ſpeech to both houſes. Whereupon the parliament of Scotland now ſitting, paſſed an act, that all the ſubjects of Scotland ſhould take the oath of allegiance anew, and aſſert the royal prerogatives whenever they ſhould be required, upon pain of baniſhment or impriſonment,

1685.

May 20.

He publiſhes two declarations. Kennet.

Act of the Scotch parliament Echard.

The king, as we have ſeen, communicated to the parliament of England but one of Argyle's declarations: however preſently after he imparted alſo the other. Whereupon both houſes came to this reſolution, that they would aſſiſt his majeſty with their lives and fortunes, againſt the earl of Argyle and his adherents, and all other traitors whatſoever. The king very graciouſly thanked them, and in his anſwer to the lords, renewed his former promiſes.

The parliament of England reſolve to ſtand by the king. Kennet.

The king confirms his promiſes.

The committee appointed by the houſe of commons for the affairs of religion, and which, no doubt, conſiſted of the moſt zealous churchmen, conſidered the earl of Argyle's invaſion in Scotland, as an outrage committed by all the Preſbyterians of both kingdoms. Tho' the particulars of this invaſion could not yet be known, except only that the earl of Argyle was landed in Scotland, and had publiſhed two declarations, the committee took occaſion to draw up two votes, viz. 1ſt, That it is the opinion of the committee, that this houſe will ſtand by his majeſty with their lives and fortunes, in defence of the reformed religion of the church of England, as it is by law eſtabliſhed. 2dly, That an humble addreſs be preſented to his majeſty, to deſire him to iſſue out a proclamation, to cauſe the penal laws to be put in execution againſt all Diſſenters whatſoever. This laſt vote was the pure effect of the committee's prejudice, founded on the king's promiſe, that he would ſupport and preſerve the church of England to the utmoſt of his power. Probably, they immagined, the king, tho' a Papiſt, was ready to proceed with vigour againſt all the enemies of that church. But the previous queſtion being, whether the queſtion ſhould then be put for the houſe to agree with the committee, it was carried in the negative. It was conſidered, it would not be agreeable to the king to cauſe the penal laws to be executed againſt all Diſſenters, and conſequently againſt thoſe of his own religion. On the other hand, it was not proper to confine the order to the Preſbyterians in particular, without mention of the Papiſts. for theſe reaſons, the houſe, after mature deliberation, came to the following reſolution, Nemine Contradicente, 'That this 'houſe doth aquieſce, and entirely rely, and

Project of the committee of religion againſt the Preſbyterians, is rejected.

May 27. Kennet.

1685.

‘wholly ſatisfied on his majeſty's gracious word, and repeated declaration, to ſupport and defend the religion of the church of England, as it is now by law eſtabliſhed, which is dearer to us than our lives.’ This vote clearly ſhows, that tho' the commons and Tories in general expreſſed a very great zeal for the king's intereſt, they had no intention to countenance the Romiſh religion, tho' ſome of their enemies have been pleaſed to draw ſuch an inference.

Purſuant to this reſolution, when the revenue-bill was ready, and the king come to the houſe of peers to give the royal aſſent, the ſpeaker of the commons made the following ſpeech.

The ſpeaker's ſpeech to the king. May 30. Echard.

Moſt gracious ſovereign,

‘WE the knights, citizens, ond burgeſſes of the houſe of commons aſſembled in parliament, do preſent to your majeſty the revenue you was pleaſed to demand at the opening of this parliament, wherein we proceeded with as much ſpeed, as the forms of paſſing bills of that nature would admit. We bring not with it any bill for the preſervation or ſecurity of our religion, which is dearer to us than our lives. In that we acquieſce entirely, and reſt wholy ſatisfied in your majeſty's gracious and ſacred word, repeated declarations, and aſſurance to ſupport and defend the religion of the church of England, as it is now by law eſtabliſhed. We preſent this revenue to your majeſty, without the condition of any aditional, appropriating, or tacking clauſes whatſoever. And we humbly beſeech your majeſty to accept of it, and along with it our hearty prayers, that God Almighty would bleſs you with a long life, and happy reign to enjoy it.’

Upon the paſſing this bill, his majeſty was pleaſed to make this ſpeech to both houſes.

My lords and gentlemen,

‘I Thank you very heartily for the bill you have preſented me this day; and I aſſure you, the readineſs and chearfulneſs that hath attended the diſpatch of it, is as acceptable to me as the bill itſelf. After ſo happy a beginning, you may believe I would not call upon you unneceſſarily for an extraordinary ſupply: But when I tell you, that the ſtores of the navy and ordnance are extremely exhauſted; that the anticipations upon ſeveral branches of the revenue are great and burthenſome; that the debts of the king my brother, to his ſervants and family, are ſuch as deſerve compaſſion; that the rebellion in Scotland, without putting more weight upon it than it really deſerves, muſt oblige me to conſiderable expence extraordinary: I am ſure ſuch conſiderations will move you to give me an aid to provide for thoſe things, wherein the ſecurity, the eaſe and the happineſs of my government are ſo much concerned. But above all, I muſt recommend to you the care of the navy, the ſtrength and glory of this nation, that you would put it into ſuch a condition, as may make us conſidered and reſpected abroad. I cannot expreſs my concern upon this occaſion more ſuitable to my own thoughts of it, than by aſſuring you, I have a true Engliſh heart, as jealous of the honour of the nation as you can be; and I pleaſe myſelf with the hopes, that by God's bleſſing, and your aſſiſtance, I may carry the reputation of it yet higher in the world than ever it has been in the time of any of my anceſtors. And as I will not call upon you for ſupplies, but when they are of publick uſe and advantage, ſo I promiſe you, that what you give me upon ſuch occaſions, ſhall be managed with good huſbandry; and I will take care it ſhall be employed to the uſes for which I asked them.’

1685.

Remark on this ſpeech.

If ever there was occaſion to repeat his promiſes concerning religion, and the nation's liberties, it was doubtleſs immediately after receiving from the houſe of commons ſo real a proof of their zeal, founded, as the ſpeaker ſaid, upon their confidence in the king's word. But it was by no means proper for the king to renew a promiſe he did not intend to perform. When this promiſe had procured him what he deſired, it was entirely forgot; and if it was ſometimes mentioned among the king's adherents, it was only to palliate the violation of it, as will hereafter appear.

The very moment the king thanked the commons for their noble preſent, they had occaſion to perceive their error, in not appointing the uſes to which ſuch an immenſe revenue ſhould be applied. It manifeſtly appeared by the king's ſpeech, that he did not pretend to employ this revenue ſolely in the uſual expences of the government, ſince at that very time, he demanded a great and extraordinary aid, for all the other things enumerated by him, and even for the maintenance of the navy, as if his revenue had been too inconſiderable to ſupply his occaſions.

In ſhort, it muſt appear ſtrange, that James, for having gained one naval victory, ſhould affect to exalt himſef above all his predeceſſors. This was a vanity which did not ſeem to become him. Beſibes, it will hereafter be ſeen, that nothing was farther from his thoughts than the deſign of promoting the honour and reputation of the Engliſh nation. Nevertheleſs, the commons highly pleaſed with the king's ſpeech, granted him an additional duty of exciſe upon wines, vinegar, with a further impoſition upon ſuger and tobacco.

The earl of Argyle's proceedings. Echard.

Whilſt theſe things paſſed in England, the earl of Argyle was endeavouring to ſtrengthen himſelf in Scotland, diſperſing declarations, and ſending letters upon letters to his relations and friends. But tho' he was in his own county of Argyle, and the inhabitants had been formerly his vaſſals, all he could do was to aſſemble 2 or 3000 men. With this little army he croſſed over, and landed in the iſle of Bute. But within few days, having notice that a great number of forces, under the command of the earl of Dumbarton, the duke of Gordon, the marqueſs of Athol, the earl of Arron, and others, were advancing towards him from ſeveral parts, in order to ſurround

round him, he was forced to ſhift from iſland to iſland, to avoid them. This he could eaſily do, by means of his three ſhips, and ſeveral ſmall boats, till he heard that three men of war, and ſome frigates, would ſoon come and attack him. Then, he marched into Argyleſhire towards Inverary, ordering his veſſels and boats to come and join him. But they were hindered by contrary winds from doing it ſoon enough. So, finding himſelf ſurrounded on all ſides, and conſidering that few came to join him, and that his troops began to deſert, he give out, that he intended to attack the marqueſs of Athol, who was at Inverary. But at the ſame time, he ordered the old caſtle of Ellengreg to be fortified in the beſt manner poſſible, and leaving his cannon there, with a garriſon of 180 men, marched into Dumbartonſhire. The ſame day, the king's ſhips came up to the caſtle, with intent to batter it, but the caſtle ſurrendered upon the firing of the firſt gun. By which the earl loſt 5000 arms, 500 barrels of powder, and all his cannon, beſides his three ſhips which were alſo taken at the ſame time. This loſs ſo diſcouraged Argyle, as well as his officers, that from that moment they thought only of means to eſcape. But as, after the loſs of their ſhips, there was no way to fly out of Scotland, they retired from place to place with all poſſible ſpeed, even to the ſwimming of rivers. But they were ſo hotly purſued, that they were forced at length to diſperſe into ſmall parties, in order to ſave ſome, in caſe the reſt ſhould have the misfortune to be overtaken. At laſt, not to be tedious, I ſhall ſay in two words, the earl of Argyle having received a wound in his head, was obliged to quit his horſe, and run into the water up to his neck to ſave himſelf. In this poſture he was taken by a countryman, who threatned to knock him down if he would not yield. This happened on the 17th of June, 28 days after his firſt landing in Scotland. He was not ſuffered to languiſh long. For, being brought to Edinburgh with great ignominy, his head was cut off in a few days and placed on the Toll-Booth of the city. Rumbold, one of his friends and confidents, was likewiſe taken and executed with ſeveral others. Thus the king, without having contributed ſcarce any thing to it, ſaw himſelf delivered from the danger which threatned him from Scotland.

He ſuſtains a great loſs.

He is taken June 17.

and beheaded June 30. Burnet.

The duke of Monmouth ſails from Holland. Echard.

The duke of Monmouth, purſuant to his promiſe to Argyle, ſailed out of the Texel the 24th of May, with a ſmall man of war of 32 guns, and two other veſſels. He met with ſuch contrary winds, that he was 19 days at ſea, tho' with out being diſcovered by the king's ſhips which waited in the channel to intercept him, the king having had ſo early notice of his deſign, that Skelton, his majeſty's envoy at the Hague, had obtained an order from the ſtates to arreſt him. For which reaſon, the duke departed ſooner than he intended. At laſt, he landed the 11th of June, with about 80 followers, in the weſt of England, near Lyme, and the ſame day repaired to the town, where he was received without oppoſition. Here he publiſhed a declaration againſt the king. As this declaration is well known, I ſhall only mention the moſt material things in it.

Lands at Lyme.

His declaration. Kennet.

In the preface he ſaid, 'That government 'was originally inſtituted by God, and this 'or that form of it choſen and ſubmitted to 'by men, for the happineſs and ſecurity of 'the governed, and not for the private intereſt and perſonal greatneſs of thoſe that rule. 'That the government of England was, a'bove all others, happy in its primitive form, 'whereby the prerogatives of the crown, and 'the privileges of the ſubjects were ſo far 'from juſtling one another, that the people's 'rights tended to render the king great, and 'the prince's prerogatives were in order to 'the ſubjects protection and ſafety. But that 'all the boundaries of the government had of 'late been broken, and nothing left unat'tempted, for turning the limited monarchy 'into an abſolute tyranny.'

Then the duke proceeded to impute to the king all the miſchiefs in the reign of Charles II, as 'the burning of London, the alliance 'with France, the two wars with Holland, 'the popiſh plot, Godfrey's murder, the Pro'teſtant-plot, the ſuborning witneſſes to ſwear 'the moſt zealous patriots out of their lives, 'the hiring of villains to aſſaſſinate the earl of 'Eſſex, and cauſing others to be clandeſtinely 'cut off, the frequent prorogations and diſ'ſolutions of the parliaments.'

He next proceeded to what the duke of York had done ſince he aſſumed the title of king, as 'the avowing himſelf of the Romiſh 'religion; his publiſhing two proclamations, 'one whereof required the collecting of the 'cuſtoms, and the other continued that part 'of the exciſe which was to expire at the 'king's death; his advancing thoſe to the 'bench that were the ſcandal of the bar, and 'conſtituting thoſe very men to declare the 'laws who were branded in parliament for 'preverting them; his cauſing juries to be 'packed, falſe returns to be made, and new 'illegal charters to be granted, in order to 'have a parliament that ſhould, inſtead of 'preſerving the people's liberties, eſtabliſh 'his arbitrarineſs, and confirm the ſubjects 'thraldom.' He declared moreover, 'That 'he did not take up arms to revenge any per'ſonal injuries, but ſolely for vindicating his 'country's religion and laws.' He did not fail however to affirm, 'That his mother was 'lawful wife of Charles II.' In concluſion, he accuſed the king of poiſoning the late king his brother. The reſt of the declaration contained the uſual proteſtations and invitations in papers of this nature.

Tho' the facts contained in this declaration cannot be looked upon as proofs that the king was guilty of what the duke of Monmouth laid to his charge, they may ſerve however for proof, that the king from that time was accuſed of them, at leaſt by ſome men, and that theſe accuſations were not invented after his fall.

Acts of attainder againſt Monmouth. June 13. Burnet.

The king having communicated to both houſes the duke of Monmouth's landing at Lyme, they preſented an addreſs to him, aſſuring him of their zeal and aſſiſtance, and immediately after the commons proceeded to a bill of attainder againſt the duke of Monmouth. At the ſame time they deſired his majeſty to iſſue a proclamation promiſing a reward of 5000 l. to any that ſhould bring in the duke dead or alive. The bill of attainder was diſpatched by the commons in two days, and in one by the lords.

Acts paſſed. Kennet.

The king demands money. Echard.

The 16 of June the king came to the houſe of peers, and gave the royal aſſent both to this bill and the money-bills before-mentioned. Two days after he ſent a meſſage to the commons, to acquaint them, that he judged it neceſſary for the members to be preſent in their reſpective counties, and therefore deſigns there ſhould be an adjournment in a few days; deſiring there might be a good fund for a preſent ſum of money, to anſwer the immediate charge his majeſty muſt be at, on account of the duke of Monmouth's rebellion in the Weſt. Upon this meſſage the commons voted a ſupply of 400,000 l. for the king's preſent extraordinary occaſions.

Acts paſſed. Kennet.

The two houſes were ſo expeditious to anſwer the king's deſires, that on the 27th of June there were 12 bills ready, moſt of them for the king's benefit; and on the 2d of July, four more, beſides private bills. That day, the parliament was adjourned to the 4th of Auguſt. But the lord keeper gave notice, that the king did not intend there ſhould be a ſeſſion, but that the members about London ſhould meet and adjourn themſelves as there ſhould be occaſion, till winter, or till the king ſhould appoint the time by proclamation. Thus ended the firſt ſeſſion of this parliament, having done in ſix weeks what no other ever did in many months.

The duke of Monmouth advances. Burnet.

He comes to Taunton. Echard.

He takes the title of king.

The duke of Monmouth's followers, who were not above 82 when he landed at Lyme; increaſed to 2000 in three or four days. This made him hope they would continually increaſe as he advanced into the country. Wherefore, he departed from Lyme, the 15th of June, and came the ſame day to Axminſter. He thereby prevented Chriſtopher Monk duke of Albemarle, who with 4000 of the militia intended to go thither in order to beſiege him in Lyme. The duke of Monmouth being come to Axminſter, diſpoſed his troops in ſuch manner, that Albemarle, inſtead of attacking him, thought proper to retreat, perceiving his militia-men had no inclination to do their duty. Albemarle's retreat enabled the duke of Monmouth to march to Taunton, where he arrived the 18th, and was received with loud acclamations. His army being conſiderably increaſed during a five or ſix days ſtay at Taunton, he imagined his affairs were in a proſperous way, and that all the country would join him. In this expectation he called a council, where it was reſolved he ſhould aſſume the title of king. He had already inſinuated in his declaration, that he was lawful ſon of Charles II, and thereby ſhown, that he pretended to the crown. But, in all likelihood, he would not have taken the title ſo ſoon, had not thoſe about him, repreſented to him, that appearing in arms againſt a king actually on the throne, he muſt be accounted a rebel as long as that king's right was acknowledged: That therefore, neither the nobility nor people could have any pretence to join him; whereas by taking upon him the royal ſtyle, he would have the ſame advantage as James with regard to right. Probably, there was no occaſion to uſe many other arguments to prevail with him. What he had intimated in his declaration, plainly ſhows, that this was the end he propoſed to himſelf. The only thing therefore was to conſult about the moſt proper time for it. In ſhort, purſuant to the advice of thoſe he conſulted, he was proclamed king at Taunton the 20th of June by the name of James II.

He publiſhes three proclamations. Kennet.

He began his pretended reign with three proclamations. By the firſt, he promiſed the ſum of 5000 l. to any that ſhould bring the duke of York dead or alive. By the ſecond, he declared the parliament now ſitting a ſeditious aſſembly, and gave power to any that would to lay hold of the members as rebels and traitors, if they did not ſeparate before the end of June. The third was to declare the duke of Albemarle a traitor, who lay within ſix miles of Taunton with his militamen to attack him, if he found opportunity.

He marches to Bridgewater.

and is proclamed there.

He marches towards Briſtol:

Hears of the advance of the king's army, and retreats to Bridgewater.

He receives the news of Argyle's defeat.

The 21th of June the duke marched for Bridgewater. He was received there as at Taunton, eſpecially as his army was increaſed to 5000 men, and might have been more numerous, had he been able to arm thoſe that offered to ſerve him. Beſides arms he wanted alſo good officers, ſcarce any but the meaneſt of the people having joined him. After cauſing himſelf to be proclaimed in Bridgewater, and his three proclamations to be read, he marched for Briſtol, where the inhabitants were inclined to receive him, had they not been awed by the duke of Beaufort their governour. He advanced however within three miles of the city, at the inſtance of ſome Briſtol men, who aſſured him, he would be received in ſpite of the governour and the garriſon. But in the interim, he had notice that the king's forces were advancing, which made him alter his reſolution of attempting Briſtol to that of retreating to Bridgewater. He marched therefore towards Bath, and after vainly ſummoning that city to ſurrender, he beat up one of the king's quarters at Philip's-Norton, where lay a troop of horſe, which were entirely defeated. From thence he advanced to Frome, where he met with a chearful reception. But unhappely for him, the king's party had found means a few days before to diſarm all the inhabitants, ſo that he was diſappointed, his chief aim being to ſeize thoſe arms for ſuch of his men as wanted them. At Frome he heard of the earl of Argyle's defeat, which threw him into a great conſternation. However, he reſolved to purſue his march, and return to Bridgewater.

The king makes ready.

Whilſt theſe things paſſed in the Weſt, the king was preparing at London, with all poſſible diligence, for his defence againſt an enemy who could not but make him extremely uneaſy. But he had not many regular troops, and thoſe diſperſed in ſeveral parts of the kingdom. This obliged him to raiſe the militia, particularly in the weſtern counties, till the arrival of the ſix Engliſh and Scotch regiments which which were to come from Holland. On this occaſion, the prince of Orange his ſon-in-law ſent Monſieur Bentinck, with an offer of his perſon to head his army: but the king did not think proper to accept it. In the interim, as he had no great confidence in the militia, he ſent down his guards, and all the regular troops he could aſſemble, and formed a little army of 2000 foot, and 700 horſe and dragoons. He gave the command to Lewis Duras, earl of Feverſham, brother of the marſhals Duras and de Lorge, and nephew to the late Mr. de Turenne. With theſe few troops, the earl of Feverſham encamped at a place called Sedgemore near Bridgewater, whilſt ſeveral parties of the militia of the neighbouring counties lay about him, under the command of the dukes of Beaufort, Somerſet, Albemarle, and the earl of Pembroke.

The prince of Orange offers to head the army; but is refuſed. Kennet.

Feverſham made general. Burnet.

The duke of Monmouth attak's the king's army. July 6. Kennet.

The duke of Monmouth, who was come to Bridgewater, looking upon himſelf as beſieged, and conſidering that the king's forces daily increaſed, whilſt his own began to deſert, held a council of war, wherein it was reſolved to march in the night, and ſurprize the earl of Feverſham, who was encamped that day at Sedgemore, and according to the report of the ſpies, little expected to be attacked. Purſuant to this reſolution the duke began his march about eleven at night with profound ſilence, and within two hours fell in with Dunbarton's regiment, which, lying in an advanced poſt, gave the alarm to the royal army, and by that they had time to draw up and receive their enemies. The particulars of the battle, which was fought about an hour after, are not well known. Thus much is certain, the duke of Monmouth's horſe commanded by the lord Grey behaved very ill, tho' ſuperior to the king's in number, and were routed at the firſt charge. The duke of Monmouth, in the head of the foot, long fought with great bravery. But being deſerted by his own, and attacked by the king's horſe, his army was at laſt forced to take to flight. The loſe of this battle was aſcribed to the little experiance or cowardice of the lord Grey, who commanded the horſe, and was even ſuſpected of treachery. What confirmed this ſuſpition was, that being made priſoner he readily obtained the king's pardon. It is ſaid moreover, that when he had ſo ill performed his duty, inſtead of endeavouring to rally the horſe, he rode up to the duke of Monmouth and told him, all was loſt, and it was more than time to ſhift for himſelf.

He is defated. Burnet.

This battle was fought the 6th of July at break of day. There were ſlain on the duke of Monmouth's ſide 300 men on the ſpot, 1000 in the purſuit, and as many taken priſoners. The duke retiring out of the fight, could hardly rally 50 horſe to ſecure his retreat. But theſe being quickly diſperſed, he was obliged to fly on foot, accompanied only with a German count, whom he had brought with him from Holland. The lord Grey was taken on the morrow, and, the day after, the duke of Monmouth was found in a ditch covered with fern, with ſome green peaſe in his pocket. Probably he had eaten nothing elſe for two days. He was brought to the lord Lumley, who immediately conveyed him to London.

1685.

He is taken and ſent up to London. July 8.

He writes to the king, Echard.

No ſooner was the duke taken, but he believed himſelf loſt, and yet he retained ſome hopes that the king would be moved by his ſubmiſſion and repentence, and the queen dowager would intercede for him. In this belief, he wrote to the king for pardon, in the moſt ſubmiſſive terms he could deviſe, and which he thought moſt apt to move his compaſſion. He wrote alſo to the queen dowager, who really interceded for him, and prevailed with the king to ſee the unfortunate duke. She made no doubt, that ſince the king had conſented to ſee him, he intended to pardon him; but ſhe was miſtaken. The duke being brought to the king's preſence, threw himſelf at his feet, and begged his life in a very ſubmiſſive or rather abject manner. The king, after asking him ſome queſtions, made him ſign a declaration, whereby he owned, that the king his father aſſured him, he was never married to his mother. This done, the king told him, his crime was of too great a conſequence to be forgiven, and therefore he muſt prepare to die. The queen, who was perſent, is ſaid to have inſulted his misfortune in an unmarciful manner. The duke ſeeing no hopes left, roſe from the king's feet with an air of bravery, which would have better become him when he firſt came into his preſence, and was carried to the Tower to prepare for death. The king's and queen's behaviour on this occaſioin was thought very ſtrange, princes not being uſed to admit criminals to their preſence, but when they deſign to grant them a pardon. I do not find in any hiſtorian that the duke was proceeded againſt in the uſual forms. So, probably, he was condemned by the king alone.

who conſents to ſee him.

The duke begs his pardon. Kennet.

The king denies it.

Echard.

Till his execution, the king ordered Turner biſhop of Ely to attend him, and prapare him to die. The duke wrote once more to the king for pardon, or at leaſt for a longer time, and deſired him to ſend him Dr. Tenniſon or any other divine. The king denied the two firſt articles of his requeſt, and appointed Ken biſhop of Bath and Wells, to go and acquaint him, that he muſt die the next morning.

He is prepared for death.

In the morning, July the 15th, Dr. Tenniſon and Dr. Hooper were brought to him, and attended him till the laſt hour of his life. By there exhortations they perſuaded him to give it in writing, that the king his father told him, he was never married to his mothet. He confeſſed alſo, that his invaſion was a ſin, but would never owen it a rebellion. There was another point about which the two divines could not receive from him any ſatisfaction, viz. his living with the lady Herriot Wentworth, tho' he had a ducheſs of his own, and his pretending to be lawfully married before God, alledging, that his firſt marriage was null, as being too young when he gave his conſent. All the pains taken by the two doctors to convince him of the falſhood of this opinion were fruitleſs, nay, he choſe rather to deprive himſelf of the communion, than own his engagements with that lady to be unlawful.

He is executed.

When he was on the ſcaffold, he declared, he died a Proteſtant of the church of England. But Turner and Ken ſtopped him, and ſaid, that to be a member of the church of England he muſt believe the doctrine of non-reſiſtance. He anſwered, he could not help it, but he did not believe it, yet he approved the doctrine of the church in all other things. At laſt, he laid his head on the block, which was not ſevered from his body untill the fifth ſtroke. Thus died the duke of Monmouth, who had long been the people's idol, and whom James always conſidered as a very formidable rival. Charles II. died very ſeaſonably to free the duke his brother from the uneaſineſs created him by this competitor. But tho' James had mounted the throne, the duke of Monmouth endangered his crown. Neither the victory at Sedgmore, nor Argyle's defeat in Scotland, could be aſcribed to the valour or conduct of the king but to mere chance, or rather to the direction of Providence, which, for the welfare of England, was pleaſed to uſe properer means to be more plainly diſtinguiſhed.

The king takes a cruel revenge on his enemies. Jefferies and Kirk ſent into the weſt. Bloody Aſſizes.

The king being thus freed from his greateſt fears, gave himſelf over entirely to the paſſion of revenge on thoſe who directly or indirectly had aſſiſted the duke of Monmouth. To that end, the lord chief-juſtice Jefferies was ſent with four judges aſſiſtants, into the weſt, with a ſpecial commiſſion of Oyer and Terminer, to try the late rebels; and major-general Kirk was ordered to attend him with a body of troops to keep the people in awe. It was not poſſible for the king to find in the whole kingdom, two men more deſtitute of religion, honour, and humanity. They were two cruel and mercileſs tygers, that delighted in blood. I ſhall relate here but ſome few of their barbarous actions: For a particular account of all their proceedings would be too great a digreſſion.

Barbarous proceedings of Jefferies, Burnet.

At Wincheſter, the widow of the lord Liſle[*], one of king Charles I's judges, was brought before him to be tryed. Her crime was the harbouring and concealing Mr. Hickes a Presbyterian miniſter[†] of the duke of Monmouth's party, tho' his name was in no proclamation, and one Nelthorp who was a ſtranger to her. The jury not ſatisfied with the evidence, brought her in not guilty. But Jefferies in great fury ſent them out again. They found her not guilty three times: But Jefferies threatening them with an attaint of jury, ſhe was brought in guily, and executed accordingly, being above 70 years old[‡].

Kennet.

At Dorcheſter, Jefferies, to ſhorten his work, told 30 priſoners, that if they expected any favour, they ſhould plead guilty. But as they did not care to take that courſe, he condemned 29, who were immediately executed.

In another place, 200 perſons being indicted, Jefferies poſitively promiſed a pardon to ſuch as ſhould plead guilty, and of the 200, he ordered 80 to be hanged.

In fine, not to enlarge on ſuch a ſcene of horror, it ſuffices to ſay, that Jefferies condemned 500 perſons, whereof 230 were executed, according to the loweſt computation[**], and their quarters ſet up in the highways. Jefferies himſelf gloried in this barbarity, and boaſted, that he had hanged more men than all the judges of England ſince William the Conquerer. And yet he would have carried his cruelty farther, had not many purchaſed his favour with their eſtates. One Mr. Prideaux[††] alone gave him 14000 l. to ſave his life. As for thoſe that had not money enough to buy pardons at his price, they were either hanged, or cruelly whipped, or ſold for ſlaves into the American plantations.

And of Kirk. Burnet.

Kirk was not behind Jefferies either in cruelty or inſollence. Immediately after the duke of Monmouth's defeat, being ſent to Taunton, he cauſed 19 perſons, by his own authority, without any tryal or proceſs, and without ſuffering their wives or children to ſpeak with them, to be hanged with pipes playing, drums beating, and trumpets ſounding. It was this doubtleſs, that made him worthy to be an aſſiſtant to Jefferies.

In the ſame town of Taunton, Kirk having invited his officers to dinner, ordered 30 condemned perſons to be hanged whilſt they were at table, viz. ten in a health to the king, ten in a health to the queen, and ten in a health to Jefferies. But one action he committed in another town is beyond all imagination. A yong girl throwing herſelf at his feet to beg her father's[‡‡] life, he drew her in to proſtitute her ſelf to him, with the promiſe of granting her requeſt. But having ſatisfied his brutal luſt, he was ſo inhuman, as out of the window, to preſent the credulous girl with the ſight of her father hanging on the ſign-poſt. This ſad ſpectacle ſo affected the poor girl, that ſhe fell diſtracted.

Father Orleans refuted.

Father Orleans, who wrote from the mouth of James II, not being able to deny theſe barbarous executions, endeavours to excuſe them two ways. He ſays firſt, that the king was informed of them too late to prevent them, and that the great ſervices performed by Jefferies and Kirk, prevailed with him to ſpare them[***]. He ſays; in the next place, that the king made amends for theſe injuſtices, as far as lay in his power, by the general pardon he afterwards granted. But it is eaſy to ſee, how vain theſe excuſes are, if it is conſidered, that when Kirk, was charged with theſe cruelties, he anſwered, that Jefferies and himſelf acted far ſhort of the king's inſtructions. Again, the king was ſo little diſpleaſed with Jefferies's conduct, that at his deſire he made him lord-chancellor *, the lord-keeper North dying while the chief-juſtice was exerciſing his cruelties in the weſt. As for the general pardon, it was not publiſhed till ſeveral months after all theſe executions, when there were no more guilty to be found. The court muſt have believed, that very few could have the benefit of the pardon, ſince a company of young girls, from 10 to 12 years old, were inſerted by name, who with chaplets of flowers on their heads, had preſented a bible to the duke of Mounmouth, at his entry into Taunton.

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[*] He was one of Cromwell's lords, and commiſſioner of the great ſeal.

[†] Brother of the late Dr. Hickes, dean of Worceſter.

[‡] All the favour the king would grant her, was to change her ſentence from burning to beheading. State Tryals.

[**] Burnet ſays above 600 were hanged.

[††] Of Ford Abby in Somerſetſhire.

[‡‡] Some ſay it was her brother's. See Kennet.

[***] Burnet aſſures us, that the king had a particular account of all Jefferies's proceedings wrote to him every day. And he took pleaſure to relate them in the drawing room to foreign miniſters, and at his table, calling it Jefferies's campaign. Dykvelt the ſtates ambaſſador told Burnet, that the king talked ſo often of theſe things in his hearing, that he wondered to ſee him break out into thoſe indecencies.

Several executions in London. Of Elizabeth Guant. State-Try.

It was not only in the weſtern counties that the king gave ſenſible proofs of his revengful temper. The city of London was witneſs alſo of ſeveral executions in October, among others, of Elizabeth Gaunt, who was publickly burnt for harbouring one of the duke of Monmouth's adherents †. Six men were hanged at Tyburn as traitors, for crimes of the like nature, and what is more ſtrange, without any previous tryal.

Of alderman Corniſh Burnet.

But the execution that made moſt noiſe, was that of alderman Corniſh. This man, who was ſheriff of London at the time of the diſcovery of the popiſh plot, had been very active on that occaſion, which was grown an unpardonable crime in the preſent reign. Corniſh, whoſe name had hardly been mentioned in the Rye-plot, not ſuſpecting any thing, and following his profeſſion, was ſeized on Tueſday the 13th of October, and hurried to Newgate without being allowed the uſe of pen, ink, and paper. The next Saturday evening, he had notice that he was indicted of high-treaſon, and that his tryal was to be on Monday morning. On the morrow, he ſent a petition to the king for a longer time, alledging, that he did not even know wherein conſiſted the treaſon he was accuſed of. The king referred his petition to the judges, who abſolutely denied his requeſt. He was charged with conſpiring againſt king Charles II, with the lord Ruſſel, and the reſt who had been executed for that affair, and condemned upon the evidence of the ſame witneſſes, tho' he ſhowed, in their depoſitions, manifeſt contradictions, and viſible improbabilities. But it was reſolved to revenge the death of thoſe who ſuffered for the popiſh plot, upon ſuch as had been moſt active againſt the Papiſts. Corniſh was executed as a traitor, the 23d of October. But the parliament, in the year 1688, reverſed the ſentence, as well as thoſe of ſome others, who had unjuſtly ſuffered in the beginning of this reign.

Of Bateman the ſurgeon. Dec. 18. Echard.

The laſt that died for the Proteſtant plot, was Charles Bateman, a noted ſurgeon, who was accuſed of holding ſeveral ſeditious diſcourſes at that time againſt the government. But many people believed, his chief crime conſiſted in his compaſſion to Titus Oates, having conſtantly attended him after his cruel ſcourgings, and uſed all his ſkill to cure his wounds. This man, who did not expect to be accuſed, grew diſtracted during his impriſonment, and the court was ſo well ſatisfied of it, that his ſon was permitted to make his defence for him. But his condition did not prevent his being condemned and executed.

The king's flouriſhing condition.

The king was then in a flouriſhing ſtate. His two greateſt enemies were deſtroyed, and by his revenge upon thoſe that had offended him, as well in his own, as in his brother's reign, he had ſtruck ſuch a terror into the whole kingdom, thot no man dared ſo much as to think of reſiſting him. The Whigs were intirely humbled, the Tories were triumphant, and the doctrine of paſſive-obedience and non-reſiſtance was openly preached, as an aſſential article of the faith of the church of England. The king had a parliament, which ſought only to give him marks of their zeal, and ever ready to ſupply him with money for all extraordinary occaſions, without his being obliged to meddle with his revenue. His army greatly contributed to make him feared, and keep the people in awe. Scotland was entirely ſubdued, and the managers of the affairs of that kingdom ſeemed only to mind the enlarging of the prerogative royal. As for Ireland, it will preſently be ſeen, that he had not ſtayed till now to put that kingdom in the ſtate he deſired. In fine, the princes of Europe conſidering him as a monarch able to incline the balance to which ſide he pleaſed, made, as I may ſay, their court to him, either to gain him, or at leaſt to hinder him from turning againſt them.

He forms new projects.

What therefore did James II. want to render his happineſs complete? One thing, which affected him more than all the reſt, but which he could not hope to obtain, without hazarding all his other advantages. This was, to make all his ſubjects Papiſts, or at leaſt, to force them to pretend to be ſo. But this was not a thing eaſy to be accompliſhed, by reaſon of the great ſuperiority of the number of the Proteſtants in England and Scotland. Neverthele ſs, he attempted it, imagining, that the opportunity was too favourable to be neglected. But as he uſed at firſt very groſs artifices, obvious to all the world, he was obliged to ſupport them with force, and to that end, he was to ſet himſelf above the laws. Theſe two projects, of eſtabliſhing an arbitrary government, and deſtroying the Proteſtant religion, were not of late date. Every one knew they had long been in hand. But the Engliſh did not expect, the king would violate his repeated promiſes to ſupport and defend the religion eſtabliſhed by law: Nay ſome

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* And created him baron of Wem in Shropſhire.

† The villain, upon hearing that the king would ſooner pardon the rebels than thoſe that harboured them, by an unheard of baſeneſs, went and delivered himſef and accuſed her that harboured him, while ſhe was looking for an opportunity of ſending him out of the kingdom. Upon the evidence of this infamous witneſs, the judge charged the jury to find her guilty. Burnet.

were ſo ſtrangely blind, as to think it impoſſible for the king to break his word. But they were afterwards too ſenſible of their error. All the reſt of this reign conſiſts only in the means uſed by the king to execute this deſign, and in the meaſures taken by the Engliſh at laſt to ſtop his career. I muſt begin with the firſt of theſe points, before I proceed to the ſecond.

Reaſons which ſhould have withheld the king from following them.

Many things ſhould have diverted the king from forming ſuch a project. Firſt, the difficulty of the execution, which might have been eaſily foreſeen. For if it is conſidered, that the Papiſts of England are not the thouſandth part of the nation, it muſt be thought ſtrange, that with this thouſandth part it is attempted to compel the reſt to change their religion. I ſay compel, for what likelyhood is there that, without compulſion, a whole nation may be perſuaded to quit their religion and embrace another, for which they have the utmoſt abhorrence? It will, pehaps, be ſaid, that James had almoſt accompliſhed it, and that without a foreign aid, the Engliſh would have been forced to ſubmit to the yoke. But the inconſiderableneſs of this aid, demonſtrates, he was yet very far from his ends.

Secondly, as to the abſolute power, which muſt have been eſtabliſhed, in order to introduce a religion contrary to that of the whole kingdom, he was much miſtaken in ſuppoſing, that France would lend him a powerful aid for that purpoſe. For it was not the intereſt of Lewis XIV, to render the king of England abſolute, but only to raiſe commotions in that kingdom, which, by keeping England employed, ſhould facilitate the execution of his ambitious deſigns.

Welwood.

Thirdly, if the examples of Edward II, and Richard II, as too remote from his time, made no impreſſion upon him, he ſhould have conſidered that of the king his father, who, for endeavouring to ſtretch the prerogative royal, and for being only ſuſpected of intending to introduce popery, loſt his head on the ſcaffold. It has been ſeen, that Charles I, in the time of his afflictions, wrote to the prince his eldeſt ſon to take warning by him, not to aſſume more power than belonged to him. Moreover, when he was brought on the ſcaffold, he took off his George, and gave it to Dr. Juxon, ſaying, remember. The council of ſtate being willing to know the meaning of that expreſſion, Juxon anſwered, "That the king immediately before his coming out to the place of execution, had charged him to carry to the prince his George, with theſe his two laſt commands, that he ſhould forgive his murtherers; and, if ever he came to the crown, he ſhould ſo govern, as not to force them upon extremities." The queen-dowager, as ſhe was going into Somerſet-houſe, after the reſtoration of Charles II, ſaid, "Had I known the Engliſh ſome years ſince, as well as I do now, I ſhould never have been forced to leave this palace." In fine, Charles II, when at the point of death, told the duke his brother, "not to think of introducing the Roman catholick religion into England, it being a dangerous and impractable thing." Theſe warnings, which could not be ſuſpected by the king, ought to have made him ſeriouſly conſider what he was going to do.

Fourthly, Don Pedro Ronquillo, the Spaniſh ambaſſador, at his firſt audience after the king's acceſſion to the crown, told him, "That he ſaw ſeveral prieſts about him, who would importune him to alter the eſtabliſhed religion; but wiſhed his majeſty not to hearken to their advice, for if he did, he would have reaſon to repent of it when it was too late." The king taking ill the ambaſſador's freedom, aſked him in a paſſion? Whether, in Spain, the king adviſed with his confeſſors? Yes, Sir, replied Don Pedro, "and that is the reaſon our affairs go ſo ill."

Fifthly, pope Innocent XI, in a letter to the king upon his coming to the crown, told him, "That he was highly pleaſed with his zeal for the Catholick religion: But was afraid he would carry it too far, and inſtead of contributing to his own greatneſs, and the advancement of religion, he would do both himſelf and the Catholick church the greateſt prejudice, by attempting that which could never ſucceed."

Laſtly, it was manifeſt, that the king could hope to ſucceed in his undertaking but by force, and that this force wholly lay in his army and fleet. But was it not a ſtrange project, to attempt to reduce by force a Proteſtant kingdom to the Catholick religion, with a Porteſtant army, and a fleet, whoſe commanders and mariners were Proteſtants? He had but too much reaſon to perceive his error, when it was too late to remedy it.

Theſe conſiderations, examples, and warnings, were ineffectual againſt the impetuous zeal of the king, and the importunities of thoſe who were admitted to his ſecret counſels, and particularly the queen. He attempted at once two things equally difficult, viz. to ſet himſelf above the laws, and to alter the eſtabliſhed religion. When I ſay he attempted it, I mean, openly and bare-faced, for it was no new deſign. He had formed it long ſince, and, not to carry back the beginning of it too far, it ſuffices to obſerve, that the execution of it had been privately labouring 20 years; and that moreover, James did but purſue the ſcheme he had perhaps himſelf framed, when duke of York. It was not therefore the duke of Monmouth's defeat that inſpired James II, with thoughts of becoming abſolute, and altering the eſtabliſhed religion. His good fortune to conquer that rival, ſerved only to put him upon haſtening the execution of his projects. This evidently appears, when it is conſidered, what paſſed in Ireland ſince the beginning of his reign.

About two months after the king's acceſſion to the crown, he recalled the duke of Ormond from Ireland, and appointed two lords juſtices to govern that kingdom *. The duke of Ormond was not a proper inſtrument for the

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* The archbiſhop of Armagh, and Arthur Forbes earl of Granard. The archbiſhop was ſo compliant to the court, that even his religion came to be ſuſpected. However he was not thought thorough paced: So Sir Charles Porter was made chancellor in his room. Burnet.

1685. king's purpoſes. At the ſame time, the privy-council of Ireland was diſſolved, and a new one appointed, into which were admitted ſeveral known Papiſts. Soon after, their number was ſo increaſed, that they made the major part of of the council, ſo that the Proteſtants no longer aſſiſted, that they might not authorize by their preſence, ſuch reſolutions as it was invain to oppoſe. When the council was thus modelled, nothing was heard in Ireland,but impeachments againſt the Proteſtants, for being concerned in the Rye-Plot, and afterwards, for holding correſpondence with the duke of Monmouth, or his adherents. The moment any perſon was accuſed, he was ſent to priſon by the council, without being admitted to bail, or brought to a tryal. The earl of Granard, one of the lords juſtices, and a good Proteſtant, weary of being an inſtrument to thoſe acts of injuſtice, deſired to be diſmiſſed. But the king denied him, and ſent him a letter under his own hand aſſuring him, that nothing ſhould be acted prejudicial to the Proteſtant intereſt. But it ſoon appeared, that the king never meant to perform this promiſe. For, very ſoon after, he reſolved to have a ſtanding army of Papiſts in Ireland, and to diſarm the Proteſtants. This laſt article was firſt put in practice. The king wrote to the lords juſtices, 'That there was reaſon to believe, that the rebellion of Monmouth had been of that ſpreading contagion, as to reach Ireland, and therefore it was not ſafe to have the arms of the militia diſperſed abroad; but they would be in greater readineſs for the uſe of the militia, and the defence of the country, to have them depoſited in the ſeveral ſtores of each county.' Upon this order, the lords juſtices publiſhed a proclamation, agreeable to the king's deſire, and the city of Dublin having brought in their arms, their example was followed by all the country.

The Proteſtants being thus diſarmed, means were deviſed to turn the Proteſtant, into a Catholick, army. For that purpoſe, colonel Richard Talbot, a violent Papiſt, was impowered to caſhier ſuch officers and ſoldiers as he thought fit. He was the man above all others moſt odious to the Engliſh Proteſtants in Ireland. It is obſervable, that Titus Oates in his narrative of the popiſh plot, named him as deſigned for this very ſervice. So, when the event was ſeen to agree ſo well with what Oates had related, many could not help thinking, either that he had been well informed, or was a good prophet.

Talbot having received this commiſſion, broke many officers, on pretence that they had born arms againſt the king during the troubles, or were ſons and relations of thoſe who had ſerved the parliament of Cromwell. It muſt be obſerved, that all this paſſed in Ireland, before or imediately after the duke of Monmouth's defeat, at a time when the king had not manifeſted his deſigns in England. That I may not be obliged frequently to return to what was tranſacting in Ireland, I ſhall briefly add here, that about the end of the year, Talbot came into England, and was made earl of Tyrconnel, and lieutenant-general of the Iriſh army, and ſhortly after, Henry earl of Clarendon was appointed lord lieutenant of Ireland. 1685.

The parliament of England, after ſeveral adjournments, meeting at laſt on the 9th of November, the king made the following ſpeech to both houſes.

The king's ſpeech to the parliament. Gazettes.

My lords and gentlemen,

'AFTER the ſtorm that ſeemed to be coming upon us when we parted laſt, I am glad to meet you all again in ſo great peace and quietneſs; God Almighty be praiſed, by whoſe bleſſing that rebellion was ſuppreſſed; but when I reflect what an inconſiderable number of men began it, and how long they carried it on without any oppoſition, I hope every body will be convinced, that the militia, which hath hitherto been ſo much depended on, is not ſufficient for ſuch occaſions; and that there is nothing but a good force of well-diſciplined troops in conſtant pay, that can defend us, from ſuch, as either at home or abroad, are diſpoſed to diſturb us. And in truth, my concern for the peace and quiet of my ſubjects, as well as for the ſafety of the government, made me think it neceſſary to increaſe the number to the proportion I have done; this I owed as well to the honour, as to the ſecurity of the nation, whoſe reputation was ſo infinitely expoſed to all our neighbours, by having lain open to this wretched attempt, that it is not to be repaired without keeping ſuch a body of men on foot, that none may ever have the thought again of finding us ſo miſerably unprovided. It is for the ſupport of this great charge, which is now more than double to what it was*, that I aſk your aſſiſtance, in giving a ſupply anſwerable to the expence it brings along with it; and I cannot doubt, but what I have begun, ſo much for the honour and defence of the government, will be continued by you with all the chearfulneſs and readineſs that is requiſite for a work of ſo great imporance.

'Let no man take exception, that there are ſome officers in the army not qualified, according to the late teſts, for their employments: The gentlemen, I muſt tell you, are moſt of them well known to me; and having formerly ſerved me on ſeveral occaſions, and always approved the loyalty of their principles by their practice, I think them fit now to be employed under me; and will deal plainly with you, that after having had the benefit of their ſervices in ſuch time of need and danger, I will neither expoſe them to diſgrace, nor myſelf to the want of them, if there ſhould be another rebellion to make them neceſſary to me. I am afraid ſome men may be ſo wicked, to hope and expect, that a difference may happen between you and me upon this occaſion: But when you conſider, what advantages have riſen to us in a few months, by the good underſtanding we have hitherto had; what wonderful effects

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* The army, which conſiſted but of 7000 men was increaſed to 15000. Rapin.

‘it hath already produced in the change of the whole ſcene of affairs abroad, ſo much more to the honour of the nation, and the figure it ought to make in the world; and that nothing can hinder a further progreſs in this way to all our ſatisfactions, but fears and jealouſies amongſt ourſelves; I will not apprehend that ſuch a misfortune can befal us, as a diviſion, or but a coldneſs between me and you; nor that any thing can ſhake you in your ſteddineſs and loyalty to me, who, by God's bleſſing, will ever make you all returns of kindneſs and protection, with a reſolution to venture even my own life in the defence of the true intereſt of this kingdom.’

Peoples eyes begin to be opened. Echard.

This ſpeech equally ſurprized both houſes of parliament, and the whole kingdom, when it came to be publiſhed. The Engliſh had often ventured their lives in the defence of their laws and liberties, of which they then believed themſelves ſecure, as well by the conſtitution of the government, as by the king's ſolemn promiſe, but they beheld their laws openly atacked in the moſt ſenſible part. Many of thoſe who had moſt warmly oppoſed the excluſion-bill, began to open their eyes, and perceive, that the jealouſies and fears of the Whig parliaments were too well-grounded, and that it was difficult to reconcile the intereſts of a Roman catholick king, with thoſe of a Proteſtant kingdom. This was what the Whigs had in vain declared in the late reign. Inſtead of duly weighing their reaſons, the Tories had run into the other extreme; nay, had expected to be gainers by ſetting the duke of York on the throne. But this firſt publick ſtep of the king, made them proceed for the future with a little more caution, tho' by their principles they were not yet obliged to take ſuch meaſures as would have been neceſſary.

The lords thanked the king. Burnet.

It was warmly debated in the houſe of lords, whether they ſhould give the king thanks for his ſpeech. Some were utterly againſt it; whereupon the marqueſs of Hallifax ſaid, "They had now more reaſon than ever to give thanks to his majeſty, ſince he had dealt ſo plainly with them, and diſcovered what he would be at." Nevertheleſs, it was reſolved by the majority, that the king ſhould be thanked. But however, the biſhop of London moved, that his majeſty's ſpeech might be debated, and tho' it was unuſual in the houſe, the 23d of the month was appointed to take the ſpeech into conſideration, with which the king was highly diſpleaſed.

The commons defer it. Kennet.

When the commons were returned to their houſe, the king's ſpeech was ordered to be read, which was followed with a long and profound ſilence. At laſt, the earl of Middleton moved for an addreſs of thanks to the king for his ſpeech. This motion produced a ſecond ſilence, which was broke by the lord Caſtleton, who, more bold than the reſt, plainly declared againſt thanking the king. Wherefore, as there would probably be ſome difficulty in the matter, the debate was adjourned till the 12th of the month. To give the reader a clear notion of the difficulties which occurred in the king's demand, I ſhall make here ſome obſervations, which perhaps will not be foreign to the purpoſe.

Obſervations on this matter.

The houſe of commons, as I ſaid, conſiſted then of Tory-members, there being very few Whigs, or if any, their number was not conſiderable. Now the Tories had a very different notion of the regal power, from that of the Whigs. They had, as we have ſeen, declared in the late reign for paſſive-obedience and non-reſiſtance, and the church made it an article of faith. Nevertheleſs it may be ſaid, when they introduced this doctrine without any limitation, they did not foreſee all the conſequences. It was properly to contradict the principles of the Whigs, who ran into the other extreme. As they imagined, that Charles II, and James II, were for them, they fancied they could not ſtretch the royal prerogative too much, in the belief, that theſe two princes would exert it only againſt their adverſaries. According to this principle, king James's demand for a ſtanding army of 15000 men in time of peace, did not ſeem contrary to their intereſt, tho' the parliaments had ever been extremely averſe to a ſtanding army, which ſerved only to increaſe the regal power. But what the king did by his ſole authority, in employing popiſh officers in this army, was a thing as much againſt the Tory as the Whig intereſt. It was eaſy to perceive, of what dangerous conſequences it might be to the Proteſtant religion in general, as well Epiſcopalian as Preſbyterian, and theſe conſequences were the more dreaded, as what paſſed in Ireland plainly diſcovered the king's intentions. Beſides, the power aſſumed by the king, to exempt the popiſh officers from taking the teſt, was directly contrary to the liberties of the kingdom as well as to religion.

A ſupply voted. Burnet.

When therefore the king's ſpeech was debated the, 24th of November, in the houſe of commons, ſuch members as were not of the ſame principles with the rigid and violent Tories, ſpoke with great freedom, repreſenting the inconveniences of a ſtanding army in time of peace[*], and moved for the new modelling the militia, ſo as to render them of uſe upon occaſion. They were ſuffered to talk as much as they pleaſed, but when the queſtion was put for a ſupply to be given to the king, it was carried in the affirmative. It is true, ſome one having moved that theſe words might be added, towards the ſupport of the additional forces, they were rejected, that the houſe might not appear to approve of the augmentation of the regular troops, and inſtead thereof it paſſed, that the houſe be moved to bring in a bill to make the militia uſeful. By this they would have had it believed, that the parliament reſerved to themſelves the power of breaking the regular troops, and eſtabliſhing a good militia in their room. But, doubtleſs, it was to hinder the people from being alarmed, if they ſaw the parliament approve of maintaining an army in time of peace. For, after all, a ſupply was given the king for the maintenance of this army.

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[*] Among other things it was ſaid,----"All the profit and ſecurity of the nation is in our ſhips.----Supporting an army, is maintaining ſo many idle perſons, to lord it over the reſt of the ſubjects.-----Armies debauch the manners of all the people, their wives, daughters, and ſevants, &c." On the other, the contrary party alledged, "That there was a bitter ſpirit in the three laſt parliaments, not yet well allayed, and ſo a conſiderable force was needful beſides the militia." Life of James II,

As to the ſum which was to be granted, the courtiers moved for 1200,000 l. Others exclaimed againſt the exhorbitancy of ſuch a ſum, and were for reducing it to 400,000 l. alledging, that it would be enough to maintain the additional forces two years, till the militia ſhould be made uſeful. That they had already given cuſtoms and exciſes for his majeſty's life, which amounted to 6000000, and that if they gave ſo much at once, they ſhould have nothing left to give; eſpecially as it was the nation's intereſt, that the king ſhould have frequent occaſion for his parliament. At laſt, after great debates it was reſolved, that a ſupply of 700,000 l. ſhould be granted to the king. It was evident therefore, that the maintainance of an army of 15000 men was not what moſt diſpleaſed the commons in the king's ſpeech.

Debates about popiſh officers.

But the affair of the popiſh officers was of ſuch a nature, that it concerned the Tory no leſs than the Whig-party. It was eaſy to ſee the great danger of the Proteſtant religion, if the parliament, after having agreed to a ſtanding army, ſhould farther conſent to the king's employing as many Papiſts as he pleaſed. The commons thought therefore, that on this occaſion it was neceſſary to ſet ſome bounds to paſſive-obedience, tho' till now this doctrine had been maintained without any reſtriction, becauſe it was not imagined, that the king would attack religion and the laws. One of the members ſpeaking on this ſubject repreſented very ſtrongly, 'That his majeſty, on his firſt acceſſion to the crown, told them, he had been miſrepreſented, and that he would preſerve the government in the church and ſtate, now eſtabliſhed by law, and maintain them in all their juſt rights and privileges: That overjoyed at this, they ran haſtily to him, and were ſo forward to give, that the king's miniſters put their ſtop to it: That they ought not to forget, that there was a bill of excluſion debated in that houſe; and that the arguments for it were, That they ſhould, in caſe of a popiſh ſucceſſor, have a popiſh army: That they ſaw the act of the teſt already broken; but prayed them to remember what the late lord chancellor told them when king Charles paſſed that act: By this act, ſaid he, you are provided againſt popery, that no Papiſt can poſſibly creep into any employment: That he was greatly afflicted at the breach of their liberties, and ſeeing ſo great a difference between his laſt ſpeech, and thoſe heretofore made, he could not believe but this was made by ſome other advice: That what the thing ſtruck at there was their all; and that he wondered there had been any men ſo deſperate, as to take any employment without being qualified for it: And concluded, to have a ſtanding army voted deſtructive to the country.' During theſe debates the court-party were not idle. They repreſented with great ſtrength, the inconveniences of not complying with the king's deſires. The reſult was, the appointing a committee to draw up the following addreſs, which was preſented to the king the 17th of November.

The commons addreſs. R. Coke.

Moſt gracious ſovereign.

'WE your majeſty's moſt loyal and faithful ſubjects, the commons in parliament aſſembled, do, in the firſt place, as in duty bound, return your majeſty our moſt humble and hearty thanks, for your great care and conduct in ſuppreſſing the late rebellion, which threatened the overthrow of this government both in church and ſtate, to the extirpation of our religion as by law eſtabliſhed, which is moſt dear unto us, and which your majeſty hath been pleaſed to give us repeated aſſurances you will always defend and maintain; which, with all gratful hearts we ſhall ever acknowledge. We further crave leave to acquaint your majeſty, that we have, with all duty and readineſs, taken into our conſideration your majeſty's gracious ſpeech to us: And as to that part of it relating to the officers in the army, not qualified for their employments, according to an act of parliament made in the 25th year of the reign of your royal brother, entitled, an act for preventing dangers which may happen from popiſh recuſants; we do, out of our bounden duty, humbly repreſent unto your majeſty, that theſe officers cannot by law be capable of their employments; and that the incapacities they bring upon themſelves that way, can no way be taken off but by an act of parliament: Therefore, out of that great reverence and duty we owe unto your majeſty, who have been graciouſly pleaſed to take notice of their ſervices to your majeſty, we are preparing a bill to paſs both houſes, for your royal aſſent to indemnify them from the penalties they have now incurred: And becauſe the continuing them in their employments, may be taken to be a diſpenſing with that law, without an act of parliament, the conſequences of which is of the greateſt concern to the rights of your majeſty's ſubjects, and to all the laws made for the ſecurity of their religion: We therefore, the knights, citizens, and burgeſſes, of your majeſty's houſe of commons, do moſt humbly beſeech your majeſty, that you would be moſt graciouſly pleaſed to give ſuch directions therein, that no apprehenſions or jealouſies may remain in the hearts of your majeſty's moſt loyal ſubjects.'

This addreſs being preſented to the king by the ſpeaker, attended by the whole houſe, his majeſty gave them this anſwer.

Gentlemen, "I did not expect ſuch an addreſs from the houſe of commons: For having ſo lately recommended to your conſideration the great advantage a good underſtanding between us had produced in a very ſhort time, and given you warning of fears and jealouſies amongſt ourſelves; I had reaſon to hope, that the reputation God

“ had bleſſed me with in the world, would “ have ſealed and confirmed a good confidence in you of me, and of all that I ſay to “ you. But however you proceed on your “ part, I will be ſteady in all my promiſes I “ have made you, and be juſt in my word in “ this, and all my other ſpeeches.

The commons ſeek to content the king. Burnet.

This anſwer, tho' pretty obſcure, ſo ſurprized the commons, that when it was read in the houſe, they kept a profound ſilence for a conſiderable time. At laſt it was moved by one of the members, that a particular day might be appointed to conſider of the king's anſwer. This motion was ſeconded by Mr. Coke, burgeſs for Derby, who added, “ He “ hoped they were all true Engliſhmen, and “ not to be frighted out of their duty by a “ few hard words.” Tho' this ſpeech was very conſiſtant with the freedom of a houſe of commons, the majority however were pleaſed to look upon Mr. Coke as an incendiary, who intended to ſow diſcord between the king and the commons, and voted him to be ſent to the Tower. Moreover, the houſe, to make amends in ſome meaſure for the offence they had given the king, proceeded to ways and means towards raiſing the 700,000 l. before voted. But they ſtopped not there. To ſhew the king that they ſought all poſſible ways to content him, beſides a bill to indemnify the popiſh officers from the penalties they had already incurred, they reſolved to offer another to the king, to qualify ſuch a number of thoſe officers to ſerve in the army as he ſhould think fit. All this demonſtrates, it was with regret that the houſe ſwerved from the principle of paſſive-obedience and non-reſiſtance.

Petitions from the lords priſoners. Nov. 9, Kennet.

In the mean time, the lords received petitions from Thomas Gray, earl of Stanford, and Henry Booth, lord Delamere, repreſenting, that theſe two peers were committed to the Tower in July laſt, upon a general accuſation of treaſon, kept cloſe priſoners, and denied the uſe of pen, ink, and paper. Theſe petitions, obliged the lords to ſend to the king, to know the reaſon why theſe two peers were impriſoned. The king anſwered by the lord chancellor, that they were committed for high-treaſon, and that he had given orders for a commiſſion of Oyer and Terminer to try the lord Delamere in Cheſhire, where the crime was committed. But as he had given no orders about the earl af Stanford's tryal, the lords appointed him to be tryed by his peers, to which the king conſented.

The king prorogues the parliament. Kennet.

Within a few days, on the 20th of November, the king finding it would be very difficult to obtain his deſires of the commons concerning the popiſh officers, prorogued the parliament till the 10th of February, after a ſeſſion but of 11 days. The king loſt, by the prorogation, the 700,000 l. voted by the commons. But he did not want it, conſidering the vaſt ſums they had liberally granted him. This prorogation, which was followed by ſeveral others, and at length by the diſſolution of the parliament, the laſt in this reign, is a clear demoſtration of two things. Firſt, that the king conſidered the affair of the popiſh officers in the army, as of great moment, ſince he choſe rather to loſe 700,000 l. then ſee his pretended right to employ them conteſted by the parliament. The ſecond is, the exceſſive compliance ſhown the king by the commons, in enabling him to maintain an army, employ popiſh officers, and, in a word, to have no occaſion for a parliament. For from hence ſprung all the evils which afflicted England during the reſt of this reign.

The lord Delamere's tryal. State-Try.

About a month after the prorogation of the parliament, the lord Delamere was brought to his tryal by his peers, tho' the king had before reſolved to have him proceeded againſt in another manner. The lord Howard was the firſt witneſs produced againſt him. But tho' he gave a large account of the duke of Monmouth's conſpiracy, he depoſed nothing poſitive againſt the lord Delamere. The ſecond witneſs was Ford lord Gray, at which every one was ſurprized, it not being known that he was pardoned. This gave occaſion to think he was in great favour with the king. But his evidence tended more to prove in general the duke of Monmouth's rebellion, than the guilt of the priſoner in particular. One Saxon was the only witneſs that ſwore to the lord Delamere's correſpondence with the duke of Monmouth. But as he was a perſon of very bad reputation, the lords took no notice of his evidence, and the priſoner was unanimouſly acquitted.

He is acquitted.

The lord Stanford is diſcharged upon bail.

As for the earl of Stanford he was admitted to bail, and tho' nothing could be proved againſt him, he thought fit to lay hold on the proclamation of pardon which was publiſhed ſhortly after. This pardon appeared not till the end of the year, after the executions of a great number of perſons. It was moreover clogged with ſo many exceptions, that the king was not much thanked for it.

Promotions at court. Gazettes.

James, in this firſt year of his reign, beſtowed honours and dignities upon ſeveral of his favourites and adherents, and advanced others to high offices. Henry Bennet, earl of Arlington dying July 28, his place of lord chamberlain was given to John Sheffield, earl of Mulgrave who became one of the chief favourites in this reign. Laurence Hyde, earl of Rocheſter was made lord treaſurer, and Henry, earl of Clarendon his elder brother lord lieutenant of Ireland. Robert Spencer, earl of Sunderland principal ſecretary of ſtate, was declared lord preſident of the council, and from that time became prime-miniſter of ſtate.

The death of Sir John Marſham.

The perſon moſt known abroad, that died this year, was Sir John Marſham, eminent for his great ſkill in antient hiſtory and chronology. He departed this life in the eighty third year of his age *.

1686.

The year 1686, to which we are now to proceed, was wholly ſpent, as well as the next, in the execution of the king's two grand projects, viz. of making himſelf abſolute, and eſtabliſhing popery. Theſe two projects could

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* This year alſo died Sir William Dugdale, Garter king at arms, author of the Baronage, Antiquities of Warwickſhire, &c. and Thomas Otway.

not but keep equal pace. For the king being a Papiſt, his chief aim in rendering himſelf abſolute was to alter the religion of the kingdom, and, on the other ſide, he could not introduce popery, but by ſetting himſelf above the laws.

Proceedings of the parliament of Scotland. Echard.

Before things were carried any further in England, he believed it proper to be aſſured firſt of Scotland and Ireland. As for Scotland, the managers there were entirely diſpoſed to comply with the king's will. The late parliament, beſides the acts before-mentioned, paſſed one * wherein it was declared, 'That they owe all their bleſſings to the ſacred race of their glorious kings, and to the ſolid, abſolute authority wherewith they were inveſted by the firſt and fundamental laws of their monarchy :------And therefore they again declare to the world, that they abhor and deteſt not only the authors and actors of all preceding rebellions againſt their ſovereign, but alſo all principles and poſitions which are contrary or derogatory to the king's ſacred, ſupreme, ſovereign, abſolute power and authority, which none, whether particular perſons or collective bodies, can participate of any manner of way, or upon any pretext, but in dependence on him, and by commiſſion from him, &c.' They paſſed another act, 'To confirm and approve whatever had been done by his majeſty's privy-council, juſtice-court, and thoſe commiſſionated by them, in baniſhing, impriſoning, or fining ſuch as refuſed to take and ſwear the oath of allegiance; and to aſſert the royal prerogative in the utmoſt extent of them.'

If what paſſed in Scotland in the reign of Charles I, and during the Interregnum, be remembered, it will be eaſily perceived this was not the general ſence of the Scots, but only the opinion of a parliament devoted to the king, and which viſibly abuſed their authority, to eſtabliſh a form of government directly contrary to the old conſtitution.

Life of James II.

Encouraged by theſe great advances, the king ſummoned the parliament of Scotland, to aſſemble the 29th of April this year, and wrote a letter to them, wherein, 'He recommends to their ſpecial care, his innocent Roman Catholick ſubjects, who had always been aſſiſtant to the crown in the worſt of rebellions and uſurpations, tho' rhey lay under diſcouragements hardly to be named: Theſe he moſt heartily recommended to them; to the end, that as they had given good experience of their true loyalty and peaceable behaviour, ſo, by their aſſiſtance, they might have the protection of his laws, not ſuffering them to lie under obligations, which their religion could not admit of; by doing of which, they would give a demonſtration of their duty and affection towards him, and do him moſt acceptable ſervice. And this love he expected they would ſhow to their brethren, as they ſaw him an indulgent father to his people.'

The earl of Murray lord high-commiſſioner, ſeconded this letter, with a particular account of the many advantages the king intended to procure his realm of Scotland, chiefly with reſpect to trade. He alſo endeavoured to perſuade them, that what the king deſired, tended as much to the honour and welfare of his ſubjects of Scotland, as to his own ſatisfaction. He concluded with ſaying, 'By this you will ſhew yourſelves the beſt and moſt affectionate ſubjects, to the beſt, the incomparable, and moſt heroick prince in the world.'

Kennet.

When the king's letter, and the lord commiſſioner's ſpeech came to be conſidered in the parliament, ſome members, without looking farther, were for complying with the king's deſires. But others, in greater numbers, moved and prevailed to have a committee appointed, to examine the ſtatutes againſt the Papiſts. The committee finding, the ſtatutes prohibited only the publick exerciſe of the popiſh religion, drew up a bill to allow them the exerciſe of their religion in private. But when this bill was preſented to the parliament, it met with ſo much oppoſition, that the lord-commiſſioner thought fit to adjourn the debate to another time, till he had received inſtructions from court. The king ſent him orders to diſſolve, or at leaſt prorogue the parliament, and ſome months after, by his ſole authority, he eſtabliſhed liberty of conſcience in Scotland.

Affairs of Ireland. Kennet.

Affairs in Ireland were upon another foot. The king's will met with no oppoſition there, and tho' the lord lieutenant was a Proteſtant, his credit and authority were inſufficient to put a ſtop to the acts of injuſtice committed againſt thoſe of his religion. The new earl of Tyrconnel was no ſooner returned to Dublin with the title of lieutenant-general of the army, but he began again to break the Proteſtant officers and ſoldiers, and put Roman catholicks in their places: without vouchſafing to aſk for the lord-lieutenant's order †. This bred a quarrel between them, wherein Tyrconnel behaved very haughtily, ever ſaying, he did nothing but by the king's expreſs order. When he had modelled the army according to the king's mind, he went over into England, where, by means of the queen, and father Petre the jeſuit, he ſupplanted the earl of Clarendon, and was appointed lord-lieutenant of Ireland. Upon his arrival at Dublin, he endeavoured by a proclamation to diſpel the fears of the Proteſtants, who ſaw themſelves, to their great trouble, in ſubjection to a Catholick. But his actions correſponded not with his promiſes. Wherefore, a great number of Proteſtants, choſe rather to quit their eſtates in Ireland, and withdraw into England, than remain under the government of one ſo juſtly odious to them. On the other hand, the Engliſh merchants who traded in Ireland, withdrew their effects, and by that the kingdom was reduced to great extremities. But all theſe diſadvantages were compenſated by the hopes of rooting out the Proteſtant religion in that country.

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* Containing a tender of duty, and offer of the exciſe to his majeſty. Kennet.

† Two or 300 Engliſh gentlemen, who had laid out their fortunes in purchaſing their military poſts, were now arbitrarily diſbanded, and 5 or 6000 private ſoldiers ſent a begging. Kennet.

Means made uſe of by the king in England to execute his deſigns. Burnet.

But it was chiefly in England that the king deſired to eſtabliſh popery and arbitrary power. For, as I ſaid, one of thoſe things could not advance without the other. If he had only aimed at abſolute power, without meddling with religion, in all appearance he would have eaſily ſucceeded, ſince paſſive obedience was in a manner eſtabliſhed, and now reckoned an eſſential doctrine of the church of England, the members whereof made the body of the nation, and were poſſeſſed of all the offices and places of truſt. But as he had already diſcovered, that if he wiſhed to be freed from the yoke of the laws, it was chiefly to eſtabliſh his religion, the parliament, however devoted to to him in all other reſpects, had not been ſo compliant as to abandon the intereſt of religion. Notwithſtanding this refuſal, he hoped to attain his ends, firſt, by cauſing the judges to give it as their opinion, that he had a power to diſpenſe with the laws. Secondly, by gaining the members of parliament by degrees, being reſolved to have no ſeſſion till he had accompliſhed that deſign. In England, as in other places, there are men always ready to ſacrifice the publick, to their private intereſt, and there were but too many, on the preſent occaſion, even among the clergy themſelves. Dr. Cartwright, dean of Rippon, ſpeaking, in a ſermon, of the king's promiſes made to the parliament, which were then the common topick of diſcourſe and complaint, ſaid, 'That the 'king's promiſes were free donatives, and 'ought not to be too ſtrictly examined or urged; and that they muſt leave his majeſty to 'explain his own meaning in them.' The king was ſo delighted with this gloſs, that he rewarded the author with the biſhoprick of Cheſter, as an encouragement to other clergymen to follow ſo good an example.

Cart-wrights gloſs upon the king's promiſes. Echard. He is made biſhop of Cheſter.

Alterations among the judges April 21. Kennet.

As for the judges, the king took care to ſend for them one by one, and talked with them privately in his cloſet[*], in order to perſuade them to declare for his diſpenſing power telling him, he would have 12 judges of his opinion[†]. Four abſolutely refuſed to comply, and were immediately diſplaced. The king appointed four others of more pliable and ſubmiſſive underſtandings, among whom there was one Papiſt[‡].

A call of ſerjeants. Kennet.

At the ſame time, the king made a call of ſerjeants at law, among whom were ſeveral Catholicks, one of whom was knighted[**], and a little after, another lawyer of the ſame religion was made a judge[††].

And in the privy-council July 17.

The privy-council alſo underwent the like alteration, the king having received into it five zealous Cathólicks, viz. the earl of Powis, the lord Arundel of Wardour, and the lord Bellaſis, (who had been long confined in the Tower, being accuſed of the popiſh plot) Henry Jermyn, lord Dover, and the earl of Tyrconnel. He likewiſe admitted the new biſhop of Cheſter, and Dr. Parker, biſhop of Oxford, a reputed Papiſt. All theſe changes clearly diſcovered the king's intentions.

The judges give their opinion that the king may diſpence with the laws. Echard.

But it was not long before he gave more ſignal marks of them. It has been remembered, that he aſſumed a power to diſpence with the obſervation of the teſt-act in his Catholick officers. The parliament's refuſal of their conſent to this innovation, only exaſperated the king, and made him reſolve to exempt from the penal laws all his ſubjects in general, and conſequently the Papiſts. But as this was directly againſt law, he undertook to ſhow, by the means of his corrupt Judges, "That a "power in the king to diſpenſe with law, was "law." For this purpoſe he took care firſt to have papers diſperſed through the kingdom, to prove this pretended right, and to prepare the people for his deſigns[‡‡]. At laſt in a particular caſe[***], all the judges, except one, gave their opinions for the king, and made it a general rule in law: 1. That the laws of England are the king's laws. 2. That therefore it is an incident, inſeparable prerogative of the king's of England, as of all other ſovereign princes, to diſpence with all penal laws, in particular caſes, and upon particular neceſſary reaſons. 3. That of theſe reaſons and neceſſities the king is the ſole judge; conſequently. 4. That this is not a truſt inveſted in and granted to the king, but the antient remains of the ſovereign power of the kings of England, which never was yet taken from them, nor can be.

The Papiſts openly profeſs their religion: Popiſh biſhops conſecrated. Echard.

In conſequence of this deciſion, the Papiſts, with the king's permiſſion, ſet up every where in the kingdom, the free and open exerciſe of their religion. The Jeſuits erected colleges and ſeminaries in all the conſiderable towns; and at the ſame time, four popiſh biſhops were publickly conſecrated in the king's chapel, and ſent down to exerciſe their functions in their reſpective dioceſes, under the title of vicars apoſtolical. Their paſtoral letters addreſſed to the Lay-catholicks, were printed at the king's printing-houſe, and diſperſed through the kingdom. Monks appeared in the habits of their order at Whitehall and St. James's, and ſcrupled not to tell the Proteſtants, "That "they hoped in a little time, to walk in proceſſion through Cheapſide." And as many converts were expected, that ſo pleniful a harveſt might not want labourers, a great number of prieſts and monks were ſent from foreign parts. From this time, the only way to preferment was to be a Papiſt, or a promoter of popery. All affairs of the council were managed by Catholicks, or ſome others who had but little regard to religion. Thus, by the deciſion of ten or twelve judges, nominated and corrupted by the king before their admiſſion, the laws of England were given up, and the conſtitution entirely altered. By a like practice it was, that Charles I, cauſed his judges to decide, that he had a right to impoſe taxes in caſes of neceſſity, of which neceſſity himſelf was ſole judge. Hence it may be perceived, that the laws of England would be ill ſupported, had they no firmer foundation than the deciſions of judges appointed by the king. But it is ſurprizng, that the precedent of ſhip-money, eſtabliſhed by Charles I, and in effect, the principal cauſe of his ruin, made ſo little impreſſion on James II. But the violence of his zeal for his religion, made every thing eaſy,or poſſible to him, and, at all events, he was reſolved to run the risk of the undertaking.

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[*] Upon which the term cloſetting was much toſſed about. He not only talked with his judges in this manner; but with many parliament-men about the affair of the teſt, ſome whereof gave him very flat and hardy denials; others tho' more ſilent, yet were no leſs ſteady. So finding he could not bring the majority to a compliance, he diſſolved, the parliament: Of whom, Burnet ſays, in all England it would not have been eaſy to have found 500 men ſo weak, ſo poor, and ſo devoted to the court. So happily was the nation taken out of their hands by this precipitated violence of a bigotted court, Burnet.

[†] Upon which Jones told him, "Poſſibly you may find 12 judges of your opinion, but you will ſcarce find 12 lawyers to be ſo. Kennet.

[‡] The judges turned out, were, Sir Thomas Jones, William Montague, Sir Job Charlton, Sir Edward Nevill, In whoſe places were put, Sir Henry Bedingfield, Sir Edward Atkyns, Sir Edward Lutwiche, Richard Heath. Kennet.

[**] Sir Chriſtopher Milton the poet's brother, who was made a judge.

[††] Sir Richard Allibone of Gray's-Inn a Papiſt. The Motto uſed by the ſerjeants, was Deus, Rex, Lex, ibid.

[‡‡] L'Eſtrange and others were employed to ſhew, that a power in the king to diſpence with law, was law. Echard

[***] In the caſe of Sir Edward Hales a popiſh gentleman of Kent, who had an employmet. Burnet,

Places beſtowed on Papiſts.

The clergy forbid to preach upon controverted points. Echard.

The king uſed another expedient for the advancement of his religion. He ſent a circular letter to the biſhops, with an order, prohibiting all the inferior clergy from preaching upon controverted points of divinity, for fear, as was pretended, of raiſing animoſities among the people. It was thus that the perſecution began in queen Mary's reign, and it ought not to ſeem ſtrange, that a popiſh king ſhould imitate ſo zealous a popiſh queen. But on this occaſion, the clergy of the church of England clearly diſcovered their averſion to popery, of which they had hitherto ſtood accuſed by their enemies, on pretence of a ſcrupulous attachment to ſome modes and ceremonies, which the firſt reformers had not thought fit to retrench. For many of the dignified clergy, and the moſt diſtinguiſhed for their piety and learning, far from prevaricating in the diſcharge of their office, preached openly on controverted points, or rather made them the cheif ſubject of their diſcourſes. They ſaw the tendency of this extraordinary inhibition, at a time when the Proteſtant religion was openly attacked, as well in ſermons, as writings printed with licence, and induſtriouſly diſperſed through the nation. It is juſtice to do honour to theſe faithful miniſters of the goſpel, by tranſmitting to poſterity the names of the moſt diſtinguiſhed amongſt them. Theſe were Tillotſon, Stillingfleet, Tenniſon, Wake, Patrick, Sharp, Sherlock, all famous for their writings, and all afterwards promoted to the firſt dignities of the church.

but obey not.

The king erects an eccleſiaſtical commiſſion. Kennet.

The king and his popiſh council were extremely offended with this boldneſs, and therefore, to force the Proteſtant clergy to ſubmiſſion, the king erected a new court for eccleſiaſtical affairs, compoſed of various members, among whom were ſeveral Catholicks. A nomination of Papiſts to be judges of a Proteſtant clergy in matters of doctrine and diſcipline, ſhowed that the king would no longer keep any meaſures. Among theſe commiſſioners were three biſhops, viz. William Sancroft of Canterbury, Crew of Durham, and Sprat of Rocheſter. The reſt were all laymen, of which the principal were Jefferies lord chancellor, the earl of Rocheſter, lord treaſurer, the earl of Sunderland, ſecretary of ſtate and preſident of the council, and the lord chief-juſtice Herbert. The commiſſion was directed to any three of them, whereof the lord chancellor was always to be one, for a reaſon very obvious.

Power of the eccleſiaſtical commiſſioners. Kennet.

By this commiſſion they had a power to exerciſe and execute all manner of juriſdictions and pre-eminences, concerning any ſpiritual or eccleſiaſticle juriſdictions; to viſit, reform, redreſs, and amend all abuſes, offences, contempts, and enormities whatſoever, which by the ſpiritual or eccleſiaſtical laws of the realm might be lawfully corrected. They were alſo to enquire of all offences, contempts, and miſdemeanours committed, or hereafter to be committed; that they might be corrected and puniſhed by the ſenſure of the church; they were to ſearch for, and call before them all eccleſiaſtical perſons of what degree or dignity ſoever, and to puniſh the offenders, by excommunications, ſuſpenſions, deprivations, or other eccleſiaſtical cenſures: They were impowered to ſend for all ſtatutes, rules, letters-patents of univerſities, colleges, grammar-ſchools, and all other eccleſiaſtical corporations, and rhe ſaid ſtatutes to correct, amend, and alter as they ſaw convenient, &c.

Many of the beſt lawyers thought this commiſſion illegal, and contrary to the act paſſed in the 17th year of Charles I, for aboliſhing the high-commiſſion-court. Others pretended, there was nothing in it contrary to that act. It ſeems however, that the court was conſcious of its illegality, ſince tho' it was granted in April, it was not opened till Auguſt. Beſides, the archbiſhop would never act in it.

The affairs of the biſhop of London. State-Try

Shortly after, Dr. Sharp, in a ſermon, vindicated the church of England in oppoſition to the errors of popery. The king being informed of it, pretended, that the preacher's intention was to beget an evil opinion of himſelf and his government in the minds of the hearers, and to lead them into diſobedience and rebellion. On this ſuppoſition he ſent a letter to Henry Compton, biſhop of London, commanding him forthwith to ſuſpend Dr. Sharp from farther preaching in any pariſh-church or chapel in his dioceſe, till he had given him ſatisfaction, and his farther pleaſure was known therein. On receipt of this order, the biſhop wrote to the earl of Sunderlaud, and prayed him to communicate his letter to the king. He repreſented, that he was to proceed according to law, and as a judge; and by the law no judge condemns a man before he has knowledge of the cauſe, and has cited the party. Dr. Sharp himſelf carried the letter, but could obtain no anſwer. Two days after, he waited on the king at Windſor, with a very humble petition, but without any effect. The king and his councill had already reſolved to embrace this occaſion to puniſh the biſhop of London, who was odious to the court, becauſe he had moved in the

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the houſe of lords to examine the king's ſpeech. Beſides, by ſo great an example, they were reſolved to eſtabliſh the authority of their new eccleſiaſtical court. The biſhop was therefore cited to appear before the commiſſioners the 4th of Auguſt, where he was treated in a manner unbecoming his birth* and dignity, by Jefferies the chancellor, who uſed him with his wonted inſolence. The biſhop demanded a copy of the commiſſion, or at leaſt to hear it read. But this was refuſed, and he was anſwered by Jefferies, that the commiſſion might be had in every coffee-houſe for a penny. At laſt, with great difficulty, he obtained a delay of five days. The 9th of Auguſt he appeared a ſecond time before the court, and again on the 23d, when he diſowned its juriſdiction, alledging, that as a biſhop he had no other judge but his metropolitan: but his plea was rejected. At laſt, after two or three adjournments of the court, he was ſuſpended from the function and execution of his epiſcopal office, for his diſobedience and contempt: And the biſhops of Durham, Rocheſter, and Peterborough, were appointed commiſſioners within the dioceſe of London, during the biſhop's ſuſpenſion. Dr. Sharp was likewiſe ſuſpended, but it was only for a few days.

who is ſuſpended Sept. 6.

This affair convinced all the world, that the court was reſolved to ſilence all the Proteſtant miniſters, to prevent their maintaining the Proteſtant religion in their ſermons. It was alſo perceived, that the king was reſolved to keep no more meaſures, ſince in a time of profound peace, he had formed a camp of 15000 men upon Hounſlow-Heath, under the command of the earl of Feverſham. In this camp was a publick chapel, where maſs was ſaid every day.

Johnſon a clergyman addreſſes a writing to the army; Kennet.

Tho' the army had but very few popiſh officers and ſoldiers, it was feared, that the whole would be ſubſervient to the king in the execution of his deſigns, in conſequence of that blind obedience uſually profeſſed by an army. To obviate this danger, Samuel Johnſon, a clergyman †, addreſſed a writing to the Proteſtant officers and ſoldiers of the army, wherein he laid before them the reaſons which ought to prevent their being the inſtruments of the court, for the deſtruction of their religion, and the ſubverſion of the government. This writing was too appoſite to the king's deſigns to eſcape unpuniſhed. Wherefore the author being tried at the king's-bench, was ſentenced to ſtand three times in the pillory, to be whipped from Newgate to Tyburn, and to pay a fine of 500 marks. The ſentence, after Johnſon's ſolemn degradation, was executed with great rigour. But his writing made a ſtrong impreſſion upon the minds of both officers and ſoldiers, and very much promoted the great defection which happened two years after in the army.

for which he is ſentenced to be whipped pillored and fined.

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Miles Prance proſecuted. Echard.

About the ſame time the goldſmith, Miles Prance, who had been a witneſs againſt the perſons tried for the murder of Sir Edmundbury Godfrey, and had taken away three lives by his evidence, was tried upon an information exhibited againſt him for perjury, and ſentenced to pay a fine of a 100l. to ſtand three times in the pillory, and to be whipped from Newgate to Tyburn. But becauſe he at firſt pleaded guilty, the whipping part of the ſentence was remitted. Some ſay, he was ſo intimidated by the example of Oates, that he pleaded guilty merely to eſcape puniſhment. Others again pretend to confirm his confeſſion from a declaration publiſhed by him afterwards, wherein he diſowned his depoſitions in 1678. But as he was a Papiſt, ſome have ſuſpected he was induced by religious motives to publiſh this declaration. In a caſe of this nature every man is at liberty to form his own conjectures.

The king is buſy to gain proſelytes. Kennet.

It was eaſy to diſcover from the king's whole conduct, that he had entirely pulled off the maſk, and was deſirous to have it thought, he intended to introduce the Roman catholick religion. Accordingly, this was not doubted. His promiſe to the council and parliament to preſerve the Proteſtant religion was entirely forgot, and there was no man ſo bold as to remind him of it. It was even dangerous to ſpeak of it in publick converſations, for fear of ſome miſchievous conſequence. Nor was the king contented with acting openly in favour of his religion, but even privately uſed all poſſible endeavours to make proſelytes, chiefly among his courtiers, and perſons of the firſt rank. He ſucceeded with reſpect to Robert Spencer, earl of Sunderland, who was willing to give him this proof of his devotion for him, tho' for ſome private reaſons he refuſed to make a publick abjuration.

The earl of Sunderland turns Papiſt.

The earl of Rocheſter refuſing to become a Papiſt. Burnet. is removed from being treaſurer. The earl of Clarendon diſplaced.

But he was not ſo ſucceſsful in his attempt upon his brother-in-law, the earl of Rocheſter. For tho' the earl conſented to be preſent at a conference held by divines of both religions ‡, the diſpute, it ſeems, only attached him more firmly to the Proteſtant religion, ſince he bravely refuſed to forſake it. The king, mortified by his firmneſs, removed him from the treaſury, which was put in commiſſion, but withal aſſigned him a yearly penſion of 5000l. upon the poſt-office. The earl of Clarendon, his elder brother, felt likewiſe the effects of the king's diſpleaſure upon the ſame account. Being recalled from his government of Ireland before the time, he was deprived, about the end of the year, of the privy ſeal, which was given to the lord Arundel, a Papiſt**.

The earl of Caſtlemain ſent ambaſſador to the pope.

At laſt, the king gave an unqueſtionable

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* He was brother to the late, and uncle to the then earl of Northampton.

† The ſame who wrote the book called Julian the Apoſtate, which had given ſuch offence to the duke of York in the laſt reign, and drawn upon the author a ſevere proſecution.

‡ The Proteſtant divines were, Dr. Patrick and Dr. Jane; and the Popiſh, Gifford, and Goddon. Kennet,

** John Sheffield, earl of Mulgrave, and lord chamberlain, being ſollicited by the prieſts to change his religion, ' he heard them gravely arguing for tranſubſtantiation.' And then told them, ' He had taken much pains to bring ' himſelf to believe in God, who made the world and all men in it; But it muſt not be an ordinary force of argu' ment, that could make him believe, that man was quits with God, and made God again.'---Colonel Kirk was alſo ſpoken to to change his religion, but he briſkly replied, ' He was pre-engaged, for he had promiſed the king of ' Morocco, that, if ever he changed his religion, he would turn Mahometan. Burnet.

proof

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proof of his zeal for the Popiſh religion, by ſending the earl of Caſtlemain in embaſſy to the pope, "To reconcile the three kingdoms of England, Scotland, and Ireland, to the holy ſee, from which for more than an age they had fallen off by hereſy." The ambaſſador was received at Rome with a coldneſs which gave the king a ſenſible mortification.

Is coldly received. Welwood

Innocent XI, not ſuffering himſelf to be impoſed upon by this outward ſhow, conſidered that embaſſy was too much precipitated, ſince the converſion of the three kingdoms was yet far from being finiſhed, and therefore he reſolved to be no actor in a farce which would only render him ridiculous. And indeed to pretend to reconcile three kingdoms to the church of Rome, on pretence of a few late converſions, was it not expoſing the pope, the king, and the Catholick religion to the mirth and inſults of their enemies? This embaſſy was owing, it is ſaid, to the influence of the jeſuits, who would have all Europe believe, they had converted the three kingdoms. But Innocent XI, was not ſo fond of the jeſuits, as to give them this ſatisfaction at the expence of his own honour. Beſides, being then engaged in a quarrel with France, and not ignorant of the cloſe union between Lewis XIV. and James II, he was pleaſed with giving ſome mortification to Lewis, in the perſon of his friend and brother of England. To this was owing his treatment of the ambaſſador with ſo much coldneſs, not to ſay, incivility. Whenever he granted him an audience, his holineſs had a fit of coughing at command, which ſpoiled the ambaſſador's harangue, and obliged him to withdraw. This happened ſo often, that at laſt the earl of Caſtlemain threatened to be gone. The pope with his uſual coldneſs ſent him word, "That ſince he would be gone, he adviſed him to riſe early in the morning, that he might reſt himſelf at noon; for in thoſe countries it was dangerous to travel in the heat of the day." All the favour the ambaſſador could obtain from the pope, was a licence to the marſhal d'Humiere's daughter to marry her uncle, and a diſpenſation of the ſtatutes of the jeſuits order, that father Petre might enjoy a biſhoprick. It is ſaid, the archbiſhoprick of York was kept vacant for him. But if the pope and moſt of the cardinals coldly received the Engliſh ambaſſador, the jeſuits made him ſome amends by ſhowing him all poſſible reſpect. At laſt the king recalled him, being unable to bear ſo many mortifications.

All places beſtowed upon Papiſts. Kennet.

However, the ill ſucceſs of this embaſſy, diſcouraged not the king from purſuing his deſign, with ſuch ardour and openeſs, that it could not be miſtaken. Not only all vacant preferments were conferred upon Papiſts, but, without any reaſon given, Proteſtants were deprived of their places to make room for Papiſts. So, it was eaſily ſeen, that none beſides Papiſts, or Proteſtants not attached to their religion, could pretend to any employments. The court was ſo open in their meaſures, that ſome of the principal Catholicks could not forbear repreſenting to the king, that his proceedings were more dangerous than advantageous to their religion. But the king was deaf to all but violent counſels, and ſuch as were agreeable to his temper and zeal. One may ſee in the following letter, dated the 2d of February 1684, from a jeſuit of Liege to a jeſuit of Fribourg, the king's diſpoſition with regard to religion.

1686.

1686-7. Letter from a jeſuit of Liege. Echard.

'It is wonderful to ſee king James's great affection to our ſociety: He wiſhed proſperity to this whole college, by the reverend father, the provincial, and earneſtly recommended himſelf to our prayers. Upon father John Keyne's return to England, he gave him a moſt gracious reception, (while earls and dukes were commanded for ſome hours to wait for admittance,) with whom, in the queen's preſence, he diſcourſed with all familiarity. He aſked him, how many candidates for orders he had, and how many ſtudents? And upon the provincial's anſwer to his majeſty. who was urgent with him, that of the former and the latter he had above 50; he replied, there would be occaſion for double or treble that number, to effect what he deſigned for that ſociety's performance; and ordered, that they ſhould be all exerciſed in the art of preaching: For now, ſays he, England has need of ſuch.

'I do not doubt but you have heard, that the king writing to father de la Chaiſe, the French king's confeſſor, concerning the affairs of the houſe among the Walloons, declared, that whatever was done to the Engliſh fathers of that houſe, he would look upon as done to himſelf. Father Clare, rector of the ſame houſe, being arrived at London to treat of that matter, got an eaſy acceſs to the king, and as eaſily gained his point. The king himſelf forbad him to kneel and kiſs his hand, according to cuſtom, ſaying, reverend father, you have indeed once kiſſed my hand; but if I had known then, as I do now, that you were a prieſt, I would rather myſelf, father, have kneeled down and kiſſed your hand. After he had finiſhed his buſineſs, in a familiar converſation, his majeſty told this father, that he would either convert England, or die a martyr, and he had rather die the next day and convert it, than reign 20 years piouſly and happily, and not effect it. Finally, he called himſelf, A SON OF THE SOCIETY, of whoſe good ſucceſs, he ſaid, he was as glad as of his own. And it can ſcarcely be expreſſed how much gratitude he ſhewed, when it was told him, that he was made partaker, by the moſt reverend our provincial, of all the merits of the ſociety; out of which he is to nominate one for his confeſſor; but hitherto it is not known who it will be: Some report, that it will be the reverend father the provincial, but ſtill there is no certainty of that. Many are of opinion, that father Edward R. Petre, who is chiefly in favour with the king, will obtain an archbiſhoprick, but more believe it will be a cardinal's cap. To him has been granted, within this month or two, all that part of the palace, in which the king uſed to reſide when he was duke of York, where there is not a day but you may ſee I know not how many courtiers waiting to ſpeak to his eminence, for ſo they ſay he is called. For the king adviſes with him, and with many Catholick lords, who have the chief places in the kingdom, to find a method to propagate the faith without violence. Not long ſince, ſome of theſe lords objected to the king, that they thought he made too much haſte to eſtabliſh the faith. To whom he anſwered, I am growing old and muſt take LARGE STEPS; elſe if I ſhould happen to die, I might perhaps leave you in a worſe condition than I found you. When they asked him, why then he was ſo little concerned about the converſion of his daughters, who were the heirs of the kingdom? He anſwered, God will take care of that; leave the converſion of my daughters to me; do you, by your example, convert your tenants and others to the faith.

‘He has Catholick lord-lieutenants in moſt counties; and we ſhall have ſhortly Catholick juſtices of the peace in almoſt all places. We hope alſo, that our affairs will have good ſucceſs at Oxford. In the publick chapel of the vice-chancellor, who is a Catholick, there is always one of our divines, who has converted ſome of the ſtudents to the faith. The biſhop of Oxford himſelf, ſeems to be a great favourer of the Catholick faith; he propoſed to the council, whether it did not ſeem to be expedient, that at leaſt one college ſhould be granted to the Catholicks at Oxford, that they might not be forced to ſtudy beyond ſea at ſuch great expences; but it is not yet known what anſwer he had. The ſame biſhop having invited two of our brethren, together with ſome of the nobility, drank the king's health to a certain heretick lord who was in company, wiſhing his majeſty good ſucceſs in all his undertakings: Adding alſo, that the religion of the Proteſtants in England, did not ſeem to him in a better condition than Buda was before it was taken; and that they were next to Atheiſts, that defended that faith. Many embrace the true religion, and four of the moſt coſiderable earls had lately made publick profeſſion of it. Father Alexander Keynes, the provincial's nephew, to whom is committed the care of the chapel belonging to the elector Palatine's envoy, is continually taken up in ſolving and anſwering the queſtions of hereticks, who doubt of their faith, of whom you may ſee two or three together walking by the chapel door, continually diſputing about ſome point of religion. As to prince George, it is yett uncertain what religion he profeſſes. We gradually begin to get footing in England; we teach human learning at Lincoln, Norwich, and York; and at Worceſter we have a publick chapel, protected by a guard of the king's ſoldiers; and we are to buy ſome houſes at Wigan in Lancaſhire. The Catholick intereſt grows very ſtrong; and at ſome churches granted to the Catholicks, upon holidays, there are often counted 1500 preſent at the ſermon. At London alſo our buſineſs is carried on with the ſame good ſucceſs: Sermons are preached upon every holiday, and there are ſo many that frequent the chapels, that they are not big enough to hold them. Two of our ſociety, Dormer and Bertue, preach continually before the king and the queen; father Edward Neville, before the queen-dowager; father Alexander Keynes, in the chapel aforeſaid; others in other chapels. There are many houſes bought in the Savoy, near Somerſet-houſe, which is the queen-dowager's palace, towards erecting the firſt college in London, for about 18000 florins; and they are hard at work to bring them to the form of a college, that a ſchool may be opened before Eaſter.

‘A Catholick lord-lieutenant is ſhortly to go over to Ireland, becauſe the king cannot be ſatisfied with any other, to eſtabliſh the Catholick intereſt in that kingdom. The parliament will certainly ſit in this month of February, of whom his majeſty is reſolved to ask three things: Firſt, that by a general act all the Catholick peers may be admitted to ſit in the upper-houſe: Secondly, that the teſt may be aboliſhed: And thirdly, which is the chief point, that all penal laws againſt Catholicks ſhould be abrogated. And that he may the better obtain theſe things, he deſigns to let them all know, that he is reſolved to turn out all thoſe who will not heartily act for the obtaining of them; and likewiſe diſſolve the parliament. At which reſolution ſome hereticks being terrified, came to a certain earl to adviſe with him what might be done; to whom he anſwered, the king's mind is ſufficiently known; what he once ſaid he will certainly perform: If you love yourſelves ſubmit to the king's pleaſure. There is to be a great preparation of war at London, and a fleet of above 100 men of war, is to be fitted out againſt the ſpring, but againſt whom it is uncertain. The Dutch are under great apprehenſions, but for what reaſon, altho' they are ſaid to make an armament, time will beſt diſcover.’

The jeſuits of Fribourg made no ſcruple to ſhow this letter to ſeveral perſons, who taking copies of it, made it publick in Switzerland, and at Geneva. Dr. Burnet ſays, he copied it from one in the hands of monſieur Heidegger, a famous profeſſor at Zurich. One of the copies was ſent to monſieur Dickvelt, ambaſſador of the ſtates-general in England, who ſpoke of it to the king. Whereupon the king deſired to ſee it, ſaying, he ſhould ſoon known whether it was genuine, or forged, to render the jeſuits odious. But tho' it was put into his hands, he ſpoke no more of it to monſieur Dickvelt.

The parliament, which, according to the laſt prorogation, was to meet the 15th of February, was farther prorogued to the 28th of April. Probably the king found things not ripe enough, as he deſired, to be aſſured of the concurrence of the parliament in the execution of his deſigns. He choſe rather to take another courſe, which to him ſeemed more ſhort and eaſy, in eſtabliſhing liberty of conſcience by his own authority. He was, doubtleſs,

The parliament prorogued. Echard.

1686-7.

leſs, perſuaded, that it would be more eaſy to obtain the conſent of the parliament to a thing already done, than the power to do it. But he thought proper to begin with Scotland, that the example of that kingdom might influence the Engliſh. For this purpoſe, he ſent a proclamation into Scotland for an entire liberty of conſcience, with orders to the privy-council to publiſh it. In his opinion, this proclamation was more than capable to convince all his good ſubjects of his great moderation, and deſire that all ſhould live in quiet. He excluded, however, out of his favour, field-conventiclers, whom he recommended to his council to proſecute with all the ſeverity of the laws. This proclamation contained in ſubſtance:

The king publiſhes in Scotland a declaration for liberty of conſcience. Kennet.

‘That his majeſty being reſolved to unite the hearts and affections of his ſubjects, to God in religion, to him in loyalty, and to their neighbours in chriſtian love and charity; he had therefore thought fit, by his ſovereign authority, prerogative royal, and abſolute power, which all his ſubjects were to obey without RESERVE, to give, and grant his royal toleration, to the ſeveral profeſſors of the Chriſtian religion after named. Firſt, he allows and tolerates the moderate Preſbyterians, to meet in their private houſes only; but it is his pleaſure that field-conventiclers be proſecuted according to the utmoſt ſeverity of the laws. In like manner, he tolerates Quakers to meet and exerciſe in their form, in any place or places appointed for their worſhip.’ Then the proclamation proceeds thus, ‘conſidering the ſevere and cruel laws made againſt Roman Catholicks, (therein called Papiſts) in the minority of our royal grandfather of glorious memory, without his conſent, and contrary to the duty of good ſubjects, by his regents and other enemies to their lawful ſovereign, our great-grandmother queen Mary, of bleſſed and pious memory, wherein, under the pretence of religion, they cloathed the worſt of treaſons, factions, and uſurpations; and made theſe laws, not againſt the enemies of God, but their own: Which laws have ſtill been continued of courſe, without deſign of executing them, or any of them, ad terrorem only, on ſuppoſiotion, that the Papiſt, relying on an external power, were incapable of duty and true allegiance to their natural ſovereigns, and wrightful monarchs: We of our certain knowledge and long experience, knowing that the Catholicks, as it is their principle to be good Chriſtians, ſo it is to be dutiful ſubjects; and that they have likewiſe, on all occaſions, ſhewn themſelves good and faithful ſubjects to us, and our royal predeceſſors, &c. Do therefore, with the conſent of our privy-council, by our ſovereign authority, prerogative royal, and abſolute power, ſuſpend, ſtop, and diſable all laws or acts of parliament, made or executed againſt any of our Roman catholick ſubjects, in any time paſt, to all intents and purpoſes, making void all prohibitions therein mentioned, pains or penalties therein obtained to be inflicted: So that they ſhall in all things be as free in all reſpects, as any of our Proteſtant ſubjects whatſoever, not only to exerciſe their religion, but to enjoy all offices, benefices, and others, which we ſhall think fit to beſtow upon them in all time coming.------ And whereas the obedience of our ſubjects is due to us by their allegience, and our ſovereignty; and that no law, difference in religion, or other impediment whatſoever, can exempt the ſubjects from their native obligations to the crown; and conſidering, that ſome oaths are capable of being wreſted by men of ſiniſter intentions, a practice in that kingdom as fatal to religion as loyalty: We therefore caſs, annul, and diſcharge all oaths whatſoever, by which any of our ſubjects incapacitated from holding places or offices in our ſaid kingdom, diſcharging the ſame to be taken or given in any time coming, without our ſpecial warrant and conſent; and we do ſtop, diſable, and diſpence with all laws, injoining the ſaid oaths, teſts, or any of them, &c.’ Towards the concluſion, the king reiterates former promiſes in theſe words:------‘For the encouragement of our Proteſtant biſhops, and the regular clergy, and ſuch as have hitherto lived orderly, we think fit to declare, that it never was our principle, nor will we ever ſuffer violence to be offered to any man's conſcience, nor will we uſe force, or invinſible neceſſity, againſt any man on the account of his perſwaſion, nor the Proteſtant religion; but will protect our biſhops and other miniſters, in their functions, rights, and properties and all our Proteſtant ſubjects, in the free exerciſe of their Proteſtant religion in the churches.’

Tho' this proclamation concerned only Scotland, I thought proper toinſert it here, becauſe it diſcovers clearly the king's intentions and principles, and conſequently, how he pretended to deal with his Engliſh ſubjects, tho' hitherto he ſtill kept within ſome bounds, with regard to that abſolute power, which England had not aſcribed to him in ſo extenſive a manner as Scotland.

1687. The council of Scotland publiſhes the king's proclamation. Kennet.

The council of Scotland blindly obeyed the king, not only by publiſhing his proclamation, but even by thanking him for it, as for a ſignal favour. This ought not to appear ſtrange, becauſe the council wholly conſiſted of men entirely devoted to the king, nor was there in Scotland any perſon in a publick office, who was not, or at leaſt pretended not, to be in the ſame principles. The parliament was compoſed in the ſame manner, and by acts paſſed, had obliged all the Scots to an unlimited obedience, ſo that no man could oppoſe the king's meaſures, under pain of high-treaſon. Accordingly, the council, in thanking the king for his proclamation, might boldly ſpeak for the whole kingdom: Not that they were ignorant that it was not the general ſentiment of the nation, but becauſe they knew, no perſon would have the boldneſs to contridict it. It is not therefore to the whole Scotch nation, that this blind obedience is to be imputed, but to their governors, who were but a ſmall part of the people.

1687.

The king publiſhes a like declaration in England. Kennet.

The king charmed with the ready compliance of the Scots, and conſidering it as a favorable precedent for England, ſummoned his council, and told them, 'it was his intention 'to publiſh the like declaration in England. 'He grounded his reſolution on his obſerving, 'that the endeavours to eſtabliſh an uniformi'ty in the four preceding reigns, had proved 'ineffectual, and been very prejudicial to the 'nation. That beſides, it was his opinion, 'as moſt ſuitable to the principles of chriſtia'nity, that no man ſhould be proſecuted for 'conſcience-ſake; for he thought conſcience 'could not be forced.' The council compoſed like that of Scotland, approved of this reſolution, and magnified extremely the king's indulgence to his ſubjects. The declaration for liberty of conſcience was therefore publiſhed the 4th of April. It was much the ſame with that publiſhed in Scotland, except that the king ſoftened his expreſſions concerning his abſolute power, and ſaid, "he made no "doubt of the concurrence of his two houſes "of parliament, when he ſhould think it con"venient for them to meet." It was however manifeſt, from the frequent prorogations of this parliament, that he was far from being aſſured of their concurrence.

Is thanked for it by the Non-conformiſts Echard.

Very probably, there was not in the whole nation a ſingle perſon, who thought the king deſigned to favour or eaſe the Non-conformiſts. Every one clearly ſaw, that his aim in this declaration was to eſtabliſh the popiſh religion, upon the ruins of the Proteſtant. For how could it be ſuppoſed, that the king, from a violent perſecutor, ſhould at once become a friend to the Diſſenters? Or what aſſurance could there be, that his promiſes to the Non-conformiſts, would be better kept than thoſe he had made to the church of England? Neverheleſs the Non-conformiſts had hitherto been treated with ſo much rigour, that it is not ſtrange, they ſhould at firſt think themſelves happy in a deliverance from perſecution. For this reaſon, addreſſes of thanks, from the ſeveral ſects, were preſented to the king for his declaration. The Anabaptiſts led the way: The Quakers followed, and next came the Independents; and laſtly, the Presbyterians. Some of theſe addreſſes ſpeaking of the royal power, carried it to the higheſt degree, becauſe it was then advantagious to the Non-conformiſt to maintain the authority by which they were freed from their conſtraint. The churchmen failed not to take notice of this change. But they could not juſtly blame an exceſs into which themſelves had fallen. The truth is, the two parties neither did then, nor yet do, follow on all occaſions, their own principles, with relation to the royal power, which they extend or contract, as the king is more or leſs favourable to them.

The king deſirous to diſunite the Proteſtants, Burnet.

Be this as it will, the war then waged between the two parties was of no long continuance. They were quickly ſenſible, that the court aimed to revive their former animoſities, in order to weaken them both. The king, to ſucceed in this deſign, made the hardſhips and perſecutions which the Non-conformiſts had ſuffered from the church of England, the topick of his diſcourſe in his common converſations. No greater pleaſure could be done him, than to entertain with the particulars of thoſe oppreſſions. To give the church of England a ſtill more ſenſible mortification, he ordered the proceſſes in the eccleſiaſtical court againſt the Diſſenters to be revived. But the Presbyterians, who were moſt concerned, were ſo wiſe as not to improve ſo favorable an occaſion to mortify their enemies. On the other hand, tho' ſome paſſionate men amongſt the Diſſenters, publiſhed virulent invectives againſt the church, to retaliate their ill uſage, the Epiſcopalians unanimouſly reſolved not to anſwer them, for fear of widening the breach between the two parties, at a time when their union was more than ever neceſſary. It cannot be denied, that herein their moderation and prudence were examplary. In general, it may be affirmed, that if ſome of the Non-conformiſts, whether Presbyterians or others, ſuffered themſelves to be tranſported by their paſſion into inſults upon the church of England, they were men of no note. The moſt ſenſible, and thoſe who had moſt credit in their party, obſerved a great moderation. The Epiſcopalians on their ſide, did all that lay in their power to eſtabliſh union, ſolely capable of ſupporting them both. Writings were publiſhed from time to time, in which the churchmen acknowledged their error in driving the Presbyterians to extremities; that they were not ſufficiently aware of the artifices of the court, and promiſed to have for them great condeſcenſion, in caſe affairs were reſtored upon a good foot. It is true, they are accuſed of having been no leſs forgetful of this promiſe, than of that made when the reſtoration of Charles II. was tranſacting. But this concerns the following reigns.

is miſtaken in is aim; and only puts them more upon their guard.

Their common labours for an union. Kennet.

Some biſhops go into the deſigns of the court. Echard.

If there were Non-conformiſts who thought themſelves obliged to expreſs their gratitude for the king's declaration, by flattering addreſſes, there were likewiſe biſhops who, with much leſs foundation, prevailed with their clergy to ſend addreſſes of thanks to the king, as for a ſignal favour to the church of England. Of this number were Crew biſhop of Durham, Barlow of Lincoln, Cartwright of Cheſter, Wood of Lichfield, Watſon of St. David's. As for Parker biſhop of Oxford he was not ſo ſucceſsful, ſince he could find but one clergyman in his whole dioceſe, who would ſign ſuch an addreſs. It may eaſily be imagined, that, had the king's project ſucceeded, theſe biſhops would not have been the laſt to embrace the popiſh religion.

The ſteps already made by the king for the intereſt of the popiſh religion, were not thought ſufficient by thoſe who aſpired to greater advantages. Hitherto the Papiſts had not been able to procure any preferment in either of the univerſities, and yet they were paſſionately deſirous to ſet up there maſters and profeſſors of their own religion, in order to become in time maſters of ſome of the colleges. It had been propoſed to the king to found a college in each univerſity. But whether the expence diſcouraged him, or whatever was the reaſon, it was thought more proper to introduce

An order to the univerſity of Cambridge to admit a Benedictine monk to the degree of maſter of arts. State-Try.

duce Papiſts into the colleges already founded. The deſign was begun at Cambridge, where, Dr. John Peachell, the vice-chancellor received a letter from the king, commanding the univerſity to admit to the degree of maſter of arts, Alban Francis, a Benedictine monk, without adminiſtring any oath whatſoever, notwithſtanding any ſtatute or law to the contrary, which the king was pleaſed to diſpence with in favour of the ſaid Alban Francis. The vice-chancellor having communicated this letter to the congregation of regents and non-regents, it was unanimouſly agreed by the members, not to admit the ſaid Francis, till the king had been petitioned to revoke the mandate. For this purpoſe, they applied to Chriſtopher Monk, duke of Albemarle, their chancellor, praying his interceſſion with the king, to which he returned for anſwer, that he had tried but to no effect. Upon this anſwer the univerſity ſent deputies to London, who were to apply to the earl of Sunderland, but he refuſed to hear them. Shortly after the king ſent a ſecond letter to the univerſity, the ſame in ſubſtance with the former, with this addition, "To do it at their peril." As the univerſity continued ſtill to ſtand their ground, a ſummons was ſent from the new eccleſiaſtical commiſſioners, commanding the vice-chancellor to appear in perſon before them and the congregation, by themſelves, or their deputies. In Short, by ſentence of the court, the vice-chancellor was deprived of his office; but Francis was not admitted. This was the firſt avowed attempt to introduce Papiſts into the univerſity. I ſay avowed, for ſome might have been received under the pretence of being Proteſtants. But ſoon after Magdalen-College of Oxford, the richeſt in revenue *, had a more terrible ſtorm to incounter.

Rejected.

The vice-chancellor deprived. May 7.

The affair of Magdalen College in Oxford. State-Try.

The preſidentſhip of that college being vacant the 31ſt of March, by the death of Dr. Clark, the vice-preſident gave notice for a new election the 13th of April. But before that day, the members of the college were informed, that the king had granted a particular mandate in favour of Mr. Anthony Farmer, a man of ill reputation, who had promiſed to declare himſelf a Papiſt. Whereupon they preſented a petition to the king, praying him, either to leave them to the choice of their preſident, according to their founder's ſtatutes, or to recommend a perſon who might be more ſerviceable to his majeſty, and the college. The anſwer received from the earl of Sunderland, was, "That the king muſt be obeyed." Immediately after, the king's mandate was delivered to Mr. Robert Charnock †, a new convert and fellow of the college. This mandate being read in the preſence of all the fellows, it was reſolved to keep to the day appointed for the ellection ‡, on which day Dr. Hough was choſen by a great majority. The new preſident was preſented to the viſitor, the biſhop of Wincheſter, who ſwore and admitted him to his office.

The king was extremely provoked with this election, and notwithſtanding the interpoſition of the duke of Ormond chancellor of the univerſity, the vice-preſident and fellows were cited to appear before the eccleſiaſtical commiſſioners at Whitehall. Accordingly, the 6th of June, ſix fellows deputed by the ſociety, appeared before the commiſſioners, and to the queſtion, why they refuſed to obey the king's mandate? they produced their ſtatutes, and the oath they had taken for the obſervation of them, by which ſtatutes Farmer could have no pretenſion. They were ordered to attend again the 22d of the month, on which day they gave in ſo many allegations againſt Farmer, (who beſides was unqualified by the ſtatutes) that the commiſſioners were aſhamed of him. But as it was the king's cauſe they were maintaining, they deprived Dr. Hough of his preſidentſhip, and ſuſpended the vice-preſident, and one of the fellows **. The king being informed of the allegations againſt Farmer, thought fit to drop his firſt mandate, and granted a ſecond in favour of Dr. Parker biſhop of Oxford.

The fellows of the college finding him no better qualified than Farmer, refuſed to obey the new mandate. This ſo incenſed the king, that he went himſelf to Oxford, bent at all hazards to overcome their obſtinacy. He ordered them to attend him at Chriſt-Church, and ſpoke to them in terms capable of intimidating men of leſs firmneſs and reſolution. He commanded them to be gone, and to admit the biſhop of Oxford their preſident, letting them know, that otherwiſe they ſhould feel the weight of his hand. But inſtead of obeying, they offered a petition in vindication of their proceedings; but the king would not receive it. At laſt, after all his menaces, he was forced to leave Oxford, without gaining his point. Shortly after, the king appointed a commiſſion to viſit the college, viz. Cartwright biſhop of Cheſter, Sir Robert Wright, chief-juſtice of the king's-bench, and Sir Thomas Jenner a baron of the exchequer. Theſe commiſſioners treated the fellows very uncivilly, abſtaining not even from ſcurrilous and abuſive language. At laſt, ſeeing it was not poſſible to overcome them, they found an expedient to ſave in ſome meaſure the king's honour, by an ambiguous declaration, to which the fellows were willing to ſubmit. But this ſatisfied not the king, who, the commiſſioners ſaid, expected ſome farther ſubmiſſion, which they adviſed them to make, 'by acknowledging their contempt to his ſacred majeſty in 'perſon, and to his letters; that they ſhould 'promiſe to behave themſelves loyally for the 'future; that they ſhould own the proceedings and legality of the court, implore his 'majeſty's pardon, and lay themſelves at his

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* Tho' the certain rents of it are but 4 or 5000 l. a year, yet it is thought the improved value of the eſtate belonging to it, is about 40,000 l. Burnet.

† The ſame who was executed in the reign of king William, for being in a plot for the aſſaſſination of that prince. Rapin.

‡ The election was put off to April the 15th. See State-Tryals.

** Dr. Aldworth, the vice-preſident, and Dr. Fairfax.

‘feet; and that they ſhould declare their entire ſubmiſſion to the biſhop of Oxford as their preſident.’ Of 27 fellows, only Charnock and another * offered to ſign this ſubmiſſion. At laſt, the commiſſioners, impowered by the king, deprived the 25, who refuſed to ſubſcribe the declaration, of their fellowſhips, and expelled them from the college, for diſobedience to the king's commands. They all proteſted againſt the ſentence, declaring, “They would uſe all juſt and legal ways of being relieved.” The ſentence however was confirmed by the eccleſiaſtical commiſſioners, and aggravated, by declaring the preſident and fellows incapable of being admitted to any eccleſiaſtical dignity or benefice. The preſident refuſed to put the biſhop of Oxford in poſſeſſion of his lodgings, which were therefore broke open. All the college was filled with Papiſts, and Charnock was made vice-preſident. Tho' this affair held from the beginning of June, to the end of October, I was willing, in order to avoid repetition, to finiſh the narrative at once.

The fellows expelled. Nov. 16.

The king earneſt to make converts. Gives all places to Papiſts. Echard.

The king diſcovered on all occaſions his extraordinary zeal for the advancement of his religion; but principally in the diſpoſal of all places and offices in his gift. For ſome time, he had ſcarce prefered any, but thoſe who were willing to purchaſe his favour by changing their religion, and often diſplaced thoſe who teſtified a zeal for the Proteſtant religion, without regard to paſt ſervices or offences. Many of thoſe who had been moſt active for the bill of excluſion were careſſed and courted, provided they would embrace the kings religion, as for inſtance, the earl of Sunderland. But an adherence to the Proteſtant religion, was a ſufficient cauſe to remove thoſe who had done him the moſt important ſervices on the ſame occaſion, witneſs his brothers-in-law the earls of Clarendon and Rocheſter. Charles Talbot, earl of Shrewſbury, who ſome years before had turned Proteſtant, loſt his regiment of horſe, for refuſing to return to popery. The lords-lieutenants of counties were almoſt all Papiſts. As for the judges, ſome were Papiſts, and the reſt, tho' Proteſtants, were ready to obey all the king's commands. If any of them proved too ſcrupulous, they were immediately diſplaced, for others more compliant. Theſe mercenary judges, when they went the circuits, received orders from the chancellor, to uſe all their authority for confirming the right aſſumed by the king of diſpenſing with the laws, and to diſcourage, as much as poſſible, thoſe whom they ſhould not find diſpoſed to ſubmiſſion. Theſe orders were executed with extreme rigour and inſolence.

The judges are his tools. Kennet.

Every one plainly ſaw the tendency of theſe proceedings, for the king was open and undiſguiſed. Nevertheleſs, there were even among the lawyers themſelves, ſome that affected to approve of all his actions, and by their addreſſes, to incourage him to proceed. To ſhew the exceſſive flattery of theſe men, I ſhall here inſert an addreſs preſented to the king the 11th of June, by the ſociety of the Middle-Temple.

The addreſs from the Middle-Temple. Echard.

May it pleaſe your majeſty,

‘WE your majeſty's dutiful ſubjects, to our great joy, have received a happy occaſion of making this declaration of our gratitude: And as we know that your majeſty's goodneſs is the greateſt that ever was ſhewn by a prince to his ſubjects, ſo we wiſh the voice of men and angels, to return ſufficient thanks for your majeſty's condeſcenſion and clemency to all your ſubjects, in your gracious declaration for a toleration. And as for this compaſſion and goodneſs, thanks ought to be paid your majeſty by all his ſubjects; ſo we eſpecially of the profeſſion of the law, have moſt reaſon to be thankful for the honour you have done us, by aſſerting your own royal prerogatives, which is the very life of the law, and our profeſſion. Which prerogatives, as they were given by God himſelf, ſo we declare, that no power upon earth can diminiſh them, but they muſt always remain entire and inſeparable to your royal perſon. Which prerogatives, as we have ſtudied to know them, ſo we are reſolved to defend them, by aſſerting with our lives and fortunes that divine maxim, A Deo Rex, A Rege Lex. And now as a teſtimony of our perfect ſatisfaction in this our addreſs and acknowledgment, we have ſubſcribed our names, that your majeſty may know us to be yours; and that the reſt of our profeſſion may follow our example: And therefore we beg your majeſty will accept this addreſs from us, who in concluſion make bold to offer our beſt wiſhes, and hearty deſires, that your majeſty's councils may proſper in wiſdom, your kingdoms flouriſh in peace, and your royal perſon enjoy a long, happy, and glorious reign over us.’

The king farther prorogues the parliament. Kennet.

With all this, the king was diſappointed in an affair which he earneſtly laboured, and that was the gaining the parliament to approve of the power pretended to by him of diſpenſing with the laws. The parliament ſhould have met the 28th of April, and it was expected accordingly. But the king, not finding things ſo ripe as he deſired, had prorogued it to the 22d of November. Some days before this prorogation a pamphlet had been diſperſed in London, tending to give the parliament a diſadvantagious idea of the king in the ſuppoſition that they were going to ſit. Here is a ſhort extract of this pamphlet, which was aſcribed to Dr. Burnet then in Holland.

A libel againſt the king.

‘Our king has given ſuch teſtimonies of his zeal for his religion, that we ſee among all his other royal qualities, there is none for which he deſires and deſerves to be ſo much admired, ſince even the paſſion of glory, of making himſelf the terror of all Europe, and and arbiter of Chriſtendom, (which as it is natural to all princes, ſo muſt it be moſt particularly ſo to one of his martial and noble temper) yields to his zeal for his church; and that he, in whom we might have hoped to ſee our Edward the third, our Henry the fifth revived, chuſes rather to merit the heightning his degree of glory in another world, than to acquire all the conqueſts that this low and vile world can give him: And

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* Dr. Thomas Smith. See State Tryals

‘ that, inſtead of making himſelf a terror to ‘ his neighbours he is contented with the ‘ humble glory of being the terror to his own ‘ people; ſo that inſtead of the great figure ‘ this reign might make in the world, all the ‘ news of England, is now only concerning ‘ the practices on ſome fearful mercenaries.

The king cloſets ſeveral members of parliament to gain them over to him; Echard. and at laſt diſſolves the parliament. Gazettes.

In the mean time, the king continued to take infinite pains to gain the members of parliament. He cloſetted, one by one, all that were in London, and repreſented to them what he thought capable to convince them of the neceſſity to aboliſh the penal laws, for the good of the kingdom, and inforced his arguments with menaces and promiſes. It is not improbable, but ſome might be gained, but he could never be aſſured of a majority of voices. This determined him at laſt to diſſolve the parliament, by proclamation the 2d of July.

The members of the laſt parliament vindicated from an accuſation.

When the firmneſs of the members of this parliament, as ſoon as they believed the intereſts of religion were at ſtake, is compared with their extreme zeal for the king in the beginning of their ſeſſion, it muſt be inferred, that their compliance was owing purely to their miſtake in their good opinion of the king, and that their firmneſs proceeded from their being at laſt undeceived They are therefore unjuſtly accuſed, of intending to ſacrifice to the king, the intereſt of religion and their country. They demonſtrated the contrary, in reſiſting the temptations, the king laid before them, even in his preſence, and face to face. This, in my opinion, is the higheſt degree to which firmneſs can be carried. They were all, or almoſt all, members of the church of England; nay, for the moſt part, high-churchmen. I have before given the reaſon of their exceſſive zeal and condeſcenſion for the king, and therefore need not repeat it. But when they diſcovered that the point was not to curb the Diſſenters, but that the king's deſigns concerned the Proteſtant religion, without any diſtinction of ſects, they evidently ſhowed, that they were as good Proteſtants, as thoſe who accuſed them of being Papiſts, or popiſhly inclined. This truth will ſtill more plainly appear, in the firm and unſhaken courage of the church of England, on the moſt important occaſion that ever was.

Quo Warranto's iſſued out againſt divers corporations. Kennet.

The king's practices to obtain a favourable parliament. Burnet.

After the parliament was diſſolved, the king's grand affair was to have a new one entirely at his devotion. But he would not call one, till he was aſſured of having ſuch members returned, as he ſhould think proper. For this purpoſe, Quo Warranto's were iſſued againſt ſeveral corporations, to the end, that when they were deprived of their charters, the king might grant ſuch new ones, as ſhould render him maſter of the elections. It may be imagined, that as the courts of juſtice were diſpoſed, the corporations could not but be deprived of their charters, and for obtaining new ones, were obliged to comply with the king's deſires. This was one of the methods uſed by the king, to diſpoſe the people to elect ſuch members, as would promote the deſign of taking off the penal laws and teſt. It would be too tedious and difficult to relate all the king's ſecret methods, the emiſſaries he ſent into the counties and corporations, the inſtructions he gave them to gain the people, the arguments, promiſes, and menaces they uſed. All that can be ſaid in general, is, that nothing was forgot which he thought would contribute to the procuring a favourable parliament. To this end, magiſtrates and lord-lieutenants were diſplaced, but chiefly, particular men were cloſetted to engage them in the king's meaſures. It was alſo with this view that he made a progreſs through ſeveral counties, and ſtopped at the cities and great towns, to careſs or intimidate the people. But he every where met with ſuch coldneſs, or rather averſion to his deſigns, that he durſt not venture to call a parliament. As the people were convinced, that the king's deſign, with whatever pretence he diſguiſed it, was to deprive them of their liberty, and change the eſtabliſhed religion, they would not be the inſtruments of their own ruin. The affair of Magdalen college, which was in its greateſt heat, during the king's progreſs, greatly contributed to open the eyes of the moſt blind, and exaſperate the nation. The king would have a parliament, which ſhould conſent to the abrogation of the penal laws and teſt, or grant him a power of diſpenſing with them, at a time when his whole conduct diſcovered a ſettled deſign of planting the Popiſh, upon the ruin of the Proteſtant religion. Beſides, it was manifeſt, he did not aſk this power as a favour, but inſiſted upon it as a right, which he had already aſſumed, without the concurrence of the parliament.

The publick entry of the pope's nuntio at Windſor. Kennet.

At laſt, the king ſhowed ſo open a contempt of the law, that no perſon could miſtake him. After ſending, as we have ſeen, a ſolemn embaſſy to Rome, he would have a nuntio in ordinary reſiding at his own court. The pope had, the laſt year, nominated for this employment, Fardinando Dadda, domeſtick prelate to his holineſs, who had been about the king ever ſince his acceſſion to the crown, and was the queen's great favourite. He had been received as nuntio, but privately, and without the people's knowledge. But now the king having entirely pulled off the maſk, was for honouring him with a publick reception, though to aſſume the character of the pope's nuntio was high-treaſon. To give more luſture to the nuntio, he was firſt conſecrated archbiſhop of Amaſia in the royal chapel, after which, on the third of July, he made his publick entry at Windſor, with great pomp and magnificence. It was a very ſurprizing ſpectacle to Proteſtants, to ſee a nuntio from the pope in his Pontificalibus, preceded by a croſs-bearer, and a train of prieſts and monks, in the habits of their reſpective orders Mean while, on this very occaſion the king received an unexpected mortification; for having ordered Charles Seymour, duke of Somerſet to attend the nuntio to his audience, he deſired his majeſty to excuſe him from an office which the laws of the land made criminal. This ſo incenſed the king, that he removed him from his places of gentleman of the bed-chamber, and colonel of dragoons. Henry Fitz-roy, duke of Grafton, leſs ſcrupulous, accepted the office refuſed by the duke of Somerſet. Some have believed, that Dadda was one of the king's principal counſellors in affairs of religion. But it is not likely, he would act ſo contrary to the ſentiments of the pope, who by no means approved the king's conduct. The ſame thing cannot be ſaid of father Petre, or Peters, the king's confeſſor, who was the firſt mover of all the engines to advance the progreſs of popery. He was publickly received into the council the 11th of November, contrary to the opinion of the moſt eminent Papiſts, who juſtly feared the king's affairs would thereby be very much prejudiced.

Father Petre received into the council.

The king receives favourably the diſtreſſed Proteſtants from France. Kennet.

Tho' the king had given convincing proofs of his averſion to the Proteſtant religion, he favourably received the French Proteſtants, who took ſanctuary in England on account of the rigours exerciſed againſt them in France. He not only granted them his protection, but alſo large ſums, beſides his licence to encourage a publick collection. Some aſcribe this to policy, in order to intimate to the Engliſh, how little ground they had to fear ſuch treatment in England, from the king, who was ſo charitably compaſſionate to the misfortunes of foreigners, perſecuted in their own country. But as the king himſelf did not diſcover the motives of this conduct, they can only be conjectured. Thus much is certain, the French miniſters thought themſelves under ſuch obligations to the king, that they were amongſt the moſt forward to diſplay his virtues in their ſermons, whenever an occaſion offered. I myſelf remember to have heard a preacher in the church of the Savoy launch out into the profaneſt flattery *.

Death of the duke of Buckingham. April 16.

George Villiers, duke of Buckingham, who now made a contemptible figure, died this year in Yorkſhire, juſt as he had lived, that is, without any ſenſe of religion. This ſame year death likewiſe ſeized the famous Sir William Petty, phyſician and fellow of the royal ſociety, after having publiſhed ſeveral uſeful and valuable writings.

1688. The king puſhes his deſigns. Echard.

I am now come to the year 1688, a critical year to England, the firſt half of which protended to the Engliſh the loſs of their religon and liberties. James II, had promoted his great work in the three years he had been on the throne, with a ſurpriſing rapidity and ſucceſs. He had inveſted himſelf with an abſolute power, that hardly ſuffered any contradiction, The laws of the land ware openly violated, The privy-council was almoſt wholly popiſh, and under the direction of a jeſuit. The moſt conſiderable places in the court and kingdom were poſſeſſed by men of the ſame religion. The teſt and penal laws were inſufficient fences to ſecure religion, for which they were intended. In a word, the king was reſolved to complete his work at all events, and an army of 15000 men, encamped within a few miles of London, beſides the aſſiſtance of France, ſeemed to promiſe him ſucceſs. But what was more extraordinary, was, that Proteſtant corporations, when their religion was ſo violently attacked, ſent their addreſſes of thanks to the king, as for a great favour, publickly promiſing to chuſe ſuch members for the enſuing parliament as ſhould concur with his meaſures. All this gave juſt occaſion to fear, that no remedy could poſſibly be found for the miſeries of the nation, which greatly increaſed. The only refuge which ſeemed to be left, was the princeſs of Orange, preſumptive heir of the crown, who, like another Elizabeth, would reſtore things to their former ſtate, when ſhe ſhould aſcend the throne. But, beſides that the king, who was but in his 55th year, might yet live a great while, an aſtoniſhing proclamation, publiſhed the 2d of January, to notify the queen's being with child, and to order publick thankſgiving to God, entirely deſtroyed the hopes which had been entertained.

The queen with child. Kennet. Echard.

The Papiſts were tranſported with this agreeable news. Some even began to debate the queſtion, whether a daughter born ſince the king's advancement to the throne, ought not to take place before the princeſs of Orange, born while he was duke of York? But this queſtion was very needleſs. Every one was peſuaded, the Papiſts through hope, and the Proteſtants through fear, that the queen would be delivered of a prince. It is very certain, the Proteſtants from this time began to form ſuſpicions about the queen's pregnancy. This appeared in ſeveral pamphlets, diſperſed thro' London, ſome of which ware even dropped in Whitehall. Hitherto, the ſole foundation of the ſuſpicion, that the queen's pregnancy was a cheat, conſiſted in her having been ſo many years childleſs. But this foundation was too weak to prove the certainty of an impoſture. It was not impoſſible for the queen to be with child; but on the other hand, neither was it impoſſible that the queen ſhould be willing to ſuppoſe an heir. The extreme zeal of the king and queen, and of moſt of their counſellors and confidents, for their religion, rendered ſuch a ſuſpicion plauſible to the proteſtants. Hiſtories have recorded inſtances of the like impoſtures, as in Spain, and in England itſelf, where it is pretended, that queen Mary, to deprive her ſiſter Elizabeth of the ſucceſſion, would have ſuppoſed an heir, had not her huſband king Philip prevented it. For this reaſon, the ſtory of queen Mary's ſham-conception, as delivered by Fox, was reprinted and diſperſed through the kingdom, with this title, Idem Iterumt or Queen Mary's Big-Belly. Another cauſe which contributed greatly to corroborate this ſuſpicion, was the indiſcretion of ſome jeſuits, who publiſhed, that ſhe would certainly be delivered of a prince. They pretended, that this conception was miraculous, and the effect of a ſolemn petition, which the late deceaſed ducheſs of Modena had put up in heaven to the bleſſed Virgin Mary or of a vow the queen had made to our lady of Loretto, with the preſent of a golden image, inriched with precious ſtones. As on pretence that the queen had been ſeveral years childleſs, her pregnancy could not be deemed ſupernatural, there was no neceſſity to aſcribe it to a miracle, of which there could be no certainty. So, this needleſs precaution ſerved only to confirm the ſuſpicion.

Suſpicions thereupon.

A miracle pretended.

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* It is thought, that the king's favours to the French refugees, were, chiefly to engage them to eſpouſe and abet the king's power of diſpenſing with all penal laws in religion. See Kennet.

1688.

The king congratulated by numerous addreſſes. Echard.

The queen's pregnancy produced many congratulary addreſſes. Some of theſe carried their compliments and flattery to the laſt exceſs. This is no wonder. Moſt of the lord-lieutenants, juſtices, and magiſtrates of the towns, being devoted to the king, it was not difficult for them to perſuade the corporations, that theſe congratulations to the king were the juſt tribute of their duty. This being once inculcated, they drew up the addreſs themſelves, and procured ſuch ſubſcriptions as they thought proper, thereby cauſing the corporations to ſay what they pleaſed. Were addreſſes to be conſidered, as containing the real ſentiments of the people, it might be ſaid, that all the Engliſh nation was tranſported with joy, through the hopes of a popiſh ſucceſſor. But the nation ſoon diſcovered directly oppoſite ſentiments. Beſides, it appears, the king did not rely on this general concurrence of his ſubjects, ſince he dared not to call a parliament, whoſe approbation and compliance were the great object of his deſires.

Books of controverſy publiſhed. Echard.

Beſides the forementioned methods, which the king uſed to advance the popiſh religion, there was ſtill another from which he promiſed himſelf great ſucceſs. Some time ſince, the Romiſh prieſts and jeſuits had printed and diſperſed a great number of controverſal writings, which had been anſwered by Tillotſon, Teniſon, Stillingfleet, Sherlock, and others, in a manner which, in all appearance, was not agreeable to the papiſts. The king fearing, without doubt, that his doctors would not be a match for the champions of the church of England, publiſhed a proclamation, grounded upon a ſtatute made the 14th of Charles II, 'prohibiting the printing and ſelling all unlicenſed and treaſonable books and pamphlets, under the pains and penalties provided by the ſaid act.' Under this name were comprehended the controverſial books publiſhed by the Proteſtants, on a pretence, that they encouraged and fomented animoſities amongſt his ſubjects *.

Feb. 10. Gazettes. Forbidded by the king.

Letters between Meſſ. Stewart and Fagel relating to the teſt. Burnet.

The king's grand deſign, as hath been ſeen, was to repeal the teſt and penal laws, and for that purpoſe he wiſhed to have a parliament at his devotion. He had already abrogated theſe laws by his own authority, but he daily found, that this did not ſuffice to lead his ſubjects to the degree of compliance he deſired. He thought therefore, if the conſent of the prince and princeſs of Orange, could be obtained, it would be a great ſtep towards obtaining the ſame thing of the parliament. To that end, he reſolved to ſound the inclinations of the prince of Orange, without his appearing in it. He employed Mr. James Stewart †, penſionary Fagel's acquaintance, who wrote to that miniſter endeavouring to perſuade him, that it was the intereſt of England, and of the prince and princeſs of Orange, that the teſt ſhould be abrogated, and the laws againſt the Catholicks repealed. This letter coming only from a private man, the prince would not alow Mr. Fagel to return an anſwer. Mr. Stewart in vain renewed his inſtances for an anſwer, till at laſt, he was obliged to acquaint Mr. Fagel, that his firſt letter was wrote by the king's direction, who deſired to have the opinion of the prince and princeſs upon the affair. This, joined to the falſe report propagated in London, that the prince and princeſs of Orange had given their conſent to the abrogation of the teſt and penal laws, forced Mr. Fagel at laſt to anſwer Mr. Stewart, and let him know the ſentiments of the prince and princeſs of Orange.

1688.

The letters of theſe gentlemen have made ſo much noiſe in the world, and are ſo univerſally known, that I do not think it neceſſary to inſert them. I ſhall content myſelf with brieſly refreſhing the readers memory with the ſubſtance of Mr. Fagel's anſwer. He told Mr. Stewart, 'That it was the opinion of the prince and princeſs, that no chriſtian ought to be puniſhed for his conſcience, or ill uſed becauſe he differed from the eſtabliſhed religion, and therefore could conſent, that the Roman catholicks ſhould enjoy a full liberty of conſcience. That as to the Non-conformiſts, their highneſſes did not only conſent, but heartily approved of their having an entire liberty of conſcience, for the exerciſe of their religion, without any trouble, hindrance, or moleſtation on that ſcore.-----But their high-mightineſſes could not by any means agrree to the repeal of the teſt, and thoſe other laws, that tended to the ſecurity of the Proteſtant religion, ſince the Roman catholicks received no other prejudice from theſe, than their being excluded from parliament and publick employments; and that by them the Proteſtant religion is ſheltered from all the deſigns of the Roman catholicks againſt it, or againſt the publick ſafety.'

This anſwer was ſupported with reaſons ſo clear and ſolid, that Mr. Stewart finding himſelf too weak for ſuch an adverſary, thought it more adviſeable to deny all correſpondence with Mr. Fagel on this ſubject, in order to deſtroy the authority of Mr. Fagel's anſwer, which had been printed and diſperſed through England and all Europe. The penſionary provoked at this proceeding, ſent a letter to the marqueſs of Albyville, the Engliſh ambaſſador at the Hague, wherein he called him to witneſs, that the prince and princeſs of Orange had declared to him their thoughts concerning the penal laws, in the ſame manner as he had repreſented them; and that Albyville had acquainted the king with it long before he wrote his letter. He complained of the earl of Sunderland, for having aſſigned an allowance to print a pamphlet ‡, which aſſerted, that the anſwer of Mr. Fagel to Mr. Stewart was ſuppoſitious, tho' he himſelf had ſeen the original, and knew that the king had alſo ſeen it. This laſt letter

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* About this time it was, that in order to retain the poorer ſort of people from letting their children be enticed into the popiſh ſchools and ſeminaries erected in and about London, Charity-Schools began to be ſet up in that great and noble city. The firſt ſchools of this kind were opened at Norton Folgate, and St. Margarets Weſtminſter on Lady-day 1688. Kennet.

† A Scotiſh lawyer, whom king James had pardoned, and received into favour, after a long exile. Kennet. Burnet.

‡ Intitled, Parliamentum Pacificum, or the happy union of king and people in a healing parliament. Kennet.

was likewiſe printed in French and Engliſh, and diſperſed. All this was extremely injurious to the king, and began to give the Engliſh hopes, that the prince and princeſs of Orange would not abandon them in their preſſing neceſſities. It muſt be obſerved, that Mr. Fagel's letter to Mr. Stewart was wrote on November the 4th, the laſt year, before the queen's pregnancy was divulged. But this affair became not publick, till the beginnig of the year 1688.

The king earneſt to have a parliament devoted to him. Kennet.

The refuſal of the prince and princeſs of Orange to conſent to the abrogation of the teſt and penal laws, ſerved only to enflame the king's zeal, and oblige him to uſe freſh endeavours to have a parliament at his devotion. He ſent therefore emiſſaries into the ſeveral counties, to try to ſecure the elections, before he ventured to call a parliament. But the more ſollicitous he was to gain this point, the leſs inclination he found in the people, who, on ſo important an occaſion, were unwilling to truſt their intereſts with men devoted to the court, as the king deſired. Wherefore the king, foreſeeing all his artifices would prove unſucceſsful, and that he ſhould at laſt be obliged to uſe force, gave out commiſſions for raiſing new troops, for the increaſing of his ſtanding army, and likewiſe cauſed a larger fleet to be equipped. The new commiſſions were almoſt all given to Iriſh and popiſh officers. Moreover, he wrote, the 17th of January, to the ſtates-general, to demand the ſix Engliſh and Scotch regiments that were in their ſervice. The 2d of March, he iſſued out a proclamation, 'Forbidding his natural born ſubjects to enter or liſt themſelves in the ſervice of any foreign prince or ſtate, either by ſea or land.

Increaſes his army and fleet. Kennet. Sends for his troops out of Holland; Gazettes.

which are refuſed by the ſtates. Burnet.

The ſtates did not think proper to ſend theſe regiments to the king in the preſent juncture. They returned a civil anſwer, and declared, that having examined their engagements, they could find no agreement or capitulation that could oblige them to grant his majeſty's demands, except when he was in war with ſome of his neighbours, or there was an inſurrection at home. That they had acordingly ſent the ſix regiments into England in the year 1685, at the time of the duke of Monmouth's rebellion. But that now the king being in peace with his neighbours, and free from diſturbances at home, they ſaw no reaſon that could oblige them to ſend back thoſe troops. The king not ſatisfied with this anſwer, renewed his inſtances. But the ſtates, in ſhewing how theſe regiments were formed, and the treaties which had been made about them, inſiſted, that they were obliged to ſend them back only in the two caſes abovementioned, and that the king was not at preſent in either. At laſt, after a third fruitleſs attempt, the king, by a proclamation, called home all his ſubjects which were in the ſervice of the ſtates-general. Whereupon, the prince of Orange offered paſſes to all the officers of the ſix regiments that were willing to return home, which about 40 of them accepted.

Tho' the king had publiſhed laſt year a declaration, for an entire liberty of conſcience to all his ſubjects, and, by virtue thereof, had filled almoſt all the offices with Catholicks, he thought fit to publiſh a ſecond upon the ſame ſubject, the 27th of April this year. Perhaps he had a mind to ſhew, that tho' he was deſirous of having what he had done, confirmed by parliament, he could, however, proceed without their concurrence, and act by abſolute power. Perhaps too, he intended to bring things to a criſis, being inceſſantly puſhed by his popiſh counſellors, who were for improving the occaſion offered them by the king's zeal. the declaration was as follows:

James Rex,

A ſecond declaration for liberty of conſcience.

'OUR conduct has been ſuch in all time, as ought to have perſuaded the world, that we are firm and conſtant to our reſolutions: Yet that eaſy people may not be abuſed by the malice of crafty wicked men, we think fit to declare, that our intentions are not changed ſince the 4th of April 1687, when we iſſued out our declaration for liberty of conſcience, in the following terms: (Here the declaration was recited verbatim; and then it follows;) Ever ſince we granted this indulgence, we have made it our principal care to ſee it preſerved without diſtinction, as we are encouraged to do daily by multitudes of addreſſes, and many other aſſurances we receive from our ſubjects of all perſuaſions, as teſtimonies of their ſatisfaction and duty; the effects of which we doubt not but the next parliament will plainly ſhew; and that it will not be in vain, that we have reſolved to uſe our uttermoſt endeavours to eſtabliſh liberty of conſcience, on ſuch juſt and equal foundations, as will render it unalterable, and ſecure to all people the free exerciſe of their religion for ever; by which future ages may reap the benefit, of what is ſo undoubtedly for the general good of the whole kingdom. It is ſuch a ſecurity we deſire, without the burthen and conſtraint of oaths and teſts, which have been unhappily made by ſome governments, but could never ſupport any: Nor ſhould men be advanced by ſuch means to offices and employments, which ought to be the reward of ſervices, fidelity, and merit. We muſt conclude, that not only good chriſtians will join in this, but whoever is concerned for the increaſe of the wealth and power of the nation. It would, perhaps, prejudice ſome of our neighbours, who might loſe part of thoſe vaſt advantages they now enjoy, if liberty of conſcience were ſettled in theſe kingdoms, which are, above all others, moſt capable of improvements,and of commanding the whole world. In purſuance of this great work, we have been forced to make many changes both of civil and military officers throughout our dominions, not thinking any ought to be employed in our ſervice, who will not contribute towards eſtabliſhing the peace and greatneſs of their country, which we moſt earneſtly deſire, as unbiaſſed men may ſee by the whole conduct of our government, and by the condition of our fleet, and of our armies, which, with good management, ſhall ‘be conſtantly the ſame, and greater, if the ſafety, or honour of the nation require it. We recommend theſe conſiderations to all our ſubjects, and that they will reflect on their preſent eaſe and happineſs, how for above three years that it hath pleaſed God to permit us to reign over theſe kingdoms, we have not appeared to be that prince, our enemies would have made the world afraid of; our chief aim having been not to be the oppreſſor, but the father of our people; of which we can give no better evidence, than by conjuring them to lay aſide all private animoſities, as well as groundleſs jealouſies, and to chuſe ſuch members of parliament, as may do their parts to finiſh what we have begun for the advantage of the monarchy, over which Almighty God has placed us; being reſolved to call a parliament, that ſhall meet in November next at fartheſt.’

An order to the biſhops to ſee it read in all churches and chapels. May 4. Welwood.

The king was not ſatisfied with publiſhing this declaration in the uſual method, but thinking, without doubt, that, in ſo important an affair, extraordinary formalities were to be obſerved, he iſſued out an order of council, enjoyning the biſhops to cauſe it to be ſent and diſtributed throughout their ſeveral dioceſes, to be read at the uſual time of divine ſervice, in all churches and chapels, on certain days named in the order. Some believed, the king had two views in this order, firſt, to mortify the church of England, againſt which he had for ſome time ſhewed great reſentment: ſecondly, to lay the biſhops under a neceſſity, either of making themſelves in ſome meaſure the inſtruments of his deſigns againſt the Proteſtant religion, or of incurring the penalties of their diſobedience in caſe of a refuſal.

Several biſhops meet and debate about it. Kennet.

Upon the receit of this order, ſeveral biſhops, who were in London, aſſembled at the archbiſhop's palace at Lambeth, to conſult how they were to behave upon ſo nice an occaſion. For they were neceſſarily, either in obeying the king, to approve, by their conduct, this violation of the laws, and betray the intereſts of the Proteſtant religion, or in refuſing to obey, to draw upon themſelves the penalties which, in all appearance, would be inflicted for their diſobedience. Theſe difficulties were debated in this aſſembly with all the care, ſo important an affair required, after they had implored the divine aſſiſtance by extraordinary prayers. The reſult of their conference was, that it was better to obey God than man, and their caſe being ſuch, that they could not abey the king without betraying their own conſciences, they ought without farther conſideration to expoſe themſelves to the approaching ſtorm, rather than ſacrifice the intereſts of God and the church. This reſolution was grounded upon four conſiderations. 1. That many would juſtly judge the clergy either cowards or hypocritical time-ſervers, in publiſhing what they thought illegal, and illegally ſent to them. 2. That many who votes for parliament-men would take this for the conſent of the publiſhers, and be ſtrenthened in the chuſing ſuch men as ſhould be friends, not only to the indulgence, but to the foundation of it, the diſpenſing power. 3. That the world would have reaſon to take their publication for an approbation, becauſe there could no other intention in ordering it to be publiſhed, but to make the clergy parties to it. 4. That after this they muſt expect farther things to be publiſhed by them, at which they muſt make a ſtand; and their making a ſtand when they had loſt their reputation would be of no force.

They petition the king to be excuſed from ſending it to their clergy. Echard.

Purſuant to this reſolution, the conſulting biſhops, being ſeven, before they parted drew up a petition, and ſubcribing it the ſame day, the 18th of May, ſix of them [*] croſſed the water to Whitehall to preſent it to the king, without acquainting any perſon with their deſign. Their names were Sancroft archbiſhop of Canterbury, Lloyd biſhop of St. Aſaph, Kenn of Bath and Wells, Turner of Ely, Lake of Chicheſter, White of Peterborough, Trelawny of Briſtol. Their petition ran thus.

To the king's moſt excellent majeſty.

The humble petition of William archbiſhop of Canterbury, and divers of the Suffragan biſhops of that province, now preſent with him, in behalf of themſelves and other of their abſent brethren, and of the inferior clergy of their reſpective dioceſes.

Humbly ſheweth,

‘THAT the great averſeneſs they find in themſelves, to the diſtributing and publiſhing in all their churches, your majeſty's late declaration for liberty of conſcience, proceeds neither from any want of duty and obedience to your majeſty, (our holy mother the church of England being, both in her principles and in her conſtant practice, unqueſtionably loyal, and having, to her great honour, been more than once publickly acknowledged to be ſo by your gracious maſty;) nor yet from any want of tenderneſs to diſſenters, in relation to whom we are willing to come to ſuch a temper, as ſhall be thought fit, when the matter ſhall be conſidered and ſettled in parliament and convocation: But among many other conſiderations, from this eſpecially, becauſe that declarations founded upon ſuch a diſpenſing power, as hath been often declared illegal in parliament, and particularly in the years 1662, and 1672, and in the beginning of your majeſty's reign; and is a matter of ſo great moment and conſequence to the whole nation, both in church and ſtate, that your petitioners cannot in prudence, honour, or conſcience, ſo far make themſelves parties to it, as the diſtribution of it all over the nation, and the ſolemn publication of it once and again, even in God's houſe. and in the time of his divine ſervice, muſt amount to, in common and reaſonable conſtruction. Your petitioners therefore moſt humbly and earneſtly beſeech your majeſty, that you will be pleaſed not to inſiſt upon their diſtributing and reading your majeſty's declaration; and your petitioners, as in duty bound, ſhall ever pray, &c.’

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[*] The archbiſhop, being in an ill ſtate of health, did not go to Whitehall. Burnet.

The king's anſwer. Kennet.

The king, ſurprized and incenſed at this petition, anſwered in a very angry tone: “I have heard of this before, but did not believe it: I did not expect this from the church of England, eſpecially from ſome of you. If I change my mind, you ſhall hear from me; if not, I expect my command ſhall be obeyed.” The biſhops replied, “We reſign our ſelves to the will of God;” and then immediately retired.

Burnet.

The biſhops of Durham and Rocheſter, both eccleſiaſtical commiſſioners, and two others*, cauſed the declaration to be read in their dioceſes. But it generally happened, wherever it was read, that the congregation immediately left the church. One miniſter, before he began to read it, told his flock, ‘That he could not refuſe the order ſent him to read the declaration, but that he knew no order which obliged them to hear it.’ In London it was read but in four or five churches†.

In the interim, the court was unreſolved what courſe to take with the biſhops. Not but that they were determined to come to extremities, rather than quit their deſigns. However, they did not care to begin with the biſhops, becauſe of the people's reverence for them. Tho' the king's council perſuaded him to do all things with a high hand, they trembled, however, when they met with any oppoſition, ſeeing the great diſproportion between the number of Proteſtants and Papiſts. They conſidered, that while every one was ſubmiſſive, the lords-lieutenants of counties, and the magiſtrates, all creatures of the king, had great credit and authority; but ſhould the people happen to grow weary of their obedience, and openly reſiſt, their authority would vaniſh; and it was not probable, the leſſer number ſhould ſubdue the greater. This had been the caſe in that reign of Richard II, and very lately in that of Charles I. It ſeems therefore, that prudence required the king carefully to avoid what might produce a ſudden revolution, and not to enter upon violent meaſures, till he had taken greater precautions. For, upon ſuppoſitions of a rebellion, which was not impoſſible, if the biſhops were proceeded againſt with rigour, was it not a groſs error, to rely on a Proteſtant army to introduce popery, and force Proteſtants to ſubmiſſion? But, on the other hand, thoſe who directed the king in his counſels and undertakings, had not his intereſt chiefly in view, but that of the Catholick religion. They conſidered the king only as an inſtrument to be made uſe of, at all events, whilſt he was alive, for fear they ſhould ſuddenly loſe him. God ſeems to have blinded this prince, to prevent his ſeeing what every one elſe clearly ſaw, in order to throw him upon his ruin. He was therefore reſolved to proceed with the utmoſt rigour againſt the biſhops, and for that purpoſe they were ſummoned to appear before the council the 8th of June.

The biſhops ſummoned before the council. Their appearance and behaviour. Burnet.

On their appearance, they were asked, whether they owned the petition? The biſhops ſurprized at this queſtion, ſince they themſelves had preſented the petition, feared ſome ſnare was laid for them, and therefore at firſt forbore to give a direct anſwer‡. At laſt, the archbiſhop confeſſed, that it was written with his own hand, and that the reſt had ſigned it; adding withal, they had done nothing but what they were ready to juſtify. The chancellor endeavored to make them ſenſible of the ill-conſequences of their diſobediences, which tended to diminiſh the king's authority, and to diſturb the peace of the kingdom. At laſt, he asked them whether they would give their recognizances to appear before the court of king's bench to anſwer this high miſdemeanour? This they all refuſed, inſiſting on the privilege of their peerage, which they were reſolved to maintain, as well as the rights of the church, being equally bound by their callings to oppoſe all innovations both in goverment and reiligion. The chancellour ſurprized at their conſtancy, threatened to ſend them to the Tower, and to proſecute them to the utmoſt rigour of the law, unleſs they immediately recanted, and withdrew their petition. They unanimouſly anſwered, That they were ready to go wherever his majeſty was pleaſed to ſend them; that they hoped the king of king's would be their protector and their judeg; that they feared nothing from men; and that having acted according to law and their own conſciences, no puniſhments ſhould ever be able to ſhake their reſolutions.

They are ſent to the Tower. Echard.

Upon this anſwer, 80 privy-counſellors, ſeveral of them Papiſts**, were for ſending the biſhops to the Tower. A warrant was immediately drawn and ſigned for their commitment, the reaſon given being, “For contriving, making, and publiſhing a ſeditious libel againſt his majeſty and his government.” It is difficult to conceive, upon what foundation, they could be accuſed of publiſhing a petition which they had only delivered to the king himſelf. However, the attorney and ſollicitor-general, were ordered to proſecute them for the ſame the next term. It was not thought proper to ſend them to the Tower through London for fear it might occaſion a tumult. They were therefore in the moſt private manner conveyed by water. But people hearing of it, flocked in multitudes to the river-ſide, and upon their knees deſired their bleſſing, with loud acclamations extolling their conſtancy. The ſame ſpectacle was ſeen at the Tower, where the ſoldiers of the garriſon fell on their knees to beg their bleſſing. This was a great mortification to the king, and might have convinced him, that he was yet very far from his aim. But, as I ſaid, the deſign of his counſellors was to make haſte and finiſh the work begun, for fear ſome accident ſhould deprive them of their inſtrument.

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* Barlow of Lincoln, and Crofts of Hereford. Kennet.

† Namely, by Mr. Hall, Dr. Thompſon, and Mr. Elliot. Kennet. Burnet ſays, it was read in ſeven churches in London, and in not above 200 all England over.

‡ It ſeems as the biſhops were going to the council, they were adviſed to remember, that no man was obliged by the law to accuſe himſelf. Accordingly, when the king in council, holding the petition in his hand, asked them whether they had ſigned that paper? they made a low bow and ſaid nothing. What! ſays the king, do you deny your own hands? Upon which they ſilently bow'd again. Then the king told them, if they would own it to be their hands upon his royal word not a hair of their head ſhould be touched. Whereupon the archbiſhop ſays, “Relying on your majeſty's word, I confeſs it to be my hand.” And ſo ſaid all the reſt. Then being ordered to withdraw, when they were called in again, they found the king vaniſhed, and Jefferies in the chair, who uſing them very roughly, ſent them to the Tower. The tranſlator had theſe particulars from the late biſhop of Durham's own mouth.

** They were, chancellor Jefferies, the marqueſs of Powis, the earls of Sunderland, Mulgrave, Huntingdon, Peterborough, Craven, Murray, Middleton, Melfort and Caſtlemain; the lords Arundel, Darmouth, Godolphin, and Dover; Sir John Ernly, Sir Edward Herbert, and Sir Nicholas Butler. Echard.

The queen delivered of a prince. **Burnet.**

Two days after the biſhops had been ſent to the Tower, the 10th of June, the queen was delivered of a prince who, during the life of his father was known by the name of the prince of Wales, and afterwards, by ſome was called the Pretender. His birth was an occaſion of triumph to the Papiſts, but an aſtoniſhment and terror to the Proteſtants, who ſaw their hopes defeated, that their misfortunes would end with the death of the king. It is univerſally known, that the birth of this prince has been very much ſuſpected, and that many did then, and ſtill do, believe it ſuppoſititious. Multitudes of papers have been publiſhed for and againſt, ſome containing the grounds of the ſuſpicions, and other, arguments to remove them. The reader, doubtleſs, expects not from a foreigner, the deciſion of a fact which was never perfectly cleared, the impoſture whereof reſts only upon conjectures and probabilities, and the truth upon ſuppoſitions, which indeed are generally true, but of which it cannot be ſaid, that it is impoſſible they may be ſometimes falſe. In general, it is very certain, the queen, during the whole time of her pregnancy, was ſuſpected of a deſign to impoſe an heir upon the kingdom, and this ſuſpicion was very publick. It is alſo certain, that tho' the king and queen knew of this ſuſpicion, they took no care to remove it. On the contrary, their whole conduct, as well during the queen's pregnancy, as her labour, gave ſtill greater ſtrength to the ſuſpicions. For a negligence which ſignifies nothing when there is no ſuſpicion, muſt be remarked when an impoſtor is ſuſpected. On the other hand, it ſeems a ſtanding rule, that, when both parents expreſs not any doubt concerning the birth of their child, no perſon can be ſure they are deceived. But this rule is perhaps not ſo general and certain as many imagine. It is very good where there is no ſuſpicion of a cheat. But in caſe a preſumptive heir, diſinherited by the birth of a child, who comes to take his place, has good proofs that the child is ſuppoſititious, certainly the bare owning of this child by both parents, will not invalidate proofs, which I ſuppoſe to be full. It is not impoſſible for a man and wife to ſuppoſe a child, thro' revenge, or ſome other intereſt, in order to deprive a preſumptive heir of their inheritance. I ſay, it is not impoſſible, tho' it rarely happens. There are however inſtances to prove the poſſibility. Indeed, to decide by law, that a child is ſuppoſititious, very convincing proofs muſt be alledged, becauſe the judges, who are obliged to follow the rules of law, are not determined by appearances, however probable they may be. But the caſe is not the ſame with the publick, on whom very often conjectures grounded upon great probabilities, make as much impreſſion as the ſtrongeſt proofs. The affair in queſtion having never been legally decided. I can only preſent the reader with what has been moſt probably urged pro and con, in order to aſſiſt him either to be determined for or againſt the pretended ſuppoſition of the prince of Wales, or to ſhow him, that he ought to ſuſpend his judgment, till the thing is more plainly diſcovered. This I propoſe to do with impartiality, in producing the arguments alledged on both ſides.

Suſpicions relating to it.

Reflections upon it.

There are three opinions concerning the real or pretended birth of the prince of Wales.

Sundry opinions concerning the birth of the prince of Wales. **Echard.**

The firſt is, that the queen was not with child when ſhe pretended to be ſo, and that at the time of her pretended delivery a ſon was ſuppoſed as being born of her. The ſecond is, that ſhe was really with child, but that having the misfortune of a miſcarriage, ſhe continued ſtill to feign herſelf big, and at laſt ſuppoſed, or cauſed to be ſuppoſed, a child as born of her body, and that this child dying ſhortly after, another was ſubſtituted in his room, and to this, dying ſeven weeks after, ſucceeded another child. The third opinion is, that the queen was really with child, and delivered the 10th of June of a ſon, the ſame who is ſince called the Pretender, and is now at Rome. In confirmation of the firſt of theſe opinions it is alledged: 1. That the king, for certain reaſons, was become incapable of children. 2. That the queen had been ſeven years without being with child. 3. That now ſhe had never a conſtant reckoning. 4. That her delivery was ſudden, and immediately after the removing of her lodgings. 5. That it was on a Sunday morning, when all the Proteſtant court-ladies were at church. 6. That neither the princeſs Anne of Denmark, the archbiſhop of Canterbury, nor the Dutch ambaſſador were preſent at her labour, tho' they were the three perſons who ought principally to have been there. 7. That during the labour, her bed was not left ſo open as it ſhould have been. 8. That while ſhe went with child, ſhe never ſatisfied the princeſs Anne, and many Proteſtants ladies about her, of her bigneſs, either by letting them feel her belly, or ſee her breaſts. 9. Neither did ſhe ſhow the princeſs any of her milk after her lying-in. 10. That during her labour, a warming-pan was brought into the room, tho' the wheather was extreme hot, and the room heated by a vaſt crowd of people. Laſtly, it was alledged, that tho' the king, queen and courtiers, ſufficiently knew before the delivery, that the nation ſuſpected an impoſture, they did not uſe thoſe precautions as they might and ought to have done in ſuch a caſe; and inſtead of putting it beyond all poſſibility of doubt, they left ſo many marks of ſuſpicion, as cauſed infinite doubts and diſputes: inſomuch that ſome Roman catholicks themſelves owned, "That ſo important an affair had been managed with great ſupineneſs and imprudence." This is what Mr. Echard ſays, one of the moſt moderate hiſtorians, who is not to be ſuſpected by the king's adherents.

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Dr. Welwood is very ſhort in his account of this matter, and contents himſelf with giving the general opinion, without any thing of his own. Theſe are his words:

Extract from Welwood.

‘While the biſhops were in the Tower, the Roman catholicks had their hopes crowned with the birth of a pretended prince of Wales. The fears of a Proteſtant ſucceſſor, had been the only allay that rendered their proſperity leſs perfect. Now the happineſs of having an heir to the crown, to be bred up in their own religion, quaſhed all thoſe fears, and atoned for the uncertainty of the king's life. It was ſo much their intereſt to have one, and there were ſo many circumſtances that ſeemed to render his birth ſuſpicious, that the nation in general were inclinable to believe, that this was the laſt effort of the party, to accompliſh our ruin.

But the moſt circumſtantial account of this affair, is that of Dr. Burnet biſhop of Saliſbury, in the Hiſtory of his own Times, publiſhed ſince his death. As I am to make ſome remarks on his teſtimony, it will be neceſſary to inſert the following paſſage, wherein he expreſly ſpeaks of the birth of the prince of Wales.

and from biſhop Burnet.

‘I muſt now look back to England, where the queen's delivery was the ſubject of all men's diſcourſe. And ſince ſo much depends on this, I will give as full and as diſtinct an account of all that related to that matter, as I could gather up, either at that time or afterwards. The queen had been for ſix or ſeven years in ſuch an ill ſtate of health, that every winter brought her very near death. Thoſe about her ſeemed well-aſſured, that ſhe, who had buried all her children ſoon after they were born, and had now for ſeveral years ceaſed bearing, would have no more children. Her own prieſts apprehended it, and ſeemed to wiſh for her death. She had great and frequent diſtempers, that returned often, which put all people out of their hopes or fears of her having any children. Her ſpirits were now much on the fret. She was eager in the proſecution of all the king's deſigns. It was believed, that ſhe had a main hand in driving him to them all. And he, perhaps, to make her gentler to him in his vagrant amours, was more eaſy to her in every thing elſe. The lady Dorcheſter was come back from Ireland; and the king went often to her. But it was viſible, ſhe was not like to gain that credit in affairs, to which ſhe had aſpired. And therefore this was leſs conſidered.

‘She had another mortification, when Fitz-James the king's ſon was made duke of Berwick. He was a ſoft and harmleſs young man, and was much beloved by the king: But the queen's diſlike kept him from making any great figure. He made two campains in Hungary, that were little to his honour: For, as his governor diverted the allowance that was given for keeping a table, and ſent him always to eat at other tables, ſo, tho' in the ſiege of Buda there were many occaſions given him to have diſtinguiſhed himſelf, yet he had appeared in none of them. There was more care taken of his perſon, than became his age and condition. Yet his governor's brother was a jeſuit, and in the ſecret: So every thing was ventured on by him, and all was forgiven him.

‘In September, the former year, the queen went to the Bath, where the king came and ſaw her, and ſtaid a few days with her. She after that purſued a full courſe of bathing: And having reſolved to return in the end of September, an accident took her to which the ſex is ſubject; and that made her ſtay there a week longer. She came to Windſor on the 6th of October. It was ſaid, that at the very time of her coming to the king, her mother, the ducheſs of Modena, made a vow to the lady Loretto, that her daughter might by her means have a ſon. And it went current, that the queen believed herſelf to be with child in that very inſtant in which her mother made her vow: of which, ſome travellers have aſſured me, there was a ſolemn record made at Loretto. A conception ſaid to be thus begun, looked ſuſpicious. It was now fixed to the 6th of October: So the nine months were to run to the 6th of July. She was in the progreſs of her big belly, let blood ſeveral times: And the moſt aſtringent things that could be propoſed were uſed.

‘It was ſoon obſerved, that all things about her perſon were managed with a myſterious ſecrecy, into which none were admitted but a few Papiſts. She was not dreſſed nor undreſſed with the uſual ceremony. Prince George told me, that the princeſs went as far in deſiring to be ſatisfied, by feeling the motion, after ſhe ſaid ſhe was quick, as ſhe could go without breaking with her: And ſhe had ſometimes ſtaid by her even indecently long in mornings to ſee her riſe, and to give her her ſhift: But ſhe never did either. She never offered any ſatisfaction in that matter by letter to the princeſs of Orange, nor to any of the ladies of quality, in whoſe word the world would have acquieſced. The thing upon this began to be ſuſpected: And ſome libels were wrote, treating the whole as an impoſture. The uſe the queen made of this, was, to ſay, that ſince ſhe ſaw ſome were ſuſpecting her capable of ſo black a contrivance, ſhe ſcorned to ſatisfy thoſe who could entertain ſuch thoughts of her. How juſt ſo ever this might be, with relation to the libellers, yet certainly if ſhe was truly with child. She owed it to the king and her ſelf, to the king's daughters, but moſt of all to the infant ſhe carried in her belly, to give ſuch reaſonable ſatisfaction, as might put an end to jealouſy. This was in her power to do every day: And her not doing it, gave juſt grounds of ſuſpicion.

‘Things went thus on till Monday in Eaſter week. On that day the king went to Rocheſter, to ſee ſome of the naval preparations; but was ſoon ſent for by the queen, who apprehended ſhe was in danger of miſcarrying. Dr. Scarborough was come to Knightsbridge to ſee biſhop Ward, my predeceſſor, who had been his antient friend, and was then his patient: but the queen's coach was ſent to call him in all haſt, ſince ſhe was near miſcarrying. Dr. Windebank, who knew nothing of this matter, ſtaid long that morning upon an appointment for Dr. Walgrave, another of the queen's phyſicians, who the next time he ſaw him, excuſed himſelf; for the queen, he ſaid, was then under the moſt apparent ſigns of miſcarrying. Of this the doctor made oath; and it is yet extant.

‘On the ſame day, the counteſs of Clarendon, being to go out of town for a few days, came to ſee the queen before ſhe went, knowing nothing of what happened to her. And ſhe, being a lady of the bed-chamber to the queen dowager, did according to the rule of the court, go into the queen's bed-chamber without aſking admittance. She ſaw the queen a bed, bemoaning herſelf in a moſt doleful manner, ſaying often, undone, undone: And one that belonged to her carried ſomewhat out of the bed, which ſhe believed was linnen taken from the queen. She was upon this in ſome confuſion: And the counteſs of Powis coming in, went to her, and ſaid with ſome ſharpneſs, what do you do here? And carried her to the door. Before ſhe had got out of the court, one of the bed chamber-women followed her, and charged her not to ſpeak of any thing ſhe had ſeen that day. This matter, whatever was in it, was huſhed up: and the queen held on her courſe.

‘The princeſs had miſcarried in the ſpring. So, as ſoon as ſhe had recovered her ſtrength, the king preſſed her to go to the Bath, ſince that had ſo good an affect on the queen. Some of her phyſicians, and all her other frinds, were againſt her going. Lower, one of her phyſicians, told me, he was againſt it: He thought, ſhe was not ſtrong enough for the Bath, tho' the king preſſed it with an unuſual vehemence. Millington, another phyſician, told the earl of Shrewſbury, from whom I had it, that he was preſſed to go to the princeſs, and adviſe her to go to the Bath. The perſon that ſpoke to him told him, the king was much ſet on it; and that he expected of him, that he would perſuade her to it. Millington anſwered, he would not adviſe a patient according to direction, but according to his own reaſon: So he would not go. Scarborough and Witherby took it upon them to adviſe it: So ſhe went thither in the end of May.

‘As ſoon as ſhe was gone, thoſe about the queen did all of a ſudden change her reckoning, and began it from the king's being with her at Bath. This came on ſo quick, that tho' the queen had ſet the 14th of June for her going to Windſor, where ſhe intend- to lie-in, and all the preparations for the birth and for the children were ordered to be made ready by the end of June, yet now a reſolution was taken for the queen's lying-in at St. James's and directions were given to have all things quickly ready. The Bath water either did not agree with the princeſs: or the advices of her friends were ſo preſſing, who thought her abſence from the court at that time of ſuch conſequence, that in compliance with them ſhe gave it out it did not, and that therefore ſhe would return in a few days.

‘The day after the court had this notice, the queen ſaid ſhe would go to St. James's, and look for the good hour. She was often told, that it was impoſſible upon ſo ſhort a warning to have things ready. But ſhe was ſo poſſitive, that ſhe ſaid, ſhe would lye there that night, tho' ſhe ſhould lye upon the boards. And at night, tho' the ſhorter and quicker way was to go from Whitehall to St. James's through the park, and ſhe always went that way, yet now by a ſort of affectation, ſhe would be carried thither by Charing-Croſs through the Pall Mall. And it was given out by all her train, that ſhe was going to be delivered. Some ſaid it would be next morning: And the prieſts ſaid very confidently, that it would be a boy.

‘The next morning about nine a clock, ſhe ſent word to the king, that ſhe was in labour. The queen dowager was next ſent to. But no ladies were ſent for: So that no woman were in the room, but, two dreſſers, and one under-dreſſer, and the midwife. The earl of Arran ſent notice to the counteſs of Sunderland; ſo ſhe came. The lady Bellaſis came alſo in time. The Proteſtant ladies that belonged to the court were all gone to church, before the news was let go abroad: For it happened on Trinity Sunday, it being that year on the 10th of June. The king brought over with him from Whitehall a great many peers and privy-councellors. And of theſe, 18 were let into the bed-chamber; but they ſtood at the fartheſt end of the room. The ladies ſtood within the alcove. The curtains of the bed were drawn cloſe, and none came within them but the midwife, and an under-dreſſer. The queen lay all the while a bed: And in order to the warming one ſide of it, a warming-pan was brought, but it was not opened, that it might be ſeen that there was fire and nothing elſe in it. So here was matter for ſuſpicion, with which all people were filled.

‘A little before ten the queen cried out as in a ſtrong pain, and immediately after the midwife ſaid aloud, ſhe was happily brought to bed. When the lords all cried out of what? the midwife anſwered, the queen muſt not be ſurprized; only ſhe gave a ſign to the counteſs of Sunderland, who upon that touched her forehead, by which, it being the ſign before agreed on, the king ſaid he knew it was a boy. No cries were heard from the child; nor was it ſhewed to thoſe in the room. It was pretended more air was neceſſary. The under-dreſſer went out of the room with the child; or ſomewhat elſe in her arms to a dreſſing-room, to which there was another entry to it from other appartments. The king continued with the lords in the bed-chamber for ſome minutes, which was either a ſign of much phlegm upon ſuch an occaſion; for it was not known whether the child was alive or dead: or it looked like giving time for ſome management. After a little while they went all into the dreſſing-room, and then the

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news was publiſhed. In the mean while, no body was called to lay their hands on the queen's belly, in order to a full ſatisfaction. When the princeſs came to town, three days after, ſhe had as little ſatisfaction given her. Chamberlain the man midwife, who was always ordered to attend her labour before, and who brought the plaſters for putting back the milk, wondered thet he had not been ſent to. He went according to cuſtom with the plaſters: But he was told they had no occaſion for him. He fancied that ſome other perſon was put in his place; but he could not find that any had it. All that concerned the milk, or the queen's purgations, was managed ſtill in the dark. This made all people inclined more and more to believe, there was a baſe impoſture now put on the nation, That ſtill increaſed. That night one Hemings, a very worthy man, an apothecary by his trade, who lived in St. Martin's-Lane, the very next door to a family of an eminent Papiſt, (Brown brother to the viſcount Montacute, lived there) the wall between his parlour and theirs being ſo thin, that he could eaſily hear any thing that was ſaid with a louder voice; he (Hemings) was reading in his parlour late at night, when he heard one coming into the neighbouring parlour, and ſay with a doleful voice, the prince of Wales is dead: upon which a great many that lived in the houſe came down ſtairs very quick: Upon this confuſion he could not hear any thing more; but it was plain, they were in a great conſternation. He went with the news next morning to the biſhops in the Tower. The counteſs of Clarendon came thither ſoon after, and told them, ſhe had been at the young prince's door, but was denied acceſs: She was amazed at it; and aſked if they knew her: They ſaid they did, but that the queen had ordered, that no perſon whatſoever ſhould be ſuffered to come in to him. This gave credit to Hemings's ſtory, and looked as if all was ordered to be kept ſhut up cloſe, till another child was found. One, that ſaw the child two days after, ſaid to me, that he looked ſtrong, and not like a child ſo newly born. Windebank met Walgrave the day after this birth, and remembered him of what he had told him eight weeks before. He acknowledged what he had ſaid, but added, that God wrought miracles: To which no reply could or durſt be made by the other: it needed none. So healthy a child being ſo little like any of thoſe the queen had born, it was given out, that he had fits, and could not live. But thoſe who ſaw him every day obſerved no ſuch thing. On the contrary, the child was in a very proſperous ſtate. None of thoſe fits ever happened, when the princeſs was at court; for ſhe could not be denied admittance, tho' all others were. So this was believed to be given out to make the matter more credible. It is true, ſome weeks after that, the court being gone to Windſor, and the child ſent to Richmond, he fell into ſuch fits, that four phyſicians were ſent for. They all looked on him as a dying child. The king and queen were ſent for. The phyſicians went to a dinner prepared for them; and were often wondering that they were not called for. They took it for granted, that the child was dead. But, when they went in after dinner to look on him, they ſaw a ſound healthy child, that ſeemed to have had no ſort of illneſs on him. It was ſaid, that the child was ſtrangely revived of a ſudden. Some of the phyſicians told Lloyd, biſhop of St. Aſaph, that it was not poſſible for them to think it was the ſame child. They looked on one another, but durſt not ſpeak what they thought.

‘Thus I have related ſuch particulars as I could gather of his birth: To which ſome more ſhall be added, when I give an account of the proof that the king brought afterwards to put this matter out of doubt; but by which it became indeed more doubtful than ever. I took moſt of theſe from the informations that were ſent over to the prince and princeſs of Orange, as I had many from the vouchers themſelves. I do not mix with theſe, the various reports that were, both then and afterwards ſpread of this matter, of which biſhop Lloyd has a great collection, moſt of them well atteſted. What truth ſoever may be in theſe, this is certain, that the method in which this matter was conducted from firſt to laſt was very unacountable. If an impoſture had been intended, it could not have been otherwiſe managed. The pretended excuſe that the queen made, that ſhe owed no ſatisfaction to thoſe who could ſuſpect her capable of ſuch baſe forgery, was the only excuſe that ſhe could have made, if it had been really what it was commonly ſaid to be. She ſeemed to be ſoon reeovered, and was ſo little altered by her labour, either in her looks or voice, that this helped not a little to increaſe jealouſies The rejoycings over England upon this birth were very cold and forced. Bonfires were made in ſome places, and a ſett of congratulatory addreſſes went round the nation. None durſt oppoſe them. But all was formal, and only to make a ſhew.’

After having related what has been ſaid by Mr. Echard, and the biſhop of Saliſbury, on the birth of the prince of Wales, I ſhall make ſome remarks on this ſubject.

The authors reflections upon this matter.

1. If the accounts of theſe two famous writers be carefully examined, it will doubtleſs be ſurprizing, to find a ſort of contradiction between them. For the ſuſpicions mentioned by the firſt, are, that the queen, tho' ſhe pretended to be, yet was not with child. Nay, the biſhop of Saliſbury ſeem at firſt to ſupport this ſuſpicion, by ſpeaking of her great and frequent diſtempers; of her having for ſeveral years ceaſed bearing; of her having buried all her children ſoon after they were born; of her refuſing to give ſatisfaction to the princeſs of Denmark, and the Proteſtant ladies of the court. Neverthelеſs, he ſays poſitively afterwards, that ſhe was really with child the 6th of October, and that in Eaſter week ſhe had a miſcarriage, that is, ſix months after conception;

tion. If this be true, it very plainly follows, that all the ſuſpicions entertained of the queen from the beginning of January, (the time of her declared pregnancy) to Eaſter week, ought to vaniſh, tho' ſhe had been leſs careful of giving ſatisfaction to the publick, than ſhe was. Aſſuredly this negligence is not capable to invalidate the reality of her pregnancy, if ſhe had a miſcarriage in the beginning of her ſeventh month. What the prince of Denmark told Dr. Burnet of his princeſs's fruitleſs endeavours to ſee the queen riſe, cannot ſerve to confirm the ſuſpicion of an impoſture, unleſs it appear, that this was from the Monday before Eaſter, to the 10th of June †. But the biſhop fixes no time. It might even be inferred from the order obſerved by the biſhop in his ſtory, that what he ſays concerning the princeſs of Denmark, paſſed between January and Eaſter week. But, ſuppoſing the reality of the pregnancy, it is clear, that the queen might have given ſatisfaction to the princeſs, and the Proteſtant court-ladies. And it cannot be denied, that ſhe committed a great error in refuſing to do it. But it is certain, this refuſal proves nothing, if it be true that ſhe was with child, at leaſt till Eaſter week. The times are therefore carefully to be diſtinguiſhed. Her obſtinacy to give no ſatisfaction, from January, when ſhe declared herſelf with child, to Eaſter week, can be aſcribed only to an unſeaſonable and prepoſterous haughtineſs. But it may be ſuſpected, that from Eaſter week, to the 10th of June, ſhe ſtill pretended to be with child, when ſhe was no longer ſo, and that ſhe produced another at the time of her pretended delivery. Thus all the ſuſpicions concerning the reality of her pregnancy, are to be included within the ſpace of two months. For in the year 1688, Eaſter-day was the 15th of April, the queen had a miſcarriage the Monday before Eaſter, on the 9th of April; and ſhe was delivered the 10th of June. But no time is fixed for this refuſal of ſatisfaction to the publick, tho' the queen being ſix months gone when ſhe miſcarried, ſhe might, for ſome time, have cauſed the motion of the child to be perceived.

2. In the biſhop of Salisbury's account, are four ſeveral children. The firſt, which really belonged to the queen, was an untimely birth of ſix months. The ſecond was ſuppoſed at the time of her pretended delivery, and died the ſame day. The third was brought in the room of the dead child, and died alſo ſome weeks after at Richmond. The fourth, ſubſtituted in the room of the third, muſt be the preſent pretender. It is ſurprizing, that Mr. Echard, who probably wrote the hiſtory of this reign, but 20 or 25 years after the time I am ſpeaking of, ſhould have heard nothing of theſe two laſt impoſtures, but confines himſelf to one, in what he relates concerning the publick ſuſpicions.

3. Fuller who pretended to give an exact account of the cheats, agrees not with the biſhop of Salisbury. But I ſhall not inſiſt on his teſtimony, becauſe his pretended diſcovery has been little regarded.

4. It remains therefore to examine what the biſhop of Salisbury ſays, to make us ſuſpect the ſuppoſition of the three laſt children. For, the firſt, which was but a miſcarriage according to this author, was really the queen's. To this end, we are to diſtinguiſh three different times, viz. before, at, and after her delivery. I ſhall make ſome obſervations upon the moſt remarkable circumſtances of each of theſe times.

1. The king's preſſing the princeſs to go to the Bath, agrees very well with the deſign of ſuppoſing an heir. For the preſence of the princeſs at the queen's pretended delivery, muſt have been perplexing, on account of her intereſt to detect the impoſture. Had the king contented himſelf with barely adviſing her to go to the Bath, nothing could have been inferred from it, but that he thought the Bath good for her health. But his preſſing it with an unuſual vehemence, and cauſing a phyſician to be told, that he expected it of him that he would perſuade her to it, ſeem to diſcover ſome ſecret deſign, eſpecially, when it is conſidered, that an impoſture was already ſuſpected. This ſuſpicion is farther confirmed by the change of the queen's reckoning, and by her delivery two days after it was known, that the princeſs was upon the point of returning from the Bath. But their muſt not be given to this cauſe of ſuſpicion, more ſtrength than it really has. For it is very poſſible for the king to have believed, that the Bath would be of ſervice to the princeſs his daughter, the ſuſpicion of his acting from another motive, is founded only upon the ſuppoſition of an impoſture. If this was well proved, the king's proceeding would become a ſort of new proof. But as it is not, it ſeems that the ſuſpicion ought not to be ſupported by the ſuppoſition of the fact in queſtion.

2. If it is true, that the queen did not believe herſelf with child till the 6th of October, and that ſhe afterwards ſuddenly changed her reckoning, there is reaſon to ſuſpect ſome miſtery in it. And indeed, by this new reckoning ſhe was to be brought to bed during the abſence of the princeſs of Denmark, whereas by the firſt ſhe could not be delivered till after her return. To this may be added, that if it is true, that about the end of September ſhe was ſtopped at the Bath, one week longer than ſhe intended, by an accident to which the ſex is ſubject, ſhe could not be with child from the 10th of September, nor conſequently brought to bed the 10th of June. To this it is anſwered, that theſe miſreckonings are common to the whole ſex. But this reaſon cannot take place here, becauſe it did not appear that the queen thought herſelf miſtaken.

3. It cannot be denied, that there is ſomething extraordinary in the queen's ſudden reſolution, of going to lye-in at St. James's when things were not ready. Hitherto no probable reaſon has been given of this ſudden change, to ſhow that ſhe could lye-in more commodiouſly at St. James's than at Whitehall, nor why ſhe at firſt choſe Windſor for the place,

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* It is here proper to take notice of this paſſage in biſhop Burnet. "That the princeſs went as far in deſiring to "be ſatisfied by feeling the motion, after the queen ſaid ſhe was quick, as ſhe could go without breaking with her:

and

1688. and fixed the time to the beginning of July.

4. I own I ſee nothing in the queen's affectation of being carried to St. James's by Charing-Croſs, thro' the Pall-Mall, to confirm the ſuſpicion of an impoſture.

5. I never heard, that the preſence of the archbiſhop of Canterbury is abſolutely neceſſary at the delivery of the queens of England, eſpecially at that of a popiſh queen, who could have no great need of his aſſiſtance.

As for the time of the queen's delivery, there are many things to be examined.

1. The queen after having declared her intention to lye-in at St. James's, without any apparent neceſſity, was bent to go thither on the Saturday, tho' nothing was ready. This is a ſign, ſhe thought it would be too late if ſhe deferred going until the next day. It is therefore clear, that ſhe expected the moment of her delivery every hour, and yet when ſhe began to find herſelf ill, "No women were "in the room but two dreſſers, one under-"dreſſer, and the midwife." Not one foreign lady was in the palace. It cannot be denied, that this was very extraordinary for a queen, ſince it was ſo eaſy to have other ladies at hand to aſſiſt her, and the more, as ſhe hourly expected the moment of her delivery. It is no leſs extraordinary, that none of the court-ladies were called beſides the counteſs of Sunderland, by the particular care of the earl of Arran; and the queen-dowager, who lodged in Somerſet-Houſe, a great way from St. James's. All this ſeems to diſcover, it was not deſired that many ladies ſhould be preſent at the labour. To this it is anſwered, that the queen was ſurprized, as women frequently are, and that the Proteſtant ladies were at church. But ſome take occaſion from hence to confirm their ſuſpicion. They ſuppoſe, the queen would not have gone with ſo much precipitation on Saturday night, to St. James's, if ſhe had not known ſhe ſhould be delivered the next morning, while the Proteſtant ladies were employed at their devotions. But after all, this is only a ſuſpicion. For, who can be ſure, that the queen acted by the motive aſcribed to her? All that can be ſaid, is, that the point in queſtion being a child who, if a boy, was to take place of a princeſs, preſumptive heir of the king her father, the king and queen ought to have put his birth out of all doubt. Inſtead of this, they confirmed, by a miſterious conduct, ſuſpicions which were already but too far ſpread, and of which they could not be ignorant. The empreſs Conſtantia, wife of Henry VI, proving with-child at the age of 52 years, choſe a place the moſt publick for her labour, and thereby removed all ſuſpicion of the birth of her child. On the contrary, the queen of king James II, for having neglected all precautions, has left upon her ſon, real or pretended, a blot which has not yet been effaced.

2. The king's being at the further end of the room with 18 peers and privy-counſellors, is a circumſtance which proves nothing at all. It is well known, that on theſe occaſions men approach not the bed, to be eye-witneſſes of what paſſes there. All they can do, is to be attentive to the cries of the mother, or the infant. Beſides the king himſelf was not leſs ſuſpected than the queen. 1688.

3. As to the warming-pan brought into the queen's chamber, and which is ſuppoſed to have in it a new-born child, this is only conjecture founded upon the ſeeming uſeleſsneſs of a warming-pan the 10th of June, which proved an exceſſive hot day. To this it is anſwered, that a labonr is often attended with a quaking and trembling like an ague, which begins with a cold fit. This is what I know nothing of. It is alſo pretended, that it was impoſſible to put a new-born child in the narrow compaſs of a warming-pan without ſtifling it.

4. It is very extraordinary, that the queen was not a full hour in labour; for the king was ſent for at nine o' clock, and before ten the queen was delivered. She cried out but once, in the moment of her delivery. When the mind is filled with ſuſpicions, ſuch circumſtances help to confirm them. Thoſe who are not in the ſame diſpoſition, find nothing extraordinary in this; becauſe the queen had ever had eaſy and quick labours.

5. It is commonly true that children, the moment they are born, and expoſed to the air, are heard to cry. But I know not whether this can be conſidered as infallible. However, the queen having neglected to give undoubted proofs of her pregnancy, every little uncommon circumſtance was capable to confirm the ſuſpicion of an impoſture.

6. As to the ſtreſs that is laid upon the curtains of the bed being cloſe drawn, this cannot ſeem ſtrange, ſince there were 18 lords in the room.

7. The circumſtance of the child's being not ſhewn, can cauſe no ſuſpicion, but on ſuppoſition of the ſuſpicion itſelf, which ought to have been removed, by ſhowing the child as it came from the womb. For, otherwiſe, it is not uſually done, till the midwife has taken due care of the child. But if this is urged to prove, that a child was not taken out of the queen's bed, the ſuſpicion of the warming-pan muſt neceſſarily be ſuppreſſed, for had a child been put in the pan, it could alſo be taken out of it.

8. What is ſaid "of the king's continuing "with the lords ſome minutes in the bed-"chamber, and that it looked like giving "time for ſome management," is a gloſs which deſerves little or no notice.

9. Thoſe who believe the child in queſtion not born of the queen, would have had her take all the precautions which they themſelves imagine, to deſtroy all ſort of doubt, and the omiſſion of one of theſe precautions is, with them, ſufficient to confirm their ſuſpicions.

10. If no ſatisfaction was given to the princeſs of Denmark after her return from the Bath, it may be alledged, that ſhe diſcovered no jealouſy concerning the birth of the prince of Wales, and as ſhe appeared convinced of the truth, there was no neceſſity of giving her proofs.

11. The refuſual of Chamberlain's plaſters would be very apt to cauſe a ſuſpicion, if it

was impoſſible for the queen's breaſts not to want them. But how many labours are there, which have no need of remedies for puting back the milk? However, the biſhop of Saliſbury obviates this anſwer, by ſaying, that in her former labours, the queen had always great plenty of milk.

12. What is ſaid of the queen's recovering ſo ſoon after her delivery, proves nothing. Some mothers have ſo eaſy labours, that in a few days one can hardly perceive any alteration in them. Beſides, it is too general an expreſſion to ſay, "the queen ſeemed to be ſoon recovered." The preciſe time ſhould have been marked, that it might be judged, whether there was any thing extraordinary in it.

Nevertheleſs, all theſe reaſons of ſuſpicion laid together, make an impreſſion upon many men, which each in particular would not be able to do. We muſt always recur to this point, that the king and queen, knowing that they were ſuſpected of an impoſture, ought to have taken juſt meaſures to remove the ſuſpicion, and not having done it, it is not very ſtrange, it ſhould continue to this day.

As to what paſſed after the delivery, I mean the ſuppoſition of two children, when the firſt was dead, the biſhop of Saliſbury's account reſts only upon the credit of ſome perſons whom he has given for vouchers, and of others not named by him. There are beſides ſeveral particulars, in proof of which he produces no teſtimony.

He ſuppoſes, that the child of which it was pretended the queen was delivered, died the ſame day. This ſuppoſition is grounded upon what Hemings heard through the wall of his parlour, and upon the denial of acceſs at the young prince's door to the counteſs of Clarendon. All this may be of ſome weight, when a bare ſuſpicion only is meant to be eſtabliſhed. But if it is produced as a proof, the inſufficiency of it is eaſily ſeen.

The death of the ſecond child at Richmond ſtands only upon the report of four phyſicians, who were ſent for to viſit him. The biſhop does not make the phyſicians poſitively ſay that the child died, but only that, "They all looked on him as a dying child," and as they were not called for after dinner, "They took it for granted that the child was dead." But this conſequence is not abſolutely neceſſary; for poſſibly they were not called, becauſe the child grew better. But, ſays the biſhop, "When they went in after dinner to look on the child, they ſaw a ſound healthy child, that ſeemed to have had no illneſs on him." They inferred from this, that he was not the ſame child, and the biſhop concludes that the firſt was dead, and another put in his room. What is particular in this fact, is, that theſe four phyſicians doubted, this was the ſome child, only becauſe the firſt had been ſick, and this was ſound and healthy, as if all children at ſuch an age were ſo like one another, that no feature could diſtinguiſh them. And yet, theſe phyſicians thought, it was not the ſame child, only by the difference between a ſtate of health and ſickneſs. This is very ſurprizing, ſince naturally the faces of the two children muſt have been ſo different, as not to need other marks*.

In ſhort, the biſhop of Saliſbury's whole account of theſe three impoſtures, reſts either upon hearſay, or what he read in the informations ſent to the prince and princeſs of Orange; for he was then at the Hague, the ſenders of theſe informations were, probably, no friends of king James. It is therefore very poſſible, not to ſay likely, that they have aggravated their reports, and collected every circumſtance, true or falſe, which was apt to perſuade the prince and princeſs, that the prince of Wales was ſuppoſititious. As for the biſhop of Saliſbury, I am perſuaded, he has related nothing but what he either heard, read, or believed to be true. But who can ſay, he was not deceived by prejudiced perſons, who looked upon their ſuſpicions as ſo many convincing proofs? I am aware, that all the Engliſh have not the ſame opinion of Dr. Burnet as I have. Volumes of remarks upon his hiſtory, in which he is violently abuſed, demonſtrate, that the Jacobites conſider him as the ſworn enemy of James II, and as deſerving no credit. But as, for very good reaſons, they have not thought proper to make remarks upon what he ſays of three ſuppoſititious children, it is not my buſineſs to gueſs what they could have ſaid I preſume therefore he has invented nothing, without pretending, however, to warrant what he ſays upon the teſtimony of others.

I have enlarged upon the birth of the prince of Wales, becauſe there ſeemed to me to be great confuſion, as well in the books, as in the diſcourſes on this ſubject. My intent was to help the reader, to determine for or againſt, or to ſuſpend his judgment till the thing is more fully cleared. As the principal deſign of hiſtory is to eſtabliſh facts that are certain, to deſtroy thoſe that are falſe, and to inform the readers of the grounds of doubting with regard to ſuch as are dubious, I imagined, that in an affair ſo important as this, which has made ſo much noiſe, and will doubtleſs, yet long be talked of, the reader would be glad to know what to rely on. Thus much is certain, that moſt Proteſtants believed the prince of Wales ſuppoſititious, chiefly becauſe it would have been very diſadvantagious to them, that James II, ſhould have had a popiſh ſucceſſor. The Papiſts, on the contrary, queſtioned not this prince's birth, becauſe nothing could be more ſerviceable to their religion. I am perſuaded, there were few, either Papiſts or Proteſtants, but what were determined on this point, by their prejudices. But things having taken an unexpected turn, the truth or falſity of this prince's birth have hitherto produced none of the effects which were hoped or feared *.

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* Colonel Sands, who died in 1728. being in 1688, Gentleman-waiter to the princeſs Anne, was ſent by her from Tunbridge (where ſhe then was) to court, to enquire after her brother's health. Going up immediately to the king without ceremony or interruption, as is uſual in ſuch caſes, he came into the room where the prince lay He ſaw there a long pale viſaged child, with read ſpots in his face, and other marks of weakneſs. This ſtruck him ſo, that he took very particular notice of it: but preſently after the ladies in the room came and turned him out, ſaying, the prince was a ſleep. At his going out he met the king, who aſked him with a diſturbed countenance, whether he had ſeen the prince? Sands fearing he had done ſomething amiſs, denied it; upon which the king's countenance cleared up Some time after he was called to look at the prince; but ſaw a child of very different looks and complexion from that which he found before. all theſe particulars he committed to writing, and carried them to the princeſs. Contin of Baker's Chron. Edit.

Cloſeting renewed. Echard.

The aſſurance of a popiſh ſucceſſor, made the king hope, he ſhould more eaſily accompliſh his deſigns. But he wiſhed, above all things, for the concurrence of a parliament. It was with this view, that cloſettings were once more put in practice. He cloſetted ſuch as he intended to gain. Promiſes and menaces were employed, and thoſe who refuſed to ſerve the king in his own way, as the word was, might aſſure themſelves of his heavieſt diſpleaſure.

The king ſends for forces out of Ireland. Burnet.

However, he neglected not more effectual means to force his ſubjects to compliance. He ordered ſome entire regiments out of Ireland, and filled many vacancies in his Engliſh regiments, with Iriſh and popiſh officers. This gave ſo great diſguſt to the whole army, that lampoons and ballads were vented upon the Iriſh, who were mortally hated by the Engliſh, eſpecially ſince the maſſacre in 1641.

The Carliſle addreſs. Echard.

In the interim, that the king's deſign in augmenting his forces might not be doubted, an addreſs, ſuppoſed to be drawn by a jeſuit, was procured from the city of Carliſle, particularly, ‘ To thank his majeſty for his royal army, which really was both the honour and ſafety of the nation; let the Teckelits think and ſay what they would.’ And upon this occaſion the addreſſers aſſured his majeſty, ‘ That when, in his great wiſdom, he ſhould think fit to call a parliament, they would chuſe ſuch members as would certainly concur with his majeſty, in taking off the penal laws and teſts, and not hazard the election of any perſon, who had any ways declared in favour of thoſe cannibal laws. Surely, ſaid they, theſe men that oppoſe your majeſty, in ſo gracious and glorious a work, do not conſider what a ſovereign prince, by his royal power, may do. A work which heaven ſmiles upon, and will reward with no leſs a bleſſing, we hope, than a prince of Wales.’-----

Tryal of the ſeven biſhops. State-Try.

During the publick rejoicings for the birth of the prince of Wales, the archbiſhop of Canterbury, and the other ſix biſhops, priſoners in the Tower, were brought to their tryals at the king's-bench bar the 15th of June. But upon their motion for a delay, the tryal was put off to the 29th of the ſame month, and in the mean time they were ſet at liberty upon their own recognizance. The 29th of June, Weſtminſter-Hall was crowded with great numbers of lords gentlemen, and others, to be ſpectators of this famous tryal. The king's counſel pleaded, that the petition preſented by the biſhops was a real and ſeditious libel, tending to diminiſh the king's prerogative, and excite ſedition amongſt the people. The counſel for the biſhops, on the other ſide, retorted the arguments of their adverſaries with great force and freedom, proving, that the king having no power to diſpence with penal laws, a petition humbly preſented to remonſtrate to him that he had no ſuch power, ought not to be eſteemed a libel: That it was injurous to the biſhops, to accuſe them of having publiſhed a petition, which they had reſpectfully preſented to the king in private, and alone: That the occaſion of preſenting it was not ſought by them, but preſſed upon them: Nor could it be called a libel, becauſe the intent was innocent, and they kept within the bounds ſet by act of parliament. After long pleadings on both ſides, the judges, in giving directions to the jury, were not unanimous. There were four, of whom Wright the chief-juſtice, and Holloway, were the king's creatures. Powell was reckoned a man of perfect integrity, and Allybone was a Papiſt. Wright gave his opinion, that the petition preſented by the biſhops was a libel. Holloway ſaid, that if the jury was ſatisfied that the petition was preſented with no ill intention, but only to ſhew the reaſons of the petitioners diſobedience to the king's command, he could not think it to be a libel. Powel maintained, that the petition could not be a libel, becauſe it was founded upon the king's incapacity to diſpence with laws, which was very true. Allybone aſſerted, that the crime of the biſhops, was next door to treaſon †.

who are acquitted.

The jury withdrawing ſate up all night, whether they could nor agree, or to render their verdict more ſolemn. The next morning the court being aſſembled, and the Hall filled with infinite crowds of people, the jury pronounced the biſhops not guilty. Immediately ſhouts of joy were heard thro' the crowd, and the loudeſt acclamations reſounded thro' the cities of Weſtminſter and London. For ſeveral hours, nothing was heard but repeated ſhouts of both cities, tranſported with the news of the biſhops acquittal. Nor was this all. For the king being gone that morning to the army on Hounſlow-Heath, and dining in the earl of Feverſham's tent, the news flew to the camp, where the whole army ſhouted ſo loud, that it ſtartled the king, and his whole company. The earl of Feverſham being ſent out to know what was the matter, immediately returned, and told the king, “ It was nothing but the ſhouts of the ſoldiers upon the news of the biſhops being acquitted. Do you call that nothing?” ſaid the king; “ but ſo much the worſe for them.” Notwithſtanding the reſentment expreſſed by the king, and his ſevere prohibitions againſt all riotous aſſemblies, the whole city was that night il-

Great rejoicing in the city. Echard.

In the army.

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* See State-Tracts, in king William's reign.

† Allybone's opinion is not truly repreſented. What he affirmed was, that neither the biſhops, nor any other men, had power to meddle with matter, relating to the government. And he confirmed his aſſertion by an inſtance in James I, time, when it was declared to be high miſdemeanor, and next to treaſon, to petition the king to put the penal laws in execution. In which it ſeems he was miſtaken; for the petition referred to, was a petition againſt the penal laws. See State-Tryals.

luminated,

and thro' the whole kingdom.

luminated, and numberleſs bonfires proclaimed the general joy. This was followed by almoſt all the great towns in the kingdom, and at Norwich particularly the joy was exceſſive. This was a ſenſible mortification to the king. He at firſt threatened to deliver the biſhops to the eccleſiaſtical commiſſioners, and to ſhow his indignation, he diſmiſſed Sir Richard Holloway and Sir John Powell, and filled their places with others*.

The king trys the temper of his army. Kennet.

The king perceiving the people's diſpoſition was not favourable to him, he reſolved at laſt to come to open force. But as he could only make uſe of his army, he was willing firſt to try how far he might depend on their obedience. For this purpoſe, he thought fit to communicate his deſign to every regiment ſingly, not doubting, that if two or three ſubmitted, the reſt would follow their example. Accordingly, the major of the lord Lichfield's regiment was ordered to tell the officers and ſoldiers, that thoſe who were unwilling to contribute to the repeal of the teſt and penal laws, ſhould lay down their arms. But it was with the utmoſt aſtoniſhment that he ſaw the whole regiment, two captains and a few popiſh ſoldiers excepted, inſtantly lay down their arms. He remained for ſometime ſpeechleſs, but at laſt recovering his ſurprize, he commanded the ſoldiers to take up their arms again and ſullenly told them, "That for the future he "would not do them the honour to ask their "advice."

Finds it not at all favourable to his deſigns.

Fills vacancies in his armies with popiſh officers and ſoldiers,

It was now eaſy to foreſee, that with a Proteſtant army he ſhould never be able to introduce popery. Wherefore he reſolved to caſhire many Proteſtant officers and ſoldiers, and to put Papiſts in their room. Accordingly he began with ſome regiments; but it gave a diſguſt to the whole army. Soon after, reſolving to put 30 Iriſh ſoldiers into the duke of Berwick's regiment, lieutenant colonel Beaumont and other officers, remonſtrated to the duke, 'That neither thoſe gentlemen nor himſelf 'thought it conſiſtent with their honours, to 'have foreigners impoſed upon them,------ 'and therefore humbly petitioned, that they 'might have leave to fill up their companies 'with ſuch men of their own nation, as they 'ſhould judge moſt ſuitable to the king's ſer'vice; or otherwiſe, that they might be per'mitted, with all imaginable duty and re'ſpect, to lay down their commiſſions.' An account of this being tranſmitted to the king, he imediately ordered the lieutenant colonel, and five captains to be taken into cuſtody, and tryed by a court-martial as mutineers. It was believed, that his intention was to cauſe them to be condemned to die, but ſome news from abroad altered the ſentence, and they were only caſhiered. The fleet was no better diſpoſed than the army to aſſiſt the king in his deſigns. This appeared, in that vice-admiral Strickland ordering maſs to be ſaid on board his ſhip, there aroſe ſuch a mutiny and diſorder amongſt the ſailors, that the officers could hardly ſave the prieſt from being thrown over board.

but is oppoſed. Echard.

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The king's ſituation was ſuch, that it ſeemed he could neither advance, nor recede. His zeal for his religion, his principles of government, his temper naturally obſtinate, his condeſcenſion to the queen, prieſts, and jeſuits, who inceſſantly ſurrounded him, allowed him not to leave his work unfiniſhed. Beſides, he muſt have changed his whole ſyſtem, as well as his whole council, and nothing is more rare than to ſee a prince proceed in that manner, before he is forced to it. But, on the other hand, he could eaſily perceive, how far he ſtill was from his end, by the diſpoſition of his ſubjects, his fleet, and his army. He hoped however to ſurmount all obſtacles, becauſe, tho' one part of his people ſhewed a reluctance to ſubmit to his will, another part ſeemed diſpoſed to receive the yoke with ſubmiſſion. There were biſhops who had cauſed the declaration for liberty of conſcience to be read in their dioceſs, as the biſhops of Durham, Cheſter, and Rocheſter. Nay the firſt had ſuſpended 30 of his clergy, for refuſing to read it†. In Cheſhire, ſome curates, rectors, and others, not contented to read the declaration, preſented alſo an addreſs, wherein they tell his majeſty,------'That if the matter of the declara'tion were not according to their wiſhes, yet 'the publiſhing of it was according to their 'duty, ſince it iſſued out from the expreſs pre'rogative of his ſupremacy over them; ſo that 'they could not but with trouble of mind hear 'of the proceedings of the ſeven biſhops, who, 'tho' they tenderly promiſed the Diſſenters 'ſomething, yet refuſed to do their part about 'the declaration, leſt they ſhould be parties 'to it, which reaſon the addreſſers eſteem in'ſufficient. They therefore, in all ſubmiſſi'on become earneſt, tho' too mean, interceſ'ſors to his majeſty, in behalf of the church 'of England, that the faults of thoſe and o'thers may not be laid to her charge, in whoſe 'communion there were many, and they 'hoped their would be more, who concurred 'in promoting the purpoſes of his mild go'vernment: And ſo conclude with begging 'leave to make their congratulations for the 'happy birth of the young prince in his here'ditary ſucceſſive kingdom.'------

Some biſhops are diſpoſed to come into the king's meaſures. Echard.

Addreſs of the Cheſhire miniſters. Gazettes.

The king flattered by ſuch addreſſes, and imagining, that terror would by degrees oblige his ſubjects to ſubmit to his pleaſure, reſolved to puſh his point at all events. But, on the other hand, he had the mortification to hear, that a ſon of Cartwright biſhop of Cheſter, who had procured this addreſs, was refuſed to be admitted to a fellowſhip in one of the colleges at Oxford, and that Gifford, nominated by him to the ſee of that city, was likewiſe denied his Doctor's degree.

But the reſolution taken by the king and his council was not to be ſhaken by any obſta-

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* Sir Robert Baldock one of the king's counſel in this tryal, was made judge in the room of the latter; and Sir Thomas Powell of the former. Sir Chriſtopher Milton, one of the juſtices of the common pleas, having about this time his writ of eaſe, was ſucceeded by Sir Thomas Jenner; in whoſe room, and in Sir Thomas Powell's ſerjeant Ingleby and ſerjant Rotherham were made barons of the exchequer. Kennet.

† And amongſt them one of his own chaplains; Echard.

Order from the eccleſiaſtical commiſſioners concerning the reading of the declaration, Kennet.

ſlighted. A ſecond. Kennet.

cles. Tho' the ſeven biſhops had been acquitted of the pretended crime laid to their charge, the new eccleſiaſtical court did not think itſelf bound by that preſident. Wherefore, the commiſſioners, by an order made the 12th of July, ‘ command all chancellors, archdeacons, commiſſaries, and officials, to enquire in what churches and chapels his majeſty's declaration was read, and to tranſmit an account thereof upon the 16th day of Auguſt next.’ But the greateſt part of thoſe to whom the order was directed, never took any notice of it. The commiſſioners being met on that day, were not a little puzzled how to proceed. At laſt, after a long conſultation, they were contented to renew their firſt order, ‘ requiring all perſons having eccleſiaſtical juriſdiction, to tranſmit to them upon the 6th day of December next, an account of the enquiry they are hereby commanded to make in their viſitations, together with the names of the perſons, rectors, vicars, and curates, that had either obeyed, or diſobeyed his majeſty's command.’ The affairs which happened before the expiration of that term, hindered, that it was not known what the eccleſiaſtical court intended to do, or whether this order would have been better obeyed than the former.

The biſhop of Rocheſter leaves the commiſſioners, and ſends his reaſons. Echard.

Doctor Sprat biſhop of Rocheſter, one of the biſhops of the new eccleſiaſtical court, now thought it time to withdraw. Wherefore he wrote to his collegues a letter, wherein he told them: ‘ That ſince their lordſhips were reſolved to proceed againſt thoſe, who had not complied with the king's command in reading his declaration, it was abſolutely impoſſible for him to ſerve his majeſty any longer in that commiſſion.’ He proceeds farther and ſays, ‘ That tho' I myſelf did ſubmit in that particular, yet I will never be any ways inſtrumental in puniſhing thoſe my brethren who did not: For as I call God to witneſs, that what I did was meerly upon a principle of conſcience, ſo I am fully ſatisfied, that their forbearance was upon the ſame principle.’ This biſhop was one of thoſe on whom the court relied, and therefore his defection could not but trouble the king extremely. Several have thought, that the principal motive of this proceeding, was to ſcreen himſelf in time from the approaching ſtorm, of which he had received ſome intimation.

From the prince's birth, thoſe who had any concern for their religion or country, ſaw clearly the danger with which both were threatened. It was evident, that the king no longer pretended to govern by the laws of the land; but according to his will and pleaſure. He had ſufficiently diſcovered his intention; ſo that nothing leſs than a total ſubverſion of the government in church and ſtate could be expected. If this did not ſufficiently authorize the moſt conſiderable members of the ſtate to take meaſures for the prevention of ſuch a deſign, it is heard to conceive, what difference their can be between a government like that of England, limited by laws, and an abſolute monarchy. And yet it cannot be doubted, that the government of England is different from that of moſt other ſtates. I am very ſenſible this point is not without difficulty, and that it is not eaſy in England to fix the limits of the ſubjects obedience. Whilſt the church of England prepoſterouſly believed, that the king had no deſign to alter the form of the government, but intended only a little to enlarge his prerogative, inſtead of thinking proper to oppoſe it, ſhe believed it for her advantage, as it might prevent attempts like thoſe which had occaſioned ſo many miſchiefs in the reign of Charles I. The Preſbyterians, the Independents, the Anabaptiſts, had carried the principles of the Republicans ſo far, and drawn ſuch terrible conſequences from them, that after the reſtoration of Charles II, it was thought in ſome manner neceſſary to run into the other extreme, by inveſting the king with a power, which, rightly conſidered, might have had conſequences not leſs dangerous than the Republican principles. But herein the ſole aim was to curb the Non-conformiſts, by the king's authority, without foreſeeing, that a time might come, when the king would uſe the power aſcribed to him, againſt all his ſubjects in general, and the church of England in particular. That time being come under James II, the church of England opened her eyes, tho' a little too late, and ſaw that ſhe had been labouring for her own deſtruction, in maintaining, and even openly preaching paſſive-obedience, without any reſtriction. It was from this doctrine, inculcated ſo carefully, and ſo long, upon the minds of the Engliſh, as aſſential to the church, that thoſe ſubmiſſive addreſſes proceeded, which were daily preſented to the king. And indeed, as no bounds had been ſet to paſſive-obedience, many people did not conceive that they could, with a ſafe conſcience, refuſe an unlimited obedience to the ſovereign. But at laſt, the danger of the kingdom convinced men of ſenſe, that the royal authority was neceſſarily to be bounded, otherwiſe the church and ſtate were going to be ruined.

The church of England departs from her former principles: And takes meaſures to oppoſe the king.

Such being the ſituation of affairs, ſeveral church of England men, both of the clergy and laity, thought it time to take meaſures for ſtopping the king's progreſs, and bounding his power. Tho' they had themſelves carried it very high, they choſe rather to retract, than, by their obſtinacy, to throw the church and ſtate into imminent danger, in continuing to maintain a doctrine which could juſtly be conſidered as the principal fountain of the kingdom's calamities.

An union projected between the church of England and the Preſbyterians. Echard.

The firſt and moſt neceſſary precaution taken by them, was to form a ſtrict union between the church of England and the Non-conformiſts, for their common ſecurity. This union was become more eaſy than ever. The two parties agreed, that their diviſion had been the ſole cauſe of their ruin. This was a ſtrong motive for their union. The churchmen acknowledged, they had carried paſſive-obedience too far, and that it had produced ill effects. They ſhewed a readineſs to comply with the ſcruples of the Preſbyterians, in relinquiſhing the cerimonies which might be conſidered as indifferent, or at leaſt to leave every man at liberty to practice or not practice them.

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them. This was all the Presbyterians could reaſonably expect. In ſhort, as the churchmen appeared touched with the calamities occaſioned by their exceſſive rigour, ſo they ſeemed diſpoſed to more condeſcenſion, if things were reſtored to their former ſtate. The Presbyterians, who had hitherto groundleſsly accuſed the church of England of leaning to popery, could not forbear acknowledging their error, after the firmneſs of the ſeven biſhops had diſcovered the injuſtice of that accuſation. Theſe diſpoſitions being well managed by prudent and well-meaning men of both parties, produced at laſt an uniformiry of ſentiments, with regard to the principal point in queſtion, viz. that it was abſolutely neceſſary to think of means for the preſervation of religion and the ſtate, from the impending danger. The leading men on both ſides, took great pains to curb the paſſionate, whoſe views were very narrow. In a word, without the king's knowledge, the Whigs and Tories were reconciled, and reſolved to labour jointly for the preſervation of their country. But unfortunately, this union ended with the danger. However, it may be affirmed, that this reconciliation, of the two parties was the moſt fatal blow that could be given to the king's affairs, ſince his greateſt ſtrength lay in their diviſion. Father Orleans calls this union, a league againſt the king. It would be needleſs to diſpute about this term. The queſtion is only to know, whether this union, this league, or what ever elſe it may be called, was contrary to law to conſcience, to the duty which ſubjects owe to their ſovereign. But to decide this queſtion, the government of England muſt be diſtinguiſhed from that of other ſtates, and on pretence of the name of king, common to ſo many princes, the rights of one ſovereign not confounded with thoſe of another, in order to apply to a king of England, whatever is aſſerted of ſovereignty in general. This was an artifice frequent with James I. The queſtion therefore is to knew, whether, in ſuppoſing the conſtitution of England ſuch as it appears in this hiſtory, James II, had violated it in the moſt eſſential parts; whether he had now changed or conſiderably altered it; whether there was ground to fear an entire ſubverſion; and whether the Engliſh were obliged to ſuffer it without oppoſition. Of this the readers may judge, from what they have hitherto ſeen. But in ſuppoſing even that James II, had changed, or deſigned to change the conſtitution, a ſtrong objection lay againſt thoſe, who believed it proper to oppoſe the entire execution of his deſigns; viz. the frequent declarations of the parliament and the church of England, ſince the reſtoration, that an unlimited obedience was due to the king. This objection was ſo ſtrongly impreſſed on the minds of ſome churchmen, that they could not reſolve to oppoſe the king's deſigns, becauſe they looked on ſuch oppoſition as an act of rebellion. Nay, many perſiſt in this opinion even to this day, and with the Papiſts from the party of the Jacobites. Happily for England, moſt of the clergy and laity of the eſtabliſhed church were of a contrary oppinion, and laboured effectually for the preſervation of religion and the government, in conjunction with the Whigs, who made no ſcruple of uniting with them in the ſame deſign.

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A reſolution taken to call in the prince of Orange Kennet.

The union between the Whigs and Tories being effected, ſeveral perſons of diſtinction, as well amongſt the clergy as the laity, began to form a ſcheme for the execution of the great deſign to preſerve the church and ſtate. They ſaw no expedient more proper, than to put the prince of Orange at the head of the party againſt the king. That prince was ſo intereſted in the affair, that it was not doubted he would contribute whatever lay in his power, both to ſave England, and ſecure the ſucceſſion to the princeſs his wife, lately defeated of her right by a prince, who generally paſſed for ſuppoſititious. Theſe were very powerful motives to actuate the prince of Orange. But there was ſtill another, which was naturally to have a great effect upon him; viz. the extreme danger to which Holland would be expoſed, in caſe the king accompliſhed his deſign, by reaſon of the cloſe union between the king's of England and France.

Several Engliſh noblemen and gentlemen go over to him. Kennet.

It was with this view that ſeveral great men timely repaired to the Hague, on divers pretences, to confer with the prince of Orange. The firſt were, Mr. Sidney, brother to Algernoon Sidney, (beheaded in the laſt reign) afterwards earl of Rumney, Sir Robert Peyton, Sir Rowland Gwin, Dr. Burnet, and others. It is to be preſumed, that aſſurances were tranſmitted from them to their friends in England, of the good inclination of the prince to the common cauſe. In July, one Joſeph Flight brought over into England about 80 letters from perſons of quality and credit, and carried back anſwers to the Hague. The affair being thus begun, the old lord Wharton pretending a journey into Germany. paſſed through the Hague. Colonel Sidney, uncle to the earl of Sunderland, went to the Spaw, on pretence of only drinking the waters. The lord Dunblain, ſon to the earl of Danby, and commander of an independent frigate, croſſed and re-croſſed the ſeas, to carry ſeveral diſpatches and reſolutions. The earl of Shrewſbury mortgaged his eſtate for 40000 l. and went over to the prince to offer him both his purſe and his ſword. He was quickly followed by admiral Herbert, his couſin Mr. Herbert, Mr. Ruſſel, the lord Mordaunt, and the earl of Wiltſhire. The principal perſons with whom they held correſpondence in England, were, the earls of Danby, Devonſhire, and Dorſet, the lords Lovelace and Delamere, the duke of Norfolk, the marqueſs of Hallifax, his ſon the lord Eland, the marqueſs of Wincheſter, his ſon the lord Pawlet, the lord Willoughby ſon to the earl of Lindſey, Mr. Leſter, Mr. Hampden, Mr. Powle, and many others, beſides ſeveral eminent citizens of London *.

The Engliſh lords apply to the ſtates-general; Echard.

The prince of Orange being fully determined to head the party, it was, after ſeveral conſultations, reſolved, that the Engliſh lords at the Hague ſhould demand aſſiſtance of the ſtates, in the name of all England. But to prevent the ſecret from being divulged, thy

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* As alſo the lord Churchill, afterwards duke of Marlborough, colonel Trelawny, and colonel Kirk. Burnet.

applied

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are favourably heard.

applied at firſt only to perſons of the greateſt credit and influence, who promiſed to uſe all their intereſt, at a proper time, to promote the deſign. There was no need of many arguments to prevail with the ſtates to aſſiſt the diſtreſſed Engliſh. They were equally concerned in the affair with the Engliſh themſelves; for the ruin of Holland would doubtleſs have ſoon followed the ſlavery of England. Of this the deſigns of Lewis XIV, and his union with James II *, left no room to doubt. All the difficulty lay in making preparations, in concealing the deſign of them, in raiſing forces in the room of thoſe which the prince ſhould lead into England, and in ſecuring a timely relief, in caſe the king of France ſhould attack Holland. But all theſe things were taken care of, with great addreſs and ſecrecy.

The affair of Cologne made uſe of to cover the deſign upon England. Burnet.

Meaſures of the prince of Orange.

The difference at that time, about the election of an archbiſhop of Cologne, between prince Clement of Bavaria, and the cardinal of Furſtemburg, furniſhed the ſtates with a pretence to aſſemble an army near Nimeguen. On the other hand, the prince of Orange, by his intrigues, prevailed to have the direction of affairs then on the carpet, committed to the management of three or four members of the ſtates, on pretence of the correſpondents the count d' Avaux the French ambaſſador had in Holland, who might inform him of their reſolutions. Theſe commiſſioners, all in the prince of Orange's confidence, under colour of the Cologne affair, gave orders for incamping an army, and preparing a fleet. At laſt, the prince of Orange, on pretence of providing for a war againſt France, which ſeemed to be near, had an interview at Minden in Weſtphalia, with the electors of Saxony, and Brandenburgh, the princes of the houſe of Lunenburgh, and the Landgrave of Heſſe-Caſſel, and ſecured their aſſiſtance, in caſe France ſhould attack Holland or the Low-Countries, while he was engaged in the Engliſh expedition. All this was tranſacted with ſuch ſecrecy, that the ambaſſadors of France and England, at the Hague, could get no certain intelligence. They were forced to recur to conjectures, tho' the firſt had uſually been informed of the reſolutions of the ſtates, as ſoon as they were taken.

His plan.

When the prince of Orange had ſecured to the ſtates, in caſe of need, the aſſiſtance of theſe princes, he concerted his expedition with ſuch prudence and ſecrecy, that his ſcheme was not known till after the execution, viz. that the ſtates, under colour of being ready to ſupport the election of the prince of Bavaria, ſhould form a camp on the heath near Nimeguen, a place too remote from the ſea, to give any ſuſpicion that theſe troops were deſigned for an embarqument: That a fleet of 50 men of war ſhould be prepared, with a ſufficient number of tranſports, for the imbarkation of 12 or 13000 men: That to prevent the alarm which theſe tranſports might give, the merchants of Amſterdam, Rotterdam, and other maritime places, ſhould freight as many as they could on divers pretences: That theſe ſhips ſhould repair to ſeveral ports, at a time aſſigned, to take the forces aboard, and afterwards to the Goree, where the men of war ſhould expect them: That the prince of Orange ſhould put himſelf on board this fleet, and at his landing in England, the Engliſh perſons of quality, by whom he was invited, ſhould diſperſe themſeles into divers parts of the kingdom, to excite inſurections, and levy troops, while the prince, with his little army, ſhould make head againſt the king. It was not doubted, but the prince's army would conſiderably increaſe when he ſhould be in England, and the people in general be ready to ſecond the efforts of thoſe, who were labouring for their deliverance. This whole ſcheme was executed in the manner it had been reſolved, without the ambaſſadors of England and France being able to learn any thing certain. They conjectured, however, by the naval preparations, that ſomething was ſecretly contriving againſt England. Indeed it was difficult to prepare 4 or 500 tranſports, and 50 men of war ſo privately, that they ſhould have no intelligence from their ſpies.

Advice ſent from France to king James; Echard.

is neglected by him.

The count d' Avaxu failed not to ſend his conjectures to the court of France, which were immediately tranſmitted to England. Moreover, Mr. Skelton, king James's envoy at the Hague, had before informed him of an intercepted letter, which intimated, that a great project was ſecretly carrying on againſt him. But the king was then ſo ſecure of ſucceſs, that he neglected this intelligence, believing it only an artifice to divert him from his deſigns.

Skelton's advice neglected by the earl of Sunderland. Kennet.

A little before, Mr. Bude de Verace, a Proteſtant of Geneva, gentleman-uſher to the princeſs of Orange, having been diſmiſſed, was returned to his own country. When he heard of the great preparations in Holland, he wrote to Mr. Skelton, then envoy at Paris, that he had things to communicate to the king of England, that were of no leſs concern than his crown, but would not diſcover the ſecret to any but the king himſelf; aud that if his majeſty would let him know his pleaſure, he would immediately repair to London. Skelton was not wanting to give information to the court of England, and to repeat it by five or ſix letters. But no notice was taken of it, whether thro' a too great ſecurity, or that the earl of Sunderland, to whom the letters were addreſſed, did not think proper to communicate them to the king.

The king orders writs for calling a parliament. Echard.

In the interim, as the armament in Holland could hardly be concealed any longer, and the king receiving repeated advices of it, he judged it convenient, at all events, to flatter the people with the expectation of a parliament. So, the 24th of Auguſt, he dclared in council his intention to call a parliament for the 27th of November, and the chancellor had orders to iſſue out the writs the 5th of September. However, the writs were not ſent, which gave occaſion to think, the king only deſigned to amuſe the publick.

Rejects the offers of France. Burnet.

The next day, Mr. de Bonrepos arrived at London from Paris, and had ſeveral conferences with the king. It is pretended, that he offerd him

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* See State-Tracts, in king William's raign.

him from the king of France a fleet, and an army of 30000 men, but that the earl of Sunderland prevented the offer from being accepted. He is ſaid to preſent to the king, ‘ That it would be very dangerous to introduce a foreign army into England, at the very time he was preparing to hold a parliament: That he would entirely loſe the hearts of his ſubjects, and even of thoſe who were moſt devoted to him: That if the French ſhould have a mind to render themſelves maſters of the kingdom, he would find but very few who would join to deliver him from ſuch troubleſome gueſts, and that in accepting ſo powerful an aid, he would quickly become only a viceroy to Lewis XIV.’ Some have pretended, that this advice was evident treachery in the earl of Sunderland, who was gained by the prince of Orange. But this accuſation reſts only upon the ill ſucceſs of the king's affairs afterwards, and upon the ſuppoſition that he would have ſucceeded in his deſigns, had the king of France's offer been accepted. However, the king refuſed the aid, becauſe he thought it unneceſſary, and yet, it is pretended, that he made at this very time a new alliance with Lewis, but which was never publiſhed.

A new treaty with France. Burnet.

In the interim, the king hearing from ſeveral parts, that an armament was making in Holland, he ordered the marqueſs of Albyville, his ambaſſador, to preſent a memorial to the ſtates, to demand what they meant by their warlike preparations, eſpecially by ſea, at that time of the year. The ſtates anſwered, That they armed in imitation of his Britannick majeſty, and might with more reaſon demand an explanation about the alliance into which he was latley entered. This anſwer increaſing the king's ſuſpicions, he now began to take the neceſſary meaſures for putting himſelf in a poſture of defence. With this view, he gave the governments of Portſmouth and Hull, the two keys of the kingdom, to Papiſts, and took care to have the majority of the officers and ſoldiers of theſe garriſons of that religion.

Memorial of the marqueſs of Albyville to the ſtates; Auguſt 23. Kennet.

Their anſwer. State-Tracts. Burnet.

The king puts himſelf upon his guard. Echard.

After all, he could not yet believe, the prince of Orange would venture to attack him. He ſtill relied on his fleet and army, tho' he had now had ſeveral demonſtrations of their diſaffection. The court of France could not conceive the cauſe of ſo ſtrange an indolence; nor was Skelton leſs puzzled to anſwer the queſtion ſo often asked, why the king his maſter refuſed the aſſiſtance of France. He could only ſay, that he had no orders about it. At laſt, in a conference one day with monſieur de Croiſſy upon this ſubject, he told him, it was his private opinion, that if France would threaten to attack the ſtates-general, in caſe any thing was attempted by them againſt the king of England, ſuch a declaration would break all the prince of Orange's meaſures. The court of France approving of this propoſal, the count d'Avaux preſented a memorial to the ſtates the 30th of Auguſt, declaring: ‘ That all circumſtances inclined the king, his maſter, to believe with reaſon, that the arming in Holland threatened England, therefore his majeſty had commanded him to declare to them, on his part,----That the ties of friendſhip and alliance between him and the king of Great-Britain, would oblige him not only to aſſiſt him, but alſo to look on the firſt act of hoſtility that ſhould be committed by their troops or their fleet, againſt his majeſty of Great-Britain, to be a manifeſt rupture of the peace, and a breach with his crown.’------ The ſtates, after an ambiguous anſwer to this memorial, demanded of the marqueſs of Albyville, the meaning of the new alliance between the two kings. The ſame demand was made to the court of England by the ſtates ambaſſador, Van Citters, to whom they ſent a copy of the memorial. Whereupon the king ſummoned a council, and by the earl of Sunderland's means it was reſolved, to diſown the proceedings of the count d'Avaux. This reſolution was immediately communicated to the ambaſſador of the ſtates, and to all the king's miniſters in foreign courts. Moreover, to convince the publick, that the king was not concerned in the memorial preſented by the count d'Avaux, Skelton was recalled, and immedeately ſent to the Tower.

But continues to flatter himſelf.

Skelton's advice to the court of France. Echard.

Memorial from count d'Avaux to the ſtates general. State-Tracts. Kennet.

Diſowned by James. Kennet.

On this occaſion, the earl of Sunderland reaſoned upon the ſame principle advanced by him, when the aſſiſtance offered by France was in debate. It cannot be denied, that his reaſons appeared plauſible to the king. But it is ſuppoſed by ſome, that the king was deceived, and that it was not poſſible for the earl of Sunderland to be deceived alſo. Wherefore they aſcribe his counſels to an expreſs deſign of betraying his maſter. Thoſe who talk thus, are, itis likely, very ſorry, the king did not follow the contrary opinion, and embrace the offer of France. They are perſuaded, in that caſe, the prince of Orange's meaſures would have been diſconcerted, his undertaking relinquiſhed, and the king, with the aſſiſtance of 30000 men, been abſolute maſter of his kingdom. But it muſt be conſidered, that this is ſuppoſing an uncertain event; that the prime miniſter's advice, preceded the king's diſaſter ſome months; and, to accuſe him of an intention to betray the king, it muſt be ſuppoſed, that he could have foreſeen what the king himſelf did not: In a word, that he was ſecretly engaged with the prince of Orange, of which however there is no poſitive proof. The moſt plauſible ground of ſuſpicion againſt him, is, his admiſſion into that prince's council and confidence, when on the throne. But he was not the only miniſter of king James, who was thus favoured by king William. It is however certain, tho' the earl of Sunderland embraced the popiſh religion, he was, and ſtill is, ſuſpected by the Papiſts. There are even Proteſtants who owning that he betrayed his maſter, count this pretended treachery an honour to him, ſince it tended to the good of the kingdom.

Suſpicions againſt the earl of Sunderland. Orleans. Echard.

Tho' the king, as I ſaid, had ordered writs to be iſſued out for a new parliament, the order had not been executed. This appears clearly in a proclamation of the 21th of September, wherein the king ſuppoſed, the elections were not yet begun. It imported:

A proclamation about a new parliament. Gazettes.

‘ That his majeſty having already ſignified his ‘ pleaſure to call a parliament, leſt thoſe whoſe right it was to chuſe members, ſhould lie under any prejudices and miſtakes, through the artifices of diſaffected perſons, he thought it fit to declare, that as it was his royal purpoſe to endeavour a legal eſtabliſhment of an univerſal liberty of conſcience for all his ſubjects; as was alſo his reſolution inviolably to preſerve the church of England, by ſuch a confirmation of the ſeveral acts of uniformity, that they ſhould never be altered any other ways than by repealing the ſeveral clauſes, which inflict penalties upon perſons not promoted, or to be promoted to any eccleſiaſtical benefices within the meaning of the ſaid acts, for exerciſing their religion contrary to the purport of the ſaid acts of uniformity. And that for the further ſecuring, not only the church of England, but the Proteſtant religion in general, he was willing the Roman catholicks ſhould remain incapable to be members of the houſe of commons; whereby thoſe fears and apprehenſions would be removed, which many perſons had had, That the legiſlative authority would be engroſſed by them, and turned againſt Proteſtants.'

Produces no great effect.

This proclamation was too obſcure and ambiguous to produce any great effect. There was even a manifeſt contradiction in the deſign to repeal the penal laws, and at the ſame time to preſerve the acts of uniformity. Beſides the king ſpoke only of excluding Papiſts from the houſe of commons, and not from that of the lords. But what ſtill more plainly diſcovered the king's intention to amuſe the people, was, that the writs for a new parliament were not iſſued.

Propoſals from the French ambaſſador rejected. Kennet.

In the interim, having received ſo many concurring advices of the prince of Orange's deſigns, he gave out commiſſions for augmenting his forces, and ſent for ſome regiments out of Ireland. At the ſame time, he ordered the fleet to be equipped with all expedition. Monſieur Barillon, the French ambaſſador, propoſed, that the king his maſter ſhould be deſired to abandon the ſiege of Philipsburg, undertaken by the dauphin, and carry the war into Holland. This propoſal was approved by ſeveral of the council, but oppoſed by others, on pretence that ſuch a proceeding would alienate the minds of all the Engliſh Proteſtants from the king. This reaſon prevailed the more eaſily, as the prince of Orange's friends had ſpread a report, that the armament of Holland was only deſigned to prevent the French from landing in England.

The earl of Feverſham made general. Echard.

King James diſowns the treaty with France. October 5. Kennet.

The prince's expedition declared. Echard.

At laſt, the king, as he could no longer doubt the prince of Orange's intention, appointed the earl of Feverſham to command his army, after that poſt had been declined by the count de Roye. The command of the fleet was given to the lord Dartmouth. As the king was not ignorant how prejudicial to him was the report of his ſtrict alliance with Lewis XIV, he uſed his utmoſt endeavours to ſtifle it. For this purpoſe, he ordered the marqueſs of Albyville to preſent a memorial to the ſtates, to aſſure them from him, that there was no other treaty between him and France than thoſe that were publick. He moreover ordered the ſtates to take ſuch meaſures with them, as might beſt ſerve to maintain the peace of Nimeguen, and the 20 years truce concluded in 1684. But the ſtates, whether better informed than the king imagined, or for other reaſons, took no notice of this memorial. On the contrary, the penſionary of Holland frankly owned to the marqueſs of Albyville, that the prince of Orange being invited by the Engliſh nobility, was preparing to carry them aſſiſtance for reſtoring the government to its antient ſtate, the king having entirely changed it ſince his acceſſion to the crown.

The king in a conſternation.

It ſeems that the king had hitherto preſerved ſome hope, either that the ſtates had ſome other deſign, or that the prince only intended to deter him from finiſhing his work. But after this advice received from his ambaſſador, who added, that many Engliſh were at the Hague ready to accompany the prince in his expedition, he diſcovered the utmoſt conſternation, as well as his whole council. Indeed, it was eaſy to conceive, that the prince had projected this undertaking, upon private aſſurances of encouragement from the Engliſh. This reflection made the king begin to ſee the great diſproportion between the number of the Proteſtants, and that of the Papiſts, and conſequently the ſmall hopes of being ſupported by the latter. In theſe melancholy thoughts, he belived his beſt refuge was to recover the church of England to his intereſt. He ſtill reckoned, ſhe was unſhaken in her principle of paſſive-obedience, and that by giving her ſome ſatisfaction, he ſhould ſecure her allegiance, after which, he ſhould have no farther cauſe to fear the efforts of the prince of Orange. To this end, he ſent for the biſhops that were then in London, namely, Wincheſter, Chicheſter, Peterborough, Rocheſter, Ely, Bath and Wells, and told them, that he deſired their advice in the preſent conjuncture. He aſſured them of his readineſs to do whatever ſhould be thought neceſſary for the ſecurity of the Proteſtant religion and the liberties of his ſubjects, without derogating from his own prerogative. He concluded with ſaying, this affair required a mature examination, and therefore prayed them to conſult together, in order to give him their advice. The biſhops withdrew, and immediately repaired to Lambeth, to form with the archbiſhop, then indiſpoſed, a plan of what they were to counſel the king.

reſolves to conſult the biſhops. Echrrd.

Proclamation againſt the prince of Orange's invaſion. State-Tracts.

The 28th of September, the king publiſhed a proclamation to inform his ſubjects, 'That his majeſty had received undoubted advice, that a great and ſudden invaſion from Holland with an armed force of foreigners, would ſpeedily be made in an hoſtile manner upon this kingdom; and although ſome falſe pretences, relating to liberty, property, and religion, contrived and worded with art and ſubtlety, might be given out, it was manifeſt however, that no leſs matter by this invaſion was propoſed, than an abſolute conqueſt of theſe his majeſty's kingdoms, and the utter ſubduing and ſubjecting them, and all his people, to a foreign power, which was promoted by ſome of his ſubjects, being perſons of wicked and reſtleſs ſpirits, implacable malice, and deſperate deſigns; who having 'no ſence of the miſery of former inteſtine diviſions, nor being moved by his majeſty's reiterated acts of grace and mercy, did again endeavour to embroil this kingdom in blood and ruin, to gratify their own ambition and malice, propoſing to themſelves a prey and booty in ſuch a publick confuſion. That tho' his majeſty had notice, that a foreign force was preparing againſt him, yet he had always declined any foreign ſuccours, but rather had choſen to rely upon the true and antient courage, faith and allegiance of his own people, with whom he had often ventured his life for the honour of this nation, and in whoſe defence againſt all enemies, he was firmly reſolved to live and die; and therefore his majeſty ſolemnly conjured his ſubjects to lay aſide all animoſities, jealouſies, and prejudices, and heartily and chearfully to unite together, in the defence of him and their native country.-----That albeit the deſign had been carried on with all imaginable ſecrecy, and endeavours to ſurprize and deceive his majeſty, yet he had not been wanting on his part, to make ſuch proviſions as did become him, and made no doubt of being found in ſo good a poſture, that his enemies might have cauſe to repent their raſh and unjuſt attempts.' In the concluſion, his majeſty declared, 'That he did intend to have met his parliament in November next, and that the writs were iſſued forth accordingly, propoſing to himſelf, amongſt other things, that he might be able to quiet the minds of all his people in matters of religion, but in regard of this ſtrange attempt, deſigned to divert his ſaid gracious purpoſes, he found it neceſſary to recall his foreſaid writs, &c.'----

The biſhop of London reſtored and a new lord-mayor appointed. Gazettes. The king promiſes to reſtore the city charter. Echard.

Tho' the king pretended an entire reliance on the allegiance of his ſubjects, he knew, however, he had given them too much cauſe of diſcontent, to be aſſured of their affection. Wherefore, he thought it neceſſary to give them other proofs of his ſincerity, than bare words. To this end, he took off the biſhop of London's ſuſpenſion, and appointed Sir John Chapman a churchman, to ſucceed Sir John Eyles, the preſent lord-mayor of London, who was an Anabaptiſt. Moreover, being informed that the biſhops would adviſe him to reſtore the city-charter, he ſent for the lord-mayor, aldermen, and ſheriffs, and told them, 'That he reſolved to reſtore to them their antient charter and privileges, and put them into the ſame condition they were in at the time of the judgment pronounced againſt them, upon the Quo Warranto.' The ſame day, the 2d of October, he publiſhed a general pardon by proclamation, out of which were excepted, Robert Parſons, Edward Matthews, Samuel Venner, Andrew Fletcher, colonel John Rumſey, major John Manley, Iſaac Manley, Frances Charleton, John Wildman, Titus Oates, Robert Ferguſon, Gilbert Burnet, Sir Robert Peyton, Laurence Braddon, Samuel Johnſon, Thomas Tipping, and Sir Rowland Guynne. But all this was not capable to ſatisfy the people, who aſpired to a more ample and more certain deliverance.

The day after, the third of October, the archbiſhop of Canterbury, attended by eight biſhops, repaired to Whitehall, and was admitted to immediate audience. After a ſhort ſpeech, he preſented to the king the reſult of their conferences drawn up in ten articles, which were ſo many advices, and withal, reproaches upon his paſt government. Theſe advices were:

'I. To put the whole management of his government, in the ſeveral counties, into the hands of ſuch of the nobility and gentry there, as were legally qualified for it.

'II. To annul his commiſſion for eccleſiaſtical affairs; and that no ſuch court be erected for the future.

'III. That no diſpenſation might be granted or continued, by virtue whereof, any perſon not duly qualified by law, had been put into any place or office, or preferment in church or ſtate, or in the univerſities, or continued in the ſame, eſpecially ſuch as had cure of ſouls annext to them; and particularly, that he would reſtore the preſident and fellows of St. Mary Magdalen college in Oxford.

'IV. To ſet aſide all licences or faculties, by which any perſons of the Romiſh communion might pretend to be enabled to teach publick ſchools.

'V. To deſiſt from the exerciſe of his diſpenſing power, and to permit that point to be calmly and freely debated and finally ſettled in parliament.

'VI. To inhibit the four foreign biſhops, ſtiled themſelves Vicars Apoſtolical, from farther invading the eccleſiaſtical juriſdiction, which by law was veſted in the biſhops of the church of England.

'VII. To fill the vacant biſhopricks, and other eccleſiaſtical promotions, within his gift, both in England and Ireland, with men of learning and piety: And in particular, (which the archbiſhop owned to be his pecular boldneſs, ſince it was done without the privity of his brethren) forthwith to fill the archiepiſcopal chair of York (which had ſo long ſtood empty, and upon which a whole provence depended) with ſome very worthy perſon: For which he was ſo bold to ſay, his majeſty had then before him a very fair choice.

'VIII. To ſuperſede all farther proſecutions of Quo Warranto's againſt corporations, and to reſtore to them their antient charters and privileges; as they heard God had put into his heart for the city of London, which they intended otherwiſe to have made one of their principal requeſts.

'IX. That writs might be iſſued out with convenient ſpeed, for calling of a free and regular parliament, in which the church of England might be ſecured according to the acts of uniformity: proviſion might be made for a due liberty of conſcience, and for ſecuring the liberties and properties of all his ſubjects, and a mutual confidence might be eſtabliſhed between his majeſty and all his people.

'X. Above all, that his majeſty would be pleaſed to permit his biſhops, to offer ſuch motives and arguments, as (they truſted) might, by God's grace, be effectual to perſuade his majeſty to return to the communion of the church of England, into whoſe moſt holy catholick faith he was baptized, in which he was educated, and to which, it was their daily prayer to God, that he might be re-united.’

Theſe advices clearly ſhew, that what has hitherto been ſeen concerning king James's government, is not grounded upon calumnies ſpread by his enemies. For how, on the 3d of October (a month before the prince of Orange's arival, and at a time when the events were yet uncertain) could theſe nine biſhops conſpire together to reproach the king with a violation of the laws in all theſe articles, under colour of giving him counſel? Beſides, theſe advices agree, for the moſt part, with the prince of Orange's declaration, ſigned at the Hague, at the very time the biſhops, were conſulting together at London. In ſhort, the king's proceedings two days after, invincibly prove the truth of theſe facts. So, the advocates for king James can only plead, either that he had a right to act as he did, or, tho' he had no ſuch right, his ſubjects were bound to ſubmit to his will. But this is not the place to examine thoſe queſtions.

King James takes ſome ſteps towards the redreſs of grievances. October. Kennet.

The king perceiving that a refuſal to comply with the advice of the biſhops, would only increaſe the people's jealouſy, reſolved though probably with regret, to redreſs moſt of the grievances complained of. For this purpoſe, two days after, the commiſſion for eccleſiaſtical cauſes was diſſolved. The next day, the lord-chancellor had orders to carry back in perſon the charter of London. The lord-lieutenants of the ſeveral counties were required to inform themſelves of the abuſes and irregularities committed in the late regulations of corporations, in order to redreſs the ſame. The biſhop of Wincheſter, viſitor of Magdalen college in Oxford, was ordered to ſettle that ſociety regularly, and according to their ſtatutes. A proclamation was iſſued out for reſtoring corporations to their ancient charters, liberties, rights, and franchiſes. The lord-lieutenants were diſplaced in ſeveral counties. Popiſh juſtices of the peace, mayors, recorders, and other magiſtrates, were removed, and Proteſtants put in their places. Thus in the ſpace of about 12 days, that formidable fabrick was in effect, or in a great meaſure demoliſhed, which the Romiſh cabal had ſpent near four years in erecting.

Gives occaſion for new ſuſpicions.

But all theſe proceedings were not capable to reſtore the king to the confidence of his ſubjects, becauſe they came to late, and ſeemed rather the effect of neceſſity than inclination. No other motive could be imagined of the king's deſtroying his own work, than his fear of being deſerted on the arrival of the prince of Orange, who was daily expected. Whence it was inferred, that the king's condeſcenſion would laſt no longer than the danger. What had been only ſuſpected, was ſoon found to be true. The biſhop of Wincheſter, purſuant to the king's order, having cauſed a citation to be fixed on the gates of Magdalen college, to recall Dr. Hough, and the ejected fellows of that ſociety, upon the news of the diſperſion of the prince's fleet by a tempeſt, was recalled on ſome frivolous pretence, and the reſtoration of the college deferred. But afterwards, the news proving falſe, the king reſumed his pretended affection for the univerſity, and the college was reſtored. This extremely prejudiced the king, as it manifeſtly ſhewed, that in his late changes in favour of the Proteſtants, his aim had been only to amuſe them, till he ſhould be able to retract. Such as had fallen into the ſnare, and believed the king to have acted with ſincerity, loſt all their former confidence in him. So, James ſaw himſelf at once reduced to the aſſiſtance of his popiſh ſubjects alone, who were incapable to reſtore his ſinking affairs.

Augments his forces. Echard.

As all his hope was placed in his army, he applied himſelf, as far as lay in his power, to augment and ſtrengthen it with troops, which ſhould wholly depend on him. In obedience to orders already given, 2500 men landed at Cheſter from Ireland, and 3000 Scots were advanced to Carliſle. Beſides this new commiſſions were granted *, for levying ten regiments of horſe and foot, not to mention ſeveral independent companies. All the militia had orders to be in a readineſs to march. Laſtly, a proclamation was publiſhed, commanding all horſes, oxen, and cattle, to be driven and removed to the ſpace at leaſt of 20 miles, from the places where the enemy ſhould attempt to land. This was all he could do. But it was not in his power to cauſe his ſubjects to ſecond him with affection, or his troops to ſerve him faithfully. Accordingly, it was not upon an army of 13 or 14000 men that the prince of Orange relied, but upon the diſpoſition of the Engliſh, who impatiently expected his arrival: Without this, ſo ſmall an army would not have been capable of conquering England.

Takes new precautions. Octob. 20. Gazettes.

Shuts up the popiſh chapels. Echard.

In the interim, the populace of London growing inſolent, by the hopes of the prince's coming, began to inſult the popiſh chapels; wherefore the king ordered them to be ſhut up, for fear of an inſurrection in ſo dangerous a juncture. On the other hand, many Romiſh prieſts and jeſuits perceiving the gathering ſtorm, and perſaging nothing good from the diſpoſition of the people, and the court's conſternation, began gradually to diſappear, and to conſult their own ſafety by a timely retreat into foreign parts.

The prince of Wales baptized. Octob. 15. Echard.

In the midſt of all theſe diſtractions, the king cauſed the prince of Wales to be ſolemnly baptized; the pope, repreſened by his nuntio, being godfather, and the queen-dowager godmother. Father Saban officiated, and named him James-Francis-Edward.

At the ſame time the court received a pamphlet, publiſhed in Holland, and intitled, A Memorial of the Engliſh Proteſtants, preſented to their Highneſſes, the Prince and Princeſs of Orange. It was aſcribed to Dr. Burnet or major Wildman, wherein, after a long nar-

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* Particularly to Henry Cavendiſh, duke of Newcaſtle; to the lord Brandon; to the marqueſs de Miremont, nephew to the earl of Feverſham; to colonel Henry Gage and colonel Solomon Richards. Gazettes.

The king calls an extraordinary council to prove the birth of the prince of Wales. His ſpeech to them. Echard.

rative of the grievances of the nation, the author complained of king James's obliging his ſubjects to own a ſuppoſititious child for the prince of Wales, adding, “ That his majeſty would never ſuffer the witneſſes that were preſent at the queen's delivery to be heard and examined.” The king was no ſtranger to the ſuſpicions entertained by the people on this account, but hitherto had pretended to be ignorant of, or at leaſt to diſpiſe them. He perceived, however, that on this occaſion, he could not, without great prejudice to himſelf, help anſwering ſo publick a challenge. He therefore held an extraordinary council the 22d of October, to which were called the queen-dowager, all the lords ſpiritual and temporal then in town, the lord-mayor and aldermen of London, the judges, and ſeveral of his majeſty's learned council. All theſe being aſſembled, the king told them, ‘ He had called them together upon a very extraordinary occaſion; but that extraordinary diſeaſes muſt have extraordinary remedies: That the malicious endeavours of his enemies had ſo poiſoned the minds of ſome of his ſubjects, that by the reports he had from all hands, he had reaſon to believe, that very many did not think this ſon, with which God had bleſſed him, to be his, but a ſuppoſed child. But, he might ſay, that by a particular providence, ſcarce any prince was ever born, where there were ſo many perſons preſent. That he had taken this time to have the matter heard and examined there, expecting that the prince of Orange, with the firſt eaſterly wind, would invade this kingdom: And as he had often ventured his life for the nation before he came to the crown, ſo he thought himſelf more obliged ſo to do now he was king, and did intend to go in perſon againſt him, whereby he might be expoſed to accidents; and therefore he thought it neceſſary to have this now done, in order to ſatiſfy the minds of his ſubjects, and to prevent the kingdom's being engaged in blood and confuſion after his death: That he had deſired the queen-dowager to give herſelf the trouble to come hither, to declare what ſhe knew of the birth of his ſon; and that moſt of the ledies, lords, and other perſons who were preſent, were ready to depoſe upon oath their knowledge of the matter.’

Depoſitions taken

After this ſpeech, depoſitions were taken, firſt of the queen-dowager, who only ſaid, “ That ſhe was in the room when the queen was delivered,” without any thing more poſitive or particular. After her followed 40 witneſſes, of which 17 were Papiſts, and it was begun with proving, that the queen was brought to bed while many perſons were in the room. To this tended the teſtimonies of the 18 lords who accompanied the king thither. This proof ſignified nothing, or was very ambiguous. It was well known, there were a great many perſons in the room at the time the queen was ſaid to be delivered; which doubtleſs, was all that was meant by this proof. But it was not ſufficient to prove the reality of the delivery. Some of the ladies depoſed, that they ſaw the child ſoon after in the arms of the midwife. But as no man in the council durſt put any queſtions to the witneſſes, concerning ſeveral circumſtances, theſe general depoſitions were incapable to remove all ſuſpicions. The midwife depoſed poſitively, that ſhe took the child from the queen's body. The counteſs of Sunderland depoſed, that the queen called her to give her her hand, that ſhe might feel how the child lay, which added ſhe, I did, but ſhe did not ſay whether ſhe felt the child or not. The biſhop of Salisbury adds, that the counteſs of Sunderland told the ducheſs of Hamilton, (from whom he had this particular) that when ſhe put her hand into the bed, the queen held it, and let it go no lower than her breaſts, ſo that really ſhe felt nothing. Many ladies depoſed, that they had often ſeen the marks of milk on the queen's linnen near her breaſts. Two or three depoſed, that they ſaw it running out at the nipple. But what is remarkable, none of theſe ladies named the time in which they ſaw the milk, except one, who named the month of May. Now if it be true, as was before related, that the queen was realy with child till the 9th of April, and that ſhe miſcarried that day, all that was mentioned of milk in the queen's breaſts, particularly by her that fixed it to the month of May, might have followed upon that miſcarriage, and be no proof concerning the late birth. Mrs. Pierce the laundreſs depoſed, that ſhe took linnen from the queen's body once, which carried the marks of a delivery. The biſhop objects here, that it is ſtrange ſhe ſhould ſpeak only to one time. The lady Wentworth was the ſingle witneſs that depoſed, that ſhe had felt the child move in the queen's belly, but ſhe fixed it to no time.

Remarks upon theſe depoſitions

In general, ſee in few words the uſe that may be made of the ſuſpicions mentioned by ſeveral authors, and of theſe depoſitions, viz. There being three caſes, in none of which the two parties agree, the depoſitions are not applicable to any of the caſes, without being contradicted by thoſe who maintain one of the other two caſes. Let us take for inſtance, the two depoſitions, which, next to that of the midwife, appear moſt convincing, viz. that of the lady who had ſeen the milk run from the queen's breaſts; and that of the lady Iſabella Wentworth, who had felt the child in the womb. Theſe two teſtimonies are ſufficient againſt thoſe who maintain, that the queen was not with child from January, the time of her declared pregnancy, to the 10th of June, the time of her delivery. But they are inſufficient againſt thoſe who pretend that ſhe was really with child, from the 6th of October to the 9th of April, when ſhe had a miſcarriage, for the reaſons before-mentioned. To be able therefore to give a cerain judgment concerning the birth of the prince of Wales, it is neceſſary, 1. That facts ſhould be agreed in, I mean, whether it be true, that the queen was really with child, and that ſhe had a miſcarriage. 2. That thoſe who derive their ſuſpicions from the queen's obſtinate refuſal to give ſatisfaction to the publick, ſhould fix the time of this obſtinacy to the interval between the 9th of April, the day of her pretended miſcarriage, and the 10th of June, the day of her delivery. For in ſuppoſing the reality of her pregnancy till Eaſter week, the ſuſpicions ariſing from the queen's obſtinacy, cannot but be ill-grounded, unleſs this obſtinacy, is confined to the ſpace of time, between the miſcarriage and the delivery, which it is not. 3. That the two ladies who depoſed concerning the milk and the motion of the child, ſhould have fixed the time to the ſame interval, otherwiſe their teſtimony proves nothing againſt thoſe who maintain, that the queen was really with child till Eaſter week, and had then a miſcarriage; but this is what does not appear. As to the teſtimony of the midwife, which is the principal and moſt poſitive, all that can be objected to it, is that it is a ſingle teſtimony, and that beſides ſhe being a Papiſt, might have been corrupted. But this is only a conjecture, a bare poſſibility. It is therefore clear, that to deſide this queſtion in a manner capable to ſatisfy thoſe who only ſeek the truth, a more perfect knowledge muſt be had of many circumſtances which as yet lie concealed.

The ſuſpicions not removed by the depoſitions.

The king's precaution produced not the expected effect. The ſuſpicion of an impoſture was ſo deeply rooted in the minds of moſt of the Engliſh, that it was rather confirmed than removed by this examination. The myſterious conduct obſerved at a time when, conſidering the general ſuſpicion, all poſſible precautions ought to have been taken to render the birth unqueſtionable, made a ſtronger impreſſion than all theſe teſtimonies, and the rather, as they were found to be very defective. Before this examination, the preſumption of law was for the prince, ſince he was owned by both parents, ſo that the proof lay on the other ſide, and ought to be offered by thoſe who queſtioned it. But after the king had undertaken to prove the reality of his ſon's birth by 40 witneſſes, of which more than 30 ſaid nothing material, and the reſt fixed no time to what they depoſed, he left room to his enemies to object againſt theſe very depoſitions.

The king's ſpeech after the examination of the witneſſes.

The king's own teſtimony was not more effectual. After the witneſſes were examined, he told the aſſembly, ‘That the princeſs Anne ‘of Denmark would have been preſent; but ‘that ſhe being with child likewiſe, and ‘having not lately ſtirred abroad, could not come ‘ſo far without hazard.’ Adding further, ‘That tho' he did not queſtion but every ‘perſon there preſent was ſatisfied before in this ‘matter, yet by what they had heard, they ‘would be better able to ſatisfy others: That ‘beſides, if he and the queen could be thought ‘ſo wicked as to endeavour to impoſe a child ‘upon the nation, they ſaw how impoſſible it ‘would have been; neither could he himſelf ‘be impoſed upon, having conſtantly been ‘with the queen during her being with child, ‘and the whole time of her labour. That ‘there was none of them but would eaſily ‘believe him, who had ſuffered ſo much for ‘conſcience ſake, uncapable of ſo great a ‘villany, to the prejudice of his own children; ‘and that he thanked God, that thoſe that ‘knew him, knew well, that it was his ‘principle to do as he would be done by, for that ‘was the law and the prophets; and he ‘would rather die a thouſand deaths, than do ‘the leaſt wrong to any of his children.’

The depoſitions are recorded. Kennet.

The reaſons alledged by the king in his ſpeech were far from being convincing, ſince thoſe who believed the impoſture, were perſuaded, that the king was chiefly concerned in it, notwithſtanding all his aſſeverations, which were but little regarded. It is a ſad thing for a king not to be credited by the body of his ſubjects. The depoſitions were ſolemnly enrolled in chancery, and afterwards printed and diſperſed among the people. But this did not prevent a general belief, that the prince of Wales was ſuppoſititious. So this birth remains hitherto in uncertainty, and probably, will long remain ſo. For it muſt be obſerved that after the king and queen had withdrawn into France, there was no finding either the midwiſe or the queen's laidies, who had depoſed the moſt material circumſtances of the pregnancy or the delivery.

The earl of Sunderland removed from all his places. Kennet.

The 28th of October, the earl of Sunderland was ſuddenly removed from his places of preſident of the council, and principal ſecreary of ſtate. It is believed, that his neglect of Skelton's letters to him, was the principal cauſe of his diſgrace. He ſaid upon this ſubject, “If he gave no account of theſe letters “to the king, it was becauſe Skelton never “wrote but ſecond-hand news.” But theſe were not mere letters of news. One Wickſtead formerly a monk, being ſeized for holding correſpondence with the king's enemies, charged the earl of Sunderland to his face, with revealing his majeſty's ſecrets to the prince of Orange. But being committed to the cuſtody of a meſſenger, he made his eſcape the next day. However, it is certain, Sunderland had been ſome time ſuſpected by the Papiſts, who, in all appearance, perſuaded the king of his ſecret intelligence with the prince of Orange. He publiſhed afterwards an apology, but the diſcuſſion of this affair would be too great a digreſſion.

Letters of pardon granted to ſeveral of the moſt obnoxious perſons. Nov. 1. Echard.

As the prince of Orange was expected with the firſt eaſterly wind, ſome of the moſt devoted to the king during his proſperity, thought proper to ſecure themſelves by letters of pardon for their illegal actions. Amongſt theſe were chancellor Jefferies, Sir Nicolas Butler, the biſhop of Cheſter, the biſhop of Durham, and about 20 more, to whom the king readily granted the favour they deſired.

While theſe things were tranſacted in England the neceſſary diſpoſitions were making in Holland for the aſſiſtance of the Engliſh. For it was upon this foot that the ſtates let their troops to the prince of Orange; and what the king called in England an invaſion, in Holland was termed, a brotherly aſſiſtance lent by the ſtates and the prince to the diſtreſſed Engliſh. It can hardly be thought, that the prince of Orange, with an army of 13 or 14000 men, would have undertaken a deſcent into England, had he not been aſſured of a favourable reception from the generality of the people. But as it was neceſſary to remove the ſuſpicion fomented by the king, that the prince was coming to conquer and ſubdue England, he thought proper, in a declaration, to ſhow the true motives of his undertaking. This declaration dated the 10th of October, new ſtile, was divided into 26 articles, reducible to theſe three general heads:

The prince of Orange's declaration. Kennet.

‘ The firſt contained a particular enumeration of the grievances of the Engliſh nation, eſpecially the king's arrogating to himſelf a diſpenſing power: His advancing Papiſts to civil, eccleſiaſtical, and military employments, and allowing them to ſit in the privy-council: His ſetting up an illegal commiſſion for eccleſiaſtical affairs, in which there was one of his miniſters of ſtate, who made publick profeſſion of the popiſh religion, and who at the time of his firſt profeſſing it, declared, that for a great while before, he had believed that to be the only true religion; and by which not only the biſhop of London was ſuſpended, but the preſident and fellows of Magdalen College arbtrarily turned out of their freeholds, contrary to that expreſs proviſion in Magna Charta, that no man ſhall loſe his life or goods but by the laws of the land: His allowing popiſh monaſteries and colleges of jeſuits to be created: His turning out of publick employments, all ſuch as would not concur with him in the repeal of the teſt and penal laws: His invading the privileges, and ſeizing on the charters of moſt corporations, and placing popiſh magiſtrates in ſome of them: His ſubjecting the courts of judicatory to his arbitrary and diſpotick power, and putting the adminiſtration of juſtice into the hands of Papiſts: His not only arming the Papiſts, in contempt of the laws, but likewiſe raiſing them up to the greateſt military truſts, both by ſea and land, ſtrangers as well as natives, and Iriſh as well as Engliſh, that he might be in a capacity to enſlave the nation: His puting the whole government of Ireland into the hands of Papiſts: His aſſuming an abſolute and arbitrary power in the kingdom of Scotland; from which it was apparent, what was to be looked for in England.’

Secondly, his highneſs alledged, ‘ That thoſe great and inſufferable oppreſſions, and the open contempt of all law, together with the apprehenſion of the ſad conſequences that muſt certainly follow upon it, had made the ſubjects to look after ſuch remedies as are allowed of in all nations, and in the moſt abſolute monarchies, all which had been without effect; his majeſty's evil counſellors having endeavoured to make all men apprehend the loſe of their lives, liberties, honours, and eſtates, if they ſhould go about to preſerve themſelves from this oppreſſion, by petitions, and repreſentations; an inſtance of which was, the proſecution of the ſeven biſhops: That a peer of the realm (the lord Lovelace) was treated as a criminal, only becauſe he ſaid, that the ſubjects were not bound to obey the orders of a popiſh juſtice of peace tho' it is evident, that thy being by law rendered uncapable of all ſuch truſts, no regard is due to their orders: That both he and his conſort the princeſs, had endeavoured to ſignify, with terms full of reſpect, to the king, the juſt and deep regret, which all theſe proceedings had given them, and declared what their thoughts were, touching the repealing of the teſt and penal laws; but that theſe evil counſellors had put ſuch ill conſtructions on their good intentions, that they had endeavoured to alienate the king more and more from them. That the laſt and great remedy for all theſe evils, was, the calling of a parliament, which could not yet be compaſſed, nor could be eaſily brought about; for thoſe men apprehending that a lawful parliament would bring them to account for all their open violations of law, and for their conſpiracies againſt the Proteſtant religion, and the lives and liberties of the ſubjects, they had endeavoured, under the ſpecious pretence of liberty of conſcience, firſt to ſow diviſions between thoſe of the church of England, and Diſſenters, with deſign to engage Proteſtants, who are equally concerned to preſerve themſelves from popiſh oppreſſion, into mutual quarrellings; that ſo by theſe, ſome advantage might be given them to bring about their deſigns; and that both in the elections of members of parliament, and afterwards in the parliament itſelf: That they had alſo made ſuch regulations, as they thought fit and neceſſary, for ſecuring all the members that were to be choſen by the corporations; by which means they hoped to avoid the puniſhment they deſerved, tho, it was apparent, that all acts, made by popiſh magiſtrates, were null and void of themſelves: So that no parliament could be lawful, for which the elections and returns were made by popiſh magiſtrates, ſherifs, and mayors of towns; and therefore as long as the magiſtracy was in ſuch hands, it was not poſſible to have a free parliament legally called and choſen. That there were great and violent preſumptions, inducing his highneſs to believe, that thoſe evil counſellors, in order to the gaining the more time for the effecting their ill deſigns, had publiſhed, that the qneen had brought forth a ſon; tho' there had appeared, both during the queen's pretended bigneſs, and in the manner wherein the birth was managed, ſo many juſt and viſible grounds of ſuſpicion, that not only he himſelf, but all the good ſubjects of the kingdom, did vehemently ſuſpect, that the pretended prince of Wales was not born of the queen; and tho' many both doubted of the queen's bigneſs, and of the birth of the child, yet there was not any thing done to ſatiſfy them, or put an end to their doubts. That ſince his conſort the princeſs, and likewiſe he himſelf, had ſo great an intereſt in this matter, and ſuch a right, as all the world knew, to the ſucceſſion of the crown; ſince all the Engliſh did in the year 1672, when Holland was invaded with a moſt unjuſt war, uſe their utmoſt endeavours to put an end to the war, and that in oppoſition to thoſe who were then in the government; ſince the Engliſh nation had ever teſtified a moſt particulat affection and aſteem, both to his highneſs's deareſt conſort, and to himſelf, he could not excuſe himſelf from eſpouſing that intereſt, in a matter of ſuch conſequence, and for contributing all that in him lay, for the maintaining both of the Proteſtant religion, and the laws and liberties of theſe kingdoms: To the doing of which, his highneſs was moſt earneſtly ſollicited by a great many lords, both ſpiritual and temporal, and by many gentlemen, and other ſubjects of all ranks.'

In the laſt place his highneſs declared, 'That for the forementioned reaſons, he has thought fit to go over to England, and to carry with him a force ſufficient to defend him from the violence of thoſe evil counſellors: That his expedition was intended for no other deſign, but to have a free and lawful parliament, aſſembled as ſoon as it was poſſible; and that in order to this, all the late charters, by which the elections of burgeſſes are limited, contrary to the ancient cuſtom, ſhould be conſidered as null and of no force: That to this parliament he would refer the enquiry into the birth of the pretended prince of Wales, and of all things relating thereto, and to the right of ſucceſſion: That he would concur in every thing that might procure the peace and happineſs of the nation, under a juſt and legal government: That he would keep the forces under his command, under all the ſtrictneſs of martial diſcipline, and promiſed, that he would ſend back all thoſe foreign forces, as ſoon as the ſtate of the nation would admit of it: That therefore he invited and required all perſons whatſoever to come and aſſiſt him, in order to the executing his deſigns againſt all ſuch as ſhall endeavour to oppoſe him: That he would likewiſe take care, that a parliament ſhould be called in Scotland, for reſtoring the antient conſtitution of that kingdom and for bringing the matters of religion to ſuch a ſettlement, that the people might live eaſy and happy: That he would alſo ſtudy to bring the kingdom of Ireland to ſuch a ſtate, that the ſettlement there might be religiouſly obſerved, and that the Proteſtant and Britiſh intereſt there might be ſecured.'

This declaration being printed, and ready to be ſent over to England to be diſperſed among the people, the prince was informed, that the king, by the advice of the biſhops, had redreſſed ſeveral grievances mentioned in his declaration. Wherefore he thought fit to make the following addition to it.

'After we had printed our declaration, we have underſtood that the ſubverters of the religion and laws of theſe kingdoms, hearing of our preparations to aſſiſt the people againſt them, have begun to retract ſome of the arbitrary and deſpotick power that they had aſſumed, and to vacate ſome of their unjuſt judgments and degrees: The ſenſe of their guilt, and the diſtruſt of their force, have induced them to offer to the city of London ſome ſeeming relief from their great oppreſſions; hoping thereby, to quiet the people, and to divert them from demanding a re-eſtabliſhment of their religion and laws, under the ſhelter of our arms: They did alſo give out, that we do intend to conquer and enſlave the nation; and therefore it is, we have thought fit to add a few words to our declaration.

'We are confident, that no perſons can have ſuch heard thoughts of us, as to imagine, we have any other deſign in this our undertaking, than to procure a ſettlement of the religion, and of the liberties and properties of the ſubject, upon ſo ſure foundation, that there may be no danger of the nations relapſing into the like miſeries at any time hereafter. And as the forces we have brought along with us are utterly diſproportioned to that wicked deſign of conquering the nation, if we were capable of intending it; ſo the great numbers of the principal nobility and gentry, that are men of eminent quality and eſtates, and perſons of known integrity and zeal, both for the religion and government of England; many of them being alſo diſtinguiſhed by their conſtant fidelity to the crown, who do both accompany us in this expedition, and have earneſtly ſollicited us to it, will cover us from all ſuch malicious inſinuations: For it is not to be imagined, that either thoſe who invited us, or thoſe who are already come to aſſiſt us, can join in a wicked attempt of conqueſt, to make void their own lawful titles to their honours, eſtates, and intereſts. We are alſo confident, that all men ſee, how little weight there is to be laid on all promiſes and engagements that can be now made, ſince there has been ſo little regard had in the time paſt, to the utmoſt SOLEMN PROMISES. And as that imperfect redreſs, that is now offered, is a plain confeſſion of thoſe violences of the government, that we have ſet forth; ſo the defectiveneſs of it is no leſs apparent; for they lay down nothing but which they may take up at pleaſure, and they reſerve entire, and not ſo much as mention, their claims and pretences to an arbitrary and deſpotick power, which has been the root of all their oppreſſion, and the total ſubverſion of the government. And it is plain, that there can be no redreſs, no remedy offered but in parliament, by a declaration of the rights of the ſubjects that have been invaded, and not by any pretended acts of grace, to which the extremity of their affairs have driven them. Therefore it is that we have thought fit to declare, that we will refer all to a free aſſembly of this nation, in a lawful parliament.'

The reſolution of the ſtates-general. Echard.

About the ſame time was publiſhed, "The reſolution of the ſtates-general, containing the reaſons that had obliged them to aſſiſt his highneſs the prince of Orange with ſhips, men, and amunition, in his intended expedition into England." The two principal reaſons were: 1. That the prince of Orange had been invited to this expedition by the Engliſh nobility, gentry, and clergy: 2. That the ſtates had juſt cauſe to fear, that in caſe the king of England became abſolute in his own kingdom, he would in conjunction with the king of France, endeavour to bring their ſtate to confuſion, and, if poſſible, totally to ſubject it. This fear was founded upon the earl of Caſtlemain's preſſing the pope, and the patron cardinal Cibo, (during his ambaſſy at Rome) to admit his maſter to mediate a reconciliation between the courts of Rome and Verſailles, aſſuring, “ When that reconciliation was brought about, the two kings would “ effectually ſerve the cauſe of the church, and “ begin with the deſtruction of Holland.” The pope, to whom ſuch projects were not agreeable, informed the emperor of it, who communicated it to the prince of Orange. This is at leaſt what Dr. Burnet ſays in one of his letters.

The prince of Orange takes his leave of the ſtates. He ſets ſail. Kennet.

Every thing being ready for the projected expedition, the prince of Orange went into the aſſembly of the ſtates-general the 16th of October, to take a ſolemn leave of them. This was done in ſo tender and moving a manner, that both himſelf and the ſtates melted into tears. He embarqued the 19th of October, on a frigate of about 30 guns. The fleet conſiſted of 50 men of war, 25 frigates, as many fire ſhips, with near 400 victuallers, and other veſſels, for the tranſportation of above 4000 horſe, and 10000 foot. The moſt conſiderable of the Engliſh, who accompanied the prince, were, the earls of Shrewsbury and Macclesfied, the lords Mordaunt, Wiltſhire, Paulet, Elan, Dunblain, admiral Herbert, Mr. Herbert, colonel Sidney, Mr. Ruſſel, Sir Rowland Gwin, major Wildman, Dr. Burnet, Mr. Herbord, Mr. Ferguſon, and many others leſs known. The prince had with him beſides the general officers of the Dutch forces, count Schomberg marſhal of France, who had laſt ſerved the elector of Brandenburg, count Charles his ſon, monſieur Caillemote, younger ſon to the marqueſs of Rouvigny, and about 300 French officers, who had left their country for their religion. Admiral Herbert led the van of the fleet, vice-admiral Evertzen brought up the rear, and the prince placed himſelf in the mean body, carrying a flag with Engliſh colours, and their highneſſes arms ſurrounded with this motto, THE PROTESTANT RELIGION AND LIBERTIES OF ENGLAND: and underneath, the motto of the houſe of Naſſau, JE MAINTIENDRAI, i. e. I will maintain.

His fleet diſperſed by a tempeſt. Burnet.

This numerous fleet had been but few hours under ſail, when ſuddenly the wind coming more weſterly, there aroſe ſuch a ſtorm, that in leſs than two hours the whole fleet was ſo diſperſed, that the next day ſcarce two ſhips could be ſeen together. The ſtorm continued two days, during which time, the ſhips endeavoured to gain, ſome one port, ſome another. Many were driven northward, and could not reach the appointed rendezvous till eight days after. Nevertheleſs, the damage was ſo inconſiderable, that there was properly only loſs of time. But on this occaſion, the ſtates made uſe of an artifice, wich did the king great prejudice; they ordered the Harlem and Amſterdam Gazettes to agravate the damage ſuſtained by the fleet, and to inſinuate, that the prince could not poſſibly be in a condition to purſue his deſign till the next ſpring *. This was intended to amuſe the court of England, and make them more remiſs in their preparations. But beſides this advantage, they received from this artifice another ſtill more conſiderable, which was, that the king, hearing the news with great pleaſure, flattered himſelf, that he had now nothing more to fear, and that before the ſpring, he ſhould infallibly be able to break all the prince of Oranges meaſures. In this belief, he revoked ſome of his acts of grace granted to his ſubjects, and thereby clearly ſhewed, that theſe acts were extorted by neceſſity, and that conſequently, no change was to be expected in his conduct for the future.

The king revokes ſome of acts of grace. Echard.

The prince's declaration falls into his hands. Kennet.

It was in this critical juncture that captain Langham, an Engliſhman in the ſervice of the ſtates, was ſeized on his arrival in England. in his portmanteau were found many copies of the prince's declaration, which were ſent to court. The king having read the declaration, was ſurprized at that expreſſion, “ That the “ prince was moſt earneſtly invited over by “ divers of the lords ſpiritual and temporal, “ and by many gentlemen, and others.” Immediately he ſent for the archbiſhop, and four or five biſhops then in London, and demanded of them, “ Whether the contents of the “ prince's declaration, relating to their inviting him over, were true?” The biſhops contented themſelves with promiſing in general, their faithful allegiance to his majeſty. But the king little ſatisfied with this anſwer, required them to juſtify themſelves to the world, as to their part in that invitation. At the ſame time he fixed a day, whereon he obliged them to preſent a paper under their own hand, ſignifying their abhorance of the prince of Orange's intended invaſion. He farther let them know, ‘ That a declaration was ‘ then in the preſs againſt the prince of Orange, and was only deferred, to have their ‘ paper of abhorance put into it.

Who is for obliging the biſhops to diſown it.

They excuſe themſelves. Kennet.

On the day appointed, the biſhops repaired to Whitehall, and as ſoon as they were in the king's preſence he called for their paper. But with all ſubmiſſion, ‘ They begged to be ‘ excuſed from writing any thing of that nature, for making a particular defence to a ‘ general accuſation, leaſt they ſhould give ‘ the firſt precedent of that kind againſt the ‘ privilege of peers: Beſides, that their profeſſion being to promote peace, they thought ‘ it belonged not to them to declare war, eſpecially againſt a prince ſo nearly allied to the ‘ crown.’ This anſwer threw the king into a violent rage. However they perſiſted in their refuſal, in as dutiful terms as poſſible. The king not being able to prevail with them, ordered them to withdraw, with great indignation. They were afterwards informed, that one of the principal members of the council and jeſuited party, adviſed the king, “ To impriſon them all, and extort the truth from them “ by violence.”

The king prints the prince's declaration with his own remarks up- it. Gazettes.

Mean time, the king being deſirous to conceal the prince of Orange's declaration from the people, forbad the publiſhing and diſperſ-

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* It was ſaid in the Gazettes, that the prince had loſt moſt of his own horſes; and that there were 1500 horſes dead or unſerviceable; whereas there were reall y but 400 loſt. See State-Tracts.

ing it, by proclamation. But being afterwards informed, that a great number of copies were handed about the kingdom, and ſenſible that his prohibitition would be to no purpoſe, he choſe to print the declaration with remarks, tending to juſtify his own, and render odious the prince of Orange's, conduct.

Two letters addreſſed to the army and the fleet. Echard.

About the ſame time was printed a letter from the prince of Orange, to the officers of the Engliſh army, and another from admiral Herbert to the Engliſh fleet. The deſign of theſe two letters was the ſame, namely to inform the army and the fleet of the true intentions of the prince, and to repreſent to them, that in being the king's inſtrumens to accompliſh his deſigns, they were labouring their own ruin. Wherefore the officers, ſoldiers, and ſailors, were conjured not to ſuffer themſelves to be abuſed by a falſe notion of honour, to ſerve the king, contrary to the manifeſt intereſt of their religion and country. Theſe two letters had a wonderful effect upon officers, ſoldiers and ſeamen; ſo that from this time many of them reſolved not to draw their ſwords in this quarrel, till they had a free parliament to ſecure their religion and liberties.

The king's fleet ill-affected to him. Burchett.

The king's fleet conſiſted of 61 men of war, of which 38 were of the line of battle. Several Engliſh authors venture to affirm, this fleet was more than ſufficient to defeat that of the ſtates. I knew not upon what their aſſertion is grounded: But it ſeems to me, it is full as likely, that in caſe the fleets had engaged, the king's would have ſhared the danger. While the Engliſh fleet lay at anchor at the Gunfleet, the lord Dartmouth, the admiral, called a council of war, wherein it was debated, whether it was proper to put to ſea, and engage the enemy? An author who has wrote the naval tranſactions of the Engliſh, ſays on this occaſion, 'That this propoſal carried the greateſt weight with it, had there been a real deſign of obſtructing the prince of Orange in his paſſage to England. But inſtead of that, (continues he) matters were ſo conſerted and agreed among the flag-officers and commanders, that had the admiral come fairly up with the Dutch, it would not have been in his power to have done them much damage.' Wherefore, by a great majority it was reſolved to continue there, in order to intercept the Dutch fleet.

The prince of Orange ſails out a ſecond time. Burnet.

The damage ſuſtained by the prince's fleet in the late ſtorm was ſo inconſiderable, and ſo eaſily repaired, that in 11 days it was in condition to put to ſea again. The 1ſt of November, in the afternoon, the prince imbarked on a new veſſel called the Brill, and the fleet at firſt ſteering northward, it was thought the deſign was to land ſome where in the north of England, and Burnet ſays, the firſt ſcheme was to anchor in the mouth of the Humber. But during the night, whether the prince had changed his mind, or was hindered from purſuing this courſe by a violent eaſt wind, all the fleet ſteered towards the eaſtern coaſts of England; after which they ſhortened ſail for fear of accidents in the night. The next morning the fleet ſailed towards the channel, without meeting any Engliſh ſhip, and in their paſſage diſcovered the coaſts of Eſſex and Kent. The 3d of November the fleet entered the channel*, and lay by Calais and Dover, to ſtay for the ſhips that were behind. Here the prince called a council of war. It is eaſy to imagine, what a glorious ſhow the fleet made. Five or ſix hundered ſhips in ſo narrow a channel, and both the Engliſh and French ſhores covered with numberleſs ſpectators, are no common ſight. For my part, who was then on board the fleet, I own it ſtruck me extremely.

The king, upon advice of the prince's deſign to land in the north, had ſent part of his army that way. But it was with the utmoſt ſurprize that he received ſeveral expreſſes, with the news that the enemies fleet was ſailing weſtward. He however flatered himſelf that the lord Dartmouth would purſue and give a good account of them. But, for what reaſon I know not, the Engliſh fleet remained in their ſtation, till the enemies ſhips had paſſed by†.

The fourth of November being Sunday, and the prince's birth-day, now 38 years of age, was by him dedicated to devotion, the fleet ſtill continuing their courſe in order to land at Dartmouth or Torbay. But in the night, whether by the violence of the wind or the negligence of the pilot ‡, the fleet was carried beyond the deſired ports, without a poſſibility of putting back, ſuch was the fury of the wind. This accident gave them the malancholy proſpect of being forced to ſail on to Falmouth, or ſome other inconvenient place. But ſoon after, the wind turned to the ſouth, which happily carried the fleet into Torbay, the moſt convenient place for landing the horſe of any in England. The forces were landed with ſuch diligence and tranquillity, that the whole army was on ſhore before night. The next morning, the wind turning weſt, blew ſo tempeſtuouſly, that had the landing been deferred a few hours, probably, it would not have been poſſible to diſembarque the troops. This wind prevented the lord Dartmouth, who was come in ſight of the Dutch fleet, from attacking it, and obliged him to go into Portſmouth. Upon this occaſion theſe two famous verſes of Claudian were applied to the prince of Orange.

Lands at Torbay. Burnet.

O nimium dilecte Deo, cui militat Æther,
Et conjurati veniunt ad Claſſica Venti.
Heaven's favourite! to whom the ſkies aſſiſtance
lend,
Whilſt on they ſails conſpiring winds attend.

It was thus, the prince of Orange landed in England without any oppoſition, the 5th of November, whilſt the Engliſh were celebrating the memory of their deliverence from the Powder-Plot, about 80 years before. This is one of the moſt remarkable Æra's in the Engliſh hiſtory, and which probably will never be forgot by that nation.

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* They paſſed by the Gunfleet in a very foggy day; while the Engliſh could not, by reaſon of the violence of the wind, purchaſe their anchors. Burchett.

† The lord Dartmouth was kept in by eaſterly winds. Burnet.

‡ It being a hazy foggy morning, and full of rain they over-ſhot Torbay. Hiſt. of Deſert.

The prince marches to Exeter.

The prince's army marched from Torbay about noon the next day, in very rainy weather and bad roads. The ſoldiers, before they landed, were ordered to bring three days bread with them, and they carried their tents themſelves. But the officers, even the moſt conſiderable, were in a very uneaſy ſituation, at their firſt encampment, being wet to the ſkin, and having neither clothes for change, nor bread, nor horſes, nor ſervants, nor other bed than the earth all drenched with rain, their baggage being yet in the ſhips. Had this ſituation laſted two days more, the officers, as well principal as ſubaltern, would have been reduced to great extremities. But the prince did all that was in his power to procure them refreſhment. He ordered horſes, carriages, and proviſions from the neighbouring country, and in this ſtate purſued his march to Exeter, above 20 miles from Torbay.

The king orders his army to gather on Salisbury Plain. Echard.

As ſoon as the king heard, the prince was landed, his firſt care was to order his army to rendezvous in ſome convenient place. He choſe Saliſbury plain, whether his army repaired from ſeveral parts, with all poſſible diligence. They who have ſaid that he ought to have marched directly to Torbay at the head of his army, did not conſider, that the thing was impracticable. The greateſt part of his army was as yet diſperſed in different quarters. Part had marched to the north, and part to Portſmouth to ſecure that place, which was of great conſequence. The Iriſh foreces were ſtill in and about Cheſter, and the Scotch at Carliſle. The king when he quitted London, could not avoid leaving there a good body of troops, unleſs he would have hazarded the ſeeing that powerful city, where he was not beloved, declare for the enemy. But it is ſtrange, that the king tho', he had two months notice of the prince's intended invaſion, had neglected to form a camp of 20000 men in the heart of the kingdom, to be ready to march againſt him, on the firſt news of his landing. This was a precaution taken by ſome of his predeceſſors on the like occaſion, when they expect- a deſcent without knowing in what place, and which might have ſerved him for an example. His negligence therefore ſeems inexcuſable, ſince, after the prince's arrival at Torbay, he was obliged to loſe ſo much time in aſſembling his army of more than 30000 men. Very probably, if his forces had been ready, and he had marched into the weſt, the prince would have been extremely ambarraſſed who ſtayed ten days at Exeter, without any great increaſe of his army. Had he ſhown ſo much firmneſs as Richard III, on the like occaſion, he would doubtleſs have prevented the deſſertation of numbers, who perhaps were not yet determined to abandon him, and only reſolved it, becauſe they ſaw in his conduct a conſternation. which to them ſeemed ominous. But this is all conjecture.

The king ſhews ſome reſolution, Nov. 17. Gazettes.

However, the king having ſent a reinforcement to Portſmouth under the duke of Berwick, vainly amuſed himſelf with endeavouring to perſuade the people, that the prince's forces were too contemptable to inſpire him with fear. He printed a liſt of all the regiments of the prince's army, with the companies, troops, officers and ſoldiers belonging to each*, But the prince's declaration was more relied on than this liſt, wherein it was ſaid, he would not have come with ſo ſmall a number of troops, had a conqueſt of England been intended; from whence it was inferred, that he was aſſured of aſſiſtance, which would appear in due time.

and will hear of no accommodation. Kennet.

The king affected to expreſs a great confidence, as being ſuperior in number of forces. The better to ſhow he was incapable of fear, hearing that the counties of Kent and York, and the city of London were preparing to addreſs him for an accommodation with the prince of Orange, he publickly declared, "That he would look upon all thoſe as his "enemies, who ſhould pretend to adviſe him "to treat with the invader of his kingdoms." At the ſame time, he publiſhed a declaration, endeavouring to demonſtrate, that the prince's ſecret deſign was to uſurp the crown. But for ſuch a declaration, to have any effect, it muſt have come from a prince believed innocent, and unjuſtly attacked. But the people were far from this belief. They rather looked on the king as intending to ſubvert their religion and liberty, and on the prince of Orange, as the nation's deliverer.

The prince of Orange meets with but ſmall encouragement at Exeter. Kennet.

In the interim, the prince, now at Exeter, found not at firſt the encouragement that he expected. The biſhop, Dr. Lamplugh on the firſt news of his landing, poſted to court, where he was rewarded with the archbiſhoprick of York, which had been kept long vacant, with intention, as it was thought, to confer it on father Petre, the king's confeſſor. The Sunday after the prince's arrival at Exeter, Dr. Burnet mounting the pulpit to read his declaration, all the canons and part of the congregation left the church, not to be preſent at the reading. On the other hand, few came to offer their ſervice to the prince, and the levy of three regiments of foot, for which he had granted commiſſions†, proceeded but ſlowly. Not but that in general the people of the country were inclined to the prince, and wiſhed well to his undertaking. But the memory of the ſeverties againſt the duke of Monmouth's adherents, was yet ſo recent, that every one feared to engage in a like enterprize, the ſucceſs whereof was uncertain. In ſhort, the prince remained nine days at Exeter, without being joyned by any perſon of diſtinction. It is even pretended, that in a council of war held at Exeter, he ſuffered it to be propoſed to him to reimbarque for Holland. But on the tenth day ſome of the principal gentlemen of the county joined him. Among theſe was Sir Edward Seymour, by whoſe advice an aſſociation was drawn, and ſigned by all perſons then with

Is at laſt joined by the gentlemen of the country. Burnet.

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* According to that liſt, the prince's foot-forces conſiſted 10692; his horſe of 3660; and his fleet of 635 veſſels. Gazettes.

† To the lord Mordaunt, Sir John Guiſe, and Sir Robert Peyton. Echard.

the prince, or who afterwards repaired to him. It was likewiſe ſent to ſeveral other parts of the kingdom, and ſigned by great numbers. It was as follows:

The aſſociation. Kennet.

'We whoſe names are hereunto ſubſcribed, who have now joined with the prince of Orange, for the defence of the Proteſtant religion, and for the maintaining the ancient government, and the laws and liberties of England, Scotland, and Ireland, do engage to Almighty God, to his highneſs the prince, and to one another, to ſtick firm to this cauſe, in the defence of it, and never to depart from it till our religion, laws, and liberties, are ſo far ſecured to us in a free parliament, that they ſhall no more be in danger of falling into popery and ſlavery. And whereas we are engaged in this common cauſe under the protection of the prince of Orange, by which means his perſon is expoſed to danger, and to the curſed attempts of Papiſts, and other bloody men; we do therefore ſolemnly engage to God, and to one another, that if any ſuch attempt be made upon him, we will purſue not only thoſe that make it, but all their adherents, and all that we find in arms againſt us, with the utmoſt ſeverity of a juſt revenge, to their utter ruin and deſtruction; and that the execution of any ſuch attempt (which God of his infinite mercy forbid) ſhall not divert us from proſecuting this cauſe which we do now undertake, but that it ſhall engage us to carry it on with all the rigour that ſo barbarous an attempt ſhall deſerve.'

The prince marches to Saliſbury.

Great deſertions in the king's army. Kennet.

From this time the face of the prince of Orange's affairs who left Exeter to march to Saliſbury, was entirely changed. Every day brought him perſons diſtinguiſhed by their birth, eſtates, or employments. The lord Colcheſter, ſon to earl Rivers, a lieutenant in the life-guards, waited upon the prince, accompanied by Mr. Wharton, colonel Godfrey, John Howe Eſq; four life-guard men, and about 60 men on horſeback. Theſe were followed by the earl of Abington, captain Clarges, Mr. Ruſſel, and others. But what was more material, the lord Cornbury, ſon to the earl of Clarendon, colonel of dragoons, leaving Saliſbury, under pretence of an order from the king, to beat up one of the enemies advanced poſts, at Honiton, carried with him his own regiment, and thoſe of horſe of Berwick, St. Albans, and Fenwick, and with the major part of them went over to the prince at Exeter.

Some lords arm for the prince. State-Tracts.

About the ſame time the lord Delamere took arms in Cheſhire, and declared openly for the prince, inviting all his tenantss to follow his example. The lord Lovelace was alſo marching to Exeter, with 60 or 70 horſemen, but paſſing thro' Cirenceſter, was made priſoner, by the militia of the county, after a warm skirmiſh, in which 10 or 12 men were killed on both ſides.

Others demand of the king a parliament Nov. 17. Echard.

On the other hand, the two archbiſhops, five biſhops, the dukes of Grafton and Ormond, the earls of Dorſet, Clare, Clarendon, Burlington, Angleſy, Rocheſter, the lords Newport, Paget, Chandois, Oſſulſton, meeting together in London, drew up a petition, which was ſigned at the biſhop of Rocheſter's houſe in Weſtminſter. The intent of it was, to pray the king to call a free parliament, and find ſome expedient to ſatisfy the prince of Orange. The petition being delivered, and afterwards printed by the lords for their own vindication, this anſwer was returned from the king, which was alſo publiſhed,

His anſwer.

"My lords, what you ask of me, I moſt paſſionately deſire; and I promiſe upon the faith of a king, that I will have a parliament, and ſuch a one as you ask for, as ſoon as ever the prince of Orange has quitted this realm: For how is it poſſible a parliament ſhould be free in all its circumſtances, as you petition for, while an enemy is in the kingdom, and can make a return of near a 100 voices?" This anſwer was not ſatisfactory to the lords, who eaſily ſaw, that the king was far from deſiring a free parliament, nor would have any but of which he could be maſter.

He is afraid of being delivered up to the prince of Orange. Echard.

Tho' the king ſtill put on a face of aſſurance, the deſertions in his army made him very uneaſy. He knew not what to reſolve, in the fear of ſome conſpiracy among the officers to deliver him to the prince of Orange, if he ſhould put himſelf at the head of the army. This was the reaſon of his ſtopping the march of his forces, artillery, and his own equipage. But in a council held an this occaſion, it was judged neceſſary for him to be as ſoon as poſſible with his army, in order to keep thoſe firm to their duty who were yet unreſolved.

Prepares to meet the prince. Kennet.

He therefore departed the 17th of November, after having recommended the care of the city to the lord-mayor, and in a ſpeech to the officers about him, renewed his promiſe of calling a parliament as ſoon as the prince of Orange had quitted the kingdom. "He told them, if they deſired any thing more, he was ready to grant it; but that if, after all, any of them was deſirous to go over to the prince of Orange, he was willing to grant them paſſes, and ſpare them the ſhame of deſerting their lawful ſovereign." But at the very time he ſeemed diſpoſed to give a general ſatisfaction, he left at Whitehall, a council compoſed of five lords, all odious to the people, except the lord Godolphin. The other four were, the chancellor Jefferies, the lords Arundel and Ballaſis, both known Papiſts; and the lord Preſton, ſuſpected of favouring popery. It is ſaid, the king deſigned to leave there alſo his confeſſor father Petre, bur the jeſuit choſe rather to retire to France.

Arrives at Saliſbury,

is taken with a bleeding at the noſe.

The king arrived the 19th of November at Saliſbury, where the officers of his army, who were moſt devoted to him, paid him their compliments, and expreſſed an abhorrence of lord Cornbury's defection. At his arrival he was ſeized with a bleeding at the noſe, which increaſed the next day, as he was going to view part of his army, quartered eight miles from Saliſbury. On the ſame, or the following day, moſt of the chief officers applied themſelves to the earl of Feverſham their general, deſiring him to aſſure the king, 'That upon 'any occaſion they ſhould be ready to ſpill

1688.

A declaration of the chief officers. Kennet.

The lord Churchill leaves the king. Echard.

‘ the laſt drop of their blood in his ſervice; ‘ but yet they could not in conſcience fight againſt a prince, was come over with no other deſign, than to procure the calling of a free parliament, for the ſecuring of their religion and liberties.’ This declaration, at which the king was extremely ſurprized, ſhowed him, that his army, which had been always his principal refuge, could not be relied on. The earl of Feverſham, ſtrongly ſuſpecting the lord Churchill (afterwards duke of Marlborough) one of the king's favourites, lieutenant-general, captain of a troop of life-guards, and gentleman of his bed-chamber, was very earneſt with the king to have him ſecured. But the king, whether he had no ſuch ſuſpicion, or feared it would occaſion a mutiny, would not follow his advice. However, the very next day the lord Churchill went over to the prince of Orange, accompanied by the duke of Grafton, colonel Berkley, four or five captains of his own regiment, and ſome other officers. Father Orleans inſinuates, that he had formed a deſign to deliver the king to the prince of Orange, which was prevented by his majeſty's bleeding at the noſe, at the time he intended to go and view his troops at Warminſter, the moſt advanced poſt of his army. But this accuſation is groundleſs, and entirely deſtroyed by the reſpectful letter written by that lord to the king. and which I therefore think proper to inſert here.

His letter to the king. Kennet.

‘ SIR, Since men are ſeldom ſuſpected of ſincerity, when they act contrary to their intereſts; and tho' my dutiful behavour to your majeſty in the worſt of times, (for which I acknowledge my poor ſervices much over-paid) may not be ſufficient to incline you to a charitable interpretation of my actions; yet, I hope, the great advantage I enjoy under your majeſty, which I can never expect in any other change of government, may reaſonably convince your majeſty and the world, that I am acted by a higher principle, when I offered that violence to my inclination and intereſt, as to deſert your majeſty, at a time when your affairs ſeem to challenge the ſtricteſt obedience from all your ſubjects, much more from one who lies under the greateſt perſonal obligations imaginable to your majeſty. This, Sir, could proceed from nothing but the inviolable dictates of my conſcience, and a neceſſary concern for my religion, which no good man can oppoſe, and with which I am inſtructed, nothing ought to come in computation. Heaven knows, with what partiality my dutiful opinion of your majeſty hath hitherto repreſented thoſe unhappy deſigns, which inconſiderate and ſelf-intereſted men have framed againſt your majeſty's true intereſt, and the Proteſtant religion. But as I can no longer join with ſuch, to give a pretence by conqueſts, to bring them to effect; ſo I will always, with the hazard of my life and fortune (ſo much your majeſty's due) endeavour to preſerve your royal perſon and lawful rights, with all the tender concern, and dutiful reſpect that becomes.’

Your &c.

1688.

This letter is a clear evidence, that nothing was farther from the lord Churchill's thoughts, than to deliver the king to the prince of Orange.

The king return's to London. Kennet.

Offers a pardon. Gazettes.

Prince George leaves him. Echard.

The lord Churchill's deſſection quite ſunk the king's ſpirits, who from this time ſaw not on whom he could rely. So, no longer daring to venture his perſon with his army, he left Saliſbury, and returned to London with a precipitation like a flight. Before his departure, he publiſhes a proclamation, ‘ promiſing a free and abſolute pardon to all his ſubjects, who had taken up arms, and joined with the prince of Orange, provided they quitted and deſerted him within the ſpace of 20 days.’ But this proclamation had no effect. In his return, he met with a greater mortification, in the defection of the prince of Denmark his ſon-in-law. who leaving him at Andover, went off to the prince of Orange, with the duke of Ormond, Sir George Hewet, and others. That prince wrote a very reſpectful letter to the king, in vindication of his conduct, wherein he grounds his defection chiefly on his concern for the Proteſtant religion, which the king had openly attempted to deſtroy, not only in England, but all Europe, by his ſtrict union with France.

The prince comes to Sherburn. Kennet.

and to Saliſbury.

In the interim, the prince of Orange having left Exeter, was advanced to Sherburn, from whence it was in his power to march to Saliſbury or Briſtol, according to the reſolutions taken by the king. The king had an army ſo ſupperior to that of the prince in number, that had he marched directly to the prince, and attacked him, he would, doubtleſs, have very much diſtreſſed him. It is not likely, the prince would have ventured a battle, but on the king's advancing, would probably have retired to Briſtol, in expectation of a more general defection in the king's army. Such a defection was juſtly expected, according to all the advices of thoſe who came to join him. Wherefore, it is very unlikely that he would have riſked an advantage, of which he was almoſt aſſured, by a battle, the ſucceſs whereof would have been doubtful. I remember a report then in the prince's army, that the marſhal de Schomberg being told, the king was advancing to give battle, the marſhal coldly anſwered, if we think proper. But upon hearing that the king was returned to London, and his army retired to Reading, the prince marched to Saliſbury, and made a publick entry into that city, admidſt the acclamations of the people. During his march, there was a ſmall ſkirmiſh between two parties of the armies, in which that of the prince, tho' very inferior in number, defended themſelves with ſo much bravery, that the enemy had no reaſon to boaſt of the advantage, the loſe being almoſt equal on both ſides*.

The king mortified with a ſucceſſion of ill news Echard.

The deſertion of his principal officers was not the only cauſe of the king's mortal fears.

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* This ſkirmiſh was on November 20 at Wincanton between a detachment of 70 horſe, and 50 dragoons and grenadiers of the king's; and 25 men of the prince of Orange's. Kennet.

Scarce a day paſſed, but what brought him ſome diſagreeable news from different parts of the kingdom. The earl of Bath had made himſelf maſter of Plimouth, where the Dutch fleet lay ſecure. The earl of Shrewſbury, and Sir John Guiſe had, with the aſſiſtance of the inhabitants, forced the duke of Beaufort to ſurrender the important city of Briſtol. The earl of Devonſhire, at the head of a great number of Derbyſhire gentlemen, had declared for a free parliament, agreeably to the prince's declaration. The earl of Danby had ſecured York, and having diſarmed and turned out all the Papiſts, (who under the protection of the duke of Newcaſtle, ſtood up for the king) declared for a free parliament. The town of Berwick ſoon followed the example of York, and the gentlemen of Nottinghamſhire had done the ſame. Colonel Copley, deputy-governor of Hull, ſurprized that town, and made the lord Langdale, the popiſh governor, priſoner. The duke of Somerſet and the earl of Oxford, came to offer their ſervice to the prince of Orange. The duke of Ormond entered Oxford without reſiſtance, and cauſed the prince's declaration to be read there. In fine, the king heard, that five commiſſioners from Scotland, among whom were the duke of Queenſbury, and the lord of Belcarris, were coming to London, to demand a free parliament in that kingdom. But the king's greateſt affliction was, to ſee himſelf forſaken by his own daughter, the princeſs of Denmark, who had privately withdrawn from Whithall, being attended by the biſhop of London, mounted and armed, and retired to Nottingham, from whence ſhe was conducted to the prince her huſband at Oxford. Some days before, it was reported, that the queen had treated her very rudely, and proceeded ſo far as to ſtrike her. This ſo incenſed the people, that as ſoon as they found ſhe appeared not at Whitehall, they offered to tear all the Romiſh party in pieces, upon a ſurmiſe of her being murdered, or confined, but on the news of her being in ſafety they were appeaſed. At her going off, ſhe wrote the following letter to the queen.

The princeſs of Denmark retires. Kennet.

The princeſs of Denmark's letter to the queen. Echard.

‘MADAM, I beg your pardon, if I am ſo deeply afflicted with the ſurprizing news of the prince's being gone, as not to be able to ſee you, but to leave this paper to expreſs my humble duty to the king and yourſelf; and to let you know that I am gone to abſent myſelf, to avoid the king's diſpleaſure, which I am not able to bear, either againſt the prince or myſelf; and I ſhall ſtay at ſo great a diſtance, as not to return before I hear the happy news of a reconcilement. And as I am confident the prince did not leave the king with any other deſign, than to uſe all poſſible means for his preſervation; ſo I hope, you will do me the juſtice to believe, that I am not capable of following him for any other end. Never was any one in ſuch an unhappy condition, ſo divided between duty and affection to a father and a huſband; therefore I know not what to do, but to follow one to preſerve the other. I ſee the general falling-off of the nobility and gentry, who avow to have no other end, than to prevail with the king to ſecure their religion, which they ſaw ſo much in danger, by the violent counſels of the prieſts; who, to promote their one religion, did not care to what danger they expoſed the king. I am fully perſuaded, that the prince of Orange deſigns the king's ſafety and preſervation, and hope all things may be compoſed without more bloodſhed, by calling of a parliament. God grant a happy end to theſe troubles, that the king's reign may be proſperous, and that I may ſhortly meet you in perfect peace and ſafety: Till when, let me beg you to continue the ſame favourable opinion that you hither-had of,

Your &c.

King James abuſed by his counſellors.

From what has been ſaid it appears, that the defection was almoſt univerſal, and not confined to the court and the army. It is inconceivable, that the king ſhould not have foreſeen it, or ſhould have ſo ill an opinion of the Engliſh, as to think, they would quietly ſuffer their laws and religion to be deſtroyed: That he ſhould imagine, the giving a man a commiſſion in his army, and obliging him to take the oath of allegiance, ſhould free him from, or at leaſt, make him forget his duty to God and his country. But it muſt be remembered, what the princeſs of Denmark inſinuated to the queen, that the king's counſellors cared not to what danger they expoſed him. In making him the inſtrument to execute their deſigns, they no farther regarded his perſon, than as it ſerved to eſtabliſh their religion. in which they could not ſucceed without rendering him abſolute, and James imprudently fell into the ſnare. Herein may be obſerved, the difference between Charles II, and James II. The firſt was always ſenſible, that the zealous promoters of abſolute power intended his grandeur, only as a means to accompliſh other projects. Wherefore, when he ſaw himſelf engaged in very dangerous courſes, he forſook them as well as he could, and left his counſellors, his miniſters, and even his own brother in the danger. This was his frequent practice, and he hereby bequeathed to the duke his brother, the difficulty and peril of a contrary method. But James II, in purſuing a directly oppoſite courſe to that of Charles, gave himſelf up entirely to the counſels of thoſe, who, to atain their own ends, regarded not to what danger they expoſed him, by their violent proceedings.

The different character of Charles II, and James II.

The king in great difficulties. Kennet.

Be this as it will, the king, at the time I am ſpeaking of, was plunged in a gulph of difficulties, without perceiving any way to eſcape. The queen was diſmayed, and her conſternation inexpreſſible. Father Petre was retired into France, under the protection of the lord Waldgrave, ſent thither in the room of Skelton. The violent counſels of Jefferies were now unſeaſonable. The popiſh counſellors ſeeing all their meaſures broken, took care to ſhelter themſelves from the inpending ſtorm, to which they left the king expoſed. In ſhort, Conſults the Proteſtant peers. Echard.

Their advice.

Mr. Barillon the French ambaſſador, and monſieur de Lauſun, then in London, vented themſelves in fruitleſs reproaches on the king, for refuſing the aſſiſtance offered by France, without directing him how to repair that error. In this extreme diſtreſs (more eaſy to be imagined than deſcribed) his ſole refuge was to turn to the Proteſtant peers, whoſe counſels he had before rejected, whom he had deprived of their employments, and in a word, treated as enemies. He therefore aſſembled all the peers, ſpiritual and temporal, that were in London, The number indeed was but ſmall, there being many with the prince of Orange, or in ſeveral parts of the kingdom, for his ſervice. When they were met, he prayed for their advice concerning the preſent emergencies. On this occaſion, he had the mortification to hear a long enumeration of all his unwarrantable proceedings, ſince his acceſſion to the throne, and particularly his violent meaſures to deſtroy the Proteſtant religion, and ſubvert the liberties of England. Theſe, it was ſaid, had occaſioned the dangerous ſymptoms that now appeared in the body politick, and for which there was no other remedy than a free parliament. The neceſſity therefore was repreſented to his majeſty, 1. Of granting a general pardon to all thoſe who either come over with the prince of Orange, or had joined him ſince his landing. 2. Of deputing ſome lords to his highneſs, to treat with him about a ſuſpenſion of arms, and to endeavour to bring matters to an accomodation. And laſtly, of turning all Papiſts immediately out of their employments, to convince the world, that his majeſty acted with ſincerity.

The king declares he will call a free parliament Kennet. A proclamation for that purpoſe. Gazettes.

The king took that night to conſider of the advice, and the next day declared in council, that he was reſolved to call a free parliament, that ſhould meet the 15th of January next enſuing. Accordingly, the chancellor was ordered to iſſue out the writs. Then he publiſhed a proclamation in which he declared, that all his ſubjects ſhould have free liberty to elect, and all the peers, and ſuch as ſhould be elected members of the houſe of commons ſhould have full liberty and freedom to ſerve and ſit in parliament, notwithſtanding they had taken up arms, or committed any act of hoſtility, or been any way aiding or aſſiſting therein. He likewiſe declared in council his intention of ſending commiſſioners to treat with the prince of Orange: but as to that part of the advice relating to the Roman catholicks, his majeſty only ſaid, "He would leave that matter to be debated in parliament." However, Sir Edward Hales, a Papiſt and lieutenant of the Tower, having been obnoxious to the city of London, by threatening to bombard it, was diſplaced, and colonel Skelton put in his room.

Commiſſioners ſent to treat with the prince of Orange.

The commiſſioners nominated by the king to treat with the prince of Orange, were the marqueſs of Hallifax, the earl of Nottingham, and the lord Godolphin. They left London the 2d of December, and on their way met with paſſes from the prince.

A falſe declaration publiſhed in the name of the prince of Orange. Echard.

At the ſame time appeared a printed paper at London and other places, called, The Third Declaration of the Prince of Orange, dated the 28th of November. It was penned by a private, and unknown hand, who had the boldneſs to put the princes name to it, and diſperſe it thro' the kingdom *. Amongſt other things he made the prince ſay, that as he would offer no violence to any but in his own neceſſary defence, ſo he would not ſuffer any injury to be done to the perſon, even of any Papiſt, provided he was found in ſuch place, and condition, and circumſtance, as the law required. But he declared, that all Papiſts, who ſhould be found in open arms, or in any office civil or military, contrary to the known laws of the land, ſhould be treated by him and his forces, not as gentlemen and ſoldiers, but as robbers, free-booters, and banditti's; ſo ſhould all perſons found any ways aiding or aſſiſting to them: That whereas he was certainly informed, that great numbers of armed Papiſts had of late reſorted to London and Weſtminſter, and parts adjacent, not ſo much, he had reaſon to ſuſpect, for their own ſecurity, as out of a wicked deſign to make ſome deſperate attempt upon the ſaid cities and their inhabitants, he therefore required all magiſtrates and officers, civil and millitary, to diſarm and ſecure them, that all power of doing miſchief might be taken from them: That thoſe magiſtrates or others, who ſhould refuſe to aſſiſt him, to execute vigorouſly what he required of them, ſhould be aſteemed the moſt criminal and infamous of all men; betrayers of their religion, laws, and country, of whom he would require the life of every ſingle Proteſtant that ſhould periſh, and every houſe that ſhould be burnt or deſtroyed, by their treachery and cowardice.

Echard.

This declaration, pupliſhed in the prince's name, tho' it was diſowned by him, finiſhed the confuſion of the Papiſts; and the more, as ſeveral juſtices of peace cauſed it to be publiſhed, not imagining that any private man would have the boldneſs to undertake ſuch a thing. From this time the popiſh party was reduced ſo low, that they durſt not hold up their heads. An Hue and Cry after Father Petre, was publickly cryed and ſold in the ſtreets, notwithſtanding he was a privy-counſellor. A legal accuſation againſt the earl of Salisbury, 'For 'infringing the moſt ſacred laws of the kingdom by turning Papiſt' was preferred to the grand-jury of Middleſex, who found the bill.

The popiſh party ſinks entirely. Kennet.

The 6th of December the three commiſſioners by an expreſs acquainted the king, 'That they were to meet the prince of Orange that night at Ameſbury.' But the next day they informed his majeſty, 'That his highneſs had made a new appointment to meet them at Hungerford, and had ſent to them the earls of Clarendon and Oxford, to deſire them to make their propoſals in writing.' This meſſage ſurprized the king, chiefly becauſe the prince had deputed the earl of Oxford, who had never been concerned in any publick affair, and the earl of Clarendon was mortal enemey of the marqueſs of Hallifax.

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* Hugh Speke has owned himſelf the author of it. Secret Hiſt. of the Revolut.

He inferred from thence, the prince's unwillingneſs to come to any accommodation. For this cauſe, Barillon and Lauſun earneſtly preſſed the king, to ſecure himſelf, the queen, and the prince of Wales, by a timely receſs from the nation. But he was willing ſtill to wait for the ſucceſs of the negotiation with the prince of Orange.

The king's propoſitions to the prince. Echard.

The ſubſtance of the propoſals delivered by the king's commiſſioners to the prince was, 'That the king obſerving that all the cauſes of complaint, alleged by his highneſs, ſeemed to be referred to a free parliament, he had iſſued his writs for calling one*. That he had ſent commiſſioners to his highneſs for adjuſting all matters relating to the freedom of elections, and ſecurity of the parliament; and, in order to that, propoſed, that the reſpective armies might be kept at ſuch a diſtance from London.

The prince, who was then marching towards London, returned no anſwer to theſe propoſals, but the next day, with the advice of the lords and gentlemen aſſembled with him, he put the following propoſitions into the hands of the king's commiſſioners.

The prince's propoſals.

'I. That all Papiſts and all ſuch perſons as are not qualified by law, be diſarmed, diſbanded, and removed from all employments, civil and military.

'II. That all proclamations that reflect upon us be recalled; and that if any perſons, for having aſſiſted us, have been committed, that they be forthwith ſet at liberty.

'III. That for the ſecurity and ſafety of the city of London, the cuſtody and government of the Tower, be immediately put into the hands of the city.

'IV. That if his majeſty ſhall think fit to be in London,during the ſitting of the parliament, that we may be there alſo, with equal number of guards: And if his majeſty ſhall pleaſe to be in any place from London, whatever diſtance he thinks fit, that we may be at a place of the ſame diſtance; and that the reſpective armies be from London 30 miles; and that no further forces be brought into the kingdom.

'V. That for the ſecurity of the city of London, and their trade, Tilbury fort be put into the hands of the ſaid city.

'VI. That a ſufficient part of the publick revenue be aſſigned to us, for the ſupport and maintenance of our troops, until the ſitting of a free parliament.

'VII. That to prevent the landing of the French, or other foreign troops, Portſmouth may be put into ſuch hands, as by his majeſty and us ſhall be agreed on.'

Their moderation owned by the king. Echard.

Theſe propoſals were ſo reaſonable, that the king himſelf could not help owning, They were better than he expected. Indeed, the prince of Orange ever adhered to his declaration, in which he only demanded entire freedom for the parliament, and a ſufficient ſecurity for the city of London, without ſtipulating any other advantage for himſelf than the maintenance of his army, till the ſitting of the parliament, that is, for about ſix weeks. As the king could no longer hope to execute his firſt deſigns, it ſeems, that nothing could be more advantagious to him in his preſent ſituation, deſerted by all, and not knowing which way to turn, than to be freed from his difficulties, by reſtoring things to their antient and natural ſtate. Had he diſcovered a willingneſs to embrace theſe propoſals, probably, the parliament would have asked no more of him, than the eſtabliſhment of their religion and laws, ſo as not to be eaſily ſhaken, and he might have kept his crown, tho' perhaps with ſome diminuation of the rights clamed by himſelf, his brother, father, and grandfather. This cannot be ſaid to be a heard condition, conſidering how he had governed, and the preſent ſituation of his affairs. He even ſeemed at firſt diſpoſed to accept theſe propoſals, and refer to the next parliament the deciſion of all differences, ſince that very day he called an extraordinary council of all the lords that were in town. As it was plain, he would be adviſed to accept their propoſals by all the lords, it could hardly be doubted, that he had ſuch an intention and only called a council for form ſake. It is not known what paſſed in it, but only the ſame council was ordered to meet the next morning, to give their farther advice upon the exigency of affairs. Before the council broke up, the king, addreſſing himſelf to the duke of Bedford ſaid, "My lord, you are a good man, and have a great influence: You can do much for me at this time." To which the duke replied, "I am an old man, and can do but little;" then added with a deep ſigh, "I had once a ſon, that could now have been very ſerviceable to your majeſty." This was meant of the lord Ruſſel, beheaded in the late reign, who was ſacrificed to the vengeance of the king, then duke of York. The king was ſtruck dumb with this anſwer, ſo, that he could make no reply.

Who calls an extraordinary council. Echard.

Which is ordered to meet the next day.

The king ſuffers himſelf to be gained by his popiſh counſellors. Echard.

Every thing ſeemed to promiſe an accommodation, and it was not doubted, but the next day ſome reſolution would be taken for the peace and ſecurity of the kingdom. But that ſame night the king, as it is ſuppoſed, conſultedwith ſome of his popiſh counſellors, whoſe intereſted advice overthrow all theſe flattering expectations. Theſe counſellors eaſily perceived, what they were to expect from a free parliament. It was manifeſt, nothing could free the king from his preſent difficulties, but the delivering up the popiſh religion to the reſentments of the Proteſtants, and the paſſing ſuch acts as would hinder its being ever eſtabliſhed in England. They therefore thought it more advantagious to their religion, that the king ſhould preſerve all his pretentions, tho' unable to ſupport them, than ſacrifice them to the parliament. To that end, they adviſed him to withdraw into France. They repreſented, how diſhonourable it would be to retract what he had done, how prejudicial to the Catholick religion, to be forced to give his aſſent to ſuch acts of parliament as would tend only to render its eſtabliſhment impracticable. That the Catholicks would be entirely deſtitute of any reſourſe, whereas by preſerving his rights, he might hope to be reſtored by the arms of France, and finiſh the work ſo glorioully begun. In a word, by this intereſted counſel, they clearly diſcovered, if the king had been willing or able to perceive it, that not his perſon, but their religion was the ſole object of their concern. In fine, to give more weight to their reaſons, they inſtilled into the queen ſuch apprehenſions, as made her uſe all her influence with the king, to engage him to do as he was adviſed. They told her, the parliament would be far from being favourable to the king and herſelf: That being both ſuſpected, and even openly accuſed in the prince of Orange's declaration, of impoſſing an heir upon the crown, it was very apparent, the parliament, to favour the princeſs of Orange, would declare the prince of Wales ſuppoſititious: That perhaps ſhe herſelf would be accuſed for the fact, ſince it was not ſcrupled to impeach the queen, her mother-in-law, for matters much leſs important: That a ſhort exile with a powerful and generous prince, who was able to reſtore them, was preferable to living in their own kingdom, with only the ſhadow of ſovereignty, in diſhonour, indigence, and independence upon thoſe whom they ought to command. Theſe conſiderations, ſupported, as it is pretended, by Barillon and Lauſun, made ſuch an impreſſion upon the queen, that ſhe reſolved to retire into France with the prince of Wales, after a poſſitive promiſe from the king, that he would follow her with all convenient ſpeed.

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* He had indeed called a parliament, but the writs were not yet ſent down. Rapin.

who are aſſiſted by the queen. Burnet.

She reſolves to go into France. Kennet.

and accordingly goes. Echard.

Purſuant to this reſolution, in the night between the 9th and 10th of December, the queen in diſguiſe croſſed the Thames to Lambeth in an open boat, expoſed to wind and rain. At Lambeth, under the walls of a church, ſhe waited till a coach could be got ready in the next inn. She went from thence to Graveſend, where ſhe embarqued with the prince of Wales on a ſmall veſſel, which conveyed them ſafely to Calais. From thence ſhe went to Verſailles, where ſhe was received by the king of France with great marks of affection, which was ſome alleviation to her melancholy ſituation.

The king follows her. Burnet.

The king being fully determined to follow the queen, waited but one day to execute his deſign. The night between the 11th and 11th of December, in a plain ſuit, and a bob wig, he took water at Whitehall, accompanied only by Sir Edward Hales, Mr. Sheldon, and Abbadie a Frenchman, page of the back-ſtairs, without acquainting any other with his intention. If the manner in which this monarch intended to leave his dominions is impartially conſidered, it will hardly be denied, that this was an entire deſertion of them, and putting of his ſubjects into the ſtate in which nature dictates to men, to provide for their own ſecurity. Firſt, he fled without being purſued, and without any cauſe to fear, either for his life or liberty. So that it is manifeſt, his conſcience ſuggeſted evils to him, which were never intended. Secondly, he fled without any proviſion for the government of the kingdom. From this conduct it was afterwards inferred, that he abandoned his ſubjects in a perfect anarchy, and thereby authorized them to chuſe what form of government they pleaſed, or to elect another king. Thirdly, by his flight he violated the promiſe ſo ſolemnly made in his proclamation of calling a parliament. Fourthly, before he went off, he writ to the earl of Feverſham to diſband the army, without any care of their pay, probably, on purpoſe to cauſe diſturbances in the kingdom, by the diſcontents of the officers and ſoldiers. Fifthly, he ordered all the writs to be burnt, that were not ſent out, for electing the parliament, imagining, doubtleſs, that after his departure, it would not be poſſible to aſſemble a parliament, which by the laws could only be called by the king. Sixthly, when he took water, he threw the great-ſeal into the Thames, that nothing might be legally done in his abſence. If this may not be called a real deſertion of his kingdom, it will be difficult to give a name to ſuch proceedings.

The lords in the town meet at Guild-hall Dec. 11. Echard.

The prince ſent to by them, and the common-council.

As ſoon as the king's flight was known, a general conſternation enſued, moſt people being ignorant how they were to behave on ſo extrordinary an occaſion. However, about 30 ſpiritual and temporal lords met at Guildhall, and ſent for the lord-mayor and aldermen. After a ſhort conſultation, it was reſolved, to adhere to the prince of Orange, and ſend deputies to him, with this reſolution ſigned by the whole aſſembly. Then they ſent for colonel Skelton lieutenant of the Tower, of whom they demanded the keys, which he willingly reſigning, they were given to the lord Lucas. Preſently after, the common-council of the city ſent deputies* to the prince, with an addreſs, imploring his protection, and praying him to honour the city with his preſence.

An inſurrection of the mob. Echard.

Tho', upon the king's flight, the militia of London and Weſtminſter were immediately up in arms, they could not prevent the mob from aſſembling and committing ſome diſorders. They confined their rage chiefly to the maſs-houſes erected by the king in the city and ſuburbs, which they demoliſhed entirely, and made bonfires with the materials. And as there were alſo chapels in the houſes of ambſſadors, thoſe of the Spaniſh and Florentine ambaſſadors were rifled, before a ſtop could be put to the diſorder. In the firſt of theſe chapels the principal court-Papiſts had conveyed all their valuable effects, and this probably was the chief cauſe of the pillage. The houſes of the other ambaſſadors were preſerved, by the great care of ſome lords. The two miniſters of Spain and Florence were afterwards largely recompenced for their loſſes†.

Chancellor Jefferies ſeized and ill uſed by the rabble: Dec. 12. Kennet.

During theſe irruptions of the mob, chancellor Jefferies, diſguiſed in a ſeaman's habit, in order to eſcape in a veſſel freighted for Hambutgh, was diſcovered‡ as he was looking out of the window of the houſe where he had concealed himſelf. He was immediately ſeized

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* Sir Robert Clayton, Sir Baſil Firebrace, Sir William Ruſſel, and Charles Duncomb, Eſq; Kennet.

† The Spniſh ambaſſador had 17000 l. for his loſs. Buckingham's Account of the Revolution.

‡ By a clerk in chancery, that accidently paſſed by, Kennet.

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by the mob, and, after many indignities put upon him, carried before the lord-mayor, who declined meddling with him. But the chancellor ſeeing himſelf in the hands of an enraged mob, which threatened to tear him to pieces, deſired that he might be ſent to the Tower, which at laſt was granted him, not as a favour, but in hopes of ſeeing him ſhortly conducted from thence to the Gallows. It is pretended, he offered to diſcover many ſecrets, and for that reaſon, was kept ſome time in priſon, till the affairs of the government ſhould be ſettled. But he died in that interval, by the blows he had received, according to ſome; by drinking ſpirituous liquors, according to others; and as ſome pretend, of the ſtone. Never man had better deſerved a publick puniſhment, as an atonement for all the miſchiefs done to his country, and for all the blood ſpilt by his means.

where he dies.

The earl of Feverſham diſbands his army. Kennet.

Mean time, the earl of Feverſham, after having communicated the king's letter to the principal officers, diſmiſſed the army, and gave notice of it by a trumpet to the prince of Orange, who returned no anſwer. This made it thought, the prince did not approve of his conduct. And indeed it ſeems, that in ſuch a juncture, if he was unwilling to pay ſo much deference to the prince, as to communicate to him the order before it was executed, he ſhould not have done it, at leaſt without the advice of the lords aſſembled at London, who in the preſent ſtate of the kingdom had a right to interpoſe in the government. Accordingly, his conduct was greatly blamed; and this fault was the more taken notice of, as it occaſioned an alarm which threw the city and country into the utmoſt conſternation. Some Iriſh ſoldiers of the diſbanded troops, finding themſelves moneyleſs, and incapable of ſubſiſting in a country where they were ſo generally hated, reſolved to keep themſelves from ſtarving, by forcibly entring a country-houſe. Whereupon a man of the neighbourhood, runs directly to London, crying, as he paſſed, 'That the Iriſh were 'up, and marching to London, firing of houſes, 'and putting man, woman, and child, to the 'ſword.' The news immediately flew thro' the city, and cauſed a ſtrange pannick-fear. This report, as it went along, ſo gathered, that the terror was increaſed. The city was in alarm all night, expecting every moment the arrival of the Iriſh. Some prepared for flight, others ran to arms, not a window in London and Weſtminſter, but what was illuminated. From London the conſternation ſpread thro' the whole kingdom, ſo that in the remote parts, where people had more time to conſider what was to be done, a reſolution was taken, in caſe the news ſhould be true, of deſtroying all the Iriſh, and Papiſts in England. Happily this terror vaniſhed in London as ſoon as the real cauſe of it was known.

A panick terror ſeizes London and from thence is ſpread thro' the whole kingdom. Hiſt. of Deſert.

The prince of Orange re-aſſembles the king's army:

In the interim, the prince of Orange being advanced as far as Henley, and fearing the diſorders which might be committed by a diſbanded army, publiſhed a ſhort declaration, requiring all colonels to call together the ſeveral officers and ſoldiers of their reſpective regiments, in ſuch places as they ſhould think convenient, and there to keep them in good order and diſcipline, till farther orders. This declaration was followed by another of the lords aſſembled at London, to the ſame effect, with an additional promiſe of ſubſiſtance, till they ſhould be otherwiſe provided for, to all officers and ſoldiers who ſhould obey, and deliver up their arms to perſons appointed to receive them. Beſides this, all magiſtrates were required to apprehend, and ſeize, all ſuch ſoldiers as ſhould not repair to their reſpective bodies, and to deal with them as vagabonds.

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The king arreſted, and abuſed by the rabble at Feverſham. Kennet.

All theſe things were tranſacted, in the belief, that the king had left the nation; and indeed he was gone from Whitehall with that intention. He was got as far as a little place near Feverſham, and had even embarked in a ſmall veſſel that was to carry him to a frigate, ready to tranſport him to France. This veſſel not being able to ſail immediately, by reaſon of a tempeſtuous wind, Sir Edward Hales, one of the king's attendants, ſent his footman to the poſt-office at Feverſham. His livery was known by a man, who told ſome others, that Sir Edward was not far off. The footman was followed to the river-ſide, and ſeen to make ſigns to ſome people on board a bark; whereupon the fiſhermen, and other perſons of Feverſham, immediately boarded the veſſel where the king was. Sir Edward was ſoon known, and the king being taken for his chaplain, had many indignities put upon him. Then, ſearching him, they found 400 guineas, and ſeveral valuable ſeals and jewels, which they took from him. Amongſt the people who crowded into the ſhip, there happened to be a conſtable who knew the king, and throwing himſelf at his feet, begged him to forgive the rudeneſs of the mob, and ordered reſtitution to be made of what had been taken from him. The king received the jewels and the ſeals, but gave the 400 guineas among them. After this, he deſired to be gone, but the people, by a ſort of violence conducted him to a publick inn, in the town. Here he ſent for the earl of Winchelſea, lord-lieutenant of the county, who prevailed with him not to leave the kingdom, but to return towards London.

Returns to London. Burnet.

This news being brought to London produced various effects. Some wiſhed the king had never been ſtopt, others were glad of an opportunity to convince him, there was never any ill deſign againſt his perſon. The lords and the magiſtrates of London, who had made ſuch advances towards the prince of Orange, were confounded at their haſte, and were under ſome fear, in caſe the ſtate of affairs ſhould be altered. At laſt, the lords aſſembling, thought proper to apoint four of their body *, to wait on the king, with an invitation to return to Whitehall, and with aſſurance of being received with all due reſpect; and coaches were immediately ſent to bring him. At the ſame time, an expreſs was diſpatched to the prince of Orange, to acquaint him that the king was ſtill in the nation. The prince, who was come as far as Windſor, was not a little ſurprized at the news. He was marching to London to

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* The earls of Middleton, Aylesbury, Yarmouth, and Feverſham. Kennet.

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ſettle with the lords, by whom he was expected, the affairs of the nation, in the ſuppoſition, that the king had left it. But his majeſty's return threw the prince into great perplexity, and of courſe would oblige him to take other meaſures. Nevertheleſs, as the king had no army, and by his haſty flight, had entirely forfeited the confidence of all his friends, and the eſteem of his enemies, as he was not in a condition to command, but in ſome meaſure depended upon others, the prince diſpatched monſieur Zuyleſtein to him, to deſire him to remain at Rocheſter, till it could be agreed what was to be done. But Zuyleſtein miſſing his way, the king come to London the 16th of December, about four in the afternoon, where he was received with acclamations as if he had been returning from victory.

His laſt act of royalty. Kennet.

The king being reſtored to his palace, and in ſome manner to his deſerted royalty, diſcovered an inclination to reſume his old meaſures, and ſtill brave the Proteſtants. In all appearances, the acclamations as he paſſed thro' London, had revived his courage,and put him in hopes of a general declaration in his favour. The firſt thing he did was to publiſh an order of council, wherein he ſaid, That being given to underſtand, that divers outrages had been committed in ſeveral parts of the kingdom, by burning, pulling down, and defacing of houſes, he commanded all lord-lieutenants, &c. to prevent ſuch outrages for the future, and ſuppreſs all riotous aſſemblies. This was his laſt publick act, which crowned ſo many others done in his reign, in favour of the Papiſts. Moreover, he diſcharged Leiburn a biſhop, who had been ſent to Newgate, and during his ſhort ſtay at Whitehall, was ſurrounded, as formerly, with prieſts, jeſuits, and Iriſhmen.

The king, in his journey to London, diſpatched the earl of Feverſham with a letter to the prince, 'Kindly to invite him to the palace at St. James's, with what number of guards and troops he ſhould think convenient to bring along with him, that they might amicably and perſonally confer together about the means of redreſſing the publick grievances.' The prince returned no anſwer. But the moment the earl of Feverſham was out of his preſence, monſieur Bentick demanded his ſword, and told him, he had orders to ſecure him. This, doubtleſs, was owing to his precipitate diſbanding the army. Some indeed have thought it was only a pretence to remove him from the king's perſon, being ſuſpected of giving him ill advice, or perhaps, becauſe he was too much devoted to him, tho' he ever profeſſed the Proteſtant religion.

The earl of Feverſham ſent by the king to the prince, is arreſted. State-Tracts.

In a council held by the prince, and the Engliſh lords who were with him, it was reſolved, 'That the royal palace at Whitehall, being ſtill crouded with Iriſh Papiſts, prieſts and jeſuits, his highneſs could not with eaſe and ſafety remain at St. James's, where he muſt neceſſarily go the next day, without his majeſty and his popiſh guards were removed within a reaſonable diſtance from London.' Moreover, an accident which happened two days,before, provoked thoſe who were concerned for the princes's life. The duke of Grafton marching thro' the Strand at the head of a regiment, to take Tilbury fort out of the hands of the Iriſh, an Iriſh officer riding up to him, fired a piſtol at him; for which he was ſhot dead upon the place. Much more might ſuch an attempt be apprehended againſt the prince, from ſome of the king's guards. In the debate, it was propoſed to ſend the king priſoner to Breda. But the prince of Orange rejected the propoſal with indignation, proteſting, that he could not conſent to put him under any reſtrain. At laſt, ſince the prince's preſence at London was abſolutely neceſſary, it was agreed, that the king would be deſired to remove to Ham, a houſe belonging to the ducheſs of Lauderdale. It appears from hence, that the king's approbation was no longer conſidered as abſolutely neceſſary to ſettle the affairs of the kingdom. And indeed, it ſeems, that ſince he would have abandoned all, he had no right to pretend to any thing. Purſuant to this reſolution, the prince of Orange ſigned an order, directed to the marqueſs of Hallifax, the earl of Shrewſbury, and the lord Delamere, to acquaint the king with it, and to tell him, he ſhould be attended by his guards, to preſerve him from any diſturbances.

Three lords ſent by the prince to the king. Dec. 17.

The Dutch guardes take poſſeſſion of Whitehall and St. James's. State-Tracts.

Immediately after, the prince ordered the regiment of his guards, conſiſting of three battalions, to march and take poſſeſſion of all the poſts about Whitehall and St. James's either by perſuaſions or force. The king being informed of it, ſent for count Solms who commanded theſe guards, and deſired him, "If it could be, to let him have his own guard at Whitehall, only for that night, but the count alledging his order, to relieve all the poſts, the king anſwered, do your office." At ten a clock at night, the Dutch blue guards entered St. James's houſe, and towards eleven, thoſe who were ordered to Whitehall, moved thro' the Park, and with lighted match, and in order of battle, marched up to the king's guards. The captain of the guards ſcrupling to diſlodge, at laſt received the king's orders to retire. After this, the Dutch took poſſeſſion of the guard-houſe, and at the ſome time relieved all the poſts about Whitehall and the Park, placing every where double centries. So that, during the reſt of the night, the king was really in the power of the prince of Orange. An hour after midnight, the three lords appointed by the prince came to Whitehall,and ſent to awake the king for an audience. The king ordered them to come to his bed-ſide, they delivered the prince's meſſage, which was to deſire his majeſty's departure to Ham; to which the king conſented: but after they were withdrawn, he ordered them to be recalled, and bid them tell the prince, that he deſired rather to go to Rocheſter, according to the prince's meſſage by Zuyleſtein, to which the prince conſented that very night. His anſwer coming to the king at eight in the morning, the king about noon took a barge, attended by the earls of Aileſbury, Litchfield, Arran, and Dumbarton, ſix of the yeomen of his guard, and abut 100 of the Dutch guards, commanded by the lieutenant colonel of the reigment. About nine at night he arrived at Graveſend, where

The king deſired by the prince to remove to Ham, makes choice of Rocheſter.

The prince of Orange's arrives at St James's. Dec. 18. Echard.

where he found his own coaches, and ſome troops of the militia, by whom he was the next day conducted to Rocheſter.

The prince arrived at London the ſame day the king left Whitehall, and lodged at St. James's, where he received the compliments of the nobility, the lord-mayor, aldermen, and common-council of the city of London. From this time it may be ſaid, the king was a mere cypher. He was not a priſoner, but had no power left of doing good or hurt, ſo that moſt of the lords who had any employments at court, laid down the badges of their offices, as the ſtaff, the key, &c. as believing they had no longer any right to exerciſe the ſame.

A ſecond inſurrection of the mob. Burnet.

During the rejoycings at London for the prince's arrival, the mob inſulted the Papiſts again, not excepting ambaſſadors. As there was properly no government, ſuch diſorders were almoſt unavoidable, no perſon daring to undertake to reſtrain them. At laſt, the privy-council ordered, that all foreigners ſhould be permitted quietly to leave the kingdom. The prince of Orange ſent particular paſſes to the pope's nuntio, the envoys of Poland, Savoy, and Modena. The popiſh lords, Langdale and Montgomery, were releaſed. But the earls of Peterborough, and Saliſbury were kept in cuſtody, on account of impeachments againſt them. Romiſh prieſts and jeſuits, apprehended ſince the king's flight, were likewiſe detained.

The prince aſſembles tha peers abovt London. Dec. 21. Kennet.

In the interim, as it was abſolutely neceſſary to put an end to the preſent anarchy, the prince of Orange aſſembled the lords ſpiritual and temporal in London, to the number of above 60, and made this ſhort ſpeech to them. ‘My lords, I have deſired you to meet here, to adviſe the beſt manner how to purſue the ends of my declaration, in calling a free parliament, for the preſervation of the Proteſtant religion, the reſtoring the rights and liberties of the kingdom, and ſettling the ſame, that they may not be in danger of being again ſubverted.’ Upon ſpeaking theſe words, he withdrew and left them to conſult together. His declaration was read, and the lords voted him their particular thanks. Then they reſolved to aſſemble every day in their old houſe at Weſtminſter, and named five of the moſt eminent lawyers*, to aſſiſt them in the room of the judges, who were moſt of them abſent.

Kennet. The biſhops and ſome temporal lords refuſe to ſigne the aſſociation. Echard.

It was farther propoſed, that the whole aſſembly ſhould ſign the aſſociation ſubſcribed by the nobility and gentry at Exeter. To this all agreed, except the duke of Somerſet, the earls of Pembroke and Nottingham, the lord Wharton, and all the biſhops but that of London. The objection of the biſhops was chiefly founded upon the unchriſtian word revenge, which, to ſatisfy them, was afterwards changed for that of puniſhment.

In the interim, the king was at Rocheſter in a melancholy ſituation. He perceived, his flight had done him an irreparable injury. The proceedings at London ſhowed, that he was no longer regarded as a king to be intruſted with the government, and it was not in his power to reſtore himſelf by force. Neverthe leſs, ſome of his friends preſſed him to call a parliament, aſſuring him that ſince his misfortune there was a great turn in the minds of the city and army, and that compaſſion for him generally prevailed. But the very name of a free parliament made him tremble. For, beſides that his conſcience might reproach him and inſpire this fear, he plainly ſaw, the leaſt which could befal him, would be, that the parliament would take effectual meaſures for the ſecurity of the Proteſtant religion, and that, as long as he lived, he ſhould be ever diſtruſted. Probably it was the fear of paſſing the reſt of his days in ſo uncomfortable a ſtate, which determined him to withdraw into France. Indeed in taking that courſe, he might hope one day to be reſtored by the aſſiſtance of that crown. Whereas by ſtaying in England, he ſaw no other advantage, than the enjoyment of a royalty, ſurrounded with troubles and mortifications, and in which he could not without danger attempt to recover his former authority. Whatever were his motives, which can only be gueſſed, on the 23d of December, about three in the morning, he privately withdrew, taking with him only the duke of Berwick his natural ſon, Mr. Skelton, and Abadie, and went on horſeback to a place near the river, where he embarked on a ſmall frigate, which landed him ſafely at Ambleteuſe in France, from whence he repaired to St. Germans. It was eaſy to execute this deſign, no perſon about him having orders to ſtop or hinder him from diſpoſing of himſelf as he pleaſed. Very probably, the prince of Orange received not leſs ſatisfaction from this ſecond, than he had from the firſt, flight. The king's preſence in the nation could not but greatly embaraſs him. Beſides his natural generoſity, he had promiſed the princeſs that nothing ſhould be attempted againſt the life or liberty of her father. So the king could not do a greater ſervice to the prince, than voluntarily to retire out of the kingdom. And the more, as this afterwards furniſhed a pretence to ſay, he had abdicated the crown, which abdication paved the prince's way to the throne. When the king quitted Rocheſter, he left the following paper written with his own hand.

‘The world cannot wonder at my withdrawing myſelf now the ſecond time. I might have expected ſomewhat better uſuage, after what I wrote to the prince of Orange, by my lord Feverſham, and the inſtructions I gave him: But inſtead of an anſwer, ſuch as I might have hoped for, what was I to expect after the uſuage I received, by making the ſaid earl a priſoner, againſt the practice and law of nations? The ſending his own guards at eleven at night, to take poſſeſſion of the poſts at Whitehall, without advertiſing me in the leaſt manner of it: The ſending to me at one of the clock at midnight, when I was in bed, a kind of order by three lords, to be gone out of my palace before twelve that ſame morning? After all this, how could I hope to be ſafe, ſo long as I was in the power of one who had not only done this to me, and invaded my kingdoms, without any juſt occaſion given for it; but that did, by his firſt declaration, lay the greateſt aſperſions upon me that malice could invent,

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* Sir John Maynord, Holt, Pollexfen, Bradford, and Atkinſon.

‘vent, in that clauſe of it which concerns my ſon. I appeal to all that know me, nay, even to himſelf, that in their conſciences neither he, nor they, can believe me in the leaſt capable of ſo unnatural a villany, nor of ſo little common ſenſe, to be impoſed on in a thing of ſuch a nature as that. What had I then to expect from one, who, by all arts hath taken ſuch pains to make me appear as black as hell to my own people, as well as to all the world beſides? What effect that hath had at home, all mankind have ſeen by ſo general a defection in my army as well as in the nation, amongſt all ſorts of people.

‘I was born free, and deſire to continue ſo: and tho' I ventured my very life frankly on ſeveral occaſions, for the good and honour of my country, and am as free to do ſo again (and which I hope I ſhall yet do as old as I am, to redeem it from the ſlavery it is like to fall under) yet I think it not convenient to expoſe myſelf to be ſecured, as not to be at liberty to effect it; and for that reaſon to withdraw, but ſo as to be within call whenſoever the nation's eyes ſhall be opened, ſo as to ſee how they have been impoſed upon by the ſpecious pretences of religion and property. I hope it will pleaſe God to touch their hearts, out of his infinite mercy, and to make them ſenſible of the ill condition they are in, and bring them to ſuch a temper, that a legal parliament may be called; and that, amongſt other things which may be neceſſary to be done, they will agree to liberty of conſcience to all Proteſtant Diſſenters; and that thoſe of my own perſuaſion may be ſo far conſidered, and have ſuch a ſhare in it, as they may live peaceably and quietly, as Engliſhmen and chriſtians ought to do, and not be obliged to tranſplant themſelves; which would be very grievous, eſpecially to ſuch as love their own country. And I appeal to all men, who are conſidering men, and have experience, whether any thing can make this nation ſo great and flouriſhing, as liberty of conſcience? Some of our neighbours dread it. I could add much more, to confirm what I have ſaid, but now is not the proper time.’

This paper remained not unanſwered. As I have not been able to procure Dr. Burnet's animadverſions upon it, I ſhall endeavour to ſupply the want with ſome obſervations.

The firſt is taken from Mr. Echard, who very juſtly obſerves, “That tho' the king “gave ſome reaſons for his ſecond deſertion, “he gave none at all for his firſt.” Now it was the firſt, which chiefly demonſtrated, that he choſe rather to abandon his kingdoms, than be forced to reſtore religion and the laws.

2. The king ſuppoſed, that after the diſobliging manner in which he hed been treated by the prince of Orange, he had no room to believe himſelf ſafe. And yet he could not deny, that he had been in the power of the prince, by whom his perſon was untouched. At the very time of his writing this paper, he was at full liberty to concert meaſures for his eſcape into France, and actually executed that deſign, without any oppoſition.

3. What he ſaid concerning the birth of the prince of Wales, was founded on the impoſſibility, that thoſe who knew him, ſhould believe him capable of ſo unnatural a villany. But it was the very belief of his being privy to that unnatural villany, which fixed the imputation upon him.

4. He aſcribs the deffection of his army and the whole nation, to the artifices and calumnies of the prince of Orange; whereas the whole hiſtory of his reign is a demonſtration, that it could only be imputed to his own conduct.

5. He ſuppoſed, that he withdrew himſelf, in order to come and redeem the nation from ſlavery. But this ſuppoſition has been deſtroyed by the event, there having been in England but vey few, who really wiſhed for his reſtoration.

6. He inſiſted, that liberty of conſcience was abſolutely neceſſary to render the Engliſh nation great and flouriſhing. But there was not, perhaps a ſingle Engliſhman, who believed this was the end propoſed by the king, or that was not convinced, it was only a pretence to introduce his own, and deſtroy the Proteſtant religion.

7. His ſaying, that ſome neighbours dreaded the nation's becoming too great, by the eſtabliſhment of liberty of conſcience, was only an inſinuation to make the people believe, that the Dutch had lent their ſhips and forces to the prince of Orange, for that very reaſon.

THE INTERREGNUM.

The vacancy of the throne.

UPON the king's departure, there was an Interregnum, but of ſuch a nature, as the like had never been known in England. It was not owing to the death, but to the flight, of the ſovereign. So, at the ſame time, the nation was without a king, and without any one to repreſent him, and to take care of the government; and yet there was a king, but a fugitive. and who pretended not to renounce his rights. In ſuch circumſtances, it is in vain to appeal to laws, cuſtoms, or precedents, ſince the difference between this ſtate, and that which laws and cuſtoms ſuppoſe, is manifeſt.

The lords take upon themſelves the adminiſtation of the government. Echard.

As ſoon as the lords heard of the king's departure, they believed themſelves inveſted with a power to act in their own names, becauſe indeed, in ſuch a juncture, it could properly belong only to them, to take upon them the government. There was no parliament in being, and conſequently no houſe of commons to join with them. By the death or deſertion of the king, all publick offices and employments ceaſe, becauſe they came from him. There remains therefore no authority but in the peers, who are neareſt the throne, and conſequently, more authorized to take care of the government, till it can be ſettled by the body of the nation, by means of a parliament. The ſtate of the kingdom was ſuch, that there was no example of the like to ſerve for a precedent. The king had abandoned the nation, without being forced to it. He was in full liberty, and there did not appear any other motive of his flight than the fear of being obliged to call a free parliament, which probably, would not have approved of his late meaſures, but reſtored the conſtitution to its ancient ſtate. The prince of Orange pretended not to have a right to govern; his pretentions conſiſted only in procuring a free parliament. But this parliament muſt be called by ſome authority. And by what authority could a parliament meet, if the nation continued in anarchy, where no perſon would have right to meddle with the government? It was therefore the peers, who alone were intitled to take care of the ſtate, or elſe it muſt be ſaid, that becauſe the king was pleaſed to deſert the nation, without ſettling the government, the ſtate was to remain in anarchy, till he ſhould think fit to reſume the care of it. Let the inconveniences ariſing from the power aſſumed by the lords, be never ſo much urged, thoſe which anarchy would have produced, were infinitely greater and more dangerous. Nay, who knows, whether one of the motives of the king's flight, was not to leave the nation in this ſtate of confuſion? Be this as it will, the juncture was ſuch, that extraordinary proceedings could uot be avoided.

Addreſs the prince to charge himſelf with it: Dec. 25.

The firſt thing done by the peers, after conſulting together, was the addreſſing the prince of Orange, 'To take upon him the adminiſtration of publick affairs, both civil and military; the diſpoſal of the publick revenue; and the care of Ireland, till the meeting of the intended convention.' The addreſs was dated the 25th of December. By a ſecond addreſs they deſired him, 'To iſſue out miſſive letters, ſubſcribed by himſelf, to the lords ſpiritual and temporal being Proteſtants, and to the ſeveral counties, cities, and boroughs, containing directions for the chuſing, within 10 days, ſuch a number of perſons to repreſent them, as are of right to be ſent to parliament.' Theſe addreſſes were ſigned by about 90 lords, that were then preſent in the houſe. They were followed by an order from the ſame peers, to all Papiſts to depart the city of London, and ten miles from the ſame, and not to remove from their habitations above five miles; excepting the ſervants of the queen-dowager, the domeſticks of foreign miniſters, and all houſe-keepers in London, and ten miles from the ſame, who had been traders for three years laſt paſt, provided they gave in to the lord-mayor, their names and places of abode, in eight days; alſo ſuch popiſh officers as ſhould give bail in ſix days, to appear the firſt day of the term, and to be on their good behaviour in the mean time; but ſuch officers as ſhould neglect, were to be taken into cuſtody.

And to call a convention. Kennet.

They iſſue out an order againſt Papiſts. Echard.

A remark upon the word convention.

The word convention, to ſignify a parliament aſſembled without the cuſtomary formalities, was new in England, where it had been as I think, but once uſed in that ſenſe, viz. after the reſtoration of king Charles II. This prince finding, upon his return into England, a parliament ſitting which had not been ſummoned by him, would not own it for a parliament, on account of the conſequences. But on the other hand, he would not deprive himſelf of the benefit of the reſolutions of this parliament, which had reſtored him to the throne of his anceſtors. So, to reconcile theſe two things together, he was willing to own it as a convention. Probably, the word was borowed from what is practiſed in Scotland, where a difference is put between a convention of the ſtates, and a parliament. It was therefore this convention of the year 1660, that the lords had in view, when they addreſſed the prince of Orange to call one. But as this was a ſingle precedent, and as the convention of the year 1660, had been firſt called under the name of a parliament, the prince thought, that beſides the ſuffrages of the peers, it was proper to be authorized by others, which might paſs for thoſe of the people. He therefore publiſhed an order, 'Deſiring all ſuch perſons as had ſerved in any of the parliaments during the reign of the late king Charles II, to meet him at St. James's, upon the 26th of December, by ten of the clock in the morning. He deſired likewiſe, that the lord-mayor and court of aldermen of the city of London, and 50 of the common-council, would be there at the ſame time.'

The prince aſſembles ſeveral old members of parliament. Kennet.

In purſuance of this order, about 160 members, the aldermen of London (the mayor being indiſpoſed) and the deputies of the common-council, met at St. James's on the day appointed, where the prince briefly told them, 'That he had deſired them to meet him there, to adviſe the beſt manner how to purſue the ends of his declaration, in calling a free parliament, for the preſervation of the Proteſtant religion, and the reſtoring the rights and liberties of the kingdom.' They all repaired immediately to the commons houſe in Weſtminſter, where the firſt queſtion they debated, was, "What authority they had to aſſemble?" Upon which it was ſoon agreed that the requeſt of the prince was a ſufficient warrant. The next queſtion was, "How the prince could take upon him the adminiſtration of affairs, without a diſtinguiſhing name or title?" But as this queſtion tended to prolong the deliberations, and defeat the ends propoſed by the meeting, it was thought proper to wave ſuch queſtions in their future debates. An aſſociation was likewiſe propoſed to be ſigned, but every perſon was left at his liberty to ſubſcribe it or not. After theſe previous debates, they reſolved to addreſs the prince, to take upon him the adminiſtration of affairs, untill the meeting of the convention, the 22d day of January next. The anſwer returned by the prince to this addreſs, and to that of the lords, was the ſame, that he would endeavour, as far as he was able, to ſecure the peace of the nation, according to their deſire.

and asks their advice. Gazettes.

Which was to take upon him the goovernment, and to call a convention. Dec. 28. Kennet.

During the king's ſtay at Rocheſter, Barillion, lon, the French ambaſſador, had been very active to promote diviſions amongſt the peers, with a view to ſerve the king. Of this the prince was not ignorant; but as he was not yet inveſted with any authority, he was obliged to ſuffer it, tho' he knew he had not a greater enemy in England than that ambaſſador. But the moment he was intruſted with the government, he ſent an expreſs order to him to leave the kingdom within 24 hours. And the ſame time, ſent St. Leger, a French refugee, to attend him to the ſhip. That gentleman could not forbear ſaying to the ambaſſador as they were on the road, “Sir, had any one told you a year ago, that a refugee ſhould be commiſſioned to ſee you out of England, would you have believed it?’ The ambaſſador anſwered, “Sir, croſs over with me to Calais, and I will give you an anſwer.

The French ambaſſador ordered to leave England.

On Sunday the 30th of December, the prince of Orange went to the royal chapel at St. James's, where he was preſent at divine ſervice, and a ſermon preached by Dr. Lloyd, biſhop of St. Aſaph; after which he received the ſacrament from the hands of the biſhop of London. This publibk profeſſion of the eſtabliſhed religion, greatly contributed to diſpel the fears of thoſe, who dreaded his too zealous adherence to the Presbyterian religion, in which he had been educated. But it muſt be obſerved, that tho' the difference between the Epiſcopal and Presbyterian churches has occaſioned much noiſe, diſturbance, and enmity in England, yet, both then and now, very few foreign Proteſtants ſcruple to communicate with the church of England.

The prince communicates in the church of England. Kennet.

The next day, the prince publiſhed a proclamation, authorizing all publick officers, not being Papiſts, to act in their reſpective offices, till the meeting of the intended convention, or other order to the contrary.

The ſame day he paid a viſit to the queen-dowager, who indirectly aſked him to releaſe her chamberlain the earl of Feverſham, which the prince readily granted.

The prince viſits the queen-dowager. Echard.

Affairs of Scotland. Burnet.

Tho' in the hiſtory of the two laſt reigns I have ſaid but little of the affairs of Scotland, the reader however may have remarked, that this kingdom was entirely ſubjected to an arbitrary power, and withal, to Epiſcopacy, contrary to the general bent of the people. When the prince of Orange's declaration for Scotland, (the ſame in ſubſtance with that for England) appeared there, the Presbyterians began to take courage, thoſe at the helm not daring to uſe any violence for fear of a general inſurrection, which would have been extremely prejudicial to the king's affairs at that juncture. Things remained in this ſituation, till the king's party began to retire into England. For tho' the Scotch biſhops had publiſhed an abhorance of the princes expedition, it was by no means the ſentiments of the nation in general. Every one felt the weight of the yoke impoſed on them, and the Epiſcopalians themſelves had reaſon to fear, that under the pretence of humbling the Proteſtant religion. So far their caſe was the ſame with that of the Engliſh. And therefore the duke of Queensbury, and ſome other Scotch gentlemen were come to London, to deſire a free parliament. Hence may be known, what the Scots thought of their preſent ſlavery. The lord chancellor, upon the news of king James's withdrawing, immediately reſigned the great ſeal, and retired from Edinburgh. Upon which, the populace of that city, inſulted and rifled, not only the Roman catholicks, but alſo thoſe who had appeared moſt devoted to the Epiſcopal party. So, the biſhops were forced to retire, to avoid the inſults of the Presbyterians, who were now much ſuperior to the late perſecutors. On the other hand, ſeveral Scotch lords and gentlemen repaired to London, to obſerve the motions there, and to determine their conduct by that of the Engliſh.

The prince of Orange, who could not viſit Scotland, aſſembled all the Scotch nobility and gentry then in London, who meeting at St. James's, to the number of 30 lords and 80 gentlemen, he aſked their advice, what was to be done for the ſecuring the Proteſtant religion, and reſtoring their laws, and liberties, according to his declaration? After this ſhort ſpeech, the lords and gentlemen repaired to the council-chamber at Whitehall, and chuſing duke Hamilton their preſident, conſulted together, what advice was moſt proper to be given to the prince. This affair was in effect ſettled the firſt day. But on the morrow, they were interrupted by a propoſal from the earl of Arran, that the king ſhould be deſired to return, and call a free parliament. The tentendecy of this propoſal was eaſily ſeen, and therefore it was unanimouſly rejected. At laſt, it was agreed to preſent an addreſs to the prince of Orange to deſire him to take upon him the adminiſtration of all affairs both civil and military, and to call a general meeting of the ſtates to be holden the 14th of the following March. This addreſs being preſented to the prince, he deſired time to conſider of it, and two days after returned much the ſame anſwer as he had to the Engliſh.

Of Ireland. Echard.

The proſpect from Ireland was not ſo pleaſing. The earl of Tyrconnel, a zealous Papiſt and entirely devoted to the king, was lord-lieutenant, and ſupported by an army, which he had taken care to compoſe of popiſh officers and ſoldiers. There was room therefore to fear, that the earl would not ſubmit to the reſolution taken in England, and he was not then to be forced to obedience. In the interim, the prince of Orange having received addreſſes not only from the Engliſh lords and commons concerning Ireland, but likewiſe from the Proteſtants of that kingdom, could not but endeavour to procure the happineſs of a nation which depended upon England. It was therefore thought proper to ſummon the earl of Tyrconnel by a letter, to ſubmit to the preſent adminiſtration in England. The delivery of this letter was committed to colonel Hamilton, who promiſed to ſecond it with his perſuaſions. But it was afterwards known, that he acted in concert with Tyrconnel directly to oppoſe it.

The prince, and the lords, as I have ſaid, had ordered the forces disbanded by the earl

of

Feverſham to re-aſſemble. When this was done, the prince diſcharged the arrears of the Engliſh army, with 200,000 l. advanced in four days by the city of London, 60000 l. of which was lent by Sir Samuel Daſhwood. After this, he ordered a reform of eight new raiſed regiments, beſides the troop of life-guards, commanded by the lord Dover, who were all Papiſts. Then, ſeveral colonels and officers having reſigned their commiſſions on account of the new oath exacted of them, he filled their places with Proteſtants, and in a word, took all poſſible care to put the army under ſuch a regulation, as might render it ſerviceable to the ſtate.

The archbiſhop of Canterbury ſigns the aſſociation.

The archbiſhop of Canterbury had hitherto declined waiting on the prince of Orange. But at laſt he ſent a compliment to the prince, and with ſeven or eight biſhops more ſigned the aſſociation, after ſome words were ſoftened in it, that gave them uneaſineſs.

The Diſſenting miniſters wait on the prince. Echard.

About the ſame time, 90 Diſſenting miniſters attended the prince, and aſſured him of their frequent prayers for the preſervation of his perſon, and the ſucceſs of his endeavours for the defence and propagation of the Proteſtant intereſt. The prince returned a favourable anſwer, tho' expreſſed in general terms, inſinuating, that it would not be his fault, if they were not made eaſy.

Elections for the convention Burnet.

In the mean time, the elections for the members of the convention proceeded with all imaginable freedom. The electors gave their votes according to their own inclinations, without any ſollicitations from the prince, or his friends. Moreover, the prince had ordered the ſoldiers to remove at a certain diſtance from the places of election, to take away all pretence of compulſion.

The prince ſends for the princeſs. Echard.

Mean while, the prince conſidering, that the convention was to ſettle the government, thought it proper to ſend for his princeſs; ſince if, as it was probable, the convention ſhould declare the throne vacant, no perſon had a juſter pretenſion to it than ſhe. Very likely alſo, he thought he had himſelf room to aſpire to it, by his late great ſervice to the Engliſh. But a ſevere froſt retarded her departure from Holland longer than he expected.

1688-9. The convention meets. Kennet.

The commons met the 22d of January in two houſes, as a parliament. The peers choſe, George, Savile, marqueſs of Hallifax for their ſpeaker, and the commons, Mr. Henry Powle. In each houſe was read the following letter from the prince of Orange, on the occaſion of their meeting:

The prince of Orange's letter to the convention.

My lords and gentlemen,

'I HAVE endeavoured to the utmoſt of my power to perform what was deſired from me, in order to the publick peace and ſafety; and I do not know that any thing hath been ommitted which might tend to the preſervation of them, ſince the adminiſtration of affairs was put into my hands. It now lieth upon you to lay the foundations of a firm ſecurity for your religion, your laws, and your liberties. I do not doubt, but that by ſuch a full and free repreſentative of the nation, as is now met, the ends of my declaration will be attained: And ſince it hath pleaſed God hitherto to bleſs my good intentions with ſo great ſucceſs, I truſt in him, that he will compleat his own work, by ſending a ſpirit of peace and union to influence your counſels, that no interuption may be given to a happy and laſting ſettlement.

'The dangerous condition of the Proteſtants in Ireland, requiring a large and ſpeedy ſuccour, and the preſent ſtate of things abroad, oblige me to tell you, that next to the danger of unſeaſonable diviſions amongſt ourſelves, nothing can be ſo fatal as too great delay in your conſultations. The ſtates, by whom I have been enabled to reſcue this nation, may ſuddenly feel the effects of it, both by being too long deprived of the ſervice of their troops, which are now here, and of your early aſſiſtance againſt a powerful enemy, who hath declared a war againſt them. And as England is by treaty already engaged to help them upon ſuch exigencies, ſo I am confident, that their chearful concurrence to preſerve this kingdom with ſo much hazard to themſelves, will meet with all the returns of friendſhip and aſſiſtance, which may be expected from you, as Proteſtants and Engliſhmen, whenever their condition will require it.

"Given at St. James's the 22d day of
"January, 1688-9.'

The prince addreſſed by both houſes. Kennet.

After the reading of this letter, the two houſes preſented an addreſs to the prince, in which they acknowledged him, under God, the deliverer of the nation: They approved likewiſe of all that he had done ſince he had been intruſted with the adminiſtration, which they prayed him to continue till farther application ſhould be made to him by them, which ſhould be done with all convenient ſpeed. They promiſed alſo to diſpatch the matters recommended to them by his letter. The prince in his anſwer accepted the offers made him by the two houſes, and ſtrongly preſſed them to a conſideration of the affairs of Europe.

A thankſgiving appointed. Jan. 31. Echard.

The firſt thing done by the two houſes after their addreſs of thanks to the prince, was to appoint a day of publick thankſgiving to God, for the happy deliverance of the nation. As, on theſe occaſions, prayers ſuited to the day are always compoſed by the biſhops, they had an order to inſert a particular prayer for the prince of Orange.

A letter from king James to his privy-council. Kennet.

In the interim, king James, perceiving the prejudice his flight would do him, endeavoured to prevent it, by a letter directed to the lords, and others of his privy-council. He repeated the reaſons contained in the writing left on his table at his departure from Rocheſter, and declared his intention to return to England for the holding a free parliament. He reproached the prince of Orange with artifices to hinder his holding ſuch a parliament, and required their advice, what was fit to be done by him towards his returning. Tho' this letter was immediately printed and diſperſed, it was little regarded. Even the perſons to whom it was addreſſed, judged it not proper to return an anſwer, at a time the convention was and to the two houſes of convention.

Rejected.

was ſitting. James therefore ſent a letter of the ſame tenor to both houſes of the convention, adding a promiſe, on the word of a king, of a pardon even to thoſe that betrayed him, (ſome few excepted) and a reſolution by an act of oblivion, to cover all faults. But both houſes returning the letters unopened, the king's friends complained of it, as of a great hardſhip.

The houſe of commons deferred their ſitting till the 28th of January, to give time to the reſt of their members to come to town. That day Mr. Dolben, ſon to the late archbiſhop of York, made a long ſpeech to prove the vacancy of the throne, by the king's deſerting the kingdom. Upon this aroſe a debate, which held four or five hours, and ended with this memorable vote:

Votes of the commons.

‘That king James the ſecond, having endeavoured to ſubvert the conſtitution of the kingdom, by breaking the original contract between king and people; and, by the adviſe of jeſuits and other wicked perſons, having violated the fundamental laws, and withdrawing himſelf out of the kingdom, hath abdicated the government, and that the throne is thereby become vacant.’

Another. Echard.

The next day, the commons farther voted, ‘That it hath been found by experience to be inconſiſtant with this Proteſtant kingdom, to be governed by a popiſh prince.

Addreſs to the prince of Orange.

They preſented likewiſe an addreſs to the prince of Orange, for the ſtopping all ſhips that were going to France. Two days after, they voted, that the thanks of the houſe ſhould be given to the clergy of the church of England, who had refuſed to read in the churches the king's declaration for toleration; and alſo to the officers and ſoldiers, for having teſtified their ready adherence to the Proteſtant religion; and to all ſuch as had appeared in arms for the defence of the ſame. All theſe votes were ſent up to the lords for their concurrence.

Great debates in the houſe of lords. Kennet.

But in the houſe of lords things paſſed not with that unanimity. There were ſeveral parties, who cauſed every queſtion to be nicely examined. It was on the 29th of January, that the lords began to conſider the vote of the commons, concerning the vacancy of the throne. The firſt motion was, ‘Not to agree with the commons that the throne was vacant, but only to ſuppoſe it for the preſent, leaving it to be further examined afterwards, in order to cut ſhort ſeveral other queſtions, by determining this firſt, whether the throne being vacant, it ought to be filled up by a regent or a king?’ Daniel Finch, earl of Nottingham, who was at the head of the party for a regent, made a long ſpeech, alledging ſeveral arguments for a regency, taken from the Engliſh and other hiſtories. He inſiſted particularly upon what had very lately paſſed in Portugal, where, Alphonſo VI, being depoſed, his brother Don Pedro had only the title of regent of the kingdom conferred on him. But the marqueſs of Hallifax and the earl of Danby demonſtrated on the other ſide, the inſuperable difficulties attending the adminiſtration of the government under a regent. At laſt, after a very long debate, the queſtion being put to the vote, 51 were for a king, and 49 only for a regency*. Thirteen biſhops were among the laſt, and but two among the firſt, viz. Dr. Compton biſhop of London, and Sir Jonathan Trelawney biſhop of Briſtol. The archbiſhop of Canterbury was abſent.

A regency s propoſed,

and rejected.

Remark on the church of England.

If the principles advanced by the church of England in the reign of Charles II, and the doctrine of paſſive-obedience and non-reſiſtance ſo ſtrenouſly maintained, and publickly preached, be remembered, it will not be thought very ſtrange, that the biſhops ſhould refuſe to vote for depoſing king James, and ſetting another king on the throne. This was directly contrary to the maxims they had long ſince approved, and from which they did not think proper to depart entirely. The truth is, by maintaining theſe extravagant maxims, without admitting any limitations, at a time when they thought only for oppoſing the principles of the Republicans, they had thrown themſelves into a very dangerous ſtrait, of which they were not ſenſible, till they ſaw the Proteſtant religion expoſed to the danger attending theſe maxims. They perceived then, it was abſolutely neceſſary to limit the regal authority, and were themſelves the firſt to do it, by openly refuſing to read the declaration for liberty of conſcience. Herein they acted directly contrary to the principle of paſſive-obedience and non-reſiſtance, maintained before with ſuch ardour by the church of England. This the king reproached them with, when he told them, he did not expect to meet with reſiſtance from the church. So, after eſtabliſhing as an eſſential doctrine of the church of England, that the royal power is by divine right, and that the king can never be diſobeyed without ſin, they ſhowed by their own practice, that it muſt be received with this reſtriction, “When the king enjoins things according to law. But in caſe his commands are contrary to law, he not only may, but even ought be reſiſted.” A doctrine which wold never have been conteſted, had it been thus explained at firſt. When I ſay the biſhops, I mean the church of England in general.

It is therefore certain, that when the queſtion was to be decided, whether, on ſuppoſition of the vacancy of the throne, it ſhould be filled with a king or a regent, the church of England was ſatisfied that James II. had violated the laws, and no longer deſerved to be truſted with the government of the kingdom. This was the general opinion. The only point was to know, whether the title of king ſhould be left him, and a regent appointed to govern in his room, or whether another king ſhould be ſet on the throne. It is eaſy to ſee

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* The chief of thoſe that voted for a regency, were, the dukes of Somerſet, and Beaufort; the earls of Kent, Pembroke, Clarendon, Rocheſter, Craven, Weſtmorland, Scarſdale, Cheſterfield, Litchfield, Yarmouth and Lindſy; the lords Weymouth; Coventry, Brooke, Leigh, Ferrars, Chandois, Jermin, Arundel of Treriſe, Dartmouth, Godolphin, Griffin, &c. Kennet.

1688-9.

the little difference between a king actually depoſed, whoſe throne is filled by another, and a fugitive king, from whom no more orders are to be received, and whoſe authority is exerciſed by a regent not of his own chuſing. But, beſides the particular view ſome lords might have, of rendering the reſtoration of king James leſe difficult, by leaving him the title of king, the biſhops found a conſiderable advantage in a regency. For by that they did not ſwerve ſo far from the principle they had before preached, and cauſed to be preached, that the regal power is jure divino. Indeed, when religion was in extreme danger, they had not thought fit to inſiſt upon this principle. They had not only ſuffered and approved the prince of Orange's coming to the relief of their religion, but moreover, ſome had invited him into England. But the ſtorm being over, the king a fugitive, the Catholick party ſuppreſſed, and all fear vaniſhed, they believed they ought not entirely to depart from their principles. If, for their own ſafety, they were willing the kingdom ſhould be governed, not by king James but by a regent, they could not, on the other hand, reſolve openly to recede from what they had maintained, that the regal power is jure divino, and the king's character indelible.

The queſtion, whether there be an original contract. Echard.

On the morrow, January 30, this queſtion was put in the houſe of lords, “Whether or “no there was an original contract between “the king and people?” This queſtion was warmly debated, ſeveral maintaining, that ſuch a contract was only a chimera. Others rejecting the general aſſertions urged by the firſt, and the inſtances brought from the practice of other countries, confined themſelves to the particular conſtitution of the Engliſh government. They endeavoured to ſhow, that it muſt have been by virtue of ſuch a contract, that the parliament were poſſeſſed jointly with the king, of the legiſlative power; otherwiſe, the right of the parliament, in their opinion, could be founded only upon cuſtom, which was not ſufficient to balance the king's divine pretended right: whence it would follow, that the king, in virtue of his divine right, might aboliſh this cuſtom, and render himſelf abſolute. But that the prevention of ſuch a misfortune was the occaſion of their preſent meeting. The queſtion being put to the vote, 53 were for the original contract, and 46 only againſt it.

It paſſes in the affirmative.

Debates about the word abdicated. It is rejected.

The next day, they took into conſideration the word Abdicated, and entered into a grammatical diſpute to know whether the word could be underſtood only of a voluntary abdication, without any mixture of compulſion, and it was concluded, that the word Deſerted was more proper. They next examined the word Vacant, and put this queſtion, “Whether king “James, having broke that original contract “between him and his people, and deſerted “the government, the throne was thereby va-“cant?” The debates upon this queſtion were longer, and more warm than any of the former. In ſhort, the party that maintained it was a law-maxim, that the king never dies, and conſequently that the throne can never be vacant, carried the negative of the queſtion by 11 voices. But on the morrow, 40 lords entered their proteſtations againſt the vote. As the lords vote was founded upon the crown's devolving, on the king's demiſe, immediately to the next heir, without any vacancy, ſome of the other party moved, that, ſuppoſing king James to be dead in law, the prince and princeſs of Orange ſhould be declared king and queen. But this was alſo carried in the negative by five voices.

Queſtion about the vacancy.

Rejected.

Proteſtation.

Motion to ſet the prince and princeſs of Orange on the throne rejected. Echard.

Remarks on theſe votes.

If theſe ſeveral reſolutions be conſidered, and compared together, the lords will doubtleſs ſeem to have rendered it impoſſible to ſettle the government any way. In the firſt place, the firſt vote by which the regency was rejected, was founded upon the ſuppoſition of the throne's being vacant, and yet by the laſt vote it was carried, that the throne was not vacant. Secondly, it appeared, that they were not for king James. It was agreed, he had broke the original contract, and deſerted the government, and yet it was decided, that the throne was not vacant. Thirdly, in voting that the throne was not vacant, becauſe the king never dies, and the regal authority devolves, after the king's natural or civil death, to the next heir, they refuſed to acknowledge the princeſs of Orange for queen. There remained therefore but one expedient, viz. to recognize for king the prince of Wales, who was conveyed into France; a prince, that by moſt of the Engliſh, was believed ſuppoſititious, and beſides would, probably be educated in the Romiſh religion. But the commons had voted, and the lords concurred afterwards to the vote, that it was inconſiſtant with a Proteſtant kingdom, to be governed by a popiſh king. The ſeveral reſolutions of the lords upon the queſtions propoſed, ſeem therefore to tend ſolely to render the ſettling of the government impracticable. This no doubt, was the aim of ſome among them, that the dfficulties might not poſſibly be ſurmounted, but by recalling king James. Many were ſatisfied of this, and therefore a petition was drawn up to be preſented to the lords, deſiring, in plain terms, that the prince and princeſs of Orange might be ſettled on the throne. Care was taken to get this petition ſigned by all ſorts of people, that by the great number of ſubſcribers it might paſs for the ſenſe of the nation. But the prince of Orange not likeing this way of proceeding, ſent the lord-mayor orders, to put a ſtop to this tumultuous project, which was accordingly done.

A petition to the lords drawn up in London. Echard.

Suppreſſed by the prince of Orange.

The lords ſend down the vote with two amendments.

The 2d of February, the lords ſent a meſſage, to acquaint the commons with two amendments, they had made to their vote of the 28th of January. The firſt was, inſtead of the word abdicated, thy would have deſerted be put in. The ſecond, that the words, and that the throne is thereby become vacant, ſhould be left out. The commons, not pleaſed with theſe two amendments, appointed a committee to draw up reaſons why they muſt inſiſt upon their vote, and deſired a conference with the lords upon that ſubject. This conference produced no effect, each houſe perſiſting in their opinion. Only the earl of Not-

Conference upon the occaſion, Feb. 4. Kennet.

tingham intimated from the lords, that they inſiſted upon the amendments, not to favour king James, but ſolely to maintain hereditary right, in the fear that the election of a king might deſtroy that right. But the commons perſiſting ſtill in their opinion, by a ſuperority of 282, againſt 151, appointed 24 of their moſt able members to manage on this extrordinary occaſion at a free conference, for which the lords named on their part, the earls of Nottingham, Clarendon, Rocheſter, Pembroke, with the biſhop of Ely, and ſome others.

As this conference between the two houſes is the moſt remarkable, ever known in England, as well for the importance of the thing itſelf, as for the ability of the managers, I ſhall inſert it at large, and take the liberty to add ſome remarks, for the illuſtration of the ſpeeches made on this occaſion.

Mr. Hampden, who opened the conference, ſaid, My lords,------‘ The word ABDICATED, the commons conceive, is of a larger ſignification than the word your lordſhips are pleaſed to uſe, DSERTED; but not too large to be applied to all the recitals in the beginning of the commons vote, to which they meant it ſhould be applied. Nor ought it to be reſtrained to a volentary expreſs reſignation, only in a word or writing; overt-acts there are, that will be ſignificant enough to amount to it. My lords, that the common law of England is not acquainted with the word, it is from the modeſty of our law, that it is not willing to ſuppoſe their ſhould be any unfortunate occaſion of making uſe of it.

‘ Your lordſhips next amendment is, that your lordſhips have left out the laſt words in the commons vote, and that the throne is thereby vacant. My lords, the commons conceive it a true propoſition, and that the throne is vacant; and think they make it appear, that this is no new phraſe; neither is it a phraſe that perhaps ſome of the old records may be ſtrangers to, or not well acquainted with: But they think it not chargeable with conſequences that your lordſhips have been pleaſed to draw from it, that it will make the crown of England become elective. If the throne had been full, we know your lordſhips would have aſſigned that, as a reaſon of your diſagreement, by telling us who filled it; and it would be known by ſome publick royal act, which might notify to the people, in whom the kingly government reſided; neither of which hath been done, and yet your lordſhips will not allow the throne to be vacant.-----

Mr. Sommers* ſaid,-----‘ If it be an objection that the word abdicated hath not a known ſenſe in the common law of England, there is the ſame objection againſt the word deſerted: So that your lordſhips firſt reaſon hath the ſame force againſt your one amendment, as it hath againſt the term uſed by the commons. The words are both Latin words, and uſed in the beſt authors, and both of a known ſignification; their meaning is very well underſtood; tho' it be, true their meaning be not the ſame: The word abdicate doth naturally and properly ſignify, entirely to renounce, through off, diſown, relinquiſh any thing or perſon, ſo as to have no further to do with it; and that whether it be done by expreſs words, or in writing, (which is the ſenſe your lordſhips put upon it, and which is properly reſignation or ceſſion;) or, by doing ſuch acts as are inconſiſtent with the holding, or retaining of the thing; which the commons take to be the preſent caſe, and therefore made choice of the word abdicate, as that which they thought did, above all others, moſt properly expreſs that meaning: And in this latter ſenſe it is taken by others.’ [Here, to ſhow that it was the true ſignification of the word, he urged the authorities of Grotius, Calvin, Briſſonius, Budæus, and Praleius.] ‘ But the word, deſerted, hath not only a very doubtful ſignification, but in common acceptance, both of the civil and common law, doth ſignify only a bare withdrawing, a temporary quitting a thing, a neglect only which leaveth the party at liberty of returning to it again.’ [For this he quoted Spigelius and Bartolus, adding,] ‘ Hence it appears, that that is called deſertion, which is temporary and relievable: That is called dereliction, where there is no power or right to return. So in the civil law, the word deſert is uſed to ſignify, ſoldiers leaving their colours. And in the canon law to deſert a benefice, ſignifies no more than to be non-reſident. In both caſes, the party hath not only a right of returning, but is bound to return again: Which, my lords, as the commons do not take to be the preſent caſe, ſo they cannot think that your lordſhips do, becauſe it is expreſsly ſaid in one of your reaſons given in defence of the laſt amendment, that your lordſhips have been, and are willing, to ſecure the nation againſt the return of king James; which your lorſhips would not, in juſtice, do, if you did look upon it as no more than a negligent withdrawing, which leaveth a liberty to the party to return. For which reaſons, my lords, the commons cannot agree to the firſt amendment, to inſert the word deſerted inſtead of abdicated; becauſe it doth not in any ſort come up to their ſenſe of the thing: So they do apprehend it doth not reach your lordſhips meaning, as it is expreſſed in your reaſons; whereas they look upon the word abdicated, to expreſs properly what is to be inferred from that part of the vote, to which your lordſhips have agreed, that king James the ſecond by going about to ſubvert the conſtitution, and by breaking the original contract between king and people, and by violating the fundamental laws, and by withdrawing, himſelf out of the kingdom, hath thereby renounced to be a king, according to the conſtitution, by avowing to govern by a deſpotick power, unknown to the conſtitution, and inconſiſtent with it; he hath renounced to be king according to the law, ſuch a king as he ſwore to be at the coronation, ſuch a king to whom

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* A famous lawyer, who was afterwards lord chancellor in the reign of king William III. Rapin.

'the allegiance of an Engliſh ſubject is due; and hath ſet up another kind of dominion, which is to all intents an abdication, or abandoning of his legal title, as fully as if it had been done by expreſs words (1.)

REMARK (1.) It is eaſy to perceive, that theſe two ſpeeches of Mr. Hampden and Mr. Sommers refer to what was objected by the lords in a former conference againſt the word abdicated, and the vacancy of the throne. I thought proper to omit that firſt conference, becauſe moſt of the things therein alledged, are repeated in this. However, it may be ſeen here by the commons anſwers, what the lords objections were.

Mr. ſerjeant Holt added,------'For that part of your lordſhips objection, That it is not a word known to the common law of England, that cannot prevail; for your lord-ſhips very well know, we have very few words in our tongue, that are of equal antiquity with the common-law; your lordſhips know the language of England is altered greatly in the ſeveral ſucceſſions of time, and the intermixture of other nations; and if we ſhould be obliged to make uſe only of words then known and in uſe, what we ſhould deliver in ſuch a dialect, would be very difficult to be underſtood.

'Your lordſhips ſecond reaſon for your firſt amendment, in changing the word abdicated for the word deſerted, is, becauſe in the common acceptation of the civil law, abdication is a volentary expreſs act of renunciation. That is the general acceptation of the word, and I think the commons do ſo uſe the word in this caſe, becauſe it hath that ſignification: But I do not know whether your lordſhips mean a voluntary expreſs act or formal deed of renunciation: If you do ſo, I confeſs I know of none in this caſe: But my lords, both in the common law of England, and in the civil law, and in common underſtanding, there are expreſs acts of renunciation that are not by deed; for if your lordſhips pleaſe to obſerve, the governmet and magiſtracy is under a truſt, and any acting contrary to that truſt, is a renouncing of the truſt, tho' it be not a renouncing by formal deed: For it is a plain declaration by act and deed, tho' not in writing, that he who hath the truſt, acting contrary, is a diſclaimer of the truſt; eſpecially, my lords, if the actings be ſuch as are inconſiſtent with, and ſubverſive of this truſt; for how can a man in reaſon or ſenſe, expreſs a greater renunciation of a truſt, than by the conſtant declarations of his actions to be quite contrary to that truſt?'

Then the earl of Nottingham ſpoke on the ſide of the lords, and ſaid,-----'The mean reaſon of the change of the word deſerted, is upon the account of the conſequence drawn in the concluſion of your vote, that the throne is thereby vacant: That is, what the commons mean by that expreſſion, whether you mean it is ſo vacant as to null the ſucceſſion in the hereditary line, and ſo all the heirs to be cut off, which we ſay will make the crown elective? And it may be fit for us to ſettle that matter firſt, and when we know what the conſequence of the throne being vacant means in the vote as you underſtand it, I believe we ſhould much better be able to ſettle the difference about the two words (2.)

REM. (2.) It does not appear that the commons had any thoughts of making the crown elective. This was a conſequence aſcribed to them by the lords, to have an occaſion to contradict the vacancy of the throne.

To this it was replied by ſerjeant Maynard, 'My lords, when there is a preſent defect of one to exerciſe the adminiſtration of the government, I do conceive, the declaring a vacancy, and proviſion of a ſupply for it, can never make the crown elective. The commons apprehend there is ſuch a defect now; and by conſequence a preſent neceſſity for the ſupply of the government, and that will be next for your lordſhips conſideration, and theirs afterwards. If the attempting the utter deſtruction of the ſubject, and ſubvertion of the conſtitution, be not as much an abdication as the attempting of a father to cut his ſon's throat, I know not what is. My lords, the conſtitution, notwithſtanding the vacancy, is the ſame; the laws that are the foundations and rules of that conſtitution are the ſame; but if there be in any particular inſtance, a breach of that conſtitution, that will be an abdication, and that abdication will infer a vacancy. It is not that the commons do ſay, the crown of England is always and perpetually elective; but it is more neceſſary that there be a ſupply, when there is a defect, and the doing of that would be no alteration of the monarchy from a ſucceſſive one to an elective.'

Then the biſhop of Ely on the ſide of the lords ſaid, 'Gentlemen,-----That abdicated may be tacitly by ſome overt-acts, Mr. Summers very truly did alledge out of Grotius: But I deſire to know whether Grotius, that great author, in treating on this ſubject, doth not interpoſe this caution, if there be a yielding to the times: If there be a going away, with a purpoſe of ſeeking to recover what is for the preſent left or forſaken: In plain Engliſh, if there were any thing of force or juſt fear in the caſe, that doth void the notion of abdication.'

Mr. ſerjeant Maynard replied, 'But, my lords, that is not any part of the caſe declared by the commons in this vote; when the whole kingdom and the Proteſtant religion, our laws an liberties have been in danger of being ſubverted, an enquiry muſt be made into the authors and inſtruments of this attempt; and if he who had the adminiſtration intruſted to him, be found the author and actor in it, what can that be but a renunciation of his truſt, and conſequently his place thereby vacant? Abdication, (under favour) is an Engliſh word; and your lordſhips have told us, the true ſignifiation of it is a renunciation. We have indeed, for your lordſhips ſatisfaction, ſhewn its meaning in foreign authors; it is more than a deſerting the government, or leaving it with a purpoſe of returning.'

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The biſhop of Ely replied, ‘ The objection of the lords againſt the word abdicated, is, that it is of too large a ſignification for the caſe in hand. It ſeems to be acknowledged, that it reaches a great way; and therefore the lords would have a word made uſe of, which ſignifies only, the ceaſure of the exerciſe of a right (3.)

Rem. (3.) Hitherto the lords had not clearly diſcovered why they rejected the word abdicated. It appears here, by what the biſhop of Ely ſays, that it was becauſe this word expreſſed the commons meaning too well, and therefore the lords would have another word in its ſtead, from which the vacancy of the throne could not be infered.

The biſhop added.------‘ If there be ſuch a defect as hath been ſpoken of, it muſt be ſupplied; there is no queſtion of that. And I think we have by another vote, declared, that it is inconſiſtent with our laws, liberties, and religion to have a Papiſt to rule over this kingdom: Which I take to be only as to the actual exerciſe and adminiſtration of the government. It is Grotius his diſtinction between a right, and the exerciſe of that right; and as there is a natural incapacity for the exerciſe, as ſickneſs, lunacy, infancy, doating old age, or an incurable diſeaſe, rendering the party unfit for human ſociety, as leproſy, or the like; ſo, I take it, there is a moral incapacity; and that I conceive to be a full irremovable perſuaſion in a falſe religion, contrary to the doctrine of chriſtianity. Then there muſt be a proviſion undoubtedly made for ſuppling this defect in the exerciſe, and an intermediate government taken care for; becauſe become neceſſary for the ſupport of the government, if he to whom the right of ſucceſſion doth belong, makes the exerciſe of his government unpracticable,and our obedience to him, conſiſtently with the conſtitution of our religion, impoſſible; but that, I take it, doth not alter that right, nor is an abdication of the right (4.)

Rem. (4.) It muſt be remembered, that the biſhop of Ely's poſition, which was afterwards maintained by others, was, “ that there was a real diſtinction between a right, and the exerciſe of that right.” They readily agreed, that James II, ſhould be deprived of the exerciſe of the right to govern, but not of the right itſelf. Upon this diſtinction all the arguments of the lords are grounded.

‘ Abdication (continued he) no doubt is, by adoption, an Engliſh word, and well known to Engliſhmen converſant in books. Now it is objected, that it is not a word as antient as the common-law of England. We find it in Cicero,---where it ſometimes ſignifies, that the renouncing the actual exerciſe of a right, and ſometimes, the renouncing of the very right, ſo that the ſignification is doubtful; and ſuch words we hope the commons will not think fit to uſe in a caſe of this nature and conſequence as ours now in debate. And beſides, the lords apprehend, that great inconveniences will follow upon the uſe of this word, if it mean a renouncing abſolutely of that right.------Then there is another diſtinction in thoſe authors that write concerning this point, which are chiefly the Civilians. There may be an abdication that may forfeit the power of a king only; and there may be one that may forfeit both and that the crown too. It is a diſtinction indeed in other words, but to the ſame ſenſe. Thoſe abdications that are of power only, are incapacities; whether thoſe I call natural and involuntary, as contrariety in religion; an inſtance whereof there was lately in Portugal, which was a forfeiture only of the power, and not of the name, and honour of a king; for tho' the adminiſtration was put into the younger brother's hand, the patents, and other publick inſtruments ran in the elder brother's name (5.)

Rem. (5.) If the biſhop of Ely had only a view to James II, the inſtance of the natural incapacities which made Alphonſo VI. king of Portugal, forfeit the exerciſe of the regal power, does not ſeem to be to his purpoſe; ſince theſe incapacities were not the point in queſtion, with regard to James II, which may make it ſuſpected, that he had an eye to the prince of Wales. For, as will hereafter appear, the lords, in maintaining, that the throne was not vacant, pretended, that by the civil or natural death of the king, the next heir was immediately to fill the throne, and this heir, according to ſome, was the prince of Wales. But as he was a minor, an intermediate governor muſt be appointed to govern in his name.

‘ This is not without all doubt naturally an abdication in the full extent of the word; nor do I here, (as I ſaid) conſider, whether that the king be gone out of the kindom, or ſtay in it; but only, whether he be fit for the adminiſtration, which muſt be provided for, be he here, or gone away. But the higheſt inſtance of an abdication, is, when a prince is not only unable to execute his power, but acts quite contrary to it; which will not be anſwered by ſo bare a word as endeavour. I take theſe to be all the diſtinctions of abdications. Now, if this laſt inſtance of an abdication of both power and right, take place in a ſucceeding monarchy, the conſequence will be, that there is a forfeiture of the whole right; and then that hereditary ſucceſſion is cut off; which, I believe, is not intended by the commons. But here is one thing that is mentioned in this vote, which I would have well conſidered, for the preſervation of the ſucceſſion, and that is the original compact: We muſt think, ſure, that meant of the compact, that was made at the firſt time, when the government was firſt inſtituted, and the conditions, that each part of the government ſhould obſerve on their part, of which this was the moſt fundamental, that king, lords, and commons, in parliament aſſembled, ſhould have the power of making new laws, and altering of old ones: And that being one law which ſettles the ſucceſſion, it is as much a part of the original compact as any: Then if ſuch a caſe happens, as an abdica-

‘tion in a ſucceſſive kingdom, without doubt, the compact being made to the king, his heirs, and ſucceſſors, the diſpoſition of the crown cannot fall to us, 'till all the heirs do abdicate too. There are indeed many examples, and too many interruptions in the lineal ſucceſſion of the crown of England: I think I can inſtance in ſeven ſince the conqueſt, wherein the right heir hath been put by: But that doth not follow, that every breach of the firſt original contract, gives us power to diſpoſe of the lineal ſucceſſion; eſpecially, I think, ſince the ſtatutes of queen Elizabeth, and king James the firſt, that have eſtabliſhed the oath of allegiance to the king, his heirs and ſucceſſors; the law is ſtronger againſt ſuch a diſpoſition: I grant, that from king William the firſt, to Henry VIII, there has been ſeven interruptions of the legal line of hereditary ſucceſſion, but, I ſay, thoſe ſtatutes are made ſince that time, and the making of new laws, being as much a part of the original compact, as the obſerving old ones, or any thing elſe, we are obliged to purſue thoſe laws, till altered by the legiſlative power, which ſingly or jointly, without the royal aſſent, I ſuppoſe, we do not pretend to (6.)

Rem. (6.) By this reaſoning the lords and commons being agreed, that a Catholick king could not exerciſe the right of government, and James II, being Catholick; and as he might poſſibly have an infinite ſeries of ſucceſſors from father to ſon, all Catholicks, it would follow, that England might be always governed by regents.

‘Theſe laws being made ſince the laſt interruption, we are not to go by any precedent that was made before the making thoſe laws. So that, all that I conceive ought to be meant by our vote is, but the ſetting aſide the perſon that broke the contract: And, in a ſucceſſive kingdom, an abdication can only be a forfeiture, as to the perſon himſelf. I hope, and am perſuaded, that both lords and commons do agree in this, Not to break the line of ſucceſſion, ſo as to make the crown elective. And if that be declared, that this abdication of king James the ſecond, reacheth no farther than himſelf; and that it is to continue in the right line of ſucceſſion, that, I hope, will make all of one mind in this important affair. (7.)

Rem. (7.) For the better underſtanding the biſhop of Ely's ſpeech, as well as ſome others that follow, it muſt be obſerved, that among the lords who had voted for the vacancy of the throne, by a majority of 11 voices, there were two ſorts of men. The one, without any deſire to favour king James, or the prince of Wales, had no other view than to oppoſe the Repuplican party, who, under colour of gratitude to the prince of Orange, were labouring with all their power to have him elected king, reckoning it would be a large ſtep towards advancing the authority of the people, and rendering the crown elective. Some of the lords voted againſt the vacancy of the throne, chiefly in oppoſition to this party. But there were others who carried their views farther, and by rendring the ſettling of the government impracticable, laboured indirectly, either to cauſe king James to be recalled, or the prince of Wales to be acknowledged for king, knowing it would be impoſſible to prove him ſuppoſititious in a legal manner. But as theſe concealed themſelves among the others, and pretended only to defend hereditary right, it is heard to know by the ſpeeches, who deſigned only to maintain hereditary right, and who had farther views. This the reader is to remember, that he may not imagine, all the lords who voted againſt the vacancy of the throne, were for king James.

Then the earl of Clarendon ſpoke on the lords ſide, and ſaid,-----‘This breaking the original contract is a language that hath not been long uſed in this place; not known in any of our law-books or publick records; it is ſprung up, but has taken from ſome late authors, and thoſe none of the beſt received. It is not denied, that the king is bound by law, and bound to perform the laws made, and to be made. But I would take notice, that his obligation thereunto, doth not proceed from his coronation-oath; for our law ſaith, he is as much king before he is crowned, as he is afterwards; and there is a natural allegiance due to him from the ſubjects immediately upon the deſcent of the crown upon him. I was in great hopes, that you would have offered ſomething in anſwer to one of my lord of Ely's reaſons againſt that part of the vote, which declares, the throne to be vacant, viz. that no act of the king's alone can bar, or deſtroy, the right of his heir to the crown, which is hereditary, and not elective. (8.)

Rem. (8.) The earl of Clarendon begins with repreſenting the original contract between king and people, as an imaginary thing. And yet he owns the king is bounded by law, (tho' he cites none) and bound to perform, &c. But that this obligation proceeds not from his coronation-oath. What it then is that binds him?

‘And then, if this matter goes no farther than king James the ſecond, in his own perſon; how comes the vacancy and the ſupply to be devolved upon the people? For if he only be ſet aſide, then it is apparent, where the crown is to go, to the perſon that hath the next right of ſucceſſion, and conſequently there is no vacancy. (9.)

Rem. (9) The lords always ſpoke of the next heir, but without naming the prince of Wales. The reaſon is, that by raiſing, as they thought, invincible obſtacles to the election of a new king, they deſigned by degrees to lead the commons to propoſe the examination of the prince of Wales's birth. But the managers for the commons carefully avoided that ſnare, and therefore the prince of Wales was not ſo much as once mentioned by name in the conference.

The earl of Notingham added,-----‘The lords having declared that they are willing, to ſecure the nation againſt the return of king James into this kingdom; and will therefore concur with the commons in any act that ſhall be thought neceſſary to prevent ſuch his return, it ſhould ſeem we were agreed in that matter; and if that were the point, we ſhould find words proper ſoon enough to expreſs our meaning by. But I find neither of the words abdicated or deſerted, will, on the one ſide or on the other, be allowed to ſignify this meaning. Therefore we ſhould come preſently to think of ſome other that would. But the reaſons why my lords did chiefly inſiſt upon the alteration of the word abdicated, was, becauſe they did apprehend, that it being a word not known to our laws, there might be other inferences drawn from it than they do apprehend our laws will warrant, from the caſe, as it is ſtated in the fact of this vote; and, as they conceive, is done in the concluding of the throne's being vacant. Therefore, I think it would ſhorten the preſent debate, if we did ſettle the point of the vacancy firſt. For if we were ſure, that the throne were, or were not vacant, we ſhould eaſily light upon what word were proper to be uſed in this caſe.'

Sir George Treby ſpeaking on the ſide of the commons ſaid,-----' I think, my lords the preſent debate is to begin, where the difference between the two houſes doth begin, and that is at the word abdicated. Original contract, is a phraſe and thing uſed by the learned Mr. Hooker, in his book of Eccleſiaſtical Polity. But I have a greater authority than this, and that is your lordſhips own, who have agreed to all the vote, but this word abdicated, and the vacancy of the throne. But it is very much beyond what the vote before us doth lead us unto, to talk of the right of thoſe in the ſucceſſion: For that goes farther than the very laſt part of our vote, and it is ſtill to lead us yet farther, to ſay any thing about making the crown elective.'------Then he endeavoured to prove that king James had actualy abdicated the kingdom, alledging the authority of Grotius, who ſays, that if there be any word or action that doth ſufficiently manifeſt the intention of the mind and will, to part with his office; that will amount to an abdication or renouncing. ' Now (added he) I beg leave to put this caſe, that had king James the ſecond come here into the aſſembly of lords and commons, and expreſſed himſelf in writing, or words, to this purpoſe.' I was born an heir to the crown of England, which is a government limited by laws, made in full parliament, by king, nobles, and commonalty; and, upon the death of my laſt predeceſſor, I am in poſſeſſion of the throne; and, now I find, I cannot make laws without the conſent of the lords and repreſentatives of the commons in parliament; I cannot ſuſpend laws that have been ſo made, without the conſent of my people; this indeed is the title of kingſhip I hold by original contract, and the fundamental conſtitutions of the government; and my ſucceſſion to, and poſſeſſion of the crown, on theſe terms, is part of that contract; this part of the contract I am weary of, I do renounce it, I will not be obliged to obſerve it; nay, I am under an obligation not to comply with it; I will not execute the laws that have been made; nor ſuffer others to be made, as my people ſhall deſire, for their ſecurity in religion, liberty and property, which are the two main parts of the kingly office in this nation. ' I ſay, ſuppoſe he had ſo expreſt himſelf, doubtleſs, this had been a plain renouncing of the legal regular title which came to him by deſcent: If then he, by particular acts, ſuch as are enumerated in the vote, has declared as much or more than theſe words can amount to, than he hath thereby declared his will to renounce the government.------And this doth amount to a manifeſt declaration of his will, no longer to retain the exerciſe of his kingly office according to law, he has ſufficiently declared his renouncing of the very office, and therefore I cannot depart from inſiſting upon the word abdicated, which doth ſo well corroſpond to the fact of the caſe, and ſo well expreſs the true meaning of the commons in their vote.'

The earl of Nottingham ſaid,----' I will not undertake to diſpute, whether a king of England may, or may not, renounce his kingdom. For my own part, I think he can, and I may go ſo far in agreement with thoſe that have ſpoken to this point, to yield that he may do it by implicit acts, contrary to the kingly office. For a king to ſay, he will not govern according to law; and for a king to act wholly contrary to law, and do that which would ſubvert the conſtitution, is (I think) the ſame thing. But then I muſt ſay alſo, that I think there is a difference between ſaying ſo, and doing ſomething inconſiſtant with what the laws require; for every deviation from the law, is a kind of breach of the fundamental conſtitutions; as the laws are neceſſary, ſo far as to ſupport the foundation. But if evey tranſgreſſion, or violation of the law, by the prince's connivance or command, were ſuch a breach of the fundamental laws as would infer an abdication, then were it in vain to call any of his miniſters or officers to account for any ſuch action. Then the action is the king's, and not theirs; and then adieu to the maxim of, a king's not doing wrong. I take this matter to be ſo plain, as to the diſtinction that I have mentioned, that nothing can be more; and it has been thought ſo eſſentially neceſſary to have it clear and manifeſt, that thoſe two great inſtances of Edward II, and Richard II, were expreſs ſolemn renunciations, and thoſe confirmed in parliament by the lords and commons, by the act of depoſing them. Therefore I cannot infer from the facts enumerated in the vote, that this ſhould be an abdication for himſelf and his heirs.'

Sir George Treby replied---' When a king breaks the law in ſome few particular inſtances, it may be ſufficient to take an account of it from thoſe evil miniſters that were inſtrumental in it, why ſuch a thing was done, which was againſt laws? Why ſuch a law was not executed by them, whoſe duty it was to ſee it put in execution? You may, in ordinary caſes of breaking the law, have remedy in the ordinary courts and courſe of juſtice. But ſure! he does not take this to be ſuch a caſe, or theſe to be ordinary violations of the law: And therefore, in the extraordinary caſes, the extraordinay remedy is to be recurred unto. And where ſhall any man come to have any redreſs in ſuch a caſe as this, when the malefactor comes to be party, unto whom all applications for relief and redreſs from injuries ſhould be made, and ſo he himſelf ſhall be a judge of his own breaches of law? This moſt apparently was the caſe as to the Quo Warranto's, which was a plain deſign to ſubvert the conſtitution in the very foundation of the legiſlature. It is becauſe the king hath violated the conſtitution, by which the law ſtands, as the rule both of the kingly government, and the people's obedience, that we ſay, he hath abdicated and renounced the government; for all other particular breaches of the law, the ſubject may have remedy in the ordinary courts of juſtice, or the extraordinary court of parliamentary proceedings: But where ſuch an attempt as this is made on the eſſence of the conſtitution, it is not we that have brought ourſelves into this ſtate of nature, but thoſe who have reduced our legal well-eſtabliſhed frame of government into ſuch a ſtate of confuſion, as we are now ſeeking a redreſs unto.'

The lords objecting nothing farther againſt the uſe of the word abdicated, the commons proceeded to the ſecond amendment; namely, the leaving out the words, "And that the throne is thereby vacant." Mr. Sacheverel opened the debate, and ſaid,-----‘My lords, the commons, in uſing the words abdication and vacancy had no thoughts of making the kingdom elective; neither can any ſuch thing be deduced from their words.' (10.)

Rem. (10.) As the principal reaſon which induced the lords to oppoſe the commons vote, was, the conſequence drawn from thence, that the crown would thereby become elective, the commons were very careful to deny this conſequence, by ſaying, that not only they had no ſuch thought, but that it could not be inferred from their vote. This was a material point. For if the lords could have drawn from the commons a confeſſion, that the conſequence was juſt, they would have pretended, that by declaring the throne vacant, the conſtitution was ſubverted, and the crown made elective inſtead of hereditary. It ſeems, that the commons might have denied that the crown was originally hereditary, and maintained, it was ſo only by the ſtatutes made in the reigns of Elizabeth and James I. From whence they might have inferrred, that the parliament which ſettled the crown upon the deſcendents of James I, in the direct, and afterwards in the collateral, line, had likewiſe power to alter the order of ſettlement. But they avoided all diſcuſſions of this nature, being ſenſible, that the deſign of the lords was to multiply the ſubjects of diſpute, in order to increaſe the obſtacles of the projected eſtabliſhment.

Mr. Sacheverel continued, ‘The commons reaſon for their diſagreeing to this amendment, was, becauſe they conceive (that as they may well infer) from ſo much of their own vote, as your lordſhips have agreed unto, that king James the ſecond hath abdicated the government; and that the throne is thereby vacant: So, if they ſhould admit your lordſhips amendments, that he hath only deſerted the government; yet, even thence would follow, it is vacant, as to king James the ſecond: Deſerting the government being, in true conſtruction, deſerting the throne. If king James had only given over the exerciſe of the government, as their lordſhips pretended, he continues in the office, and is king ſtill; and then all the acts that we have done in this convention, are wholly (as we conceive) not juſtifiable, you are in no place or ſtation to relieve yourſelves, or the nation, in this exigence; unleſs you will think of ſetting up another regency by your own authority, without his conſent; which, I conceive, by the laws of England, you cannot do. What then follows upon all we have done? We have drawn the nation into a ſnare, by the ſteps we have taken; and leave all in ſuch an intricacy, as we have no power by law to deliver them out of; nor can we anſwer for what we have done, unleſs the king ſhould die, and that would leave the ſucceſſion uncertain.'

Mr. Pollexfen purſuing the ſame argument, maintained, ‘That the lords ſaying in their vote, that the government was deſerted, could not mean only the exerciſe of it, but a vacancy: The king's power, and the exerciſe of that power, was, in conſtruction of the law, one and the ſame, and ſo joined, that they could not be ſevered; and therefore, the ſuppoſed diſtinction was only notional, and altogether diſagreeing to the laws of England. That it was utterly unlawful, and as great a crime, to take away from the king the exerciſe of the government, as to take from him the government; it might do well for their lordſhips to conſider, whether they were not guilty of the ſame crime, which they would decline by their amendment. That the commons therefore could not admit, that there ſhould be a taking away the exerciſe of the government from the king, any more than the taking away the government, which, the commons ſaid he had himſelf given away by abdication; and that if king James was king ſtill, they could not by any means agree to the keeping him out of the kingdom. That to have a regency upon king James without his own conſent, or till his return, while the right was ſtill in him, would be a ſtrange and impracticable thing, and introductive of a commonwealth, inſtead of the ancient government by a limited monarchy; and that the concluſion, that ſuch a vacancy in the throne would make the crown elective, had no premiſſes either from their actions, their ſayings, their votes, or any thing elſe in that caſe. (11.)

Rem. (11.) The lords anſwered but weakly Mr. Pollexfen's reaſons. Several of thoſe who were againſt a vacancy verily belived, it was as unlawful to deprive king James of the exerciſe of the regal power, as of the power itſelf. But they durſt not directly undertake his defence, becauſe they knew his perſon was odious to the whole nation. Whereſore, they had deviſed this diſtinction between a right, and the exerciſe of that right, to leave room for his reſtoration. Mr. Pollexfen, as appears, maintains, that this diſtinction is imaginary. Let the reader examine, whether it was well proved, or only ſuppoſed; or whether, in ſuppoſition of its reality, it was applicable to the point in hand.

The earl of Clarendon interpoſed, and ſaid, 'He would not declare his opinion about the vacancy as to king James, but deſired to know the meaning of the commons, how far the vacancy was to extend?'

This gave occaſion to Mr. Pollexſen to aſk the lords, 'Whether their lordſhips did agree, that the throne was vacant as to king James the ſecond? That if ſo, or if they ſhould ſay it was full of any body elſe and would name whom it was full of, it would then be time for the commons to give an anſwer.'

To which the ſame earl replied, 'That admitting, for diſcourſe ſake, that the throne was vacant as to king James the ſecond, it muſt then be ſupplied by thoſe that ſhould have come if he were dead; this government being, by all our laws, an hereditary monarchy, which is to go in ſucceſſion by inheritance in the royal line. That if the commons ſaid this government was vacant, that would be to put all thoſe by, that ſhould take it by ſucceſſion, which would make the kingdom elective for that time: That the lords ſaid, there was no vacancy; but ſince the commons ſaid, that the throne was vacant, he might very well aſk, who had the right of filling up that vacancy.'

Mr. Serjeant Maynard anſwered, 'That was not the queſtion before them, tho' it would come properly in debate, when they were agreed upon the vacancy; that he granted the Engliſh monarchy to be hereditary; but tho' it ſhould in an ordinary way deſcend to the heir, yet as their caſe was, they had a maxim in law as certain as any other, which ſtopt the courſe; for, ſaid he, no man can pretend to be king James's heir while he is living: Nemo eſt hæris viventis.' (12.)

Rem. (12.) Mr. Serjeant Maynard ſeems to have juſtly remarked, that it was proper to agree upon the vacancy before thy proceeded to the queſtion, who ſhould fill the throne? Otherwiſe the conſequence would be examined before the premiſſes were ſettled, on which it was founded.

The earl of Pembroke replied, 'That to that point the lord Clarendon had given an anſwer, that it ſhould go to the next heir in the line, that were to take it if the king were dead. And that as they ſhould be underſtood, they ſhould make it a caſe of demiſe of the king's, as the law calls it; that is, the king was dead in law, by his abdication or deſertion. That to anſwer the queſtion of the commons, who the throne was full of? it was ſufficient to know, that there were heirs, who were to take by lineal ſucceſſion, tho' they did not, or could not, poſitively name the particular perſon. (13.)

Rem. (13.) If the lords had gained this point, that in caſe the throne were vacant with regard to the perſon of king James only, it ſhould be filled by the nex heir, they would have thereby engaged the commons in a diſcuſſion of the prince of Wales's birth, wherein they would have had great advantages. But the commons deſired, above all things to avoid this examination, into which the lords would have artfully drawn them.

The earl of Nottingham argued, 'That if the lords ſhould grant a vacancy as to the king himſelf, yet they might juſtly do theſe acts mentioned in the commons reaſons; for if barely the exerciſe of the government were deſerted, there muſt be a ſupply of that exerciſe in ſome perſon's taking the adminſtration; and as none ſo fit, becauſe of the prince's relation to the crown, and in his preſence here, to addreſs unto about it, ſo none ſo proper to make that addreſs as the lords; ſince in the abſence of the king, they were the king and kingdom's great council, and might have done by themſelves without the commons; bnt being met in a full repreſentative body, they joined with them. (14.)

Rem. (14) This concerns only the vindication of the lords conduct, which had been a little cenſured by Mr. Sacherevel and Mr. Pollexfen. This vindication is wholly founded upon the diſtinction between a right, and the exerciſe of that right, which the earl of Nottingham ſuppoſes, without undertaking to prove it.

'They were told, that the next heir in ſucceſſion could not take it, becauſe no one could be heir to one alive; yet ſtill he thought the anſwer given by the lords a very good one, that tho' the king was not dead naturally, yet if, as they inferred, he was ſo civilly, the next of courſe ought to come in by hereditary ſucceſſion; for he knew not any diſtinction between ſucceſſors in the caſe of a natural death, and thoſe in caſe of a civil one: That he would know, if the next heir ſhould be ſet aſide, and another put in whether that king of England ſhould be king to him and his heirs, and ſo being once upon the throne, the antient lineal ſucceſſion be altered? which indeed would ſufficiently make the kingdom elective, by taking it from the right heir? That if it was not ſo, then he aſked, whether ſuch a king as ſhould be put in, ſhould be king only during king James's life? That, he ſuppoſed, was not the meaning of the commons, but at leaſt, he muſt be made a king during his own life; that then if there was a diſtinction made as to the ſucceſſion, between a natural and a civil death, if king James ſhould die during the life of the new king, what would become of the hereditary monarchy? Where muſt the ſucceſſor come in, when the next heir to king James might not be the preſent heir to the preſent ſucceſſor? That therefore they muſt reduce all to this point, whether this would not make the kingdom elective?

'That if they made it once elective. it was enough to make it ever ſo; for he would be bold to ſay, they could not make a ſtronger tie to obſerve that kind of ſucceſſion, than what lay upon them to preſerve it in this caſe.'

He added, 'That if the throne was vacant. he would know whether they were obliged to fill it? That if they were, they muſt fill it either by the old laws, or by the humour of thoſe who were to chuſe. That if they filled it by the old laws, they declared it was an heriditary kingdom, and they were to take the next ſucceſſor, to whom the ſucceſſion would belong, and there would be no need of ſtanding upon a vacancy: That if they were to fill it according to the humour of the times, that diverted the courſe of inheritance; and that he could not ſee by what authority they could do that, or change the antient conſtitution, without committing the ſame fault they had laid upon the king. But, ſaid he, if you pleaſe to ſuppoſe the throne vacant as to king James, that is, That he has no right, then let us go on to the next ſtep.' (15.)

Rem. (15.) The earl of Nottingham enumerates here all the inconveniencies, difficulties, and contrarieties to the law which could ariſe from the commons vote, and all ended in the danger of rendring the crown elective. But he took care not to mention the difficulties which flowed from the lords opinion. The conſequences of their opinion were, either that the kingdom ſhould be left in its preſent confuſion, or king James recalled, or the prince of Wales acknowledged for king. In all three, the danger was as great as in running the hazard of making the crown elective, which was the only danger the earl would have to be conſidered. As if the danger of leaving the kingdom in confuſion, of recalling the king, of owning a prince who was by moſt people thought ſuppoſititious, who was abſent and a minor, who would be bred in France in the Catholick religion, and from whom the ſame inconveniencies as had cauſed king James to be rejected, were to be feared when he ſhould be of age: As if, I ſay, all theſe dangers were to be reckoned as nothing in compariſon of the hazard of a breach in the lineal ſucceſſion. Beſides, it was only by way of conſequence that the lords pretended that the crown would become elective by this breach, tho' the commons affirmed they had no ſuch intention.

But Mr. Sacheverel replied, 'That all their buſineſs was to maintain, That the throne was vacant.'

And Mr. Sommers added, 'That the lords alledged as a reaſon againſt the word abdicate, that it was not a word known to our laws, but that the word vacant could not have that objection made to it, ſince it was in our records, and even applied in a parallel caſe to this in the firſt of Henry IV.'

To which the earl of Rocheſter anſwered, 'That as that was the only precedent for the word vacant, yet it was attended with this very conſequence, that it would make the monarchy elective; for it being there declared, That the royal ſeat was vacant, immediately did follow an election of Henry IV, who was not next in the royal line.'

The ſame argument was purſued by the earl of Clarendon, who ſaid, 'That it was plain in the caſe of Richard II. who had abſolutely reſigned, renounced, or abdicated in writting under his own hand; that after that, the parliament being ſitting, they did not think that ſufficient to go upon, becauſe that writing might be the effect of fear, and not voluntary: That thereupon they proceeded to a formal depoſition upon articles; and then came in the claim of Henry IV: That this was undoubtedly an election, tho' he was really the next heir, the earl of March not appearing, Henry claimed it as his undubitable right being the next heir that appeared: That all the kings that were thus taken in or elected, (for the election was not of God's approbation) any one year ſcarce paſſed in any of the reigns, without being diſturbed in the poſſeſſion: That Henry IV. did not care to owe the crown to the election, but claimed it as his right; that it was a plauſible pretence, and kept him and his ſon upon the throne; but in the time of his grandſon Henry VI, there was an utter overthrow of his title and poſſeſſion too: For in the firſt of Edward IV, all the proceedings againſt Richard II, as well as all the reſt of the acts during the uſurpation (as that record rightly calls it) were annulled, repealed, revoked. and reverſed, and all imaginable words uſed to ſet thoſe proceedings aſide, as illegal, unjuſt and unrighteous: That that act deduced the pedigree of the royal line from Henry III. to Richard II, who died without iſſue; and then Henry IV, ſays the act, uſurped; but that the earl of March, upon the death of Richard II, and conſequently Edward IV. from him, was undoubted king by conſcience, by nature, by cuſtom, and by law.' (16.)

Rem. (16.) All the arguments from the acts of parliament relating to the differences between the houſes of Lancaſter and York, muſt be very weak. Becauſe theſe parliaments did not all proceed upon the ſame principle, and becauſe the one pulled down what the other ſet up. This evidently appears, in that both ſides in the preſent caſe, alledged ſome of the acts of theſe parliaments, in ſupport of their cauſe.

Hereupon Sir Robert Howard exerted himſelf, and replied, 'He would not ſay that the record of Henry IV. was not a precedent of election; for the parliament did not much mind his claim, knowing that he claimed by deſcent, where there was a perſon that had a title before him: Thus the commons did not doubt but that power which brought in another line then, upon the vacancy of the throne by the leaſion of Richard II, was ſtill, according to the conſtitution, reſiding in the lords and commons, and was legally ſufficient to ſupply the preſent vacancy: That he would aſk the queſtion of any lord there, whether, had there been an heir to whom the crown had quietly deſcended in the line of ſucceſſion, and this heir certainly known, their lordſhips would have aſſembled without his calling, or would have either adminiſtered the government themſelves, or adviſed the prince of Orange to have taken it upon himſelf? That he doubted they had been all guilty of high-treaſon by the laws of England, if a known ſucceſſor of the throne were in poſſeſſion of the throne, as he muſt be if the throne were not vacant: That from hence their lordſhips ſaw, that the difficulty in this matter aroſe from this, That they would all agree the throne to be vacant, when they knew of none that poſſeſſed it; that ſome ſuch thing had been pretended to as an heir-male, of which there were different opinions, and in the mean time they were without a government. Muſt we ſtay, added he, till the truth of the matter be found out? What ſhall be done to preſerve our conſtitution, and in a little time it will, perhaps, thro' the diſtraction of our conſtitution, be utterly irremediable. He confeſſed it would be a difficult thing to go upon the examination who was heir, or elſe their lordſhips would have explained themſelves before. But, continued he, it not being clear, muſt we always remain thus? Uſe what words you will, fill up, or nominate, or elect, it is the thing that we are to take care of, and it is high time it was done. There is no ſuch conſequence to be dtawn from this vote, as an intention or likelihood of altering the courſe of the government; ſo as to make it elective; the throne has all along deſcended in an hereditary ſucceſſion, the main conſtitution has been preſerved. The precedent of Henry IV. is not like that of elections in other countries; and I am ſorry there ſhould be any occaſion for what is neceſſary to be done now; but when ſuch difficulties are upon the nation, that we cannot eztricate ourſelves out of, as to the lineal ſucceſſor, your lordſhips, I hope, will give us leave to remember, Salus populi eſt ſuprema lex. And if neither you nor we can do any thing in this caſe, we, who are met under the notion of a convention of the ſtates, have then met to no purpoſe; for after we have voted ourſelves to be without government (which looks as if ſomething were really intended as to a ſettlement) all preſantly ſinks, and we are as much in the dark as we were before. Your lordſhips ſay, you will never make a precedent of election, or take upon you to alter the ſucceſſion. With your lordſhips favour, the ſettlement of the conſtitution is the main thing we are to look after. If you provide for the ſupply of the defect there, that point of the ſucceſſion will, without all queſtion, in the ſame method, and at the ſame time, be ſurely provided for. But, my lords, have not you yourſelves limited the very ſucceſſion, and cut off ſome that might have a lineal right? Have you not concurred with us in our vote, That it is inconſiſtent with our religion and laws to have a Papiſt to reign over us? Muſt we not come then to an election, if the next heir be a Papiſt? Nay, ſuppoſe there was no Proteſtant heir at all to be found, would not your lordſhips then break the line? If your lordſhips then in ſuch a caſe muſt break through the ſucceſſion, I think the nation has reaſon to expect you ſhould take care to ſupply the preſent defect, where the ſucceſſion is uncertain; or what can we do further, but even part in confuſion, and ſo leave the natian to extricate itſelf as well as it can out of its diſtraction. But even at whoſe doors that will lie, I muſt leave to your lordſhips own thoughts.'

It is ſaid this ſpeech, wherein good ſenſe, and a zeal for the nation equally ſhined, made a deep impreſſion upon ſome of the lords who aſſiſted at the conference, and upon all the reſt of the audience. However, as the earl of Clarendon, to prove the lineal ſucceſſion, had alledged what paſſed with regard to Edward IV, Sir George Treby undertook to explain that matter, and ſaid:

'That it was very well known, that Edward IV, came in diſ-affirmance of the title of the houſe of Lancaſter: That as thoſe times went, whenever there was a turn in government, as there were ſeveral, there were new and contrary declarations, abut the title to the crown, made conſtantly in parliament; and what one parliament ſettled, another undid: But then, that this advantage the commons had on their ſide; that as they had this firſt precedent for them, ſo they had the laſt, viz. The parliament-roll of the firſt of Henry VII. where the record is ſet right again: That the act for depoſing Richard II, was indeed repealed by the firſt of Edward IV, and thereupon it proceeds to attain Henry VI; but then came in Henry VII. in the firſt year of whoſe reign there was an act made, that ſet aſide all the acts and attienders made againſt his line, and conſequently it repealed the firſt of Edward IV, which had repealed the firſt of Henry IV: That Henry VII, was of the line of Lancaſter, and tho' he had the heireſs of the houſe of York in his boſom, yet after he came to the throne, he would not endure to have his crown reckoned matrimonial, or ſuffer the ſtile to go in the name of Henry and Elizabeth, as he muſt have done if he had ſtuck to the title by the right line of ſucceſſion. That therefore this act for reſtoring the record the firſt of Henry IV. agaln, was as good an authoriry as it was before, and ſomewhat better; for it had the laſt act on its ſide, which was yet unrepealed.'

Here the earl of Pembroke replied, 'That Henry VII. had a good right and title by marriage to the crown, in re uxoris; but that his own title as deſcended from Henry IV, was an uſurpation; and therefore he would not ſuffer any one ro preſcribe which was beſt, as long as it was acknoledged he had one good.'

Sir George Treby returned, 'That if Henry VII's title by deſent was an uſurparion, it was hard to determine what title he did govern by; ſince, tho' his wife was the lineal heir, yet ſhe had no part, or ſo much as a name in the adminiſtration. But added he, if we ſhould allow none for acts of parliament, but thoſe that were made in the reigns of heretary kings, and in the right line, I doubt we ſhould want the greateſt part of thoſe

1688-9. ‘laws that compoſe the volume of ſtatute-books, and the records by which we enjoy a great part of our inheritances and poſſeſſions.’

Sir Richard Temple alledged, ‘ That if laws made about the ſucceſſion be ſo abliging, what then ſhould they ſay to the ſucceſſion of queen Elizabeth, who had an act of parliament both againſt her and her ſiſter.’

The earl of Pembroke replied, ‘ That to ſhew what opinion ſhe herſelf, and the wiſe men of her time, had in that point, there was an act made in her reign, and yet in being, which declared it to be a Præmunire, to affirm, the parliament cannot ſettle the ſucceſſion of the crown, or alter it. That entails of the crown had been in parliament, both ancient and modern; yet the authority of another ſubſequent act had prevailed againſt ſuch an entail, ſo that they ſhould be done in parliament.’

Sir Richard returued. ‘ He thought they were in as full a capacity to take care of the government, as any of their predeceſſors; and that if they did as their predeceſſors had done before them, that ought not to be called a changing of the monarchy from an hereditary to an elective.’

Here the earl of Nottingham once more interpoſed and ſaid, ‘ He could not imagine how a kingdom could be hereditary, and that the king who had children in being at the time of his forſaking the government, could have the throne vacant, both of him and his children; that the courſe of inheritance, as to the crown of England, was by law a great deal better provided for, than that of any other inheritance, that no attainder of the heir of the crown could bar the ſucceſſion to the throne, as it did the deſcent to any common perſon; and that the very deſcent by order of birth would take away any ſuch defect. That this was the opinion of the great lawyers of England, in the caſe of Henry VII; and therefore he could not apprehend, how any act of the father, could bar the right of the child; ſince even the act of the ſon, which might endanger an attainder in him, could not do it; ſo careful was the law of the royal line of the ſucceſſion, which was declared by ſeveral acts of parliament, and very fully and particularly by the 25 of Henry VIII.------That he deſired to know, whether the lords and commons had power by themſelves to make a binding act or law? And whether, according to the legal conſtitution, every king of England, by being ſeated on the throne, and poſſeſſed of the crown, was not thereby king to him and his heirs? and that without an act of parliament he knew not what determination they could make of his eſtate. That it was urged indeed, that the lords had in effect already agreed to the vacancy, by voting, that it was inconſiſtent with our religion and laws, to have a popiſh prince to rule over us: But that a vote of either houſe, or both houſes together, could not alter the law in that or any other point; yet becauſe he was deſirous that that vote ſhould have its effect, he deſired that every thing of that 1688-9. nature might be done in the ancient uſual method of parliament. That ſince they were happily delivered from the fears of popery and arbitrary power, God forbid they ſhould aſſume any ſuch power to themſelves; for what advantage ſhould they then give to thoſe who would quarrel with their ſettlement for the illegality of it? Would not this, which they endeavour to cruſh, break forth into a viper? That in all the breaches that were made upon the line of ſucceſſion, ſuch was the force of the laws, that the uſurpers would not take the crown upon them, unleſs they had ſome ſpecious pretence of an hereditary title to it. That what he would have avoided by all means, was the miſchievous conſequences that he feared would enſue upon the vacancy of the throne, namely, the utter overthrow of the whole conſtitution; for if the lords and commons only remained as parts of the government, and if the head be taken away, and the throne vacant, by what laws or conſtitutions was it that they retained lords and commons? That they were knit together in their common head; and that if one part of the government was diſſolved he ſaw not any reaſon but that all muſt be deſſolved. He confeſſed, that any government was better than none; but he earneſtly deſired they might enjoy their ancient conſtitution.’ (17.)

Rem. (17.) The earl of Nottingham, in his ſpeech, reaſoned like Charles I, in his diſputes with the parliament. That is, he ſuppoſed the government in its natural ſtate, and on that ſuppoſition, his arguements were ſtrong. But it is hard to conceive a greater diſorder in the government than at the time of this conference. King James had reigned three years in an arbitrary manner. He had violated, not ſome particular laws of little moment, but fundamental laws, whereon the ſecurity of the national religion and liberties depended. After which, he had withdrawn himſelf out of the kingdom, without taking any order about the government. Moſt men thought his ſon ſuppoſititious, and he had ſent him into France. Could the government therefore be ſuppoſed in a natural ſtate? And if it was not, the reaſoning built upon ſuch a ſuppoſition, ought to fall to the ground. However expreſs the laws may be, they always ſuppoſe ſome certain conſtitution of the government. But if this conſtitution is broke, as may happen in all countries under the ſun, how, in order to remedy this evil, can the laws be taken for rule, which ſuppoſe the government in its uſual and natural ſtate, and which have not provided for extraordinary unforeſeen caſes?

What the earl of Nottingham would intimate, tho' he does not ſpeak plainly, is briefly this: The lords and commons are but two of the branches of the government, and can make no law without the third, that is, the king who is their head. The king has abſented himſelf. He muſt therefore be recalled, or waited for till he returns, or elſe his next heir muſt be owned for king. Now this heir is the prince of Wales. This is evident from the care that was taken not to name him. Or if none of theſe methods be followed, the kingdom muſt be left in a ſtate of anarchy, or a regent appointed to govern in the king's name, during his abſence.

The whole debate was cloſed with two ſhort ſpeeches made by Mr. Paul Foley, and Mr. Eyre: The former ſaid, 'He hoped there was no danger of ſhaking our fundamentals in this caſe; that they were purſuing thoſe methods which agreed with our laws and conſtitution; for tho' the monarchy of this nation be hereditary in the ordinary courſe of ſucceſſion, yet there might fall out a caſe wherein that could not be complied with, and a plain vacancy might enſue. For, ſaid he, put the caſe the whole legal line ſhould fail, ſhould we in that caſe have no government at all? And who then ſhould we have but lords and commons? And I think that comes neareſt to the caſe in queſtion, where the ſucceſſor is not known, for if he had been, we ſhould have heard of him before now. And what is the reaſon that it ſhould then in the former caſe devolve to the lords and commons, but that there is no king? And they being the repreſentative body of the kingdom, are the only remaining apparent parts of the government, and are only to ſupply the defect by providing a ſucceſſor?'

Mr. Eyre ſubjoined. 'That they were led out of the way, hunting after the conſequences of a vote not yet agreed unto; that they had made a right and apt concluſion from the premiſſes, otherwiſe all the vote was but hiſtorical: We declare, adds he, that the late king James has broke the original contract, has violated the fundamental laws, and has withdrew himſelf out of the kingdom, that he has abdicated the government. What occaſion was there for ſuch a declaration as this, if nothing were concluded from it? That were only to give the kingdom a compendious hiſtory of thoſe miſeries they have too well learned by feeling them. Therefore there was a neceſty to make ſome concluſion; and none ſo natural as this; that we are left without a king, that the throne is thereby vacant, which it may be as to the poſſeſſion, and yet the right of ſucceſſion no ways prejudiced. But, my lords, we are come here by the commands of the houſe of commons, to debate the reaſons of their vote, and your amendments, not to diſpute what will be the conſequences, which is not at preſent our province.' And here ended this famous conference.

The prince of Orange leaves every one at liberty. Burnet.

He declares his mind to ſome lords.

During all theſe debates in the convention, the prince of Orange ſtaid at St. James's, without taking the leaſt pains to gain any one perſon to his party. He was nevertheleſs affable, being deſirous to ſhew by his behaviour, that his intention was not to deprive any man of the liberty to vote as he ſhould think fit. The two houſes were ſurprized that no body ſpoke to them in the prince's behalf. At laſt, finding that his ſilence might be ill conſtrued, as if he was unwilling to take upon him the burden of royalty, he ſent for the marqueſs of Hallifax, the earls of Danby, Shrewſbury, and ſome others, and told them:

'He had been till then ſilent, becauſe he would not ſay or do any thing that might ſeem in any ſort to take from any perſon the full freedom of deliberating and voting in matters of ſuch importance: He was reſolved neither to court nor threaten any one. Some were for putting the government in the hands of a regent: He would ſay nothing againſt it, if it was thought the beſt mean for ſettling their affairs: Only he thought it neceſſary to tell them, that he would not be the regent: So, if they continued in that deſign, they muſt look out for ſome other perſon to be put in that poſt: He himſelf ſaw what the conſequences of it were like to prove: So he would not accept of it. Others were for putting the princeſs ſingly on the throne, and that he ſhould reign by her courteſy: He ſaid, no man could eſteem a woman more than he did the princeſs; but he was ſo made, that he could not think of holding any thing by apron-ſtrings: Nor could he think it reaſonable to have any ſhare in the government, unleſs it was put in his perſon, and that for term of life: If they did think it fit to ſettle it otherwiſe, he would not oppoſe them in it: But he would go back to Holland, and meddle no more in their affairs: He aſſured them, that whatſoever others might think of a crown, it was no ſuch thing in his eyes, but that he could live very well, and be well pleaſed without it: In the end he ſaid, he could not reſolve to accept of a dignity, ſo as to hold it only the life of another: Yet he thought that the iſſue of the princeſs Ann ſhould be preferred in the ſucceſſion, to any iſſue he might have by any other wife than the princeſs.'

The lords coucur with the commons votes.

This declaration being immediately divulged by thoſe it was made to, did not a little contribute to bring the debates in the houſe of lords, to a ſpeedy determination. As for the commons, about two thirds were for the prince.

Reaſons againſt examining the prince of Wales his birth

When the report of the conference between the two houſes was made to the lords, there was a very warm debate, whether they ſhould inſiſt upon the amendments. During the debate, it was moved, that the birth of the prince of Wales might be examined into. But this motion was at length rejected for ſeveral reaſons: 1. The prince of Wales was now ſent out of England to be bred up in France. an enemy both to the nation and the eſtabliſhed religion. What therefore would ſuch an examination ſignify? 2. It was impoſſible for the people of England to know, whether he was the ſame perſon that had been carried over or not. 3. In caſe he ſhould die, another might be put in his room, in ſuch manner, that the nation could not be ſure concerning him. 4. The Engliſh nation ought not to ſend into another country for witneſſes to prove that he was their prince, much leſs receive one upon the teſtimony of ſuch as were not only aliens, but ought to be preſumed enemies. 5. It was known, that all the perſons who had been the confidents in that matter, were conveyed away; ſo it was impoſſible to come at them, by whoſe means only the truth of that birth could be found out. It is pretended, there were ſome who thought it a deep piece of policy, to let the prince of Wales's title remain undecided, in order to deter the ſucceeding kings from imitating king James *.

At length, after a long debate, the majority of the lords departed from their two amendments, and agreed with the vote of the commons, 'That king James had abdicated 'the government, and that the throne was 'thereby become vacant.' Very likely, they who deſerted the party of the earls of Nottingham, Clarendon, and Rocheſter, conſidered, that the ſuggeſted danger of the crown's becoming elective, was not to be compared to that which muſt neceſſarily happen, if the kingdom was left in the preſent confuſion, or king James recalled, or the prince of Wales acknowledged for king. It is ſaid however, that the ſcale was turned to this ſide, by the arrival of ſome lords, who were not preſent in the houſe when the two amendments were voted: but they are not named. It is hardly probable that the pretended arrival of theſe lords ſhould have occaſioned the change in the houſe of peers. There muſt have been 12 at leaſt, and all of the ſame ſide, which is not very likely.

Debates about filling the throne. Burnet.

This great ſtep being made, the next thing to be debated was, who ſhould fill the vacant throne. The marqueſs of Hallifax moved, That the crown ſhould be given to the prince of Orange alone, and to the two princeſſes after his death. But he was not ſeconded †. If Dr. Burnet, biſhop of Saliſbury, is to be credited, Bentinck ‡, the prince's favourite and confident, ſtrenuouſly ſupported this propoſal. The debate upon this affair was very long, it was readily agreed, that the prince of Orange ſhould be placed on the throne: but the queſtion was, Whether the prince ſhould be king of himſelf, or as huſband of the princeſs? Upon this, parties began to be formed in both houſes. Mean while, as the princeſs was detained in Holland by the froſt, and by contrary winds after the thaw, the earl of Danby ſent one over to the princeſs, with an account of the preſent ſtate of the debate, and to tell her, that if ſhe deſired it, he did not doubt but he ſhould be able to carry it, for ſetting her alone on the throne, The princeſs anſwered, She was the prince's wife, and would never be other than what ſhe ſhould be in conjunction with him, and under him. Adding, ſhe would take it very ill, if any, under a pretence of their care for her, would ſet up a divided intereſt between her and the prince. Not content with this, ſhe ſent the lord Danby's letter, and her anſwer, to the prince, and thereby broke all the meaſures of thoſe, who wiſhed to create a miſunderſtanding, or jealouſy, between them, The earl of Danby received not the leaſt mark of diſpleaſure from the prince of Orange, who continued ſtill to employ and truſt him.

The lord Danby propoſes to the princeſs to be queen alone:

She refuſes. Burnet.

It is concluded that the prince and princeſs ſhould be king and queen. Feb. 7. Kennet.

At laſt, both houſes agreed, and voted ſeverally, that the prince and princeſs of Orange ſhould be king and queen of England, but that the ſole and full regal power ſhould be in the prince only, in the name of both. However, this was carried in the houſe of lords but by two or three voices only, and not without a proteſtation entered againſt it by the contrary party **.

The oath of allegiance is altered. Burnet. Whence the notion of a king de jure and a king de facto.

The laſt debate in the convention was, concerning the oaths that ſhould be taken to the king and queen. To avoid all cavils upon the terms. 'rightful and lawful king', in the uſual oath, it was thought proper to reduce the oath to the antient ſimplicity of ſwearing, to bear faith and true allegiance to the king and queen. Hence aroſe the famous diſtinction of a king de facto, and a king de jure, ſome pretending, that they took the oath to the king and queen only as king and queen de facto, whom they were bound to obey no longer than they continued in quiet poſſeſſion; but that it was lawful for them to aſſiſt king James, if he ſhould come to recover his crown, as being ſtill their king de jure. This diſtinction proceeded chiefly from the clergy, who had ſo far entangled themſelves with thoſe ſtrange conceits of the divine right of monarchy, and had ſo engaged themſelves by publickly preaching paſſive-obedience and non-reſiſtance, as an eſſential doctrine of the church of England, that they did not know how to diſengage themſelves from the ſnare they themſelves had laid, at a time, when they little thought of being ever taken in it.

Arrival of the princeſs of Orange. Echard.

At length, on the 12th of February, the princeſs of Orange arrived at London, and ſeemed very well pleaſed with what had been reſolved, that the adminiſtration of the government ſhould be in the prince only, in the name of both. Thus the ſtrict union between the prince and princeſs broke the meaſures of ſuch as hoped to create a miſunderſtanding between them, in order to ſerve their old maſter.

The convention make a ſolemn offer of the crown. Feb. 13. Echard.

The next day, the prince and princeſs of Orange being ſeated on two large chairs, under a canopy of ſtate in the banqueting-houſe,

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* Burnet ſays, that when this matter was debated in private, ſome obſerved, that king James by going about to prove the truth of the birth, and doing it ſo defectively, had really made it more ſuſpicious than it was before; ſo, if there was no clear and poſitive proof made of an impoſture, the pretending to examine into it, and then the not being able to make it out beyond the poſſibility of contradiction, would really give more credit to the thing than it than had, and inſtead of weakning it, would ſtrengthen the pretenſion of his birth.

† Burnet ſays, many of the Republican party approved of this; for by it they gained another point; The people in this caſe would plainly elect a king without any regard to the order of ſucceſſion.

‡ Afterwards Earl of Portland.

** Burnet ſays, that things were ſo near an equality in the houſe of lords, 120 being preſent, that it was carried by a very ſmall majority of two or three, to agree with the commons in voting the abdication and the vacancy of the throne, and that the vote by which the prince and princeſs were declared to be king and queen went very hard: Echard ſays by 20 voices, 65 againſt 45.

1688-9. both houſes of the convention waited upon them in a full body, to offer them the crown. But before they proceeded to this ſolemn offer, they cauſed the clerk of the crown to read the following declaration of the lords ſpiritual and temporal, and commons aſſembled at Weſtminſter.

‘WHEREAS the late king James the ſecond, by the aſſiſtance of divers evil counſellors, judges, and miniſters employed by him, did endeavour to ſubvert and extirpate the Proteſtant religion, and the laws and liberties of this kingdom; by aſſuming and exerciſing a power of diſpenſing with, and ſuſpending of laws, and the execution of laws, without conſent of parliament: By committing and proſecuting divers worthy prelates, for humbly petitioning to be excuſed from concurring to the ſaid aſſumed power: By iſſuing and cauſing to be executed, a commiſſion under the great ſeal, for erecting a court, called, The Court of Commiſſioners for eccleſiaſtical cauſes: By levying money for and to the uſe of the crown; by pretence of prerogative, for other time, and in other manner, than the ſame was granted by parliament: By raiſing and keeping a ſtanding army within this kingdom in time of peace, without conſent of parliament; and quartering ſoldiers contrary to law: By cauſing ſeveral good ſubjects, being Proteſtants, to be diſarmed, at the ſame time, when Papiſts were both armed and employed contrary to law: By violating the freedom of election of members to ſerve in parliament: By proſecutions in the court of king's-bench for matters and cauſes cognizable only in parliament; and by divers other arbitrary and illegal courſes. And whereas of late years, partial, corrupt, and unqualified perſons, have been returned and ſerved on juries in tryals, and particularly divers jurors in tryals for high treaſon, which were not freeholders; and exceſſive bail hath been required of perſons committed in criminal caſes, to elude the benefit of the laws made for liberty of the ſubjects; exceſſive fines have been impoſed; and illegal and cruil puniſhments inflicted; and ſeveral grants and promiſes made of fines and forfeitures, before any conviction or judgment againſt the perſons upon whom the ſame were to be levied. All which are utterly and directly contrary to the known laws and ſtatutes, and freedom of this realm.

‘And whereas the ſaid late king James the ſecond, having abdicated the government, and the throne being thereby vacant, his higneſs the prince of Orange (whom it hath pleaſed Almighty God to make the glorious inſtrument of delivering this kingdom from popery and arbitrary power) did, (by the advice of the lords ſpiritual and temporal, and divers principal perſons of the commons) cauſe letters to be written to the lords ſpiritual and temporal, being Proteſtants, and other letters to the ſeveral counties, cities, univerſities, boroughs, and cinque-ports, for the chuſing of ſuch perſons to repreſent them, as were of right to be ſent to parliament, to meet and ſit at Weſtminſter, upon the 22d day of January, in this year 1688, in order to ſuch an eſtabliſhment, as that their religion, laws, and liberties, might not again be in danger of being ſubverted. Upon which letters, elections having been accordingly made; and thereupon the lords ſpiritual and temporal, and commons, purſuant to their reſpective letters and elections, being now aſſembled in a full and free repreſentative of this nation, taking into their moſt ſerious conſideration the beſt means for attaining the ends aforeſaid, do, in the firſt place (as their anceſtors in like caſe have uſually done) for the vindicating and aſſerting their antient rigts and liberties; declare.

‘1. That the pretended power of ſuſpending of laws, or execution of laws, by regal authority, without conſent of parliament, is illegal.

‘2. That the pretended power of diſpenſing with laws, or the execution of laws, by regal authority, as it hath been aſſumed and exerciſed of late, is illegal.

‘3. That the commiſſion for erecting the late court of commiſſioners for eccleſiaſtical cauſes, and all other commiſſions and courts of the like nature, are illegal and pernicious.

‘4. That the levying of money for or to the uſe of the crown, by pretence of prerogative, without grant of parliament, for longer time, or in any other manner than the ſame is, or ſhall be granted, is illegal.

‘5. That it is the right of the ſubjects to petition the king, and all commitments and proſecutions for ſuch petitioning, are illegal.

‘6. That the raiſing or keeping a ſtanding army within the kingdom in time of peace, unleſs it be with conſent of parliament, is againſt law.

‘7. That the ſubjects, which are Proteſtants, may have arms for their defence, ſuitable to their condition, and as allowed by law.

‘8. That election of members of parliament ought to be free.

‘9. That the freedom of ſpeech, and debates or proceedings in parliament, ought not to be impeached or queſtioned, in any court or place out of parliament.

‘10. That exceſſive bail ought not to be required, nor exceſſive fines impoſed, nor cruel and unuſal puniſhments inflicted.

‘11. That jurors ought to be duly empannelled and returned; and jurors, which paſs upon men in tryals for high-treaſon, ought to be freeholders.

‘12. That all grants and promiſes, of fines and forfeitures of particular perſons, before conviction, are illegal and void.

‘13. And that for redreſs of all grievances, and for the amending, ſtrengthening, and preſerving of the laws, parliaments ought to be held frequently. And they do claim, demand, and inſiſt upon all and ſingular the

‘ premiſſes,

1688-9. ‘ premiſſes, as their undoubted rights, and liberties; and that no declarations, judgments, doings, or proceedings, to the prejudice of the people in any of the ſaid premiſſes, ought in any wiſe to be drawn hereafter into conſequence or example. To which demand of their rights, they are particularly encouraged by the declaration of his highneſs the prince of Orange, as being the only means for obtaining a full redreſs and remedy therein.

‘ Having an entire confidence, that his ſaid highneſs the prince of Orange will perfect the deliverance ſo far advanced by him, and will ſtill preſerve them from the violation of their rights, which they have here aſſerted, and from all other attempts upon their religion, rights and liberties; the ſaid lords ſpiritual and temporal, aſſembled at Weſtminſter, do reſolve, That William and Mary, prince and princeſs of Orange, be, and be declared king and queen of England, France, and Ireland, and the dominions thereunto belonging, to hold the crown and royal dignity of the ſaid kingdoms and dominions, to them the ſaid prince and princeſs during their lives, and the life of the ſurvivor of them; and that the ſole and full exerciſe of their regal power be only in, and executed by, the ſaid prince of Orange, in the names of the ſaid prince and princeſs, during their joint lives; and after their deceaſe, the ſaid crown and royal dignity of the ſaid kingdoms and dominions to be to the heirs of the body of the ſaid princeſs; and for default of ſuch iſſue, ro the princeſs Ann of Denmark, and the heirs of her body; and for default of ſuch iſſue, to the heirs of the body of the ſaid prince of Orange.

‘ And the ſaid lords ſpiritual and temporal, and commons, do pray the ſaid prince and princeſs of Orange, to accept the ſame accordingly. And that the oaths hereafter-mentioned, be taken by all perſons of whom the oaths of allegiance and ſupremacy might be required by law inſtead of them; and that the ſaid oaths of allegiance and ſupremacy be abrogated:

‘ I, A. B. do ſincerely promiſe and ſwear, that I will be faithful, and bear true allegiance to their majeſties, king William and queen Mary. So help me God. I. A. B. do ſwear, that I do from my heart abhor, deteſt, and abjure, as impious and heretical, this damnable doctrine and poſition, that princes excommunicated or deprived by the pope, or any authority of the ſee of Rome, may be depoſed or murdered by their ſubjects, or any other whatſoever. And I do declare, That no foreign prince, perſon, prelate, ſtate or potentate, hath, or ought to have, any juriſdiction, power, ſuperiority, pre-eminence or authority, eccleſiaſtical or ſpirirual, within this realm. So help me God.’

After the reading of this declaration, the marqueſs of Hallifax, Speaker of the houſe of lords, made a ſolemn tender of the crown to their highneſſes, in the name of both houſes; whereupon the prince of Orange returned the following anſwer:

“ My lords and gentlemen, This is certainly the greateſt proof of the truſt you have in us, that can be given, which is the thing that makes us value it the more; and we thankfully accept what you have offered. And as I had no other intention in coming hither, than to preſerve your religion, laws and liberties, ſo you may be ſure, that I ſhall endeavour to ſupport them, and ſhall be willing to concur in any thing that ſhall be for the good of the kingdom, and to do all that is in my power to advance the welfare and glory of the nation.”

All this was followed with the acclamations of the people, which quickly flew over the whole city. The ſame day the prince and princeſs were proclaimed king and queen of England, France, and Ireland, by the name of William and Mary, to the inexpreſſible joy of the people *.

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* King James the ſecond's natural iſſue was as follows.

1. By Mrs. Arabella Churchill, ſiſter of John duke of Marlborough, afterwards married to colonel Godfrey, he had 1. James Fitz-James, grandee of Spain, mareſchal of France, knight of the Golden Fleece, commonly called duke of Berwick. Outlawed in 1695. 2. Henry Fitz-James, commonly called the Grand Prior, born 1673. Outlawed in 1695. Lieutenant-general and admiral of the French gallies. He died in France, December 7, 1702. 3. Henrietta, born 1670, who married Henry lord Waldgrave, 1683. Father of James the preſent lord Waldgrave, born in 1684.

2. By Mrs. Catharine Sedley, daughter of Sir Charles Sedley, baronet, created baroneſs of Darlington, and counteſs of Dorcheſter, afterwards married to Sir David Collier, the late earl of Portmore, he had Catharine Darnley preſent dutcheſs dowager of Buckingham, born 1681. She married 1. James Anneſly, earl of Angleſy, in October 1699. by whom ſhe had Catharine Anneſly, January 7, 1701, who married William Phips, Eſq; ſon of Sir Conſtatine Phips. 2. John Sheffield, duke of Buckinghamſhire and Normandy, March 1, 1675. By whom ſhe had Edmund, the preſent duke of Buckinghamſhire, born January 11, 1716.

FINIS.